

**Application Number:** 23/0264/FULL

**Date Received:** 11.10.2023

**Applicant:** Mr W Bevan

**Description and Location of Development:** Erect 2 storey house with ancillary and external works - Land Adjacent To Woodlands 13A Golwg Y Coed Caerphilly CF83 2UA

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: Land Adjacent To Woodlands, 13A Golwg Y Coed, Caerphilly, CF83 2UA.

House type: Detached dwelling.

Development: Erect 2 storey house with ancillary & external works.

Dimensions: The footprint of the house is 9m wide by 10.2m deep with an overall height of 7.7m.

Materials: Walls: Brick and Render Roof: Grey Tile.

Ancillary development, e.g. parking: Two parking spaces shown on site plan.

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 12), 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 so it is intended to attach an informative note about mining conditions in the area.

## CONSULTATION

Heritage Officer - Peter Thomas - No heritage implications.

Transportation Engineering Manager - CCBC - Advise a turning head would be required.

Environmental Health Manager - Environmental Health have no adverse comments to make but recommend planning conditions to address possible contamination and measures to address dust and noise mitigation during construction.

Dwr Cymru - Having had an opportunity to review the application submission package, we advise that the proposed development site is crossed by a 150mm foul water public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru/Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, having regard to the submitted 'Proposed Site Plan it appears the proposed development would be situated outside the protection zone of the public sewer measured 3 metres either side of the centreline.

Provides informative advice to the applicant.

Ecologist - We recommend the inclusion of two planning conditions to secure biodiversity conservation and enhancement on site.

Natural Resources Wales - We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics.

Provide informative advice for applicant on pollution prevention.

Penyrheol, Trecenydd & Energlyn Community Council - Councillors asked that this application be referred to full Planning Committee, due to the following objections from the Community Council and residents:

1. Removal of trees.
2. Deposit of material with no record of what is being deposited.
3. Lack of drainage, with some sort of pond draining directly into the river.
4. Damaged hedgerows.

The Coal Authority - The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

### ADVERTISEMENT

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

Response: 17 representations have been received relative to the consultation exercise.

### Summary of observations:

Unauthorised Tipping of material on site, possible contamination and earthworks.  
Noise and disruption over the past 3 years due to development of 13a and nearby volume housebuilder site.

Previous tree felling for 13a and concern over tree felling.

Flood risk impacts on and off site and Pollution and other impacts to the river.

Site stability and subsidence risk.

Adverse Impact on wildlife/ecology, fauna and flora.

Impact on nearby cycle path used by cyclists, dog walkers and families for walks/exercise.

Two houses shown on plans.

Silt management for the public highways and noise/dust.

Will be built directly on a flood plain.

Traffic impacts during construction and occupation.

Invalid applications from applicant.

Owner has been reported to NRW for dumping commercial waste.

Pond has been created which is adjacent to river with a drainage channel directly into the river.

Actions of the owner tantamount to vandalism and needs to stop at once.

Loss of view.

Retaining wall concerns.

Increased demand on sewerage.

Suggest Council put a Tree Preservation Order on whole woodland.

### 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.

### 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 within the defined settlement boundary as designated under adopted Local Development Plan Policy SP5 (settlement boundaries) where there is a presumption in favour of development unless material planning considerations indicate otherwise. The house is set back behind the existing housing estate however there is an existing dwelling (13A Golwg Y Coed) which is accessed from the same shared access and is similarly set behind the existing estate line and this would therefore not be unacceptable in terms of the existing settlement layout at this location. The proposed house would be sited below the level of the existing residential estate but again this would have a similar context to number 13A Golwg Y Coed, which is also set below the level of dwellings to the south.

The proposed development form would be a detached four bedroom dwelling with its principal facade orientated broadly south-east. There would be no unacceptable impacts on the existing levels of amenity and privacy enjoyed by surrounding residential properties. The development accords with adopted Local Development Plan Policy CW2 (Amenity).

In respect of parking and turning for the property there is adequate space to achieve parking for three cars in accordance with Supplementary Planning Guidance note LDP5 (Carparking Standards) agreement on a suitable turning area as recommended by the Highway Authority can be secured by a suitably worded planning condition. The development would accord with Policy CW3 (Highways).

Comments from Consultees: Addressed by the imposition of conditions.

Comments from public:

Unauthorised Tipping of material on site, possible contamination and earthworks  
The Environmental Health Officer has reviewed the application and raised no objections subject to the imposition of planning conditions to address possible contamination.

Noise and disruption over the past 3 years due to development of 13a and nearby volume housebuilder site  
Silt management for the public highways and noise/dust.

These concerns relate in part to a volume house builder working on a major site which would be an unrelated party to the current applicant. The impacts arising from a single dwelling construction is not considered likely to have an unacceptable impact on amenity of surrounding residents or the amenity of the area.

Adverse Impact on wildlife/ecology, fauna and flora  
Previous tree felling for 13a and concern over tree felling  
The developer is required to submit full landscaping details via a proposed condition and no substantial trees were present on site at the time of the site visit.

Flood risk impacts on and off site and Pollution and other impacts to the river  
Will be built directly on a flood plain  
Natural Resources Wales have been consulted and did not offer any objection to the development. The site lies outside of flood risks areas as defined by Technical Advice note 15.

Site stability and subsidence risk  
Retaining wall concerns  
This would be a matter for the developer to address however a planning condition is proposed to be attached to any permission which would require structural calculations and certification by a suitably qualified person of any retaining walls above 1.5m in height.

Impact on nearby cycle path used by cyclists, dog walkers and families for walks/exercise.  
The cycle path will not be directly impacted by the proposed development and dwellings are already visible from the path at points along its length.

Two houses shown on plans  
This application is for one dwelling. Any future proposal would require a separate planning application.

Traffic impacts during construction and occupation  
The scale of the development is such that no unacceptable impacts during construction are considered likely. There is sufficient room for off street parking and turning facilities which will be secured by planning condition.

Invalid applications from applicant

This is not a material planning consideration as the current application is valid and is under consideration.

Owner has been reported to NRW for dumping commercial waste  
This would be a separate matter.

Pond has been created which is adjacent to river with a drainage channel directly into the river  
This does not relate to the application site and is not material to the determination of this application.

Actions of the owner tantamount to vandalism and needs to stop at once  
The proposed development has to be considered on its planning merits and is considered acceptable in that regard.

Loss of view  
There is no right to a view in planning terms. There will be no unacceptable impacts in terms of outlook or amenity to existing residents and the new dwelling will be set down in level from neighbouring dwellings and is orientated with its front and rear facades not directly overlooking these surrounding dwellings.

Increased demand on sewerage  
Dwr Cymru/Welsh Water has been consulted and have offered no objection to the development.

Suggest Council put a Tree Preservation Order on whole woodland  
This would be a separate matter to be considered and no substantial woodland would be directly impacted by the development.

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:  
Coal Mining Risk Assessment by Rhondda Geotechnical Services,  
Site Location Plan;  
Ground Floor Plan, drawing reference 001;  
First Floor Plan, drawing reference 002;  
Proposed Side elevations, drawing reference 003;  
Proposed Front Elevation drawing reference 005;  
Proposed Rear Elevation, drawing reference 006;  
Proposed site plan drawing reference 007, received 05.04.24; and  
Proposed section received 05.04.24.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) An external or integrated bird box shall be attached to/built into the new build at the gable apex or at the eaves on the northern or eastern elevation. The box shall be retained in situ for a minimum of 5 No. years.  
REASON: To provide nesting for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 04) All boundary fences must include access for hedgehog via a 100mm high gap under fence panels; or 130mm x 130mm gaps every 2m throughout all boundaries. The hedgehog gaps shall be maintained for a minimum of 5 No. years.  
REASON: To provide continued access for hedgehog as a biodiversity conservation measure, 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) 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 and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 06) 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.
- 07) 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.
- 08) 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.
- 09) 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.
- 10) Notwithstanding the approved plans before the dwelling hereby approved is occupied a turning area and 3 no off-street parking spaces 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.

- 11) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 12) The rear amenity area of the dwelling hereby approved is limited to the area to the south-east of the line shown to the rear of the dwelling on the proposed site plan, drawing 007 received 05.04.2024.

REASON: To define the scope of the permission in the interests of the amenity of the area in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 13) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining wall(s) or structure(s) above 1.5m in height on site full engineering details and structural calculations for the proposed wall(s)/structure(s), together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed wall(s)/structure(s) additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved 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)

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

2. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although

such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### 3. 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 100m<sup>2</sup> 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](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)