

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0262/FULL 13.06.2019	Mr C O'Leary 21 Glyn Derwen Llanbradach Caerphilly CF83 8PQ	Erect new detached dwelling 2 The Meadows Machen

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on the northern side of The Meadows, Waterloo.

House type: The application site is a vacant building plot at the end of a row of 8 similar plots. This is a roughly triangular shaped plot having maximum dimensions of 26m by 23m. It is level for the majority of the site but has a small slope down towards the road along its south east side. It has a detached dwelling to side of it. The adjacent dwellings have been erected pursuant to an outline planning consent for 16 dwellings.

Development: The application seeks full consent for a single dwelling. The dwelling will have a hallway, living room, open plan dining room and kitchen, w.c. and utility room on the ground floor with four bedrooms (one with en-suite) and a bathroom on the first floor and two bedrooms and a bathroom in the roof space.

Dimensions: The dwelling is L-shaped and has maximum dimensions of 12m by 10.4m by 9.1m high.

Materials: Face brickwork walls with a tiled roof.

Ancillary development, e.g. parking: Three parking spaces are to be provided to the front and side of the dwelling.

PLANNING HISTORY 2005 TO PRESENT

07/1012/OUT - Erect nine detached houses - Granted 01.11.2010.

11/0455/RM-Discharge condition on planning permission 07/1012/OUT in respect of the means of access for residential development of 9 detached houses-Granted-18.10.2011.

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POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on extensions and conservatories.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: 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.

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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.

National Planning Guidance contained in Technical Advice Note 12 - Design.

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? Yes.

CONSULTATION

Natural Resources Wales - No objection.

The Coal Authority - Raises an objection to the application and requests the submission of a Coal Mining Risk Assessment prior to determination.

Principal Valuer - Part of the site is within Council ownership and a separate letter has been sent to the applicant to deal with this.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - Requests the submission of a Statutory Standards Compliance Statement in respect of sustainable urban drainage prior to the determination of the application.

Transportation Engineering Manager - No objection subject to conditions.

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Dwr Cymru - Provide advice to be conveyed to the developer.

Ecologist - No objection subject to conditions.

Landscape Architect - No objection subject to conditions.

Strategic & Development Plans - No objection.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: One letter of objection was received.

Summary of observations:

- Loss of light.
- Loss of privacy.

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?
None.

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.

Is this development Community Infrastructure Levy liable? Yes. The site is within the High Viability area where CIL is charged at £40 per square metre plus indexation.

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ANALYSIS

Policies: This application has been considered in accordance with national planning policy and guidance. local plan policy and supplementary planning guidance. The application seeks full planning consent pursuant to an extant outline planning consent and as such the principle of development is established. The appearance, layout, scale and access to the site are all considered to be acceptable in planning terms subject to the imposition of conditions.

Comments from Consultees:

With regard to the objections from the Councils Senior Engineer Land Drainage and from the Coal Authority it should be noted that whilst this is a full planning application, there is an extant outline consent on this site and as such the principle of development is established. Therefore sustainable urban drainage and coal mining risk, whilst material considerations, are technical issues that can be overcome by the correct technical solutions. In that regard it is considered that it would not be reasonable to withhold consent in this instance in the absence of the required information and that instead it would be acceptable to impose a condition requiring the coal mining risk assessment prior to the commencement of works on site and to remind the developer of the need to obtain SAB approval.

In respect of contamination a scheme to treat the site can be secured by a condition to that effect. It is also necessary to impose conditions in respect of soil importation and validation.

In respect of the land ownership issue a Notice has been served on the Council as land owners and this satisfies the planning requirements. No other objections were raised.

Comments from public:

- The application property is set along the same building line as the adjacent dwelling at the front and is only approximately 0.5m further back at the rear. The dwelling is also sited to the east of the application site and as such any loss of direct sunlight would only be experienced in the early morning. Moreover, outline planning consent has been granted and as such it is accepted that a dwelling is acceptable in principle on this plot. Any such dwelling is likely to have some impact on direct sunlight and it is not considered that the siting of this dwelling would raise this to a significant level.

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- There is one habitable room window on the pine end of the proposed dwelling facing the adjacent dwelling that could possibly cause any loss of privacy. In that regard it is considered that it would be prudent to impose a condition requiring that that window be obscurely glazed.

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 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.

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: (90)001, Proposed Site Plan, Proposed Side Elevations, Proposed Front Elevations, Proposed Ground Floor Plan, Proposed First Floor Plan and Proposed 2nd Floor Plan.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) 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.

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- 04) Prior to the commencement of the development 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 shall be completed in accordance with the approved details before the dwelling is occupied.
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.
- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the 2nd floor bedroom window facing west shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The dwelling hereby approved shall not be occupied until the access road to be provided as part of consent 11/0455/RM, by others, has been completed to a stage to be agreed in writing with the Local Planning Authority for access to the new 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.
- 07) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 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: To prevent contamination of the application site in the interests of public health.

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- 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.
- 10) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) No development or site or vegetation clearance shall take place until a detailed reptile survey has been carried out and the results of the survey, including an impact assessment, and if necessary details of any proposed mitigation measures, have been submitted to and approved by the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.
REASON: To ensure that reptiles are protected, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Prior to the commencement of works, details of the buffer strip to be retained and enhanced between the garden boundary and the disused railway Site Important For Nature Conservation shall be submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure proper measure are taken to safeguard the habitat of protected species, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 13) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats at 2 The Meadows, Machen shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 14) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the new property at 2 The Meadows, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 15) 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.

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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 information from The Council's Ecologist and Senior Engineer Land Drainage, Dwr Cymru/Welsh Water and Natural Resources Wales.

