

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0378/OUT 20.06.2019	Mr W Richards One Pentref-Y-Groes Farm Pentref-Y-Groes Farm Lane East Croespenmaen NP11 3BT	Erect two detached dwellings Land At The Old Farmhouse Pentref-Y-Groes Farm Lane East Croespenmaen

APPLICATION TYPE: Outline 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: Outline planning permission is sought for two detached dwellings with associated garages.

The two plots are shown on the indicative site layout as being sited towards the back of the site and facing onto Pentref-Y-Groes Farm Lane.

Access into the site is shown off Pentref-Y-Groes Farm Lane.

All matters are reserved for subsequent approval.

Dimensions:

Dimensions (upper and lower limits for height, width and length of each building): The submitted indicative plans show proposed dwellings that measure 8.3 metres to ridge level, and a footprint of 10.5 metres x 9.1 metres.

Materials: Not specified.

Ancillary development, e.g. parking: Each plot will benefit from a garage and driveway parking provision.

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PLANNING HISTORY 2005 TO PRESENT

15/0430/FULL - Erect 2 detached residential dwellings - Refused 28.11.2016.

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 10th Edition - December 2018 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

Head Of Public Protection - Objects to the proposed development based on its proximity to existing commercial uses to the north and the potential that these commercial uses may have an unacceptable impact on the amenity of future occupiers.

Senior Engineer (Land Drainage) - Requests a SuDs compliance statement in accordance with the Statutory Standards for Sustainable drainage systems. However as this is covered by separate legislation it is not considered necessary to delay the determination of the application for this reason.

Transportation Engineering Manager - No objection subject to conditions relating to parking provision, private driveway width, and improvements to the existing lane.

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Senior Arboricultural Officer (Trees) - States that the trees near the northern boundary of this site, and others in proximity to the proposed development, are of low amenity value. On this basis no objection is raised.

Ecologist - Requests a bat survey of the existing dilapidated stone building that sits within the application site. Also requests a Phase 1 habitat survey.

ADVERTISEMENT

Extent of advertisement: Three neighbouring properties were consulted by way of letter and a site notice was displayed near the application site.

Response: One response was received.

Summary of observations: -

- Request further information regarding proposed elevations, materials and boundary treatments;
- Lack of information relating to service easements running through the site;
- Querying if the proposed dwelling will be sold on the open market or if they are being constructed for the applicants family members;
- Queries relating to impact on existing public footpath.

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? Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Given the existing dilapidated building onsite and portions of the site that are overgrown, the Council's Ecologist has requested a phase 1 habitat survey. However as the application is made in Outline it is considered that appropriate conditions can be put in place requiring such surveys prior to the clearance of the site.

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). This figure will be calculated at reserved matters stage.

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ANALYSIS

Policies: The application seeks outline planning permission to erect two detached dwellings on land to the north of Pentref-Y-Groes Farm Lane in Croespenmaen. 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 this instance, those material considerations, i.e. main issues, are the impact the proposed development will have on the residential and visual amenity of the surrounding area; the potential impact on the viability of existing neighbouring land uses; the potential impact on ecology; and the impact on highway safety. These issues will be discussed in order below.

1. Impact on residential and visual amenity

In relation to amenity, Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. It is considered that the proposed development complies with this Policy for the following reasons:-

i) proposals must have no unacceptable impact on the amenity of adjacent properties or land.

In terms of the potential visual impact of a pair of detached two storey dwellings, it is considered that the proposal would represent an appropriate form of development on the land given the existing dwellings to the south and west of the site. Furthermore, given the separation between the proposed dwellings and existing, nearby properties, there would be very limited impact on existing levels of residential amenity. The proposal is therefore considered to be acceptable in this regard.

ii) proposals would not result in the over-development of the site.

The submitted proposed site plan shows two detached dwelling and associated garage siting comfortably within the site as well as providing appropriate levels of off-street parking and amenity space provision.

iii) the proposed use is compatible with surrounding land uses.

The site is bounded to the south and west by existing residential properties and therefore will not introduce new residential development into this area. The issues surrounding compatibility in relation to existing neighbouring uses is discussed in more detail below.

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2. Potential impact on the viability of existing neighbouring land uses.

Policy CW2, Criterion iv relates to the impact of new development on the viability of existing neighbouring land uses. It states that where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

In this regard, the Environmental Health team have raised objection to the proposed development on the basis that the submitted noise assessment indicates that day-time and night-time noise levels are likely to have a "significant adverse impact" on the proposed development. Furthermore, they state that The Agent of Change principle recognised by Planning Policy Wales means that a developer has to ensure that any noise impacts from existing businesses are adequately and appropriately controlled by themselves, to ensure the development is acceptable. Planning Policy Wales also recognises that the planning system must protect amenity and it is not acceptable to rely on the Environmental Protection Act 1990 to do so.

The Environmental Health team consider that the close proximity of the proposed development to Braces Bakery is a serious concern and Environmental Health don't want to negatively impact the existing business if complaints were received.

With regard to the Agent of Change principle referred to, Planning Policy Wales (PPW) (10th Edition), paragraph 3.51 states:

"There may be instances where it may not be possible to develop sensitive uses on previously developed land without placing unnecessary constraints on adjacent existing businesses and activities which require that particular location. In such circumstances the agent of change principle will be a relevant consideration"

In this case, those constraints, i.e. existing residential development, are already in close proximity to these adjoining commercial uses, and therefore 'Change' is not being introduced by the proposed development. The properties to the west of the application site, i.e. No. 2 Pentref-Y-Groes Farm Lane East and No. 3 Pentref-Y-Groes Farm Lane East, are located 67 metres and 25 metres from the nearest commercial buildings respectively. The proposed dwelling would be located approximately 75 metres from the nearest commercial building, i.e. Braces Bread factory. Therefore any unacceptable impact on nearby residential development from the existing commercial uses would already be experienced by these existing properties.

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Furthermore, paragraph 6.75 of PPW10 states:

"The agent of change principle says that a business or person responsible for introducing a change is responsible for managing that change. In practice, for example, this means a developer would have to ensure that solutions to address air quality or noise from nearby pre-existing infrastructure, businesses or venues can be found and implemented as part of ensuring development is acceptable."

In this case solutions are available in the form of robust noise attenuation measures that can be designed into the proposed dwellings. Such solutions can include acoustic boundary treatment, triple glazed acoustic window units, the use of mechanical ventilation, the orientation of building, internal layouts of dwelling, position of ancillary outbuildings, etc. Therefore there are a range of solutions available to ensure the proposed dwelling should not impact on the viability of existing neighbouring commercial uses. For these reasons it is considered that the proposed development is acceptable in this regard subject to a condition requiring a noise attenuation scheme to inform the reserved matters submission.

3. Impact on ecology.

The application site is currently overgrown in its south-west corner and along the northern boundary. A derelict building also occupies the south-west corner of the site. These areas have ecological potential and on this basis the Council's Ecologist has requested an Extended Phase 1 Habitat Survey for the site, and breeding bird and bat surveys for the derelict building. As the application seeks to establish the principle of the development by way of Outline planning permission, it is considered that these matters can be adequately controlled by way of appropriately worded conditions.

4. Impact on highway safety.

Policy CW3 of the Local Development Plan relates to highway considerations and states that development proposals should have regard for the safe, effective and efficient use of the transportation network.

The Transportation Engineering Manager raises no objection to the proposed development subject to conditions, including appropriate levels of off-street parking provision within the application site, private driveway dimensions, and improvements to the access lane leading to the site. The development is therefore considered to be acceptable in highway safety terms subject to the imposition of these conditions.

In light of the above, the proposed development is considered acceptable subject to conditions.

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Comments from Consultees: The Senior Engineer (Land Drainage) has requested a SuDs compliance statement in accordance with the recently introduced SAB legislation. However this is adequately dealt with under separate legislation and should not delay the determination of the application.

Comments from public: The neighbour response received sought further clarification in terms of elevations, materials, etc. As the application is for Outline permission with all such matters reserved for future approval, this information will be submitted as and when the reserved matters application is submitted.

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.

The proposed development will contribute two dwellings toward the Council's 5-year housing land supply within the settlement boundary. This contribution will reduce the pressure elsewhere for greenfield development sites.

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.

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- 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) Details in respect of Condition 1 shall include a comprehensive noise attenuation scheme for the proposed dwellings.
REASON: In the interests of residential amenity and to protect the viability of existing neighbouring land uses.
- 06) No development or site/vegetation clearance shall take place until an Extended Phase 1 Habitat Survey has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure that reptiles are protected.
- 07) No works, site/vegetation clearance or demolition associated with the development hereby approved shall take place until a precautionary bat roost survey of the existing building in the south-west corner of the site and a bat activity survey of the site in general have been carried out at an appropriate time of year (May-July) by a competent ecologist. The results of the survey and, if required, details of any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved measures unless otherwise agreed in writing with the Local Planning Authority.
REASON: To ensure proper measures are taken to safeguard protected species, in the interests of biodiversity.
- 08) The existing lane serving the application site shall be improved in a manner to be agreed in writing with the Local Planning Authority before any works commence on the development hereby approved. The improvements shall be completed in materials as approved in writing by the Local Planning Authority before the development is brought into beneficial use.
REASON: In the interests of highway safety.

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- 09) The development shall be carried out in accordance with the following approved plans and documents:
Site Location Plan, received 02.05.2019.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), The Council's Ecologist that are brought to the applicant's attention.

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

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.

