

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0624/FULL 18.07.2019	The Executors For The Estate Of Mrs Brooks C/o GAP Architectural & Engineering Design Services Mr S Hiles 22 Ty-Isaf Penyheol Caerphilly CF83 2RG	Divide existing garden to erect two detached bungalows with associated works Spare Moments 21 Old Parish Road Hengoed CF82 7HU

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on the western side of Old Parish Road.

House type: The application site is the curtilage of an existing detached bungalow. The existing bungalow is on the northern side of the curtilage with a large garden to the side and front. The bungalow is pine end onto the road and is finished in a mixture of stone cladding, timber cladding and render. The garden of the bungalow is terraced and landscaped with a mature hedgerow to the front boundary and a detached garage on the southern boundary of the site.

Development: This application seeks full planning consent for the erection of two detached bungalows with accommodation in the roof space. The layout shows the proposed bungalows sited side by side between the existing bungalow and the bungalow at number 19 Old Parish Road with parking and turning in the front garden. Each bungalow will have a lounge, bedroom, bathroom, kitchen and dining room on the ground floor with two bedrooms in the roof space. A new footway is also proposed to the front of the site to continue the existing footway on Old Parish Road.

Dimensions: The bungalows measure 7.5m wide by 13m long by 6.5m high.

Materials: Face brickwork with roof type to be agreed.

Ancillary development, e.g. parking: Three parking spaces and a turning area to be provided per dwelling.

PLANNING HISTORY 2005 TO PRESENT

None.

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POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP2 (Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

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.

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.

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Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within a low risk area.

CONSULTATION

Head Of Public Protection - No objection subject to conditions.

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

Ecologist - No objection subject to conditions

Transportation Engineering Manager - No objection subject to conditions.

Senior Engineer (Land Drainage) - Advises that the application be refused until such time as an application for SAB approval is submitted.

Gelligaer Community Council - No objection.

ADVERTISEMENT

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

Response: Three letters of objection have been received.

Summary of observations:

1. Loss of light and overshadowing of the neighbouring dwelling.
2. Loss of privacy to the neighbouring dwelling.
3. Loss of view to the dwellings to the rear.
4. Encroachment onto neighbouring 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?
None.

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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 mid-range viability area.

ANALYSIS

Policies: This application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks consent for two new dwellings on land within the curtilage of an existing dwelling and within a residential area within the defined settlement limits. As such the principle of the development is considered to be acceptable.

It is possible to accommodate two new bungalows within the application site and adequate privacy distances can be achieved and the design of the bungalows is considered to be in keeping with the character of other bungalows in the area. As such it is considered that the proposal complies with Policy CW2 of the LDP.

Adequate vehicular access can be provided together with the required parking and turning space and in that regard it is considered that the proposal complies with Policy CW3 of the LDP.

Comments from Consultees: Whilst the Council's Senior Engineer (Land Drainage) has raised objection to the proposal in the absence of an application for SAB approval it is acknowledged that there is sufficient scope with the application site to provide sustainable drainage subject to acceptable ground porosity test results, and should this not be possible then there is a surface water sewer in the area which could be used as a last resort. In that regard it is not considered that it would be reasonable to withhold consent at this time. As SAB is now a separate administrative process it is not possible to impose a condition requiring the submission of a scheme but an advisory note can be attached to any consent granted advising the developer of the need to obtain SAB approval prior to the commencement of works on site. In that regard it is considered that the proposal complies with Policy CW5 of the LDP.

No other objections were raised.

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Comments from public:

1. Whilst the proposed bungalow would be close to the neighbouring bungalow at number 19 Old Parish Road, it should be noted that there is currently a large mature hedgerow on the common boundary between the two properties that effectively screens the existing dwelling from views into the application site. In that regard it is not considered that there would be any loss of light or overshadowing of the neighbouring dwelling as a result of this proposal over and above that which is currently experienced.
2. Again having regard for the hedgerow referred to above it is not considered that there would be any loss of privacy to the neighbouring dwelling.
3. Loss of view to the dwellings to the rear is not a material planning consideration.
4. Whilst the objector suggests that the proposed footpath would encroach onto their land no evidence has been submitted to support this claim. In any event this would be a private legal matter between the two parties.

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: Drawing Numbers 100 Rev C1, 201 Rev C2, 203, 204 and 205.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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- 03) The development hereby approved shall not be occupied until a 2.0m wide footway has been constructed on the application site boundary fronting onto Old Parish Road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) 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.
- 05) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 15 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway 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.
- 06) Any gates shall be located and fitted so as not to open out onto the highway.
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) 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.
- 08) 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.

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- 09) 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.
- 10) 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.
- 11) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.
REASON: To ensure proper measures are taken to safeguard the habitat of bats, 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) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009) 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 work on site details of the replacement hedgerow, including its species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the replacement hedgerow shall be planted within 12 months of the completion of the development.
REASON In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009) in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) 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 in the new properties at 21 Old Parish Road, Hengoed, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional roosting for bats 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 (2018) and Tan 5 Nature Conservation and Planning (2009).
- 15) 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 properties at 21 Old Parish Road, Hengoed, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are 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).
- 16) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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Advisory Note(s)

Please find attached advice from Dwr Cymru/Welsh Water and the Council's Ecologist.

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.

**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

