

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0387/FULL 19.06.2014	Mr J Walton Craig Bach Penrhiw Lane Machen Caerphilly CF83 8PX	Erect three houses Craig Bach Penrhiw Lane Machen Caerphilly CF83 8PX

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: This application relates to an irregularly shaped area of land located within the garden area of an existing dwelling on land off Penrhiw Lane, Machen. This site is in an area of the village which climbs steeply from the valley floor up the mountainside to the north. As such the site has a gradient of approximately 6 metres, over its developable area.

Development: The proposal is for three dwellings of a split level design with each providing five bedrooms. To make use of the site gradient the dwellings are three storey where they face south-eastwards (i.e. towards the valley bottom). The houses also seek to utilise the roof-space and as such they show "bedroom 5" in the attic area. This is provided with natural light and view by way of velux roof-lights. When viewed from the rear, therefore, the elevation is three and a half stories in appearance. The remaining floors are laid out as follows: The basement area allows for a kitchen, as well as dining and living rooms. The ground floor accommodates a further living room, a hallway and a bedroom, whilst the first-floor provides for three bedrooms and a bathroom.

Access to the site is from the highway to the west (i.e. Penrhiw Lane). The houses will be served off an expanded private drive which currently only serves "Graig Bach" and "Crestway". This will permit five dwellings off this private access.

Dimensions: The dwellings each have a footprint of 8m x 8.3m approximately, giving a total of 66.4 m. The maximum height to the apex of the roof is 10.5m, whilst the height to the eaves measures 5m on the front elevation and 7m on the rear elevation.

The site area measures 0.25 hectares, of which 0.15 hectares is developable. The density of the development is approximately 10 dwellings to the acre.

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Application Number 14/0387/FULL Continued.

Materials: The finishes proposed are a mixture of smooth render and facing brick. The roofs are to be covered in a slate/composite slate.

Ancillary development, e.g. parking: Each of the dwellings is provided with three car-parking spaces to serve it.

PLANNING HISTORY

No Planning History.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement limit identified in the Adopted Local Development Plan. It is not however specifically committed to a particular use within that plan.

Policies: The policies of particular relevance to this application contained within the Adopted Local Development Plan are as follows;

CW2 - Amenity.

CW3 - Design Considerations: Highways.

CW6 - Trees, Woodlands and Hedgerow Protection.

CW15 - General Locational Constraints.

NATIONAL POLICY The national policies of relevance are as follows;

Planning Policy Wales (Ed. 7, July 2014).

TAN 12 - 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? Yes. As such a Coal Mining Risk Assessment was submitted in support of the proposal.

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CONSULTATION

Countryside And Landscape Services - raised no objection to the development but required the imposition of conditions attached to any permission granted. Comments, via the County Ecologist, that the addendum to the arboricultural report seeks to protect the hedgerow, which is an important resource. The applicant's ecologist further recommends a reptile survey which could be conditioned on any consent granted.

Transportation Engineering Manager - objects to the application due to the substandard nature of the highway network serving the site.

Gwent Wildlife Trust - made a holding objection to the proposal until the site had been ecologically surveyed. The site has been the subject of a reptile and an arboricultural report which have been found to be acceptable by the County Ecologist. As such the holding objection is no longer considered to be applicable.

Head Of Public Protection - raises no objection to the application subject to the imposition of conditions relating to dust and noise mitigation measures and a scheme in respect to imported material testing.

Senior Engineer (Land Drainage) - does not raise objection to the application but makes a number of drainage comments relevant to the proposal, some of which need to be conditioned, whilst others can be passed on by way of written advice.

Dwr Cymru - raises no objection to this application, subject to drainage advice being forwarded to the applicant.

The Coal Authority - comments that on the basis of the additional information provided it wishes to withdraw its original objection to the scheme and is satisfied with the coal mining assessment that has been submitted.

ADVERTISEMENT

Extent of advertisement: The application was advertised by way of site notices and direct neighbour consultation with 14 properties.

Response: As a result of the consultation exercise undertaken, 7 letters of objection from local residents were received.

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Application Number 14/0387/FULL Continued.

Summary of observations: The basis of the objections submitted were as follows;

1. Due to the site gradients the properties are four-storey in design, this is out of keeping with the other properties in the area.
2. Access to the site is substandard and dangerous.
3. The proposed buildings would not fit into the landscape.
4. The proposal constitutes overdevelopment of the land by the construction of three dwellings.
5. The privacy of existing properties will suffer due to the overlooking from the new dwellings and from the use of the access which will serve these dwellings..
6. Loss of view and light to existing properties.
7. Due to the height of the proposed houses there will be a financial impact on the solar panels of an adjoining dwelling.
8. The scheme should be reduced in numbers and the type of dwelling to be built (i.e. bungalows would be more appropriate).
9. The scheme is contrary to Policy CW2 of the Adopted Local Development Plan. as the proposed dwellings have an adverse impact on the amenity of adjoining existing properties.
- 10 The information submitted was misleading and shows the potential for inaccuracy in the total scheme.
11. Inadequate car-parking is identified to serve the properties.
- 12 Trees will be felled as a result of the proposal which will impact on the site's landscape value and the wildlife habitats at the site.
13. No information relating to Radon gas protection measures have been submitted.
14. There is reference in the submitted information to the removal of a stone wall on the northern boundary. This is not owned by the applicant.
15. The dwellings are of an excessive scale, particularly with regard to their height.
16. The development is out of character with its surroundings and will not result in an improvement to the area.

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 the application will have an adverse impact on the issues of crime and disorder in this area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The County Ecologist considers that in respect to the ecological information submitted no protected species are affected and conditions can be used to safeguard the hedgerows and enhance biodiversity

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Application Number 14/0387/FULL Continued.

Is this development Community Infrastructure Levy liable? The applicant declares that the net additional gross internal floor space is 609 square metres. The CIL requirement in this area of the County Borough is £40.00 per square metre.

The relevant CIL contribution is therefore 609 sq.m. x £40 = £24,360.

ANALYSIS

Policies:

Policy CW2 contains four criteria, these are as follows;

- A. There is no unacceptable impact on the amenity of adjacent properties or land.
- B. The proposal would not result in overdevelopment of the site and / or its surroundings.
- C. The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use.
- D. 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.

With regard to the assessment of impact on adjacent properties, it was accepted that the layout originally submitted did potentially adversely impact on the residential amenities of certain properties. As such the applicant amended the proposal to lower the ridge of Plot 3 to match the others and "handed" Plot 1 to ensure that privacy between that plot and Craig Bach is retained. This led to improvements in the scheme.

It has to be acknowledged that the site is located on land with a fall of roughly 6 metres, north to south, across its developable area. Such a gradient is not altogether a rare occurrence in valley settlements. This consequently often results in a split level solution being employed to utilise the slope rather than seek to regard the site to provide a flat construction area. In this instance the applicant has chosen to construct a dwelling which has a standard two appearance from the front elevation and a three storey appearance from the rear elevation. The drawings also show roof-lights, front and back, which has resulted in some local residents calling it a four storey dwelling. The development of the roof-space is not considered to be an additional floor as the space will exist even if the windows were not present and no use was made of it.

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Application Number 14/0387/FULL Continued.

The applicant has sought to protect amenity interests of adjoining properties by the orientation of the new buildings, the arrangement of internal rooms to preserve privacy distances, and the setting of the height of the new buildings accord approximately with the height of the existing property (i.e. Graig Bach). The dwellings are subsequently arranged so that there is a distance of 21 metres between habitable rooms of surrounding dwellings. There is an element of the overlooking of gardens, however this is not uncommon in the majority of layouts, particularly in valley settlements where gradients are a constant consideration.

Based on the above it is not considered that the proposal conflicts with criterion A.

With regard to the second criterion the construction of three dwellings on a developable area of over a quarter of an acre is an acceptable density. Whilst appreciating the site is steep it is considered that scheme does not represent overdevelopment and generally accords with the pattern of urban form in the surrounding area.

In respect to the compatibility of the use with its surroundings, it is evident that the area is almost homogeneously residential in regard to its development type. As such the current scheme fits into this category. In view of its location in regard to the remainder of the settlement it is not considered to constrain the development of adjoining land.

The final criterion relates to the impact on the viability of existing land uses if this proposal goes ahead. In view of the residential nature of the scheme is likely impact on the viability of other dwellings is considered to be limited.

The proposal is therefore considered to accord with the requirements of policy CW2.

The second policy of relevance in the Adopted plan is CW3, which refers to the consideration of the proposal in respect to highways requirements. The first criteria of this policy states as follows;

A The proposal has regard for the safe, effective, and efficient use of the transportation network.

The Transportation Engineering Manager has objected to the application on the basis that "the highway network leading to the site is substandard in terms of its width, horizontal and vertical alignments and lack of pedestrian footways. The proposed additional use of this substandard access will create hazards to the detriment of highway safety. This view is consistent with previous refusals and appeal decisions in the same vicinity as this site".

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Application Number 14/0387/FULL Continued.

Officers of the Highway Section have considered this matter thoroughly and wish to maintain their objection to the application on highway safety grounds. Consequently the proposal is considered to be contrary to criterion A of policy CW3.

With regard to the remaining policies in the Local Development Plan (i.e. CW6 and CW15) it is considered that they are either complied with or could be adequately controlled by the use of conditions such that no objection would be raised in respect to them.

The national policy considerations are, by their very nature, general in character. The proposal has paid regard to their requirements. However in this instance the point at issue is one of highway safety on a specific length of road. As such their considerations are secondary to this detailed issue.

Comments from Consultees: Originally there were a number of objections to the scheme, however design amendments and the submission of additional information (e.g. the mining and aboricultural reports), have reduced these objections to that relating to highway safety. The applicant has sought to address this objection with a counter argument which seeks to note improvements to the existing site access and to accentuate the limited nature of the proposal in regard to the existing use. The Highway Section has considered this information but confirm that the road to the site is substandard and to intensify its use is not acceptable. On this basis they confirm their objection to the application.

Comments from public: The response to the objections raised by members of the public are as follows;

1. The design of the properties, which are split level in nature, has been considered carefully. The above report assess the compliance with policy CW2 of the Local development Plan, which deals with the impact of development on its surroundings. In this instance it was considered that the form of dwelling proposed was not out of character with the area or unacceptable for this steeply sloping site.
2. The sub-standard nature of the access is supported by the comments of the Transportation Engineering Manager.
3. Built development continues northwards further up the mountainside than this proposal would. Consequently such development borders the site on three sides and as such it would generally conform to its surroundings.
4. The consideration of policy CW2, in the above report addresses the issue of overdevelopment.
5. The question of privacy protection has also been addressed in the report.
6. The loss of view is not a material planning consideration. There would not be a significant loss of light from a planning point of view.

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Application Number 14/0387/FULL Continued.

7. One letter of objection specifically referred to the impact of the height of the new dwellings on the solar panels in the roof of an existing property. This was conveyed to the applicant who provided a "winter solstice shadow" to the plot nearest the "affected" dwelling which demonstrated that there was no infringement in this respect. In any event it is evident that the dwellings would be approximately 24 metres apart and that the existing dwelling would be at a higher location than that proposed. As such this objection was not considered to be sustainable.

8. The suggestion of a reduced scheme involving bungalows may be a suitable form of development however it is not the one that the applicant has chosen to submit. The authority has to assess the proposal before it rather than to prescribe to the applicant the form of development they should submit.

9. It is not considered that the proposal is contrary to policy CW2 for the reasons contained above.

10. The applicant was advised of inaccuracies contained in some of the initial information provided. An attempt was made to rectify such mistakes. In any event the site was visited and thoroughly inspected and there is no doubt relating to the nature of the scheme being considered by committee.

11. The car-parking provision on site (i.e. 3 spaces per dwelling) complies with the required adopted standard.

12. The County Ecologist, after considering the submitted aboricultural report, is satisfied that the impact on trees, and particularly hedgerows, is minimal and can be addressed by way of conditions attached to any consent granted.

13. The question of Radon Gas protection measures is one that would be dealt with through the Building Regulation process.

14. The removal of the stone wall would be a civil matter which would be dealt with in the courts as a private action. It would be a private matter involving land ownership, which would underpin any planning permission.

15. The issue of the scale of the dwellings which again was mainly addressed in the report. The layout, size, height and arrangement of the dwellings are considered to be reasonable, bearing in mind the location and site constraints. As such no objection is raised in this regard.

16. The character of the area is residential in nature. The surrounding dwellings are a mixture of designs and types of homes. There is no particular vernacular which dominates the built form. In the circumstances the design chosen fits reasonably into this mix.

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Application Number 14/0387/FULL Continued.

Other material considerations: One issue needing to be referred to relates to the pre-application discussions between the applicant and the Planning Department. In early 2014 the applicant requested an informal assessment of a scheme for the development of the land. This process resulted in a number of exchanges between the applicant's agent and officers on a range of matters, including comments from the Transportation Engineering Section. In this latter regard advice was given on access into the site, on-site car-parking provision, vision-splays etc. This advice related to the site's development and contained a proviso that it was given on a without prejudice basis to any decision that this Authority should make in respect to an application. At that time comments were concentrated on the site's development as shown in the submitted scheme, they did not take in the wider highway network.

Subsequently an application was submitted and a full assessment of the highway network was undertaken. This brought up the substandard nature of the access road further to the south and the resulting objection from the Highway Section.

The applicant was critical in this regard and felt that the matter should have been raised earlier, particularly as it was a fixed constraint which was outside his control to remedy. Whilst this criticism is in part understandable, the Local Planning Authority must be mindful that highway safety is a material consideration central to this application. Highways officers have reconsidered this matter and feel that they are unable to remove their objection. As such it is considered that the responses given during the pre-application discussions which did not specifically refer to the wider highway network, do not outweigh the concerns about the limitation of the existing roads in respect to this planning application.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The proposal is contrary to Criterion A of Policy CW3 of the Adopted Caerphilly County Borough Council Local Development Plan up to 2021 (November 2010) in that the highway network leading to the site is substandard in terms of its width, horizontal and vertical alignment and lack of pedestrian footways. The proposed additional use of the substandard local roads will create increased traffic hazards to the detriment of highway safety.

