

APPLICATION NUMBER	LOCATION	PAGE NUMBERS
11/0904/FULL	All Saints Room Church Hall Church Street Llanbradach Caerphilly	1 - 14
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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0904/FULL 15.12.2011	The Representative Body Of The Church In Wales & The Llandaff Diocesan Board Of Finance 39 Cathedral Road Cardiff CF11 9XF	Convert All Saints Hall into six one bedroom apartments, six bedsits and external works and demolish existing gable to Church Street to create new entrance and demolish two outbuildings to form car park All Saints Rooms Church Hall Church Street Llanbradach Caerphilly CF83 3LR

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is located centrally within the village of Llanbradach, approximately one mile to the north of Caerphilly. It is part of a larger site that was formerly the site of a large church which was demolished in the 1990s. The site also lies within the Llanbradach Conservation Area.

Site description: The site is irregular in shape and has a road frontage on two sides (i.e. to the north-west and south). To the east it abuts the cleared area upon which had previously stood All Saints Church, and to the north it borders existing residential development. At present the site is occupied by a substantial church hall and two outbuildings.

Development: The detailed proposal is for the change of use of the church hall to provide for twelve residential units (i.e. six one-bed apartments and six bedsits). Whilst the originally submitted scheme indicated the demolition of a gable fronted projection from the main rectangular shape of the building, the revised scheme indicates its retention. The proposals include some minor alterations to the exterior, e.g. the addition of 'conservation' style rooflights.

Cont'd...

Application No. 11/0904/FULL Continued

The demolition of the two outbuildings on the northern boundary will provide an area for part of the proposed on-site car-parking. In addition, areas of car parking would be provided alongside the west and southern boundaries. Amenity space to serve the units is allowed for to the east of the building and in the south-western corner of the site.

Dimensions: The site area in total measures 0.09 hectares approximately. It is approximately 43 metres in length and 20 metres wide. The adjacent vacant land (edged in blue) measures 34 x 46m, and has an area of approximately 0.16ha.

The building has a footprint of approximately 10 x 25m, with the gable projections adding 4 metres to the width at the north-eastern end of the building.

Materials: There would be no changes to the external finishes, i.e. natural stone walls and slate roof.

Ancillary development, e.g. parking: Fourteen on-site car parking spaces would be provided.

PLANNING HISTORY

08/1211/CON - Demolish existing gable to Church Street to create new entrance and demolish two out-buildings for proposed car park - Appeal dismissed 15.10.09.

08/1222/FULL - Convert existing All Saints Church Hall into four bed apartments and six bedsits - Appeal dismissed 15.10.09.

11/0901/CON - Demolish existing gable to Church Street to create new entrance and demolish two outbuildings to form car park as part of the Conversion of All Saints Hall into six one bedroom apartments, six bedsits and external works - Not Yet Determined.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The site is within the settlement boundary, and is unallocated. The neighbouring site of the former All Saints Church is allocated for a community use/health centre.

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Policies:

Strategy policies

SP3 - Development strategy in the Southern Connections Corridor

SP4 - Settlement strategy

SP5 - Settlement boundaries

SP6 - Place making

SP7 - Planning obligations

SP10 - Conservation of natural heritage

SP14 - Total housing requirements

SP15 - Affordable housing targets

SP20 - Road hierarchy

SP21 - Parking standards

Countywide policies

CW1 - Sustainable transport, accessibility and social inclusion

CW2 - Amenity

CW3 - Design considerations: highways

CW10 - Leisure and open space provision

CW11 - Affordable housing

CW15 - General locational constraints

Area Specific Policies

TR6 – Transport Improvement Schemes – Caerphilly Basin

NATIONAL POLICY: Planning Policy Wales (February 2011), TAN2 (Planning and affordable housing), TAN5 (Nature conservation and planning), TAN12 (Design), and TAN 22 (Sustainable buildings).

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.

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CONSULTATION

Transportation Engineering Manager - No objection, subject to conditions, and makes comments of which the applicant should be advised.

Countryside And Landscape Services - No objection, subject to conditions, and makes comments of which the applicant should be advised.

Western Power Distribution - No objection, but makes comments of which the applicant should be advised.

Conservation & Design Officer - There is no objection, in principle, to the proposed conversion, subject to conditions, but makes comments about appearance, materials and finishes, of which the applicant should be advised.

Senior Engineer (Land Drainage) - No objection, subject to conditions, and makes comments of which the applicant should be advised.

Head Of Public Protection - No objection.

CCBC Housing Enabling Officer - In relation to this area and this development, 40% affordable housing is required.

Head Of Public Services - The Authority does provide a kerbside collection service for recycling and refuse with the onus on the developer to provide suitable off road storage for one refuse and one recycling wheeled bin plus a food caddy per property. The collection vehicles will not travel over unadopted highway so there may be a need to confirm a collection point.

Dwr Cymru - No objection, subject to conditions, and makes comments of which the applicant should be advised.

Police Architectural Liaison Officer - No objection is raised, but it is noted that the proposal is not a 'Secured By Design' application, and comments are made of which the applicant should be advised.

Wales & West Utilities - No objection is raised, but provides details of their apparatus that crosses the site.

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ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site and press notices, with 21 neighbouring properties being consulted directly.

Response: In response to this neighbour notification exercise 10 letters or emails have been received that raise objection to the application.

Summary of observations: The basis of the relevant objections made therefore is as follows:-

1. Lack of off-street parking;
2. Increased traffic;
3. The application should be refused in favour of allowing a Health Centre on the site;
4. Overload the existing drainage/sewerage system;
5. Insufficient on-street car parking for the community, and this proposal would exacerbate the situation due to the introduction of pavement crossovers around the site, as well as increasing congestion to the detriment of highway safety;
6. Concerns expressed about the methods and procedures of both the demolition and construction processes during development;
7. Noise from the flats;
8. Demolition of the gable would alter the fabric of the conservation area;
9. Pedestrian safety compromised because of the number of new pavement crossovers formed;
10. Structural changes to the building; and,
11. The proposed security lighting and CCTV would invade the privacy of nearby homes.

A neighbour also commented on the Applicant's submitted photographs of the existing on-street parking: 'Much of the parking suggested by the applicant as 'existing on-street parking', to justify the under-provision of car parking within the site, would be unavailable if the scheme were to be approved, as new accesses to the site are proposed in those areas. Photographs may not have been taken at the time of day when the most car parking places are taken.'

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? The bat survey was undertaken by a competent ecologist and at an appropriate time of year, and the Council's Ecologist is satisfied with the methodology and the findings of the survey report.

The bat survey found evidence of 2 bat species using the existing building, namely common pipistrelle bats and soprano pipistrelle bats. The existing building has the potential for incidental use by common pipistrelle and soprano pipistrelle bats and a precautionary approach to restoration and refurbishment works is therefore recommended. Therefore there is no requirement for mitigation or a derogation licence. However, the report does recommend that works affecting the roof and eave structures should avoid being undertaken during the summer period and must be outside of the bird nesting season, and that a licensed bat ecologist oversees preliminary works affecting potential roost access features in case bats are found.

ANALYSIS

Policies: This application seeks to re-use this currently vacant former church hall, by virtue of its conversion to 6 one-bed apartments and 6 bedsits in a refurbished interior.

The whole of the development site is within the Llanbradach Conservation Area designated on 17th November 1992. The area surrounding the church hall, i.e. its terraced houses and Vicarage, walls and tree-lined streets, has a distinctive cohesive character in its own right and the church hall has a similar architectural style that complements its surroundings and in fact dominates the area. The hall is fronted by a large, flat area of open space that once sited the 'All Saints' Parish Church that was built in 1897 (and extended in 1909) and subsequently demolished around 1993/94 since its tower, in particular, had become a dangerous structure.

The only other surviving landmark now remaining in the village other than the church hall, is sited on the opposite side of the High Street/Park View: a tall, Portland stone sculptured war memorial, which is a grade II listed building (as of 23rd July 1999); considered by Cadw to be of special architectural and historic interest and which overlooks the site. Therefore the works proposed to the church hall could potentially have an impact upon the setting of this important local landmark and listed building.

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Application No. 11/0904/FULL Continued

The church hall itself is a large building and because of its age, scale and unusual appearance is a landmark building in Llanbradach. The physical appearance of the building would not be substantially altered.

The application site is not specifically allocated, but falls inside the settlement boundaries, therefore it is a site that may be considered for re-development. The requirements of Policy CW2 are: that there should be no unacceptable impact upon the amenity of neighbouring properties; that it is compatible with neighbouring land uses; that it doesn't compromise the viability of neighbouring land uses; and, that it doesn't constitute over development.

The properties in the immediate vicinity of the church hall are of residential nature, and the conversion to residential would therefore be compliant with Policy CW2. The former church hall is a tall two-storey building, but, with the proposed utilisation of the loft space, it would be converted to three floors. The building, and its site, has two frontages onto the highway. The north-western boundary along Church Street is 42 metres in length, and the southern boundary along Pencerrig Street is 21m in length.

The development would by introducing a new use into this building enhance the character and appearance of the conservation area.

Comments from Consultees: There are no objections from consultees and their comments can be accommodated by conditions.

Comments from public: The responses to the comments of the general public on this application are as follows:-

Lack of off-street parking for the proposal, increased traffic, and insufficient on-street car parking for the community, and this proposal would exacerbate the situation due to the introduction of pavement crossovers around the site, as well as increasing congestion to the detriment of highway safety: These objections are not supported by the comments of the Transportation Engineering Manager.

The application should be refused in favour of allowing a Health Centre on the site: The building is in private ownership and as such the applicants can apply for the use of their choosing. Therefore the issue of it being used for community purposes does not arise.

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Application No. 11/0904/FULL Continued

Overload the existing drainage/sewerage system: There has been no objection to the proposals from either Dwr Cymru/Welsh Water or the Senior Engineer (Land Drainage).

Concerns expressed about the methods and procedures of both the demolition and construction processes during development: These are matters that may be controlled by planning conditions and other legislative procedures.

Noise from the flats: The approval of such a conversion should not automatically give rise to anti-social behaviour. This form of housing is required in the district and will fulfil a need. As such it should not be resisted on its physical arrangement alone. If any such behaviour does occur it is a matter for the police to resolve, as would be the case in any other circumstance.

Demolition of the gable would alter the fabric of the conservation area: This aspect of the proposal has been removed from the scheme, and there are now no plans to demolish the side gables.

Pedestrian safety compromised because of the number of new pavement crossovers formed: This objection is not supported by the comments of the Transportation Engineering Manager.

Structural changes to the building: With the decision to leave the side gables in place, there would be very little alteration to the external appearance, and the internal alterations would not compromise the structural integrity of the building, but would allow an economically viable conversion to take place.

The proposed security lighting and CCTV would invade the privacy of nearby homes: There is no substantive evidence to support this objection, and lighting and CCTV can be configured to ensure that no adverse effects upon residential amenity occur.

It is not considered that these comments by the local residents raise issues which could justify a refusal of consent for this proposal.

Other material considerations: (1) The Housing Development Officer seeks the provision of 40% affordable housing on sites within the Caerphilly Basin area. In respect of this proposal this equates to 5 units.

(2) The Transportation Engineering Manager requires the standard planning obligation of £5,500 per dwelling in the Caerphilly Basin area.

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Application No. 11/0904/FULL Continued

The applicant has agreed to sign a Section 106 Agreement in respect of these three matters.

A planning obligation must meet all of the following tests.

In respect of each:-

(a) It is necessary to make the development acceptable in planning terms:

(1) Communities should be mixed, balanced and sustainable, and a choice of housing that is affordable to the local population is vital in achieving this. The cost of buying and renting a house at market value is greater than many on low incomes can afford, and consequently intervention is needed to provide housing through other mechanisms. The planning system, through the use of planning obligations and conditions, is one such method of securing 'affordable housing'. The requirement to meet the need for affordable housing is a material planning consideration and will be taken into account in the determination of planning applications.

(2) A Section 106 Agreement will be sought because this development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods. Following public consultation, which included house builders, the Council has adopted Supplementary Planning Guidance LDP3, Caerphilly Basin Strategic Highway Network Obligation, which requires a financial contribution, currently £5,500.00, for each new dwelling constructed within the defined Caerphilly Basin area as a reasonable means of addressing this capacity problem. The money contributed by this development will be used with other similarly collected monies to finance the necessary improvements to the strategic highway network.

(b) It is directly related to the development.

(1) This development is for 12 dwellings. The provision of 5 units of affordable housing at this location will ensure the correct balance between affordable housing and market housing in the area is properly maintained.

(2) This development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods, thereby aggravating existing congestion problems.

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(c) It is fairly and reasonably related in scale and kind to the development.

(1) In accordance with Policy CW11, the Council will normally seek the following proportions of affordable housing on sites that accommodate 5 or more units or that exceed 0.15 Ha in gross site area;

- 40% of the total number of dwellings proposed on sites within the Caerphilly Basin (excluding Aber Valley);
- 25% in the Northern Connections Corridor (excluding Newbridge); and
- 10% in the Rest of Caerphilly County Borough (including Aber Valley and Newbridge but excluding the Heads of the Valleys Regeneration Area).

These area-specific targets and thresholds have been derived from evidence from the Affordable Housing Viability Assessment (AHVA) prepared as part of the evidence base for the LDP. The AHVA was completed in line with an agreed regional methodology prepared by Three Dragons on behalf of the South East Wales Strategic Planning Group (SEWSPG).

(2) The unit sum - at present £5500.00 - is reasonable when compared to the costs of construction and the value of one house. The total contribution is based on the number of dwellings, which means that the larger the development, the greater the impact on the road network, and therefore the higher contribution.

RECOMMENDATION that (A) the application is DEFERRED to allow the completion of a Section 106 Obligation requiring (1) the provision of 5 units for affordable housing in the Caerphilly area; (2) the payment of £5,500.00 (index linked) for each dwelling for highway improvements in the Caerphilly Basin area.

(B) Upon completion of the legal agreement permission be GRANTED in accordance with the following conditions:

- 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 required access to Church Street, together with vision splays of 2.4m x 25m, shall be laid out in accordance with the approved drawings and constructed in materials to be agreed in writing with the Local Planning Authority prior to the beneficial occupation of the development.
REASON: In the interests of highway safety.

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Application No. 11/0904/FULL Continued

- 03) The required access to Pencerrig Street, together with vision splays of 2m x site frontage, shall be laid out in accordance with the approved drawings and constructed in materials to be agreed in writing with the Local Planning Authority prior to beneficial occupation of the development.
REASON: In the interests of highway safety.
- 04) No obstruction of planting when mature exceeding 0.6 metres in height above the adjacent footway shall be placed or allowed to grow in the required pedestrian vision splay areas of (2.4m x 3.3m when measured at the centre of the proposed access at the back edge of the footway).
REASON: In the interests of highway safety.
- 05) The site boundaries fronting Church Street and Pencerrig Street shall be set back and the existing footways widened to provide a width of 2m constructed in permanent materials to be agreed in writing with the Local Planning Authority and completed prior to any occupation of the development.
REASON: In the interests of highway safety.
- 06) The proposed parking areas shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. is not carried on to the public highway.
REASON: In the interests of highway safety.
- 07) Notwithstanding the submitted plans no works whatsoever shall commence on site until after details have been submitted to and approved in writing by the Local Planning Authority which provides 10 off-street parking spaces within the curtilage of the site. The details shall indicate an amended parking courtyard which is accessed off the side lane adjacent to 2 Church Street providing for 8 allocated spaces and 2 allocated spaces off Pencerrig Street. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety.

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Application No. 11/0904/FULL Continued

- 08) 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 into the converted/renovated building shall be submitted to the local authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied. REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with paragraph 5.2.8 of Planning Policy Wales (2010), paragraph 1.4.3 of TAN 5 (2009) and Section 40 of the Natural Environment and Rural Communities Act 2006.
- 09) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 10) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Visitor Spaces Site Layout plan received 18 April 2012; Brief Synopsis, amended plans and elevations received 17 February 2012, and location plan received 5 December 2011 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 11) The dwellings hereby approved shall not be occupied until the outbuilding has been demolished and all materials arising from the demolition have been removed from the site.
REASON: For the avoidance of doubt as to the extent of the development hereby approved and the visual amenity of the area.
- 12) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.
REASON: To ensure that the demolition is carried out in an appropriate manner.

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Application No. 11/0904/FULL Continued

- 13) Prior to the commencement of development details of the materials to be used in the external finishes, including details of new and replacement doors, windows, and rainwater goods 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.
- 14) Prior to the commencement of development details of the security lighting and CCTV to be installed for surveillance purposes of the car parking 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 residential amenity of the area.

Advisory Note(s)

Please find attached the comments of Countryside and Landscape Services Manager, Dwr Cymru/Welsh Water, Police Architectural Liaison Officer, Wales and West Utilities, Western Power Distribution, Senior Engineer (Land Drainage) and Public Services that are brought to the applicant's attention.

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions of this permission: CW1, CW2, CW3, CW10, CW11, CW15 and TR6.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0269/NCC 03.04.2012	Newbridge Construction Ltd C/O Boyer Planning Mr S Barry 1B Oaktree House Oaktree Court Mulberry Drive Cardiff Gate Business Park Cardiff CF23 8RS	Vary Condition 2 of Planning Permission 08/0539/OUT (erect residential development and associated access) to provide a further three years for the submission of Reserved Matters Land At Gellideg Industrial Estate Gellideg Lane Maesycwmmmer Hengoed

APPLICATION TYPE: Development without complying with conditions

SITE AND DEVELOPMENT

Location: The application site is located to the east of Maesycwmmmer. To the north of the site lies a strip of land previously used for landfill, now restored and re-vegetated with trees and scrub vegetation. The A472 road runs alongside the northern edge of that land. To the east and south lies the Bryn Meadows Golf Club, the boundaries comprising established hedgerows and trees. The western edge of the site is bounded by the road and housing known as Gellideg Heights. There are existing industrial units to the north and south of the westernmost part of the site.

Site description: The western part of the application site which is within the identified settlement boundary is occupied by three disused industrial/commercial buildings and their curtilage. Access to these buildings is gained direct from Gellideg Lane at a point just north of the access from the lane to Gellideg Heights housing estate. Across the central part of the site the remains of colliery spoil heaps extend from north to south. The northern most part of the heap is still in place and rises to approximately five metres above surrounding ground level. Its surface and slopes are partially vegetated with bramble and gorse, with steep slopes that encroach on to the oak and birch woodland within the north western corner of the site. The ground rises up from 156 metres AOD at its lowest point at the north east extreme of the northern boundary to a height of 170 metres AOD in the southwest corner of the southern boundary alongside the golf course.

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Application No. 12/0269/NCC Continued

Development: In July 2009 a Planning Inspector allowed an appeal against this Council's refusal of planning permission for residential development and associated access on land at Gellideg Heights, Maesycwmmmer, and granted outline planning permission subject to conditions. Condition 2 of that permission requires approval of Reserved Matters to be made no later than three years from the date of the permission (by 21st July 2012). The applicant's agent advises that, notwithstanding the progress being made by the applicants, they consider it unlikely that they will be in a position to complete their Reserved Matters submissions by that date and are therefore looking to extend the period specified. This application therefore seeks permission to vary Condition 2 to provide a further three years for the submission of Reserved Matters.

The permission was supported by a Unilateral Undertaking (planning obligation) entered into by the owners of the land. The undertaking included obligations in respect of the provision of affordable housing, a contribution towards education provision, the provision of road improvements, the provision of ecological works, and public open space obligations.

The permission relates to the redevelopment of the site for 95 residential units. With the exception of access all matters were reserved for subsequent approval. An illustrative layout (the same as submitted with the original application) indicates a scheme for the residential units with associated amenity space, with the provision of a new access road and internal road direct from the A472 linking through the development to Gellideg Heights. The site layout shows low density 4-bed 2-storey houses on the eastern edge of the site next to the golf course, medium density 2/3-bed 2/3-storey houses in the middle, and high density 1/2 bed 3-storey flats and 2/3-bed 2/3-storey houses on the western and north western part. The layout plan also shows an area of public open space, two areas of local play and an ecology buffer located along the southern and eastern boundary. A landscape buffer is also proposed on the western boundary of the site to provide separation between any new housing and the adjoining industrial units.

This application is supported by an updated Design and Access Statement.

Dimensions: The application site is 4.13 hectares in size.

Materials: The application seeks to extend the life of an outline planning permission in which all such details are reserved for subsequent submissions and consideration.

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Ancillary development, e.g. parking: The proposed access arrangements comprise a new traffic signal controlled junction to the north of the site directly onto the A472 Main Road. The new access would accommodate all vehicles and includes pedestrian and cyclist facilities. Footways are incorporated on both sides of the proposed access road and would link into the existing footway / cycleway network on the A472 . The internal highway network has been designed to accommodate both domestic and commercial vehicles as the road will serve residential properties and the existing business units off Gellideg Heights. The illustrative layout shows a possible closure of an existing section of Gellideg Heights. It is suggested that this could beneficially permit existing traffic to divert onto the proposed access road through the new development and enable existing residents to use an improved access onto the A472.

PLANNING HISTORY

5/5/89/0169 - Change the use of former print works to mini skip hire depot - Refused 27.04.89.

5/5/89/0535 - Transport yard - Refused 06.12.89.

5/5/90/0177 - Construct partly single and partly dual carriageway principle road with associated side roads - Granted 18.05.90.

5/5/90/0240 - Parking and maintenance of lorries - Granted 29.06.90.

5/5/90/0774 - Operate small plant to recycle builders waste and excavated materials - Refused 31.01.91.

P/00/0118 - Construct surfaced pedestrian and cycle path as part of the South Wales Cycle Route - Granted 04.05.00.

08/0539/OUT - Erect residential development and associated access - Refused 04.12.08. Allowed on Appeal 21.07.09.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: With the exception of the access link from the site to the A472, the whole of the site is within settlement limits and the western part which was previously occupied by industrial buildings forms part of a larger allocated housing site. The access link is also within a green wedge.

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Application No. 12/0269/NCC Continued

Policies: SP2 (Development Strategy in the Northern Connections Corridor), SP5 (Settlement boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP15 (Affordable Housing target), SI16 (Green Wedges), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Obligation), CW15 (General Locational Constraints), HG1.40 (Allocated housing site) and TR5.5 (Transport Improvement Schemes - A472 Crown Roundabout to Cwm Du Roundabout).

NATIONAL POLICY: Planning Policy Wales 4th edition Feb 2011 and Technical Advice Notes 5 'Nature Conservation and Planning', 12 'Design', 18 'Transport'.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

CONSULTATION

Maesycwmmmer Community Council - The Council would like to record its objections to the extension of a further 3 years in the strongest terms possible and advises that the objections (set out below) that they made to the original application still stand. Object to permission being given for this development because they feel that there are significant access issues at the junction with the Main Road and unless there are improvements to this junction the building of an additional 95 houses will make the problem worse. The Council would also like to object to the proposed new access which they consider will cause additional problems on the main road A472 with two problem junctions within a few hundred yards of each other. The Council also feels that the scale of the access is such that it is being constructed to serve far more than 95 dwellings. The roundabout inside the development would seem to be totally unnecessary for the proposed number of dwellings and would indicate that it is likely to be the first of many applications in the area. The Council objects to wholesale development at this location as it undermines the village status of Maesycwmmmer and all but removes the green barrier which separates it from neighbouring Pontllanfraith. The Council also feels that the disruption to the cycle path is undesirable.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No adverse comments in respect of this application to provide a further three years for the submission of reserved matters.

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Application No. 12/0269/NCC Continued

Dwr Cymru – Recommends that conditions be attached to any permission granted requiring that foul water and surface water be drained separately from the site, no surface water or land drainage run-off be allowed to discharge into the public sewerage system, and a comprehensive drainage scheme be submitted for the approval of the Local Planning Authority.

Minerals Officer - No objection. The site is within the settlement boundary identified in the adopted LDP.

CCBC Housing Enabling Officer - The Unilateral Undertaking details the previous affordable housing policy prior to the adoption of the LDP. The new LDP and Supplementary Planning Guidance on affordable housing provides the agreed values for transfer of affordable housing units and the Local Planning Authority should consider revising the s106 agreement to take into account our new policy.

Outdoor Leisure Development Officer - It is reassuring that the development includes for sufficient, sustainable and proximal play facilities that appear to meet the threshold deliverables for this scale of development.

This is likely to be sufficient play provision for this catchment and he would be keen to work with the developer on design specifics.

A locally equipped play area in this area considerably sited would fit in with the strategy and also the latest requirements set out in the LDP and moreover the latest government policy on providing sufficient play opportunity set out in the Children & Families (Wales) Measure 2010.

In the event that the Council takes over the ongoing maintenance and responsibility for any play facilities sited on this development a commuted sum would be required.

Police Architectural Liaison Officer - Provides crime data for the area and guidance on 'Secured by Design' measures that could be incorporated into the development.

Countryside And Landscape Services - The conditions attached to the previous application for this site 08/0539/OUT in respect of ecological matters can be transferred to the new permission. However, several years have elapsed since the original surveys were undertaken and whilst surveys for badgers and birds are included in these conditions, there is no updated survey for bats in the original conditions. A new condition should be added to the approval requiring an updated bat roost survey.

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Application No. 12/0269/NCC Continued

The unilateral agreement will also need to be amended to ensure that it relates to this application.

Rights Of Way Officer - FP215 and RBW216 Bedwas pass the site and must not be obstructed.

Environment Agency (Wales) - The Agency regards this development as a lower risk development proposal and therefore does not offer any observations.

Education - No further comment.

Strategic Planning & Urban Renewal Manager - In making policy observations, the Inspector's original comments are noted on the design and layout of the proposed scheme and the Inspector's view is echoed in that consideration of the proposal is not based upon the details of the illustrative layout as this is clearly unacceptable in terms of both local and national planning policy.

The observations outlined below therefore are in respect of the principle of the residential development at this location only.

Caerphilly County Borough Local Development Plan 2012 (Adopted November 2010)

The application site is in the main a brownfield site located at the eastern edge of the settlement of Maesycwmmer. The proposed residential element of the site lies wholly within the settlement boundary for Maesycwmmer, whilst the proposed access arrangements to the outline housing development incorporate a new traffic signal controlled junction onto the A472 Main Road. This element of the proposal would lie outside the settlement boundary and within the green wedge. (Policy SP5 Settlement Boundaries, Policy CW15 General Locational Constraints and Policy SI16 Green Wedge refers).

The main consideration from a policy perspective is in relation to the development of this site and its potential impact on the future implementation of HG1.40 Land at Gellideg Heights, which is an allocated housing site in the Caerphilly County Borough Local Development Plan (LDP). Notably, the application site forms the northern part of that site.

Within the Northern Connections Corridor, the development strategy that underpins the LDP seeks to promote sustainable development that focuses significant development on both brownfield and greenfield sites and which makes the most efficient use of the existing infrastructure (Policy SP2 refers). Development at this location adheres to this broad policy objective.

Cont'd.....

Application No. 12/0269/NCC Continued

The Strategy is also supportive of new development that will support existing settlements, and which will enhance the role and function of settlements in line with their status in the hierarchy. The provision of new residential development within Maesycwmmmer will serve to contribute to the type and mix of housing in the village and will also provide additional support for the neighbourhood shops serving the needs of the local area. Development at this location therefore adheres to Policy SP4 Settlement Strategy.

As indicated the proposal as outlined is not considered satisfactory in terms of layout and design and therefore does not adhere to Policy SP6 Place Making of the adopted LDP. This aspect of the proposal is contrary to both local and national policy.

Policy SP7 Planning Obligations makes provision for the Council to seek to secure Planning Obligations that are necessary in order to remove any obstacles to planned development. In this respect, the details of the Unilateral Undertaking associated with outline consent 08/0539/OUT are noted and would request that these provisions continue to be secured through this current application through the appropriate mechanism (UU or Obligation). This will ensure that the proposal adheres to the provisions of Policy CW3 Design Consideration-Highways, Policy CW4 Natural Heritage Protection, Policy CW10 Leisure Open Space Provision, Policy CW11 Affordable Housing Planning Obligations.

Policy SP15 Affordable Housing Target seeks to deliver an appropriate level of affordable housing in order to contribute to balanced and sustainable communities. In this respect, the details of the Unilateral Undertaking associated with outline consent 08/0539/OUT are noted and would request that this provision continues to be secured through this current application through the appropriate mechanism (UU or Obligation). This will ensure that the proposal adheres to the provision of Policy CW11 Affordable Housing Planning Obligations.

Policy SP19 Transport Infrastructure Improvements recognises that there are problems in the County Borough with congestion and in particular seeks to make the most efficient use of the transport network. The establishment of the Road Hierarchy through Policy SP2 facilitates this by ensuring that traffic is channelled onto the most appropriate routes in order to maintain appropriate environmental, amenity and safety conditions. The details of the Unilateral Undertaking associated with outline consent 08/0539/OUT are noted and would request that this provision continues to be secured in respect of improvements to the highway network through this current application through the appropriate mechanism (UU or Obligation). This will also ensure that the proposal adheres to the provision of Policy CW3 Design Considerations - Highways.

Cont'd.....

Application No. 12/0269/NCC Continued

Policy CW15 General Locational Constraints is of particular relevance to the current application. As stated, the main consideration from a policy perspective is in relation to the development of this site and its potential impact on the future implementation of HG1.40 Land at Gellideg Heights, which is an allocated housing site in the Caerphilly County Borough Local Development Plan (LDP). Notably, the application site forms the northern part of that site.

Policy C15 seeks to ensure that proposals for new development will not prejudice the implementation of a wider comprehensive redevelopment scheme nor constrain the development of any adjacent site for its allocated land-use. The land to the south of the application site, together with the western part of the application site itself, is allocated for residential use within the adopted LDP.

In the absence of a layout for the application site, it is difficult to determine what impact this development might have on the comprehensive redevelopment of the allocated housing site (Policy reference HG1.40).

The main areas of concern relate to the acceptability of the design and layout of the application site itself and the impact that layout may have on the design and layout of the remainder of HG1.40. Ideally this whole area should be the subject of a comprehensive masterplan to ensure that the design and layout maximises the opportunities afforded by this attractive site in terms of: orientation, accessibility, location of open space and design considerations and sustainability generally.

There are also concerns regarding the access to both sites. The LDP originally envisaged that the allocated site would gain access from the existing junction with the A472 but recognised that this would require substantial upgrading. If a new access is to be provided to access the application site there is a need to ensure that the access is adequate to serve the needs of the whole development area and not just that part of the site proposed for re-development in this application. The Transportation Engineering Manager would need to be consulted in respect of this matter.

The proposed new access to the site lies outside of the settlement boundary and is located inside a green wedge. Policy SP5 Settlement Boundaries defines the areas within which development would normally be allowed, taking into account material planning considerations. Further it seeks to prevent the coalescence of settlements. This aspect of the policy SP5 is reinforced by the designation of green wedges in areas where it is considered important to afford extra protection to avoid coalescence. In this context, the land to the north of the application site has been designated as a Green Wedge (Policy SI16 Maescwmmmer, Pontllanfraith and Fleur de Lys).

Cont'd.....

Application No. 12/0269/NCC Continued

It is not considered however that the provision of a new access road within the green wedge to achieve appropriate access to the residential site would materially affect the functioning of the green wedge as a whole in terms of preventing the coalescence of the villages concerned.

Policy TR5.5 Transport Improvement Schemes- Northern Connections Corridor highlights the need for improvements to the strategic highway network. Specifically, the plan indicates that the A472 between Ystrad Mynach and Maesycwmmmer is one of the regional routes that require improvements to be made to alleviate problems of congestion. Any proposals to access the strategic highway network as part of the development scheme will need to ensure that existing problems are not exacerbated. The Transportation Engineering Manager would need to be consulted in respect of this matter.

Conclusion - there are no policy objections to the application to vary Condition 2 of Planning Permission 08/0539/OUT (erect residential development and associated access) to provide a further three years for the submission of Reserved Matters provided:

- The provisions of the Unilateral Undertaking associated with outline consent 08/0539/OUT continue to be secured through this current application through the appropriate mechanism (UU or Obligation) in order to ensure compliance with current policy;
- That consideration of the proposal is not based upon the details of the illustrative layout as this is clearly unacceptable in terms of both local and national planning policy; and
- Any future layout for the site has regard to both National and Local Policy and ensures that the design and layout of allocated housing site HG1.40 is not adversely effected by this proposal.

ADVERTISEMENT

Extent of advertisement: Site and press notices and neighbour notification.

Response: None.

Summary of observations: Not applicable.

Cont'd.....

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 anticipated that the development should give rise to crime and disorder and the Police Architect has provided advice on Secured by Design measures that can be incorporated into the detailed design of the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

In allowing the appeal and granting planning permission for the original application, and following his consideration of all of the ecological evidence presented at the planning inquiry, the Planning Inspector concluded that there was insufficient evidence to conclude that the proposal would adversely affect any nature conservation interests of the site. He did however attach several conditions to the permission in respect of nature conservation issues and there were ecological obligations contained in the Unilateral Undertaking. The Council's Ecologist considers that all of the original conditions should be retained and recommended an additional one requiring an updated bat roost survey.

No European protected species implications following a survey, but the site has significant wildlife habitat potential and the absence of protected species cannot be guaranteed. A survey was carried out and although it is unlikely to be a significant issue in this case, the standard WAG species licence condition will be imposed and an advisory note will be sent to the applicant as precautionary measures.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local development plan policy and supplementary planning guidance.

The Strategic Planning and Urban Renewal Manager has comprehensively considered the policy context that should apply to the application (see above) and concluded that there is no policy objection to permitting another three years for the submission of Reserved Matters subject to the provisions of the Unilateral Undertaking being carried through to the current application in order to ensure compliance with current policy and a revised layout being required which has full regard to relevant National and Local policy.

Cont'd.....

Application No. 12/0269/NCC Continued

With regards the layout (which is the same one submitted with the original application) the Planning Inspector considered that it failed to address adequately design issues raised in relevant guidance and therefore concluded it was unacceptable, other than in respect of the general alignment of the main connection estate road running between Gellideg Heights and the A472. Officers share that view and therefore recommend that it be reserved for further consideration at the detailed planning stage.

Circular 35/95 'The Use of Conditions in Planning Permissions' states that

“as a general rule, applications for the renewal of permissions before the expiry of time limits should be refused only where:

- (a) there has been some material change in planning circumstances since the original planning permission was granted (eg. a change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the government of new planning policy guidance material to the renewal application);
- (b) continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area;
- (c) the application is premature because the permission still has a reasonable time to run.”

These criteria are considered in turn below.

- (a) There has been a material change in planning circumstances, but this only strengthens the policy stance in favour of the development. At the time of the Planning Inspector's determination of the appeal against the Council's refusal of permission for the original application, part of the application site lay outside the settlement boundary as identified in the Approved Unitary Development Plan and within a green wedge allocated in that Plan. Notwithstanding that policy conflict, the Planning Inspector allowed the appeal and granted planning permission. Currently, with the exception of the access connection with the A472, the whole of the application site lies within the settlement boundary as identified in the Local Development Plan (adopted in November 2010) and is not affected by any other designations (only the access link with A472 remaining in a green wedge, but as indicated above, this would not materially affect the functioning of the green wedge in terms of preventing the coalescence of the villages concerned). There has been no significant change in the highway considerations since the grant of the original planning permission. The future scheme to improve traffic flow along the A472 through Maesycwmmmer will not cause any problems to the highway proposals that were included in the original application and retained in this current application (The Transportation Engineering Manager has raised no objection to the application). There has been no new relevant national policy guidance.

Cont'd.....

Application No. 12/0269/NCC Continued

- (b) The lack of progress in beginning the development to date is not sufficient to contribute to uncertainty, particularly bearing in mind that the developer has been negotiating with this Council in respect of the purchase of some land required to enable the proposed new access to the site to be achieved.
- (c) The three years for the submission of reserved matters expires on 21st July 2012 so that part of the permission only has a short time to run.

Comments from Consultees: With regards the objections of the Maesycwmmmer Community Council, they were amongst the issues considered by the Planning Inspector when he assessed the merits of the original application and allowed the appeal and granted planning permission. Their continued objections are therefore not sufficient to support a refusal of the current application.

Comments from public: None received.

Other material considerations: The requirements of the Section 106 obligation are as follows: the provision of affordable housing, a contribution towards education provision, the provision of road improvements, the provision of ecological works, and public open space obligations. There are statutory tests that have to be considered in respect of an obligation that are considered below.

a) It is necessary to make the development acceptable in planning terms

The provision of affordable housing - this is necessary to comply with policies SP15 (Affordable housing target) and CW11 (Affordable housing planning obligation) of the LDP.

A contribution towards education provision - this is necessary to comply with adopted supplementary planning guidance (SPG) LDP 2 Education Obligations.

The provision of road improvements - this is necessary to comply with policy CW3 (Design considerations: highways) of the LDP.

The provision of ecological works - this is necessary to comply with policy SP10 (Conservation of natural heritage) and CW4 (Natural heritage protection) of the LDP.

Public open space obligations - this is necessary to comply with policy CW10 (Leisure and open space provision) of the LDP.

Cont'd....

(b) It is directly related to the development

The requirements are directly related to the development. The Local Planning Authority can only deliver affordable housing by requiring its provision as part of private housing development such as this one. Children of the occupants will go to local schools, and the traffic generated by the development will have an impact on the local highway. There will also be an increased pressure on existing areas of open space, and the need for new ones, and there will be an impact on wildlife.

(c) It is fairly and reasonably related in scale and kind to the development

The scale of the provision has been the subject of discussion with the applicants, and has been considered at appeal, and is reasonably related in scale and kind to the proposed scheme.

RECOMMENDATION that (A) the determination of the application be DEFERRED to allow the applicant to enter into a Section 106 Obligation to secure the obligations contained within the Unilateral Undertaking that accompanied the original application and ensure compliance with current policy; and (B) on completion of the Section 106 Obligation the planning permission be GRANTED.

This permission is subject to the following condition(s)

- 01) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act.
- 02) 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.
- 03) 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.

Cont'd...

Application No. 12/0269/NCC Continued

- 04) This permission shall not relate to the submitted indicative layout, a revised layout shall be submitted in accordance with Condition 1.
REASON: To clarify the extent of this permission.
- 05) Details of the scale submitted in accordance with Condition 1 shall be substantially in accordance with the scale parameters set out in paragraph 3 of the Planning Inspector's decision letter dated 21/07/09 in respect of planning application Ref. No. 08/0539/OUT.
REASON: To clarify the scale of the development hereby approved.
- 06) No part of the development shall be occupied until such time as a signalised junction on the A472 road and associated access as shown hatched blue on Plan 1 attached to the Unilateral Undertaking (drwg. 0731201-PL-GA-003 D) have been constructed to serve the development in accordance with a detailed scheme based on Drawing No. 2252.011 Rev. B that shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for, inter alia, the following:
- a) Dual approach and merge lanes of at least 170m length to the west and east of the proposed junction.
 - b) Yellow box markings to ensure that vehicles can exit the junction and signage to inform drivers to use both lanes on the approach to the junction.
 - c) MOVA control together with crossing detectors and kerb side detectors, also a combined pedestrian and cyclist crossing facility to the proposed development access road that will be designed to allow cyclists to cross without dismounting.
- REASON: In the interests of highway safety.
- 07) Notwithstanding the submitted plans, no works shall commence on site until details of the spine road layout within the development and linking the development to the A472 and to Gellideg Lane have been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, sections, street lighting and surface water drainage details, and make provision for an appropriately signed 3m wide combined footway and cycleway link from the A472 and a traffic calming scheme. The approved details of the spine road layout shall be carried out prior to the occupation of any part of the development.
REASON: In the interests of highway safety.

Cont'd....

Application No. 12/0269/NCC Continued

- 08) No dwellings shall be occupied until details of the road layout alterations necessary in conjunction with the proposed closure to vehicular traffic of Gellideg Lane, together with sections, street lighting and surface water drainage details, have been 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 highway safety.
- 09) Notwithstanding the submitted access details, the plans and particulars of the layout submitted in accordance with condition 1 above shall include details (such details to include sections, street lighting and surface water drainage) of the proposed highways providing access from the spine road referred to in Condition 7 to all dwellings. No dwelling shall be occupied until the section of highway linking it to the spine road has been constructed in accordance with the approved plans.
REASON: In the interests of highway safety.
- 10) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the buildings when the site is developed.
REASON: In the interests of public health.
- 11) Development shall not commence until the measures in the scheme approved under the terms of Condition 10 above have been implemented.
REASON: In the interests of public health.
- 12) No development shall commence until a detailed engineering scheme for the construction of the access road, showing how the integrity of the Maesycwmmmer Closed Landfill Site including the drainage will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
REASON: To prevent pollution.
- 13) Before any soils or hardcore are brought on to site a scheme for its 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.

Cont'd....

Application No. 12/0269/NCC Continued

- 14) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 15) The plans and particulars of the landscaping and layout submitted in accordance with condition 1 above shall include:
(a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres.
(b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
(c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
(d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree. (In this condition a "retained tree" means an existing tree which is to be retained in accordance with the plan referred to at paragraph (a) above.)
(e) the details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
(f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
REASON: In the interests of the visual amenity of the area.
- 16) The plans and particulars of the landscaping and layout submitted in accordance with condition 1 above shall include details of the quantity, size, species, position of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition, all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. The submitted details shall include a schedule and programme of planting: the approved details and schedule shall be implemented in accordance with the approved programme of planting.
REASON: In the interests of the visual amenity of the area.

Cont'd....

Application No. 12/0269/NCC Continued

- 17) The plans and particulars of the landscaping and layout submitted in accordance with condition 1 above, shall include details of the means of protection and maintenance of the trees, shrubs and hedges referred to at condition 15 above, until they are established.
REASON: In the interests of the visual amenity of the area.
- 18) The plans and particulars of the landscaping and layout submitted in accordance with condition 1 above, shall make provision for a Local Equipped Area of Play and a kickabout area: these areas shall be provided in accordance with a programme of implementation to be submitted and approved by the Local Planning Authority before construction works commence.
REASON: To ensure that the development is served by play provision for children.
- 19) Works of 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.
- 20) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of vegetation clearance on site, pre-clearance surveys for badgers and birds shall be carried out by a suitably qualified ecological surveyor. A copy of the results of the surveys, together with any necessary protection and mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. These protection and mitigation measures shall be implemented as approved.
REASON: To ensure adequate protection to protected species.
- 21) No development or site/vegetation clearance shall take place until an updated bat roost survey has been carried out by a competent ecologist with proven expertise in bat surveying. The results of the survey, together with an updated assessment of the impact of the development on these species and if necessary, details of any proposed remedial measures shall be submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.

Cont'd....

Application No. 12/0269/NCC Continued

- 22) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
REASON: To ensure adequate protection to protected species.
- 23) No development or site/vegetation clearance shall take place until details of a translocation programme for any reptiles and amphibians found on the site has been submitted to the Local Planning Authority for approval in writing. Details shall include the installation of one way fencing and provision of refuge area, the location to be agreed with the Local Planning Authority. The measures shall be implemented as approved.
REASON: To ensure adequate protection of protected species.
- 24) No development shall take place until a detailed management plan for the retained areas of informal open space, together with a scheme for the long term management of the existing, retained and newly created habitats, has been submitted to and approved in writing by the Local Planning Authority. The management shall be carried out in accordance with the approved management plan.
REASON: To ensure that the open space and habitats are maintained in the interests of visual amenity and nature conservation.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3, SP10 and CW4.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0331/ADV 24.05.2012	Mrs M Evans Head Teacher Park Primary School Park Crescent Bargoed CF81 8PN	Erect two flag poles with a green flag flying from each Park Primary School Park Crescent Bargoed CF81 8PN

APPLICATION TYPE: Application to Display Adverts

SITE AND DEVELOPMENT

Location: The application property is situated on the eastern side of Park Crescent.

Site description: The application property is a traditional school site with a stone built building with a slate roof. The school is split into two separate buildings with a yard area in between and the buildings and the yard are both at a lower level than the road. There is a stone wall on the front boundary of the site that has metal railings between 2m high stone pillars. The dwellings on the opposite side of the road are elevated above the road and have front forecourt areas.

Development: The application seeks express consent to erect two flag poles to enable two flags to be displayed. The flags are to indicate the recognition of the school's eco-friendly credentials. The poles have already been erected: One to the south of each of the buildings on the site.

Dimensions: The flag poles are 6m high with the flags measuring 2.2m by 1.46m

Materials: Metal pole with a cloth flag.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

5/5/90/0418 - Erect single mobile classroom unit - Granted 27.07.90.

5/5/93/0231 - Erect double mobile classroom unit - Granted 27.07.93.

Cont...

Application 12/0331/ADV Continued

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries), CW2 (Amenity).

National Policy: Paragraph 4.10.9 of Planning Policy Wales (2010) states:- "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 6 - Outdoor Advertisement Control and Technical Advice Note 12 - Design.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection – No objection.

ADVERTISEMENT

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

Response: Three letters of objection were received in respect of the application.

Summary of observations:

1. The flag obstructs views across the valley.
2. The noise created by the rope from the flag continually hitting the flag pole causes sleepless nights.
3. The effect of the noise could have a detrimental impact on any future sale of properties in the street.
4. The flag and flag pole are unsightly.

Cont...

Application 12/0331/ADV Continued

5. The flag poles are a health and safety risk. On several occasions children have been seen climbing the wall adjacent to the flag pole to gain access to the school yard.
6. The flags should be flown from the roof of the school.

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.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. Applications for consent to display advertisements can only be considered with regard to amenity and public safety and therefore the objections raised by local residents should be addressed having regard for this. As such each of the objections raised is dealt with in turn below:-

1. There is no right to a view in planning terms and as such it would not be possible to refuse this application for that reason. Moreover, the nature of the flag and flag pole is such that any loss of view would only be intermittent and would not be permanent in any event.
2. The Head of Public Protection has been consulted on this matter and has raised no objection to the application. The issue of noise nuisance was brought to their attention by local residents and letters were sent to two separate individuals requesting further information in order to progress the investigation. As no response has been received to those letters the Head of Public Protection has concluded that there is no case to investigate and their files have been closed accordingly. In any event if planning consent were to be granted then any statutory nuisance could be dealt with under separate legislation.
3. Loss of value of property is not a planning consideration.

Cont...

Application 12/0331/ADV Continued

4. This is a matter of subjective opinion. Neither the flag nor the flag pole are sufficiently detrimental to amenity to warrant refusal of an application from a planning point of view.
5. Whilst children may have been witnessed climbing over the fence to gain entry into the school yard there is no evidence to suggest that the flag poles in themselves are a danger to public safety. Unlawful entry into the school and access to the flag poles would be a matter for the police.
6. The Local Planning Authority has to consider the application that is before it. Whilst siting the flags in a different location may be preferable to some members of the public this may not be true for everyone, and the current location is acceptable in planning terms.

Comments from consultees: No objections raised.

Comments from public: None.

Other material considerations: It should be noted that the display of a national flag on a single vertical flagstaff does not require consent from the Local Planning Authority. The school and every surrounding property benefits from that right. The two flags and poles here proposed should be considered in that context.

RECOMMENDATION that Permission be GRANTED