

AGENDA ITEM NO. 5(c)

PLANNING COMMITTEE

27 NOVEMBER 2013

PLANNING APPLICATIONS UNDER THE
TOWN AND COUNTRY PLANNING ACT 1990
AND ASSOCIATED LEGISLATION

**APPLICATION
NUMBER**

LOCATION

EAST AREA

Preface Item 13/0005/RM	Land at Thorncombe Road, Blackwood
12/0720/RM	Old Station Yard, Bridge Street, Abercarn
13/0582/FULL	Bryn Ysgawen Farm, Mountain Road, Maesycwmmer to Machen, Ystrad Mynach
13/0657/FULL	The Paddock, Melin Place, Lon Maes Yr Haf, Croespenmae
13/0691/COU	8 Central Buildings, Oakdale, Blackwood

NORTH AREA

Preface Item	Gelligaer Quarry
Preface Item 08/0752/OUT	Land at Hawtin Park, Gelli-Haf, Pontllanfraith
Preface Item 13/0684/RET	Drenewydd House, Collins' Row, Bute Town, Rhymney, Tredgar
11/0772/LA	Land adjoining Gelligaer Cemetery, Gelligaer, Hengoed
13/0422/FULL	Maes Y Dderwen, Heol Las, Nelson, Treharris
13/0488/FULL	Gelli-wen Farm, Bedwellty Road, Markham, Blackwood

SOUTH AREA

Preface Item 13/0537/FULL	McDonalds Restaurants Limited, Unit C Crossways Park, Parc Pontypandy, Caerphilly
13/0545/COU	Panteg Hotel, The Square, Abertridwr, Caerphilly
13/0595/COU	Fwrrwm Ishta Inn, 68 Commercial Road, Machen
13/0611/RET	Hawthorn Cottage, Rudry, Caerphilly

PREFACE ITEM

APPLICATION NO. 13/0005/RM

APPLICANT(S) NAME: Green Hill Construction Limited

PROPOSAL: Seek approval of the reserved matters regarding access, appearance, landscaping and layout in connection with the residential development approved under planning application 06/0821/OUT

LOCATION: Land At Thorncombe Road Blackwood

This application was reported to the Planning Committee at its meeting on 10 April 2013 with a recommendation that permission be granted. Consideration was deferred for a Members' site visit, which took place on 22 April. The minute of that meeting was reported to the Planning Committee at its meeting on 15 May when consideration was deferred pending further consultations on an amended scheme.

Following the Members' site visit the applicant had submitted a revised site layout to take account of the public combined sewer crossing the site west to east. In some respects the revised scheme represented an improvement (e.g. the houses on the frontage reduced to two-storey, and greater separation from the hedge and banking on the lane frontage); however, there were significant issues of concern. Those related in the main to massing, the southern end of the site not being reduced in height in order to avoid the construction of retaining walls over the public sewer, and to the turning facility and parking layout. The applicant was advised that officers were unable to support this amended scheme for those reasons, and the applicant then requested that the application be considered on the basis of the original report to Planning Committee. Additional conditions were presented to the Committee at its meeting on 12 June 2013. The Committee resolved to defer consideration to enable a reason for refusal to be prepared based on the overbearing impact of the development. On 10th July 2013 the application was referred again to Committee with a verbal recommendation for further deferral to enable officers to consider a significantly revised and reduced scheme. That scheme has now been the subject of further consultation and the results are summarised in the following analysis.

Previous reports are attached as an Appendix to this report.

Description of the Revised Development

Following the deferral of the application the applicant has revised the site layout and the number and design of the units proposed. The key differences between the development previously presented to Committee and the revised scheme may be broadly summarised as follows: -

- Previous number and type of buildings: 5 two-storey dwellings (with dormers to the rear elevation) in two blocks on the site frontage, a three storey block of 9 flats, and a two and a half storey supported unit containing 8 self-contained bedsits at the rear of the site.
- Revised number and type of buildings: 3 two-storey dwellings in one block on the site frontage, and a two-storey block of 4 flats, and 4 single-storey bungalows (two detached and one semi).

When the flats/bedsits and dwellings are combined this approximately represents a reduction in dwelling units from 22 to 11. The revised development is also much reduced in the overall height of the buildings which are reduced from a mixture of two to three storeys to a mixture of one to two storeys.

Observations Received From The Consultees Regarding The Revised Plans:

Transportation Engineering Manager – no objection subject to conditions regarding the access and parking, and requiring improvements to Thorncombe Road and a residential travel plan to be agreed.

Head of Public Protection – acoustic glazing required to rear bedroom windows of bungalows facing retail park.

Senior Engineer (Land Drainage) – details of surface water and land drainage proposals must be submitted and approved before development commences; advice is given with regard to the drainage of the development.

Outdoor Leisure Development Officer - site requires a well-designed open space, and a financial contribution towards off-site play and sports facilities.

Observations Received From The Public Regarding The Revised Plans:

46 neighbouring properties were notified by letter and a site notice was displayed. 26 communications have been received, the observations are summarised as follows:

- 1 Notwithstanding the reduction in the height and the number of buildings (which are welcomed), it is generally considered that they will still have a visually overbearing impact, particularly with regard to the bungalows on plots 9 and 11.

2. The two bungalows adjacent to the lane are "fundamentally" incorrect in their alignment and this will hinder the proper consideration of the relationship between the proposed and existing development.
3. The site is comprised of an "illegal waste tip" and it is questioned whether it is "in order" to develop such a site.
4. It is suggested that a ground investigation carried out by the applicant was "illegal" and a question is raised regarding materials that were brought onto the site to facilitate the investigation.
5. The sloping embankment on the eastern elevation onto the lane will further increase the water run off that is currently causing a problem to local residents
6. There is concern that large vehicles will not safely access the site from Thorncombe Rd and the turning head within the site is too small.
7. It is stated that there would be further objection if the development were approved and was later altered in any aspect.
8. One letter suggests that the "elevated" level of the proposed dwellings will give rise to noise nuisance.
9. The landscaped area adjacent to the lane will become a "rat run" through to the retail site to the south.
10. The development will adversely affect the safety of children going to school.
11. The construction will give rise to unacceptable noise and dust.
12. A question is raised regarding the space for the provision of on-site contractor facilities plus the possibility of contractor vehicles bringing debris on to the highway.
13. Thorncombe Road and the surrounding streets are unsuitable for construction traffic. Special measures should be put in place to ensure that HGVs do not mount kerbs, or park in the streets and the movement of these vehicles should be risk assessed prior to the use of the highway.
14. Nesting birds should be protected.
15. The landscaped space on the site adjacent to the "ancient hedgerow" that fronts the lane will become a concealed place that could be used for "inappropriate behaviour".
16. There is a sewer passing through the site that is in a poor state of repair.

Analysis

The revised details seek to address the concerns raised by members and the public with regard to the previously submitted layout. Further concerns have been raised regarding the revised layout; these are addressed as follows:-

- The first and most significant difference is the amount of development, which has been lowered in terms of residential units from 22 to 11 units.
- Previously there was a concern regarding the general height of the buildings proposed; that has also been reduced from 2.5 to 3-storey down to a mixture of 1 to 2-storey buildings.

- More specifically there was concern regarding a proposed 3-storey unit that was approximately 7 metres north of an existing dwelling, and because of the ground level difference at roof level it would have been around 6 metres higher. That building has been replaced by a bungalow that is approximately 11 metres west and 2.5 metres higher at the ridge. Given that the geography in the locality is one of land rising to the west, that the difference in height is only 2.5 metres, the wall to wall separation is 11 metres and in addition the roof of the bungalow is hipped so it does not reach its full height until there is a separation of over 15 metres, this aspect of the revised layout is not considered to be overbearing.
- A similar concern regarding height and overlooking has been raised with regard to a two-storey terrace of three dwellings facing Thorncombe Road and a dwelling on the opposite side. The separation distance is around 16 to 25 metres and the slab height difference is around 2 to 3.5 metres. The arrangement is different to that described above in that the two sets of properties are at right angles and on opposite sides of a fairly busy street. It is the case that the proposed dwellings will overlook the garden opposite and have a limited view of its windows; however, in planning terms the impact upon that property would only justify refusal if it unacceptably altered the existing situation. Thorncombe Road is steep at this point, thus anyone driving or walking down it would already have significant views into the garden and windows. Properties on the opposite side of the road at the distances and heights given are unlikely to materially alter the existing level of amenity. Officers have requested that the closest of the terrace be lowered slightly, whilst this may address in part the concern raised the purpose was only to reduce the size of a retaining wall adjacent to the access to the proposed development.
- The concern regarding run-off from the embankment relates to a strip of land adjacent to the lane that is approximately 5 metres wide. Above that strip a significant amount of the surface water will be collected by the road and roof drainage systems. The revised details do include a cut off drain and landscaping of the embankment. It is not therefore considered that the development should give rise to the flooding that has been suggested.
- It has been suggested that the bungalow facing Thorncombe Road is also too high. The bungalow was originally indicated at around the same height as the existing bungalow on the opposite side of the lane with a separation of about 18 metres, thus this concern was unfounded. Indeed, officers considered that the height of the proposed bungalow was too low and have suggested that it should be raised slightly to both improve the flow of the street scene (buildings gradually rising in line with the road) and again to reduce the height of a retaining wall adjacent to the access to the proposed development. Those details have now been received and do present a more gradual flow of height rise along the frontage with much reduced retaining works.

- The concern regarding large vehicles being able to enter and leave the site is not shared by the Transportation Engineering Manager. The layout has, however, been considered by him and a minor amendment to the turning head has been requested. A further revised layout plan has been received and the turning area has been adequately increased.
- Two of the letters received have raised a suggestion that there should not be any variation to revised details if they are approved. Two conditions (Numbers 15 and 16) have previously been recommended to remove permitted development rights for extensions and alterations to windows. These conditions do not, however, remove the right to make subsequent planning applications for consideration. It is also common practice to allow minor amendments where they do not affect the overall character and impact of development. In the completion of the final details as explained above officers have requested small adjustments to the levels of two plots in order to enable a reduced visual impact with regard to retaining walls. Similarly the Transportation Engineering Manager has requested minor amendments that are reported above. As these examples illustrate it is not legally possible to rule out any variation nor would it be reasonable.
 - It has been suggested that the two bungalows adjacent to the lane are "fundamentally" incorrect in their alignment and this will hinder the proper consideration of the relationship between the proposed and existing development. This concern is unfounded; the bungalows are plotted adequately for planning purposes.
 - The suggestion that dwellings at different levels would give rise to noise nuisance would imply that only near flat sites should be developed; this is not the Council's current practice.
 - The suggestion that the landscaped area to the western boundary will become a rat run to the retail site assumes that individuals would establish an easy access (desire line) through the sloping planted area to the retail site when there is a level lane immediately adjacent. This is not considered likely.
 - It has been suggested the development may adversely affect the safety of children going to school. Given that on the opposite side of the road there is an adequate footpath for pedestrians this concern would appear to be unfounded. In addition it should be borne in mind that when the development is finished it will provide a footpath on the development side of the road where currently there is none, thus in respect of pedestrian safety there is actually planning gain.
 - Construction disturbance and dust has previously been addressed. (Condition 17 of the 10th April 2013 report).
 - It is suggested that mud and debris could be carried out onto the road. This matter has already been considered at outline stage and a condition was imposed (condition 14 of 06/0821/OUT).

- Doubt has been raised regarding the construction of the development in terms of the suitability of the streets, the space available on site for construction and the need for a risk assessment. It is to be noted that the proposed development is approximately medium density, the access is to a non-classified road and the surrounding streets are generally of normal highway width. It does not present exceptional circumstances that would require measures such as risk assessment. Nonetheless, an additional condition requiring a construction traffic and parking management plan for the construction phase had been recommended in the supplementary report to Committee on 12 June 2013 to address such concerns.
- Nesting birds and the ecological impact of the development have been considered at the outline stage of this development and advisory note regarding breeding birds was previously attached to the outline decision.
- With regard to the suggested potential for “inappropriate behaviour” behind the hedge it must be remembered that the retention of the hedge is a requirement of the outline permission. There is no direct access to the rear of the hedge such as a footpath and it is a landscaped embankment. It is a fact that the single storey dwellings of the revised layout do provide lower surveillance of the area but it is still relatively open to the estate road and turning head. It has no attractions such as seats or shelter from the elements. Antisocial behaviour cannot be ruled out but it is not considered to be a high risk.
- It is understood that there is a sewer that passes through the site that is currently in a state of poor repair; this in itself is not a reason to refuse planning permission. It is the legal responsibility of the landowner to protect the sewer easement and details provided indicate that the applicant (the future owner) is already working towards resolving the issue.

Conclusion

There was concern that the previous layout and number of buildings would by virtue of their siting and massing have an overbearing impact on neighbouring residential properties, contrary to the provisions of Policy CW2. The number of buildings, their position and heights have been significantly amended as described above; it is, therefore, considered that the concerns have been adequately addressed. In the absence of any other planning concern arising from the revised scheme and given that all other planning considerations regarding the reserved matters have been dealt with in previous reports, it is considered that the development complies with planning policy.

Other Matters

During the current revision and previously there has been concerns raised regarding the fact that the site levels have previously been raised by the imported material. More recent objections suggest that the site has been used as an “illegal waste tip” and that it may not be "in order" to develop such a site. Concern is also raised regarding hardcore that has been brought on site by the applicant to facilitate a ground investigation. Similarly assurances have been sought requiring the removal of the material from the site.

This is a reserved matters application and it should at this point be explained that the proposed development can be considered on the basis of the submitted plans and in particular the levels shown. The material that has been previously deposited on site in planning terms is now lawful by the passage of time. The more recently imported hardcore is not lawful and it has been suggested that the ground investigation was illegal. It is not recommended that enforcement action be taken, as the hardcore is not giving rise to any issue of planning concern, therefore there is no expediency for it to be removed, and if permission is granted the whole site will be completely redeveloped. The ground investigation itself is not illegal in planning terms and very often such investigations are a pre-requisite of planning applications to establish the principle of development. In addition the suggestion that the site has been used as a “waste tip” does not seem to be supported with evidence.

The applicant has as mentioned carried out a site investigation the results of which include the conclusion that “the soils were found to be uncontaminated and no risks to human health were identified”. Whilst a number of the objections suggested that little to no material is to be removed, the applicant estimates that it will be necessary to remove 4725 cubic metres or 9500 tonne from the site. This information is not, however, critical to the determination of this application, because as explained above the levels proposed can be judged on their own merit.

RECOMMENDATION that Permission be GRANTED

The recommended conditions below comprise those presented in the original Committee report dated 10 April 2013 and the additional conditions presented to Committee on 12 June 2013, amended as appropriate:

- 01) This permission relates to the submitted scheme as amended by Drawings Nos. SW41(04)01 Rev. S (site layout, landscaping and site sections) received on 24 October 2013, and Drawing Nos. SW41(04)02 Rev. F (floor plans and elevations plots 1-3), SW41(04)03 Rev. F (floor plans and elevations plots 8-10), SW41(04)04 Rev. A (floor plans and elevations plots 4-7 and 11) and SW41(04)05 Rev. A (site sections) received on 22 October 2013.
REASON: For the avoidance of doubt as to the approved scheme.
- 02) Thorncombe Road shall be improved in a manner to be agreed in writing with the Local Planning Authority before any works commence on site, and completed in materials to be agreed in writing by the Local Planning Authority before the development hereby approved is first occupied.
REASON: In the interests of highway safety.
- 03) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.
REASON: In the interests of highway safety.
- 04) Prior to the occupation of any dwelling a residential travel plan shall be implemented in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
- 05) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x site frontage. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interests of highway safety.
- 06) The development shall not be occupied until the areas indicated for the parking of vehicles have been laid out in accordance with the submitted plans, in materials to be agreed in writing with the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.

- 07) Notwithstanding the submitted drawings, before works commence on site full engineering details and structural calculations for all retaining walls within the development, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose, have been submitted to and approved in writing by the Local Planning Authority. Following construction of the approved retaining walls, additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.
REASON: In the interests of highway and public safety.
- 08) Prior to their occupation the bedroom windows on the rear (southern) elevations of the dwellings on plots 8, 9 and 10 shall be fitted with upgraded acoustic glazing capable of achieving internal noise levels of 30dB(A) measured over an 8 hour time period during the night time.
REASON: In the interests of residential amenity.
- 09) Prior to first occupation of the dwellings on Plots 10 and 11 the 1.8 metre high close boarded boundary fence shown in the site layout drawing SW41(04)01 shall have been erected and the fence shall thereafter be maintained as required by this condition and the details of finish required by condition 14, unless the Local Planning Authority gives written consent otherwise.
REASON: In the interests of residential amenity.
- 10) Before the commencement of works on site, a scheme for the management of the landscaped open spaces within the development shall be submitted to and agreed in writing with the Local Planning Authority. The open spaces shall thereafter be managed in accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interests of visual and residential amenity.
- 11) Notwithstanding the submitted landscaping scheme, before works commence on site further details of the landscaping of areas of public open space and incidental landscaping within the development, to include details of any hard surfacing and the provision of street furniture, shall be submitted to and agreed in writing by the Local Planning Authority. The soft landscaping shall thereafter be carried out in accordance with the provisions of Condition 12 and the other works prior to the completion of the development.
REASON: In the interests of visual and residential amenity.

- 12) The agreed soft landscaping scheme shall be carried out in the first planting or seeding season following the occupation or completion of the development, whichever is the earlier. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.
- 13) Prior to the commencement works on site, a plan showing details of the provision of roosts and a means of access for bats into the new buildings and nesting provision for birds shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented before the new dwellings hereby approved are first occupied.
REASON: To provide additional roosting for bats and nesting provision for birds 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.
- 14) Notwithstanding the submitted drawings, details of the positions, heights and materials of all boundary enclosures and finishes to the retaining walls shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed scheme.
REASON: In the interests of visual and residential amenity.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwellings hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 17) Prior to the commencement of work on site a scheme for the mitigation of noise and dust during the construction phase of the development shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed scheme.
REASON: In the interests of residential amenity.

- 18) The finished floor levels of the buildings shall be no higher than the levels detailed on the approved drawings.
REASON: In the interests of visual and residential amenity.

- 19) Prior to the commencement of works on site a construction traffic and parking management plan for the construction phase of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed management plan.
REASON: In the interests of residential amenity.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0720/RM 05.10.2012	Seren Group And M & J Cosgrove Construction Ltd C/o Asbri Planning Ltd Mr L Page 1st Floor Westview House Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS	Seek approval of the reserved matters regarding access, appearance, landscaping, layout and scale in connection with the residential development and associated works approved under planning application 08/0373/OUT Old Station Yard Bridge Street Abercarn

APPLICATION TYPE: Approval of Reserved Matters

SITE AND DEVELOPMENT

Location: The application site lies to the south of West End, Abercarn, between the river Ebbw and the passenger railway.

Site description: The land is in industrial use with a number of small businesses in various buildings. Part of it has been cleared and is vacant. Access is from the north at a junction that lies between a railway bridge and a river bridge and leads out onto Bridge Street.

Development: This is a reserved matters application for the residential redevelopment of the site. The outline permission has established how the access to the site is to be provided (traffic light controlled junction). Conditions have been imposed to require details such as remediation, drainage, an acoustic barrier and various construction controls. The outline permission was granted subject to a Section 106 Agreement that required the provision of contributions to Highways, Education and off site play/sports provision. This reserved matters application is therefore principally concerned with the layout and design of the proposed dwellings.

Dimensions: 39 dwellings comprised of 1 four-bedroom property, 18 three-bedroom properties, 16 two-bedroom properties and 4 one-bedroom flats.

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Application No. 12/0720/RM Continued

Materials: Roofs in grey concrete roof tiles. Walls in red facing brick and cream through render with blue engineering brick below DPC. Black rainwater goods and fascia boards.

Ancillary development, e.g. parking: The layout includes a Local Area of Play and three areas of Public Open Space. Along the side of the river is a 3 metre wide "maintenance" strip.

PLANNING HISTORY

P/05/1690 - Retain change of use to a vehicle repair garage - Granted 16.02.06.

P/05/1691 - Retain change of use to a vehicle repair garage - Granted 16.02.06.

P/05/1692 - Retain change of use to a vehicle repair garage - Granted 16.02.06.

08/0373/OUT - Improve existing site access/highway and erection of housing development - Granted 07.10.09.

11/0503/RET - Temporary change of use to metal recycling yard - Withdrawn 13.06.12.

12/0676/NCC - Vary conditions 2 and 3 of planning permission 08/0373/OUT (improve existing site access/highway and erection of housing development) to extend period within which development can commence for further 3 and 5 years respectively - No decision as yet.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Land within the settlement boundary. At its boundary with the river the site includes a strip of land that is within the Ebbw River Site of Interest For Nature Conservation (SINC).

Policies: Supplementary Planning Guidance LDP6 Building Better Places to Live. Policies CW2 (Amenity), CW3 (Design Considerations – Highways) and CW4 (Natural Heritage Protection).

NATIONAL POLICY TAN 12 Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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Application No. 12/0720/RM Continued

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

Was an EIA required? - No (no significant impact upon a recognised issue of environmental importance).

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - No.

CONSULTATION

Education - No objection is raised. It is pointed out that the current education contribution multiplier is currently less than the sum required within the Section 106 Agreement.

Head Of Public Protection - No objection.

CCBC Housing Enabling Officer - No objection is raised. Affordable housing in accordance with the Section 106 Agreement is required as the number of dwellings proposed passes the trigger threshold.

Senior Engineer (Land Drainage) - No objection is raised and drainage advice is provided.

Outdoor Leisure Development Officer - It is recommended that the play area be enclosed by 1.2 metre high fencing and that it be equipped.

Head Of Public Services - Provision should be made for the kerbside collection of waste and recycling.

Transportation Engineering Manager - No objection is raised subject to conditions.

Dwr Cymru - No objection is raised and drainage advice is provided.

Police Architectural Liaison Officer - No objection is raised and advice regarding security has been provided directly to the applicant.

Wales & West Utilities - No response.

Western Power Distribution - No response.

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Application No. 12/0720/RM Continued

Environment Agency (Wales) - No objection is raised. Advice is provided regarding works within 7 metres of the river.

Network Rail - No objection is raised and advice is provided regarding the protection of boundaries, drainage, landscaping and other general advice.

Countryside And Landscape Services - It is recommended that an advisory note regarding bats be attached to the decision. A condition regarding Japanese Knotweed is recommended. The need for previously attached outline conditions is affirmed.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 22 neighbouring properties have been consulted.

Response: No response has been received.

Summary of observations: None.

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 proposed development will have a material effect on crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? - No

ANALYSIS

Policies: Both TAN 12 and the Council's Supplementary Planning Guidance require that the design and layout of a site should take account of its context and character. Starting with the site layout, this D shaped site has two distinctly different boundaries. Along its straight boundary is a raised railway embankment with an industrial estate on the other side. Along its curved boundary is the river Ebbw with the residential settlement of West End on the opposite bank. In terms of incorporating existing features within the design of the layout there is clearly little weight to be given to the inclusion of the railway embankment and thus it is accepted that the orientation of the proposed dwellings may turn their backs upon it.

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Application No. 12/0720/RM Continued

On the other boundary is the river, an important visual feature that includes some existing trees along the bank. The river is also a SINC and an outline condition requires that a corridor for otters be incorporated into the design. The incorporation of the river as a feature into the layout of the site must take account of policy CW4 that seeks to ensure SINC's, green corridors etc. are properly accounted for. The proposed layout alongside the river does not entirely turn its back to it, as do the dwellings along the railway embankment. Whilst some of the dwellings do turn their backs to the river others are sideways on and in the middle there is an open vista (TAN 12 4.11 7 4.14) that fans out into a Local Area of Play (LAP) and areas of Public Open Space (POS). This inclusion of the river into the central space of the layout is considered sufficient to comply with CW4 and TAN 12. In addition to the POS and LAP there is a 3 metre wide corridor that runs along the side of the river that is intended to allow for future river maintenance, but it also allows for the SINC in accordance with CW4. The strip is narrower than the 7 metre wide strip required at outline but Natural Resources Wales have accepted the narrower area and it does widen to 7 metres along much of the river where the bottom of the embankment is taken into account. The submitted details indicate that it is to be planted with "thorny shrubs," it is considered that the exact details of the planting and the future maintenance of the strip should be agreed by condition. In addition to those details it is also noted that currently there is a palisade fence that runs alongside the river, this is not in keeping with the character of the proposed estate and the submitted details indicate that it is to be removed. The submitted details suggest that it is to be replaced by stock proof wire fencing. By itself this type of wire fencing is not particularly suited to residential applications, but in this instance it will protect the river boundary until the planting becomes established and should by then become an integral part of the vegetation; however, it is considered that the long term maintenance should include attention to its visual impact over time. A condition to require a long term maintenance plan is therefore considered necessary.

With regard to the design of the dwellings, these are of generally conventional two storey pitched roof in a mixture of semis and short terraces. One house design is slightly higher at two and a half storey to the front (two storey to the rear). The dwellings are also constructed in a mixture of conventional brick, render and tile finishes. They are adequately separated in terms of privacy and each has a private garden. The design of the dwellings is also considered to comply with both TAN 12 and the Council's Supplementary Planning Guidance. Four of the plots have limited garden space which could be unacceptably reduced if permitted development extensions were carried out, therefore permitted development rights for those plots should be restricted.

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Application No. 12/0720/RM Continued

Comments from Consultees: No Education objection is raised. It is pointed out that the current education contribution multiplier is currently less than the sum required within the Section 106 Agreement. The sum required within the Section 106 Agreement is £10,372 x 0.34, the current requirement is £7,000 x 0.35. Therefore at 39 dwellings the existing 106 education requirement is £137,532, whereas the current requirement would be £95,550. The current requirement is based upon the adopted supplementary planning guidance Education Contributions. It is because of this shift in contribution requirement that this reserved matters application is returned for Members' consideration. It is considered that the applicant should be invited to vary the existing 106 Agreement to reflect current education contribution requirements.

No objections are raised by any other consultees and their views can be accommodated by condition where appropriate.

Comments from public: - None.

Other material considerations and details to be agreed: The Outline Consent required the inclusion of a Local Area of Play (LAP) that has been identified in the submitted layout together with areas of Public Open Space. The LAP and POS areas are considered to be suitably located and have sufficient surveillance. The submitted details show a second run of stock proof fencing on the inside (the south and east) of the maintenance strip. The same type of wire fence is shown as part of the enclosure of the LAP and some rear gardens of the plots backing on to the river. This is a drafting error that should be corrected by condition. The condition should require revised details and that the means of enclosure to be agreed should be maintained as agreed to restrict domestic encroachment into the strip. A further condition is required to establish the detailed finishes and landscaping and the maintenance of the POS areas and the LAP.

The outline consent requires the reserved matters to include the provision of litter and dog waste bins at the ratio of 1 per 100 dwelling units. This would equate to one of each type of bin for the proposed number of dwellings. The submitted details do not identify the location of the bins, a condition is therefore required.

Another outline requirement is the provision of the details of floor levels that should comply with the approved Flood Consequences Assessment. Those levels require detailed identification in the layout and therefore should be required by condition.

Cont...

Application No. 12/0720/RM Continued

It has been explained above that the details submitted show the removal of the palisade fence along the side of the river and that generally such industrial style fencing is to be resisted particularly in visually exposed residential locations. The submitted details include the retention of this fence mainly along the rear of the properties facing the railway embankment. In this position the fence will not be so visually prominent except to the residents of the individual plots who will have the freedom to screen it within their permitted development rights. It is also recognised that security of the railway is better served by this type of enclosure (Network Rail also identify the need to secure the railway line).

Other considerations regarding the Section 106 Agreement: As explained previously it is recommended that in addition to the issuing of reserved matters approval, as set out below, officers should be authorised to invite the applicant to enter into a revised Section 106 Agreement reflecting the Adopted Education Obligations.

This permission is subject to the following condition(s)

- 01) The development hereby approved relates to layout drawing number 1651(04)01J received on 9th October 2013.
REASON: For the avoidance of doubt.
- 02) Prior to the commencement of the dwellings hereby approved details of the extent and finishes to the areas identified for refuse (and recycling) collection shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed in accordance with the agreed details and the refuse collection (and recycling) areas shall be maintained free of obstruction for the collection of refuse (and recycling) only.
REASON: To ensure adequate provision for refuse collection.

Cont...

Application No. 12/0720/RM Continued

- 03) Prior to the occupation of any of the dwellings hereby approved a scheme of planting and a long term maintenance plan for the "3m" wide "maintenance" strip alongside the river as shown on drawing 1651(04)01J shall be submitted to and agreed in writing with the Local Planning Authority. The scheme of planting shall include the number, size and type of species also sample sections of the removed of the palisade fencing and the re-profiling of the associated retaining walls and the long term maintenance plan shall explain how the strip will be managed, plus how in the long term the wire fence to the north and east of the strip will be maintained. The development shall be completed in accordance with scheme of planting and maintained thereafter in accordance long term maintenance plan and there shall be no other form of enclosure erected unless agreed in writing with the Local Planning Authority.
REASON: To ensure both visual integrity of the river bank and the appropriate maintenance of the SINC.
- 04) Prior to the occupation of the dwellings hereby approved the details of one litter bin and one dog waste bin in terms of their position and design shall be submitted to and agreed in writing with the Local Planning Authority. The approved bins shall be installed prior to the occupation of the nearest dwelling to them.
REASON: To ensure litter and dog waste are controlled.
- 05) The development hereby approved shall not commence until details of the floor levels of the dwellings have been submitted to and agreed in writing with the Local Planning Authority. Those levels shall take into account the proposed floor levels identified within the Flood Consequences Assessment received by the Local Planning Authority on 27 March 2008 in respect of outline application ref 08/0373/OUT.
REASON: To prevent the risk of flooding.

Cont....

Application No. 12/0720/RM Continued

- 06) The layout hereby approved does not extend to the stock proof wire fencing that is to the south and east of the maintenance strip adjacent to the river and which runs from the rear of plot 24 passing areas of POS and the LAP through to plot 39 as shown in drawing number 1651(04)01J received on 9 October 2013. Prior to the occupation of any dwelling hereby approved revised details of the identified means of enclosure shall be submitted to and agreed in writing with the Local Planning Authority. Those details shall include a design of enclosure in keeping with the character of the respective boundaries. The development shall be completed and maintained thereafter in accordance with the agreed details prior to the occupation of the dwellings to which the boundary fencing relates.
REASON: Stock proof fencing is not appropriate to the locations identified or to visual amenity.
- 07) There shall be no extension of any rear garden or other curtilage extension into the maintenance area adjacent to the river shown cross hatched in drawing number 1651(04)01J received on 9 October 2013.
REASON: To retain effective control of the SINC alongside the river and in the interest of visual amenity.
- 08) Prior to the occupation of any dwelling hereby approved the areas of POS and LAP shall have been completed in accordance with details of finishes, furnishings (including LAP equipment/features) and planting together with a maintenance plan that shall have been submitted to and agreed in writing with the Local Planning Authority. The areas of POS and the LAP shall thereafter be maintained as agreed unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interest of visual amenity and maintenance of these public areas.
- 09) Prior to the construction of any highway associated with the development hereby approved a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.
REASON: In the interests of highway safety.

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Application No. 12/0720/RM Continued

- 10) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 11) Prior to the occupation of any dwelling hereby approved the relevant parking area shall have been completed in materials as shall be completed in permanent materials that shall have been agreed in writing with the Local Planning Authority.
REASON: To ensure loose stones or mud etc is not carried on to the public highway.
- 12) Prior to the commencement of work on site, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.
REASON: To encourage the use of a variety of transport options.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwellings on plots 24, 30, 34 and 39 hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.

Advisory Note(s)

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions before continuing. If necessary, further advice on this can be sought from the local authority ecologists or the Countryside Council for Wales.

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Application No. 12/0720/RM Continued

An extensive stand of Japanese Knotweed in the centre of the site has been noted as well as being scattered along the site perimeter. Japanese Knotweed is an invasive non native plant species. Please note that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Japanese Knotweed (*Fallopia japonica*/*Polygonum cuspidatum*) is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection act 1990 and the Environmental Protection act Duty of Care regulations 1991.

Please find attached the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and Natural Resources Wales that are brought to the applicant's attention.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0582/FULL 01.08.2013	G2 Energy Renewable Developments Limited Mr P Hill 25 Osier Way Olney Office Park Olney Buckinghamshire MK46 5FP	Erect single wind turbine, with a maximum blade tip height of 77m, along with accompanying access track, crane hardstanding, substation, associated underground cabling and temporary construction compound Bryn Ysgawen Farm Mountain Road Maesycwmmmer To Machen Ystrad Mynach Hengoed CF82 7SN

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site comprises part of a field comprised in Bryn Ysgawen Farm located some 320m due south of the complex of farm buildings, together with the 600m access route from the public highway (Mountain Road - Maesycwmmmer to Machen) and 330m underground cable route.

Site description: The field is in pasture and predominantly surrounded by open countryside (pasture). The land falls in a west-east direction, with an area of woodland on the lower slopes, extending from some 130m to the east of the proposed turbine position down to Ynysddu. The nearest buildings to the site are Bryn Ysgawen Farm itself some 320m to the north and Ffynnon y Gwaed Farm some 800m to the north-west, with properties in Ynysddu some 550m to the east.

Development: Erection of single 500kW wind turbine. Ancillary development - substation building and crane hardstanding adjoining the turbine, access track extending south from the end of the existing farm track, and underground cabling to an existing 11Kv overhead line to the north-east of the site.

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Application No. 13/0582/FULL Continued

The proposed development comprises the installation of an EWT Direct Wind 54 500kW turbine (Class IIIa), which operates without the use of a gearbox. The turbine has a hub height of 50m; a rotor diameter of 54m; and, a maximum tip height of 77m. It is made up of the following components, which will be individually transported and assembled on-site using a mobile crane:

- Rotor blades x 3
- Rotor hub (holds the blades in position as they turn)
- Nacelle (cover housing for the generating components of the turbine)
- Tubular tower

The turbine will require buried concrete foundations measuring approximately 12m in diameter and 1.5 m in depth with a tapering cross section. The foundations will be laid at sufficient depth to ensure the top of the foundation is level with the height of the surrounding ground. Much of the excavated material will be reinstated following construction. It is envisaged that any surplus material will be necessary consents will be disposed off site to prevent any loss of flood storage capacity of the site. All imported material will be inert and will be from a local batching plant.

The turbine will be coloured light grey (RAL 7035) with a semi-matt finish to reduce their contrast with the background sky and to minimise reflections. It will be uniform in colour and will not contain any company logo or advertisements.

The rated power of the turbine at a speed of 10 metres/second (m/s) is 500kW. The turbine would begin generation at 3.0 m/s and would cut-out at 25 m/s when wind speeds would be too high for safe generation. The wind turbine has a design life of 20 years. The wind turbine is expected to generate renewable electricity sufficient to power approximately 220 houses.

A hardcore crane standing will also be required to construct the turbine. This will measure 19m by 48m and will remain in place for the life of the project to accommodate cranes that may be needed for major repairs and will be located adjacent to the wind turbine.

Access to the site will be via a new access track that will be 4m wide and extend 163m from the existing farm track that is located to the north of the proposed turbine location. The new track will run through the centre of the field and will comprise crushed stone; no concrete or tarmac will be laid.

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Application No. 13/0582/FULL Continued

A small external substation building (approximately 3m x 6m) will be located adjacent to the wind turbine. This will house high voltage switchgear, transformer and metering equipment and will be built on a slab foundation of 0.6m depth.

The planned grid connection for the wind turbine is located 332m to the north-east of the turbine. To avoid any detrimental visual impacts on the landscape as a result of power lines connecting the wind turbine to the national grid, this planning application will ensure that the installation of the turbine to the grid will be via an underground cable. The cable route is entirely within the boundary of the landowner's property and will involve digging a trench approximately 1m deep before laying the cable and backfilling the trench. The point of connection is to an existing 11Kv overhead line, which is situated 4km from Cwmfelinfach Primary Substation.

A temporary construction compound will be needed during construction. Construction is planned to take no more than 20 weeks.

Dimensions: Turbine - hub height of 50m, rotor diameter of 54m and maximum tip height of 77m. Crane hardstanding - 48m x 19m. Substation - 6.7m x 4.5m with a maximum height of 3.2m. Access track 163m long and 4m wide. Underground cabling - 330m long.

Materials: Turbine - tubular steel tower and fibreglass-reinforced epoxy rotor blades; all elements finished in light grey. Hardstanding - hardcore. Substation - blockwork. Track - crushed stone.

Ancillary development, e.g. parking: See above.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies outside the settlement boundary. On the eastern side of the access track is the western boundary of the Craig y Prisiad Woodlands Site of Importance for Nature Conservation (SINC), with part of the underground cable route passing through the SINC, and the woodland is included in the Sirhowy Valley Country Park.

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Application No. 13/0582/FULL Continued

Policies: SP3 (Development Strategy - development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP10 (Conservation of Natural Heritage, CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection) and CW15 (General Locational Constraints).

NATIONAL POLICY Technical Advice Note 8: Planning for Renewable Energy, July 2005. Planning Policy Wales (Edition 5), Nov 2012.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site lies within a low risk area and standard advice will be issued.

CONSULTATION

Maesycwmmmer Community Council - No response.

Principal Valuer - No comments.

Transportation Engineering Manager - No objection subject to conditions requiring a revised Traffic Management Plan and a condition survey along Mountain Road (Maesycwmmmer to Machen).

Head Of Public Protection - No objection subject to conditions requiring the monitoring and operation of a noise regime to protect noise sensitive properties. Flicker management and construction conditions are also recommended.

Senior Engineer (Land Drainage) - Advises on the surface water and land drainage of the development and requests a comprehensive drainage scheme for consideration.

Countryside And Landscape Services - The 'adverse effects' upon Landscape Character and Visual Amenity are not of a significance to warrant a recommendation that the application be refused. Conditions are recommended to protect habitats and protected species.

Cont...

Application No. 13/0582/FULL Continued

Conservation & Design Officer - Objection on the grounds that the turbine by virtue of its scale and height would have an adverse impact on the setting of the group of listed buildings at Bryn Ysgawen Farm.

Rights Of Way Officer - It is noted that the turbine is within the topple distance of a nearby footpath and it is outside the recommended British Horse Society separation from a near by bridleway. It is also recommended that details of the upgrading to the restricted byway leading to the site should be agreed by condition.

Police Architectural Liaison Officer - No objection; advice offered with regard to the security of the apparatus.

Police Air Support Services - No objection but requests consideration of the installation of anti-collision lights.

Chief Fire Officer - Advice offered for passing to applicant.

National Air Traffic Services - No objection.

Ministry Of Defence - No objection.

Dwr Cymru - The proposal does not impact any Dwr Cymru/Welsh Water telecommunications assets.

Natural Resources Wales - An objection raised by Natural Resources Wales regarding the presence of newts is removed subject to a condition requiring mitigation works to be carried out in accordance with a report that has been provided.

Glam/Gwent Archaeological Trust - No objection subject to a condition requiring an archaeological watching brief during any ground disturbing works.

Joint Radio Company Limited - No potential problems foreseen.

Public Health Wales - Recommends that all necessary actions are taken to mitigate against potential impacts associated with windfarm-generated noise.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 78 neighbouring properties have been consulted.

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Application No. 13/0582/FULL Continued

Response: Three letters have been received.

Summary of observations:

1. It is noted that some of the viewpoints shown in the Landscape and Visual Impact Assessment appear to be incorrectly labelled.
2. It is suggested that viewpoints from local positions such as Ynysddu, Cwmfelinfach and Wylie would help to better understand local visual impact.
3. A planning condition is recommended to agree the final specification (in particular noise) of the turbine and ancillary equipment prior to its installation.
4. The turbine is too close to a public right of way (within toppling distance) and the use of rights of way would be disrupted during construction.
5. The turbine would be visually intrusive.
6. The turbine would have adverse impacts on wildlife.
7. The turbine would have adverse impacts on local tourism.
8. Wind energy is not cost-effective.

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 proposed development will have a material effect on crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. Great Crested Newts have been recorded 350m from the site of the turbine with suitable habitat in small areas to the east of the site. Natural Resources Wales and the Council's ecologist are satisfied that terrestrial amphibians would not be affected by the proposal subject to recommended mitigation measures (vegetation removal during construction) being undertaken.

ANALYSIS

Policies: The proposal comprises the erection of a single 500kW wind turbine with ancillary development on land comprised in the Bryn Ysgawen Farm holding. The turbine would be located some 320m due south of the complex of farm buildings and would have a blade tip height of 77m, a hub height of 50m and a rotor diameter of 54m.

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Application No. 13/0582/FULL Continued

The model of turbine operates without the use of a gearbox which is stated to improve reliability and reduce noise levels. The turbine would be situated on elevated farmland outside the settlement boundary. It is noted that permission was refused in 1988 for the erection of a turbine on land at Tylecrwth Farm, a site some 360m to the south of the current proposal, on the grounds that the turbine would be detrimental to visual amenity within a Special Landscape Area (2/8205). However, the current proposal must be considered in the light of current national guidance and local plan policies.

The Welsh Government in Planning Policy Wales (PPW) (Edition 5), Nov 2012 states its commitment to delivering sustainable development in Wales, including the sustainable use of resources (para 4.1.5) and ensuring Wales uses only its fair share of the Earth's resources. PPW recognises that an adequate and efficient supply of infrastructure, including electricity is crucial for the "economic, social and environmental sustainability of Wales." Wind turbines contribute to this agenda, as such the sustainability aspect of the proposal accords with PPW. The proposal also assists the Welsh Government's renewable energy target, which is currently 7TWh by 2020, including 800MW from on shore wind sources. Similarly Technical Advice Note 8 Planning for Renewable Energy (TAN 8) recognises that in order to try and meet the renewable targets set by the Welsh Government "on-shore wind power offers the greatest potential for an increase in the generation of electricity from renewable energy in the short to long term" (Para 2.2).

TAN 8 seeks to keep areas outside of Strategic Search Areas (SSA) free of large wind power schemes (para 2.13) and to consider the cumulative impact of small schemes in those areas outside of the SSAs. Applications for wind power below 5MW subject to meeting planning criteria are appropriate in principle outside the SSAs. It is acknowledged in TAN 8 that there is a need to strike a balance between the desire for renewable energy and the need to protect the landscape and natural heritage (Para 2.13). PPW also acknowledges that poorly designed or badly located infrastructure can "exacerbate problems rather than solving them" (Para 12.1.1). TAN 8 explains that there is a need to avoid a situation "where wind turbines are spread across the whole of a country" (Para 2.13). In this following analysis this is interpreted (in part) as the need to identify the areas that must be examined more critically in order to strike that balance and discern whether an area within the County Borough is to be preserved for its particular values.

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Application No. 13/0582/FULL Continued

Policy SP3 of the Council's Adopted Local Development Plan (LDP) sets out broad criteria governing development in the Southern Connections Corridor, and Policy SP5 states that settlement boundaries are defined in order to (among other criteria) prevent inappropriate development in the countryside. Policy CW15 states that outside settlement boundaries proposals would not be permitted unless they fall within certain defined categories which include development associated with the provision of public utilities and infrastructure that cannot reasonably be located elsewhere. It is considered that the proposed turbine would comply with such broad locational policies subject to the following consideration of detailed matters.

Landscape and Ecological Impacts

In this instance the application site is not located within a nationally or locally designated natural heritage feature but is sited some 260m from the eastern edge of the North Caerphilly Special Landscape Area (SLA) identified within the Council's adopted Local Development Plan (LDP). The SLA encompasses the upland areas between the Rhymney and Sirhowy valleys and Appendix 1 to the LDP Written Statement states that the SLA forms a substantial and intact landscape unit of the middle Rhymney valley, is important for public access and recreation with links into the wider recreational network (the eastern boundary of the SLA follows the Rhymney Valley Ridgeway Walk, and provides an important visual context and setting to the settlement along the valley floor. Key policy issues for the SLA are identified as (among others) the protection of any historic environment or geological/geomorphological features present within the landscape and the protection of the whole area from inappropriate development and encroachment into the countryside. While the proposed wind turbine is relatively close to the SLA boundary, it would be located within an area not recognised as having significant landscape character such as would warrant designation as an SLA or Visually Important Local Landscape (VILL). Bearing in mind that National Guidance promotes the provision of such technologies, it would be unreasonable for Local Planning Authorities to refuse all applications which are situated in areas adjacent to such designated sites provided that the impact on those sites is considered to be acceptable.

The application is accompanied by a Landscape and Visual Impact Assessment which incorporates a Zone of Theoretical Visibility map, photomontages and wire frame diagrams to indicate the visual impact of the proposed turbine both in its own right and cumulatively with other turbines over 50m blade tip that are operational, under construction, with planning permission or within the planning process.

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Application No. 13/0582/FULL Continued

The submitted report encompasses a Landscape Impact Assessment and a Visual Impact Assessment. In terms of landscape impacts the report concludes that the turbine would introduce a new feature but would not cause any changes to the pattern or fabric of the landscape, having a Moderate adverse effect on the upland areas due to their open nature and high level of public access. The turbine would form a noticeable element in the expansive vistas from adjacent ridgelines but would form a small feature in the long-ranging views. The impacts on the valley floor would be Neutral with the exception of the Sirhowy Valley Country Park (at its closest point some 130m to the east of the proposed turbine, occupying the lower wooded slope between the turbine and the valley floor) which would have a Moderate adverse effect. In terms of visual impacts the report concludes that the turbine would have Major adverse effects on receptors of a High sensitivity in the immediate vicinity of the site (a small number of residential properties and footpaths within the vicinity of the site). The cumulative landscape and visual effects have also been considered and the report concludes that the proposed turbine would not give rise to any significant cumulative visual effects when considered with other operational, approved or proposed schemes, although the upland location would result in slight intervisibility with other turbines in long-ranging views from some upland locations.

The submitted Landscape and Visual Impact Assessment has been considered by the Council's Landscape Architect who clarifies that the Zone of Theoretical Visibility map " ... indicates that the blade tips of the proposed turbine could theoretically be visible from many of the ridgelines, valley tops and upper valley sides within the County Borough, particularly those to the north of the proposed site. Large parts of the settlements of Blackwood, Pontllanfraith, Oakdale, Hengoed, Ystrad Mynach, fall within this area. Potential views of the proposed turbine are also likely to be possible from elevated areas south of the site including parts of Mynydd Eglwysilian, Caerphilly Mountain, Mynydd y Grug, Mynydd Dimlaith, and elevated parts of the settlement of Caerphilly. East of the site views are theoretically possible from Mynydd Maen, Cwmcarn Scenic Drive and parts of Panside, Risca, and settlements within the Sirhowy Valley".

The Landscape Architect concurs with the assessment that the overall effect upon the Landscape Character of the Sirhowy Valley and the Upland area would be "moderate" adverse, and the "indirect effect" upon the wider valley landscapes as "moderate" adverse. Also, the proposed turbine would only exert a "minor" adverse effect upon the Brecon Beacons National Park and Penallta Country Park, whilst the effect upon the Sirhowy Valley Country Park would be no greater than "moderate" adverse.

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Application No. 13/0582/FULL Continued

With regard to the assessment of visual impact, the Landscape Architect considers that although the turbine would be a large and prominent addition to the local landscape, views of the turbine will be restricted. Potential views from local farms, residential properties, and settlement in the valley floor will be severely restricted by landform, settlement pattern and plantation forestry. I believe the effect of the proposed turbine upon such views will be no greater than "moderate" adverse. Open views would be possible from the section of the Rhymney Valley Ridgeway Walk and other Public Rights of Ways where they pass close by the site, and the effect of the proposed turbine upon such views would be "major-substantial" adverse. Where views from other more distant sections of this and other long distant walks where they cross the upland areas occur the effect could be "major" adverse, as the usage of these areas/routes is primarily for the appreciation and enjoyment of the landscape. Generally as distance from the turbine increases beyond 2 km the turbine is likely to be seen against the skyline and as a relatively small element in a more expansive landscape. Whilst views where they occur would be more open, the potential impact of the turbine upon the view to most people would diminish. Potential views at this distance and beyond could be experienced from most of the ridgelines, and upper valley sides within the borough to the north of the proposed site as well as parts of Blackwood, Pontllanfraith, Oakdale, Hengoed and Ystrad Mynach. Views from the elevated areas south of the site would be possible, including from parts of Mynydd Eglwysilian, Caerphilly Mountain, Mynydd y Grug, Mynydd Dimlaith, and elevated parts of the settlement of Caerphilly. East of the site views are theoretically possible from Mynydd Maen, Cwmcarn Scenic Drive and parts of Panside, Risca, and settlements within the Sirhowy Valley. It is not considered that the effect upon any general view beyond 2 km would be greater than "moderate" adverse.

In terms of cumulative impact the Landscape Architect is satisfied that the cumulative effect of the proposed turbine, when added to those currently existing, under construction, approved or schemes currently within the planning system at the date of the application and situated within 10 km of this site, would not have a "major or substantial" adverse effect upon either Landscape Character or Visual receptors.

The Landscape Architect concludes that the turbine's "adverse effects" upon Landscape Character and Visual Amenity are not of a significance to warrant a recommendation that the application be refused.

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Application No. 13/0582/FULL Continued

The proposed turbine would be 55m from the western boundary of the Craig y Prisiad Woodlands Site of Importance for Nature Conservation (SINC), and part of the access track to the turbine would abut the SINC boundary and part of the underground cable would pass through the SINC. The SINC comprises predominantly lower wooded valley side and incorporates a section of the Sirhowy Valley Country Park. The main features of the SINC are broad-leaved woodland and semi-improved acid grassland.

The application is accompanied by an Ecological Statement and an Interim Bat Report. The Ecological Statement concludes that the development may have a minor short term negative effect on a limited area of the SINC, in respect of which mitigation to minimise the impact is recommended, that negative effects on local habitats of conservation importance would be unlikely and that the impact on protected species would be negligible (subject to mitigation for reptiles along the proposed underground cabling route). The Interim Bat Report concludes that the proposed turbine and associated infrastructure would not lead to the loss of any important foraging habitat or result in any potential habitat fragmentation, and that the blade tips would be more than 50m from any potential bat roost features or potentially important foraging habitat; the proposal would thus be unlikely to result in any adverse effects on local bat populations.

Natural Resources Wales has considered the submitted reports and offers no objection to the proposal subject to mitigation proposals to protect terrestrial amphibians (specifically great crested newts), as recommended in the Ecological Statement, being carried out. The Council's Ecologist has requested conditions to protect habitats (species rich acid grassland and hedgerow trees) and protected species (Great Crested Newts, reptiles and breeding birds). In addition, a condition requiring monitoring of bat activity during the first two years of operation, with measures to control turbine use at high levels of activity if necessary, is requested.

On the basis of the above it is considered that the proposal is in compliance with LDP Policies SP10 (conservation of natural heritage) and CW4 (natural heritage protection).

Noise Impacts

The application was accompanied by a Noise Assessment undertaken in accordance with ETSU-R-97 (The Assessment and Rating of Noise from Wind Farms) and the Institute of Acoustics' "A Good Practice Guide to the Application of ETSU-R-97 for Wind Turbine Noise Assessments."

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Application No. 13/0582/FULL Continued

The turbine manufacturer's sound power level data has been used to calculate wind turbine noise levels at the closest residential properties for a range of wind speeds (the assessment does not consider other sensitive receptors such as footpath users, wildlife/livestock, etc.). The identified "receptors" are Bryn Yysgawen Farm itself at 300m from the turbine, Ty Graig Cottage at 480m and Ffynnon-y-gwaed at 770m. Bryn Yysgawen Farm is considered within the assessment to be a 'stakeholder' property, i.e. where the owner or occupier has some financial involvement with the proposal, in respect of which a higher noise limit can be applied. It is noted that Ty Graig Cottage does not appear to remain a habitable dwelling; however, the nearest dwellings within the settlement of Ynysddu are only 90m further from the turbine. The Noise Assessment concludes that the noise levels for the proposed turbine would not exceed the ETSU-R-97 stakeholder limit (for Bryn Yysgawen Farm) of 45dB(A)(LA90, 10min), and would not exceed the 35dB(A) limit for other noise-sensitive receptors.

The Noise Assessment has been considered by the Council's Head of Public Protection who concurs that the predicted noise levels are within accepted limits. Whilst there are many variables that can affect turbine noise it is considered that the submission was carried out in accordance with the relevant guidance and as such its findings are a relevant material planning consideration. A number of conditions have been recommended by the Head of Public Protection to control the levels of noise produced by the turbine and requiring it to be modified, limited or shut down where necessary in order to comply with the guidance. Users of the right of way Mynyddislwyn FP231 as it passes the turbine would be likely to experience high noise levels when the turbine is operational, but such nuisance would be over a short distance only and would thus be short-lived. The Aneurin Bevan Health Board in consultation with Public Health Wales has requested that all necessary actions are taken to mitigate against potential noise impacts. It is considered that subject to the conditions recommended by the Head of Public Protection the noise levels can be maintained within accepted thresholds, and on this basis the development would be in compliance with LDP Policy CW2 (amenity) with regard to the amenity of neighbouring land and properties.

Highways/Transportation Impacts

The application was accompanied by a Transport Statement with associated drawings which sets out the types of vehicles to be used for the transportation of the turbine sections and equipment to and from the site, the number of vehicles to be used, the route to be taken and the frequency of deliveries, etc. Swept path analyses indicate the detailed path of the vehicles at junctions on the major routes and along the lane accessing the site.

Cont...

Application No. 13/0582/FULL Continued

The Transportation Engineering Manager advises that the proposal is acceptable in highway safety terms subject to conditions requiring a revised Traffic Management Plan which would identify the traffic management measures required, and a condition survey of Mountain Road accessing the site. On this basis it is considered that the proposal would be in compliance with LDP Policy CW3 (design considerations - highways). It should also be noted that as the delivery of the equipment would involve abnormal indivisible loads, the consent of the Welsh Government Transport division would be required in addition to any consent from the Local Highway Authority in relation to the use of the Trunk Highway Network. In that regard it is not felt that the development would have any detrimental impact on highway safety issues and the proposal can be accommodated without the need for major highway improvements. The improvement and extension of the farm access track have no bearing on the highway network.

Public Right of Way Mynyddislwyn RBW224 runs along the access track from the public highway to the farm, and Mynyddislwyn FP231 runs along the remainder of the length of the access track to the turbine site. The Council's Rights of Way Officer has advised that the proposed turbine is closer to the public footpath than the maximum distance advised in TAN 8, i.e. equivalent to the height of the blade tip (the 'topple distance'). In this case the blade height is 77m and the distance from the right of way would be approximately 50m. The matter was taken up with the applicant who submitted a Public Rights of Way Risk Assessment which states that there has been no incidence of blade, rotor or tower failure with this turbine model, and that the risk of injury from wind energy in general is low in comparison with other societal risks. On this basis it is considered that the proximity of the proposed turbine to the public right of way is acceptable in safety terms.

Some disruption to users of the rights of way would be experienced during the construction and decommissioning phases; this would be managed by such means as an agreed access management plan for RBW224 and a temporary closure order with diverted route for a small section of FP231.

Cultural Heritage Impacts

The application is accompanied by an Archaeology and Cultural Heritage Statement which considers the impact of the proposed turbine on any 'designated assets', in this case scheduled monuments and listed buildings, within the Zone of Theoretical Visibility of the turbine.

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Application No. 13/0582/FULL Continued

Three scheduled monuments are identified within 1km of the turbine - Twyn Cae Hugh Round Barrow (790m to the south), Pen-y-Rhiw Round Cairn (570m to the south-west) and Cairn Cemetery on Mynydd Bach, Bedwas (360m to the south-west). The effect of the turbine on these assets is assessed as moderate. Two listed buildings are identified within 1km of the turbine, at Bryn Ysgawen Farm itself (the farmhouse and attached range, and a separate stable block, both listed Grade II) some 320m north of the turbine. The effect of the turbine on the listed buildings is assessed as slight. The effect on assets beyond 1km of the turbine is assessed as slight or neutral. The statement concludes that there would be moderate adverse effects on the three nearby scheduled monuments, although these effects would be on the settings of the assets only rather than direct physical impacts. The archaeological potential of the development area itself is considered to be medium and the report recommends a watching brief during the construction phase. Glamorgan Gwent Archaeological Trust concurs with this recommendation.

With regard to the impact on the listed buildings at Bryn-Ysgawen Farm, however, the Council's Conservation Officer objects to the proposal on the grounds that the turbine is not sensitively sited given the scale and height of the proposed turbine and its proximity to the listed buildings. The farmhouse with attached range is listed notwithstanding alterations mainly for its unusual plan form incorporating barn and porch with rare surviving wallpainting, and the separate stable block is listed as an unaltered stable retaining fabric and fittings for group value with the farmhouse. While the setting of the buildings is clearly important, the turbine would be 320m from the listed buildings and the broader landscape setting within which the turbine might be visually associated with the buildings is not considered to be critical for the preservation of the buildings' setting or any features of architectural or historic interest. The more important nearer views would not be adversely affected by the turbine at this distance. Thus, notwithstanding the Conservation Officer's objection, it is considered that the turbine would not have significantly adverse impacts on the setting of these listed buildings or other designated assets.

In conclusion, the proposed turbine is considered to be in compliance with national guidance and local plan policies, and it is recommended that permission is granted.

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Application No. 13/0582/FULL Continued

Comments from Consultees: Head of Public Protection - conditions are recommended to ensure that noise levels can be monitored, these are measures that need to be in place if unforeseen problems arise and should be imposed. A condition to control the times of deliveries and construction is recommended, this is intended to take account of residential amenity and can be adjusted by agreement should the need arise, for example to enable a delivery to take place at a time when it would create the least disturbance to the free flow of traffic. A condition is recommended requiring that the turbine be fitted with a control system that automatically shuts down the turbines during times when shadow flicker occurs. This application is accompanied by a flicker assessment that demonstrates there is no non-application property within the flicker-affected area; the recommended requirement therefore fails the first test of planning conditions, namely necessity. This recommended condition arises from a concern that the development may at a later date be increased in size, such a change would require planning permission and may be better addressed in planning terms by a condition underlining the extent of the development approved.

Transportation Engineering Manager - conditions are recommended to secure a revised Traffic Management Plan and a survey of Mountain Road to ensure that the turbine components can be safely transported to the site.

Senior Engineer (Land Drainage) - a condition is recommended to secure a surface water and land drainage scheme.

Natural Resources Wales - a condition is recommended to secure mitigation measures for the protection of great crested newts.

Glamorgan Gwent Archaeological Trust - a condition is recommended requiring an archaeological watching brief during any ground disturbing works.

There are no substantive responses from other statutory consultees, and in particular it should be noted that no objection has been received from any air safety, emergency or telecommunications operators/bodies.

Comments from public: The various grounds of objection are addressed as follows:

1. It is noted that some of the viewpoints shown in the Landscape and Visual Impact Assessment appear to be incorrectly labelled - this has been rectified by the applicant.

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Application No. 13/0582/FULL Continued

2. It is suggested that viewpoints from local positions such as Ynysddu, Cwmfelinfach and Wylie would help to better understand local visual impact - these have been provided by the applicant.
3. A planning condition is recommended to agree the final specification (in particular noise) of the turbine and ancillary equipment prior to its installation. The submitted Noise Assessment and the Head of Public Protection's consideration of the matter have been discussed in the analysis above. A number of detailed conditions are being recommended to address the issue.
4. The turbine is too close to a public right of way (within toppling distance) and the use of rights of way would be disrupted during construction. These matters have been addressed in the analysis above. With regard to the issue of topple distance in relation to the footpath it should be noted that the applicant has provided a Risk Assessment that explains that Statistics held by the Health and Safety Executive demonstrate the "no member of the public has ever been injured by a wind turbine in the UK". Similarly TAN 8 States that "there has been no example of injury to a member of the public". Similarly a government appeal inspector concluded in 2012 (ref: APP/G2815/A/11/2156757) that current guidance does not suggest that "erecting a wind turbine within topple over distance of a public right of way is dangerous or otherwise unacceptable". Tan 8 is the document that suggests that it is "advisable to set back all wind turbines a minimum distance equivalent to the height of the blade tip" from highways and railways, however this is not a statutory requirement. Thus given that the public right of way (footpath 231/1) is outside the oversail area and approximately 60 metres from the centre of the base, in addition to which it is not a very often walked route, the risk of injury to the public is extremely low.
5. The turbine would be visually intrusive - the submitted Landscape and Visual Impact Assessment and the Landscape Architect's consideration of visual impacts have been addressed in the analysis above.
6. The turbine would have adverse impacts on wildlife - the submitted Ecological Statement and Interim Bat Report, and the responses of the Council's Ecologist and Natural resources Wales have been addressed in the analysis above.
7. The turbine would have adverse impacts on local tourism - there is no evidence that the turbine would deter users of local tourism facilities or rights of way.
8. Wind energy is not cost-effective - this is a matter to be addressed by government policy.

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Application No. 13/0582/FULL Continued

Other material considerations: The accompanying Planning Statement (para 4.61) explains that the expected operational life span of the turbine is 20 to 25 years. This is in line other guidance regarding such development, accordingly a 25 year decommissioning condition should be imposed.

The description of the turbine indicates that it is to be finished in a light non-reflective grey. A condition should be imposed to ensure that the exact finishes are agreed in writing and thereafter maintained as agreed. The condition should underline the fact that the finishes are intended to be as inconspicuous as reasonably possible with no visual devices that would unnecessarily attract attention.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The wind turbine and tower hereby approved together with the ground equipment and plant shall be removed from the application site, either before the end of 25 years from the date of commencement of the development hereby approved or within six months upon their becoming no longer operationally active in the generation of electricity, whichever is the earlier.
REASON: In the interest of retaining effective control and visual amenity.
- 03) The level of noise from the wind turbine (hereby approved) measured at the nearest noise sensitive properties shall not exceed 35dB(A) (LA90, 10 mins) up to wind speeds of 10m/s at 10m height when calculated in accordance with the attached Guidance Notes, or such other guidance as may be agreed in writing by the Local Planning Authority.
REASON: In the interest of the amenity of noise sensitive properties

Cont...

Application No. 13/0582/FULL Continued

- 04) During the course of the investigation, should the wind turbine be identified as operating above the parameters specified in Condition 03) the wind turbine will be modified, limited or shut down as required to ensure compliance with this Condition. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified.

REASON: In the interest of the amenity of noise sensitive properties.

- 05) Within 21 days from the receipt of a written request from the Local Planning Authority and following a noise complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at the operator's expense, engage an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbines at the complainant's property following the procedures described in the attached Guidance Notes or such other guidance as may be agreed in writing by the Local Planning Authority. The independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based, shall be submitted for the approval of the Local Planning Authority within 2 months of the date of the written request, unless otherwise extended in writing by the Local Planning Authority. The assessment recommendations as may be approved in writing by the Local Planning Authority shall be implemented and carried out within a set timescale agreed in writing by the Local Planning Authority.

REASON: In the interest of the amenity of noise sensitive properties.

- 06) Following the commission of the wind turbine hereby approved, the power generation, the wind speed and direction data, shall be continuously logged in accordance with a method that shall have been agreed in writing by the Local Planning Authority and such data shall be retained for a period of not less than 24 months and it shall be provided to the Local Planning Authority at its written request within 14 days of such request.

REASON: To monitor the wind turbine use and provide information to the Local Planning Authority to retain effective control.

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Application No. 13/0582/FULL Continued

- 07) Noise shall not be emitted from the wind turbine that is assessed and confirmed by a competent noise qualified officer of the Local Planning Authority as being a nuisance by virtue of having irregularity, distinguishable discrete continuous notes or distinct impulses, that is/are enough to attract attention and cause nuisance at any dwelling.
REASON: In the interest of the amenity of noise sensitive properties.
- 08) Following the commissioning of the wind turbine hereby permitted, at the request of the Local Planning Authority, the level of noise emitted by shall be demonstrated on an annual basis thereafter in accordance with a method to be agreed by the Local Planning Authority.
REASON: In the interest of residential amenity.
- 09) The wind turbine hereby approved shall not be replaced by another of different design, dimension or specification unless otherwise agreed in writing with Local Planning Authority.
REASON: The development has been assessed upon the submitted details only.
- 10) Prior to the commencement of the development hereby approved details of the upgrading and management of the construction works affecting the access track from the adopted public highway up to the site crane pads shall be submitted to and agreed in writing with the Local Planning Authority and the development shall be carried out in accordance with the agreed details.
REASON: To ensure the protection of the public rights of way.
- 11) Prior to the commencement of the construction of the wind turbine hereby approved the Ministry of Defence shall be notified in writing of the start date for their construction together with confirmation of their maximum height and Ordnance Survey positions.
REASON: To ensure that military flying charts are properly updated.
- 12) There shall be no external illumination other than that hereby approved, unless otherwise agreed in writing with the Local Planning Authority.
REASON: To retain effective control.

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Application No. 13/0582/FULL Continued

- 13) The external surface finishes/colours of the wind turbine and tower hereby approved shall be light grey, non-reflective semi-matt as described in paragraph 2.09 of the Planning Statement, and the lower section of the tower may include graduated colouring to reflect the background. The external surface finishes/colours of the wind turbine and tower shall not include any symbols, signs, logos or other lettering or markings designed to draw attention, and they shall be maintained as hereby approved unless any variation has been first submitted to and then agreed in writing by the Local Planning Authority.
REASON: In the interest of visual amenity.
- 14) Deliveries and construction works associated with the wind turbine hereby approved shall not take place outside the hours of 07.00 and 19.00 Mondays to Fridays, 09.00 and 16.00 Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interest of residential amenity.
- 15) Prior to the commencement of the development a method statement for working in the vicinity of great crested newt terrestrial habitat shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To ensure adequate protection for protected species.
- 16) Notwithstanding the submitted details, the development shall not commence until after a revised Traffic Management Plan (TMP) has been submitted to and agreed in writing by the Local Planning Authority. The TMP shall indicate full consultation and approval with neighbouring Authorities which the loads pass through and consultation and approval with the Welsh Government. The TMP shall provide evidence that the necessary permits have been given by the South Wales Police Liaison Transport Officer who co-ordinates the safe passage of abnormal vehicles and shall also include full details of the hauliers indemnity insurance for approval. The applicant will be required to apply to the Highway Authority for the necessary Temporary Traffic Regulation Order - Section 14 (1) of Road Traffic Regulations Act 1984. Any highway improvements required to the highway network shall also be provided for approval by the Local Planning Authority and be completed prior to delivery of the loads. The development shall proceed in accordance with the TMP following approval in writing by the Local Planning Authority.
REASON: In the interests of highway safety.

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Application No. 13/0582/FULL Continued

- 17) Prior to the transportation of any abnormal loads a condition survey along Mountain Road (Maesycwmmmer to Machen) shall be carried out and agreed in writing with the Local Planning Authority and a certificate obtained in accordance with Section 59 Highways Act 1980.
REASON: In the interests of highway safety.
- 18) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.
REASON: In the interests of highway safety.
- 19) The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.
REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 20) Prior to the commencement of the development hereby approved, a method statement for the protection of acid grassland habitat within the SINC and for the removal and replacement of acid grassland turves along the line of the cable route within the SINC shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To ensure adequate protection to a Site of Importance for Nature Conservation.
- 21) Prior to the commencement of the development details of the measures to protect tree roots in the vicinity of the access track and cable route shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of biodiversity and visual amenity.

Cont...

Application No. 13/0582/FULL Continued

- 22) Before the commissioning of the turbine hereby approved, details of bat surveys to monitor the effect of the development on foraging and commuting bats for a minimum of 2 years following the completion of the development shall be submitted to and agreed in writing with the Local Planning Authority. The monitoring shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The results of the monitoring surveys shall be submitted to the Local Planning Authority annually along with details of any proposed remedial measures that may be necessary to mitigate any adverse effects. The approved remedial measures shall be implemented in accordance with the agreed details.
REASON: To provide information on the behaviour of bats during the operation of the wind turbine and to modify turbine use where necessary, in the interests of biodiversity.
- 23) No works shall be undertaken on site during the months of March to August inclusive, unless otherwise approved in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected from disturbance. All British birds, their nests and eggs (with certain limited exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 24) Mitigation measures to prevent the killing or injuring of reptiles shall be carried out in accordance with the Method statement set out in Section 10.0 Appendix A of the Ecological Statement prepared by RPS dated July 2013 and submitted in support of the planning application.
REASON: To ensure adequate protection for protected species.

Advisory Note(s)

Please find attached the comments of Police Air Support Services, Police Architectural Liaison Officer, South Wales Fire and Rescue Service, Senior Engineer (Land Drainage), Chief Fire Officer, Welsh Government Transport Division and Glamorgan Gwent Archaeological Trust that are brought to the applicant's attention.

Please find attached notes in respect of the noise conditions attached to this consent.

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: SP10, CW2, CW3 and CW4.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0657/FULL 10.09.2013	Mr R & Mrs K Jones The Paddock Melin Place Lon Maes Yr Haf Croespenmaen Crumlin NP11 3BL	Erect utility extension with integrated three bay garage and replacement porch The Paddock Melin Place Lon Maes Yr Haf Croespenmaen Crumlin NP11 3BL

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is located on Melin Place, Croespenmaen.

House type: Two-storey detached property that has the appearance of a bungalow.

Development: Front/side extension incorporating utility room and double garage linked by a walkway.

Dimensions: The proposed side extension measures 3.8 metres in width, 5.6 metres in depth, with a height of 2.3 metres to eaves level and 4.4 metres to ridge level incorporating a hipped roof. The proposed garage measures 8 metres in width, 6.6 metres in depth, with a height of 2.3 metres to eaves level and 4.2 metres to ridge level. Linking the proposed side extension and garage is a small extension measuring 3.5 metres in width, 4 metres in length, with a height of 2.5 metres. This element is also recessed an additional 0.5 metres off the boundary.

Materials: Yellow/brown face brickwork, and red/brown roof tiles.

Ancillary development, e.g. parking: None is proposed.

PLANNING HISTORY

P/05/1523 - Erect detached four bay garage with visitors accommodation above - Granted 24.01.06.

Cont...

Application No. 13/0657/FULL Continued

13/0481/FULL - Convert detached four bay garage with visitors accommodation above to independent three bedroom dwelling with integral garage and private drive serving two dwellings - Granted 22.08.13.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the Settlement Boundary.

Policies: Policy CW2 (Amenity) and advice contained in Supplementary Planning Guidance LDP7: Householder Developments (November 2010).

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is an application for householder development and as such will be considered through the Building Regulations if appropriate.

CONSULTATION None.

ADVERTISEMENT

Extent of advertisement: Nineteen neighbouring properties were consulted and a site notice displayed near the application site.

Response: One objection was received.

Summary of observations:

1. The proposed front extension would detract from the symmetry of The Paddock and the neighbouring property Greenacres;
2. Is there a need for a garage of the proposed size?

Cont...

Application No. 13/0657/FULL Continued

3. Proximity of the development to the boundary in terms of future maintenance, fire risk, and the Party Wall Act;
4. Height of proposal would obliterate outlook from the windows of the neighbouring property nearest the boundary, and result in a loss of light to these windows;
5. Loss of grassed area to the front of the property will increase surface water run-off and the subsequent risk of flooding, as well as result in the loss of wildlife habitat;
6. Size of development will interfere with visibility splay for vehicles exiting Greenacres to the detriment of highway safety;
7. Space exists elsewhere within the curtilage, i.e. to the west, to provide garages;
8. Concerns that the proposed garage will be used for commercial car sales given the recent history of the site whereby several cars have been advertised and sold from the property over the past 6 months.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The proposed development should be considered in terms of its design and impact in the existing streetscene, as well as its impact on the amenity of neighbouring properties. In terms of the design of the development and its impact in the street scene, the dominant element of the proposal in the street scene will be the proposed double garage. It is considered that this element has been well designed in terms of its setting and materials, and it is not considered that the scale and massing are out of context, given the existing detached garage within the front curtilage of the neighbouring property, i.e. Greenacres. The garage at the neighbouring property is set back a similar distance from the highway fronting the site. At present both Greenacres and The Paddock are some 17 metres from their front boundaries. The existing garage at the former is between 3.5 and 6 metres off the front boundary, and the proposed garage would be 3 metres from that boundary.

Cont...

Application 13/0657/FULL Continued

The proposed single storey side extension is also considered acceptable in terms of its setting, scale and materials, and will integrate with the host dwelling. A small flat roofed extension is proposed to link the side utility room extension and proposed garage. This element of the proposal has been set a further 0.5 metres off the boundary with Greenacres, and designed with a flat roof to reduce the impact on Greenacres. Although a flat roof is proposed, given the setting of this element of the proposal, i.e. set back 2.4 metres from the front elevation of the proposed garage, very limited views of this proposed flat roof will be available from the highway to the front of the application site.

For these reason, it is considered that the proposed development is acceptable in terms of its design and impact on the amenity of the surrounding area.

In terms of the potential impact on the neighbouring property to the east, i.e. Greenacres, it is considered that the proposed development has been designed in such a way as to minimise the potential impact of the proposal. For instance, the proposed utility room extension and garage development incorporate hipped roofs with a relatively shallow pitch to reduce the massing along the boundary. Furthermore, the small extension linking the utility room and garage has a flat roof and is set a further 0.5 metres off the boundary. It is also noted that the application property is approximately 0.5 metres lower than the neighbouring property, and therefore the potential impact of the proposal is further diminished.

The window of the neighbouring property that will be most affected by the proposal is a ground floor living/hobby room. Given the orientation of the properties in relation to the trajectory of the sun, it is considered that the proposed development may result in a loss of sunlight in the mid to late afternoon in winter months. However, this impact is not considered to warrant a refusal of planning permission. It should also be noted that a fence measuring approximately 1.5 metres separates the application site and neighbouring property, as well as planting along the boundary. Based on the above considerations, it is not considered that the proposed development would impact significantly on the amenity of the neighbouring property to a degree to warrant a refusal of planning permission.

Comments from consultees: None in this case.

Cont...

Application 13/0657/FULL Continued

Comments from public: 1. The proposed front extension would detract from the symmetry of The Paddock and the neighbouring property Greenacres - This issue has been considered, however there is an existing garage within the front curtilage of the neighbouring property, i.e. Greenacres, of a similar scale and is set back approximately the same distance from the highway to the front. Therefore it is not considered that development within the front curtilage of the application property is unacceptable in principle.

2. Is there a need for a garage of this size - In this instance, the need for such a sized garage is not a planning consideration.

3. Proximity of the development to the boundary in terms of future maintenance, fire risk, and the Party Wall Act - Future maintenance, fire risk, and the Party Wall Act are private legal matters between the two landowners, and are not a planning consideration.

4. Height of proposal would obliterate outlook from the windows of the neighbouring property nearest the boundary, and result in a loss of light to these windows - The proposed development has been designed in such a way as to minimise potential overbearing and overshadowing impacts. Furthermore, given the orientation of the properties, the impact on direct sunlight would be towards the end of the afternoon in winter months. Such an impact is not considered to warrant a refusal of planning permission.

5. Loss of grassed area to the front of the property will increase surface water run-off and the subsequent risk of flooding, as well as result in the loss of wildlife habitat - Given the topography of the site, any surface water will run back into the site, and therefore is a private matter. Loss of a lawned area is not considered to have a significant impact on wildlife.

6. Size of development will interfere with visibility splay for vehicles existing Greenacres to the detriment of highway safety - Whilst the development would result in a loss of some visibility for vehicles exiting Greenacres, the proposed development will not interfere with the required visibility splay at that property.

7. Space exists elsewhere within the curtilage, i.e. to the west, to provide garages - The land to the west of the site, which incorporates a large annex, has planning permission for conversion to a separate dwelling and provision of garden area. If and when this permission is implemented, the application property will no longer have access or control over the land to the west. Therefore this does not appear to be an option for the applicant. Also the Local Planning Authority must consider the proposal rather than any alternative.

Cont...

Application 13/0657/FULL Continued

8. Concerns that the proposed garage will be used for commercial car sales given the recent history of the site whereby several cars have been advertised and sold from the property over the past 6 months - Although this matter cannot impact on the current application, the matter is being investigated by the Council's Planning Enforcement Officer.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Use of the garage shall be limited to that ancillary and incidental to the enjoyment of the dwelling for the parking of vehicles only and for no other purpose.
REASON: To retain effective control over the development.
- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 04) The development hereby approved relates to the details received on 31st October 2013 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.

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: Policy CW2.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0691/COU 24.09.2013	Mr E Cecen 17 Brynteg Gilfach Bargoed CF81 8Pu	Change use from butchers to pizza take away Prime Cuts 8 Central Buildings Oakdale Blackwood NP12 0JU

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: Within Central Buildings, a terrace of commercial properties on the north-western side of Aberconway Place.

Site description: The site comprises a two-storey traditional terraced property, one of a group of commercial properties to either side of Aberconway Place (Central Buildings) with a central amenity area, forming the neighbourhood shopping centre for Oakdale. The ground floor of the property is vacant (last used as a butchers shop), with residential accommodation above. The properties to either side are in A1 (retail) use, as are the majority of the properties within the terrace (one is in A3 use).

Development: Change of use from shop to hot food takeaway.

Ancillary development, e.g. parking: The only alterations to the property would be replacement tiles to the stallriser within the shop frontage, and the installation of an extraction flue to the rear elevation.

PLANNING HISTORY

2/09830 - Partition retail shop into two with new shop frontage to each - Granted 08.01.91.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary and the Oakdale Conservation Area.

Cont...

Application No. 13/0691/COU Continued

Policies: CW2 (amenity), CW3 (design considerations - highways) and CW15 (general locational constraints).

NATIONAL POLICY Planning Policy Wales.

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? This is not a material consideration in the case of change of use.

CONSULTATION

Head Of Public Protection - No objection subject to conditions requiring details of odour/fume control, external plant/machinery, foul drainage and commercial waste storage/collection, and a condition limiting hours of opening.

Transportation Engineering Manager - No objection.

Conservation & Design Officer - No objection subject to condition requiring details of materials and finishes.

ADVERTISEMENT

Extent of advertisement: The occupiers of 7 neighbouring properties were notified by letter and a site notice was displayed.

Response: None.

Summary of observations: Not applicable.

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? Hot food takeaways have the potential to give rise to late-night noise and disturbance; however, this would be a matter for the proprietor and the police to address.

Cont....

Application No. 13/0691/COU Continued

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The property lies within a neighbourhood shopping centre which currently comprises seven retail units, a hot food takeaway and a cafe. The proposed change of use of the former butchers shop to a hot food takeaway is considered to be acceptable in principle and in compliance with the provisions of Policy CW15 (general locational constraints) of the Council's Adopted Local Development Plan (LDP), which requires that within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located.

The Head of Public Protection offers no objection to the proposal subject to conditions designed to protect the amenities of residential occupiers of flats above the unit itself and above neighbouring shops. These conditions would require details of extraction, sound insulation, external plant and storage/collection of commercial waste to be agreed. A condition is also requested that would require a 11pm closing time. On this basis it is considered that the proposal would be in compliance with the provisions of LDP Policy CW2 (amenity).

The Transportation Engineering Manager offers no objection to the proposal, which is thus considered to be in compliance with the provisions of LDP Policy CW3 (design considerations - highways).

The Council's Conservation Officer has no objection to the proposal in terms of impacts on the character of the Conservation Area subject to a condition requiring details of the material to be applied to the stallriser being agreed.

It is recommended that permission is granted subject to the conditions outlined above.

Comments from Consultees: Head of Public Protection - comments addressed above.

Transportation Engineering Manager - no objection.

Comments from public: None.

Other material considerations: None.

Cont....

Application No. 13/0691/COU Continued

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) This permission relates to the ground floor of the premises only.
REASON: For the avoidance of doubt as to the extent of this permission.
- 03) The use hereby permitted shall not be open to customers outside the following times: 1100-2300 hours Monday to Saturday and 1600-2300 hours on a Sunday or Bank Holiday.
REASON: In the interests of residential amenity.
- 04) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.
REASON: In the interests of the amenity of the area.
- 05) Prior to such development commencing details of any external and roof mounted plant/machinery associated with the use shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include the location of the plant and predicted noise levels measured on the boundary of the application site and the first floor integral flat. Thereafter the agreed plant and machinery shall be installed in accordance with the agreed details.
REASON: For the protection of residential amenity.
- 06) Before any extraction system is used on the premises, it shall be mounted in a way that will minimise transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority.
REASON: In the interests of the amenities of the area.

Cont....

Application No. 13/0691/COU Continued

- 07) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.
REASON: In the interest of public health.
- 08) A grease trap, details of which shall be agreed with the Local Planning Authority prior to installation, shall be installed in the foul drainage system prior to the commencement of the use hereby approved.
REASON: To prevent pollution.
- 09) Details of the cladding material to the stallriser shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with these agreed details.
REASON: To protect the character of Oakdale Conservation Area.

Advisory Note(s)

The applicant is advised to contact the Council with regard to the requirements of the Food Premises (Registration) Regulations and the Food Hygiene Regulations.

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.

PREFACE ITEM

APPLICATION NO.	Consultation by Merthyr Tydfil County Borough Council
APPLICANT(S) NAME:	Hanson Aggregates, Hanson House, 14 Castle Hill, Maidenhead SL6 4JJ
PROPOSAL:	Consolidation of two existing planning permission for quarrying (Ref. 52/82/0773 and P/07/0120) including extension of end date for quarrying and deepening of quarry within existing footprint
LOCATION:	Gelligaer Quarry

Caerphilly County Borough Council has been consulted on the above application by an adjoining authority. Gelligaer Quarry lies 2.5km to the north-west of Gelligaer and 2km north-east of Trelewis. The site extends to 23.3ha and is subject to two permissions granted in 1983 and 1998. The 1983 permission was not restricted in terms of depth of working or the end date of operations but the later permission imposed a depth restriction of 294m AOD and an end date of 31 March 2017. A review of mineral permissions (ROMP) at the site under the Environment Act 1995 is due by 19 August 2014, postponed by 12 months while the current “consolidation application” is considered. If the consolidating application is approved there would be no need for Hanson to submit the ROMP application.

No extension to the boundary of the quarry is proposed and there would be no change in the output, which is around 300,000 tonnes per annum, or the pattern of vehicle movements. However, the applicant seeks permission to work the reserve to a depth of 234m AOD throughout the quarry, which will require dewatering. The total reserve is estimated to be 18.5Mt and this would be worked over 62 years with restoration providing a lake with marginal aquatic features, woodland planting and grassland areas.

The quarry produces dry stone aggregate, which has physical properties that make it suitable for high specification aggregate (HSA). The crushing and screening process is geared to producing chippings for coating with bitumen at off-site coating plants and is used in road surfacing. A proportion of the aggregate produced is transported to England via the railhead at Machen Quarry, near Caerphilly. The Pennant Sandstone is considered to be of national importance as there are relatively few geological formations in the UK that can generate aggregate with the same combination of strength, durability and resistance to polishing.

HSA quarries tend to produce as a by-product large quantities of low quality fine aggregate, which does not have a consistent market. Sales are reliant on bulk fill contracts and therefore intermittent. At Gelligaer Quarry, there is a large stockpile of fine aggregate in the centre of the quarry and this is a prominent feature in the landscape from viewpoints around the quarry, including some in Caerphilly County Borough. The application proposes that the stockpile be relocated to the lower levels of the quarry to allow the reserves underneath to be accessed. This would remove the stockpile from the skyline.

INTERNAL CONSULTATION RESPONSE

Gelligaer Community Council: No comments received.

Head of Public Protection: No objection.

Countryside and Landscape Services: No objection on landscape and visual grounds. The landscape and visual impact assessment appears to have been undertaken in accordance with best practice and it is agreed with the findings in relation to the impact of the proposal on the character of the landscape and in relation to the beneficial effect of the removal of the fines tip. Consideration should be given to increasing the aftercare period to ten years, limiting the height of the stockpiles outside the quarry void or relocating them within the void, investigate opportunities for landscape improvement around the site entrance, consideration of a phased approach to restoration above the void, avoiding an oasis effect within a degraded landscape by working with adjoining owners to improve field boundaries and plant woodland copses, and to avoid boundary fences following restoration.

Transportation Engineering Manager: No objection. There are weight restrictions in place to prevent lorries using Heol Adam and roads within Caerphilly County Borough to Bargoed, Treharris and Bedlinog. The designated lorry route is Fochriw Road north of the quarry access to Merthyr Common Road and then onto the A455(T) and A469.

CONCLUSION

The proposed development would not have a significant adverse impact on Caerphilly County Borough.

RECOMMENDATION

That Merthyr County Borough Council be advised that this Council has no objection to the proposed development and that the comments of the internal consultees be forwarded for information.

PREFACE ITEM

APPLICATION NO. 08/0752/OUT

APPLICANT(S) NAME: Filigree Trading Limited

PROPOSAL: Erect residential and commercial development

LOCATION: Land At Hawtin Park Gelli-Haf Pontllanfraith
Blackwood

1. This application was reported to Planning Committee on 30 June 2010 when it was resolved to defer a decision to allow a Members' site visit to take place. That site visit is reported elsewhere on this agenda, and the following information should be taken into account in determining the application subject of that report because it addresses matters that were raised at the site visit by councillors and members of the public in respect of the need for the development, and nature conservation.
2. The need for the development

Policy C11 of the Council Approved UDP states that:

“Development proposals within or in the vicinity of Local Nature Reserves (LNR) or Site of Importance for Nature Conservation (SINC) or Regionally Importance Geological or Geomorphological Sites (RIGS) which would have a harmful impact on the protected features of such sites will only be permitted where the need for the development clearly outweighs the need to safeguard the site.”

The 'need' for housing and employment development on this site within the context of both the Unitary Development Plan and the Local Development Plan will be considered below.

2.1 Unitary Development Plan (UDP)

Housing

The site is allocated for housing in the UDP (Policy H1.31). The allocation of this site for an indicative figure of 135 dwellings contributes to the housing land supply for which provision is made in Policy 1H to meet a housing requirement for the borough of 7,100 dwellings.

Cont....

Application 08/0752/OUT Continued

The allocation of the housing part of the site was in accordance with the recommendations of the UDP Inquiry Inspector. In considering the overall issue of the need for housing in the UDP, the Inspector concluded that,

“There is a serious shortfall in housing land provision which the Plan needs to rectify. A site of this size could make a useful contribution in this respect provided the Council takes a responsible view about the balance between housing need and nature conservation interests. It is also significant, in strategic policy terms that the objection land lies within the Area of Growth, the Plan’s preferred location for necessary new development.”

In coming to the conclusion that there was a need for this site to be developed for housing in order to meet a housing shortfall, consideration was given to the presence of the SINC and the housing allocation on the same site, with the Inspector stating that the two designations, “are not incompatible”. The Inspector indicated that:

“In the final analysis it will be for the Council, at the development control stage, to use its judgement to determine the scale of housing which would be appropriate for this land, balancing the need for new dwellings against nature conservation interests.”

Clearly the Inspector at the UDP considered there to be a need for the housing element of the development to address overall housing requirements, and, by including the site as a housing allocation in the UDP in line with the Inspector’s recommendations, the Council has accepted that this site is needed as part of the land supply.

Furthermore, the Inspector recognised that the balance between housing and nature conservation is a matter to be considered at planning application stage.

It should also be noted that, in line with Policy H3 of the UDP, there is a requirement for affordable housing on the site. The development of this site will provide for 25% affordable housing, which, based on an indicative capacity of 81 units would equate to approximately 20 dwellings. The Council’s Local Housing Market Assessment prepared by Fordham Research in 2007 indicated that there was an annual shortfall of 516 affordable dwellings a year. In the Mid Valleys area within which the site is located, the affordable housing need equates to 161 dwellings per annum. The development of affordable housing as part of a mixed tenure development will contribute to addressing this identified need. Updates in 2008 and 2009 also indicated that the overall housing need remains at a similar magnitude.

Cont....

2.2. Employment

Policy 1E of the UDP allocates 185ha of land for business, general industry, storage and distribution. The application site relates to part of the employment allocation at land at Hawtin Park (E1.11). The allocation contributes to the overall employment land supply that has been designated in order to meet identified employment needs.

The 20.7ha allocation in the UDP for Land at Hawtin Park (E1.11) relates to two sites – land to the north (11.9ha) and land to the south (8.8ha). The planning application relates to the southern part of the allocation. In the lifetime of the UDP, part of the northern extension to Hawtin Park has been developed, with a total of 4.5ha of the original 11.9ha remaining. The development of the northern part of the site is evidence that there is demand for employment uses in the Hawtin Park area. Furthermore, the development of the north site has reduced the land available for future employment development in the area. The southern extension to Hawtin Park therefore provides one of the most significant opportunities for employment within the Pontllanfraith area.

The latest employment survey undertaken by the Council in early 2010 indicated that the protected element of Hawtin Park Industrial Estate (E2.10) had a low vacancy rate, demonstrating that there was a continued demand for employment in the locality. If development were not permitted on this site, it would limit the opportunities available for firms wishing to locate within the wider Pontllanfraith area.

Whilst it is recognised that there are other employment sites in the Mid Valleys Corridor, most notably Oakdale Plateau, and Ty Du in Nelson, specific employers will require different types of sites and locations to suit their needs. It is therefore important that a diverse portfolio of sites is available, and clearly the extension to Hawtin Park as proposed in the planning application will address local needs.

2.3 Local Development Plan (LDP)

Housing

The LDP process reviewed all the allocations from the UDP for their suitability for inclusion in the LDP. As part of this reassessment, it was determined that Hawtin Park remained suitable for residential development and was therefore taken forward as a housing allocation in the Deposit LDP.

Cont....

Application 08/0752/OUT Continued

The Deposit LDP moderate growth strategy requires 8,625 dwellings borough wide. The allocation of Hawtin Park (HG1.32) for 194 dwellings (based on its notional capacity at an average density of 35 dwellings per hectare) contributes to meeting this housing requirement.

In allocating the site for housing in the Deposit LDP, the site was subject to a rigorous assessment to determine its suitability for housing. Notwithstanding its ecological value, the site accords with the LDP strategy. It is located within the Northern Connections Corridor. In this area new housing development is targeted to brownfield sites within existing settlement limits in the first instance; however, greenfield sites have been released where it is necessary to diversify the existing stock and where it is appropriate to do so to make those areas more attractive to future inward investment or to support the role and function of the village or town.

As indicated a critical part of the plan strategy was that development should be targeted to reflect the role and function of settlements. This was considered in the site selection process, with sites being allocated where they accord with the role and function of the settlements within which they are located. Pontllanfraith is identified as a residential settlement. In those areas that have a residential role, the provision of additional housing appropriate to the scale of the settlement will help diversify the housing stock. Whilst it is recognized that the site is large, it represents one of the only significant sites in the wider Pontllanfraith/Blackwood/Fleur de Lys area.

2.4 Employment

As part of the evidence base for the LDP, a study was undertaken by Atkins to consider the supply of employment sites. The site was assessed to determine its suitability as an employment allocation. This assessment indicated that the site scored highly as a suitable site for employment as there were a number of high profile occupiers on the developed part of the industrial estate with few non-B1, B2, B8 employers. The study identifies the site as one that was suitable for future employment expansion, intensification or regeneration.

On the basis of the evidence and its high score in the Atkins assessment, the site has been allocated as a primary site in the Deposit LDP (EM1.9). This site makes an important contribution to the overall land supply for employment and will help to meet identified employment needs.

Cont....

Application 08/0752/OUT Continued

The allocation of the site accords with the key objective of the LDP to provide and protect a diverse portfolio of employment land for a variety of employment uses, focusing in particular on higher value employment uses and sites to meet local need. The LDP targets new employment growth to sites in the Northern Connections Corridor, with this area offering employment opportunities for the whole county borough.

2.5 Conclusion

It is considered that there is a need for both housing and employment development as proposed by the planning application. The housing part of the site forms part of the housing land supply necessary to meet total housing requirements in both the UDP and the LDP. In addition, it will help contribute to an identified affordable housing need in this part of the County Borough.

From the employment perspective, the area identified for employment has been included as part of the employment land supply in the UDP and LDP. This development will help address identified employment needs on an industrial estate, which has experienced demand and is recognised in the Atkins study as a site that should be allocated in order to meet future employment needs.

3. Nature conservation

Caerphilly County Borough Council's duties under the Natural Environment and Rural Communities Act 2006 (NERC).

The Council has a duty "to have regard to the conservation of biodiversity" when considering this application. Biodiversity is defined as the variety of life on earth, and includes all species of plants and animals and the natural systems that support them. Conserving biodiversity includes restoring and enhancing species populations and habitats as well as protecting them. The surveys submitted by the developer identified that the site of importance for nature conservation (SINC) which covers the application area is of varying quality, with features being identified as being of very high, high, medium and low value within the SINC.

If the SINC were to be retained in its entirety, then no development would be possible on this site, and there are UDP policies that have also allocated the site for employment and housing. The initial application proposals retained only a small area of grassland in the centre of the site. This area was significantly increased through discussions with the developer, to retain a much larger area of habitat including much of the high and very high quality grassland habitats and the majority of the hedgerows. Conditions have been recommended to ensure that those hedgerows and high quality grassland that could not be retained will be translocated elsewhere within the site. Cont....

Application 08/0752/OUT Continued

The remaining area will be managed positively to enhance and restore the features that it currently supports in accordance with other conditions and through a Section 106 Agreement. While there will be a net loss in area of the SINC, there will be an improvement in the quality of the remaining SINC. This compromise was considered to be reasonable mitigation for the loss of parts of the SINC. The regard given to the conservation of biodiversity is therefore in line with the duty placed on the Council under the NERC Act.

- 3.1 The consideration given to Welsh Assembly Government TAN 5 'Nature Conservation and Planning (2009)' in the determination of the application.

The analysis did not make specific reference to TAN 5 in the assessment; but it is clear that the guidance has been taken into account when considering the impact of the development on the SINC and on the Biodiversity Action Plan habitats and species present on site. The development will result in some harm to the interests of nature conservation, but in seeking revisions to the scheme the authority will have sought to minimise that impact through mitigation measures including increasing the area of retained habitat, translocating high quality habitats to areas of poorer quality within the site, and seeking compensation for the loss of the remaining habitats by requiring the developer to maintain and enhance the remaining habitats through positive management through a planning obligation.

- 3.2 Concern was expressed at the site meeting that no conditions are being recommended requiring habitat protection or improvement.

Recommended conditions 22 to 25 and Condition 33 relate to habitat protection and improvement, and the Section 106 Obligation will secure the long-term management of the remaining habitats.

- 3.3 Changes in legislation in the last two years.

The Conservation (Natural Habitats etc.) Regulations were amended in 2009 and all the amendments since its first issue in 1994 were consolidated in the Conservation of Habitats and Species Regulations 2010. There is no significant change to the legislation that materially affects the application. Sections 5 and 8 of the Wildlife and Countryside Act, which contain a list of species that require protection, are currently going through their five-yearly review. Additional species included in these lists in that review have not been recorded on the application site.

Cont....

3.4 Specific species

Pink Waxcap

Pink waxcaps were identified on site as an incidental record made during the summer vegetation survey of the site. Waxcaps are most abundant during the autumn season, so it is possible that further records may be found within the application site. No comprehensive grassland fungi survey has yet been undertaken by the developer, and as a result this survey has been addressed through recommended condition 28.

Great Crested Newts

The Local Authority acted on the information provided by local residents, by requiring specialist surveys to be undertaken to evaluate the site and adjacent ponds for its potential for great crested newts. In the light of no evidence being found, it was considered unnecessary to address the three tests referred to in the Habitats Directive. However, it should be noted that as a precautionary measure, the habitat where the local resident found the great crested newt will be retained as part of the retained habitat within the central part of the site, and access to a nearby pond protected. In addition a supplementary survey has been required by recommended condition 31 for reptiles and amphibians together with a requirement for details of remedial measures for these species.

- 3.5 The view was expressed at the site meeting that European legislation places a duty on the Council to ensure that the SINC is totally protected.

The Local Planning Authority in determining a planning application is required to "have regard to the requirement of the Habitats Directive in so far as they may be affected by the exercise of those functions". This relates to habitats and species listed in Annex 1 and 2 of the directive. In accordance with the directive, the Countryside Council for Wales has designated various sites throughout Wales that are considered to be of European importance for their habitats and species. Only one site in Caerphilly county borough has been designated as being of European importance for its purple moor grass, rush pasture and Marsh Fritillary butterflies at Aberbargoed. Although the planning application site has two habitats listed in Annex 1 of the directive they are not of sufficient quality or size to designate them as a Special Area of Conservation. The directive does not require SINC's to be protected; however, the majority of these habitats will be retained, protected and enhanced.

Cont....

4. Conclusion

Matters of need and nature conservation have been properly considered in recommending approval of this proposed development.

DEFERRED FOR SECTION 106

EXTRA CONDITION REGARDING COMMERCIAL WASTE

PREFACE ITEM

APPLICATION NO. 13/0684/RET

APPLICANT(S) NAME: Mr A Heath

PROPOSAL: Retain and complete detached garage

LOCATION: Drenewydd House, Collins' Row, Bute Town, Rhymney.

Members will recall that this application was reported to the Planning Committee of 30th October 2013. At that meeting Members were advised that the public consultation period for this application did not expire until 7th November 2013 and that as such it was not possible to make a final decision at that time. However, Members were asked to give a resolution to approve the application on the proviso that no significant objections were received prior to the issue of the consent. Members agreed to this resolution.

Two letters of objection have now been received from local residents in respect of this matter and the objections are summarised below:-

- 1 The process for the determination of the application, including the consideration of a retrospective application.
- 2 Right to light and loss of view from the neighbouring dwelling.
- 3 Effect of the proposal on the Conservation Area.
- 4 The personal circumstances of the complainant who has lived in the neighbouring dwelling for 34 years with his wife who passed away this year.

With regard to the first issue, there is provision in planning law for the submission and consideration of retrospective planning applications. As such this is not in itself a reason to justify refusal of the application. It is noted that the developer was advised to stop works when the matter came to the attention of the Local Planning Authority and that some works may have been carried out after this time. However, no works have been carried out since the submission of the application and the Local Planning Authority cannot force the developer to stop works but only to advise that any works would be carried out at his own risk. Again this is not a reason to justify refusal of a planning application. The objectors have been given ample opportunity to view the plans submitted and to comment on the application as letters were sent to the properties nearest the site on 4th October 2013 with a site notice posted on 10th October 2013 and a Press Notice on 17th October 2013.

The fact that works had commenced on site prior to the application being submitted does not prevent people from objecting or indeed the Local Planning Authority from refusing the application should it consider it appropriate to do so.

Right to light and loss of view are not material planning considerations. However, loss of amenity as a result of a development having an overbearing impact is a material planning consideration and it has been dealt with at length in the report to committee attached as Appendix A.

The effect of the proposal on the character of the Conservation Area and the adjacent listed building has been carefully considered in the report to committee attached as Appendix A. There are no specific policies in the Caerphilly County Borough Local Development Plan relating to Conservation Areas as the issue is covered in national planning guidance. In this instance, and as discussed in the report to Planning Committee it is considered that this proposal would not have a detrimental impact on the character of the Conservation Area or on the listed building. Indeed in terms of the style and massing of the building it is considered that it is in keeping with the former school building and as such the proposal serves to preserve the character of the Conservation Area.

With regard to the final matter the Local planning Authority acknowledges the personal circumstances of the complainant, however they cannot be taken into account in the determination of this application as it has to be considered on the basis of its own planning merits.

RECOMMENDATION

The application is approved in accordance with the attached report.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0772/LA 21.10.2011	CCBC (Public Services) Mr M Headington Ty Pontllanfraith Pontllanfraith Blackwood NP12 2YW	Change use of land and erect extension to existing Gelligaer Cemetery, including access road, car parking and footpaths Land Adjoining Gelligaer Cemetery Gelligaer Hengoed

APPLICATION TYPE: Local Authority Application

SITE AND DEVELOPMENT

Location: Land adjoining Gelligaer Cemetery, Gelligaer. Gelligaer Cemetery is situated at Castle Hill, Gelligaer, to the east but just outside the settlement boundary for Gelligaer. Access to the site is gained via a tarmac lane leading off Castle Hill. The existing cemetery falls within the Gelligaer Conservation Area. A Scheduled Ancient Monument (SAM) that of the Roman Forts (GM106) is located just to the east of the application site.

Site description: The proposed cemetery extension would lie within the south-western end of two fields of improved grassland currently managed as Rye-grass leys. Both fields are bordered by mature hedges on low banks and lie immediately adjacent to the northern boundary of the existing cemetery with open farmland beyond this. To the southwest is located private residential land, with further open farmland.

The proposed access to the cemetery extension would be across the north-eastern margin of the existing cemetery. This is a hedged boundary with a ditch along its northern side. The north-western margin of the cemetery is also formed by a hedge and bank with a shaded stone wall at its northern end.

The topography of the site is such that the site slopes down in a north-easterly direction at approximately 1 in 10. An open, but overgrown, watercourse runs along the top (southern) edge of the site and a second runs down the northwestern edge of the site, where it runs parallel to the direction of the slope.

Cont....

Application No. 11/0772/LA Continued

The boundaries of the site comprise a mature hedgerow along its north and western boundaries and a post and wire fence along its eastern boundary.

The application includes a Design and Access Statement, a Groundwater and Surface Water Pollution Potential Assessment Report and a Reptile Survey.

Development: Full planning permission is sought in respect of the proposed extension to the existing Gelligaer cemetery into an adjacent field, to include a 2.5m wide access road leading off the existing cemetery road to the western boundary of the site, leading through the site to a car parking area to the north eastern boundary of the site. A proposed 2m wide footpath dissects this access road through the middle of the site.

The development also includes the planting of a new hedgerow along the north eastern boundary of the site. An existing hedgerow is proposed to be removed along the north western boundary of the site and an existing drainage ditch filled in line with the surrounding ground level. A 4m deep filter/land drain is proposed along the southern boundary of the site between the existing and proposed cemetery, in order to discharge to the existing watercourse in the southeast region of the site. A new outfall structure is to be constructed adjacent to the existing ditch in the southernmost corner of the application site.

The area of the site acquired for the proposed cemetery extension is 1.73 hectares and this formed the original application site but only 0.77 hectares is to be developed at this stage because of the discovery of Roman remains (which appear to be a Roman road) during an archaeological survey of the whole site.

Dimensions: The site amounts to 0.77 hectares. The access road measures 2.5m wide and is 70m long. The internal footpath is 2m wide and is 100m long. The car parking area measures 25m x 10.5m

Materials: The access road and footpaths are to be constructed with a bituminous tarmacadam surface. The parking bays are constructed of a modular plastic reinforcing system.

PLANNING HISTORY

5/5/93/0579 - Construct golf course - Granted 16.02.94.

Cont....

Application No. 11/0772/LA Continued

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The site is located outside of any settlement boundary but is identified in the LDP (Policy CF1.12) for an extension to Gelligaer Cemetery. The site is also within a Green Wedge as identified by Policy S11.12; within the Gelligaer Common Special Landscape Area, identified by Policy NH1.2 and within the Gelligaer Common Registered Landscape of Special Historic Importance.

Policies:

Strategic Policies: SP2 - Development Strategy - Development in the Northern Connections Corridor, SP6 - Place Making, SP10 - Conservation of Natural Heritage, SP21 - Parking standards, SP22 - Community, Leisure and Education Facilities.

Countywide policies: CW2 - Amenity, CW3 - Design considerations - Highways, CW4 - Natural Heritage Protection, CW5 - Protection of the Water Environment, CW6 - Trees, Woodland and Hedgerow Protection, CW15 - General locational constraints,

NATIONAL POLICY: Planning Policy Wales, 5th Edition, November 2012, (PPW) Chapter 5 - Conserving and Improving Natural Heritage and the Coast at paragraph 5.2.9 states 'Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contributions to landscape character and beauty.' PPW also states at paragraph 5.4.3, 'Development plans should encourage the appropriate management of features of the landscape which are of major importance for wild flora and fauna in order to complement and improve the ecological coherence of the Natural 2000 network. The features concerned are those which, because of their linear and continuous structure or their function as 'stepping stones' or 'wildlife corridors', are essential migration, dispersal or genetic exchange.'

Important Hedgerows are protected under the Hedgerows Regulations, 1997 and hedgerows are listed as a Priority Habitat in the United Kingdom Biodiversity Action Plan and section 42 list of habitats of principal importance for the conservation of biological diversity in Wales.

Cont....

Application No. 11/0772/LA Continued

TAN 5 - Nature Conservation and Planning (2009) states that 'The potential effects of a development on habitats or species listed as priorities in the UK Biodiversity Action Plan (BAP), habitats or species listed as priorities in the UK Biodiversity Action Plan (BAP), habitats or species listed by the Assembly Government as of principal importance for the purposes of conserving biological diversity and by local biodiversity partnerships are capable of being a material consideration in the preparation of local development plans and in making planning decisions'. PPW indicates that local planning authorities should further the conservation of habitats and species of principal importance through their planning function and 'The town and country planning system in Wales should... look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally.'

Chapter 6 - Conserving the Historic Environment at paragraph 6.1.1 'It is important that the historic environment - encompassing archaeology and ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes - is protected. the Welsh government's objectives in this field are to:..... protect archaeological remains, which are finite and non-renewable resource, part of the historical and cultural identity of Wales, and valuable both for their own sake and for their role in education, leisure and the economy, particularly tourism;'

Paragraph 6.5.1 ..'Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. In cases involving lesser archaeological remains, local planning authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development.'

At paragraph 6.5.3 'Where local planning authorities decide that physical preservation in situ of archaeological remains is not justified in the circumstances of the case, and that development resulting in the destruction of the archaeological remains should proceed, before granting planning permission the authority needs to be satisfied that the developer has made appropriate and satisfactory provision for the archaeological investigation and subsequent recording of the remains and the publication of the results. Archaeological investigations should be carried out before development commences, working to a project brief prepared by the planning authority.'

Cont....

Application No. 11/0772/LA Continued

At paragraph 6.5.4 'local planning authorities may impose conditions to protect a monument and require that an archaeological watching brief is carried out. In order to secure the provision of an appropriate archaeological investigation and subsequent recording of remains, a negative condition may be imposed prohibiting the carrying out of the development until such time as works or other action (for example, an excavation), have been carried out by a third party.'

At paragraph 6.5.25 'local planning authorities should protect parks and gardens and their settings included in the first part of the 'Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales'... The effect of proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, on or the setting of such a park or garden, may be a material consideration in the determination of a planning application.'

Chapter 13 of PPW - Minimising and Managing Environmental Risks and Pollution should be also taken into account.

TAN 12 - Design, TAN 15 - Development and Flood Risk.

Circular 60/96 - Planning and The Historic Environment: Archaeology.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

CONSULTATION

Gelligaer Community Council - No objection.

Minerals Officer - The site is within the sandstone safeguarding area identified in the adopted LDP. However, the proposal falls within policy CW22 A (iii) of the plan, in that it cannot reasonably be located elsewhere.

Head Of Public Protection - No objection.

Cont....

Application No. 11/0772/LA Continued

CADW - The Curatorial Division of the Glamorgan-Gwent Archaeological Trust have completed an archaeological evaluation for the extension of Gelligaer Cemetery. GGAT report no. 2012/057 details the archaeologically significant structures and artefacts discovered. Cadw advises that the Council take the advice of Glamorgan-Gwent Archaeological Trust recommendations produced as an outcome of the evaluation.

Glamorgan/Gwent Archaeological Trust - Confirm the site is located close to a Scheduled Ancient Monument (SAM) that of the Roman Forts (GM106) at Gelligaer. It is possible that features associated with the Forts, notably civilian settlement areas and cemeteries of Roman date could be located in the application area and that ongoing groundworks required for the development may reveal archaeological evidence. GGAT also considered the impact of the development on the historic landscape and the visual impact upon the setting of the SAM, which they determined to be insufficient for the application to be refused. It remains possible that archaeological features could be located within the application area, which may be of national importance but taking into consideration the reduced size of the proposed development area and the results of recent archaeological evaluation carried out by GGAT Projects, they are content for a condition to be attached to any consent requiring the applicant to appoint an archaeologist to conduct a watching brief as suitable mitigation.

Gelligaer Community Council - No comments.

Countryside And Landscape Services - Has identified "important" hedgerows using the criteria under the Hedgerow Regulations 1997, whereby the presumption of the Regulations is that an important hedgerow should be retained wherever possible and taken into account as a material consideration in the planning process. Therefore, these hedgerows should be retained as part of the application process. The retention of the hedgerows will maintain the wildlife connectivity of the site. Consequently, this may be addressed by attaching appropriate conditions to any consent including the requirement to provide a 5-year hedgerow management plan for the existing and newly planted hedgerows, and enhancement planting. Biodiversity enhancements are also sought in respect of bats and birds.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - Requires a condition is attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer in respect of land drainage matters.

Cont....

Application No. 11/0772/LA Continued

Natural Resources Wales - No objection from a nature conservation point of view but are concerned that there are likely to be several significant negative impacts on the hedgerows. However, the change of plan in terms of the reduction of size will allow retention of connectivity of the hedgerows on site. Assuming that the double hedge and ditch in the north-west boundary will now remain intact, their previous comments relating to loss of connectivity and hedgerow removal are less relevant, as the impact will be less. However, they have raised issues relating to the protection of reptiles, nesting birds and general wildlife and expect the Council to demonstrate a net benefit to biodiversity through enhancement measures and sensitive management of the site. They recommend that the proposal is discussed with the Council's Ecologist.

Natural Resources Wales - Do not object to this application from an environmental point of view as submitted, subject to the imposition of conditions being attached to any consent regarding burials in relation to water courses.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 4 neighbouring properties have been consulted.

Response: One.

Summary of observations: - concerns regarding the means of enclosure of the cemetery and the security of her property.

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? There are no specific crime and disorder implications material to the determination of this planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The application has been considered in accordance with national and local plan policies.

Cont....

Application No. 11/0772/LA Continued

The main issues to be considered in the determination of this planning application are the impact of the development upon the nearby Gelligaer Roman Fort Scheduled Ancient Monument (SAM), the Gelligaer Common Registered Landscape of Special Historic Importance, the Gelligaer Common Special Landscape Area (Policy NH1.2), the amenity of adjoining houses, highway safety and also upon interests of nature conservation, and the water environment.

The proposed development will have a direct effect upon the SAM situated to the west of the site and is located in the vicinity of the scheduled ancient monument known as Twyn Castell (GM121) to the southeast of the site and Maen Cattwg (GM176) to the north west of the site.

The existing Gelligaer Cemetery has been well established and has been the subject of two extensions in recent decades. As these have been occupied, additional land is now required. The cemetery lies on the north-east side of the SAM. Two permanent pasture fields with mature hedges contain the fort and its vicinity. Some surface earthworks are visible when within or looking into these two fields. Part of the cemetery already lies close to the site and the gravestones and other features of the cemetery are not visible to anyone in or overlooking the two fields containing the Roman remains. It is considered by this Authority and confirmed by CADW that the extension to the cemetery will not materially affect the setting of the SAM. Also, Monuments GM121 and GM176 are too far away for their setting to be affected.

It is possible that features associated with the Fort; notably civilian settlement areas and cemeteries of Roman date could be located in the application area and that the immediate and ongoing groundworks required for the development could reveal archaeological evidence. As such an archaeological excavation of the site area has been undertaken by the Curatorial Division of the Glamorgan-Gwent Archaeological Trust.

The archaeological survey report demonstrates that a Roman road leads eastward from the Roman fort and crosses the northern field. Walls were found aligned with this road clearly indicating that a number of structures are located in the field. These structures may be domestic buildings forming part of a vicus, a civilian settlement located outside the fort, but are more likely to be of a funerary nature i.e. mausoleums and tombs, as cemeteries lining roads exiting Roman forts are common in Britain.

Cont....

Application No. 11/0772/LA Continued

Whatever the structures were used for they can be determined to be of at least regional importance and probably are of national importance. As such, the use of this field as a cemetery would require all of the archaeological features in it to be fully excavated, recorded and the results of the work published. This work would take some time and would have substantial costs.

There was no evidence in the southern field that significant archaeological features were present. A section of a Roman column was found but no other structures associated with this artefact were located suggesting that it had been moved into this area.

In order to proceed with the current planning application, it was strongly recommended that it be amended with the northern field being removed. This will allow a positive determination of the application for the southern field (in regard to the archaeological restraints) and thus allow the expansion of the current cemetery. To establish the cemetery any new internal paths/roads will be laid out and an archaeological watching brief will need to be maintained during the construction of these just to confirm the results of the evaluation and to record any artefacts that are revealed by this work.

Consequently, the original planning application has been revised to exclude the north west field in order to secure the continuation of a burial service at Gelligaer into the south-eastern field only.

It remains possible that archaeological features could be located within the current application area, which may be of importance and as such it is considered appropriate to attach a condition to any consent requiring an archaeological watching brief.

The proposed extension of the cemetery is also within both the Gelligaer Common Registered Landscape of Special Historic Importance and within the Gelligaer Common Special Landscape Area. It is considered that the proposed extension of the cemetery would have a minimal impact on the character of the historic and rural landscape and as such does not conflict with Policies SP10 and CW4 of the LDP.

However, the existing hedgerows that will be affected by the above planning application have been assessed in accordance with the Hedgerow Regulations 1997 in order to identify potential ecological issues.

Cont....

Application No. 11/0772/LA Continued

The existing hedgerow located between the existing cemetery and the proposed extension (to the north of the application site) qualifies as an "important" hedgerow using the criteria under the Hedgerow Regulations 1997. It contains 7 woody species within its central 30m section (Silver Birch, Downy Birch, Elder, Hazel, Holly, Sessile Oak, Rose and Willow), has a supporting bank or wall along at least half its length, at least 1 tree per 50 metres and connections with other hedgerows, ponds or woodland. The existing north west hedgerow also qualifies as an "important" hedgerow using the criteria under the Hedgerow Regulations 1997. It contains 7 woody species in its central 30m section (Silver Birch, Blackthorn, Hawthorn, Hazel, Holly, Sessile Oak and Willow), has a supporting bank or wall along half its length, less than 10% gaps and at least 1 tree per 50 metres.

The presumption of the Regulations is that an important hedgerow should be retained wherever possible and taken into account as a material consideration in the planning process. Therefore, these hedgerows should be retained as part of the application process. The retention of the hedgerows will maintain the wildlife connectivity of the site. Both of the existing hedgerows have natural breaks, and these breaks should be utilised for the new road layout to prevent altering the natural connectivity of the hedgerows on the site. Drainage ditches, roads and parking bays should be set back at least 5m from the existing and proposed hedgerows. This 5m buffer area should be managed as wildflower strips for wildlife, as a biodiversity enhancement, along with the small area of Marshy Grassland present within the cemetery. The hedgerows and trees should be protected during the construction period. Any tree or hedgerow trimming should be undertaken outside of the breeding bird season or checked for nesting birds by a qualified ecologist prior to trimming. The existing drainage ditches should also remain as they are a qualifying feature of the hedgerow and filling them to ground level will affect the trees within the hedgerow.

Construction should be restricted to daylight hours to avoid disturbance to bats and other wildlife. Any deep holes or ditches should be securely covered at night. Any lighting once the cemetery is operational should be minimal and designed to maintain dark corridors through the site.

It is considered appropriate in the interests of biodiversity and enhancement and in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009) to attach conditions to any consent requiring a 5 year, hedgerow management plan (to include the protection and management of the Marshy Grassland Area and Wildflower Buffer Strips) for the existing and newly planted hedgerows.

Cont....

Application No. 11/0772/LA Continued

It is also considered appropriate to attach a condition requiring details of the provision of boxes for bats and birds within the cemetery as a biodiversity enhancement.

The application included a Reptile Survey Report. The observation of just one Slow Worm in five surveys undertaken probably indicates a low density population of this species. The presence of Slow Worms on the site is significant because all native British reptiles are protected under the Wildlife and Countryside Act. The protection makes it unlawful to kill them intentionally (which includes undertaking works in the knowledge that they are likely to be harmed) unless the work is part of a lawful operation and could not reasonably have been avoided. In this case reasonable measures would need to be taken to minimise the risk of killing reptiles during the proposed construction of the cemetery extension. The report confirms that based upon the survey findings, it is unlikely to be necessary to carry out a rescue of animals and transfer them to an alternative site. The majority of the habitat that would be affected by the proposed cemetery extension is considered very unlikely to support reptiles.

There is a low probability that the margins might be used by Grass Snakes but the habitat quality in the proposal area would not constitute optimal habitat for this species. They confirm that even if Grass Snakes are confirmed in the nearby Marshy Grassland field, the risk of them being affected by the proposed cemetery extension would be very low. The recommended approach is to contain the reptile population within their existing habitat and reptile mitigation measures are proposed in this respect. These matters may be addressed by attaching appropriate conditions to any consent.

Incidental sightings of other animals included several Common Toads and a Common Frog. A Tawny Owl was seen in the trees at the northern boundary of the marshy grassland field during each of the first three surveys. It is considered that the principle of the land use would not have an unacceptable impact on the character, amenity or landscape value of the countryside. A new native hedgerow is to be planted along the north eastern boundary and will provide important habitat and act as wildlife corridors, particularly for birds, invertebrates and bats.

Cont....

Application No. 11/0772/LA Continued

Policy CW5 deals with the protection of the Water Environment. An open but overgrown, watercourse runs along the top (southern) edge of the site and a second runs down the centre of the site. The watercourse down the centre of the site runs parallel to the direction of the slope. The groundwater is shallow at the site and developing a cemetery creates a potential pathway for polluting controlled waters. Therefore controls are needed to ensure that the way the proposed cemetery is developed manages the risk of polluting controlled waters. Whilst the Natural Resources Wales have a regulatory role in relation to water quality, the planning system has a crucial role to play in limiting the adverse effects of development on the water environment. The Groundwater and Surface Water Pollution Assessment Report confirmed, based on the guidance set out in the Groundwater Pollution Potential of Cemetery Developments' (Environment Agency, 2004), a tiered risk assessment was undertaken with respect to the proposed extension of the current cemetery development. An initial assessment of this report indicates that based on the site setting and the likely rate of burials per year and in line with guidance, the site is considered to be an Intermediate Risk Site. Based on the initial risk rating, a 12 month groundwater monitoring programme was undertaken to provide information on the current base line water quality from the site. The report concluded that the current cemetery site is not adversely impacting groundwater quality, and it is considered the potential loading from the new development will not significantly impact Nant Cylla. It should be noted that all calculations have adopted a 'worst case scenario'. Natural Resources Wales having considered the report and following pre-application discussions have raised no objection to the revised area especially as it is a smaller area but require conditions be attached to any consent concerning drainage and water courses.

In terms of highway safety, the proposed road extension within the cemetery allows access to the application site. This Council's Transportation Engineering Manager has raised no objection to the development. Consequently, it is considered that the proposed development is in accordance with Policy CW3 - Highways of the LDP.

In terms of amenity, one letter of objection has been received. The northern boundary of the existing cemetery area lies close to a residential dwelling, known as Dan-y-Gaer House. The resident of that property has raised concerns regarding the insecure fencing around part of the existing cemetery, which she alleges has resulted in people trespassing onto her property. As this complaint relates to the existing cemetery, and not the current application, the matter has been referred to The Head of Public Services, who it is understood has agreed for the fencing to be replaced with secure fencing.

Cont....

Application No. 11/0772/LA Continued

It is considered that the proposed development is compatible with surrounding land uses and will not have an adverse impact upon the privacy or amenity of residents of nearby dwellings and as such is in accordance with Policy CW2 of the LDP.

It is considered that the submitted scheme is of a satisfactory design and will not have an adverse effect upon the amenity or character of the surrounding area.

Comments from Consultees: See above.

Comments from public: See above.

Other material considerations: None.

In conclusion, it is considered the proposed development does not conflict with local plan policies or national planning guidance and is therefore acceptable in planning terms.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Details of surface water and land drainage shall be submitted to and agreed in writing with the Local Planning Authority before such works commence and shall be carried out in accordance with the agreed details before any burials take place on the application site.
REASON: In the interests of highway safety.
- 03) Prior to the commencement of burials at the application site, a 5-year hedgerow management plan, which shall include details of the timing of its implementation, shall be submitted to the Local Planning Authority for approval.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).

Cont....

Application No. 11/0772/LA Continued

- 04) Prior to the commencement of burials at the application site details of hedgerow enhancement planting and management, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up existing hedgerows, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the hedgerow planting shall be carried out within 12 months of the first burial at the application site.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 05) The development hereby approved shall be carried out in accordance with the recommendations made in Section 4, including the long term management proposals of the Reptile Survey Report dated August 2009, prepared by Sturgess Ecology unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure adequate protection and mitigation for protected species.
- 06) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 07) Prior to the commencement of any burials at the application site, a plan showing details of the provision of boxes for bats and birds within the cemetery, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before first burial at the application site.
REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in the Welsh Assembly Government's Planning Policy Wales (2010) and TAN 5 Nature Conservation And Planning (2009).

Cont....

Application No. 11/0772/LA Continued

- 08) The Marshy Grassland Area and Wildflower Buffer Strips shall be protected and managed as such in accordance with a 5-year management plan to be submitted to and agreed in writing by the Local Planning Authority before the commencement of any burials on site. That plan shall include the timing of its implementation.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 09) Prior to the commencement of the development a programme of archaeological work in accordance with a written scheme of investigation, including a timetable and extent of work, shall be submitted by the applicant and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
REASON: In the interests of the archaeological and historical heritage of the Borough.
- 10) Unless otherwise agreed in writing with the Local Planning Authority, no burials shall be within a minimum of 30 metres of the existing watercourse shown on drawing THT878-LP3 dated 26th September 2011 (shown to flow in a north easterly direction through the application site, marked as a 'drainage ditch').
REASON: To manage the risk of polluting of the water environment.
- 11) Unless otherwise agreed in writing with the Local Planning Authority, no burials shall be within a minimum of 10 metres from the drainage ditches shown on drawing TFT878-LP3 dated 26th September 2011 (shown to flow around the perimeter of the site).
REASON: To manage the risk of polluting of the water environment.
- 12) No burial shall take place into any standing water.
REASON: To manage the risk of polluting of the water environment.
- 13) The base of any grave shall be above the local water table, as defined by the 'Proposed Gelligaer Cemetery Expansion - Groundwater and Surface Water Pollution Potential Assessment Report' by White Young Green (January 2011), or any superseding report agreed in writing by the Local Planning Authority.
REASON: To manage the risk of polluting of the water environment.

Cont....

Application No. 11/0772/LA Continued

- 14) Annual monitoring and review of groundwater and surface water, to commence one year after the first burial at the extended cemetery hereby approved shall be carried out for the lifetime of the cemetery, building on the baseline i.e. the determinants already sampled at the locations shown on drawing A056275_2_GI_FR Rev 00 dated 3rd November 2009 in 'Proposed Gelligaer Cemetery Expansion- Groundwater and Surface Water Pollution Potential Assessment Report' by White Young Green (January 2011). Where any evidence of pollution is identified, it shall be investigated and remediated in accordance with a scheme to be submitted and agreed in writing with the Local Planning Authority.
REASON: To manage the risk of polluting of the water environment.
- 15) The development hereby approved relates to the details received on 7th March 2013, drawing numbers LP2A, LP4 rev. A and LP3 rev. A by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.

Advisory Note(s)

The following policies 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, CW4, CW5, CW6.

The applicant is advised of the comments of the Senior Engineer (Land Drainage), Council's Ecologist, Glamorgan/Gwent Archaeological Trust and Natural Resources Wales.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0422/FULL 12.06.2013	United Welsh Housing Association C/o Boyer Planning Mr S Barry 1B Oaktree House Oaktree Court Mulberry Drive Cardiff Gate Business Park Cardiff CF23 8RS	Change the use to provide 18 accommodation units for homeless people and associated office space and support facilities Maes Y Dderwen Heol Las Nelson Treharris CF46 6PW

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Maes Y Dderwen, Heol Las, Nelson, CF46 6PW. The site is located along Heol Las, situated outside settlement limits to the northwest of Ystrad Mynach and to the southeast of Nelson. The large detached property occupies a prominent position situated at the junction of Caerphilly Road - A472, with Heol Las - a rural country lane. Wern Isaf Farm is located immediately to the western boundary.

Site description: Maes Y Dderwen is a previously developed site of a rectangular shape and is currently occupied by an existing vacant (Class C2 of the Town and Country Planning (Use Classes) Order 1987) Nursing Home, surrounded by a hard standing, with parking and garden areas to the front and rear. The building on site comprises of the original stone clad 2.5 storey original dwelling and also the late 1980s rendered 3-storey extension. The original stone clad building was a residential until 1987 when consent was granted for the change of use to a 16-bed nursing home with the addition of the modern extension.

The site is accessed from Heol Las with the main entrance via an existing vehicular gate and pedestrian gate. There is currently a second vehicular access point to the south linking to a grassed area and former refuse storage area.

The boundary treatments surrounding the site comprise a stone wall, fence, hedges and clusters of trees. The proposed development will retain the existing brick wall, which will be repaired where necessary.

Cont...

Application No. 13/0422/FULL Continued

The nearest locations to access local amenities and facilities from the site are at Commercial Road in Nelson (1.85km) and Bedwlwyn Road (1.91km) in Ystrad Mynach. Further afield in Ystrad Mynach, just 2.6km from the site are a Tesco's Superstore and Lidl store. The application site is within close proximity to local public transport services. The nearest bus stop is at Tredomen Business Park, situated 800m away along the adjacent A472 Caerphilly Road. The nearest local train station is Ystrad Mynach Railway Station, situated on Nelson Road in Ystrad Mynach (1.40km from the site).

Development: Full planning permission is sought in respect of the change of use of these C2 premises to provide 18 accommodation units for homeless people together with associated office space and support facilities. Development plans include an internal refurbishment and partial remodelling of the existing building, with re-roofing and replacement of soffits and fascia boards as necessary. The internal layout is to be altered from the existing 16-bed nursing home layout to provide the following: -

GROUND FLOOR

- i. Reception and office area
- ii. 2 x interview rooms
- iii. Staff rest/sleepover room
- iv. Boiler/meter room
- v. 2 x single accommodation units (including a disabled flat)
- vi. I.T. suite
- vii. Communal training/kitchen
- viii. Communal laundry
- ix. Ancillary spaces, including cleaners' store room, unisex toilet and general store.

FIRST FLOOR

- i. 8 x single accommodation units
- ii. 2 x communal lounges
- iii. Cleaners' store room

SECOND FLOOR

- i. 8 x single accommodation units
- ii. Cleaners' store room

Each of the accommodation units comprises a bedroom area, kitchen, small living room/dining area and shower room.

Cont...

Application No. 13/0422/FULL Continued

In order to update the vacant building and to accommodate the proposed use the buildings are subject to a number of minor external alterations including the removal of the external staircases, replacement of the bay windows on the southeast elevation, new upvc windows and doors, including sash style windows where appropriate on the elevations of the original building.

The proposed plans also incorporate a total of 7 car parking spaces, a 22 space cycle storage unit, new refuse storage area (18 no. 240 litre refuse bins will be provided and 2 no. 240 litre recycling bins), new communal/multi-functional space to the south, and smoking shelter. Residents will also maintain the large grassed area to the rear of the building as amenity space. Space is also provided for a 7-seat mini bus, which may be available to provide access to education facilities elsewhere.

The proposed development will retain the existing stone walls and will repair where necessary. A new section of fence is to be provided across the second vehicular entrance to the site, whilst the main vehicular gates are to be replaced, with the existing brick wall retained.

The application is supported by a Preliminary Ecological Appraisal, a Bat Activity Survey, a Method Statement, a Planning Statement, a Design and Access Statement, and a Tree Survey.

Dimensions: The building has a maximum footprint of 21m x 18.8m x 12m and sits within a plot amounting to 0.326 hectares.

Materials: Roof - grey concrete tiles/slate; walls - coarse rubble stone/render; windows-upvc sash/stained timber, steel fire escapes.

Ancillary development, e.g. parking: 6 existing car parking spaces will be replaced with 7 car parking spaces, 22 cycle spaces and 1 bus space.

PLANNING HISTORY

P/00/0929 - Alter car park and access - Granted 27.11.00.

P/00/0930 - Alter existing nursing home building - Granted 21.11.00.

P/00/0971 - Erect boundary enclosure - Granted 27.11.00.

P/01/0122 - Retain two lamp standard poles - Granted 27.01.01.

P/01/0303 - Provide overspill car park - Granted 10.05.01.

Cont...

Application No. 13/0422/FULL Continued

P/01/0866 - Reposition access to car park - Granted 25.10.01.

P/02/0714 - Erect single storey extension to nursing home - Granted 12.09.02.

P/02/0718 - Erect gazebo for residents use - Granted 15.08.02.

09/0079 - Erect 3m high welded mesh panel fence to enclose and create a secure terrace patio area - Refused - 14.05.09.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Outside settlement boundary. Policy NH1.3 Mynydd Eglwysilan Special Landscape Area.

Policies:

Strategic Policies:- SP2 - Development Strategy - Development in the Northern Connections Corridor, SP6 - Place Making, SP21 - Parking Standards.

Countywide Policies:- CW2 - Amenity, CW3 - Design Considerations - Highways, CW4 - National Heritage Protection, CW6 - Trees, Woodland and Hedgerows, CW15 - General Locational Constraints, CW20 - Locational constraints - Conversion, Extension and Replacement of Buildings in the Countryside.

Supplementary Planning Guidance contained in LDP5 - Parking Standards, LDP 10 - Buildings in the Countryside.

NATIONAL POLICY Planning Policy Wales (PPW) (Edition 5). Paragraph 2.9.9 of Planning Policy Wales, 5th Edition, November 2012 encourages good design to be the aim of all those involved in the development process. The guidance states, "The visual appearance of proposed development, its scale and its relationship to its surroundings are material planning considerations and local planning authorities should reject poor designs. External layout, access and setting all need to be considered."

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

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No

Cont...

Application No. 13/0422/FULL Continued

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this application because it is for a change of use and not a new building.

CONSULTATION

CCBC Housing Enabling Officer - The development is being developed in partnership with United Welsh Housing Association and Caerphilly County Borough Council. The Council is under severe pressure to accommodate homeless persons where it has a statutory duty to provide accommodation. This scheme will help to alleviate some, but not all of the pressures on the homeless services.

Countryside and Landscape Services - Having considered the submitted ecological reports and the justification for the development in terms of the tests under the EU Habitats Directive (see relevant section below) the Ecologist has raised no objection subject to the imposition of conditions requiring a protected species licence as appropriate, compliance with the recommendations in the submitted ecology reports, details of lighting to be submitted for further consideration, and replacement trees to compensate for the loss of those that are to be removed.

Transportation Engineering Manager - No objection subject to conditions and the applicant entering into a Section 106 Agreement to secure the contribution of £8500 towards footway improvements along the A472 to Ystrad Mynach.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - Requests a condition is attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. Advice is also provided in respect of land drainage matters to be conveyed to the developer.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and one neighbouring property has been consulted.

Cont...

Application No. 13/0422/FULL Continued

Response: Two letters including one from the Farmers Union representing Tredomen Farm, Wern Isaf Farm and Forest Las, Heol Las.

Summary of observations:

1. Highway safety issues, Maes Y Dderwen is situated on the busy A472 mid-way between Ystrad Mynach and Nelson, with the result that residents would have to walk approximately 1 mile to reach either village.
2. The bus stop near Maes Y Dderwen is a request stop and it has been known for bus drivers to fail to stop.
3. Therefore the location of Maes Y Dderwen is not suitable for homeless people, who presumably will have no vehicles, and will be reliant upon public transport.
4. Tredomen and Wern Isaf Farm are busy working farms and as such agricultural tractors and machinery regularly pass Maes Y Dderwen, which will pose a potential danger to occupants.
5. Details of the addresses referred to in the DAS are inaccurate, Fig 4 states 'Heol Fawr' and the correct name is Heol Las and the reference to Castell Llwyd Farm lying just to the south of the site is incorrect because the adjoining attached farm is Wern Isaf.
6. Environmental impact concerns if development results in loss of hedges.
7. Increased risk of crime and disorder.
8. Does not accept that the site has access to services and facilities in close proximity.
9. Noise pollution.
10. Loss of privacy.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? There are no specific crime and disorder implications material to the determination of this planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes

A Bat Survey Report was undertaken by 'Wildwood Ecology' in June 2013, which found the buildings to contain maternity roosts for common pipistrelle, brown-long eared, and natterer's bats, with up to 30 bats of each species thought to be resident. A reputable bat ecologist undertook the survey with proven experience in surveying for bats.

Cont...

Section E of the Bat Method Statement provides recommendations to allow mitigation, compensation and monitoring of bats into the existing roosts, which are to be retained. Small opportunistic roosts used by individual bats will not be retained. No whole-scale re-roofing will take place. Isolated repairs and installation of new roof vents will be completed where necessary. Breathable membranes will not be installed or retrofitted in any area of the building. Where repairs are necessary as appropriate roofing underfelt will be used to line the roof. Existing soffits and fascias will be removed and replaced. New dedicated bat access points will be installed around the perimeter of the building. Where access points are provided, gaps over the gable walls will be maintained with no material installed in these areas.

The submitted survey detected the presence of a maternity bat roost for multiple species of bats (droppings and a dead bat). It will therefore be necessary for the developer to apply for derogation (a development licence) from the Welsh Government. As a competent authority under the Conservation of Habitats and Species Regulations 2010, the Local Planning Authority must have regard to the EC Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions (the 'three tests') under Article 16 of the Habitats Directive are met (TAN 5 Para. 6.3.6). The tests are:-

- i. The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative.
- iii. The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied and answered as follows:-

- i. The full planning permission for the change of use of Maes Y Dderwen to a support and accommodation centre, providing 18 accommodation units along with associated office and support facilities for homeless people, has been sought as a direct response to the significant evidence of need for such a facility and the priority requirements of the Welsh Government in addressing homelessness.

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Application No. 13/0422/FULL Continued

Welsh Government guidance is clear and overwhelming in its objective to prevent homelessness. Furthermore, there is a significant need for suitable accommodation within the county for the homeless, which will provide emergency, temporary and move-on accommodation. The Local Authority Planning for the Future Operational Plan (2013 to 2015) indicates that between 2011 and 2012 there were over 400 homeless referrals in the County. It is evident that there is a significant and pressing need for homeless accommodation within Caerphilly County Borough.

Not only is addressing this need identified as a priority by the Welsh Government but also Caerphilly County Borough Council. Accordingly, it is plainly the case that the proposal responds to the prevailing needs and the requirements of the Welsh Government.

United Welsh Housing Association identified the site early in 2013 in response to the need for a facility in Caerphilly County Borough, which can provide suitable accommodation and support for the homeless. The site has had a number of previous planning applications in relation to the existing building. In 1987 a planning application was approved for the change of use, extension and alterations to provide a nursing home. Given the use of the building, its conversion to provide 18 accommodation units along with associated office and support facilities for homeless people is clearly an important facility and of significant social need.

ii. Option 1 - Do Nothing

In a 'do nothing' situation this would be counterproductive for the authority in addressing the identified need for homeless accommodation and support. In the year 2011 to 2012 there were some 412 homeless referrals. It is proposed that this development will assist in providing the facilities and services for 18 individuals. Furthermore if no work were to be undertaken on site the building would fall into a state of disrepair.

Option 2 - Conversion of Building

The site was identified by United Welsh Housing Association early in 2013 in response to the need for a facility in Caerphilly County Borough which can provide suitable accommodation and support for the homeless. The previously developed site is presently occupied by an existing vacant 2.5-storey C2 Care Nursing Home.

Cont...

Application No. 13/0422/FULL Continued

The restoration of the existing buildings on the site is a key consideration for any future use of site, be it for homeless accommodation, the continued use as a nursing home or an alternative. The proposed works will not result in the damage or destruction of the roosts; however given the current state of the buildings any continued occupation will require the repair of soffits, internal refurbishment and the removal of trees from site (due to poor quality/safety). Therefore, the proposed approach and mitigation is deemed the most appropriate.

- iii. Common pipistrelle, brown long eared and myotis bats emerged from the building during the bat survey carried out by a competent ecologist with proven experience in bat surveying at an appropriate time of year. The survey report concludes that the building is a maternity roost for common pipistrelle, brown long eared and myotis bats. The proposed development will therefore result in disturbance to bats; however, adequate mitigation, compensation and monitoring recommendations have been put forward in the Method Statement and conditions can be placed on the applicant to ensure that the mitigation will be implemented. The favourable conservation status of the species is therefore unlikely to be affected by this development, as the mitigation measures will maintain and enhance the roosting opportunities for common pipistrelle, brown long eared and myotis bats at this location.

ANALYSIS

Policies: The application has been considered in accordance with national planning guidance, local plan policies and supplementary planning guidance. The main issue to be considered in the determination of this application is the compatibility of the proposed change of use of the premises from a nursing home to accommodation for homeless people (sui generis use in planning terms).

Objection has been raised regarding the change of use of the premises to homeless accommodation, with particular concern raised in respect of the type of individual who may reside there. The objectors are concerned that those persons who will reside at the property will be criminals and as a result criminal activity and anti-social behaviour within the vicinity may result. However, the planning system cannot control the type of person who may seek refuge at the property as a result of unfortunate events that have led to their homelessness. This Council as a Local Planning Authority lays great weight in its policies and strategies to reduce inequalities between disadvantaged groups, and to be fair and equal in meeting the requirements of all people regarding housing provision and to reduce the incidences of homelessness and repeat homelessness, and to eliminate rough sleeping.

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Application No. 13/0422/FULL Continued

Welsh Government (WG) guidance is clear in its objective to prevent homelessness. Furthermore, there is a significant need for suitable accommodation within the County Borough for the homeless, which will provide, emergency, temporary and move-on accommodation. The WG has also previously provided an advice note on the prevention of homelessness (2004) and it notes at paragraph 1.3 that "The Prevention of Homelessness Act 2002 requires policy agenda in all the UK Nations. In England and Wales, the Homelessness Act 2002 requires housing authorities to review homelessness provision, including preventative measures, and to develop homelessness strategies that include preventative services." Whilst the advice note provided details and research on varying homeless groups the common theme running through the key considerations is that they should be able to access safe and secure accommodation, develop relationships with project staff and be supported in life skills necessary to sustain independent tenancies.

The Local Housing Strategy (2008 to 2013) sets out the Council's vision for housing in the Borough. This includes: -

- Meeting the housing requirements of all people through better access to a range of high quality housing advice and support services;
- Providing the opportunity for everyone to live in affordable, sustainable, good quality housing, regardless of tenure; and
- Enabling everyone to live in safe, sustainable and inclusive communities.

In order to realise the vision, the strategy sets out a series of overarching aims which seek to ensure that the residents of CCBC have access to a range of good quality, affordable housing that is situated in safe and sustainable communities, the aims include:-

Aim 1: Homelessness

To reduce the incidences of homelessness and repeat homelessness, and to eliminate rough sleeping.

Aim 4: Supporting People

To meet the housing requirements of vulnerable people through better access to a range of high quality, specialist housing and support services.

Aim 5: Affordable Housing

To meet housing requirements through the provision of a range of good quality, affordable housing options.

Cont...

Application No. 13/0422/FULL Continued

Aim 6: Housing Management

To provide good quality, well-managed homes in communities where people want to live, and offer people housing choices which meet their needs and aspirations.

Aim 9: Land Use Planning Framework

To meet housing requirements and promote sustainable mixed communities through the Land Use Planning Framework.

Aim 11: Community Regeneration

To promote sustainable and mixed communities that are located in safe and attractive environments.

The Planning for the Future (Draft) 2013 to 2015 strategy is clear that "accommodation is one of the most basic needs of any person." Accordingly it sets out the requirement for providing support to vulnerable adults that is specifically aimed at their accommodation needs and "providing the support needed to attain or maintain accommodation that is suitable and affordable to the individual." The report goes on to state that Caerphilly is already experiencing increasing levels of homelessness that are anticipated to rise significantly over the forthcoming years affecting many different groups. It is noted that between 2011 and 2012 there were 412 referrals of homeless people to the County's supporting people services (up from 233 the previous year).

It is therefore evident that there is a need for homeless accommodation within the Caerphilly County Borough and the proposed development responds to the prevailing needs and the requirements of Welsh Government.

Planning Policy Wales (PPW) (5th Edition) at paragraph 1.2.2 states that: "The planning system must provide for an adequate and continuous supply of land, available and suitable for development to meet society's needs, drawing specific attention to social considerations and states:

"Development control decisions should take account of social considerations relevant to land use issues, such as relationship of planning policies and proposals to social needs and problems including the likely impact on the whole community on women and men, on children and families and more on groups such as the elderly and disabled people, single parent families, ethnic minorities, disadvantage and" (Paragraph 2.4.4) And "Social considerations will be particularly relevant in assessing the need for special needs housing" (paragraph 2.4.4). Chapter 4 (paragraph 4.4.2) sets out overarching requirements for new development including promoting sustainable patterns of development and identifying previously developed land and buildings.

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Application No. 13/0422/FULL Continued

Locating development so as to minimise the demand for travel, especially by private car, and ensure that all communities have sufficient good quality housing for their need, including affordable housing for local needs and for special needs where appropriate.

The proposed development will make use of previously developed land and buildings, in a sustainable location, which meets housing needs of residents of the county borough, in line with national and local planning policies.

Policy CW2 of the LDP considers amenity and in addition to the objection raised regarding the tenure of the property discussed above objection has been made that to allow the development will result in noise pollution and loss of privacy in relation to the neighbouring Wern Isaf farm by residents enjoying the gardens belonging to Maes Y Dderwen. However, it is not considered that the proposed development would significantly result in an increase in the harm that may have existed in terms of noise and privacy when 16 residents used the building as a care home. However, any noise pollution may of course be referred to this Council's Environmental Health Division.

Policy CW3 of the LDP considers highway implications relevant to development. An objection has been raised that the location of the site is not suitable in terms of movement and access and does not have access to services and facilities in close proximity. It is suggested that the potential future residents of the home will not have a car and will have to walk one mile to reach either Ystrad Mynach or Nelson town centres. It is noted that there is not a continuous footpath both sides along the A472 and in this respect the Transportation Engineering Manager has negotiated with the developer to make a contribution of £8500 to secure footway improvements along the A472 to Ystrad Mynach. This may be addressed by the developer entering into a Section 106 legal agreement. He has also requested a condition is attached to any consent requiring a Travel Plan and the provision of cycle parking spaces and car parking spaces within the site in accordance with the approved plans. It is considered that with the highway improvements proposed, and the requirement to provide a Travel Plan, the proximity to local bus services within walking distance of the site, that access to shops, services and facilities meets the requirements of Policy CW3 of the LDP and as such is acceptable in planning terms.

Objection has been raised regarding the potential health and safety risks associated with a working farm i.e. Wern Isaf, in close proximity to the application site by farm vehicles using Heol Las lane. However, whilst it is acknowledged that farm vehicles may use Heol Las on a regular basis, it is considered that any persons today or in the future using the lane would adopt a common sense approach in terms of highway safety.

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Application No. 13/0422/FULL Continued

It is not unusual from a planning point of view for farms to be located next to other uses such as housing. Consequently, it is not considered that this objection is significant and would justify the refusal of the planning application.

Finally, objection has been raised that the proposed change of use would lead to significant environmental impact with particular concerns in respect of the loss of hedges and habitats. The developer has carried out an ecological survey in respect of the proposed development, which concludes that the building is a maternity roost for common pipistrelle, brown long-eared and myotis bats. The report and the mitigation measures proposed have been considered by this Council's Ecologist as referred to above and conditions are proposed accordingly.

A Tree Survey also supports the application with recommendations relating to the removal of 5 trees, which are considered to have a life expectancy of less than 10 years because of their poor condition and the protection of retained trees during the course of the development. This Council's Arboriculturist who concurs with the findings of the survey has considered the survey and the tree protection measures proposed. The mitigation measures proposed may be addressed by attaching appropriate conditions to any consent. A condition is also proposed requiring the replacement of the mature trees to be removed with fast growing species in order to maintain important flight lines for bats (as stipulated in the Bat Method Statement).

In terms of design, Policy SP6 of the LDP and TAN 12 - Design are relevant. It is considered that there are limited external alterations made to the existing dwelling which would result in the existing scale, mass and height of the building not changing. The proposed materials to be used in the external alterations have been selected to complement the existing dwelling. Consequently, it is considered the proposed development will not have an adverse impact upon the character of the existing dwelling or the surrounding area and as such does not conflict with local plan policies or national planning guidance and is therefore acceptable in planning terms.

Comments from Consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: These are discussed in the analysis above.

Other material considerations: None.

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Application No. 13/0422/FULL Continued

In conclusion, it is considered that the proposed development does not conflict with local plan policies or national planning guidance and as such is acceptable in planning terms subject to the imposition of appropriate conditions, provided the applicant enters into a Section 106 Agreement. The requirement is necessary because it enhances and ensures pedestrian access to local facilities, it is directly related to the development which will generate pedestrians, and it is reasonably related in scale and kind to the development proposed.

It is RECOMMENDED that (A) the applicant enters into a Section 106 Agreement under the Town and Country Planning Act, which requires a contribution of £8500 to be made to secure footway improvements along the A472 to Ystrad Mynach, and (B) that following the completion of the Agreement Officers be authorised to grant planning permission subject to the following conditions

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) 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.
- 03) The development hereby approved shall be carried out in accordance with the recommendations made in Section 6 and Method Statement of the bat survey report dated June 2013 prepared by Wildwood Ecology unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure adequate protection and mitigation for protected species.

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Application No. 13/0422/FULL Continued

- 04) Prior to its installation details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
REASON: To ensure adequate protection to bats.
- 05) The mature trees to be removed as part of the development are to be replaced with fast growing species in order to maintain important flight lines for the bats (as stipulated in the Bat Method Statement).
REASON: To ensure adequate mitigation for bats.
- 06) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 07) The development shall not be occupied until 22 cycle parking spaces have been provided in the location identified for cycle parking on the approved plans.
REASON: To ensure that the development is accessible by all modes of transport in the interests of sustainability.
- 08) Before any of the development hereby approved is occupied, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.
REASON: To encourage the use of a variety of transport options.
- 09) Prior to the occupation of the development hereby approved a scheme of land drainage 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.

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Application No. 13/0422/FULL Continued

- 10) In this condition a "retained tree" is an existing tree, which is to be retained in accordance with the approved plans and Tree Survey prepared by Treescene dated 14th February 2013. Prior to the commencement of works on site protective fencing in respect of established trees to be retained shall be erected in accordance with BS5837: 12 "Trees in relation to Construction". Trees should be protected using scaffold frame supporting weld mesh panel fencing sited on the edge of the Root Protection Area as defined by BS5837: 12. These fenced areas should not be used for the storage of plant or machinery or materials and personnel should be excluded at all times; these fences should remain in situ until after final landscaping has been carried out, removed by hand with great care to prevent compaction or root damage to established trees and overseen by a suitably qualified arborist.

REASON: In the interests of visual amenity and biodiversity.

- 11) The following activities must not be carried out under any circumstances:
- a) no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - b) no works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
 - c) no equipment, signage, fencing, tree protection barriers, materials, components, utilities, vehicles or structures shall be attached to or supported by a retained tree.
 - d) no mixing of cement or use of other materials or substances shall take place within a Root Protection Area (RPA), or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
 - e) no alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity.

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 and CW4.

The applicant is advised of the comments of Senior Engineer (Land Drainage).

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0488/FULL 01.07.2013	G2 Energy Renewable Developments Limited Mr P Hill 25 Osier Way Oiney Office Park Oiney Buckinghamshire MK46 5FP	Erect a single wind turbine, with a maximum blade to height of 77 metres, along with accompanying access track, crane hardstanding, substation, associated underground cabling and temporary construction compound Gelli-wen Farm Bedwellty Road Markham Blackwood NP12 0PP

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site forms part of Gelli-wen Farm, which is situated approximately 650m to the east of New Tredegar and 2km to the north of Markham.

Development: The application seeks full planning consent for the erection of a single wind turbine, with a maximum blade tip height of 77m, along with accompanying access track, crane hardstanding, substation, associated underground cabling and temporary construction compound. The numbers of ancillary buildings associated with the wind turbine have been kept to a minimum in this case, with only a single small external substation to be provided alongside the wind turbine. Other ancillary development includes a hardcore crane pad, a temporary construction compound, new access track and underground cabling. This has a total development footprint of 0.37 hectares within the landholding of Gelli-wen Farm.

The proposed development comprises the installation of a EWT Direct Wind 54, 500kW turbine (Class IIIa). The turbine has a hub height of 50m; a rotor diameter of 54m; and, a maximum tip height of 77m. It is made up of the following components, which will be individually transported and assembled on site using a mobile crane.

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Application No. 13/0488/FULL Continued

- Rotor blades x 3
- Rotor hub (holds the blades in position as they turn)
- Nacelle (cover housing for the generating components of the turbine)

The turbine will require buried concrete foundations measuring approximately 12m in diameter and 1.5 m in depth with a tapering cross section. The foundations will be laid at sufficient depth to ensure the top of the foundation is level with the height of the surrounding ground. Much of the excavated material will be reinstated following construction. It is envisaged that any surplus material will be disposed of off-site to prevent any loss of flood storage capacity of the site. All necessary consents will be obtained for removal of material from the site. All imported material will be inert and will be from a local batching plant.

The turbine will be coloured light grey (RAL 7035) with a semi matt finish to reduce its contrast with the background sky and to minimise reflections. It will be uniform in colour and will not contain any company logo or advertisements.

The rated power of the turbine at a speed of 10 metres/second (m/s) is 500kW. The turbine would begin generation at 3.0 m/s and would cut out at 25 m/s when wind speeds would be too high for safe generation. The wind turbine has a design life of 20 years. It is expected to generate renewable electricity sufficient to power approximately 220 houses.

A hardcore crane standing will also be required to construct the turbine. This will measure 19m by 48m and will remain in place for the life of the project to accommodate cranes that may be needed for major repairs and will be located adjacent to the wind turbine. Access to the wind turbine site will be via a new access track that will be 4m wide and extend 47m from Commin Road that is located to the east of the application site. The new track will run through the centre of the field and will comprise crushed stone; no concrete or tarmac will be laid. A new access into the field will need to be created off Commin Road including the removal of a small portion of stone wall.

A small external substation building (approximately 3m x 6m) will be located adjacent to the wind turbine. This will house high voltage switchgear, transformer and metering equipment and will be built on a slab foundation of 0.6m depth. The planned grid connection for the wind turbine is located 688m to the south of the turbine. Connection of the turbine to the grid will be via an underground cable. The cable route is entirely within the boundary of the landowner's property and will involve digging a trench approximately 1m deep before laying the cable and backfilling the trench. The point of connection is to an existing three phase 11Kv overhead line.

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Application No. 13/0488/FULL Continued

This is situated 5.5km from Abertysswg Primary Substation. A temporary construction compound will be needed during construction. Construction is planned to take no more than 20 weeks.

In order to transport the turbine components to the application site a temporary access will be created through a number of the fields on Gelli-wen Farm using a temporary matting system in order to protect the ground. This route is also likely to require the temporary removal and reinstatement of post and wire fencing at the field boundaries. A trial run was also carried out to assess the route of the turbine components from Newbridge to Commin Road and a number of minor off site highway works will need to be carried out as indicated in the revised Transport Management Plan.

Dimensions: As stated above.

Materials: As stated above.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

No previous planning history.

POLICY

Site Allocation

Local Development Plan: The site lies in the open countryside beyond a settlement boundary, it is not allocated for any specific use.

Policies

Local Development Plan: SP2 (Development Strategy), SP5 (Settlement Boundaries), SP8 (Minerals Protection), CW2 (Amenity), CW3 (Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints) and CW22 (Locational Constraints - Minerals).

National Policy: Technical Advice Note 8: Planning for Renewable Energy, July 2005. Planning Policy Wales (Edition 5), Nov 2012.

ENVIRONMENTAL IMPACT ASSESSMENT

Cont...

Application No. 13/0488/FULL Continued

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

Was an EIA required? - No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - No.

CONSULTATION

Public Health Wales - No objection.

Principal Valuer - No objection.

Minerals Officer - No objection.

Rights Of Way Officer - Raises an objection to the application due to the proximity of the turbine to footpath No 23.

Transportation Engineering Manager – No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Countryside And Landscape Services - No objection subject to conditions.

Strategic & Development Plans - No objection.

Police Architectural Liaison Officer - No objection.

National Air Traffic Services - No objection.

Ministry Of Defence - No objection.

Dwr Cymru - No objection.

Natural Resources Wales - Raises no objection subject to careful consideration of the cumulative impact of the turbine in association with other turbines approved or proposed in the area.

Glam/Gwent Archaeological Trust - No objection.

Cont...

Application No. 13/0488/FULL Continued

Atkins Ltd - No objection.

Joint Radio Company Limited - No objection.

Merthyr Tydfil County Borough Council - No objection.

OFCOM - No objection.

South Wales Trunk Road Agency - No objection.

ADVERTISEMENT

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

Response: Two letters of objection were received.

Summary of observations:

1. The first letter is a general objection letter that has been issued in respect of all applications for wind energy in the County Borough as the correspondent objects to the principle of such technology.
2. The second letter is from the Open Spaces Society and suggests that the turbine should be sited at least 77m away from the nearest right of way.

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? A survey was carried out and it was suggested that no protected species would be affected by the proposal. This report has been assessed by the Council's Ecologist and by Natural Resources Wales (formerly the Countryside Council for Wales). The Council's Ecologist has asked for a Bat activity report to be submitted prior to the determination of the application.

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ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The Welsh Government in its guidance is committed to delivering sustainable development in Wales, this includes the sustainable use of resources (para 4.1.5) and ensuring Wales uses only its fair share of the Earth's resources. PPW recognises that an adequate and efficient supply of infrastructure, including electricity is crucial for the "economic, social and environmental sustainability of Wales." Wind turbines contribute to this agenda, as such the sustainability aspect of the proposal accords with PPW. The proposal also assists the Welsh Government's renewable energy target, which is currently 7TWh by 2020, including 800MW from on-shore wind sources. Similarly Technical Advice Note 8 Planning for Renewable Energy (TAN 8) recognises that in order to try and meet the renewable targets set by the Welsh Government "on-shore wind power offers the greatest potential for an increase in the generation of electricity from renewable energy in the short to long term" (Para 2.2).

TAN 8 seeks to keep areas outside of Strategic Search Areas (SSA) free of large wind power schemes (para 2.13) and to consider the cumulative impact of small schemes in those areas outside of the SSAs. Applications for wind power below 5MW subject to meeting planning criteria are appropriate in principle outside the SSAs. It is acknowledged in the TAN that there is a need to strike a balance between the desire for renewable energy and the need to protect the landscape and natural heritage (Para 2.13). PPW also acknowledges that poorly designed or badly located infrastructure can "exacerbate problems rather than solving them" (Para 12.1.1). The TAN explains there is a recognised need to avoid a situation "where wind turbines are spread across the whole of a country" (Para 2.13). In this following analysis this is interpreted (in part) as the need to identify the areas that must be examined more critically in order to strike that balance and discern whether an area within the County Borough is to be preserved for its particular values.

Landscape and Visual Impacts and Ecology

The application was supported by a Landscape and Visual Impact assessment (LVIA) and this has been considered by the Council's Landscape Architect and his comments are summarised as follows:-

Cont...

Application No. 13/0488/FULL Continued

"I am satisfied that the methodology used to undertake the Landscape and Visual Impact Assessment is in general accordance with what is currently regarded as best practice."

"A study area within a 35 km radius of the site has been identified for both a Landscape Character and a Visual Impact Assessment and a Zone of Visual Influence Map produced. This map indicates that the proposed turbine could theoretically be visible from many of the ridgelines, valley tops and upper valley sides within the County Borough, including parts of Mynydd Maen, Mynydd y Llan, Mynydd Meio, Mynydd Eglwysilian, Caerphilly mountain, Gelligaer / Merthyr Common, and the elevated parts of Ystrad Mynach, Cefn Hengoed, Bargoed, Aberbargoed, Pontllanfraith, Oakdale , Blackwood, Panside etc."

"The Landscape and Visual Impact Assessment sets out to identify the existing Landscape Character and Visual Resource baselines and to predict and evaluate key "effects" arising from the proposed development. The assessment of Landscape effects deals with the effects of change and the proposed development upon Landscape as a resource, whilst the assessment of Visual effects deals with the effects of change and the proposed development upon the views available to people and their visual amenity. Although a systematic approach is used, the nature of any landscape and Visual Impact Assessment means that a degree of subjectivity is often an integral part of any assessment. The "effects" once identified are quantified wherever possible by using a matrix which sets "landscape and visual sensitivity", against "magnitude of change" to determine the "significance of effect". The type of effect is also considered i.e. whether it is direct, indirect, temporary, permanent, cumulative, positive or negative."

"With regard to the assessment of visual impact. I believe that although the turbine would be a large and prominent addition to the local landscape, views of the turbine will be restricted. Potential views from local farms, residential properties, and the common road will be severely restricted by landform, intervening boundary walls, hedgerow trees and woodland copses. However where views are possible I believe they have the potential to be "major to substantially adverse" given the size of the turbine within this relatively small scale and mostly enclosed landscape. However as distance from the turbine increases beyond 2 km the scale of the turbine would be seen against the skyline and a more expansive landscape and its potential "effect" would diminish.

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Application No. 13/0488/FULL Continued

Views from the nearest settlements of Brithdir, New Tredegar, Markham, Hollybush will be severely restricted by the steep valley sides and the alignment of properties within the settlement boundaries. Clearly more open views will be possible from the more elevated properties in Brithdir and from isolated properties on the west facing slopes of the Upper Sirhowy Valley, but such views are also likely to include potential detractors such as urban/residential development and Highway infrastructure. Views from further afield are limited to elevated locations, within settlements or open recreational areas on the upper valley sides or valley tops, such views will be expansive, over significant distances and the single turbine is likely to be a small element within such views.*

"I am therefore of the opinion that the "adverse effects" upon Landscape Character and Visual Amenity are not of a significance to warrant a recommendation that this application be refused."

The Landscape Officer has some concerns over the adequacy of the assessment of cumulative impact and would have preferred the assessment to have covered all of the turbines/windfarms within the 35km study area, from all of the photo viewpoints and at least include ZTV's for all of these turbines/windfarms so that areas where there was the potential for cumulative view could be clearly seen on a base plan. However he is satisfied that the cumulative effect of the proposed Gelli-wen Turbine, when added to that of existing constructed or approved schemes within the planning system at the date of the application and situated within 10km of this site, will not have a "major or substantial" effect upon either Landscape Character or Visual Receptors.

On the basis of this analysis it is considered that the landscape and visual impacts of the development are acceptable in planning terms and there would not be sufficient detriment to the landscape character or visual amenity of the area to warrant refusal of the application. This assessment also has regard for the fact that the turbine is sited such that it will not be visible from a significant number of sensitive receptors (i.e., dwellings, leisure uses etc) and that the site is not located within a protected or designated landscape area.

The application was also supported by an Ecological Statement which considered the effect of the proposal on protected species and ecological features such as hedgerows etc. The statement has been assessed by the Council's Ecologist and it is felt that a bat activity report should be submitted prior to the determination of the application. However this view is taken on the basis of a report of bats a considerable distance away from the proposed turbine.

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Application No. 13/0488/FULL Continued

As the report submitted by the applicant's does not find any evidence of any bat activity in the area it is not felt that it would be reasonable to delay the application any further in order to obtain a further report. In that regard it is considered that any impacts on ecology could be mitigated by the imposition of a suitable condition requiring mitigation measures as part of the development.

Noise Impacts

As part of the submission with this application a simplified noise assessment was provided in accordance with ETSU-R97 For the Assessment and Rating of Wind Turbine Noise (a document produced on behalf of the former Department of Trade and Industry). The information submitted has been assessed in accordance with the above guidance and having regard for local noise conditions and accepted noise levels set out within the guidance. This submission has been assessed by the Council's Head of Public Protection and it is considered that the predicted noise levels from the proposed turbine are within accepted levels. Whilst there are many variables that can affect turbine noise it is considered that the submission was carried out in accordance with the relevant guidance and as such its findings are a relevant material planning consideration. Conditions would also be attached to any consent granted controlling the levels of noise that can be produced by the turbine and requiring it to be modified, limited or shut down in order to comply with the guidance. There are no other turbines within a distance that would be relevant in terms of cumulative noise impact.

Highways/Transportation Impacts

A Traffic Management Plan (TMP) and associated drawings were submitted with the application and these have been assessed by the Transportation Engineering Manager. The TMP sets out the types of vehicles to be used for the transportation of the equipment to and from the site, the number of vehicles to be used, the route to be taken and the frequency of deliveries etc. Swept path plans submitted with the TMP also show that the lanes accessing the site can adequately accommodate the vehicles to be used subject to the use of local traffic orders in liaison with the Local Highway Authority and the Police. It should also be noted that as the delivery of the equipment would involve abnormal indivisible loads, the consent of the Welsh Government Transport division would be required in addition to any consent from the Local Highway Authority in relation to the use of the Trunk Highway Network. A trial run was also carried out in order to assess the physical impacts of the transportation of the turbine components on the highway network within the County Borough.

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Application No. 13/0488/FULL Continued

On the basis of the TMP submitted and the trial run it is not felt that the development would have any detrimental impact on highway safety issues and the proposal can be accommodated without the need for major highway improvements. Conditions will need to be attached to any consent granted in relation to the submission of a revised TMP that addresses the authorisation issues involving third parties referred to above.

Comments from consultees: No objections raised apart from those of the Rights of Way Officer which are considered below.

Comments from public: With regard to the issues raised by members of the public the following comments are offered.

1. The principle of whether or not wind energy is viable or cost effective is not a matter for consideration as part of this application. National Planning Guidance promotes the use of renewable energy sources and this proposal makes a contribution to that aim. Whilst other renewable energy sources may be more efficient than wind energy the Local Planning Authority has a duty to determine this application on its planning merits having regard for national and local planning policy.
2. It is accepted that the proposed turbine is within 77m of the nearest right of way. This is the height to the tip of the blade of the turbine and is referred to as the topple distance. In response to a query from the council's Rights of Way Officer the applicants have submitted a risk assessment for the turbine which indicates that the risk of fatality from the proposal, both in terms of construction and during the operational phase, is minimal. Indeed evidence obtained from the Health and Safety Executive indicates that there have been no such fatalities. In that regard it is considered that the risks to members of the public are acceptable in planning terms and would not warrant refusal of this application.

Other material considerations: In conclusion it is considered that the proposed wind turbine would be acceptable in planning terms. The landscape and ecological impact of the development would not justify refusal of the application having regard for the absence of any national or local protection designation on the application site. The noise and highway implications of the development have been carefully considered and are felt to be within acceptable limits as set out in guidance and evidenced in the details submitted with the application. All other matters have been considered and there are no grounds which would warrant refusal of the application.

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Application No. 13/0488/FULL Continued

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 02) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: R005-28-01-0, R005-28-02-0, R005-28-03-0, R005-28-04-0, R005-28-05-0, R005/LVIA/1.1, R005/LVIA/1.1, R005/LVIA/1.2, R005/LVIA/1.3, R005/LVIA/1.4, R005/LVIA/1.5, R005/LVIA/1.6, R005/LVIA/1.7, R005/LVIA/1.8, R005/LVIA/1.9, R005/LVIA/1.10, R005/LVIA/1.11, R005/LVIA/1.12, R005/LVIA/1.13, R005/LVIA/1.14, R005/LVIA/1.15, R005/LVIA/1.16, R005/LVIA/1.17, R005/LVIA/1.18, R005/LVIA/1.19, R005/LVIA/1.20, R005/LVIA/1.21, R005/LVIA/1.22, R005/LVIA/1.23, R005/LVIA/1.24, R005/LVIA/1.25, R005/LVIA/1.26, R005/LVIA/1.27, R005/LVIA/1.28, R005/LVIA/1.29, Design and Access Statement, Ecological Assessment, Noise Assessment, Shadow Flicker Assessment, Planning Statement, Turbine Details, Transport and Access Statement(November 2013), Archaeology and Cultural Heritage Statement, Communications and Aviation Statement, Landscape and Visual Impact Assessment and Preliminary Risk Assessment (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.

- 03) Prior to the commencement of work on site details of hedgerow enhancement, planting and management, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up existing hedgerows, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the hedgerow planting shall be carried out within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).

Cont...

Application No. 13/0488/FULL Continued

- 04) The level of noise from the wind turbine (hereby approved) measured at the nearest noise sensitive properties shall not exceed 36dB(A) (LA90, 10 mins) up to wind speeds of 10m/s at 10m height when calculated in accordance with the attached Guidance Notes, or such other guidance as may be agreed in writing by the Local Planning Authority.
REASON: In the interest of the amenity of noise sensitive properties.
- 05) Following the commissioning of the wind turbine hereby approved, the power generation, the wind speed and direction data, shall be continuously logged in accordance with a method that shall have been agreed in writing by the Local Planning Authority and such data shall be retained for a period of not less than 24 months and it shall be provided to the Local Planning Authority at its written request within 14 days of such request.
REASON: To monitor the wind turbine use and provide information to the Local Planning Authority to retain effective control.
- 06) Within 21 days from the receipt of a written request from the Local Planning Authority and following a noise complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at the operator's expense, engage an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbines at the complainant's property following the procedures described in the attached Guidance Notes or such other guidance as may be agreed in writing by the Local Planning Authority. The independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based, shall be submitted for the approval of the Local Planning Authority within 2 months of the date of the written request, unless otherwise extended in writing by the Local Planning Authority. The assessment recommendations as may be approved in writing by the Local Planning Authority shall be implemented and carried out within a set timescale agreed in writing by the Local Planning Authority.
REASON: In the interest of the amenity of noise sensitive properties.

Cont...

Application No. 13/0488/FULL Continued

- 07) During the course of the investigation as required by Condition 06), should the wind turbine or turbines be identified as operating above the parameters specified in Condition 04), the wind turbines will be modified, limited or shut down as required to ensure compliance with this condition. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified.
REASON: In the interest of the amenity of noise sensitive properties.
- 08) Noise shall not be emitted from the wind turbine that is assessed and confirmed by a competent noise qualified officer of the Local Authority as being a nuisance by virtue of having irregularity, distinguishable discrete continuous notes or distinct impulses, that is/are enough to attract attention and cause nuisance at any dwelling.
REASON: In the interest of the amenity of noise sensitive properties.
- 09) Deliveries and construction works associated with the wind turbine hereby approve shall not take place outside the hours of 07.00 and 19.00 Mondays to Fridays, 09.00 and 16.00 Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interest of residential amenity.
- 10) Prior to the commissioning of the wind turbine hereby approved it shall be fitted with a control system that automatically shuts down the turbine during times when shadow flicker occurs, in accordance with a scheme of control that shall have been agreed in writing with the Local Planning Authority and the turbine shall be operated in accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.
REASON: To control flicker in the interest of amenity of near by flicker sensitive properties.
- 11) The level of noise emitted by wind turbine hereby permitted shall be demonstrated at the request of the Local Planning Authority on commissioning and annually thereafter in accordance with a method to be agreed by the Local Planning Authority.
REASON: In the interest of residential amenity.

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Application No. 13/0488/FULL Continued

- 12) 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.
- 13) Prior to the commencement of the development hereby approved a nature conservation and landscape management plan shall be prepared and submitted to the Local Planning Authority and mitigation for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.
REASON: To ensure adequate protection to protected species.
- 14) Notwithstanding the submitted details the development shall not commence until after a revised Traffic Management Plan (TMP) has been submitted to and agreed in writing by the Local Planning Authority. The TMP shall indicate full consultation and approval with neighbouring Authorities which the loads pass through and consultation and approval with the Welsh Government. The TMP shall provide evidence that the necessary permits have been given by the South Wales Police Liaison Transport Officer who co-ordinates the safe passage of abnormal vehicles and shall also include full details of the hauliers indemnity insurance for approval. Any highway improvements required to the highway network with Caerphilly County Borough Council shall also be provided for approval by the Local Planning Authority and be completed prior to the delivery of the loads. The development shall proceed in accordance with the TMP following approval in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
- 15) Notwithstanding the submitted plans no works shall commence until after details of the proposed site access track from the junction with Commin Road to the application site has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details prior to delivery of any abnormal loads.
REASON: In the interests of highway safety.
- 16) Prior to the transportation of any abnormal loads a condition survey along Heol-Y-Bedw-Hirion/Commin Road shall be carried out and agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.

Cont...

Application No. 13/0488/FULL Continued

- 17) The wind turbine, tower and ancillary equipment shall be removed from the site and the land restored to its former condition upon cessation of the use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cessation of the use shall be defined as the wind turbine becoming inoperative for a continuous period of six months.
REASON: In the interests of visual amenity.
- 18) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 19) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.
REASON: In the interests of highway safety.
- 20) All walls and fences removed as part of the development shall be reinstated in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.
REASON: In the interests of the landscape character and visual amenity of the area.
- 21) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.

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 and CW15.

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Application No. 13/0488/FULL Continued

Please find attached the comments of Welsh Government and Glam/Gwent Archaeological Trust that are brought to the applicant's attention.

The applicant should be advised that the procedure to implement the necessary Temporary Traffic Regulation Order will take approximately 5 months for the Authority to conclude.

PREFACE ITEM

APPLICATION NO. 13/0537/FULL

APPLICANT(S) NAME: McDonalds Restaurant Limited

PROPOSAL: Extend existing car park on adjacent vacant land which includes the introduction of 38 new bays, with the reconfiguration of the existing car park and site access with associated works to the site

LOCATION: McDonalds Restaurants Ltd Unit C Crossways Park Parc Pontypandy Caerphilly

This application was originally reported to the Planning Committee on 2nd October 2013, but was deferred to enable Members to visit the site prior to any discussion taking place. The application was reported back to Planning Committee on the 30th October, and following debate at Committee the application was deferred to allow for further discussions with the applicant in respect of a revised landscape scheme to include an extension to the bund part way along the western boundary of the site.

The applicant was advised of the Member's suggestion to extend the bund and has agreed to provide a revised landscape plan. Provided that the revised plan is submitted in good time, it will be available for both Members and residents to examine prior to Planning Committee on the 27th November.

A copy of the original report is attached as an appendix. The application is recommended for approval on the basis that the proposal is in compliance with Council policy and design guidance.

RECOMMENDATION: That planning permission is granted in accordance with the attached report and subject to an additional condition in respect of the amended plans.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0545/COU 18.07.2013	Mark 4 Developments Mr R Morgan 60 Lakeside Drive Lakeside Cardiff CF23 6DG	Convert public house and flat to retail ground floor and nine self contained flats in upper floors with two and single-storey rear extensions and external alterations Panteg Hotel The Square Abertridwr Caerphilly CF83 4DH

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is located at the Panteg Hotel on the northern side of the junction of The Square with High Street, Abertridwr.

Site description: The site is occupied by a large building, formerly a public house/hotel and the car park, which fronts The Square and High Street, Abertridwr. The premises and their appearance have suffered following a long period of vacancy. The building is of rendered construction, with a slate roof. The design incorporates some architectural features of interest, and includes decorative finishes to the principal elevations. It is considered to be a landmark building in the locality, but does not enjoy a 'listed' status of any kind. The car park to the rear is accessed off High Street, but is tree lined along the side and rear boundaries.

Development: Convert public house and flat to retail ground floor and nine self-contained flats in upper floors with two single-storey and rear extensions and external alterations.

Dimensions: The site as a whole measures approximately 0.17 hectares with a total gross internal floorspace for the retail unit of 333.28 square metres representing a net increase of 25.3 square metres. The proposal incorporates two two-storey rear extensions to facilitate the change of use with the eastern extension measuring 8.1 metres wide, by 5.4 metres deep and 9.2 metres high to the apex at its highest point above ground level.

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Application No. 13/0545/COU Continued

The western extension measures 4.95 metres wide, by 4.6 metres deep and 8.35 metres high to the apex at its highest point above ground level. Whilst the front elevation would remain unchanged the side elevation fronting High Street would be wholly two-storey and elongated to a total length of 33.9 metres, 2 metres longer than the existing.

Materials: External finishes of the proposal would be rendered walls, blue black slate roofing, white upvc windows and doors and close board fencing boundary treatment.

Ancillary development, e.g. parking: Provision of 25 parking spaces, 2 light goods vehicle spaces and 2 disability spaces.

PLANNING HISTORY

5/5/88/0805/01 - Erect signs - Granted 05.01.89.

5/5/90/0226 - Demolish public conveniences, erect new public conveniences forming a car park and associated landscaping - Granted 21.05.90.

5/5/91/0345 - Provide additional lighting fixtures to elevations - Granted 01.05.92.

P/98/0376 - Erect two self mounted CCTV cameras - Granted 22.06.98.

06/0097/FULL - Erect boundary fence - Granted 22.09.06.

08/0570/OUT - Demolish existing public house and construct residential flats including parking to the rear via the existing vehicular access - Granted 23.10.08.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP6 (Place Making), SP7 (Planning Obligations), SP15 (Affordable Housing Target), SP21 (Parking Standards), CW2 (Amenity), CW3 (Design Considerations - Highways), CW8 (Protection of Community and Leisure Facilities), CW15 (General Locational Constraints) and CW16 (Locational Constraints - Retailing).

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Application No. 13/0545/COU Continued

Supplementary Planning Guidance LDP5: Car Parking Standards.
Supplementary Planning Guidance LDP6: Building Better Places to Live.

NATIONAL POLICY: Planning Policy Wales (2012). Technical Advice Note 12: Design (2009).

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 but standing advice about development in the coal field is to be forwarded to applicant.

CONSULTATION

CCBC Housing Enabling Officer - Raises no objection subject to the completion of a S106 Agreement requiring 10% affordable housing provision. This would equate to 1 unit. This unit would be required to be constructed to DQR standards and transferred to United Welsh Housing Association at a value of £40,592.

Transportation Engineering Manager - Raises no objection subject to conditions regarding parking provision, vehicular access, boundary treatment and articulated vehicles.

Head Of Public Protection - Is unable to support the grant of the planning application based on residential amenity grounds. There are concerns of noise from the operation of the retail unit affecting the proposed residents in the upper floors from:

- Delivery noise (vehicle noise, crashing of trolleys and reversing bleeper noise during early morning hours).
- Operating noise from the retail unit (noise from people back and fourth, associated vehicle noise from those people, noise from potential congregation of youths during the night, use of the cash point, and general operational noise from the store).
- Noise from external plant (refrigeration units / air con units etc.).

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Application No. 13/0545/COU Continued

All of the above concerns combined with the proposed opening hours of 0600 to 2300 raise serious concern and the Head of Public Protection is unable to support the application.

Dwr Cymru - Raises no objection subject to conditions regarding foul, surface water and land drainage.

Police Architectural Liaison Officer - Raises no objection but has some reservations about the design and layout of the development from a crime and disorder perspective.

The main area of concern is the rear car park which totally lacks natural surveillance from active windows within the building. Active windows are defined as those found within a living/dining room or kitchen. The car park is further obscured by the amenity and bin stores which break up any lines of vision that might exist and in the absence of appropriate lighting could create areas of shadow. It is also noted that planting of some form is shown which if not carefully selected and maintained could again obscure lines of vision and create areas of shadow. It is also proposed to place a footpath from the front of the development affording pedestrian access to the rear car park, this being unnecessary as there is a suitable entry to the front of the store and vehicular customers/ residents can gain access via the rear entrance. What this side path does is to increase the vulnerability of the ground floor windows to the side of the retail unit and the vulnerability of the vehicles in the car park. All of these things can add to the fear of crime as well as potentially creating the opportunity for crime.

To reduce these potential issues consideration could be given to:

- a. Reversing the internal layout of the first floor flats placing the corridor overlooking the road and the active rooms overlooking the car park.
- b. Reconsider the siting of the amenity area and bin stores.
- c. Review the planting program.
- d. Do not create the pedestrian access to the side of the development, in fact stop such access at the front building line with a suitable 1.8m high wall or fence.
- e. Suitable dusk to dawn lighting to illuminate all areas of the rear car park and to protect the ground floor windows of the retail area.
- f. CCTV to cover the rear car park.
- g. A suitable alarm system to protect the retail area.

Cont....

Application No. 13/0545/COU Continued

ADVERTISEMENT

Extent of advertisement: Twenty neighbours notified, site notice posted.

Response: None.

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? The Police Architectural Liaison Officer raises no objection but has some reservations about the design and layout of the development from a crime and disorder perspective which are set out above.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. A survey was carried out and no evidence was found, 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 local plan policies and national planning guidance.

The main issues to be considered in the determination of this planning application are the compatibility of the use with surrounding land uses, the effect of the development upon the existing character of the building, the impact of the change of use upon highway safety and also in terms of residential amenity.

In terms of amenity the property seeks a change of use from a public house with flat above, to a retail unit at ground floor level and 9 self-contained flats at ground, first and second floor levels, facilitated by two two-storey rear extensions. The property is located within the main High Street of Abertridwr and, as such, the change of use to retail use at ground floor would be in keeping with the location and, when considering the vacant and dilapidated state of the existing building, will assist in maintaining vibrancy of the retail area. It is considered that the proposed mixed use of the property is compatible with surrounding land uses. When considering that the proposal is for the reuse of an existing building overshadowing or overbearing impacts are not an issue.

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Application No. 13/0545/COU Continued

In relation to existing privacy levels it is felt that the orientation of the neighbouring properties, their distance from the proposed flats and the proposed privacy distances would maintain existing levels of privacy currently enjoyed by the neighbouring properties.

The proposal would have no unacceptable impact on the amenity of the adjacent properties or land, would not result in the over-development of the site and would have no detrimental impact on the safe, effective and efficient use of the transportation network. As such the proposed development is in accordance with Policies SP6, CW2 and CW3 of the LDP.

In terms of design, the original proposal has been amended in order to address the concerns of this Local Planning Authority. In this respect the revised plans include amenity areas and relocated bin storage to provide adequate residential amenity to the future occupants of the flats. The proposed development will also be an improvement in respect of the existing situation and respects the character of the existing building and that of the surrounding properties. The much needed regeneration of this landmark building will also provide a visual improvement to the busy B-Class road that not only serves as access for the residents of the Aber Valley to Caerphilly and the surrounding areas but will be used more frequently by visitors to the area on route to the National Mining Memorial.

Therefore the proposal is compliant with policies in the Adopted Caerphilly County Borough Local Development Plan up to 2021, Supplementary Planning Guidance LDP5, Planning Policy Wales (2012) and TAN 12: Design.

Comments from consultees: There are no objections from the majority of consultees and their concerns can be addressed by condition.

Having considered the comments of the Head of Public Protection it should be noted that under Permitted Development Rights the proposed A1 Retail Use would be entitled to have a single residential flat located in the first or second floors without the requirement of an application for planning permission. Whilst the proposal is seeking permission for nine residential units instead of one, the principle of residential accommodation above the A1 Retail Use would remain the same. It should also be noted that the building is already subject to significant background noise emanating from the nearby A1 and A3 (hot food retail) uses as well as the busy B4263.

Cont....

Application No. 13/0545/COU Continued

Furthermore the location of the corridor facing the rear car park and the attachment of conditions limiting opening hours, the operation of the cash point and deliveries would all act to reduce the impact on the residential amenity of the proposed flats and would be in line with recent planning approvals of a similar nature. In view of the above comments, the context of the site, the much-needed regeneration of this dilapidated building and the attachment of conditions to mitigate against noise nuisance, on balance, it is considered that the proposal would be acceptable from a planning point of view in this instance.

Whilst the comments of the Police Architectural Liaison Officer have been considered it should be noted that elements of the suggested alterations would be in conflict with the concerns of other consultees as follows:

- a. Reversing the internal layout of the first floor flats would stop the corridor from acting as a noise insulation buffer from the rear car park to the detriment of residential amenity.
- b. Relocating the amenity areas and bin stores would result in these areas being moved further away from the residential units and impacting on the parking and turning areas to the detriment of highway safety.
- c. It is considered that providing the planting scheme consists of appropriate plant types and are well maintained they should not develop to a level that would have an unacceptable impact on site lines of the car park.
- d. With regard to the pedestrian access to the side of the development the Local Planning Authority is in agreement that this shall be prevented and a condition has been attached to ensure this is the case.
- e,f,g These are elements of advice that shall be forwarded to the applicant and their agent.

In view of the above it is considered on balance that the proposal is acceptable in this instance subject to conditions.

Comments from public: None.

Other material considerations: The development is considered acceptable in all other aspects.

The proposal is one that requires the completion of a Section 106 Agreement to ensure that matters that cannot be controlled by condition are adequately addressed. In this instance this includes (a) the provision of 10% of the proposed flats to be for affordable housing.

Cont....

Application No. 13/0545/COU Continued

A planning obligation must meet all of the following tests.

(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.

(B) It is directly related to the development.

- 1) This development will create 9 new dwellings. Thus, it is relevant to ensure the correct balance between affordable housing and market housing in the area is properly maintained.

(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:
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 Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010. 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). The assessment demonstrated that the levels of affordable housing as identified in the policy would be viable.

This site will deliver 9 new dwellings therefore the developer will need to deliver 10% affordable housing on the development. This would equate to 1 unit. This unit would be required to be constructed to DQR standards and transferred to United Welsh Housing Association at a value of £40,592 and has been agreed by the applicant.

Cont....

Application No. 13/0545/COU Continued

Subject to the above it is recommended that consent be granted to the conditions contained below.

RECOMMENDATION that (A) the application be DEFERRED for the completion of a Section 106 Agreement. This Agreement will secure the following:-

(a) The provision of 10% of the proposed flats to be for affordable housing.

(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) Notwithstanding the submitted plans, prior to the provision of the car park an amended parking layout shall be submitted to and approved by the Local Planning Authority which provides parking in line with the Council's Adopted Supplementary Planning Guidance LDP5 Car Parking Standards within the curtilage of the site. 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.

03) There shall be no vehicular access from The Square on to The B4263/High Street.

REASON: In the interests of highway safety.

04) A form of boundary treatment to the south of the site, to prevent vehicular access between The Square and The B4263/High Street shall be agreed with the Local Planning Authority and implemented prior to beneficial occupation of the building in accordance with this planning consent.

REASON: In the interests of highway safety.

05) Unless otherwise agreed in writing with the Local Planning Authority articulated vehicles shall not deliver to the premises. Delivery vehicles shall be limited to a rigid trailer type (FTA Design LG Rigid Vehicle) not exceeding 10.6m in length.

REASON: In the interest of highway safety.

Cont...

Application No. 13/0545/COU Continued

- 06) Prior to the commencement of such works on site a scheme of land drainage 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.
- 07) Notwithstanding the approved plans prior to the commencement of such works on site amended drawings shall be submitted to and agreed in writing with the Local Planning Authority that detail a boundary treatment to the western side of the building, removing the pedestrian access from the side of the retail store to the rear car park. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter.
REASON: In the interests of crime prevention and residential amenity.
- 08) Prior to the occupation of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.

Cont....

Application No. 13/0545/COU Continued

- 09) Prior to the commencement of development of the parking area approved in accordance with Condition 02) the extent of the Japanese Knotweed and Himalayan Balsam coverage shall be accurately surveyed and plotted on the site plan. A method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed and Himalayan Balsam on site. The treatment of Japanese Knotweed and Himalayan Balsam shall be carried out in accordance with the approved details.

REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act. Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) and Himalayan Balsam (*Impatiens glandulifera*) are included within this schedule. All Japanese Knotweed and Himalayan Balsam waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991. The submission of a method statement, to be agreed in writing with the Local Planning Authority by condition is to ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent the further spread of the plant which will have a negative impact on biodiversity and existing or proposed landscape features.

- 10) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.

REASON: In the interest of public health.

- 11) No waste compaction shall be permitted at the premises.

REASON: In the interests of residential amenity.

- 12) The use hereby permitted shall not be open to customers outside the following times 07:00 to 23:00 hours.

REASON: In the interests of residential amenity.

Cont...

Application No. 13/0545/COU Continued

- 13) Notwithstanding the approved plans commercial trading shall not commence until details have been submitted to and agreed in writing with the Local Planning Authority of a delivery strategy for the retail use hereby approved. Deliveries to the premises shall thereafter be undertaken in accordance with the agreed scheme.
REASON: In the interests of residential amenity.
- 14) No part of the buildings shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for the control of noise emanating from the building and associated plant and equipment. The measures included in the approved scheme shall be implemented prior to the first occupation of the building and thereafter the measures shall be operated in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenities of the area.
- 15) Prior to the provision of any lighting at the site a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
REASON: In the interests of residential amenity.
- 16) The cash machine hereby approved shall be closed and not be available to members of the public outside of the operating hours of the retail premises as specified in Condition 12).
REASON: In the interests of residential amenity.
- 17) Upgraded acoustic glazing shall be installed on all those windows serving the domestic portion of the building that face on to the rear delivery yard. Details of the glazing shall be submitted to and approved in writing with the Local Planning Authority prior to the commencement of the installation of any windows. The development shall be completed in accordance with the agreed details prior to the first occupation of the residential units hereby approved.
REASON: In the interests of residential amenity.

Cont...

Application No. 13/0545/COU Continued

Advisory Note(s)

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The conservation of Habitats and Species Regulations 2010 and its amendment 2012, which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions before continuing.

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), 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. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or the Countryside Council for Wales (029 20772400).

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: SP6, CW2 and CW3.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0595/COU 17.09.2013	Mr J Pannu 69 Commercial Road Newport NP20 2PF	Change the use from A3 (pub/restaurant) to C3 (residential), alter and refurbish existing Fwrrwm Ishta public house to create new five-bedroom single family dwelling with associated external works, parking and new garden area Fwrrwm Ishta Inn 68 Commercial Road Machen Caerphilly CF83 8PG

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: Fwrrwm Ishta Restaurant, 68, Commercial Road, Machen - on the east side of Machen village.

Site description: The site is occupied by the buildings of the former Fwrrwm Ishta Public House and Restaurant, but excludes the large car park to the side (east) and rear (south) beyond which is the River Rhymney. The site is adjacent to an access lane to the west, and has frontage and access onto the A468 along the north boundary.

Development: The proposal is to change the use of the public house/restaurant (A3 use) as set out in the Town and Country Planning (Use Classes) Order 1987 to a residential dwelling (C3 use). The application description indicates that the house would be a five bedroom family dwelling with associated external works, parking and a new garden area.

Dimensions: The site is almost rectangular in shape, 25m in width, and between 27 and 25m in depth, and is approximately 660m² in area.

Materials: The proposal would match the existing, that is rendered masonry walls and a slate roof, timber windows would be replaced with uPVC, and the glazed doors replaced with timber.

Cont....

Application No. 13/0595/COU Continued

Ancillary development, e.g. parking: The car parking area would be tarmacadam, and the stone boundary walls will be topped with new stone piers and steel railings.

PLANNING HISTORY

06/0145/FULL Erect raised decking - Granted 15.09.06.

06/0113/ADV Erect free standing sign - Granted 18.10.06.

12/0063/COU Temporary erect marquees and gazebos to host a rural market on a monthly basis of up to 10 events a year, between the hours of 10.00 a.m. and 2.00 p.m. on a Saturday only, in part of the car parking area of the Fwrrwm Ishta Inn - Refused 15.10.13.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: SP3 (Southern Connection Corridor); SP5 (Settlement Boundaries); CW2 (Amenity), CW3 (Design Considerations - Highways), CW15 (General Locational Constraints).

NATIONAL POLICY: Planning Policy Wales (2012), Technical Advice Note 12: Design (2009).

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? The site is within an area where a coal mining risk assessment is not necessary. Also this is a change of use where such assessments are not normally required.

Cont....

Application No. 13/0595/COU Continued

CONSULTATION

Transportation Engineering Manager – No objection subject to conditions.

Bedwas, Trethomas & Machen Community Council - No objection.

Strategic & Development Plans – No objection.

Head Of Public Protection - No adverse comments.

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

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

Countryside And Landscape Services - No objection subject to conditions.

ADVERTISEMENT

Extent of advertisement: A site notice was erected and 21 neighbours notified by letter.

Response: Eleven letters or emails have been received from local residents. Ten of these are from local residents who have written to raise objection to the proposal. One letter of support for the proposal has been received. A 61 signature petition objecting to the closure of the pub has been received. The MP for the Caerphilly Constituency has written in support of the residents who object to the proposal. A local ward member has also written drawing attention to the condition of the site, and stating that if permission is granted landscaping should be carried out in this sensitive part of Machen.

Summary of observations: The residents' reasons for objection are summarised as follows:-

The loss of the public house that has served the community and been the focus of social activity within the village. It is argued that the closures are not due to lack of patronage, but the mercenary tactics of landlords who are pricing the public houses out of the market.

Machen has plenty of homes on the market, and public houses are needed not homes.

Cont....

Application No. 13/0595/COU Continued

The nineteenth century public house is an important part of the local history of Machen and should be preserved for future generations.

The public house is conveniently located for walkers and cyclists and is therefore an asset to the tourism and leisure industries.

The proposal would result in the loss of the only public house in Machen that serves food.

In addition, the following comments were also received.

The aggressive attitude of government in respect of raising alcohol taxes and duties is causing public houses to close.

There is deep national concern about the survival of the British Pub as an institution and a social asset.

It is also understood that a page has been set up on the social media website, 'Facebook', which demonstrates that there is general support within the community of Machen to raise objection to the planning application.

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 reasonable can to prevent crime and disorder in its area? None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: This application is for the change of use of a currently disused building, formerly a restaurant/public house, to a five bedroom dwelling. The assessment is carried out against the framework of policies contained in Planning Policy Wales, and the Council's Local Development Plan. The proposal is also assessed against national and local supplementary planning guidance. The Local Development Plan policies of relevance are SP3 (South Connections Corridor); SP5 (Settlement Boundaries); CW2 (Amenity), CW3 (Design Considerations - Highways), and CW15 (General Locational Constraints).

Cont....

Application No. 13/0595/COU Continued

Policy SP3 states that development proposals should promote sustainable development

Given that the site subject of this application is included within the settlement boundary for Caerphilly as identified in the LDP, it is considered that in policy terms the development of this site would be consistent with Policy SP5 of the LDP i.e. it promotes the full and effective use of urban land and serves to concentrate new development within the existing settlement.

Policy CW2 sets out criteria relating to amenity. The site is not immediately adjacent to any other properties but separated by the main highway and a side access lane. The nearest properties are a mix of residential and commercial (the village convenience store is immediately opposite the site). The curtilage for a dwelling of this size is compact, with a relatively short rear and side gardens, but there is ample space about the proposed dwelling to provide an adequate amenity area. In this respect it is considered that the proposed development is compatible with the surrounding land uses and does not result in the over-development of the site.

Policy CW3 sets out criteria in terms of highway design considerations. The property would utilise an existing vehicular access to and from the A468, and the double garage would be accessed from the side lane. Adequate car parking and turning area to serve a five bedroom dwelling is provided.

Comments from Consultees: The comments of Consultees can be accommodated by condition.

Comments from public: It is clear that the change of use to a dwelling and the resultant loss of the restaurant/public house is an emotive issue for some of the residents of Machen. Many of the comments refer to Machen as being a rural community, and the Council's LDP includes a policy (CW9) which seeks to protect rural facilities such as shops or public houses. However, Machen is not included on the list of rural communities as defined in the LDP, thus the proposal is not assessed against Policy CW9. In addition, Policy CW8 seeks to ensure that community or leisure facilities are not lost from any community, whether rural or urban. Whilst some may wish that that a public house could be described as a community facility and that the proposal would be assessed against Policy CW8, in reality, the public house in the urban context is not protected by policy.

Other material considerations: Whilst the buildings were intact at the time of the case officer's site inspection, it is noted that the developer has commenced on site and demolition of some of the buildings has occurred. This is a matter that is being addressed by the Planning Enforcement Team.

Cont....

Application No. 13/0595/COU Continued

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The building shall not be occupied until the areas indicated for the parking and turning of vehicles have been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.
REASON: To ensure that adequate parking and turning facilities are provided within the curtilage of the site.
- 03) The proposed parking areas shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud are not carried onto the public highway.
REASON: In the interests of highway safety.
- 04) The existing boundary wall fronting Commercial Road shall be limited in height to 0.9m.
REASON: In the interests of highway safety.
- 05) The boundary treatment shall be completed before the first occupation of the dwelling hereby approved, and in accordance with a scheme to be agreed with the Local Planning Authority.
REASON: In the interests of the visual amenities of the area.
- 06) Prior to the occupation of the dwelling hereby approved a scheme of land drainage 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.

Advisory Note(s)

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

Cont....

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: SP3, SP5, CW2, CW3, CW15.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0611/RET 30.08.2013	Mr C Obrien Hawthorn Cottage Rudry Caerphilly CF83 3DF	Retain extension to the existing boiler house to the side elevation of the main house Hawthorn Cottage Rudry Caerphilly CF83 3DF

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: On the north-eastern side of Garth Place to Rhydri Primary School, Rudry.

House type: The host dwelling is a detached house.

Development: Retain extension to the existing boiler house to the side elevation of the main house. This application would normally be determined under delegated power but the applicant is known to the Development Control Manager.

Dimensions: 6.5 metres wide, by 2.8 metres deep at its shallowest point and 4.2 metres deep at its deepest point and 3.6 metres high to the apex.

Materials: External finishes of the proposal would be slate roofing, rendered wall to the front elevation, timber clad walls to the side and rear elevations and painted white timber windows and doors.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

11/0751/FULL - Erect two storey rear extension with new front porch -Granted 12.01.2012.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is outside the settlement boundary.

Cont...

Application No. 13/0611/RET Continued

Policies: CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), and CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside).

Guidance Notes 2 and 7 of Supplementary Planning Guidance LDP7: Householder Development and Supplementary Planning Guidance LDP10: Buildings in the Countryside.

NATIONAL POLICY:

Planning Policy Wales (2012) and Technical Advice Note 12: Design (2009).

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? The property is within the Coal Authority referral area but does not require the submission of a report because the matter will be addressed through the Building Regulations.

CONSULTATION

Draethen, Waterloo & Rudry Community Council - Raises no objection.

ADVERTISEMENT

Extent of advertisement: One neighbour notified, site notice posted.

Response: None.

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? There are no specific crime and disorder issues in this instance.

Cont...

Application No. 13/0611/RET Continued

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 proposed extension would be in proportion to the scale of the site and its design and materials are in keeping with the character of the original building, which remains the dominant element. Whilst the proposed extension, in addition to the existing extensions at the property, would increase the volume of the original building by greater than 50% it is considered that, in this instance, the resultant building would not be out of character with the host building or the scale of the site. Therefore when considering the context of the existing property, the scale and levels of the site and neighbouring properties, as well as the resulting development it is felt that the proposal would be easily accommodated within the site and would be acceptable in this instance.

It should also be noted that, when considering the position and orientation of the host and neighbouring properties that there would be no unacceptable impact on the amenity of the adjacent properties or land than the existing situation and the proposal would conserve the characteristics of the Special Landscape Area. The proposal would not result in the over-development of the site and it would have no detrimental impact on the safe, effective and efficient use of the transportation network.

Therefore the proposal is compliant with policies in the Adopted Local Development Plan, Supplementary Planning Guidance LDP7, Supplementary Planning Guidance LDP10, Planning Policy Wales (2010) and TAN 12: Design.

Comments from consultees: Draethen, Waterloo and Rudry Community Council raises no objection.

Comments from public: None.

Other material considerations: The development is considered acceptable in all other aspects.

RECOMMENDATION that Permission be GRANTED

Cont...

Application No. 13/0611/RET Continued

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development hereby approved relates to the details received on 11th October 2013 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.

Advisory Note(s)

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The conservation of Habitats and Species Regulations 2010 and its amendment 2012, which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions before continuing.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), 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. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or the Countryside Council for Wales (029 20772400).

APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
13/0632/FULL 24.08.2013	Mr & Mrs S Roch 47 Llanfach Road Abercarn Newport NP11 5LA	Erect single storey dining room and porch extension to front of dwelling 47 Llanfach Road Abercarn Newport NP11 5LA	Granted 22.10.2013
13/0634/FULL 27.08.2013	Mr C Vokes 70 Fair View Pengam Blackwood NP12 3NR	Erect garage 70 Fair View Pengam Blackwood NP12 3NR	Granted 22.10.2013
13/0635/COU 27.08.2013	Mr A Skinner 2 Islwyn Street West End Abercarn NP11 4SR	Change use of ground floor front from shop/Post Office to living accommodation 2 Islwyn Street Abercarn Newport NP11 4SR	Granted 22.10.2013
13/0636/FULL 27.08.2013	Mr & Mrs E Thomas 3 Oak Lane Royal Oak Machen Caerphilly CF83 8SQ	Erect two storey extension 3 Oak Lane Royal Oak Machen Caerphilly	Granted 22.10.2013
13/0690/NOTA 24.09.2013	Messrs K & M Powell Ty'r Y Wen Farm Pandy Lane Ystrad Mynach Hengoed CF82 7TZ	Erect canopy to existing building Ty'r Y Wen Farm Pandy Lane Ystrad Mynach Hengoed	Prior Approval Not Required 22.10.2013
13/0637/COU 28.08.2013	Howells Coaches Ms D Howells 5 Gwerthonor Place Gilfach Bargoed CF81 8JP	Convert former bakery unit to a two-storey two bedroom dwelling 5 Gwerthonor Place Gilfach Bargoed CF81 8JP	Granted 23.10.2013
13/0638/FULL 28.08.2013	Mr McClaughlin 334 Elm Drive Ty Sign Risca Newport NP11 6PD	Erect conservatory to side elevation 334 Elm Drive Ty Sign Risca Newport	Granted 23.10.2013

13/0701/LA 26.09.2013	CCBC (Catering Services) Mrs M Lewis Pontllanfraith House Blackwood Road Pontllanfraith Blackwood NP12 2YW	Locate an external insulated cabin to serve food to pupils to include shelter in the form of sails Pontllanfraith Comprehensive School Coed-Cae-Ddu Road Pontllanfraith Blackwood	Granted 23.10.2013
13/0296/FULL 22.04.2013	Mr C Hobday Ty'n Derwen White Hart Machen Caerphilly CF83 8QQ	Erect a three bedroom dwelling Land At Ty'n Derwen White Hart Machen Caerphilly	Granted 24.10.2013
13/0516/FULL 10.07.2013	Mr K Jones Prospect House Canal Road Cwmbach Aberdare Rhondda Cynon Taff CF44 0AG	Demolish existing commercial garage and construct three link houses Astra Plant (Treforest) Plant Services Heol Fawr Nelson Treharris	Granted 24.10.2013
13/0606/NCC 09.08.2013	Mr & Mrs L Richards Gelliwasted Farm Newport Road Machen Caerphilly CF83 8NJ	Vary Condition 1 of planning permission 08/0898/NCC (Erect cheese processing plant and visitors centre with associated parking) to extend the period within which the development can commence by a further five years Gelliwasted Farm Newport Road Machen Caerphilly	Granted 24.10.2013
13/0639/FULL 29.08.2013	Mr R Davies 11 Trostant Crescent Penybryn Hengoed CF82 7FU	Erect front porch and conservatory to rear 11 Trostant Crescent Penybryn Hengoed CF82 7FU	Granted 24.10.2013
13/0641/FULL 30.08.2013	Mr & Mrs I Roberts Nant Y Wennol 7 Brook Street Abertridwr Caerphilly CF83 4DF	Erect small outbuilding/garden room Nant Y Wennol 7 Brook Street Abertridwr Caerphilly	Granted 24.10.2013

10/0550/OUT 27.07.2010	BSW Timber Plc Mr H Jones East End Earlston Berwickshire TD4 6JA	Re-develop the site for a mixed use development including housing, employment (B1 Use) and community use with associated open space and infrastructure Former BSW Saw Mills Senghenydd Caerphilly CF83 4AE	Granted 25.10.2013
13/0643/FULL 02.09.2013	Mr & Mrs A Williams 7 Woodland Place Pengam Blackwood NP12 3QX	Demolish existing conservatory and erect new conservatory 7 Woodland Place Pengam Blackwood NP12 3QX	Granted 28.10.2013
13/0647/FULL 03.09.2013	Mr Wooley 24 St Ilan's Way Watford Caerphilly CF83 1EW	Replace and enlarge conservatory to rear 24 St Ilan's Way Watford Caerphilly CF83 1EW	Granted 29.10.2013
13/0648/FULL 03.09.2013	Mr G Howlin 55 Dan-Y-Bryn Pontllanfraith Blackwood NP12 2FJ	Convert garage to living accommodation for kitchen extension 55 Dan-Y-Bryn Pontllanfraith Blackwood NP12 2FJ	Refused 29.10.2013
12/0578/OUT 25.07.2012	Elevate Design Build Mr S Dodd C/o P J Planning Mr G Parker 5 St Pauls Square 82 Northwood Street Birmingham West Midlands B3 1TH	Erect residential development of 57 dwellings Land West Of Old Pant Road Pantside Newbridge	Granted 30.10.2013
13/0631/FULL 23.08.2013	Mr J Qureshi 207 Lake Road West Cyncoed Cardiff CF23 5QX	Replace shopfront 11 Thomas Street Abertridwr Caerphilly	Granted 30.10.2013
13/0649/FULL 04.09.2013	Mr A Ferrier 7 West View Newbridge NP11 4FL	Erect second storey rear extension for use as a bedroom above existing ground floor kitchen 7 West View Newbridge NP11 4FL	Granted 30.10.2013

13/0651/FULL 05.09.2013	Mrs R Macmanus 12 Garth Lane Rudry Caerphilly CF83 3DR	Erect front porch 12 Garth Lane Rudry Caerphilly CF83 3DR	Granted 30.10.2013
13/0650/LA 05.09.2013	CCBC Grants Agency Service Mr N Challenger Caerphilly County Borough Council Pontllanfraith House Blackwood Road Pontllanfraith Blackwood NP12 2YW	Change the use of existing offices to 4 no. one bedroom self- contained flats 1-2 Police Houses Park View Bargoed CF81 8QN	Granted 31.10.2013
13/0652/FULL 05.09.2013	Mr S Vaughan 10 Gwesty Close Croespenmaen Newport NP11 3AD	Erect a car port as part of a scheme of adaptation works for the benefit of a disabled person 10 Gwesty Close Croespenmaen Newport NP11 3AD	Granted 31.10.2013
13/0653/FULL 05.09.2013	Mrs N Hathway 2 The Hollies Croespenmaen Newport NP11 3LR	Erect granny house extension, single storey extension & proposed highway alteration 2 The Hollies Croespenmaen Newport NP11 3LR	Granted 31.10.2013
12/0672/FULL 13.09.2012	Mr & Mrs B Parnell Maes-Yr-Haf Old Pant Road Pantside Newport NP11 5FT	Erect two-storey extension to side of dwelling and single-storey sun lounge extension to rear Maes-Yr-Haf Old Pant Road Pantside Newport	Granted 04.11.2013
12/0860/RM 30.11.2012	Mackworth Grange Mr R Bailey South Pandy Lane Caerphilly CF83 3HT	Seek approval of the reserved matters of layout, scale, appearance and landscaping in connection with the residential development of 142 dwellings and associated works approved under planning permission P/04/1325 Mackworth Grange Pontypandy Lane Caerphilly CF83 3HT	Granted 04.11.2013

13/0356/FULL 14.05.2013	Dr M Ali Millbrook Residential Home Gelligroes Road Pontllanfraith Blackwood NP12 2JU	Erect first floor extension over former nursery wing (now residential home use) Millbrook Residential Home Gelligroes Road Pontllanfraith Blackwood	Granted 04.11.2013
13/0554/RET 24.07.2013	Mr B Foster 48 Beale Close Danescourt Cardiff CF5 2RU	Retain the change of use from light industrial premises to boxing gym Unit 10 Block G - Evans Business Centre Western Industrial Estate Caerphilly	Granted 04.11.2013
13/0620/FULL 19.08.2013	Mr & Mrs H Thomas 10 Gellideg Heights Maesycwmmmer Hengoed CF82 7RL	Erect first floor extension and install new front window bay 10 Gellideg Heights Maesycwmmmer Hengoed CF82 7RL	Granted 04.11.2013
13/0633/FULL 27.08.2013	Mr P Clarkson 47 Chatham Machen Caerphilly CF83 8SB	Erect single-storey side extension 47 Chatham Machen Caerphilly CF83 8SB	Granted 05.11.2013
13/0642/FULL 30.08.2013	Mr C Davey 67 Blaen lfor Caerphilly CF83 2NW	Erect conservatory to rear 67 Blaen lfor Caerphilly CF83 2NW	Granted 05.11.2013
13/0654/RET 05.09.2013	Mr & Mrs Murphy 64 Cwm Braenar Pontllanfraith Blackwood NP12 2DS	Retain conservatory 64 Cwm Braenar Pontllanfraith Blackwood NP12 2DS	Granted 05.11.2013
13/0659/RET 10.09.2013	Mr G Haylings 5 Snowdon Close Risca Newport NP11 6JF	Remove the existing conservatory, retain the extension and install two roof velux windows on the north elevation of the main house 5 Snowdon Close Risca Newport NP11 6JF	Granted 05.11.2013
13/0660/FULL 10.09.2013	UKTS Mr D Waters 221 High Street Blackwood NP12 1AL	Erect new aluminium shop front, fascia and new tiled stall riser UK Taxation Services Ltd 221 High Street Blackwood NP12 1AL	Granted 05.11.2013

<p>13/0679/FULL 17.09.2013</p>	<p>Graig Y Rhacca Partnership Mr I Racz Graig Y Rhacca Resource Centre Machen Caerphilly CF83 8TQ</p>	<p>Change the use for the existing police station and relocate the existing kitchen facility from the resource centre into the existing police station to provide a café service to local residents and visitors, provide in house catering services for the business clients, service the local industrial areas with mobile sandwich delivery service, deliver bespoke birthday parties including catering and entertainment, provide external catering for business/social functions, provide work placements for college/school/back to work schemes and deliver healthy cooking classes both internally and externally Gwent Constabulary Graig-y-Rhacca Police Station 85 Grays Gardens Graig-y-Rhacca</p>	<p>Granted 05.11.2013</p>
<p>13/0655/COU 09.09.2013</p>	<p>Mr T Lamorte 29 Pen Y Dre Caerphilly CF83 2NZ</p>	<p>Change the use of ground floor shop to residential flat to replace the now lapsed previous planning permission granted 16/01/2003 (P/02/1346) Manic Barbers 27B Commercial Street Ystrad Mynach Hengoed</p>	<p>Granted 06.11.2013</p>
<p>13/0664/COU 11.09.2013</p>	<p>Valley Support Services Mrs E Baker The Barn 33 Church Road Gelligaer Hengoed CF82 8FW</p>	<p>Change the use/convert to three self-contained flats to ground floor, offices to new first floor and enlarge existing vehicular entrance to access car parking facility to the rear and side The Old United Reform Church High Street Fleur-de-lis Pengam</p>	<p>Granted 06.11.2013</p>
<p>13/0420/CLEU 11.06.2013</p>	<p>Greenwood Civil Engineering Limited Viaduct Road Gwaelod Y Garth Cardiff CF15 9JN</p>	<p>Obtain a Lawful Development Certificate for the existing use as a storage and working area for plant, machinery and materials used in the construction and plant hire industry Glendale Van Road Caerphilly CF83 3RR</p>	<p>Granted 07.11.2013</p>

13/0661/FULL 10.09.2013	Graig-y-rhacca Community Partnership Mr I Racz Graig-y-rhacca Community Resource Centre 59 - 71 Grays Gardens Graig-y-rhacca Caerphilly CF83 8TQ	Provide extension to the rear to extend kitchen and preparation area Graig-y-rhacca Community Resource Centre 59 - 71 Grays Gardens Graig-y-rhacca Caerphilly	Granted 07.11.2013
13/0665/NCC 12.09.2013	Mr S Azam 78 Pwll Yr Allt Tir-y-berth Hengoed CF82 8FR	Convert integral garage into playroom 78 Pwll Yr Allt Tir-y-berth Hengoed CF82 8FR	Granted 07.11.2013
13/0666/FULL 12.09.2013	Mr R Smith 1 Twyn Place Abercarn Newport NP11 5JX	Erect single-storey utility/cloakroom extension 1 Twyn Place Abercarn Newport NP11 5JX	Granted 07.11.2013
13/0670/FULL 13.09.2013	Ms P Tamplin 3 Clos-y-Pant Caerphilly CF83 1SL	Erect single-storey rear extension and provide internal re-design 3 Clos-Y-Pant Caerphilly CF83 1SL	Granted 08.11.2013
13/0671/FULL 13.09.2013	Mrs S Donovan 25 De Winton Terrace Llanbradach Caerphilly CF83 3JX	Erect rear first floor extension 25 De Winton Terrace Llanbradach Caerphilly CF83 3JX	Refused 08.11.2013
13/0531/FULL 16.07.2013	Mrs Watkins 7 Moriah Hill Risca Newport NP11 6PZ	Replace existing kitchen extension with two-storey kitchen and bedroom extension and associated internal alterations 7 Moriah Hill Risca Newport NP11 6PZ	Granted 11.11.2013
13/0672/FULL 16.09.2013	Mr J Cox 63 Addison Street Cefn Fforest Blackwood NP12 1EN	Erect two-storey rear extension and garage 63 Addison Street Cefn Fforest Blackwood NP12 1EN	Refused 11.11.2013

13/0673/FULL 16.09.2013	Mrs L Madden 10 Waunfawr Road Crosskeys NP11 7PG	Erect single-storey rear extension 14 Waunfawr Road Crosskeys Newport NP11 7PG	Granted 11.11.2013
13/0681/FULL 16.09.2013	Mr I Brewer 2 Pen-Y-Cwm Abertysswg Tredegar NP22 5AD	Erect single-storey rear extension with internal and external alterations 2 Pen-Y-Cwm Abertysswg Tredegar NP22 5AD	Granted 11.11.2013
13/0399/LBC 29.05.2013	Dr M Shafik 23 Llantarnam Drive Radyr Cardiff CF15 8GA	Replace roof of main church and hall St Mary & Abu Saifain Coptic Orthodox Church St Mary Street Risca Newport	Granted 12.11.2013
13/0677/LA 17.09.2013	CCBC Mr S Walwyn Private Housing Officer (Agency) Pontllanfraith House Blackwood Road Pontllanfraith Blackwood NP12 2YW	Erect single-storey extension for disabled adaptation 18 Heol Derw Hengoed CF82 7NT	Granted 12.11.2013
13/0680/FULL 17.09.2013	Mr & Mrs J Cooper 15 Cedar Way Ystrad Mynach Hengoed CF82 7DR	Convert attic to bedroom 15 Cedar Way Ystrad Mynach Hengoed CF82 7DR	Granted 12.11.2013
13/0644/COU 02.09.2013	Soul Beauty And Holistic Therapy Soul Beauty And Holistic Therapy And First Floor Flat 12 Commercial Street Ystrad Mynach Hengoed CF82 7DX	Change use from a mixed-use premises to a beauty salon and holistic therapy Soul Beauty And Holistic Therapy And First Floor Flat 12 Commercial Street Ystrad Mynach Hengoed	Granted 14.11.2013

13/0645/FULL 02.09.2013	Marston's Plc C/o Pegasus Group Mr J Mumby 5 The Priory Old London Road Canwell Sutton Coldfield West Midlands B75 5SH	Alter beer garden to include fixed covered seating structures and timber loggia The Otter Unit 3 Newbridge Gateway Bridge Street	Granted 14.11.2013
13/0685/FULL 20.09.2013	Mrs R Beynon 43 Glanhowy Road Wyllie Blackwood NP12 2HW	Erect two-storey rear extension 43 Glanhowy Road Wyllie Blackwood NP12 2HW	Granted 14.11.2013

LIST OF PLANNING APPLICATIONS WHICH ARE OUT OF TIME/NOT DEALT WITH WITHIN 8 WEEKS OF DATE OF REGISTRATION

APPLICATION NUMBER DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/97/0981 31.10.97	Undertake initial review of planning conditions under the Environment Act 1995 for resumption of quarrying at Blaengwynlais Quarry, Blaengwynlais, Nr Caerphilly.	Considering revised conditions submitted by applicant.
P/02/0265 13.03.02	First periodic review of planning conditions (Environment Act 1995) at Cae Glas Small Mine, Fochriw.	Seeking clarification about the status of the application.
10/0505/OUT 26.07.10	Erect light industrial/office park at Block C, Maerdy Industrial Estate, Rhymney.	Subject to further discussion and consideration.
10/0518/FULL 16.07.10	Erect single detached dwelling and garage at Old Mill House, Draethen, Newport.	Subject to further discussion and consideration.
10/0667/FULL 22.11.10	Renew planning permission P/05/1313 to construct two dwellings and associated external works on Land Within Curtilage Of Ty Gwyn, Rhyd Y Gwern Lane, Machen, Caerphilly.	Subject to discussions concerning highway matters.
11/0594/OUT 27.10.11	Erect residential development on Land Adj To Groeswen Farm, Groeswen Road, Groeswen, Cardiff.	Awaiting comments of consultees.
11/0630/NCC 01.09.11	Vary conditions (3) and (4) of previous planning consent 06/0172/OUT (erect residential development) to extend permission beyond expiration dates on Land West Of Coronation Terrace, Senghenydd, Caerphilly.	Awaiting information on road layout.
11/0650/FULL 23.08.11	Erect new housing development comprising of 12 detached and 3 pairs of semi-detached dwellings on Land Adj To Former Waterloo Works, Machen, Caerphilly.	Subject to further discussion and consideration.
12/0157/FULL 29.02.12	Sub-divide property to make two semi-detached two bedroom bungalows at Nantygledyr, 231 Bedwas Road, Caerphilly.	Seeking agreement to Section 106 requirements.

12/0185/OUT 09.03.12	Convert, part demolish and extend former public house forming 3 no. three bedroom units and erect 2 no. three bedroom semi-detached dwellings, provide private amenity space, car parking and associated works at Ty Yn Y Pwll Hotel, Newport Road, Trethomas, Caerphilly.	Subject to further discussion and consideration.
12/0371/FULL 29.05.12	Erect two detached three-bedroom houses on Land Adjacent To 88 Abernant Road, Markham, Blackwood.	Awaiting amended plans concerning design.
12/0394/FULL 22.05.12	Erect extension to form a children's playroom and bedroom at Rhoswen, Sunnybank Road, Blackwood.	Awaiting amended plans.
12/0511/OUT 03.07.12	Erect housing development at Willow Court & Surrounding Area, Pengam Road, Pengam.	Awaiting highway information.
12/0513/FULL 09.07.12	Take down store and garage and erect a three bedroom link house and a self contained flat over the remaining store at 73-75 Meadow Crescent, Pontymister, Risca, Newport.	Awaiting flood consequences assessment.
12/0531/OUT 13.08.12	Erect mixed residential development comprising of fifteen new build dwellings at Land At Station Approach, Risca.	Awaiting views of consultees concerning wildlife surveys.
12/0550/CON 23.07.12	Demolish former rectory and erect residential development of 8 dwellings (including two affordable houses) at The Rectory And School Site, High Street, Nelson, Treharris.	Subject to discussions concerning access and design.
12/0571/FULL 24.07.12	Demolish former rectory and erect residential development of 8 dwellings (including two affordable houses) at The Rectory And School Site, High Street, Nelson, Treharris.	Subject to discussion concerning access and design.
12/0575/FULL 04.10.12	Erect a mansard roof incorporating a 1 bed flat at Manchester House, 1 Clifton Street, Caerphilly.	Awaiting views of consultees.
12/0596/RET 15.08.12	Retain change of use from sale and repair of vehicles to a mixed-use for the sale and repair of vehicles and a car wash, and to retain and complete a steel sectional building for repairs and valeting at KJM Autos, Clearway Service Station, Church Road, Penpedairheol, Hengoed.	Subject to further discussion and consideration.
12/0637/OUT 20.09.12	Erect residential development for two detached houses with garages on Land Rear Of 46 Commercial Road, Machen, Caerphilly.	Subject to further discussion and consideration.

12/0676/NCC 14.09.12	Vary conditions 2 and 3 of planning permission 08/0373/OUT (Improve existing site access/highway and erection of housing development) to extend period within which development can commence for further 3 and 5 years respectively at Old Station Yard, Bridge Street, Abercarn.	Subject to further discussion and consideration.
12/0705/FULL 01.10.12	Substitute three detached houses to replace five approved houses at Plots 44 – 48, Woodside Walk, Wattsville, Newport.	Awaiting amended plans.
12/0735/RM 12.10.12	Seek approval of the reserved matters regarding appearance, landscaping, layout and scale approved under planning application 08/1210/OUT (Erect eight dwellings) at Site Of Former All Saints Church, Pencerrig Street, Llanbradach, Caerphilly.	Subject to further discussion and consideration.
12/0760/NCC 22.10.12	Vary condition 07 of planning permission 12/0593/NCC to allow the access location to be as indicated on drawing number 231/2C (submitted on 24th August 2009 in relation to application 09/0672/OUT) to the south of the existing dwelling at Land At 3 Britannia Villas, Pengam, Blackwood.	Subject to further discussion and consideration.
12/0875/FULL 06.12.12	Install one WTN 500kw wind turbine with an overall tip height of 64m and associated temporary infrastructure on Land At Pen Yr Heol Las Farm Heol Las, Energlyn, Caerphilly.	Awaiting further information on highway matters.
13/0016/FULL 16.01.13	Erect a single wind turbine with a maximum blade tip height of up to 61 metres and associated infrastructure including creating new access track (approx. 750m in length), a crane pad (measuring approximately 20m by 22m) and an equipment housing cabinet on Land North East Of Pen-y-fan Farm Pen-Y-Fan Farm Lane, Manmoel, Blackwood	Awaiting Ecological study.
13/0042/NCC 19.01.13	Vary Condition 01 of planning permission 07/1568/FULL (Construct a pair of semi-detached 3-bedroom houses and two detached 3-bedroom houses) to extend time limit within which development can commence for a further five years at Gould & Sons, Argoed Garage, High Street, Argoed, Blackwood, NP12 0HQ.	Awaiting information about affordable housing.

13/0108/RET	Retain alterations to garage to include dormer window to front, velux roof lights to rear, lean-to extension and convert to living accommodation at The Barn, Old Nantgarw Road, Nantgarw, Cardiff.	Subject to further discussion and consideration.
13/0196/OUT 15.03.13	Erect up to four three bedroom houses in two semi-detached blocks on land being used for occasional vehicle storage on Land Adjacent To Riverside House Penmaen Road, Pontllanfraith, Blackwood.	Awaiting noise survey.
13/0204/NCC 18.03.13	Vary condition 05 of planning permission 09/0090/COU to allow access for vehicles onto Rudry Road and remove condition 07 of planning permission 09/0090/COU which requires the provision of a bridal way bridleway/horse track adjacent to Rudry Road Lisvane Riding School Ltd Forest View, Cefn-Porth Road, Lisvane Cardiff.	Awaiting views of consultees and subject of further discussion.
13/0227/FULL 02.04.13	Construct dwelling at Plot Adjacent To Twyn House, Draethen, Newport.	Awaiting views of consultees about bat survey.
13/0228/CON 02.04.13	Demolish stone store at Plot Adjacent To Twyn House, Draethen, Newport.	Awaiting views of consultees about bat survey.
13/0253/FULL 09.04.13	Construct a second rural enterprise dwelling at Ty Canol Farm, Hendredenny, Caerphilly, CF83 2RL.	Awaiting information about agricultural justification.
13/0277/FULL 16.04.13	Erect extension and carry out alterations to provide accommodation units for homeless people along with associated office/staff space and support facilities at Garth Owen, Oak Terrace, Llanbradach Caerphilly.	Considering results of bat survey.
13/0300/COU 23.04.13	Change the use of the redundant Ebenezer Chapel to two residential dwellings at Ebenezer Chapel Carno Street, Rhymney, Tredegar.	Bat survey submitted and under consideration.
13/0333/RET 07.05.13	Retain MOT testing bay/workshop at KJM Autos at Clearway Service Station Church Road, Penpedairheol, Hengoed.	Subject to further discussions and consideration.
13/0351/FULL 09.05.13	Erect detached single-storey ancillary accommodation within rear curtilage of dwelling at 19 Springfield Road Pontymister, Risca, Newport.	Considering flood issues.

13/0353/FULL 04.07.13	Erect a four bedroom detached house and a pair of three bedroom semi-detached houses at 17 Homeleigh Newbridge, Newport.	Subject to discussion and consideration.
13/0393/FULL 28.05.13	Erect nutrient storage lagoon to supply storage capacity for compliance with SSAFO Regulations at Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed.	Awaiting additional details regarding objection from NRW and amended landscaping.
13/0434/FULL 23.07.13	Create a new building in the rear yard area to join the newly erected building to house the sites skips and the site vehicles/machinery that will be stored in the building overnight at GLJ Recycling Units 5-9, Fern Close, Pen-y-fan Industrial Estate, Pen-y-fan, Newport.	Awaiting amended plans.
13/0438/OUT 03.07.13	Erect nine medium-sized dwellings on Land At Former Supac Electrical Co Ltd Gellideg Industrial Estate, Gellideg Lane Maesycwmmmer.	Awaiting view of consultees.
13/0456FULL 20.06.13	Erect two flats at Land Adjoining 201 Bedwas Road, Caerphilly, CF83 3AR.	Awaiting amended parking details.
13/0470/CLEU 25.06.13	Obtain a Lawful Development Certificate for an existing use as a hot food takeaway at Crumlin Balti, 22 Main Street, Crumlin, Newport, NP11 4PT.	Awaiting additional information to support application.
13/0479FULL 26.06.13	Erect new house at Former Holly House Nursing Home, Victoria Road, Fleur-de-lis, Blackwood.	Awaiting views of consultees about amended plans.
13/0483/FULL 28.06.13	Install three wind turbines and construct associated infrastructure on land used for grazing, the maximum height to blade tip of each turbine will be 110m above existing ground level and infrastructure associated with the wind turbines including on-site access tracks, lay-bys and turning areas, with ditch culverts where required, permanent crane hardstanding areas and external switchgear buildings for each turbine, a substation, underground on-site electrical cabling and the creation of a temporary construction compound and laydown area at Pen Bryn Oer, Merthyr Road, Rhymney.	Subject to further discussion and consideration.

13/0487/FULL 28.06.13	Erect new dwelling for nursery manager associated with Pughs Garden Centre Nursery Gwaun Gledyr Uchaf Nursery Gypsy Lane, Groeswen, Cardiff.	Awaiting views of agricultural consultant.
13/0498/FULL 04.07.13	Erect two-storey extension to rear of dwelling at 9 Crescent Road, Risca, Newport.	Discussing amendments with applicant.
13/0532/FULL 18.07.13	Restore the presently derelict cottages to include the construction of new 'catslide' rear bathroom/kitchen additions and also form new car parking arrangements and boundary treatments etc. at 1-4 Susannah Houses, Susannah Road, Rhymney, Tredegar.	Subject to further discussion and consideration.
13/0533/LBC 18.07.13	Restore the presently derelict cottages to include the construction of new 'catslide' rear bathroom/kitchen additions and also form new car parking at 1-4 Susannah Houses, Susannah Road, Rhymney, Tredegar.	Subject to further discussion and consideration.
13/0538/COU 24.07.13	Change use from commercial premises at ground floor to two bedroom ground floor residential flat 1 at 25 Glan-y-nant, Fochriw, Bargoed.	Subject to further discussion and consideration.
13/0542/FULL 17.07.13	Replace existing building with 2 no. detached houses at Carlton Heights Victoria Road, Maesycwmmmer, Hengoed.	Awaiting views of consultees about amended plans.
13/0548/CLEU 23.07.13	Obtain a Lawful Development Certificate for an existing use as a property for car/vehicle sales and display at Senator House, 6 Sir Alfred Owen Way, Pontygwindy Industrial Estate, Caerphilly.	Subject to discussion concerning additional information.
13/0552/FULL 24.07.13	Erect extension for additional workshop and office with w.c. and erect chain link fence 1.8m high at Bryngwyn Service Station, Bryngwyn Street, Fleur-de-lis Blackwood.	Clarifying ownership issues.

<p>13/0626/FULL 22.08.13</p>	<p>Install metal safety railings to the unprotected drops, install metal stairs to afford safe visitor access and install metal footbridge over breach in north wall-walk of the Middle Ward, install metal safety railings to the unprotected drop to the north and north east wall-walks and install metal link footbridge over breach in the north/north west wall-walk (formerly the North East Tower) affording safe access to visitors to the Inner East Gatehouse of the Inner Ward at Caerphilly Castle, Castle Street, Caerphilly.</p>	<p>Subject to further discussions with CADW about the design.</p>
<p>13/0658/OUT 10.09.13</p>	<p>Erect four bedroom dwelling house and integral garage with ancillary works to form new drive access at Homeleigh House, Park Place, Newbridge, NP11 4RL</p>	<p>Subject to discussion about access.</p>
<p>13/0669/FULL 13.09.13</p>	<p>Erect new dwelling at 23 Commercial Road, Machen, Caerphilly.</p>	<p>Subject to further discussion and consideration.</p>

APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT

APPLICATION NUMBER & DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/05/1091 25.07.05	Erect fifteen new dwellings on Land adjacent to Marne Street, Cwmcarn.	Draft agreement sent to Solicitors for consideration. Reminder sent. On hold pending resolution of issues at Cwmcarn school.
P/05/1683 23.11.05	Erect residential development at Austin Grange, Bartlett Street, Caerphilly.	Draft sent to applicant for consideration. Application under consideration by Agents.
P/06/0037 13.01.06	Redevelop site incorporating 545 residential units and 2.5 acres for a primary school at Waterloo Works, Machen.	Planning in discussions with developers over new terms.
08/0752/OUT 24.06.08	Erect residential and commercial development on Land At Hawtin Park, Gelli-Haf, Pontllanfraith, Blackwood.	New proposal on affordable housing going to Planning Committee 30/10/13. Negotiations ongoing between Planning Officer and Applicant.
09/0243/OUT 31.03.09	Erect residential development and associated recreation space on Land At Former Windsor Colliery, Ty'n Y Parc, Abertridwr, Caerphilly.	On hold pending outcome of meeting with Housing Association.
09/0614/OUT 03.07.09	Erect residential development on Land To Rear Of Ty Fry Road, Aberbargoed, Bargoed.	Clarifying instructions regarding the terms of Agreement. Additional title information received and under consideration. Seeking instructions on the terms of Agreement and considering the additional title information.
09/0817/FULL 19.10.09	Provision of replacement play area and equipment on Land Off Marne Street, Cwmcarn, Crosskeys.	Draft Agreement sent to Solicitors. Provisions of Agreement under consideration. Reminder sent. See first application. On hold pending resolution of issues at Cwmcarn school.

10/0016/FULL 15.01.10	Erect seven two-storey dwellings at The Former Coal Yard, Pandy Road, Bedwas, Caerphilly.	Queried title evidence and sent drafts. Solicitors applied for registration of the title with Land Registry. Chased.
11/0124/FULL 18.02.11	Create fishpond on Land At Fair Oak Farm, Woodland Terrace, Argoed, Blackwood.	Sent final draft and plans.
11/0191/OUT 11.03.11	Demolish existing farmhouse and farm buildings and construct new two-storey residential units at Gelli Pystyll Farm, Elm Drive, Ty Sign, Risca.	Comments received from Developer's Solicitors on Draft Agreement. Clarifying an issue with a restrictive covenant before providing a revised draft agreement.
11/0779/FULL 12.10.11	Erect single dwelling house on Land Within The Curtilage Of 59 The Bryn, Trethomas, Caerphilly.	Awaiting reply from Developer's Solicitors on a number of issues.
11/0900/FULL 05.12.11	Erect two four-bedroomed terraced houses at Land Adjacent To Trecenydd Snooker Club, North Court, First Avenue, Trecenydd, Caerphilly.	Sent Engrossments for signature mid October 2013. Still awaiting reply from Developer's Solicitors. Reminder sent.
12/0030/NCC 24.01.12	Vary conditions (2) & (3) to renew outline consent 07/1564/NCC to erect residential development on land a George Street, Cwmcarn.	Draft agreement forwarded for approval but no response.
12/0269/NCC 03.04.12	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 at Land At Gellideg Industrial Estate, Gellideg Lane, Maesycwmmmer, Hengoed.	Deed of Variation forwarded to Solicitors 12 months' ago but no response.
12/0296/NCC 17.04.12	Erect a pair of semi-detached houses at Land Adjacent To Old Station House, Old Station Yard, Bedwas, Caerphilly.	Draft agreements sent out at the end of October 2013 but no response.
12/0375/OUT 21.05.12	Demolish existing garage building with proposed new building containing four residential units with associated car parking and amenity area and change use from B1(c) to residential at John Paul Motors Ltd, 31 Newport Road, Bedwas, Caerphilly.	Sent engrossments July 2013. Dealt with query November 2013. Await reply from Developer's Solicitors.

12/0448/FULL 11.06.12	Change dwelling design at plot 1, previously approved (06/0681/FULL) at Land At Old Junction House Commercial Street, Pontllanfraith, Blackwood.	Correspondence returned by Royal Mail. Asked Planning if they know what has happened. No further progress.
12/0441/FULL 26.06.12	Demolish existing chapel and erect four 1-bed apartments in a single block at Chapel, De Winton Terrace, Llanbradach, Caerphilly.	Draft sent for approval. Chased Solicitors details. No reply and unable to make progress.
12/0518/FULL 09.07.12	Erect dormer bungalow based on previously lapsed outline permission (P/04/1637) at Barry Bungalow Brynhyfryd, Energlyn, Caerphilly	Awaiting full details of Developer's title.
12/0549/OUT 12.07.12	Erect detached three bed dwelling with attached garage at Land to the rear of 20 Church Street, Bedwas, Caerphilly.	Sent drafts. Solicitors sorting out title. Chased.
12/0898FULL 20.12.12	Erect residential development comprising 22 residential units (12 houses, 10 flats) at Land At Tyn Y Wern Terrace, Trethomas, Caerphilly.	Sent drafts for approval at the beginning of October 2013. Await reply from Developers Solicitor.
13/0162/COU 06.03.13	Convert stone barn to a three bedroom dwelling at Gwaun Gledyr Isaf Farm, Old Nantgarw Road, Groeswen, Cardiff.	Drafts sent for approval at the end of October 2013.
13/0212/NCC 25.03.13	Vary Condition 11 of planning permission P/04/1500 to amend the internal layout at Glan Y Nant Draethen, Newport.	Received Solicitors details and preparing draft agreement.
13/0219/NCC 27.03.13	Vary condition 3 of planning permission 08/0491/OUT (erect residential development) to extend the period for the submission of reserved matters for a further six months at Land South Of Alma Cottages, Bedwas, Caerphilly.	Sent drafts for approval mid October. Reminder sent.
13/0233/NCC 03.04.13	Vary Condition 1 of planning approval 10/0019/NCC to extend the period within which the development can commence for a further five years on Land Adjacent To The Bungalow, Libanus Road, Blackwood.	Received a request from Planning to take no further action for the present.

13/0364/COU 16.05.13	Change use from church to residential dwelling at Saron Congregational Church, Pandy Road, Bedwas, Caerphilly.	Sent drafts 17/10/13. No response.
13/0416/FULL 10.06.13	Construct 17 dwellings and associated works at Land At Mill Road, Caerphilly.	Agreement drafted. Awaiting Officers comments on Developer's proposed amendments.
13/0465/FULL 24.06.13	Demolish existing buildings and erect 29 dwellings (comprising of a mix of 1 bed apartments and 2 & 3 bedroom houses) with all associated infrastructure and landscaping at The Greenfly & CATS House, Newport Road, Bedwas, Caerphilly, CF83 8BJ.	New instructions.
13/0506/OUT 05.07.13	Erect residential development at Former British Legion Club, Heol Uchaf, Rhymney.	Requested title and sent reminder.
13/0615/FULL 15.08.13	Erect detached dormer bungalow on Land Adjoining, 62 Pandy Road, Bedwas, Caerphilly.	New instructions.
13/0646/COU 03.09.13	Change use of ground floor from cafe/shop to apartment at 24 Church Street, Bedwas, Caerphilly, CF83 8EB.	Requested title details.

OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
12/0012/REF 11/0376/RET	Green Valley Moto X Mr C Jones C/o DLP Planning Ltd Mr M Hard Sophia House 28 Cathedral Road Cardiff CF11 9LJ	Retain use of land for motor-cross for two days per calendar month and associated works on Land adjoining Wyth-Erw Farm Mountain Road Bedwas	01.05.12
13/0015/CERT 13/0049/CLEU	Halo Developments Ltd Mr P Angel High Street Blackwood NP12 1BA	Obtain a Certificate of Lawful Existing Operation for the setting out on site and the part construction of the access roadway, including the provision of underground drainage, undertaken as required to implement the scheme approved under planning consent ref P/06/0336 at Woodview Isycoed Cottages Cwmgelli Blackwood	15.08.13
13/0016/REF 13/0433/FULL	Mr L Pearce 23 Cherry Tree Close Bedwas Caerphilly CF83 8HB	Erect a four bedroom dwelling at Land off Pontypandy Lane South Pandy Road Caerphilly	16.09.13
13/0017/REF 13/0158/FULL	Mr L Harris 13 Carlton Terrace Crosskeys Newport NP11 7BU	Convert bungalow to two-storey dwelling with extension and loft rooms at Martindale Pennar Lane Pentwyn-Mawr Newport	23.09.13
13/0018/REF 12/0610/OUT	Mr G Boughton-Smith Glen Burmie St Cenydd Road Trecenydd Caerphilly CF83 2RP	Erect development comprising (Plot 1) a bespoke split level detached house with undercroft car parking at Glen Burmie, St Cenydd Road, Trecenydd, Caerphilly	23.09.13

13/0019/REF 12/0612/OUT	Mr G Boughton-Smith Glen Burmie St Cenydd Road Trecenydd Caerphilly CF83 2RP	Erect development comprising (Plot 2) a bespoke two-storey dwelling with courtyard car parking at Glen Burmie St Cenydd Road Trecenydd Caerphilly	03.10.13
13/0020/REF 13/0122/FULL	Mrs A Suri 113A St Martin's Road Caerphilly CF83 1EH	Erect rear and first floor extension to provide manager's residential accommodation at St Martin's Stores 115 St Martin's Road Caerphilly	04.10.13
13/0021/REF 13/0473/FULL	Mr J Davies 6 Islwyn Terrace Pontllanfraith Blackwood NP12 2LJ	Erect first floor rear extension at 6 Islwyn Terrace, Pontllanfraith Blackwood NP12 2LJ	17.10.13
13/0022/REF 13/0288/FULL	Mr L Hawkins Graig Yr Hufen Road Senghenydd Caerphilly CF83 4BN	Erect two bedroom dwelling with off road parking at Land Adjacent 10 Gwern Avenue Senghenydd Caerphilly CF83 4HA	21.10.13
13/0023/REF 13/0072/COU	Mrs A Lloyd 49 Pen Y Bryn Avenue Cefn Fforest Blackwood NP12 3JS	Change the use of the rear ground floor to a coffee shop at 8 Central Avenue Cefn Fforest Blackwood NP12 3JU	28.10.13

APPEAL DECISIONS

APPEAL REF/ PLANNING APP NO.	PROPOSAL & LOCATION	APPEAL DECISION/ DATE	COMM/ DEL
13/0012/REF 12/0701/FULL	Erect detached four bedroom dwelling on Land Adjacent To McLaren House McLaren Cottages, Abertysswg, Tredegar	Allowed 26/09/13	DEL
13/0013/REF 12/0777/RET	Retain the use of land for the display of vehicles for sale with associated hard surfacing on Land Adjacent To Point Service Station, Nine Mile Point Road, Wattsville	Allowed 26/09/13	DEL