

AGENDA ITEM NO. 5(b)

PLANNING COMMITTEE

9 APRIL 2014

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

**APPLICATION
NUMBER
EAST AREA**

LOCATION

Preface Item
14/0055/NCC
McDonald's Restaurants Limited
Unit 2, Newbridge Gateway
Bridge Street, Newbridge

13/0712/OUT
Land at Homeleigh
1 Tuckers Villas and adjacent to
13 Woodbine Road
Blackwood

13/0865/FULL
Land at Glyn Derwen
Llanbradach, Caerphilly

14/0057/FULL
18 Mount Pleasant Road
Risca

14/0062/TPO
Ty-Aderyn
6 Darran Road, Risca

14/0139/COU
1 Bryn Lane
Pontllanfraith, Blackwood

NORTH AREA

13/0483/FULL
Pen Bryn Oer
Merthyr Road, Rhymney

13/0846/FULL
Land at Hendai Farm
Heol Adam, Gelligaer

14/0047/FULL
20 Aelybryn Street
Fochriw, Bargoed

SOUTH AREA

Preface Item
P/06/0037
Waterloo Works,
Machen

Preface Item
13/0164/RET
Nant-y-Cwm Farm,
Cwfn-Onn Farm Land,
Rudry, Caerphilly

14/0094/COU
60 Cardiff Road
Caerphilly

PREFACE ITEM

APPLICATION NO. 14/0055/NCC

APPLICANT(S) NAME: McDonald's Restaurants Ltd

PROPOSAL: Remove Condition 07) of planning permission 11/0934/FULL to allow the restaurant to operate 24 hours daily

LOCATION: McDonald's Restaurants Ltd Unit 2 Newbridge Gateway Bridge Street Newbridge Newport

This application was reported to the Planning Committee at its meeting on 12 March 2014 with a recommendation that permission be granted for a period of one year to enable the impact of 24-hour opening to be assessed. A copy of the previous report is attached. Members resolved to defer consideration to the next meeting of the Committee to enable reasons for refusal to be formulated with respect to noise nuisance, light nuisance and anti-social behaviour.

Members are advised that since the date of the last committee a further objection has been received from a resident of Pant Road on the grounds that revving engines associated with young people congregating at the premises are a considerable nuisance late in the evening; the extension of hours could extend this nuisance through the night.

Members are also reminded that the Head of Public Protection offered no objection to the proposed extension of hours subject to a temporary permission initially to allow any nuisance complaints that may arise to be investigated. No complaints of nuisance related to the operation of the premises have been received to date. One complaint was received in June 2013 relating to anti-social behaviour at the nearby Leisure Centre associated with young people congregating in the car park after purchasing food at McDonalds. This complaint was investigated by Community Safety; part of the investigation comprised the siting of a mobile CCTV unit at the Leisure Centre and McDonalds. No evidence was found to justify any follow-up action. It should be noted that the Leisure Centre would be closed during the extended hours being applied for.

The Head of Public Protection advises that a statutory noise nuisance would relate solely to the operation of the premises itself. At present there is no evidence to suggest that the operation would give rise to a statutory noise nuisance during the extended hours being applied for. Complaints of off-site anti-social behaviour associated with the users of the premises would be a matter for Community Safety and the Police to investigate.

In this regard Community Safety has indicated that there is no evidence to warrant an objection to the extension of hours. Further, the Police have not objected to the proposed extension of hours and it is understood that, while the matter has been raised in PACT meetings, it is not a formal PACT priority.

The Head of Public Protection has also confirmed that the lighting scheme approved as required by a condition on the permission for the McDonalds development is unlikely to give rise to a statutory light nuisance, particularly having regard to the number and positions of street lights in the vicinity. At the last Committee the local ward Member drew attention to the premises being lit during the night and early hours of the morning. The agreed lighting scheme states that it is envisaged that all lights would be turned off by 11pm. This commitment is currently being discussed with the applicants.

Officers remain of the opinion, therefore, that a permission granted on a temporary basis, as recommended by the Head of Public Protection, would allow any complaints of nuisance to be investigated and should adequately address Members' concerns. However, should Members be minded to refuse permission the following reasons for refusal are suggested:

RECOMMENDATION: That permission is granted in accordance with the recommendation in the attached report. However, if Members are minded to refuse permission the following reasons are suggested:

- 01) The proposed 24-hour opening of the premises would be detrimental to the amenities of nearby residential properties by virtue of night-time noise nuisance. The proposal is, therefore, contrary to the provisions of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021, Adopted November 2010.
- 02) The proposed 24-hour opening of the premises has the potential to be detrimental to the amenities of nearby residential properties by virtue of night-time anti-social behaviour. The proposal is, therefore, contrary to the provisions of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021, Adopted November 2010.
- 03) The proposed 24-hour opening of the premises would be detrimental to the amenities of nearby residential properties by virtue of night-time light nuisance. The proposal is, therefore, contrary to the provisions of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021, Adopted November 2010.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0055/NCC 06.02.2014	McDonald's Restaurants Ltd C/o Savills Miss M Scott 33 Margaret Street London W1G 0JD	Remove Condition 07 of planning permission 11/0934/FULL to allow the restaurant to operate 24 hours daily McDonald's Restaurants Ltd Unit 2 Newbridge Gateway Bridge Street Newbridge Newport NP11 5GH

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: Adjoining the north-western side of the roundabout junction of the A472 Newbridge By-pass with the A467.

Site description: The site comprises the part of the 'Newbridge Gateway' site fronting Bridge Street, comprising a freestanding McDonalds restaurant with drive-through facility. The western part of the Gateway site, adjoining the Ebbw River, is occupied by a block of offices and a public house. To the north of the site is the Newbridge Rugby Club ground, to the south (on the opposite side of the A472) are playing fields, and to the east (separated by Bridge Street and the route of a former canal) is the rear of dwellings fronting Pant Road.

Development: Removal of Condition 07 attached to Permission Ref. 11/0934/FULL to allow 24-hour opening.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking: Not applicable.

PLANNING HISTORY

P/96/0487 - Erect 30,000 sq. ft. office development - Granted 03.10.96.

P/04/0570 - Erect three-storey office building and fast food restaurant, public house and restaurant with associated parking - Granted 09.12.04.

P/05/0001 - Erect various Brewers Fayre signs and advertisements - Granted 03.03.05.

11/0934/FULL - Erect freestanding restaurant with associated drive thru, car parking and landscaping - Granted 08.06.12.

11/0935/ADV - Install one height restrictor, seven freestanding signs, two banners and nine dot signs - Granted 26.06.12.

11/0936/ADV - Erect 7 No. fascia signs - Granted 25.06.12.

11/0937/ADV - Install freestanding pole sign - Granted 10.07.12.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary and the Newbridge Gateway commercial development site.

Policies: CW2 (Amenity).

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? Not applicable.

CONSULTATION

Head Of Public Protection - Recommends temporary permission to allow any noise complaints to be monitored.

Transportation Engineering Manager - No objection.

Dwr Cymru - No comment.

Police Architectural Liaison Officer - No objection.

ADVERTISEMENT

Extent of advertisement: The occupiers of 17 neighbouring properties were notified by letter and a site notice was displayed.

Response: One letter.

Summary of observations: The restaurant currently causes noise problems after 11.00 p.m. with revving engines, car horns, etc. 24-hour opening would considerably increase the problem of disturbance.

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? 24-hour opening has the potential to cause night-time disturbance to local residents. The Local Planning Authority has to consider the likelihood of such disturbance in the light of complaints data held by Public Protection, and take heed of the recommendation of Public Protection on the application to vary the condition.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The site forms part of the larger Newbridge Gateway site in respect of which permission was granted in 2004 for the erection of a three-storey office building, a fast food restaurant and a public house/restaurant (P/04/0570). The office building and public house restaurant were constructed in accordance with this approved scheme but a subsequent application was received for a McDonalds fast food restaurant - permission was granted in June 2012 (11/0934/FULL).

This permission was subject to a condition (among others) restricting the opening times of the restaurant to 0600 hours to midnight Mondays to Saturdays and 0800 hours to 2300 hours on Sundays and Bank Holidays. The relevant part of the officer's report on Application No. 11/0934/FULL is reproduced below by way of the background reasoning for the condition:-

"The proposed restaurant would be some 50m from the rear of dwellings fronting Pant Road, separated from the site by Bridge Street and the route of the former canal. The operation of the restaurant and drive-thru facility has the potential to cause late-night disturbance to these residents, and it is recommended that a condition be attached to any permission limiting the hours of opening to those generally considered appropriate for areas where there are few residential properties, taking into account the existing disturbance already caused to the residents by road traffic, i.e. until midnight Mondays

to Saturdays and 11.00 p.m. on Sundays and Bank Holidays. Subject to such a condition it is considered that the development would be in compliance with LDP Policy CW2 (Amenity). It should be noted that the previous permission did not contain a condition relating to hours of opening and that the applicant considers that such a condition with respect to the current application would thus not be appropriate. However, on balance it is considered reasonable to address the issue of potential noise nuisance in this application."

The current application seeks to remove that condition to allow 24-hour operation daily. The applicant argues that the facility adjoins a roundabout on a busy main road network and that the noise levels experienced by nearby dwellings would be above average by virtue of the levels of traffic on this network, and that the extension of opening hours would thus result in minimal noise disturbance for local residents.

The Head of Public Protection advises that no complaints concerning noise have been received in respect of the premises, and offers no objection to the removal of the condition while suggesting that a temporary permission initially would afford them the opportunity to monitor any noise complaints that may arise. In the light of these comments it is considered that a temporary permission for one year would be appropriate, and subject to such a condition it is considered that the proposed removal of condition would be in compliance with the provisions of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 with regard to the amenity of adjacent properties.

It is, therefore, recommended that permission be granted subject to a condition limiting the permission to one year, and subject to other relevant conditions attached to Permission Ref. 11/0934/FULL, amended as appropriate.

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

Comments from public: The grounds of objection have been considered in the analysis above.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Permission is granted for a period of one calendar year from the date of the permission, at the expiry of which the opening hours shall revert to those specified in Condition 07 of Planning Permission 11/0934/FULL, unless a further permission for the removal or variation of the condition is granted on application to the Local Planning Authority.
REASON: To enable the Local Planning Authority to consider the impact of extended opening hours on the amenities of nearby residents.

- 02) The parking spaces provided in accordance with Condition 04 of Planning Permission 11/0934/FULL shall be maintained free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety.
- 03) No external site lighting shall be installed other than in accordance with the scheme approved under Condition 08 of Planning Permission 11/0934/FULL, unless a further permission is granted for additional or amended lighting on application to the Local Planning Authority.
REASON: In the interests of residential amenity.
- 04) Measures for odour/effluvia/fume control shall be operated in accordance with the scheme approved under Condition 10 of Planning Permission 11/0934/FULL.
REASON: In the interests of the amenity of the area.
- 05) Measures for replacement of any failed planting in the approved landscaping scheme shall be carried out in accordance with the requirements of Condition 11 of Planning Permission 11/0934/FULL.
REASON: In the interests of the visual amenity of the area.
- 06) Details of any external and roof mounted plant/machinery associated with the development shall be submitted to and agreed in writing with the Local Planning Authority prior to its installation. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Such plant/machinery shall thereafter be installed and operated in accordance with the approved details.
REASON: In the interests of neighbouring occupiers.

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 and CW3.

DEFERRED FOR REASONS FOR REFUSAL

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0712/OUT 04.10.2013	Mr & Mrs M Watters Homeleigh 1 Tuckers Villas Blackwood NP12 1QH	Erect detached two bedroom dwelling Land At Homeleigh 1 Tuckers Villas And Adjacent To 13 Woodbine Road Blackwood Newport NP12 1QH

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: Fronting the southern side of Woodbine Road between an end-of-terrace dwelling and a detached dwelling now occupied by a cancer charity.

Site description: The site comprises a narrow strip of land measuring 8.5m wide by 21m long between an end-of terrace dwelling fronting Woodbine Road (No. 13) and a detached property side on to Woodbine Road (No. 15). On the opposite side of Woodbine Road is a detached dwelling. The site affords pedestrian access to the front of Tuckers Villas, a line of six semi-detached dwellings to the rear of No. 15 Woodbine Road and also aligned at right-angles to Woodbine Road. The site is in the same ownership as No. 1 Tuckers Villas, with the rear of the site abutting the front boundary of No. 1. The site is predominantly grassed with a mature hedge abutting the eastern boundary (with No. 13 Woodbine Road). The front boundary of the site is formed by a low wall, with a gap ostensibly forming a vehicular access served by a dropped kerb.

Development: It is proposed to erect one detached 2-bedroom dwelling. The submitted block layout indicates the dwelling sited towards the rear part of the site with a small rear amenity area and two parking spaces on the frontage.

The vehicular access is indicated towards the western end of the site frontage. A 1m-wide pedestrian route to Tuckers Villas is indicated on the eastern edge of the site, abutting No. 13 Woodbine Road.

Dimensions: Width: 4.5m-5.4m. Depth: 7.5m-9.5m. Height: 5.6m-7.8m.

Materials: Not stated.

Ancillary development, e.g. parking: Two parking spaces are indicated in front of the dwelling.

PLANNING HISTORY

None.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary.

Policies: SP5 (settlement boundaries), SP10 (conservation of natural heritage), CW2 (amenity), CW3 (design considerations - highways), CW6 (trees, woodland and hedgerow protection) 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? The site lies in an area of low risk and standard advice would be issued in the event of permission being granted.

CONSULTATION

Blackwood Town Council - Objection on the basis of potential highway/access problems, overbearing impact on neighbouring dwellings and lack of amenity space.

Principal Valuer - The proposed development may impact adversely on the value and amenity of the neighbouring Council-owned property No. 15 Woodbine Road.

Transportation Engineering Manager - Objection on the grounds that the development would intensify the use of a substandard access.

Head Of Public Protection - No objection.

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

Dwr Cymru - Requests conditions regarding the drainage of the development and to protect a public sewer crossing the site.

ADVERTISEMENT

Extent of advertisement: The occupiers of 11 neighbouring properties were notified by letter and a site notice was displayed.

Response: 13 letters or e-mails representing 8 addresses.

Summary of observations:

1. Out of character with surrounding development.
2. Over-development of the site.
3. Substandard access from Woodbine Road.
4. Overbearing impact.
5. Overshadowing impact.
6. Loss of light.
7. Loss of privacy.
8. Impact on ability to maintain neighbouring property.
9. Loss of hedgerow.
10. Narrowing of private right of way to Tuckers Villas.
11. Potential damage to property and disturbance during construction phase.
12. The site has not been used for the parking of vehicles.
13. The applicant is not the sole owner of the land.
14. Devaluation of 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? Crime and disorder are not considered to be issues in this case.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The site lies within the settlement boundary within a predominantly residential area, and as such the residential development of the site is acceptable in principle and in compliance with the provisions of Policies SP5 (settlement boundaries) and CW15 (general locational constraints) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, subject to compliance with other policies and other material planning considerations.

The site is narrow and elongated, with the sketch scheme indicating a dwelling occupying the major part of the width of the site, a minimal amenity area to the rear of the dwelling, parking

provision (two spaces) occupying the major part of the front curtilage and a narrow pedestrian route to serve Tuckers Villas along the eastern edge of the site.

The plot has a narrow highway frontage (approximately 9m), with restricted visibility by virtue of the adjoining dwelling No. 13 Woodbine Road extending to the back of footway on the eastern side and the boundary wall to No. 15 Woodbine Road on the western side. While it would appear that a vehicular access to the site already exists, there is no evidence that the site has been regularly used for the parking of vehicles. Tuckers Villas are served by a rear lane which accesses ample parking provision for the dwellings. Further, even if it were to be accepted that the site already provides a parking facility, the erection of a dwelling would be likely to result in an intensification of use with additional vehicle movements onto Woodbine Road. The lack of adequate visibility renders such movements potentially hazardous, and the site layout does not allow for turning, resulting in the possibility of vehicles reversing onto Woodbine Road. For these reasons the Transportation Engineering Manager objects to the proposal, which is thus considered to be contrary to the provisions of LDP Policy CW3 (design considerations - highways).

In terms of residential amenity, it is considered that the proposed siting of the dwelling is such that it would have an overshadowing and overbearing impact on the rear of the adjoining dwelling No. 13 Woodbine Road, contrary to the provisions of LDP Policy CW2 (amenity). While the dwelling would be immediately in front of No. 15 Woodbine Road (occupied by a cancer charity), the degree of separation and difference in levels are such that, subject to no windows in the western elevation, it is considered that the proposed dwelling would not have any adverse impacts on that property.

The private right of way to the front of Tuckers Villas would be narrowed to little more than 1m tight to the boundary with No. 13 Woodbine Road. Notwithstanding the residents' claims that the private right of way extends to vehicular traffic, it is considered that this visual 'closing-in' of the route would be detrimental to residential amenity, contrary to the provisions of LDP Policy CW2 (amenity).

The proposed development would result in the removal of the hedgerow within the eastern edge of the site. The development may also impact on a mature tree within the front curtilage of No. 15 Woodbine Road close to and overhanging the application site boundary. The applicant has been requested to provide a tree survey to identify the impact of the development on that mature tree and any mitigation required. This has not been submitted. Compliance with LDP Policies SP10 (conservation of natural heritage) and CW6 (trees, woodland and hedgerow protection) cannot, therefore, be assessed.

It is recommended that permission be refused on the grounds of detriment to highway safety, loss of residential amenity and lack of a tree survey.

Comments from Consultees: The comments of the Transportation Engineering Manager have been addressed above. The comments of other statutory consultees could be addressed by conditions in the event of permission being granted. Loss of property value is not a material planning consideration.

Comments from public: Each comment is considered in turn below:

1. Out of character with surrounding development - the site is surrounded by dwellings of differing sizes and alignments, thus it is not considered that the proposed development would necessarily be out of character.
2. Over-development of the site - while limited in size, the site is considered to be capable of accommodating a small dwelling.
3. Substandard access from Woodbine Road - this has been addressed in the analysis above.
4. Overbearing impact - this has been addressed in the analysis above.
5. Overshadowing impact - this has been addressed in the analysis above.
6. Loss of light - it is possible that loss of light would arise by virtue of proximity to the rear windows of No. 13 Woodbine Road.
7. Loss of privacy - windows could be positioned such that loss of privacy would not arise.
8. Impact on ability to maintain neighbouring property - while not in itself a material planning consideration, it would appear that adequate space would remain for the maintenance of neighbouring properties.
9. Loss of hedgerow - this could be removed by the owner at any time and its loss is not considered to be a reason for refusal.
10. Narrowing of private right of way to Tuckers Villas - this has been addressed in the analysis above.
11. Potential damage to property and disturbance during construction phase - it would be the responsibility of the owner/developer to avoid damage and excessive disturbance.
12. The site has not been used for the parking of vehicles - this has been addressed in the analysis above.
13. The applicant is not the sole owner of the land - this matter has been raised with the applicant's agent but evidence has not been produced that would counter the submitted ownership certificate.
14. Devaluation of property - this is not a material planning consideration.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

- 01) The proposed development would lead to an intensification of use of a substandard access onto the highway including reversing movements, to the detriment of highway safety. The proposal is, therefore, contrary to the provisions of Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 02) The proposed development by virtue of the siting of the dwelling would have an overshadowing and overbearing impact on the rear of the adjoining dwelling No. 13 Woodbine Road, to the detriment of residential amenity. The proposal is, therefore,

contrary to the provisions of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

- 03) The application has not been accompanied by a tree survey in respect of the mature tree within the front curtilage of No. 15 Woodbine Road and abutting the western boundary of the site, and the proposal cannot, therefore, be assessed in terms of compliance with Policies SP10 and CW6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
 - 04) The proposed development would result in a visually closed-in and cramped pedestrian access to the front entrances of Tuckers Villas, to the detriment of residential amenity. The proposal is, therefore, contrary to the provisions of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0865/FULL 20.12.2013	Mr C O'Leary 2 New Houses Gelliwen Street Penybryn Hengoed CF82 7FR	Construct three detached houses with ancillary works Land At Glyn Derwen Llanbradach Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is set in the south-east 'corner' of the Cwm Las residential housing estate. It is adjacent to and on the eastern side of Glyn Derwen. The eastern boundary of the site abuts the landward toe of the flood alleviation bund alongside the River Rhydney. It is within the settlement of Llanbradach.

Site description: The site is an irregular shape. The site has been overgrown with a variety of vegetation, i.e. some mature trees, but mostly scrubby vegetation. Additionally, the invasive plant, Japanese Knotweed exists in small stands on the site. The site is currently vacant and during the processing of this application the site has been cleared of vegetation in accordance with the conditions attached to the extant planning permission 09/0965. The centre of the site dips to form a natural bowl between the road level and the flood alleviation bund. To the north of the site is the gable end of a detached house, one of a group of nine houses on this side of Glyn Derwen. Within this group of detached and semi-detached properties there is a variety of house styles and character. To the west of the site is Glyn Derwen Road, on the opposite side of which is a row of semi-detached dormer bungalows that overlook the site. Glyn Derwen is a cul-de-sac, with a turning head just beyond the site frontage. Between the turning head and the southern boundary of the application site there is a row of residents' garages.

Development: This proposal is for the erection of three dwellings. Two of the proposed houses are similar in design. These are spacious two and a half storey four bedroom houses on plots 1 and 2. The third plot would be occupied by a house with a smaller footprint than the other two. It would be a two storey four bedroom house. From plot 1, each house is set back very slightly in relation to the neighbour, as the frontage curves around the bend in the street. Following discussions with the applicant, amended plans indicating the addition of privacy screens on the side elevations of the balconies, and alterations to the parking bays and footway were received on the 28th February 2014.

Dimensions: The overall site area is 1330m². Proposed plot sizes would vary, due to the irregular shape of the site. The height of the houses on plots 1 and 2 would be 8m to the ridge, and on plot 3 this would be 7.8m. As the terrain falls from north to south, the slab level for plots 2 and 3 would accordingly be slightly lower. The houses on plots 1 and 2 would be of a similar

size and appearance, 10m in width, with the third house having a width of 8.5m, and each would be separated by a gap of almost 7m.

Materials: The external finishes would be facing brickwork walls, with white uPVC window frames. The roof would be concrete tiles. A colour scheme has not been indicated. Pavements would be of concrete paviours. Driveways and parking spaces would be of permeable paving. Boundary treatments would be a mix of timber fences and galvanised railings.

Ancillary development: The proposals include the construction of a development plateau. This would result in artificially raising the level of the land to 80.60m AOD at its northern end to 80.05m AOD at its southern end with finished floor levels of buildings at least 0.15m above the highest levels at the perimeter of each building. The loss of some of the vegetation on this site is to be compensated for by a landscape enhancement scheme in the area to the rear of the proposed development.

PLANNING HISTORY

5/5/96/0029 - Erect domestic dwellings - Granted 19.03.1996.

P/99/0238 - Vary Condition of consent 5/5/96/0029 to erect domestic dwellings - Granted 05.08.1999.

09/0965/FULL - Construct 4 dwellings and associated works - Granted 10.06.2011.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

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

NATIONAL POLICY: Planning Policy Wales (2014), 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 mining risk assessment is not necessary.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions and the standard planning obligation in respect of the highways contribution and also makes comments of which the applicant should be advised.

Head Of Public Protection - No objection subject to conditions but makes comments of which the applicant should be advised.

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

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

Natural Resources Wales - No objection subject to conditions and makes comments of which the applicant should be advised.

Countryside And Landscape Services - No objection but identifies the need for planning conditions to control: Japanese Knotweed; the ecology of the site; the construction of any retaining structures; and, the submission of a landscape scheme.

Senior Arboricultural Officer (Trees) - No objection to the proposal subject to a condition requiring a method statement for the treatment of Japanese Knotweed.

ADVERTISEMENT

Extent of advertisement: The application has been advertised at the site and 17 neighbouring properties have been notified by letter.

Response: 12 letters or emails of objection have been received from a total of 5 neighbours. Some neighbours have written more than once in response to the various aspects of the application.

Summary of observations: The reasons given for objecting to the proposals are as follows:-

1. There was strong objection to the scheme on the grounds that additional development would result in an escalation of the drainage problems the residents have previously experienced.
2. The road is too narrow to accommodate the additional traffic flows and parking;
3. The site has always been used as a play area by local children, and the development of the land would result in nowhere for them to play, other than in the road, which would be dangerous.
4. The height of the proposed houses would reduce light levels to existing houses.
5. The Design and Access Statement (DAS) contains inaccuracies and is misleading.

6. The side elevations of the houses include too many windows, and the rear elevation of two houses includes a balcony, both of which would result in loss of privacy to adjacent dwellings.
7. The privacy screens on the side elevations of the balconies, submitted as an amendment to the scheme, are only 1.8m in height and therefore not high enough to prevent overlooking.
8. The developers claimed to carry out a pre-application consultation exercise with the neighbours, but one neighbour has objected to not being included in that consultation.
9. Substantial amounts of material would need to be imported to the site to raise the land to the indicated level of the development plateau, but there is insufficient information included in the application about the source of such material or the nature and frequency of the vehicles to be used to transport the material to the site.
10. The site is a natural hollow that acts as an overflow area during extreme weather events (flooding), and the loss of this area would result in risk of flooding of the bungalows in Glyn Derwen.
11. There were procedural failings in the processing of the application; and
12. The loss of light and privacy is an infringement of human rights, and contrary to the Human Rights Act.

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? The site has potential for nesting birds and although the trees do not provide suitable features for roosting bats, it is likely that the application site does offer suitable foraging habitat, especially due to its location near the river. The development of the site offers an opportunity to provide biodiversity enhancements in the form of roosting sites for bats and nesting sites for birds, which can be incorporated into the proposed dwelling houses.

ANALYSIS

Policies: This application seeks permission for residential development in the form of three detached dwellings. The site has been the subject of planning applications for residential development previously and the most recent permission was granted in June 2011 (ref. 09/0965/FULL) for four dwellings.

The site, until recently, has been overgrown with vegetation, and because of its low-lying characteristic, frequently flooded following heavy rainfall. Whilst it may have been considered to be an attractive green area in close proximity to a residential area, the quality of the vegetation within the area was questionable, particularly in that Japanese Knotweed has taken hold in places. Much of the vegetation in the area is scrubby in appearance, but any trees of particular quality are towards the rear of the site and may be retained. Thus, in terms of

character, it does not add greatly to the street scene, and as such its replacement with dwellings would not present any significant visual harm to the surroundings.

The current proposal includes dwellings that are of a reasonable scale for the size of each plot, and maintain the local characteristic of relatively low density in an area that is suburban in nature. The proposed dwellings have adequate amenity space and are adequately separated in terms of privacy from the existing dwellings.

In respect of Planning Policy Wales the proposal would not detract from the character of the surroundings, the development would not result in insensitive or inappropriate infilling, and would not have an adverse impact upon the character of an existing residential area. Most of the adjoining land uses are residential and are therefore considered compatible with the proposed residential use. The proposed dwellings are in keeping with the existing residential character of the area, thus the proposal is also considered to be in accordance with Policy CW2.

The submitted details indicate the walls finished in facing brickwork, with white uPVC window frames, and roofs of concrete tiles. The exact details may be agreed by condition.

A neighbouring resident has objected to the balconies on plots 1 and 2, and subsequently raised objection to the amended plans that include privacy screens on the sides of the balconies that would face towards their property, for the reason that the privacy screen is not sufficiently high to prevent overlooking. The proposed screen would be 1.8m in height which would be sufficient in most cases to prevent anyone standing on the balcony from looking over the top. However, the neighbour makes the point that a slightly taller than average person could stand and peer over, thus it would be appropriate to require a screen with a height of 1.98m (6 feet 6 inches), by planning condition. In addition, the case officer had requested a screen that would extend forward of the balcony rail, to prevent casual overlooking to the side from the front rail, but this has not been included, thus this should also be addressed by planning condition. The applicant has subsequently agreed to the condition being attached.

The proposal complies with the supplementary planning guidance and is compliant with the Council's policy in respect of new dwellings. The scheme is therefore considered to be acceptable. As a consequence, the application, subject to conditions, and a Section 106 legal agreement, should be granted planning permission.

Comments from Consultees: The ecology of the site has been given consideration, and, the site has potential for nesting birds, reptiles and foraging bats, thus conditions should be attached to ensure the developer must take these into consideration prior to, and during any site clearance. As has already been mentioned site clearance has begun by virtue of the extant permission, but it is necessary to repeat the conditions to maintain control throughout.

Also, examination of the tree survey identified the need for protection measures during the construction phase to ensure that trees would not be adversely affected.

Group Manager (Transportation Planning) raises no objection subject to conditions requiring a pedestrian footway, adequate on-site car parking and vision splays. A Section 106 Agreement should also be completed seeking the contribution to the improvement of the local highway network.

Head of Public Protection raises no objection subject to conditions requiring acoustic mitigation, and the testing of imported soils or materials.

Dwr Cymru/Welsh Water states that surface water will not be allowed to drain to the public sewer.

Senior Engineer (Land Drainage) explains that details of non-mains disposal of surface water should be agreed prior to commencement of development, these details will be required by condition.

Comments from public: Some of the comments/reasons for objection from nearby residents in Glyn Derwen relate to problems with drainage in the past. The Council's records go back to 2005, and there are no records of any complaints since that date.

The submitted details indicate that the developer intends to connect a new foul sewer to the existing DCWW main located in no. 30 Glyn Derwen. The developer will need separate permissions for this to take place and control would be maintained through the Building Regulations legislation. It does not impact upon the decision to be made by the Local Planning Authority.

There is reference to the width of the road and insufficient space for car parking, and that increased traffic and parking would become an issue. In response to those comments, the Transportation Engineering Manager is satisfied that the proposal when complete will not have any adverse effects upon highway safety.

Comments have been received that point towards errors in the submitted DAS, and misleading statements made by the applicant. However, these are merely expressions of opinion, and should not be interpreted as statements of fact.

The scheme does not result in any significant privacy issues between windows in the proposed dwellings to neighbouring houses, as there is adequate separation distance. The proposals have been assessed against the Council's supplementary design guidance and policies, and it is considered that none of the dwellings in the revised scheme would have a significant adverse effect upon the neighbouring dwellings in respect of privacy (overlooking); loss of light; or through having an overbearing impact.

The height of the proposed dwellings is greater than those immediately adjacent to and opposite the site, but the separation distance between dwellings is adequate to ensure there is no overbearing impact, or significant loss of light, upon any other properties.

The loss of the area as informal open space, and children's play area, is not a consideration. Firstly, the land is in private ownership, and secondly, there are other areas of open space in the locality, both formal and informal.

In respect of drainage of the site, neither the Senior Engineer (Land Drainage) or Dwr Cymru/Welsh Water have raised objection, but conditions should be attached requiring the applicant to submit drainage details prior to commencement of development.

Material will be imported to the site and conditions are recommended regarding the management of that work including source, hours of operation and dust control.

Finally, an objection on the grounds that the residents were not consulted by the developer prior to the application being submitted, is not a matter for this Council to consider. Whilst pre-application discussions, both between developers and Council, and between developer and residents, may be considered to be good practice, there is no obligation on any party for that to take place. There is a statutory requirement for the application to be publicised by the Local Planning Authority, and, clearly, this has duly taken place.

Other material considerations: The applicant has agreed to sign a Section 106 Agreement in respect of the Caerphilly Basin Strategic Highway Network Obligation.

A planning obligation must meet all of the following tests.

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

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

The money contributed by this development will be used with other similarly collected monies to finance the necessary improvements to the strategic highway network.

(b) It is directly related to the development.

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

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

The unit sum - at present £5,500.00 - is reasonable when compared to the costs of construction and the value of one house. The total contribution is based on the number of

dwellings, which means that the larger the development, the greater the impact on the road network, and therefore the higher contribution.

RECOMMENDATION that (A) the application is DEFERRED to allow the completion of a Section 106 Obligation requiring the payment of £5,500.00 (index linked) for each dwelling, totalling £16,500 for highway improvements in the Caerphilly Basin area.

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

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the commencement of 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.
- 03) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed on site. The treatment of Japanese Knotweed 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*) 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.
- 04) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats into the new dwelling houses shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity 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) and TAN 5 Nature Conservation and Planning (2009).
- 05) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of nesting opportunities for birds

(house sparrow, starling, house martin or swift) shall be submitted to the local authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.

REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, Planning Policy Wales (2012) and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning (2009).

- 06) Prior to the commencement of works associated with the development hereby approved, a planting scheme for the eastern garden boundaries facing towards the River Rhymney comprising native and local provenance tree or shrub species shall be submitted to the Local Planning Authority for approval. The agreed details shall be carried out in the first planting or seeding season following the completion of the development. Any trees or plants which within a period of five 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 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) and TAN 5 Nature Conservation and Planning (2009).
- 07) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 08) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.
- 09) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.

- 10) The site boundary fronting Glyn Derwen shall be set back and a 2m wide footway provided along the frontage which shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and completed prior to the first occupation of the development hereby approved.
REASON: In the interests of highway safety.
- 11) No obstruction or planting when mature exceeding 0.6m in height above the adjacent footway shall be placed or allowed to grow in the required pedestrian vision splay areas of 2.4m x 3.3m when measured at the centre of the proposed access at the back edge of the footway.
REASON: In the interests of highway safety.
- 12) The development shall not be first used until the area indicated for the parking of vehicles has been laid out in accordance with plan ref. 040775/GD/02 received on the 28th February 2014 and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 13) Notwithstanding the plans ref. 040775/TH/02 and 040775/CO/02, received on the 28th February 2014, prior to commencement of development details of privacy screens to be placed along the northern edge of the balconies of the proposed dwellings on plots 1 and 2 shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be a minimum height of 1.98m and extend beyond the front rail a minimum distance of 300mm. Development shall be carried out in accordance with the approved details and the agreed privacy screens shall be retained in place at all times.
REASON: In the interests of neighbouring privacy.
- 14) Prior to the first use of the dwellings hereby approved a 1.8m-high closed boarded fence shall be erected on the eastern boundary of the development. The 1.8m-high screen will be sufficient to control noise intrusion into garden/amenity areas.
REASON: In the interests of residential amenity.
- 15) The development hereby approved shall not be first used until thermal double glazing windows and trickle ventilation has been fitted on all floors on the facades facing the A469.
REASON: In the interests of residential amenity.
- 16) Prior to the import of any material to this site associated with the releveling of the land, details shall be submitted to and agreed with the Local Planning Authority of the source of the material, the duration of the operations, method of transport, hours of operation and dust control. Those works shall be carried out in accordance with the agreed details.
REASON: In the interests of residential amenity.
- 17) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable

Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.

REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

- 18) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work an 'Interim Certificate' carried out in relation to each dwelling by an accredited body, certifying that each dwelling shall achieve Code for Sustainable Homes (Version 3) Level 3 and one credit under 'Ene1 - Dwelling Emission Rate', shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

- 19) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

Advisory Note(s)

Please find attached the comments of Head of Public Protection, Senior Engineer (Land Drainage), Dwr Cymru/Welsh Water, Invasive Species Officer, County Ecologist, Natural Resources Wales and Transportation Engineering Manager that are brought to the applicant's attention.

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 and CW15.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0057/FULL 27.01.2014	Mrs T Watkins 18 Mount Pleasant Road Risca Newport NP11 6QB	Remove a single-storey garage and erect a two-storey side elevation extension and a rear single-storey extension 18 Mount Pleasant Road Risca Newport NP11 6QB

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on Mount Pleasant Road, Risca.

House type: Two storey end of terrace property.

Development: Two storey side extension and single storey rear extension.

Dimensions: The proposed two storey side extension measures 2.7 metres in width, 7.3 metres in depth and 7.5 metres in height to ridge level. The proposed single storey rear extension measures 2.7 metres in depth, 8.8 metres in width, with a height of 2.7 metres to eaves level and 3.9 metres to ridge level.

Materials: Face stonework and slate to match existing dwelling.

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

PLANNING HISTORY

No previous planning history.

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 Development (November 2010).

NATIONAL POLICY Planning Policy Wales and TAN 12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? As the application is for householder development, any coal mining legacy issues will be controlled by the Building Regulations.

CONSULTATION

None.

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

Response: One email was received.

Summary of observations: Concerned that placing a skip on the Mount Pleasant Road during construction could lead to damage to neighbour's car when delivery vehicles pass the skip.

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

This application is reported to Planning Committee because the applicant is an employee of the Council.

Policies: It is considered that the proposed two storey side extension has been well designed in terms of its setting, scale and materials, and will integrate with the host dwelling. The

applicant proposes to set the front elevation of the extension 0.3 metres behind the front facade of the main dwelling, and the ridge height of the extension 0.3 metres lower than the ridge height of the main dwelling. This will result in the extension appearing subservient to the main dwellinghouse in accordance with advice contained in Supplementary Planning Guidance LDP7: Householder Developments. The proposed two storey element will not result in an overbearing or overshadowing impact on the neighbouring property to the west, i.e. no. 22 Mount Pleasant View, and there will be no loss of privacy as a result of the development.

It is also considered that the proposed single storey rear extension is acceptable in terms of its setting, scale and design. The proposal extends along the boundary with the adjoining property, i.e. no. 16, the same depth as the existing single storey rear extension at no. 16, and therefore the proposal will not result in an overbearing or overshadowing impact on this neighbour. Furthermore, the proposal will not interfere with a 45 degree line taken from the ground floor lounge window of the property to the west, i.e. no. 22 Mount Pleasant Road, and therefore it is considered that this element of the proposal will not have an unacceptable impact on the amenity of no. 22.

A condition will be attached to the permission to ensure the use of appropriate materials for the external finishes of the development.

Comments from consultees: None.

Comments from public: None.

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) 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: Policy CW2.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0062/TPO 29.01.2014	Mr G Hughes Ty-Aderyn 6 Darran Road Risca Newport NP11 6GY	Provide tree works to two ash trees protected by Tree Preservation Order 58/72/MCC Ty-Aderyn 6 Darran Road Risca Newport NP11 6GY

APPLICATION TYPE: Tree Preservation Order

SITE AND DEVELOPMENT

Location: The application property is located on Darran Road, Risca.

Site description: Land to the south-east of application property.

Development: The applicant proposes to undertake works to two Ash trees protected by a Tree Preservation Order (TPO). It is proposed to remove Ash 1, and remove broken branches from Ash 3.

Originally the applicant also proposed works to a third tree, i.e. Ash 2, but the application has been amended to exclude any works to Ash 2 at the request of the Council's Tree Officer.

PLANNING HISTORY

06/0539/FULL - Improve domestic parking area and provide retaining wall - Granted - 04.01.07.

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy CW6 (Trees, Woodland and Hedgerow Protection).

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? Not applicable.

CONSULTATION

Senior Arboricultural Officer (Trees) - No objection subject to deletion of proposed works to Ash 2 from application.

Risca West Community Council - Raises objection to the removal on Ash 1 based on a lack of information submitted by the applicant.

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The Council's Ecologist considers that Ash 1 has a large hole near its base that may be suitable for bat roosting. Therefore it is requested that Ash 1 be reduced to a standing stem of approximately 4.5 metres in height.

ANALYSIS

Comments from consultees: The Council's Tree Officer raises no objection subject to conditions, and reports the following:

'Ash 1' is a large leaning specimen (on a steep bank, and towards various outbuildings below) with a significant cavity at the base of the trunk. It would be appropriate to fell the tree and plant a suitable replacement, or to reduce it to a standing stem of

approximately 4.5m height. CCBC's Countryside department may have a specific opinion on whether a retained standing stem would be preferable in regards to potential bat roosting habitat.

The work proposed for 'Ash 3' is routine general maintenance, and would in fact be exempt under the 'dangerous' exemption (regarding the broken branches). These works are appropriate and not considered excessive provided those other branches to be shortened are not cut back too much. Tree works should be carried out in accordance with BS 3998:2010 (Tree Works - Recommendations).

Comments from public: None.

Other material considerations: The application is being reported to Planning Committee as Risca Town Council raise objection to the removal of Ash 1 on the grounds that no report was received from the applicant justifying the works. However, having inspected the tree, the Council's Tree Officer's agrees that its removal is acceptable.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) All works hereby approved shall be carried out in accordance with British Standard 3998:1989 "Recommendation for tree work" or any subsequent British Standard amending or superseding that standard.
REASON: To ensure the works are carried out in accordance with good arboriculture practice.
- 02) The works hereby approved shall be carried out within two years of the date of this consent.
REASON: To reflect changes in the tree's/trees' condition.
- 03) The works hereby approved comprises the following: The felling of Ash 1 in sections or reduction in main stem. Remove broken branches and shorten some others at Ash 3 to maintain stability.
REASON: For the avoidance of doubt as to the work hereby approved.
- 04) The agreed works relate to Ash 1 and Ash 3 only in accordance with the email submitted by the applicant on 25.03.2014.
REASON: For the avoidance of doubt as to the work hereby approved.
- 05) Prior to the commencement of the felling hereby approved details shall be submitted to and agreed in writing with the Local Planning Authority of a suitable replacement tree of any native British deciduous species to replace Ash 1. The replacement planting shall be carried out within the next planting season after the removal of the existing tree.
REASON: In order to mitigate for the loss of this important landscape feature.

06) Prior to the commencement of the felling of Ash 1 hereby approved details shall be submitted to and agreed in writing with the Local Planning Authority regarding the extent of any retained standing stem.

REASON: In the interests of biodiversity.

Advisory Note(s)

Please find attached the comments of the Council's Tree Officer that are brought to the applicant's attention

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0139/COU 11.03.2014	Disability Can Do Organisation Mr R Bevan Penllwyn Millennium Centre Pontllanfraith Blackwood NP12 2EQ	Change the use of the property from D1 non-residential institution to A2 office with limited use on the premises for A1 retail sales and A3 cafe 1 Bryn Lane Pontllanfraith Blackwood NP12 2PG

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is located on Bryn Lane, Pontllanfraith.

Site description: Mid-link single storey commercial property.

Development: It is proposed to change the use of the unit from a children's soft play area to A2 offices with limited use of the premises for A1 retail sale and the A3 sale of hot drinks, sandwiches, etc. for consumption on the premises in accordance with the social enterprise nature of the applicant's organisation.

Dimensions: The unit has an internal floor space measuring 250 square metres.

Ancillary development, e.g. parking: Parking provision is provided in the nearby car park that serves the application premises and neighbouring commercial uses.

PLANNING HISTORY

2/08706/T Games room/amusement arcade within supermarket - Granted 10.10.1989.

2/12103 Gymnasium/fitness shop - Granted 15.11.1994.

P/00/0011 Construct first floor flat over retail shop - Refused 10.02.2000.

P/03/0862 Change the use to indoor children's play facility - Granted 29.07.2003.

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy CW2 (Amenity) and CW3 (Design Considerations - Highways).

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? As the application is for internal alterations only, coal mining legacy is not considered to be an issue for this application.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to conditions concerning hours of operation and limiting the A3 use.

Dwr Cymru - No objections received.

Police Architectural Liaison Officer - No objections received.

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

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? 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 applicants, Disability Can Do Organisation, proposes to change the use of the vacant unit from its existing use as a children's soft play centre, to A2 offices use with occasional A1 shop use and A3 use for the sale of coffee/tea, soft drinks, sandwiches, crisps, cakes, etc., for consumption on the premises. Refurbishment will be undertaken within the property to provide office space and improved disabled facilities to facilitate its future use.

In terms of the acceptability of the proposed use, Policy CW2 of the Caerphilly County Borough Local Development Plan relates to Amenity, and states:

"Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

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

It is considered that the proposed change of use of the unit to A2 offices complies with the above Policy, as the proposed use will not have an unacceptable impact on the amenity of neighbours; would not result in an over-development of the site; and the proposed use is compatible with surrounding land uses. The applicant proposes opening hours of 09.00 - 17.00, Monday - Saturday, with no opening on Sunday or Bank Holidays. These hours will be controlled by way of condition.

In terms of parking provision for the proposed use, the proposed offices will rely on the existing car park to the east of the units. Car parking requirements are outlined in Supplementary Planning Guidance LDP5: Car Parking Standards (July 2009). The existing lawful use of the unit, i.e. children's play centre, would have required a parking provision of 11 spaces, based on numbers of staff and size of play area. The proposed use requires a parking provision of 10 spaces based on gross floor area. Therefore, as the proposed use requires less parking provision than the existing use, no objection is raised by the Transportation Engineering Manager.

The proposed change of use is not considered to detrimentally impact on the amenity of neighbouring properties or the surrounding area, and as no objection is raised by the consultees, the proposal represents a good opportunity to re-develop this vacant unit for an acceptable use.

The A3 use is ancillary to the main use and will not be an independent use. On that basis it will be acceptable in this residential area.

Comments from consultees: No objection is raised by consultees subject to conditions.

Comments from public: None at the date of the report.

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) The A3 element of the use hereby approved shall at all times be ancillary to the main use of the premises and shall be limited to cafe use only for the sale of food which shall be consumed on the premises only, and no takeaway element shall be operated.
REASON: To retain effective control over the development in the interests of residential amenity.
- 03) The A3 element of the use hereby approved shall only be carried on within the areas identified as 'shop/social enterprise' and 'kitchen' on the approved plans.
REASON: To retain effective control of the development in the interests of residential amenity.
- 04) The use hereby permitted shall not be open outside the following times 09.00 - 17.00 Monday to Saturday, and shall be closed on Sundays and Bank Holidays.
REASON: In the interests of residential 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: Policy CW2.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0483/FULL 28.06.2013	REG Windpower Mr S Zappulo Suite 2 Kelston Park Bath BA1 9AE	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 Pen Bryn Oer Merthyr Road Rhymney

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on the north-western edge of Rhymney Hill between Rhymney and Tredegar. Rhymney is located approximately 1 km to the south west and Tredegar approximately 2km to the east. The A465 Heads of the Valleys Road is located approximately 500m to the north with the settlement of Princetown to the north of that road, the closest dwellings being approximately 660 metres from the site. Parc Bryn Bach is located some 300 metres to the north east with the lake and visitors centre approximately 500 metres and 800 metres respectively from the site boundary.

Two detached and relatively isolated dwellings - Rhas Bryn Oer Farm and Bryn Oer House - are located approximately 500 metres to the south-west of the site, with properties on Heol

Uchaf, Pen-y-Dre, Ty Coch and Bryn Carno (eastern edge of Rhymney) being located approximately 1km to the south-west of the site.

Site description: The site comprises reclaimed land consisting mainly of improved grassland used for open grazing with no tree or scrub cover apart from a plantation of mixed woodland in the south-western corner. The south eastern part of the site is designated as open access land. The site slopes to the east, north and west. The turbines would sit at heights between 410m and 425m AOD. The landform slopes down to the west with the two isolated detached dwellings to the south west being at approximately 380m AOD and the dwellings on the eastern edge of Rhymney at approximately 340m AOD. Princetown to the north is generally at 380m AOD. Land to the south of the application site rises to a height of approximately 450m AOD. The visitor centre at Parc Bryn Bach to the north east is at approximately 360m AOD.

Development: The construction of three wind turbines each with three blades. Each turbine would be built on a concrete foundation pad supported by piles and possibly an external transformer in a steel box at each turbine. Associated infrastructure would also include crane pads, comprising an area of hardstanding alongside each turbine, as well as new on site access tracks with turning areas and passing bays. Cable would be laid to connect each turbine with an on-site sub-station to be built near the site entrance and a temporary construction compound would also be required. The turbines would be operational for up to 25 years and would include site management to ensure that site facilities such as roads, boundaries, gates and signage are maintained.

The proposed turbines numbered T1, T2 and T3 would be sited linearly north/south along the ridge running along the eastern side of the application site close to the boundary between Caerphilly Borough and the Borough of Blaenau Gwent. The turbines would be connected to the grid and discussions with the electricity grid network operator indicate that the most likely connection would be by underground cable at 33kV depending on the final design chosen. The connection between the on-site substation and the electricity grid would be the subject of a separate application for consent under Section 37 of the Electricity Act 1989.

The choice of turbine would be the subject of technical assessment by wind turbine suppliers and commercial tendering, so the exact model and dimensions are not specified at this stage. However, for the purpose of the Environmental Impact Assessment (EIA) two models were selected, namely the Acciona AW77 (for its maximum noise generated) and GE82 (as this has the longest blade length). The turbine selected would be required to be within the scale parameters noted within the EIA and perform as well as or better than the noise performance characteristics of the turbine on which the modelling has been based. Whilst the final installed capacity could be higher depending upon the final turbine selected, it has been assumed that the maximum capacity of the wind farm would be 4.5MW, based on the candidate wind turbines, which each have a capacity of 1.5MW. The application seeks a micro-siting allowance for the turbines and associated infrastructure. The allowance being sought is limited to 17.5 metres in the direction of Upper Ras Farm and 50 metres in all other directions.

Access to the site of the turbines would be gained from Merthyr Road at a point just south of the bridge that crosses the A465 along an existing track that leads eventually into Bryn Bach

Park, (the track being in the ownership of Caerphilly Borough) with a new access track being constructed from the existing track to the development site and turbine location.

The application is supported by an Environmental Statement, Planning Statement, Design and Access Statement and Statement of Community Engagement. A Transport Management Plan has also been submitted.

The Design and Access Statement has considered the matters of Environmental Sustainability (the proposal would produce cleaner, greener energy from a renewable and less environmentally damaging source of energy); Character (the ES states that there will be some significant visual effects to receptors in close proximity to the development site and that the local landscape character is likely to experience significant change, although the change will not be sufficient to affect the whole of the landscape character area within which the development area is located); Access (An existing and new access track is to be used to reach the development site); Accessibility and Movement to the development (It is intended that the turbines, substation and other infrastructure will only be accessed by construction personnel and maintenance teams. However, a public right of way and National Cycle Route exist on site so the public will have some access to the area and those areas will remain accessible during both the construction and operation phases of the development, subject to some possible minor disruption during the former); Community Safety (Safety measures will be put in place to protect people from construction traffic).

The Planning Statement provides a brief description of the site, explains the benefits of the proposed development in the context of renewable energy, reviews the planning and renewable energy policy framework against which the proposal is to be considered, assesses the proposed development's conformance with planning policy, and assesses the level of support from other material considerations.

The Statement refers to a report by the Intergovernmental Panel of Climate Change (IPPC) published in 2007 which explained that climate change is real and is being caused to a significant degree by human activities, particularly the burning of fossil fuels, with the generation of renewable energy as one of a number of recommended mitigation measures. The Statement includes an estimate of the potential reductions in carbon dioxide (CO₂) and other emissions as a result of operating a wind farm such as that proposed at Pen Bryn Oer. The UK government has established and encourages the use and development of renewable energy sources wherever appropriate. Reference is made to the Energy White Paper (2007) and the Energy Act (2008), the Climate Change Act (2008), UK Renewable Energy Strategy (2009), UK National Renewable Energy Action Plan (2010), Planning our Electric Future: A White Paper for Secure, Affordable and Low Carbon Electricity (July 2011), UK Energy Road Map (2011), Renewable Energy Roadmap Update 2012, and UK Carbon Reduction and Renewable Energy targets. With regard to the consideration of UK and Welsh Energy Policy it states that over the last decade, understanding of the economic, social and environmental threats from climate change has grown and consensus of prediction has become graver as a result. In response UK and Welsh Energy policy has been strengthened. More stringent targets have been introduced for the reduction of CO₂, a key greenhouse gas, and these have been supported by ambitious targets for expansion of electricity generation from renewable sources,

both within the UK where they are legally binding, and in Wales. The objective of the Pen Bryn Oer wind farm is to contribute to these targets and support current UK and Welsh energy policy to deliver a larger amount of renewable energy. The proposed development would help to achieve the ambitions of the Wales Spatial Plan for Wales and the South East Wales - Capital Region to deliver a low carbon economy, reduce greenhouse gas emissions and deliver sustainable forms of energy generation. It suggests that it is implicit in the UK National Policy Statement for Renewable Energy Infrastructure that the minimisation of particularly landscape and visual effects should be balanced against electrical output and that a certain level of harm (if a wind farm is assumed to negative) can be acceptable.

The Planning Statement notes that there is no specific policy in the LDP related to renewable energy generation, and highlights how the proposed development is in compliance with the relevant development plan policies, which include environment, transport, minerals, recreation and tourism.

The Environmental Statement concludes that there are no significant negative effects other than visual effects which are common place with wind farms given the nature of the development. It suggests that whilst the site lies within a special landscape area it should be acknowledged that this is a local designation, which PPW states can add value to the planning process, but should not unduly restrict acceptable development. Whilst significant visual effects upon nearby residential properties are identified, these would not affect residential amenity to the extent that these dwellings would become unsatisfactory places in which to live. It states that positive effects of the proposed development include the generation of new renewable energy to tackle the damaging environmental and socio-economic effects of climate change, the benefits to local and regional economy from access to sustainable forms of energy.

The original Transport Management Plan has been updated and amended following discussions with the Council as Highway Authority and the Welsh Government Transport Officer. It explains the proposed delivery route, an indication of the vehicles likely to be involved and the process involved.

The Statement of Community Engagement sets out the strategy undertaken by the applicant for consulting the general public and wider community. This included pre- application exhibitions in Tredegar, Rhymney and Bryn Bach Park, a series of briefing meetings with local representatives and organisations and a visit to a working wind farm at Bristol. The statement includes a list of the feedback responses.

Dimensions: The total development area to which the application relates is 8.74 ha. Each turbine would have a hub height of approximately 71.5 metres with an overall height to blade tip of 110 metres. The external transformers would be housed in a steel box 3x2.5 by 2.5m. The site control and substation building is expected to be up to 12m by 18m. The temporary construction compound would be approximately 60m by 40m and be secured with 2m high palisade fencing. The compound would be removed post construction. Approximately 1000m of new access track would be required within the site boundary.

Materials: The turbines would consist of tubular steel towers. The substation and control building is proposed to be single storey and faced in locally appropriate materials such as slate and render to be compatible with domestic and agricultural buildings in the area. The on-site tracks will be unpaved and constructed from local stone. Following construction of the wind turbines the edges of the tracks will be encouraged to re-vegetate with top dressing and reseeded to maintain a minimum width of 4 metres throughout the operation and maintenance period.

PLANNING HISTORY

5/5/90/0899 - Opencast coal workings, restoration works and ancillary drainage - Granted 30.08.91.

5/5/93/0756 - Vary condition to permit extension of time for opencast coal operations - Granted 13.07.94.

5/5/94/0596 - Variation of conditions to permit the extension of time for opencast operations and extend the limit of excavation for coaling - Granted 08.08.95.

12/0039/FULL - Erect a temporary 50m high anemometry mast for 24 months to monitor and collect wind speed and wind direction data on a site - Granted 08.06.12.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: - NH1 (Special Landscape Area).

Policies: SP1 (Development Strategy - Development in the Heads of the Valleys Regeneration Area), SP5 (Settlement boundaries), SP8 (Minerals safeguarding), SP10 (Conservation of Natural Heritage), SP12 (Development of the Valleys Regional Park), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), CW22 (Locational Constraints - Minerals), NH1.1 (Special Landscape Area - Upper Rhymney Valley), MN2.2 (Minerals Safeguarding - Easy of Rhymney). LE3.1 (Protection of Country Parks - Parc Bryn Bach Rhymney/Tredegar), TM1.1 (Tourism Proposals - Parc Bryn Bach, Rhymney/Tredegar).

NATIONAL POLICY National Policy. Planning Policy Wales (Edition 6) February 2014, Technical Advice Note 8: Planning for Renewable Energy, July 2005; Technical Advice Note 5: Nature Conservation and Planning, September 2009,

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? The application was accompanied by an EIA.

Was an EIA required? Yes.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes.

CONSULTATION

Dwr Cymru - has no comments to make in respect of sewerage and no objection in relation to water supply.

Rights Of Way Officer - There are three Public Rights of Way (PRoW) in the vicinity of the proposed development. Footpath No 25, Bridleway 36 and 37 all in the Parish of Rhymney. These PRoW either pass within the application boundary or in close proximity to the proposed wind turbines. The applicant is reminded that it is an offence to obstruct a public right of way. There are three public rights of way within the area of this application. The planning permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under section 257 of the Town and Country Planning Act 1990, provided that the order is made before the development is carried out. If the right of way is obstructed before the Order is made, the order cannot proceed until the obstruction is removed.

Where there is a potential for obstruction, the following note should be attached to the planning permission:

"The applicant is reminded that it is an offence to obstruct a public right of way. The right of way which is in the area of the application must remain available for use and the safety of the public using the path must be ensured at all times."

This planning application is on the border between BGCBC and CCBC.

Technical Advice Note 8: Planning for renewable Energy, Annex C gives a guide to proximity to highways and railways:

- 2.25 It is advisable to set back all wind turbines a maximum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way) or railway line.
- 2.27 The British Horse Society, following internal consultations, has suggested a 200m exclusion zone either side of public bridleways in order to avoid wind turbines frightening horses. This is not a statutory requirement and the circumstances pertaining at any particular site should be taken into account.

Having considered the above Legislation and Technical Advice note my comments are as follows:

T1 is positioned the furthest south of the 3 turbines and has a Tip Height of 110 metres and a Blade overall diameter of 80 metres. The nearest PRow to T1 is Bridleway 36 to the north, this is approximately 150 metres from T1. Bridleway 37 which is to the south is approximately 300 metres from T1. Therefore Bridleway 37 meets TAN 8 2.25 and 2.27 advice and will not be obstructed as a result of its construction. Bridleway 36 meets Tan 8 2.25 but is within the exclusion zone as stated in 2.27. Bridleway 36 will not be obstructed as a result of T1's construction.

T2 is positioned in the middle of the three turbines and has a Tip Height of 110 metres and a blade overall diameter of 80 metres. The nearest PRow to T2 is Bridleway 36 to the south which is approximately 100 metres from T2. Therefore Bridleway 36 is on the limit of TAN 8 2.25 and is within the exclusion zone as stated in 2.27. Bridleway 36 will not be obstructed as a result of its construction.

T3 is positioned the furthest north of the 3 turbines and has a Tip Height of 110 metres and a blade overall diameter of 80 metres. The nearest PRow to T3 is Footpath 25 to the west which is approximately a distance of 70 metres from T3. Therefore Footpath 25 is within proximity of T3 as per TAN 8 2.25. Footpath 25 will not be obstructed as a result of its construction.

Having looked at the files for each of the PRow it would appear that there has been very little activity on these PRow in the last 30 years. This would include maintenance, surveying and no Service Requests. In fact there is very little historical reference to the three PRow on file. You could draw conclusion that these records suggest the PRow are not frequently used on either foot or horseback.

During Construction

It should be noted that Footpath 25 crosses the proposed access track to the west of the sub station and Restricted Byway 9 crosses the access track approximately 570 metres from where the access track leaves Merthyr Road.

The necessary safety measures will need to be agreed with the PRow Officer before construction starts.

It should also be noted that where the access track leaves Merthyr Road it follows Restricted Byway 17 for 170 metres, Restricted Byway 18 for 120 metres and Footpath 69 for 210 metres. Before any works commence the necessary safety measures will need to be agreed with the PRow Officer, this may result in Temporary Closure Orders being required.

Minerals Officer - The site is within a coal safeguarding area but in view of the nature of the development no objections are raised in that respect.

Transportation Engineering Manager - No objection subject to the following condition:-

"Notwithstanding the submitted plans, no works shall commence until after a Traffic Management Plan has been submitted to and approved in writing by the LPA which

provides a detailed report on the proposed route to be taken to the application site. This should include the adequacy of the route and provide details of any improvements required to the highway network to allow the movement of the abnormal loads. The plan will need to indicate full consultation and approval with neighbouring Authorities for the route loads would take, consultation and approval with the Welsh Government Police Liaison Transport Officer who co-ordinates the safe passage of the vehicles and consultation and approval with the Highways Agency."

Head Of Public Protection - Having considered the submitted noise assessment the Head of Public Protection has raised no objection subject to several conditions controlling the dimensions and siting of the turbines, maximum noise emissions from the turbines, a method for assessing complaints, a method for monitoring power generation, wind speed and direction, and noise levels, and the installation of a control mechanism that shuts down the turbines during times when shadow flicker occurs.

Countryside And Landscape Services - The Divisional Landscape Architect is satisfied that the methodology used to undertake the submitted Landscape and Visual Impact Assessment is in accordance with current best practice. He notes that with the open landform of Rhymney Hill, the elevation of the site, the height of the proposed turbines, and the variety and magnitude of views available of the site, of part or all of one of the three turbines means that the ability to mitigate the proposed development is negligible. He accepts that the principal Landscape and Visual effects generated during the anticipated 6 month construction period would be short lived. The landscape effects would be localised and adverse but the magnitude of landscape change would not be sufficient enough to result in any significant landscape effects.

He accepts that the Landscape Character of the area within the 10.5km defined study area has the capacity to accommodate three wind turbines. However, the assessment of Landscape Character effects found that the impact of the proposed turbines upon the southern part of the Upper Rhymney Valley SLA, the northern part of Mynydd Bedwellte SLA, LANDMAP Visual and Sensory aspect of Cynon VS352 Bryn Oer Patch and LANDMAP Historic Landscape aspect area BLNGWHL026 Rhymney Hill , all within approximately 3 km of the site would be significant in terms of the EIA regulations.

He notes that the visual assessment found that the potential effect upon approximately 120 properties situated within 1 km of the site, residents of Rhymney and Pontlottyn with uninterrupted views of Rhymney Hill, visitors to Parc Bryn Bach and recreational users of Rhymney Hill, would be 'significant' in terms of the EIA regulations.

The additional cumulative impact of the proposed turbines upon Landscape Character and Visual receptors was considered not to be 'significant' in terms of the EIA regulations.

He concludes that the Landscape and Visual impact of the proposed turbines is obviously 'significant' within the local area measured at a radius of approximately 3km of the site and are likely to be dominant and possibly overbearing features within many local views. Given the elevation and open character of the site, he does not believe that there are any additional options to mitigate the effects of the proposal. He is therefore of the opinion that the 'adverse

effects' upon Local Landscape Character and in particular Visual Amenity are such that the application should be refused.

The Divisional Ecologist notes that the environmental impact assessment included an ecology assessment which included a more detailed assessment of birds and bats. It included a desk based study to identify statutory and non-statutory sites in the vicinity of the turbines, and existing records for priority and protected species, an extended phase 1 habitat survey, an assessment of the site for the potential for a number of protected species, a separate bat survey (which included manual transect surveys and automated surveys at 2 locations) and detailed surveys of birds including breeding bird surveys, vantage point surveys and winter walkover surveys.

She notes that there are no statutorily designated sites within the application site, although Parc Bryn-Bach Local Nature Reserve lies immediately adjacent to the site which is also a Site of Importance for Nature Conservation (SINC), and Mynydd Bedwellte SINC also lies adjacent to the eastern boundary. These are designated for their habitat interests, and the impact of the proposal on the ecological interests of these habitats is considered to be not significant, and she concurs with this conclusion.

Within the application site, the extended phase 1 habitat survey identified the site to be largely improved grassland with young plantation woodland, and man-made watercourses that did not hold standing water. These habitats are generally of low nature conservation value and the effects of the development are considered to be negligible, and she agrees with this conclusion.

The level of bat surveys is acceptable and the impact on bats considered to be minor adverse.

With regards to birds, following bird surveys the assessment concentrated on those species that are vulnerable to disturbance during construction and collision during the operation of the turbines. These included rarer birds of prey, waders, herons and waterfowl. The presence of red kite, and goshawk were recorded within the survey area, together with curlew and lapwing and larger wetland birds including cormorant and grey heron. Only lapwing were confirmed to be breeding within the survey area, (one breeding pair), with three additional breeding pairs on land outside the survey area. The assessment has concluded that the impact on raptors is negligible while the impact on waders is minor adverse. The Ecologist does not agree with the assessment of the impact on waders for the following reason:

Lapwing populations in the heads of the valleys area have undergone a major decline in the last 10 years, and the remaining populations are now small and scattered across a few sites. Breeding birds come together to nest communally, as larger numbers of adults are better able to withstand attacks on their eggs and young by predators. The population at Bryn Bach is small so any disruption or displacement of individual birds during construction, or loss of individuals collision with the turbine blades, will result in the remaining pairs adjacent to the site being much more vulnerable to predation. The ecologist therefore recommended that planning conditions should be placed on any approval to protect the lapwing population.

Natural Resources Wales - is of the opinion that it is unlikely that this proposal would in itself create a significant impact on the Brecon Beacons National Park and therefore does not object to the proposal. However, they have significant concerns regarding the potential cumulative impacts of this scheme on the wider landscape and recommend that the local authority give this matter due consideration.

Given the nature and location of this proposal NRW are of the opinion that this proposal will not adversely impact the features of the Usk Bat Sites Special Area of Conservation and therefore assessment under the Conservation of Habitats and Species Regulations 2010 (as amended)(The Habs Regs) is not necessary.

Notes the results of the bat survey and that current guidance advises that turbines should be at least 50m from boundary features used by bats. In this case the turbines are sited a minimum of 125 metres from the nearest boundary features likely to be used by bats. NRW considers that there should not be a detriment to the maintenance of the favourable conservation status of bats species present.

With regards to pollution control the proposed development will be acceptable if a condition is included requiring a construction method statement.

Merthyr Tydfil County Borough Council - has no objection to the application. However, its Landscape Architect expressed concern in relation to the potential cumulative visual impact of the proposed development which should be carefully considered. Regard should be given to the capacity of the landscape to accommodate wind turbines and the importance of the landscape view and in particular to the impact on the historic landscape of Gelligaer Common.

Joint Radio Company Limited - No objection.

Gwent Wildlife Trust - notes that the site is close to Parc Bryn Bach, an area known to be used by breeding lapwing, a species protected under the Wildlife and Countryside Act 1981. The Lapwing is also a Principle Biodiversity Species under section 42 of the natural Environment and Rural Communities Act (2006) in Wales, and a Biodiversity Action Plan Priority Species. The Trust has no objection to the development, but wishes to recommend that the work to construct the turbines should be conditional on it being carried out between September and March to avoid disturbance of the breeding lapwing on Parc Bryn Bach and in the surrounding area.

Glam/Gwent Archaeological Trust - notes that the environmental statement concluded that, whilst the turbines would be visible from a number of features in the historic landscape, the impact of this visibility would not result in any significant adverse effects on their historic character and settings. It is of the opinion that the assessment is fair and appropriate, they concur with the assessment that the proposed development will not have any impact on the archaeological resource, and therefore do not have any objection to the positive determination of this application.

Atkins Ltd - The application has been examined in relation to UHF Radio Scanning Telemetry communication used by our client in that region and we are happy to inform you that we have no objection to the proposal.

Rhymney Community Council - considers the proposal to be too near residential dwellings and requests that consideration be given to the turbines being located on land between Blaen Rhymney and Trefil. It also objects on the likely visual and noise impacts of the proposal.

Tredegar Town Council - No objections but the Council wishes to request that all efforts to mitigate the visual impact of the development on Parc Bryn Bach and Tafarnaubach are made.

Public Health Wales - The response was provided by Aneurin Bevan Health Board after consultation with Public Health Wales. The Board recognises that the most common concerns expressed with regard to wind turbines are related to noise, that the response to noise may depend on the characteristics of the sound including intensity, frequency, complexity and duration, and that many people are concerned about the possible effects of noise on health. Evidence that environmental noise damages mental health is inconclusive, and at present the evidence to suggest that there are links between wind turbine generated noise exposures and adverse health outcomes is inconclusive, although the absence of strong evidence of the latter should not be taken as proof that such effects do not occur. The Board requests that the developer liaises with the Local Authority to satisfy that all necessary actions are taken to mitigate against potential impacts associated with windfarm generated noise.

Brecon Beacons National Park - comments on the policy context with reference to Planning Policy Wales, TAN 8, and the Brecon Beacons National Park Management Plan. It notes the content of the Landscape and Visual Impact Assessment and welcomes the consideration of impact from five viewpoints within the Park. It refers to one particular viewpoint - Mynydd Llangynidr Summit - and considers that the turbines will be visually intrusive in the landscape, having some adverse impact on the special qualities of the national park. However, it is satisfied that the proposal, in isolation, is of such a scale that it will prove of minimal visual impact within the national park landscape and therefore will not have a significant detrimental impact on the natural beauty and special qualities of the national park on its own accord. The Authority does wish to draw attention to the potential for significant impact on the special qualities of the National Park from the cumulative impact of large scale development along the southern boundary of the Park. It has consistently registered objections to various wind farm schemes along the southern fringe of the Park and it is evident that their in combination effect is significantly altering the overall character of the southern fringe to the detriment of the overall setting of the Park. It requests that the Council considers cumulative impact.

Should the Council be minded to grant consent conditions should be imposed to control the maximum heights of the turbines, their final location, their colour, longevity and detailed remediation strategies.

In conclusion, the Authority has no objection to the proposed development but raises significant concerns over the cumulative impact of proposed, consented and operational

schemes along the southern fringe of the National Park and requests that the Council duly considers this impact as a material consideration in determining this application.

Blaenau Gwent County Borough Council - The Leisure Services Manager has concerns about the effect on Parc Bryn Bach noting that the park attracts over 350,000 visitors a year and caters for a wide range of recreational activities. A Local Nature Reserve is also located on site. Also refers to a plot of land at the foot of the golf course some 300-500m from the proposed wind farm having been identified for a 3-5 star hotel in line with the Rassau Race Circuit project. Leisure Services therefore object to any such development in close proximity to the park.

The Landscape Officer advises that this application along with other proposals across the local authority area raises concerns due to the cumulative impact with other like developments and suggests that an appropriate assessment of cumulative impact is completed.

Ecologist advises that the windfarm development has the potential to conflict with lapwing conservation efforts in the Heads of the Valleys Area. The site is in close proximity to known lapwing breeding sites at Parc Bryn Bach and within the surrounding area. Suggests that more information should be provided on population level effects upon lapwing within the heads of the valleys area and a view obtained from an ornithological expert. As a minimum requests that the construction works be undertaken outside of the breeding bird period to minimise any disturbance. In addition management for lapwing should be undertaken within the surrounding area in conjunction with the GWT project and RSPB Conservation Strategy.

Highways Officer raises no objections since the highway network of the BG Borough is not affected.

Engineer considers that a ground investigation and report will be required to ascertain the ground conditions at the site.

The Environmental Health Officer is satisfied that noise impacts from the development will be acceptable for receptors in Blaenau Gwent and that controls and monitoring regime proposed by Caerphilly Environmental Health will ensure noise from the development will be acceptable and that its future monitoring to ensure compliance with the noise limits will be robust.

Advises that a Councillor for Ebbw Vale North is strongly opposed to the development.

In conclusion, the Council raises concerns in respect of the potential impact on Parc Bryn Bach and other prospective proposed developments as a tourism destination, the cumulative / visual impact of the proposal taking into account the applications in connection with numerous other wind energy developments constructed / approved / in the planning system pending consideration, and the impact of the development on the lapwing conservation efforts in the Heads of the Valleys Area.

The Coal Authority - Considers that the content and conclusions of the Environmental Statement are sufficient for the purposes of the planning system and meet the requirements of

PPW in demonstrating that the application site can be made safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development, but notes that further more detailed consideration of ground conditions and foundation design will be required as part of any subsequent building regulation application.

Police Architectural Liaison Officer - Notes the existence of public rights of way and the National Cycle Route in the vicinity of the development and therefore the unrestricted access to the structures by the public. They therefore provide advice on measures that can be taken to minimise the risk of crime and anti-social behaviour and protect the turbines and associated structures.

Trunk Road Manager - Having considered the further information provided in respect of the Traffic Management Plan, no objection is raised subject to further detail being provided post planning consent.

ADVERTISEMENT

Extent of advertisement: The application was publicised in the press, by neighbour notification and site notices displayed in Rhymney, Princetown, Llechryd, and locations in Tredegar.

Response: 71 in support (49 of which were on a proforma card) and 23 objecting.

Summary of observations:

Reasons for support:

1. Vital part of energy for the future and reduce CO2 emissions
2. The Community Fund would be a valuable support to local community work.
3. Provide renewable energy for 3600 homes.
4. Create local jobs during construction and maintenance.
5. Tackle climate change and reduce reliance on expensive imported energy.
6. Do not find the appearance of wind turbines unpleasant.
7. Cleaner air, better health.
8. CCBC signatory to the Welsh Declaration on Climate Change. To allow these turbines would demonstrate CCBC's commitment to a greener future for the borough.
9. Regular user of Parc Bryn Bach supports the use of clean, green renewable energy.

Reasons for objection:

1. Visual intrusion. The turbines would overwhelm the locality.
2. Destroy the amenities of Bryn Bach Park which has been developed at considerable expense. Seriously prejudice further development in its role as a quality attraction.
3. Noise pollution.
4. Not safe.
5. Affect walkers and horse riders using the network of footpaths and bridleways in the area.
6. Destruction of migrating birds.

7. Too close to houses in the neighbouring communities and will be alien structures in the rural environment.
8. Visible for a significant distance from A465 between Merthyr Tydfil and Princetown, also from Brecon Beacons National Park.
9. Potential risk of sleep disturbance and related health issues.
10. Problems associated with Shadow Flicker.
11. UK Noise Association recommends that wind turbines should not be sited within 1 mile of houses.
12. Photos used to illustrate the views of the three turbines are misleading. Taken in a wide angle view and therefore size of turbines appear a lot smaller.
13. Take place in a designated Special landscape Area.
14. Devaluation of properties.
15. Profits for the developer and misery for the local residents.
16. Unreliable white elephant. Turbines are inefficient. At optimum operating conditions they are less than 30% efficient, operate only on narrow wind speed margins.
17. Denmark stopped wind farms because of health risks from sub-sonic noise. All parts bought from abroad, therefore no support for local or even British manufacturing.
18. Traffic disruption during construction.
19. Princetown not kept informed of the proposals by the applicant despite 'community engagement'.
20. Community Benefit should not only be for Rhymney and Tredegar, but should be extended to Princetown since we would feel the full impact of the development.

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 there would be specific issues arising from the development, but the Police Architectural Liaison Officer has provided advice on measures that can be taken to minimise the risk of crime and anti-social behaviour.

EU HABITATS DIRECTIVE

No European protected species would be affected by the development, but the impact on UK species was assessed as part of the Environmental Impact Assessment and this has been considered by the Divisional Ecologist as referred to elsewhere in this report.

ANALYSIS

Policies:

Section 54A of the Town and Country Planning Act 1990 requires applications for planning permission to be determined in accordance with the adopted development plan for an area, unless material considerations indicate otherwise. This application has been considered in accordance with national guidance and local plan policy. The main issues in this application are considered to be the effects of the proposed development on the character and

appearance of the landscape and its consequences in these terms for impact on residential visual amenity, the effects on the amenity of properties in terms of noise and shadow flicker, the effects on nature conservation interests, the effects on the adjacent Parc Bryn Bach, and the effect on the highway network.

National Policy is contained within Planning Policy Wales (PPW) edition 6 (February 2014) and Technical Advice Note (TAN) 8: Renewable Energy (2005). PPW reflects a UK target of 15% of energy from renewables by 2020. It outlines that need for wind energy is a key part of meeting the Welsh Government's vision for future renewable electricity production as set out in the Energy Policy Statement. It 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 proposed development accords with those principles of PPW. It advises that in determining applications for renewable and low carbon energy development and associated infrastructure Local Planning Authorities should take into account:

- The contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- The wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- The impact on the natural heritage, the Coast and the Historic Environment;
- The need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- Ways to avoid, mitigate or compensate identified adverse impacts;
- The impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- Grid connection issues where renewable (electricity) energy developments are proposed; and
- The capacity of and effects on the transportation network relating to the construction and operation of the proposal.

TAN 8 recognises that in order to try and meet the renewable energy targets set by Welsh Government on-shore wind power offers the greatest potential for an increase in the generation of renewable energy in the short to medium term. It seeks to keep areas outside of Strategic Search Areas (SSAs) free of large wind powers schemes and to consider the cumulative impact of small schemes on those areas outside of the SSAs. Applications for windpower below 5MW are appropriate in principle outside the SSAs subject to meeting planning criteria. The application site is outside the SSAs.

It advises that most areas outside the SSAs should remain free of large wind power schemes. It states that there is a balance to be struck between the desirability for renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity there is a case for avoiding a situation where wind turbines are spread across the whole of a county.

LANDSCAPE

The application site lies in the countryside for purposes of the LDP. Policy CW15: Locational Constraints, at criterion C, states that development in such locations will not be permitted unless the proposal is associated with the provision of public utilities and infrastructure that cannot be reasonably located elsewhere (criterion iv). Policy SP10: Conservation of Natural Heritage sets out the overarching intention that the natural heritage of the Borough, including landscape, is to be protected. This is furthered by Policy CW4: Natural Heritage Protection which permits proposals which conserve, and where appropriate, enhance the distinctive or characteristic features of the Special Landscape Area (SLA). In this instance the site is within the Upper Rhymney Valley Special Landscape Area as identified in LDP Policy NH1.1. The supporting text to this policy states that these areas will be protected from any development that would harm their distinctive features or characteristics. The policy is not designed to preclude development, but an applicant will need to demonstrate that any development proposal will not have an unacceptable impact on the specific distinctive features or characteristics associated with the SLA. A detailed description of the SLA is found in the Appendix to the LDP together with a statement of Key policy, management and development control issues in the long, medium and immediate term. One of the objectives in the medium term is to minimise the visual and noise detractors in the landscape, including light pollution from the introduction of road lighting and additional large scale features such as pylons and wind turbines.

One of the impacts considered in the Environmental Statement was the potential for significant landscape and visual effects. The landscape assessment considered the potential for effects on 80 landscape receptors including landscape designations and LANDMAP aspect areas. It concluded that there would be significant landscape effects to four of the receptors, all of which are local to the development site.

- The southern part of the Upper Rhymney Valley SLA;
- The northern part of the Mynydd Bedwellte, Rhymney Hill and Sirhowy sides SLA;
- Visual and sensory aspect area of Bryn Oer Patch; and
- Historic landscape aspect area of Rhymney Hill.

It concluded that there would be no significant effects upon the Brecon Beacons National Park. Few landscape elements would be lost and many of the characteristics of the landscape such as openness, relative elevation, a sense of exposure, lack of settlement, relative remoteness and lack of field boundaries favour a well designed wind energy development. It concludes that with just three 110 metre high turbines, the proposed development is appropriate to the capacity of the receiving landscape and is acceptable in landscape terms. ES states that it is widely recognised that wind energy development will result in some significant visual effects due to the height and movement of turbines. It is inevitable that three 110 metre high turbines will be seen by many people living in nearby settlements and in middle and long distance views from elevated areas which are generally on the broad, open ridgelines that separate the Valleys.

The Divisional Landscape Architect is satisfied that the methodology used to undertake the submitted Landscape and Visual Impact Assessment (LVIA) is in accordance with current best practice. He notes that with the open landform of Rhymney Hill, the elevation of the site, the height of the proposed turbines, and the variety and magnitude of views available of the site, of part or all of one of the three turbines means that the ability to mitigate the proposed development is negligible.

He accepts that the principal Landscape and Visual effects generated during the anticipated 6 month construction period would be short lived. The landscape effects would be localised and adverse, but the magnitude of landscape change would not be sufficient enough to result in any significant landscape effects.

He accepts that the Landscape Character of the area within the 10.5km defined study area has the capacity to accommodate three wind turbines. However, the assessment of Landscape Character effects found that the impact of the proposed turbines upon the southern part of the Upper Rhymney Valley SLA, the northern part of Mynydd Bedwellte SLA, LANDMAP Visual and Sensory aspect of Cynon VS352 Bryn Oer Patch and LANDMAP Historic Landscape aspect area BLNGWHL026 Rhymney Hill, all within approximately 3 km of the site would be 'significant' in terms of the EIA Regulations.

He notes that the visual assessment found that the potential effect upon approximately 120 properties situated within 1 km of the site, residents of Rhymney and Pontlottyn with uninterrupted views of Rhymney Hill, visitors to Parc Bryn Bach and recreational users of Rhymney Hill, would be 'significant' in terms of the EIA regulations. The additional cumulative impact of the proposed turbines upon Landscape Character and Visual receptors was considered not to be 'significant' in terms of the EIA Regulations.

He concludes that the Landscape and Visual impact of the proposed turbines is obviously 'significant' within the local area measured at a radius of approximately 3km of the site and are likely to be dominant and possibly overbearing features within many local views. Given the elevation and open character of the site, he does not believe that there are any additional options to mitigate the effects of the proposal. He is therefore of the opinion that the 'adverse effects' upon local Landscape Character and in particular Visual Amenity are such that the application should be refused.

This opinion is consistent with the LDP policies referred to above in respect of the protection of natural heritage. Policy NH1.1 relates to the Upper Rhymney Valley SLA, and in Appendix 1 to the LDP the area is described as one of the most open upland areas within the County Borough, abutting the Brecon Beacons National Park. It notes that whilst the duelling of the A465 Heads of the Valleys has changed part of the character of the area and has certain negative effects upon the quality of the landscape, it reinforces the need to ensure that the quality of the remainder of the area is maintained. It is noted that the Mynydd Bedwellte, Rhymney Hill and Sirhowy Sides Special Landscape Area in Blaenau Gwent abuts the south eastern corner of the Upper Rhymney Valley SLA close to the most southern of the proposed wind turbines. One of the key medium term development control issues identified for the Upper Rhymney Valley SLA is to minimise the visual detractors, including the introduction of

additional large scale features such as wind turbines. The introduction of the three turbines into this area of the SLA to the south of the Heads of the Valleys corridor, which provides the setting to the east of Rhymney and south of Princetown, conflicts with this medium term aim. For this reason it is considered that the proposed development would not conserve or enhance the distinctive and characteristic features of this part of the SLA, but would rather detract from them, contrary to Policies SP10, CW4 and NH1.1 of the LDP. The applicant notes that the SLA is a non-statutory local designation. However, it is considered that this does not diminish the significance of the SLA for the purposes of the statutory adopted LDP.

NRW, Brecon Beacons National Park, Merthyr Tydfil CBC and Blaenau Gwent CBC all raised concerns about potential of cumulative impact and recommended that the LVIA be expanded to address this. The potential cumulative effect of the proposed turbines on Landscape Character has been assessed. It is considered that whilst there is a relatively high number of existing, consented or proposed wind energy developments in the west, south and south east of the cumulative study area, most would be too distant to interact with the proposed Pen Bryn Oer turbines. The applicant did update the Cumulative Landscape and Visual Impact Assessment to include additional turbines that had been consented and proposed since the original assessment had been prepared. Notwithstanding his opinion on the effects of the proposed turbines on the local area, the Divisional Landscape Architect, having considered the original LVIA and the supplementary information, concluded that neither the landscape character of the study area nor individual receptors would be likely to sustain significant cumulative landscape or visual effects arising from this proposal.

The Landscape Architect has also considered the Assessment of Residential Amenity for properties within 1 km radius of the site that was included in the LVIA. Assessment of Residential Amenity and Residential Visual Amenity are a relatively new and emerging concept in relation to wind energy and there is currently no published guidance available. The residential Visual Amenity Assessment contained within the LVIA aims to take into account the full range of views likely to be available to residents in the closest properties from both inside and within the curtilages of their properties. It aims to take account of not only changes to the residents view but also how the presence of one or more turbines might affect how they utilise and enjoy their property.

Unlike the classification of visual amenity for which matrices were provided to assist in transposing survey information into values for 'visual sensitivity', 'magnitude of change' and thus 'significance of effect', no guidance has been provided to assist in determining the degree of effect upon Residential Visual Amenity. The interpretation of the degree of effect though based upon a detailed site survey is more subjective than the assessment of visual amenity.

The summary of 'effects' upon Residential Visual Amenity has been identified as being 'medium' in relation to 2 properties, 'small to medium' in relation to 30 properties, 'small' in relation to 120 properties and 'minimal' in relation to 7 properties. Whilst the Landscape Architect accepts that due to separation distances no property or group of properties will be surrounded by or enclosed by turbines, and that in no instance will a turbine exert an overbearing influence on a property, he does feel that the degree of 'effect' has been slightly understated in relation to the following groups of properties. He comments:

"Group 1 (2 properties- Upper Rhas Bryn Oer Farm and Bryn Oer House): My interpretation of the survey information leads me to conclude that the turbines would be a highly prominent and dominant feature. They would also introduce movement into a static scene, which would attract the eye and increase its visual impact. I believe the degree of 'effect' would be 'medium / considerable' and not 'medium' as assessed.

Group 2 (7 properties- north of Merthyr road, north of Parc Bryn Bach): I accept that because of distance and screening the turbines are likely to have no more than a 'minimal' effect.

Groups 4,5,9,13 (38 properties, 3 groups in Princetown and 1 group in Rhymney)): I accept that due to the presence of localised screening, primarily from adjacent properties the turbines are likely to have no more than a 'small' effect

Groups 3,6,7,8,10 (57 properties in Princetown): The main view from these properties is towards the turbines. I believe the presence of the Heads of the Valleys Road (in cutting), and the landscaping within Bryn Bach Parc has been overstated, whilst the location of the turbines on higher ground will dominate the view and that the movement of their blades has not been given due weight. I believe the effect would be 'small / medium' and not small as assessed.

Groups 11,14,15,16 (38 properties in Rhymney): Most of the property groups have full-unscreened views of the 3 turbines albeit at distances of up to 1 kilometre. I believe the location of the turbines on higher ground will dominate the view and that the movement of their blades has not been given due weight. I believe the effect would be 'medium' and not 'small / medium' as assessed.

Group 12 (14 properties in Rhymney): Access to these properties from the rear lane appears not to have been considered. I believe the location of the turbines on higher ground with little intervening screening will dominate the view and that the movement of their blades has not been given due weight. I believe the effect would be 'medium' and not 'small' as assessed.

Group 13 (3 Properties Rhymney): I accept the assessment that the turbines are likely to have no more than a 'small' effect.

Residential Visual Amenity is however only one influence upon Residential Amenity, which may also be influenced by other aspects such as noise, shadow and flicker in respect of wind energy developments.

Whilst I believe that the proposed turbines will be a dominant feature in views from many of the properties within the Residential Visual Amenity Assessment area, I do not believe the visual impact of the proposed turbines alone will result in a level of obtrusiveness or overbearing impact which would result in any of the properties becoming regarded as an unattractive place in which to live."

Taking these opinions into account, whilst it is appreciated that the view for occupiers of the dwellings referred to above would be negatively affected, it is not considered that the turbines would be unacceptably overbearing or dominating of their outlook. Whilst the environment of these dwellings would certainly change, the wind turbines should not make them unattractive places to live.

ECOLOGY

The Divisional Ecologist has considered the submitted ecology assessment contained within the Environmental Impact Assessment and raised no objection subject to two planning conditions to protect the lapwing population. With regard to the comments received from Blaenau Gwent, she notes that their concerns relate primarily to the lapwings that breed close to the proposed turbines and on the adjacent Blaenau Gwent land. The Ecologist has advised that should monitoring (as would be required in one of the planning conditions she has recommended) identify that additional mitigation is required, that should be provided by the applicant in accordance with the condition, which could include a management strategy for land under the control of the applicant if necessary. No management strategy was envisaged for land within Blaenau Gwent because this is already covered by other means. One breeding pair of lapwings was recorded within the survey area of Caerphilly County Borough, but as it is not certain if these lapwings will be affected by the operation of the turbines and as noted above, the Ecologist has recommended planning conditions be attached to any permission granted. The applicant has seen the recommended conditions and suggested amendments to them, but the Ecologist considers that the recommended wording for both conditions should remain.

The ecologist has considered the concerns expressed by an objector relating to collisions with birds and given the following comments in response. " The applicant has undertaken bird surveys over a 12 month period. However, none of the species observed were found to have a significant risk of collision with the turbine, either due to the height at which the birds were flying or due to the frequency of the birds passing through the collision risk window.

Although it is not possible to rule out any birds being lost, due to collision, I am satisfied that the level of survey work has been sufficient to conclude that with the exception of lapwings the risk of collision at this location is low. A monitoring condition for lapwing has been added to monitor the effects of the turbine on this species. With regards the objectors concerns relating to bats, although several species of bat were recorded within a 7km radius, activity surveys for the site confirmed that the use of the site by bats was low, with only one record of a high risk species being recorded on one occasion during the entire survey season. I am therefore happy with the conclusion drawn by the applicants ecologist that impact on bats is unlikely to be significant."

NOISE AND SHADOW FLICKER

Policy CW2 of the LDP states that development proposals must have regard for all material planning considerations in order to satisfy the following requirements:

- A. There is no unacceptable impact on the amenity of adjacent properties or land; the proposals would not result in over-development of the site and / or its surroundings;
- B. The proposed use is compatible with surrounding land uses and would not constrain the development of neighbouring sites for their identified land-use; and
- C. Where applicable the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

In terms of impact on amenity (A above) levels of noise from wind turbines are a key consideration in determining planning applications. Several of the objectors have referred to the impact of noise. The ES contained a Noise Assessment that took into account the guidance produced by the Department of Trade and Industry in the Assessment and Rating of Noise from Wind farms, reference ETSU-R-97. A background noise survey was undertaken at four locations agreed with Caerphilly and Blaenau Gwent Councils to be representative of the noise sensitive receptors closest to the proposed wind turbines. Noise levels during both the construction and operational phases of the development are, with one exception, predicted to remain within limits derived in accordance with BS5228 and ETSU-R-97. At Upper Ras BrynOer Farm, under certain wind speeds and directions, the limits will be breached.

The applicant has confirmed that when these conditions arise, the proposed wind turbines would operate under a constraint operational mode in order to keep the emission noise levels below the appropriate limits. The ES concludes that with this mitigation in place no significant noise effects are predicted.

TAN 8 states that '500 metres is currently considered a typical separation distance between a wind turbine and residential property to avoid unacceptable noise impacts, however when applied in a rigid manner it can lead to conservative results and so some flexibility is advised'. The closest dwellings to the proposed turbines are at Upper Ras Bryn Oer Farm and Bryn Oer House. The former is 486 metres from the outer edge of the blade oversail and 520 metres from the closest turbine tower, and the latter is 504 metres from the blade oversail and 538 metres from the closest turbine tower. The closest dwelling in Princetown is approximately 660 metres from the outer edge of the blade oversail of the closest turbine.

Having considered the submitted noise assessment the Head of Public Protection has raised no objection subject to several conditions controlling the dimensions and siting of the turbines, maximum noise emissions from the turbines, a method for assessing complaints, a method for monitoring power generation, wind speed and direction, and noise levels, and the installation of a control mechanism that shuts down the turbines during times when shadow flicker occurs. The Environmental Health Officer for Blaenau Gwent agrees with this conclusion.

Some of the objectors have cited shadow flicker as a cause for concern, and have referred to a statement in the applicant's ES 'A study has been undertaken to identify whether shadow flicker is likely to occur at residential properties, including the local school, in the vicinity of the proposed development. Modelling has been carried out to predict the duration of potential

shadow flicker effects and the times of day and year when it could occur. 75 properties located within 850 metres (10 rotor diameters, plus 50 metres micro-siting) and 130 degrees north of the proposed turbines have been modelled. The model shows that based on a worst case scenario there is the potential for some level of shadow flicker to occur at 42 properties as a result of the operation of the wind farm.' An objector has commented that this is a prediction only and that in reality the actual time when shadow flicker could be experienced could be greater, and makes reference to a publication that asserts that a minimum separation distance should be approximately 10 blade diameters, but that their house is some 700 metres away, well within the recommended distance. They therefore conclude that the proposed turbines are too close to the houses located alongside Merthyr Road, Princetown, Tafarnaubach, Llechryd and Upper Ras Bryn Oer Farm.

The applicant has stated that the effect of shadow flicker can be resolved using standard mitigation such as a turbine shut down system and has committed to installing such a mitigation on the turbines. A programme of monitoring would ensure the effectiveness of the mitigation and allow it to be adapted. The concern that properties could experience unacceptable flicker is an effect that the Head of Public Protection has considered. He notes that a control module would be fitted to each turbine and that the module would be programmed to shut down the turbine at specific times and dates when the sun is bright enough, sufficient wind to rotate the blades and the wind direction is such that nuisance shadows could be cast. He has therefore not raised an objection on this ground, but recommended a condition that will require the control module to be installed and operated when the nuisance shadows could occur.

The applicant has seen the recommended planning conditions and suggested some amendments. The Head of Public Protection has considered the amendments, but concluded that the original number and wording of the conditions should remain.

TOURISM

Policy TM1.1 of the LDP allocates Parc Bryn Bach for tourism related activities. The Park is recognised as being a significant attraction with a lake and visitor centre. It lies at the very northernmost tip of the County Borough, straddling the border with Blaenau Gwent County Borough. It is proposed to further develop the tourism features around the park and is likely to be one of the main park elements in the proposed Valleys Region Park and could benefit from its close proximity to the Brecon Beacons National Park. The park offers numerous outdoor recreational activities, including informal walking and cycling, angling, a BMX track, water sports, camp site and caravan park, golf driving range and nine hole golf course, the latter being immediately adjacent to the northern boundary of the application site.

Blaenau Gwent Borough Council has concerns about the effect of the proposed turbines on the attractiveness of Parc Bryn Bach and future proposals in the area. Feedback to the Applicant's Exhibition (Statement of Community Engagement) included several comments from respondents about the impact on the Parc. Some respondents to the Council's publicity raised similar concerns. The Applicant has commented that the impact that changes in views would have on tourism would partly depend on the personal opinion of the viewer, this being a

subjective matter. They refer to a number of surveys that have been undertaken considering the views of tourists towards wind farms.

The most comprehensive surveys have generally been in Scotland, but since the majority of visitors to Wales are based in Great Britain, the applicant considers it is reasonable to expect that the surveys are representative of the views of tourists visiting the area. Summaries of the surveys were provided, and the surveys indicate that there is no strong evidence that tourists will be deterred from visiting an area due to the presence of a wind farm. The Blaenau Gwent Tourism Officer notes that the referenced studies are general to larger areas or destinations and not to a specific site. He considers that Parc Bryn Bach differs as the turbines will have a major visual impact on the site and none of the research deals with a specific site.

Notwithstanding the concerns expressed about the potential impact on Tourism, in the absence of firm evidence to support either opinion, it is considered that it would be difficult to justify a reason for refusal based on this premise.

TRAFFIC AND TRANSPORT

In response to a request from the Council's Transportation Engineering Manager and Welsh Government Transport, a Transport Statement incorporating a Draft Traffic Management Plan has been submitted. The Management Plan deals with the delivery of Abnormal Indivisible Loads (AILs) in transporting the wind turbine equipment to the proposed application site and covers in detail the routing strategy from Port Talbot / Swansea. With the exception of the AILs, all construction materials and plant would be delivered to the site using standard heavy goods vehicles. The applicant considers that the number and timing of these deliveries would be such that there would be no significant impact on the wider highway network. Having considered the submissions, the Transportation Engineering Manager and Welsh Government Transport have raised no objection to the proposed development subject to the condition recommended by the Transportation Engineering Manager referred to above.

TAN 8 encourages developers to take an active role in engaging with the local community on renewable energy proposals (para. 2.15). The applicant has followed that advice and engaged with the local community in Rhymney and Tredegar.

TAN 8 comments that experience has shown that there are opportunities to achieve community benefits, some of which can be justified as mitigation of development impacts through the planning process. It also notes that in addition, developers may offer benefits not directly related to the planning process. In accordance with this TAN 8 guidance, the applicant proposes to pay £25,000 per year into a Community Benefit Fund, which would be able to support community projects within the local wards that surround the site. Whilst this is a benefit to the locality, it is not directly related to the planning process and has not been regarded as a consideration in the assessment of the proposed development.

Comments from Consultees: The comments received from consultees have been considered in the analysis section above.

Comments from public: The representations in support of the proposal reflect the conclusions of the applicant's submissions and the positive benefits of renewable energy as set out in the UK and Welsh policy documents and guidance. Some of the representations objecting to the development have been considered in the analysis section above - landscape impact - both local and cumulative, impact on residential visual amenity, impact from noise and shadow flicker, impact on ecology, impact on tourism, and traffic considerations. Other objections are dealt with below.

- Some objectors consider that turbines are not cost effective and are inefficient. This is not a matter for consideration. National Planning guidance promotes the use of renewable energy sources and this proposal makes a contribution to that aim.
- Loss of property values is not a material planning consideration. The application should be assessed upon its planning merits.
- Whilst there may be perceptions that wind turbines are detrimental to health, in the absence of any firm evidence it would be difficult to justify a reason for refusal on this basis. It is noted that the Head of Public Protection, having considered the impacts of noise and shadow flicker, has raised no objection.
- Safety. TAN 8 notes that experience indicates that properly designed, erected and maintained wind turbines are a safe technology.
- Photos used to illustrate the views of the turbines are misleading. The ES sets out the methodology used for the photomontages and wireframes and refers to several publications. The Divisional Landscape Architect believes that these publications do provide best practice guidelines and that the photomontages and wireframes have been produced in line with the recommendations contained within these documents.
- The settlements that could benefit from the community fund would be a matter for the body that administers the fund. The comment expressed about the inclusion of Princetown can be forwarded to the applicant for consideration.
- The community engagement undertaken by the applicant was its own responsibility. The publicity undertaken in respect of the planning application has ensured that the public were given an opportunity to comment on the submission.

Other material considerations: None.

Conclusion

Whilst the analysis of the proposed development as set out above concluded that the majority of the effects were not unacceptable, some subject to planning conditions which could mitigate those effects, it did highlight one impact that is of significant concern, that is the significant adverse effects upon the Local Landscape Character. The Divisional Landscape Architect considered that this was sufficient to justify refusal of the planning application.

The overall thrust of national and local planning policy positively supports the production of energy from renewable sources and the contribution that onshore wind makes towards meeting the national, UK and European renewable energy targets. The proposed turbines would contribute to energy provision from renewable sources. As TAN 8 states, there is a balance to be struck between the desirability of renewable energy and landscape protection and the balance should not result in severe restriction on the development of wind power capacity. However, in this instance, it is concluded that the harm that would be caused to the landscape character and appearance of the immediate area is not outweighed by the benefits in terms of contribution to energy production from a renewable source, and that permission should be refused accordingly.

RECOMMENDATION that Permission be REFUSED

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

- 01) The introduction of the three turbines into the area of the Upper Rhymney Valley Special Landscape Area (SLA) identified in Policy NH1.1 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 (LDP) that lies to the south of the A465 Heads of the Valleys corridor, would not conserve or enhance the distinctive and characteristic features of this part of the SLA, but would rather result in a significant adverse impact on them, contrary to Policies SP10, CW4 and NH1.1 of the LDP.
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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0846/FULL 10.12.2013	Solar Securities Group Ltd Mr N Richardson 6 Hatfield Close West Byfleet KT14 6PG	Develop a solar photovoltaic farm with attendant equipment and infrastructure Land At Hendai Farm Heol Adam Gelligaer Hengoed CF82 8FU

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land at Hendai Farm, Heol Adam, Gelligaer, CF82 8FU. Hendai Farm is located around 3km south-west of Bargoed, and 2km north of Gelligaer. The village of Trelewis is located 1.2km south-west of the site and Taff Merthyr Garden Village is 460m west of the site. The site is accessed off Hendai Farm Lane leading off Heol Adam.

There are numerous scattered private dwellings, farms and smaller communities within the study area. The closest to the site is Wimbourne Terrace, located 130m north-east of the site, Pen-Heol-Adam, 70m north-east of the site, Llwyn-goleu, 230m east of the site, Llun-y-Mynydd, 290m east of the site and Penrhiw north-west of the site.

The site itself lies on the south-west facing slope of the Taff Bargoed Valley. Land to the east and south-east generally falls to meet the Rhymney River approximately 3.2km from the site boundary. Land to the north rises and continues to rise northwards forming the ridgeline of Cefn Gelligaer.

There are two clusters of ancient woodland immediately to the north-west of the site. The closest large area of woodland is located 1km west of the site at the closest point along the lower slopes of the valley side. Another noteworthy area of woodland is located 1.5km west of the site with the small Cwm Cothi Valley.

The application site lies within the Gelligaer Common Special Landscape Area and the Gelligaer Common Historic Landscape Character Area.

Site description: The application site comprises 8 field parcels with an area of approximately 28.7ha. Much of the land that the proposal would occupy currently supports sheep and cattle, being given over to grass when not being grazed. The site is primarily classified as Grade 4 under the Agricultural Land Classification (ALC) system with some Grade 5 land to the west.

Development: Full planning permission is sought in respect of the development of a solar photovoltaic farm with attendant equipment and infrastructure, including one substation to be situated in a parcel of land to the east of the group of farm buildings comprising Hendai Farm and 18 transformers/invertors in groups of three on 6 hardstandings situated in the north and south of a field to the north of the farm buildings.

The physical grid connection from the substation to the power cables will be dealt with in a separate application by Western Power Distribution (WPD) but this is expected to 'T' directly off the 33kv overhead power lines crossing the site. The precise route will be determined after the application for the solar farm is determined in line with normal practice. There would be a substation and inverter cabinets on site and the solar panels would be connected to these by underground cables. The applicant has submitted correspondence confirming acceptance of the Western Power distribution grid connection offer.

The site consists of 8 fields bounded by hedgerows. It is expected that sheep will graze the land beneath the solar panels and the panels themselves will offer shelter and shade for these animals in extreme weather conditions.

The development will involve the construction of the perimeter deer fencing and gates initially. A temporary gravelled compound will be established in the field next to the site entrance and will receive deliveries and serve as a staging area during construction. The centralised inverters and the transformer stations will be prefabricated and delivered to site as single items and positioned on a gravel base. The substation will have a flat roof, two doors and no windows and will require a concrete base with all cabling underground.

Panels within rows will be connected by cabling running through a conduit in the mounting frame. The PV arrays would then be connected together by DC cables buried in approximately 600mm deep trenches. Beyond the inverters AC cables will be required and these will be placed in trenches approximately 1m deep. The trenches would be excavated and backfilled by a tracked excavator. The panels would be piled to a depth not exceeding 3.3m although it is expected that a depth of 1.52m will be sufficient across the site.

The PV panels will be bolted on top of the frames and, should it be determined that mini-inverters be used rather than centralised inverters, these will be mounted at regular intervals on the frames underneath the panels. The mini-inverters would still feed into the transformer stations via cable trenches as detailed above.

The electrical infrastructure would require approximately 16,000m of cabling running between panels and the on-site substation. Some of the cabling will be buried in trenches as described above while some will run above ground below the panels. To protect the cables they would be laid on a bed of coarse, granular sand or fine gravel, approximately 150mm thick, and covered with a similar thickness in the same material.

ENVIRONMENTAL IMPACT ASSESSMENT

The nature and scale of the proposed development is such that it is considered to be an EIA Development as described by the Environmental Impact Assessment Regulations 1999 as amended. This was confirmed by this Local Planning Authority, who formalised this decision in a screening response dated 11th June 2013. A formal Environmental Statement (ES) has been prepared, to assess the potential environmental effects of the proposed development. The ES accompanies and informs the Planning Statement and the planning application submitted.

A Planning Statement, Design and Access Statement, a Non-Technical Summary, Environmental Management Plan, Construction and Traffic Management Plan, and Coal Mine Risk Assessment also support the application. Following discussions with the developer a Construction and Traffic Management Plan and Method Statement together with a Planting Plan have been submitted.

The following sections summarise the significant elements of those reports.

DESIGN OF THE SOLAR FARM

The use of solar photovoltaic panels converts sunlight into renewable electricity for export into the national grid. According to the applicants the solar farm has been designed to provide the maximum energy output with the minimum environmental impact and maintenance requirements, and will produce enough electricity to power approximately 3,088 to 3,700 homes. The proposal includes up to 57,408 individual panels. The panels will be mounted at 20 degrees to the horizontal in 'portrait' configuration, two panels deep on steel frames.

The mounting system will be secured to vertical legs piled into the ground with the lowest edge of the panels no more than 1m above ground level. Consequently, the total height of the panels will not exceed 2.2m. The arrays will be set out in long rows running in an east-west orientation across the site.

The site has been selected for its capability to support the proposed development. There is sufficient space available to deploy the solar panels, adequate un-shaded exposure, good existing access links and a semi-secluded location overlooked by relatively few residential properties.

The main approach route is expected to be from the A470 onto the A472 towards Nelson. Deliveries would exit the A472 onto the B4255 (Dynevor Terrace) then on to Commercial Street and Shingrig Road. After crossing the bridge they would turn right on to the B4254 (Gelligaer Road), proceed approximately 2.5km to where Gelligaer Road becomes Church Road and then turn left on to Heol Adam. They would continue approximately 1.5km up Heol Adam to the site entrance. The design of the scheme does require a section of permanent track within the boundaries of the farm to be constructed to facilitate access to the transformer stations and electrical transfer substation. Only small tracked vehicles and construction staff will be required to work between the rows of panels and as such no special provision will be required in these areas.

Once operational, the solar farm will function with minimal intervention. Maintenance requirements will comprise periodic inspections and routine replacements as determined by the manufacturer's recommendations, plus any emergency maintenance that may be required in the unlikely event of a component failure.

At the end of its 35-year operational life the solar farm will be decommissioned and the landscape restored to its agricultural use.

PUBLIC CONSULTATION

Solar Securities have undertaken an extensive consultation process, including public exhibition, written newsletters and one-to-one engagement. This has involved both statutory and non-statutory consultees as well as members of the public.

FLOOD CONSEQUENCES ASSESSMENT (FCA)

An FCA was undertaken to assess the potential impacts arising from the development due to alteration of existing drainage regime as a result of excavation for shallow concrete footings or sheet piles and increased erosion, sediment deposition and suspended solids in watercourses as a result of construction and decommissioning works. The assessment concluded that there are no local site specific risks that would adversely affect the Flood Zone category of the development land. The solar farm would not be at risk of fluvial or coastal flooding and no significant increased offsite flooding risks would arise as a result of the proposed development.

LANDSCAPE AND VISUAL IMPACT ASSESSMENT

A Landscape and Visual Impact Assessment was undertaken to identify and assess the significance of the likely landscape and visual impacts of the proposed solar farm development.

Landscape effects associated with a development relate to changes to the fabric, character and quality of the landscape resource and how it is experienced.

Visual effects relate closely to the landscape effects but they concern changes in views. Visual assessment concerns people's perception and response to changes in visual amenity. Effects may result from new landscape elements that cause visual intrusion or new features that obstruct views across the landscape.

The assessment concluded that the proposal would result in some localised significant effects on the landscape character of the area, due to the close proximity and introduction of a new use and structures currently not in the area.

The impact of the proposed solar farm on the wider landscape character has been assessed as not significant.

The proposal would result in some significant visual effects for pedestrians and residents, which are limited only to high open areas facing the site within a radius of approximately 700m of the site boundary, with the effects diminishing rapidly with distance due to intervening vegetation, buildings and landform.

Mitigation measures have been incorporated into the proposal by locating the solar farm on land that is well contained by the local topography and vegetation cover and by ensuring that in most cases the existing field boundaries, hedgerows and trees of the site are retained/improved or renewed.

Fields will be grassed enabling sheep to graze under the panels. The specification of the security fence, gate and other structures would also be developed to minimise the visual impact.

The proposal will not result in any cumulative landscape or visual impacts as no other large-scale solar farms are located within 2km of the site.

ARCHAEOLOGY

An Archaeological desk-based assessment was carried out including a walk-over survey of the site and its immediate surroundings to determine which documented archaeological features, structures or landscape elements survive and to identify and record and features additional to those identified in the desk-based assessment. A geophysical survey was also carried out to identify below ground disturbances that might represent archaeological features.

ECOLOGY

An Ecological Assessment was undertaken and concluded that the proposed development is not anticipated to result in any significant adverse impacts on designated sites, important habitats or protected species during the construction or operational phase and it offers an opportunity for new habitat creation.

GLINT AND GLARE

A Glint and Glare assessment was undertaken to identify the effect and extent of glint and glare caused by the proposed development, which could be perceived as a potential nuisance at receptors in the vicinity and as a potential threat to aircraft safety. Due to the intensity of the glint being much higher than glare the assessment assumed purely glint as a worse case scenario.

SOIL ASSESSMENT

A soil assessment was undertaken to identify the impact of the proposal upon soil resources and land use with the main areas of interest

BENEFITS OF THE PROPOSAL

The solar farm will reduce emissions of carbon dioxide through the displacement of electricity that would otherwise have included equivalent fossil fuel generated power.

Dimensions:

- The site area amounts to 28.72 hectares.
- The footprint of electrical cabinets and substation measure 90 square metres.
- The substation measures 6.05 metres x 2.44 metres x 3.31 metres high with a flat roof.

Materials:

Inverters and transformers will be of pre-fabricated modular design. Substation will be within a metal container type building.

Invertors and transformer stations and substation have flat or virtually flat roofs. None of the units have windows although there are screened apertures for ventilation.

With the exception of one boundary post and wire fence, all existing boundaries will be retained hedges, which will be enhanced where possible.

The silicone PV panels will be coloured black or blue and faced with anti-reflective glass. They will be mounted on galvanised steel frames.

Ancillary development, e.g. parking: Parking within the compound and portable welfare facilities will be provided during the course of construction. There will be no requirement to dispose of foul sewage once operational.

PLANNING HISTORY

5/5/88/0845 - Construct a new overhead transmission line link between electrical substation - Granted 06.01.1989.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Outside of any settlement boundary and within the Gelligaer Common Special Landscape Area as defined by Policy NH1.2 of the LDP.

Policies: Strategic Policies: SP2 - Development in the Northern Connections Corridor, SP5 - settlement boundary, SP6 - Place making, SP8 - Minerals Safeguarding, SP10 - Conservation of Natural Heritage, SP21 - Parking standards.

Countywide Policies: CW2 - Amenity, CW3 - Design considerations - highways, CW4 - Natural Heritage Protection, CW5 - Protection of Water Environment, CW6 - Trees, Woodlands and

Hedgerow Protection, CW15 - General locational constraints, CW19 - Rural development and Diversification, CW22 - Minerals.

NATIONAL POLICY Planning Policy Wales, 6th Edition, February 2014 sets out the land use planning policies of the Welsh Government. Technical Advice Note (TAN) 5 - Nature Conservation and Planning September 2009, Technical Advice Note (TAN) 8: Planning for Renewable Energy, July 2005. Welsh Office Circulars 11/99 Environmental Impact Assessment, Circular 60/96 Planning and the Historic Environment: Archaeology, circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Yes.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes.

The Coal Authority considers that the submitted revised panel layout along with the applicant's commitment to fence off the 2 mine entries is sufficient to ensure that these hazards pose no significant risk to either the proposed structures or public safety. The Coal Authority therefore withdraws its original objection to the proposed development.

However, the Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development requiring site investigation works be undertaken to determine the precise location of the 2 mine entries and for appropriate fencing to be erected around their respective potential zones of influence prior to commencement of development. The fencing should be retained during the operation of the solar farm.

In relation to the issue of mining legacy otherwise on the site, the Coal Authority concurs with the recommendations as set out in Sections 1, 4 and 5 of the Wardell Armstrong Coal Mining Risk Assessment, that intrusive site investigation works be undertaken, subject to obtaining Coal Authority permission, to determine the extent of past coal mining activities.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment and the additional information received, including the revised site layout plan, are sufficient for the purposes of the planning system in demonstrating in demonstrating that the

application site can be made safe and stable for the proposed development with the proposed mitigation measures.

CONSULTATION

Senior Engineer (Land Drainage) - Confirms a watercourse runs both on and adjacent to the site and provides advice to be conveyed to the developer in respect of the same together with land drainage advice. Following the receipt of further information submitted by the developer regarding surface water and land drainage flows, the Land Drainage Officer advises that as there are no drainage requirements he has no comments to make.

Head Of Public Protection - No objections.

Strategic & Development Plans - The proposal is in accordance with National and Local Planning Policy and therefore there is no policy objection to the proposal. However, advice should be sought from the Council's Ecologists and Landscape Architects. In terms of conservation and design matters there are no objections.

Conservation & Design Officer - In terms of conservation and design matters there are no objections to these proposals, provided that in the operation of setting up the site, there is no detrimental impact upon the desirability of preserving the listed building at Pen-Heol-Adam or its setting, or any features of special architectural or historic interest that it possesses.

Rights Of Way Officer - Footpaths 182, 183 and 251 in the community of Gelligaer cross the site and must not be obstructed.

Dwr Cymru - No comments.

Senior Arboricultural Officer (Trees) - Has no objections and confirms that the submitted information in respect of trees is satisfactory.

Glam/Gwent Archaeological Trust - The proposed works will require archaeological mitigation. Information contained within the environmental statement alongside that information in the Historic Environment Record is sufficient to allow them to recommend appropriate archaeological mitigation. As such it is recommended that a condition be attached to any consent that is granted ensuring the applicant submits a detailed programme of investigation for the archaeological resource. They envisage that this programme of work would take the form of a watching brief during ground work required for the development, to identify and record features encountered, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated, recorded and a report containing the results and analysis of the work is produced. This will also identify and enable a targeted response for mitigation in areas more likely to have a higher potential for archaeological material.

Merthyr Tydfil County Borough Council - No objection.

Civil Aviation Authority - The proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. Their response applies specifically to the above consultation and only reflects the position of NERL (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application.

Police Architectural Liaison Officer - No objections.

Chief Fire Officer - The developer should consider the provision of adequate water supplies on the site for fire fighting purposes and access for emergency fire fighting appliances. The comments of the Fire Safety Officer have been forwarded to the developer who has since contacted the Fire Safety Officer to address the issues raised referred to above.

Gelligaer Community Council - No objections or comments.

Natural Resources Wales - Having considered the site biodiversity appraisal submitted as part of the Environmental Impact Assessment, NRW are of the opinion that provided no trees or hedgerows are removed as part of the application they do not object to the proposal and welcome any opportunities to enhance the biodiversity value of the site.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site; several surrounding site notices have also been placed and 21 neighbouring properties and neighbouring authorities at Merthyr Tydfil Borough Council and Rhondda Cynon Taff have been consulted.

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? There are no specific crime and disorder implications material to the determination of this planning application. However, it is noted that the site is to be secured by fencing and will include CCTV cameras to survey the site. Hendai Farm will be occupied during the duration of the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

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

ANALYSIS

Policies: The development has been considered in accordance with local plan policies and national planning guidance.

National Policy is contained within Planning Policy Wales Edition 6 (February 2014) and Technical Advice note (TAN) 8: Renewable Energy (2005). PPW reflects a UK target of 15% of energy from renewables by 2020, and here in Wales "we have set a 4TWh per annum renewable electricity production by 2010 and a 7TW target by 2020 as stepping-stones to our ambition of 60% carbon savings by 2050."

In order to meet these targets Welsh Government has concluded that 800MW of additional installed capacity is required from onshore wind sources and a further 200MW of installed capacity is required from offshore wind and other renewable technologies. The provision of this solar farm falls under the heading of 'other renewable technologies' and will help to contribute to this target.

There are no specific policies in the LDP relevant to the provision of large solar farms. The application site lies in the countryside for purposes of the LDP. Policy CW15 - Locational Constraints is therefore relevant. Criterion C (iv) states that development in such locations will not be permitted unless the proposal is associated with the provision of public utilities and infrastructure that cannot be reasonably located elsewhere. Policy SP10 - Conservation of Natural Heritage sets out the overarching intention that the natural heritage of the Borough, including landscape, is to be protected. Policy CW4 - Natural Heritage Protection supports this and permits proposals, which conserve, and where appropriate, enhance the distinctive or characteristic features of the Special Landscape Area. In this instance the site is within the Gelligaer Common Special Landscape Area as identified in LDP Policy NH1.2. It is also within a designated historic landscape. Policy CW2 sets out specific aims with regard to development, namely development should not have an unacceptable impact on the amenity of adjacent properties or land, should not result in overdevelopment, and be compatible with surrounding land uses. Policy CW3 - Design considerations - Highways ensures that development satisfies and follows highway requirements.

The proposed development raises several key issues and these are addressed as follows:

- Principle of development
- Use of agricultural land
- Landscape and visual impact
- Impact upon the historic environment
- Ecology

- Highway safety and access
- Drainage
- Duration of permission.

PRINCIPLE OF DEVELOPMENT

In terms of the principle of the development, ideally large-scale solar PV arrays should be directed towards previously developed land or Brownfield sites. However, with relatively few sites of appropriate status and size within the Caerphilly County Borough, it is considered that, subject to other considerations set out below the principle of the proposed photovoltaic development on this undeveloped land in the countryside is endorsed by planning policy as a suitable source of obtaining renewable energy to meet the energy demands of the county. The applicant advises that an assessment of other land within the county borough was considered but solar PV is highly constrained by the requirement to be close to a suitable grid connection point. This site has the capacity to accept additional load on the overhead lines crossing the site and therefore fulfils this critical constraint. Other barriers to development such as site access and ecological impacts have been demonstrated to be manageable. The risk of disturbing buried features of archaeological interest has shown to be low. The applicant advises that finding alternative sites, which satisfy the above criteria where the landowner embraces the development, is even more difficult.

USE OF AGRICULTURAL LAND

Agricultural Land Classification (ALC) is a standardised method for classifying agricultural land according to its versatility, productivity and workability based upon interrelated parameters including climate, relief, soil characteristics and drainage. These factors form the basis for classifying agricultural land into one of five grades (with grade 3 land divided into sub grades 3a and 3b). Best and most versatile agricultural land is classified as grades 1, 2 or 3a; whereas moderate, poor and very poor quality land is designated sub grade 3b or grades 4 and 5 respectively. The ALC map for Wales shows that the site has an ALC of grade 4.

The proposal is for the temporary use of the land for the purposes of solar power generation. It is the intention of the landowner to use the land to graze sheep to prevent it from becoming overgrown and will assist eventual full restoration. The installation is capable of being decommissioned and removed from site at the end of its viable life or duration of planning permission if approved, whichever is the sooner, with the site returned to its original appearance; this would be enforced by planning condition.

LANDSCAPE AND VISUAL IMPACT

The application site lies in the countryside for purposes of the LDP. Policy CW15: Locational Constraints, at criterion C, states that development in such locations will not be permitted unless the proposal is associated with the provision of public utilities and infrastructure that cannot be reasonably located elsewhere (criterion iv). Policy SP10: Conservation of Natural Heritage sets out the overarching intention that the natural heritage of the Borough, including landscape, is to be protected. Policy CW4 furthers this: Natural Heritage Protection permits

proposals, which conserve, and where appropriate, enhance the distinctive or characteristic features of the Special Landscape Area. In this instance the site is within the Gelligaer Common Special Landscape Area as identified in LDP Policy NH1.2. It is also within a historic landscape. The supporting text to this policy states that these areas will be protected from any development that would harm their distinctive features or characteristics. The policy is not designed to preclude development, but an applicant will need to demonstrate that any development proposal will not have an unacceptable impact on the specific distinctive features or characteristics associated with the SLA. A detailed description of the SLA is found in the Appendix to the LDP together with a statement of Key policy, management and development control issues in the long, medium and immediate term.

One of the impacts considered in the Environmental Statement was the potential for significant landscape and visual effects.

The main issue in respect of this application relates to the extent of impact the PV panels would have on the landscape character of the site and its adjacent landscape and the visual impact of the PV panels on people living, working enjoying or passing through the area. The applicant has submitted a Landscape and Visual Impact Assessment in respect of the proposed application, which is in accordance with what is currently regarded as best practice.

A Zone of Theoretical Visual Influence (ZTVI) Map based upon a 7-kilometre radius centred on the site has been produced, to define a study area. This map indicates areas within 7 kilometres of the site from which the development is potentially visible. This study area is considered reasonable.

The report comments on the positive screening effect of the retained hedgerows at the site boundary, retained areas of woodland and internal boundaries. However, it is considered the screening value of these boundary hedges is poor, because they are mainly remnant hedgerows, seldom complete and often just composed of individual trees.

Within the site the field boundaries are primarily composed of stock proof fencing, which will provide no screening or visual enclosure. More effective natural screening when available, is located outside the site boundary and may not be in the control of the applicant. The hedgerows and woodland within the general area are also predominantly deciduous and will be less effective as a screen during the winter months. Overhead electricity transmission lines, pylons, radio masts and Gelligaer Quarry are sited as local visual detractors within the study area. The impact of the 33kv overhead electricity lines which cross the site is not considered to be a significant detractor. These and the other detractors, which are located outside the site boundary, were all present when the Natural Resources Wales LANDMAP assessment was undertaken and did not result in a significant downgrading on the overall LANDMAP baseline character assessment.

The effect of the proposed development during the construction and decommissioning phase, upon the Landscape Character of the study area has been assessed with reference to a landscape character baseline derived from LANDMAP. The baseline value of the site and its immediate surroundings (approximately 700m) has been assessed as "High," and the susceptibility of the site and its immediate surroundings to change as "medium to high."

The effects of the proposed development during the construction and operational phase, upon the Landscape Character of the site and its immediate surroundings (700m) have been assessed as "significant" during the construction and operational phase. This assessment is accepted but it is considered the arbitrary boundary of 700m has been drawn a little too tightly to the north and south of the site, where a distance of perhaps 1000-1200m might be more appropriate. However, it is agreed the effect on the Landscape Character of the wider area beyond the site and its immediate surroundings would be "not significant."

It is accepted that at decommissioning, once the removal of the solar farm structures has been completed, there would be no significant effects upon the Landscape Character of the study area.

The potential visual impact of the proposed development has been assessed in relation to 10 representative viewpoints, 15 main settlements, 15 individual or groups of properties, the Transport and Rights of Way Network and Recreational areas within the 7km study area.

The site lies on a southwest-facing slope; views into the site from the southwest are generally contained by the ridge along which Heol-Adam runs. The views from the south and west are more open from elevated locations and restricted and foreshortened from the valley floor and lower facing slopes by landform, intervening hedgerows and woodland areas. Views towards the site from the east are generally restricted by landform as the site falls away to the southwest. Views from the north and south are more likely from higher ground, which to the south / southeast is some distance from the site.

The visual impact assessment identifies that there are likely to be "significant" effects during the construction and operational phase, upon 9 residential properties situated within 2km of the site, in spite of the existing vegetation screening between the properties and the site. The properties affected are Hendai Farm, Pen-Heol-Adam, Llwyn-golau, Llun-y-Mynydd and 5 properties at Wimbourne Terrace. The potential effects on views from a further 10 properties within 2km of the site has been assessed as "not significant" due to potential screening by landform or intervening vegetation. These assessments are agreed.

The potential for significant visual effects to occur within 15 settlements located within the 7km study area was assessed as "significant" within Taff-Merthyr Garden Village alone, which is the closest settlement to the site. Views from any residential area would be constrained by the form and density of dwellings and public space within the settlement, the orientation of the settlement, the distance of the settlement from the site and the elevation of the settlement. The overall assessment is agreed with but it is considered that elevated properties within Treharris and Nelson may also experience clear and open views of the site and most of the development area. The effect of such open views, despite the distance of these residential areas from the site would it is considered be "significant."

Public Rights of Way Footpaths 182, 183 and 251 in the community of Gelligaer cross the site but they will not be affected by the proposed development. The potential visual effects upon the transport and rights of way network within the 7km study area have been assessed as "not

significant" in relation to the road, railway and cycleway network. This assessment is agreed given that the main focus of users of these transport networks is generally on the journey, and that views of the site are likely to be fleeting, oblique and generally when available, part of a much wider view. However it is considered that an open view of the site will be available to southbound users of the section of Heol Adam between Gelligaer Quarry and Wimbourne Terrace.

This effect though short lived is considered "significant." Six public rights of way close to the site including the Taff Trail and the Rhymney Valley Ridgeway Footpath were assessed and the effects on the three public rights of way closest to the site was found to be "significant," which is accepted.

The potential visual effects upon the Registered Parks and Gardens at Aberfan Cemetery Garden of Remembrance and Maes Manor Hotel were recorded as "not significant." The potential visual effects upon the council's country parks at Bargoed, Penallta, Parc Cwm Darren were assessed as "not significant." The potential visual effects upon open access land close to the site including Gelligaer Common and Coed Cae and Mynydd y Capel have been assessed as "not significant." These assessments are agreed.

Ten representative viewpoints were chosen and assessed. Only the effects on the view from viewpoint No 1 (footpath running through the site) was considered to be "significant." This assessment is agreed but it is considered that the effect upon viewpoint No. 2 (Cilhaul Rd Treharris) will also be "significant."

Originally no measures to mitigate the landscape and visual impact of the proposed development have been put forward, other than the selection of the site itself and the retention of existing hedgerows and other tree groups on the site. No additional planting other than closing gaps in existing hedgerows was proposed. Negotiations with the developers has resulted in an amended scheme which includes substantial new planting to strengthen existing boundary hedgerows and the replacement of some existing internal field boundaries with newly planted hedgerows, although it will be 10 to 15 years before the effect of such planting is noticeable.

The proposed development site has been assessed as having a "significant" effect upon the Landscape Character of the site and its immediate environs (approx 700m) and a significant visual effect upon nine residential properties with 2km of the site, the Taff Merthyr Garden Village, and three public rights of way close to the site. It is considered the "significant" effects upon Landscape Character will extend over a slightly wider area, and that "significant" visual effects will also be felt within the elevated east, north-east facing residential areas within Treharris and Nelson. In its broader sense it could be argued that any development of this scale and nature represents the introduction of alien structures that are at odds with the intrinsic natural characteristics of the open countryside. However, in balancing policy objectives (not least that of supporting the provision of renewable energies) there will likely be some locations and sites within the countryside where the local landscape has a greater capacity to accommodate such forms of development than others.

Despite its relatively elevated locations on the south-west facing slope of the valley side, the visual impacts of the proposal would be relatively localised - nevertheless it will be visible from elevated locations from where a localised change in pastoral character of the landscape would be perceived. It is judged that this would result in a localised moderate effect on the character of the landscape; however, when considering the Special Landscape Area and the designated historic landscape as a whole, the key characteristics of the area would be retained, and following additional planting will also be improved during the course of time.

The effects are therefore localised and minimal and as such are acceptable in planning terms. However, it is considered appropriate to attach conditions to any consent

Due to the angle of the panels glint and glare are not considered to be a concern. It is considered that any potential impacts, due to the lack of reflective surface on the panels, which are designed to absorb sunlight, would not be significant and the proposal is acceptable in this respect.

In respect of cumulative impacts, there are no other solar farms within the surrounding area.

The ground beneath and around the structures would be maintained as rough grassland and the land between the perimeter vegetation and the security fence would be maintained as an area for wildlife with no need to change or affect any Public Rights of Way. Security fencing is proposed and will integrate more sympathetically into the landscape. The access track facilitating the development will be the existing farm access track. Following decommissioning, all above ground structures, including the mountings, control building and fencing would be removed.

The application is for the construction of panels for a temporary period of 35 years after which the panels will be removed. The removal of the panels, which would be carried out with minimal disruption would remove any adverse landscape and visual impact that these panels may have. In summary although these panels would be visible in the immediate vicinity of the site, it is not considered that their introduction into this landscape would have an unacceptable adverse landscape impact to the degree that consent should be withheld. However, it is considered appropriate to attach conditions to any consent requiring the development to be carried out in accordance with the revised landscaping details, and a Landscaping Management Plan being provided to include 5 yearly monitoring of the development for the period of the consent or until the site is decommissioned, whichever is sooner.

IMPACT ON THE HISTORIC ENVIRONMENT

A detailed Archaeological assessment of the potential impacts on the historic environment of the proposal was undertaken on behalf of the applicant and submitted as part of this planning application and included a desk based assessment, a site walkover and geophysical analysis.

Archaeological (and Historic Structures) Factors

The DAS states that 'an archaeological study has indicated that the proposal would not have a significant adverse effect on the archaeology of the site. It has been established that no statutory designations will be physically impacted upon by the proposals.' However the nearby grade II listed building (Pen-Heol-Adam farmhouse) and a Landscape of Special Historic Interest (Gelligaer Common) may experience setting impacts.

An ASIDOHL (Assessment of the Significance of Impacts of Development on Historic Landscapes) assessment has been undertaken to assess the impacts of the development upon setting and this demonstrated that the proposed solar installation at Hendai Farm would have a slight impact upon the historic landscape and the fundamental characteristics of the Gelligaer Historic Landscape would not be affected to a significant degree.

The proposed development is located within 5km of the scheduled ancient monuments known as:

GM016	Gelligaer Roman Site
GM176	Maen Cattwg (cup-marked stone)
GM270	Tir Lan round barrow cemetery
GM271	Coed Cae Round Cairns
GM272	Cefn Merthyr Round Cairns
GM309	Capel Gwladys
GM317	Three Platform Houses on Cefn Brithdir
GM359	Merthyr Tramroad: Pont y Gwaith section and associated bridges
MM310	St. Sannan's Churchyard Cross, Bedwellty

The proposed development is not considered to have a direct, physical, impact on any of the above Scheduled Ancient Monuments (SAMs). This advice relates to the potential impact on the settings of the above SAMs that lie within the 2km ZTV and 5 km ZTV submitted by the applicant.

The application is accompanied by an environmental statement, which includes a section on cultural heritage, prepared by qualified archaeologists. In this section the impact of the development on the setting of the ancient monuments is considered and analysed. This work shows that the impact of the proposed development on the setting of the designated sites is considered to be at worst slight and this assessment is broadly agreed.

The development area is included within the Gelligaer Common area, as extended by the detailed characterisation survey carried out by the Glamorgan-Gwent Archaeological Trust,

although it is outside the boundary of the historic landscape as depicted in the published register. However, for the purposes of the environmental statement an ASIDOHL assessment was carried out in accordance with the current methodology, for the area as though it was included in the published register.

The results of this work showed that the development would have a low to moderate impact on Historic Landscape Character Area but the overall impact on the registered historic landscape would be slight. These results are agreed upon. However, Glamorgan Gwent Archaeological Trust confirm the Historic Environment Record notes that land outlined in the proposals contains features associated with a number of archaeological sites ranging from the pre-historic through to the post-medieval period and relating to differing activity, including settlement, land management and mineral extraction. An environmental statement was submitted with the application, chapters 7 and 12 of which addressed cultural heritage and archaeology. The cultural heritage and archaeology chapters of the environmental statement provided an assessment of the archaeological resource identifying in paragraph 12.7 that the "proposed solar farm at Hendai Farm has the potential to impact upon known, and as yet unknown, buried archaeological remains" within the application area. They were concerned however by references made to the lack of Anglo-Saxon period remains in the study area; such a lack of remains of this type should not be surprising as there was no Anglo-Saxon period within Wales. The reference made to this period raises questions about the authors understanding of the region's archaeological and historical development. This aside, information contained within the environmental statement alongside that information in the Historic Environment Record is sufficient to allow them to recommend appropriate archaeological mitigation, which may be addressed by the imposition of an appropriate condition being attached to any consent.

The proposals would have a moderate impact upon the setting of the grade II listed building (18/07/2001) known as Pen-Heol-Adam farmhouse, Gelligaer to the north of the proposed access to the site and planning application site, that is included on Cadw's statutory list as a rare survival of a small little altered regional farmhouse of c1700. That limited impact will be acceptable from a planning point of view.

ECOLOGY

Policy SP10 - Conservation of Natural Heritage, Policy CW4 - Natural Heritage Protection and Policy CW6 - Trees Woodland and Hedgerow Protection of the LDP are relevant and aim to protect, conserve, enhance and manage the natural heritage of the county borough. The ecological assessment that accompanied the planning application comprised a desk study, a site survey and a report; it also included a confidential badger survey report as an appendix. The assessment concluded that the proposed development is not anticipated to result in any significant adverse impacts on designated sites; important habitats or protected species during the construction or operational phase and it also recommends opportunities for habitat creation.

It appears in general the fields proposed for the solar arrays are agriculturally improved and therefore of a relatively low biodiversity value. Some features of the site - hedgerows, mature

trees, etc, have high value and protected and priority species are likely to be present, particularly bats, nesting birds, reptiles, brown hare, hedgehog and Common toad. No trees or other vegetation is planned for removal, so there should be no negative effect on roosting or foraging bats. The network of hedgerows, woodlands and other semi-natural habitats are important green corridors and should be retained.

A number of mature trees were identified as having features with potential to support roosting bats. If any of these trees require subsequent management or removal, a competent, licensed ecologist must undertake a bat survey.

Vegetation clearance and levelling of the ground within the areas of the solar arrays should be undertaken outside the breeding bird season to avoid the risk that ground-nesting birds will be disturbed. An appropriate condition may be added to any consent requiring no site/vegetation clearance during the bird breeding season.

Lighting during construction has the potential to affect bat foraging/commuting activity, nesting birds and other nocturnal animals such as hedgehogs and badgers. Construction should be undertaken between 07:00 and 19:00, so some lighting may be required during the winter months when bats and hedgehogs are in hibernation. It is considered appropriate to attach a condition to any consent restricting the hours of working in this respect.

No mitigation for reptiles is recommended as the fields comprise short-grazed improved grassland, which has limited value for species such as slow worm and common lizard. However, it is recommended that the grassland be cut to ground level and debris removed 2 weeks before commencement of construction works in order to ensure no reptiles or amphibians use the construction areas. A 5m offset between the construction areas and the watercourses is recommended to avoid pollution incidents from vehicles and other machinery, which will also avoid negative impacts on nearby SINC (Nant Caeach) and SSSI (Nelson Bog) and all excavations should be suitably fenced and a means of egress provided for the duration of construction to prevent animal entrapment. Again these matters may be addressed by attaching appropriate conditions to any consent.

There are several mature hedgerow trees outside of the site, including Oak, which may be assessed by this Local Planning Authority for protection through a Tree Preservation Order for their landscape value and for screening the solar arrays in the long term, particularly given the site's location within Gelligaer Common Special Landscape Area. In addition the agreed restoration of some hedgerows and new hedgerows to be planted will restore connectivity across the site (mainly the north-eastern and south-eastern boundaries) in terms of biodiversity. The arrays are located away from field boundaries to avoid the shading effect of trees and vegetation so no trees will be affected by excavations to facilitate the development in the root protection zone. As a biodiversity enhancement the developer is willing to erect bat and bird boxes and also create a wildflower meadow at a couple of small sections of field that are not affected by the solar arrays and next to the substation adjacent to the farm. Long-term management is an issue, so full details for the full period of 35 years of operation should be submitted and this may be conditioned.

In terms of ecology and biodiversity it is considered that the proposed development does not conflict with policies CW4 and CW6 of the LDP and subject to the imposition of appropriate conditions is considered acceptable in planning terms.

HIGHWAY SAFETY AND ACCESS

Vehicular traffic, which is mainly in the construction phase of the development, is anticipated to last for approximately 3 months. A construction compound would be provided within the site boundary. Following construction, the installation would be monitored remotely and not require permanent staff to be located on-site. However, the landowner's daughter will reside in the existing farmhouse and will farm the land accordingly. Servicing of equipment on the site would only need to be undertaken every 2 - 3 months by a maintenance engineer using a small van/truck. As such, the level of traffic generated by the proposed development is considered to be minimal.

The Construction and Traffic Management Plan and Method Statement submitted considers the traffic impacts that could arise during construction of the proposed development and outlines the principles to manage site operations with the view to minimising any transport and traffic-related issues during the construction

The Council's Transportation Engineering Manager has considered the information submitted in support of the application and raised no objection to the development subject to the imposition of appropriate conditions.

DRAINAGE

In this respect Policy CW5 of the LDP - Protection of the Water Environment is relevant. The flood risk assessment submitted as part of the planning application has identified that the development is not at risk of flooding. The applicant has also investigated the impact of run-off rates from the site. As the photovoltaic power plant's substructure allows for flexible installation, no changes to drainage are anticipated. Specifically, the steel substructure will follow the contours of the land, eliminating the need for any cut or fill of the topography. Existing grasses and vegetation will be maintained such that surface flows will be minimised and kept at current levels.

DURATION OF PERMISSION

The application seeks consent for a temporary period of 35 years and this can be conditioned within any planning permission. Once the life of the permission is reached, the recommended condition would require the site be decommissioned, all infrastructure removed and the site restored to its original state.

TAN 8 encourages developers to take an active role in engaging with the local community on renewable energy proposals (Para. 2.15). The applicant has followed that advice and engaged with the local community in Gelligaer as referred to above.

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: None.

Other material considerations: The applicant is proposing to set up a Community Benefit Fund equivalent to £3,000 per MW of installed capacity. Since 13.8 MW panels are proposed, this amounts to a community benefit package with a value of £41,400. Solar Securities intends to make this sum payable to Gelligaer Community Council as a commuted lump sum within 6 weeks of energisation of the project. However, the community benefit offer is not relevant to the consideration of this planning application as neither the principle of the undertaking nor the details contained within it have been proposed in order to directly mitigate or remedy a specific planning objection to this proposal. Therefore no weight has been given to the inclusion of a community benefit scheme when considering this application.

CONCLUSION

The development fully meets the aims of international, UK and Welsh Governments with regard to climate change, renewable energy and energy security. The solar farm is essentially compliant with established and emerging Government and Local Planning Policies and it is the type of project for which government policy statements and consultation documents have established a 'need' and which are actively encouraged as an integral part of meeting Government's international obligations.

The main thrust of PPW suggests local policy should positively support 'sustainable development' and there is positive encouragement for renewable energy projects. However, PPW reiterates the importance of protecting important landscapes, as well as heritage and ecology assets.

The Hendai Solar Farm will make a significant contribution to the Caerphilly, UK and EU renewable electricity targets and therefore is compliant with policy from an international level through national policy to regional and local policy as set out in the LDP.

The development has been designed to maximise environmental acceptability and reflects Caerphilly County Borough Council policies of encouraging appropriate renewable development to maximise installed capacity.

The proposal subject to the recommended conditions is considered acceptable with regard to design and siting and with regard to all other material planning considerations. The positive contribution of the scheme to renewable energy targets and local sustainability, on the land that is not considered to be the best and most versatile agricultural land, is considered to outweigh any limited harm that may arise as a result of the development as conditioned. The proposal would provide technology for renewable energy production thereby reducing dependency on existing non-renewable energy sources.

While permanent development of such a nature may not ordinarily be appropriate within the open countryside the current application seeks consent for a temporary period of 35 years, and this can be conditioned within any planning permission. Therefore, on balance, it is considered that the proposed development would accord with the relevant national and local policy guidance referred to in this report.

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 3 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) At least 5 working days notice in writing shall be given to the Local Planning Authority in respect of the commencement of works.
REASON: To enable the Local Planning Authority to ensure construction works take place in a timely manner and to minimise disturbance to neighbouring amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan - up to 2021 Adopted November 2010.
- 03) The development hereby approved relates to the details received on 11/3/14 (drawing no: PE/0087 - 100) by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.
- 04) Prior to commencement of work on site a Landscape Management Plan, including:
 - (a) long term design objectives,
 - (b) management responsibilities,
 - (c) maintenance schedules for all landscape areas,
 - (d) 5 yearly monitoring and review procedure shall be submitted to and agreed in writing with the Local Planning Authority.The Landscape Management Plan shall be carried out as agreed.
REASON: To ensure that the landscaping is maintained in the interests of the visual amenity of the area.
- 05) Notwithstanding the submitted plans, the substation hereby approved shall be screened in accordance with details to be submitted for consideration and approval in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the solar panels first providing electricity to the national grid.
REASON: In the interests of visual amenity.
- 06) No external lighting shall be installed or operated during the operation of the site.
REASON: In the interests of nearby amenity and to safeguard the ecological interests of the site in accordance with Policies CW2 and CW4 of the Caerphilly County Borough Local Development Plan - up to 2021 Adopted November 2010.

- 07) Construction, movement of materials and decommissioning works shall take place only between the hours of 0800 - 1800 Mondays to Fridays and 0800 - 1300 Saturdays and not at all on Sundays or Public Holidays.
REASON: In the interests of residential amenity.
- 08) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Local Planning Authority, except for those works permitted by this consent.
REASON: To protect the landscape character of the area in accordance with Policies CW4 of the LDP.
- 09) Within 35 years and 6 months following completion of construction of development, or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, the solar PV panels, frames, foundations, inverter housings and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall be subsequently restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.
REASON: In the interest of visual amenity.
- 10) No development shall be begun until a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of proposed landscaping and planting around the site including details of perimeter and internal hedge management. The scheme shall also provide full details of the new hedges, including their heights, widths and species to be used. All hard and soft landscaping shall be carried out in full accordance with the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
REASON: In the interests of visual amenity.
- 11) Prior to the commencement of development site investigation works shall be undertaken to determine the precise location of the 2 mine entries (Coal Authority references 311198-003, and 311198) and for appropriate fencing to be erected around their respective potential zones of influence in accordance with details to be agreed with the Local Planning Authority. The fencing shall be retained in place during the operation of the solar farm.
REASON: In the interests of public safety.

- 12) Prior to commencement of development intrusive site investigation works shall be undertaken as set out in Sections 1,4 and 5 of the Wardell Armstrong Coal Mining Risk Assessment to determine the extent of past coal mining activities. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, these remedial works shall be undertaken prior to commencement of the development.
REASON: In the interests of public safety.
- 13) 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.
- 14) If trees with suitable features for roosting bats originally identified to be retained require felling or tree management work as part of the development hereby approved, a climbing inspection for bats shall be carried out before such works take place, and the results of the survey, together with details of any proposed mitigation measures shall be submitted for the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.
- 15) Any site or 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.
- 16) Works associated with the development hereby approved shall be carried out between 0700 and 1900 hours only.
Reason: To minimise disturbance to foraging/commuting bats and other nocturnal animals.
- 17) The development hereby approved shall be carried out in accordance with the recommendations made in Chapter 8 Sections 8.111, 8.112, 8.114, 8.115, 8.118, and 8.122 of the Environmental Statement dated July 2013; prepared by Wardell Armstrong; unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure adequate protection and mitigation for protected species.

- 18) Heol Adam shall be improved in a manner to be agreed in writing with the Local Planning Authority before any works commence on site. The improvements shall be in the form of the provision of passing bays at suitable locations along the lane, which shall be completed in materials to be firstly agreed in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
- 19) The applicant shall submit a revised Construction and Traffic Management Plan for the consideration and approval in writing of the Local Planning Authority. The terms and content of the agreed Construction and Traffic Management Plan shall be implemented before construction and deliveries commence.
REASON: In the interests of highway safety.
- 20) Prior to the commencement of any deliveries to the site a condition survey of Heol-Adam shall be carried out (in conjunction with the Highway Authority) and agreed in writing by the Local Planning Authority and shall include a scheme and timetable for the repair of any damage caused by loads associated with this development.
REASON: In the interests of highway safety.
- 21) Prior to the commencement of construction works Hen-Dai Farm Lane access off Heol-Adam shall be surfaced in permanent materials for the first 10m of the lane in accordance with details to be agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
- 22) Notwithstanding the submitted plans, no works shall commence on site until details of the parking areas have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be completed in accordance with the agreed details prior to works commencing and maintained for the duration of the works.
REASON: In the interests of highway safety.
- 23) 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.

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, CW4.

The applicant is advised of the comments of the Public Rights of Way Officer, Coal Authority, South Wales Fire Service, Dwr Cymru/Welsh Water, CADW, Natural Resources Wales and Glamorgan Gwent Archaeological Trust.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0047/FULL 20.01.2014	Mr N Minett 20 Aelybryn Street Fochriw Bargoed CF81 9JW	Erect rear extension to kitchen 20 Aelybryn Street Fochriw Bargoed CF81 9JW

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the eastern side of Aelybryn Street.

House type: The application property is a mid terraced dwelling with a two-storey rear annexe that is three quarters of the width of the main dwelling. The dwelling is finished in pebble dash with a slate roof and it has a terraced rear garden that is lower than the ground level of the house such that the rear annexe is some 1.1m above garden level. There is an existing patio area to the rear of the annexe that is at the same level as the dwelling.

All of the dwellings within the street have the two storey rear annexes with the adjacent dwelling at number 19 Aelybryn Street also having a further lean to extension to the rear of the annexe and a further flat roof extension to the side of that. The flat roof extension has windows in both its side and rear elevations.

Development: The application seeks full planning consent for the erection of a single-storey extension to the rear and side of the existing two-storey annexe. The extension will wrap around the existing annexe, will sit on top of the existing patio area and it will accommodate an enlarged kitchen. The extension will have a hipped roof.

Dimensions: The extension projects out from the rear of the annexe by 2.3m and is 5.4m wide in total.

Materials: To match the host dwelling.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

No previous planning history.

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries); CW2 (Amenity); CW3 (Design Considerations: Highways); CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on extensions and conservatories.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

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

CONSULTATION

Dwr Cymru - No objection.

ADVERTISEMENT

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

Response: None.

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? None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application seeks planning consent for an extension that projects out from the main back wall of the host dwelling by 5.8m. This is considerably more than the 4m that would be allowed by the guidance contained in Supplementary Planning Guidance LDP7. However the configuration of the application and neighbouring properties allow for an extension of that length in this case.

The neighbouring house to the south (no. 21) has a two-storey annex on the boundary with the application site, and the proposed extension would project only 2.3m beyond the rear of that neighbour. The extension would effectively fill in the gap between the applicant's and that neighbour's rear annex.

The neighbouring house to the north (No. 19) already has a single-storey rear extension in much the same corresponding location at that property. At present it has windows facing southwards directly into the application site. The proposal would project 2.3m beyond the applicant's rear annex, directly in front of those windows, affecting that neighbour's outlook and light. The neighbour's extension also has a window facing eastwards down the garden.

In this case it would appear unreasonable to prevent the proposed modest extension because the neighbour has enjoyed light and outlook from those side windows directly across the applicant's property. The neighbour also has a window in the light well between the two rear annexes, but the impact of this single-storey extension will not be significant in view of the proposal's location, design and height.

Comments from consultees: No objections raised.

Comments from public: None.

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.

PREFACE ITEM

APPLICATION NO. P/06/0037

APPLICANT(S) NAME: Cray Valley Ltd

PROPOSAL: Redevelop site incorporating 545 residential units and 2.5 acres for a primary school

LOCATION: Waterloo Works Machen

This application is a long standing proposal which was originally reported to the Planning Committee on the 20 June 2007 (a copy of that report is attached as an appendix to this preface item).

At that time Committee resolved to grant a conditional consent for the development subject to the completion of a Section 106 Agreement.

This Agreement was based on:

- i. The payment of a highway contribution of £2,953,335.00.
- ii. A sum of £2,599,000 for a primary school building along with a site of 2.5 acres on which the school would be built; and
- iii. To provide a developable site of 1.5 acres and the units of low cost ownership.

Whilst the last draft of the Section 106 Agreement was prepared in the summer of 2009 it has not yet been signed and as such the planning permission has not been issued.

The land owners Total Limited have indicated that they intend to clear the site of all contamination prior to pursuing its development for housing. In this regard they are seeking to finalise a remediation scheme with the Authority and our external consultants designed to clear the land to a standard that can accommodate residential development and the school. This aim has nonetheless delayed the completion of the agreement. It is also acknowledged that the local housing market is not currently at its most prosperous.

In view of the length of time that has elapsed discussions have taken place with the owner's agent to attempt to bring the matter to a conclusion. In recognition of the changed market circumstances Officers have suggested that whilst the amounts of money and land required should remain unchanged it may be possible to look at the way the contributions are phased.

In this regard the most onerous part of the Section 106 Agreement is the educational contribution. At present this requires the total sum to be paid at the time the licence to build the school is granted.

The owner's agent suggested an option whereby his client would be prepared to pay the financial contribution in four equal tranches linked to the occupation of the 100th/200th/300th and 400th dwelling. This would be phased along similar lines to the Highways contribution contained in the Section 106 Agreement. It is not however considered practical to delay the funding of the school on potentially such a protracted basis.

It is considered that a more acceptable option would be the payment of the money on the commencement of the construction of the 100th house rather than on the granting of the licence. This would allow the receipt of a substantial amount of capital which would assist the contribution process.

This is an apposite time to conclude this outstanding matter as it would secure a planning consent on a residential site identified in the Adopted Caerphilly County Borough Council Local Level Development Plan. This will assist in improving the Authority's Five Year Land Supply Figures, which are currently below target.

It is also at a point in time when the Section 106 Agreement mechanism for securing the provision of infrastructure and services which seek to mitigate the effect of development, and which cannot be required directly through the planning process, is being superseded, in large part by the Community Infrastructure Levy (CIL) which, subject to Council approval will be adopted on the 1 July 2014.

If the Section 106 Agreement for this site is not completed by that time the application will need to be re-assessed in the light of CIL and would require a further report to Committee in this regard.

In order to attempt to bring this longstanding matter to a satisfactory conclusion it is recommended that the amendment to the phasing of the education contribution be accepted

RECOMMENDATION:

That the Section 106 Agreement be amended to reflect the payment of the education contribution upon the commencement of the construction of the 100th dwelling on the site rather than the granting of the licence to build the school.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
P/06/0037 13.01.2006	Cray Valley Ltd C/O DTZ Piedad Consulting Marchmount House Dumfries Place Cardiff CF10 3RJ	Redevelop site incorporating 545 residential units and 2.5 acres for a primary school Waterloo Works Machen

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The site is located to the north of the village of Waterloo and is sited some 2.5 miles east of Caerphilly town. The site also lies approximately 7 miles from Junction 28 of the M4 motorway.

The site is bounded to the south by a small number of houses (i.e. Waterloo) and open countryside, to the east and west by open countryside, and to the north by the River Rhymney, beyond which is the A468 Caerphilly to Newport road.

The land has until recently been occupied by a company that produced specialist paint resins. The majority of the operation closed in 2003 and works were subsequently commenced to demolish the industrial buildings on site approximately one year later.

Within the site, however, was located an independent paint manufacturer (i.e. Valspar) whose lease terminated in the autumn of 2006.

The site is relatively flat although there is an elevated railway embankment along the western boundary and raised bunds along the banks of the River Rhymney to the north.

The vast majority of the application area was covered in industrial buildings, offices and plant installations. However, approximately one-fifth of the site is undeveloped and comprises mostly open, grassed fields in the north-eastern corner of the site.

Development: The proposed application is an outline submission which seeks to reserve all detailed matters.

The scheme as originally submitted was for the redevelopment of the site to incorporate 495 residential units and over 5,780 square metres of employment space and community facilities. As the application progressed, discussions between your Officers and the applicant and their agents has resulted in a changed description which reads "redevelopment of the site incorporating 545 residential units and 2.5 acres for a primary school."

The result of this revised outline proposal is that the buildings on the site that were shown as being retained for employment purposes (mainly the existing research and development and office buildings towards the front of the site area) are to be demolished to allow for the additional housing, etc. Illustrative layouts have been submitted as part of the proposal, however, these do not form part of this proposal (other than as guidance).

In view of the scale and complexity of the proposal, the application was accompanied by an Environmental Statement submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

This statement included sections covering the following areas:-

- (1) Planning Supporting Statement;
- (2) Development Framework and Design Statement;
- (3) Noise, Vibration and Dust Assessment;
- (4) Transportation Assessment;
- (5) Ecological Assessment;
- (6) Land and Visual Impact Assessment;
- (7) Flood Risk;
- (8) Remediation Strategy.

The purpose of this Environmental Statement is to identify and evaluate the potential environmental effects of the proposed development and to draw together the assessment of the proposals to a mix of both the public and decision matters in understanding the environmental issues surrounding the proposed development.

The applicant held a two day, pre-application consultation exhibition at the site, where an opportunity for the public to comment was allowed.

Dimensions: The application site area as indicated in the amended form (i.e. for 545 houses and 2.5 acres for a primary school) totals 16.68 hectares (41.2 acres). Of this 13.4 hectares comprises the works and the car park area on the eastern side of the road into Waterloo, whilst 3.25 hectares of land is currently undeveloped.

It is intended to locate the school and junior size sports field towards the north-eastern corner of the site, however, the exact position has not yet been finalised.

The site is an irregularly shaped area of land measuring approximately 150 metres at its widest point (north to south) and approximately 400 metres at its longest point (east to west). Its frontage with Waterloo Road measures 110 metres.

Application No. P/06/0037 Continued

To add to this main area, there is the triangular shaped parcel of land which served as a car park for the Cray Valley operation. This measures approximately 90 metres along its base and

100-110 metres on each of its sides. This area abuts onto housing on Waterloo Place along its southern boundary.

Materials: None.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

As would be expected, the site has a range of approvals for office and industrial buildings over the years. The live applications of direct relevance to this current proposal are the last two on the following list.

5/5/91/0237 - Erect mess room/office/toilet facilities - Approved 20.05.91.

5/5/91/0238 - Erect laboratories and offices - Approved 30.05.91.

5/5/92/0195 - Re-roof, provide overcladding and erect extension to building 14 - Approved 15.05.92.

5/5/92/0558 - Erect sign - Approved 16.10.92.

5/5/92/0764 - Construct new amenity building - Approved 11.02.93.

5/5/93/0189 - Erect industrial unit for storage of drums, raw materials and finished products - Approved 06.03.93.

5/5/94/0439 - Re-clad building 24 to improve amenity of site - Approved 12.08.94.

P/96/0120 - Erect group of buildings within existing site boundary for housing of plant and machinery used for the manufacture of synthetic resins - Approved 24.10.96.

P/97/0817 - Construct a control room and electrical switch room adjacent to building 38, an existing production building - Approved 27.10.97.

P/99/0878 - Store toluene di-isocyanate (HSC) - No objections 25.11.99.

P/04/1891 - Excavate, on-site treatment and backfilling of approx 15,000 cubic metres of contaminated soils - no significant change to levels across site are proposed - Approved 08.12.05.

P/06/0629 - Excavate, on-site treatment and back filling of approximately 21,000 cubic metres of contaminated soils with no significant change to levels across site proposed - Granted 07.12.06.

Applications P/04/1891 and P/06/0629 both deal with the on-site remediation of the land which is necessary for the after-uses currently proposed to be carried out.

The difference in the proposals is that the first application addresses the site remediation with the Valspar operation of approximately 2.7 hectares (i.e. 6.6 acres) not included.

Valspar subsequently vacated the site in 2006 and, as such, the second application for an overall remediation scheme was submitted and approved in December 2006.

The site remediation works are currently continuing on site.

POLICY

Site Allocation

Development Plan: The Adopted Caerphilly Basin Local Plan covered the whole of the Basin area which extended east to include Waterloo. In this Plan, the site is shown as forming part of an employment site (i.e. E1 Waterloo Works). The vast majority of this designation is contained within the settlement boundary of that Adopted Plan. An area of 0.85 hectares does project into the open countryside.

Council Approved UDP: This Plan once again shows the site as being mostly within the identified settlement boundary and as being an identified industrial estate known as Waterloo Works.

Policies

Development Plan: The Adopted Caerphilly Basin Local Plan contains Policy E1 which seeks to channel industrial developments into certain identified sites, one of which is the Waterloo site. Also of relevance is Policy EV1 which presumes against development in the open countryside and Policy S3 of the Adopted Mid Glamorgan County Structure Plan (1989) which also presumes against development in the open countryside.

Council Approved UDP: This Plan contains a range of policies of relevance to this proposal. These are as follows:-

DC1 - Development Criteria
DC2 - Settlement Boundary
DC3 - Planning Guidance

E2 - Protection of Existing Industrial Premises
E3 - Protection of Existing and New Industrial Sites
H2 - Development on Unallocated Sites
H3 - Affordable Housing
C12 - Special Landscape Area
C13 - Trees, Woodlands and Hedgerows

1T(B) - Transport Strategy
L9 - Open Space Provision
L10 - Outdoor Sport Provision
CF5 - New School Buildings

Attention has also been paid to the following:-

National guidance contained in Planning Policy Wales (PPW) and TANs 2 (Affordable Housing), 12 (Design) and 15 (Development and Flood Risk).

The PPW guidance was particularly relevant in respect of the use of brownfield land for new development.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Yes. The proposal was the subject of a screening exercise prior to the application being submitted. In view of its past use, its scale, location, etc., it was considered that an Environmental Impact Assessment was required under Schedule 2 sub-section 10 (Infrastructure Projects).

A subsequent screening opinion was requested by the current applicant and this was provided. An Environmental Statement was thereafter submitted which addressed the issues found relevant in the scoping opinion.

CONSULTATION

Dwr Cymru - Raises no objections subject to the imposition of conditions relating to the provision of details of foul, surface water and land drainage at the site. It also made a number of comments on drainage issues which it requires to be forwarded to the developer to address.

Environment Agency (Wales) - Considers the proposal under four separate headings:

- (a) Flood risk;
- (b) Ground water and contaminated land;
- (c) Biodiversity;
- (d) Other issues - e.g. Land Drainage Act, responsibility, maintenance of watercourses, etc.

(a) With regard to the first of these, it originally objected to the proposal from a flood risk perspective. Additionally, information has been provided as an addendum to the previously submitted flood consequences assessment. This information now allows the Environment Agency to withdraw its objection.

(b) The Agency considers that any issues raised here can be dealt with by way of condition.

(c) No objection is raised on this basis.

(d) The points raised here are ones that are best forwarded to the developer as advice in an accompanying letter should consent be granted.

Wales & West Utilities - Has apparatus within the site and comments that extreme caution should be used in view of the pressurised gas plant in the vicinity.

Head Of Public Protection - Comments that he raises no objection in principle to the proposal, however, he would wish to see gas monitoring undertaken at the site as part of the remediation work previously approved. He does, however, require a range of conditions to be imposed which not only address the gas monitoring issue but also deal with site remediation matters, dust and noise mitigation, hours of operation during construction, etc.

Group Manager (Transportation Planning) - Raises no objection although he requires a range of information to be obtained by way of condition. He also requires the payment of money in line with the standard planning obligation in respect to contributions to improvements of the strategic highway network.

Manager (Countryside And Landscape Services) - Raises no objection to the proposal and makes comments on ecology, landscape, sustainability and design which he feels should be incorporated into the scheme. The Council's Ecologist requests conditions be imposed which take account of habitat requirements.

Senior Engineer (Land Drainage) - Raises no objection, however, he itemises a list of matters which the applicant will need to be mindful of which are required to be forwarded to the applicant/developer if consent is granted.

Head of Lifelong Learning & Leisure - Requires a junior football pitch and a "micro-park" to be incorporated into the scheme. Through discussion between the parties, it has been agreed that the pitch will be provided in association with the school and be a dual-use facility as will the related changing facilities.

Director of Education required an educational provision to serve the development. This has been secured by your officers by the amended description of the development to include a school and sufficient land to accommodate it. The financing of this provision will be secured by way of a Section 106 Agreement.

Chief Housing Officer - Comments that in respect of affordable housing, a requirement of 1.5 acres of developable land and the units of low-cost home ownership have been agreed upon.

This arrangement will be secured by way of a Section 106 Agreement clause.

Police Architectural Liaison Officer - Considers that the development should be undertaken in accordance with the requirements of the "Secured by Design" scheme. This advice can be passed on to the developer should consent be granted.

Cadw - Comments on the proximity of the Scheduled Ancient Monument known as Rudry Ironworks. It notes, however, that the development is located on the other side of the disused railway line and should therefore not be affected by this proposal.

Newport City Council - Has made no comment on the application.

Glam/Gwent Archaeological Trust - Comments that there are no archaeological features located inside the application area.

Countryside Council For Wales - Confirms that the site has no Sites of Special Scientific Interests, etc. It also welcomes the "positive attitude and commitment towards nature conservation" outlined in the Environmental Statement. It has no further comments to make at this time but awaits the Environmental Management Plan that will be submitted with the detailed application.

Cardiff City Council - Raises no objection to both the original and amended proposals.

Western Power Distribution - Has apparatus within the site.

Bedwas, Trethomas & Machen Community Council - Has made no comment on the application.

ADVERTISEMENT

Extent of advertisement: The application was advertised in the press and on site by way of eight site notices. Neighbour notification letters were also sent to properties in the area.

Response: As a result of this consultation exercise, nine letters and a petition were received objecting to the original scheme and a further three letters were received objecting to the amended scheme. As much of the objections referred to issues such as highway effects, disturbance to existing properties, the over-provision of dwellings within the Borough, it is considered that the 12 letters and the petition can be viewed in respect of the amended scheme.

Summary of observations: The basis of the objections raised are as follows:-

- (1) The country lanes in this area cannot accommodate the additional vehicles in capacity terms.
- (2) The proposal is contrary to Council policy.
- (3) The roads are already dangerous as vehicles speed through them causing accidents in their restricted widths, "sleeping policemen" may help.
- (4) There is a need for a secondary school not only a primary one. Where will the children from this site be schooled?
- (5) The proposal may result in anti-social "gangs" causing trouble in the area.
- (6) Will existing residents have to pay for road improvements?

- (7) Nuisance will be caused to existing properties from additional traffic movement.
- (8) Alternative roads should be constructed to allow vehicles to access and egress the site directly onto Newport Road at a point to the west of the current junction.
- (9) More houses means more revenue for the Council. However, this revenue is not being reinvested in the community, i.e. "better schools, playing fields, etc."
- (10) The development will reduce "the standard of living in the area."
- (11) The remediation of the land could result in effects on people living close to the site.
- (12) Loss of fieldmouse habitats will occur.
- (13) Adverse impacts may result that could cause problems regarding "water, drainage and electricity supply."
- (14) There is a need for a surgery to serve the area.
- (15) Now will the loss of jobs at Cray Valley be addressed?
- (16) Local infrastructure is inadequate to deal with such a scheme.
- (17) Public transport in the area is inadequate.

The petition was signed by 70 residents from the Waterloo area.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonable can to prevent crime and disorder in its area?

Crime and disorder are considered to be issues in this instance but at this stage, the advice of Gwent Police with regard to "Secured by Design" will be forwarded to the applicant for guidance on security aspects. Any reserved matters details will have to show that secure by design principles have been taken into account.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The issue of this Directive was addressed as part of the site remediation works authorised under planning permissions: P/04/1891 and P/06/0629. As a result, a Licence application in respect of the dormice has been made to the Welsh Assembly Government.

ANALYSIS

Policies: Section 38 of the Planning and Compulsory Purchase Act 2004 requires all development control decisions to have regard to the Development Plan in force in determining applications. This replaces Section 54A of the Town and Country Planning Act 1990. Development Plan Policy is therefore an important consideration in respect of this site.

In the area of the proposed application site, the Development Plans comprise the Adopted Mid Glamorgan Country Structure Plan (Approved Plan Incorporating Proposed Alterations No. 1) (1989) and the Adopted Caerphilly Basin Local Plan (1983).

The Authority has, however, approved the Caerphilly County Borough Council Unitary Development Plan 1996-2011 as a basis for more up-to-date decision making framework.

The Authority is also in the process of producing a Local Development Plan (LDP) which will supersede the existing plans.

Turning to the specific policies contained in the Development Plan, these are E1 (Industrial Sites) and EV1 (Protection of the Countryside) contained in the Adopted Caerphilly Basin Local Plan. Also, Policy S3 of the Adopted Mid Glamorgan Structure Plan which again seeks to protect the countryside from industrial development.

Because of overlap in wording and intent, it is considered that Policy E1 can be addressed when considering Policy E3 of the Council Approved Unitary Development Plan and Policies EV1 and S3 can be also considered when Policy DC2 of the Unitary Development Plan is assessed.

In respect of the UDP Policies itemised in the Policy section above, the analysis of those of relevance is as follows.

Policy DC1 (Development Criteria) contains a range of standards against which all development is assessed. In respect of this proposal, the following fall to be assessed:

- (A) Is the development compatible with other land-uses in the vicinity?
- (B) Is it well designed in terms of its setting, scale, density, layout, materials and landscaping?
- (C) Does it have regard for the effective, safe and efficient use of the transportation network?
- (F) (F) Would it prejudice the wider comprehensive development of adjacent land?
- (H) Would it have an unacceptable impact in terms of pollution?
- (I) Would it increase the risk of flooding?

With regard to (A) it is evident that the vast majority of the site is contained in the settlement limit of the Development Plan and the Council Approved Unitary Development Plan. At present, the industrial area is in close proximity to the village of Waterloo. In land-use terms, it is considered that the proposed development is more compatible with the existing residential and countryside surroundings than the industrial operation.

It is accepted therefore that this criterion is complied with.

With regard to the detailed issues specified in criterion (B), it is noted that the majority of these are relevant for the reserved matters submission. However, in respect of density, it is evident that the overall developable area is 16.7 hectares; of this 2.5-3 acres is required for a school, leaving a nett area of 13.7 hectares (i.e. 33.9 acres). This will allow for a density of approximately 16 dwellings to the acre.

This would be considered medium/high and would be accepted in density terms on this site.

With regard to the transport network. i.e. criterion (C), Group Manager (Transportation Planning) requires a Travel Plan as a condition if permission is granted. This will look to maximise public transport usage in accordance with this criterion.

In respect of criterion (F), the site is relatively self-contained within the limits of the settlement area and will not therefore prejudice the implementation of wider comprehensive development.

Criterion (H) concerns pollution implications. The current development will only be allowed to proceed on the basis that the site has been remediated in respect of past contamination. As such, this proposal and its related remedial schemes will have cleared up pollution in the area when they are complete.

Finally, the issue of flooding, criterion (I), is one that has been addressed by Environment Agency (Wales) in its consideration of the Flood Consequences Assessment. The Agency has now withdrawn its original objection in this regard and, therefore, the matter of flood prevention has been addressed.

In respect of Policy DC1, it is considered that all the relevant criteria applicable to this application are complied with.

Policy DC2 (Settlement Boundary) seeks to protect the identity and viability of settlements by restricting development outside those boundaries.

In respect of this scheme, with the exception of the south-western corner, the site lies within the settlement boundary as defined by Policy DC2. This area comprises approximately 0.9 hectares. This is an area, at the detailed layout stage, that the landscaping scheme could indicate as open space.

This area is a small section owned by the applicant on this boundary. It is considered that its inclusion in the overall scheme is acceptable provided all relevant planning policies and development control considerations are met.

It is not felt that the integrity of this policy is compromised by this minor inclusion on a very substantial scheme which could yield considerable environmental, economic and social benefit in this area.

It is considered therefore that Policy DC2 of the Council Approved Unitary Development Plan, Policy EV1 of the Adopted Caerphilly Basin Local Plan and Policy S3 of the Adopted Mid Glamorgan County Structure Plan are satisfied.

Policy DC3 refers to planning obligations which can be used to overcome land-use obstacles, contribute towards infrastructure or mitigate the impact of development on an area.

In this instance, your officers have negotiated the provision of the school (including changing rooms) at the applicant's expense, a contribution towards highway improvements totalling

£2,953,335.00, as well as 1.5 acres of developable land and sixteen low-cost dwellings in respect of the affordable houses requirement.

It is considered that this justifiable gain to the community is a fair reflection of the additional requirements that the development will result in when complete. As such, Policy DC3 has been utilised satisfactorily in this respect.

One of the main issues in the policy consideration of this application refers to its employment designation in both the Adopted Caerphilly Basin Local Plan and the Council Approved Unitary Development Plan. This designation is without doubt an historic one which has been accepted and included in both plans because it exists at this rural location.

Officers considered that the preferable way to assess the redevelopment of the site for residential etc. use was via the emerging Local Development Plan. The applicant's timeframe, however, did not allow for this "delay" and an application was received.

The current advice indicates that development control decisions must be made in accordance with the Adopted Development Plans unless material considerations determine otherwise. As such, the land-use identification contained in these Plans is as an employment site.

In considering this, the relevant policies on employment need to be assessed. These are Policies E2 and E3 of the Council Approved Unitary Development Plan and E1 of the Adopted Caerphilly Basin Local Plan.

The Waterloo Works site is protected under Policy E2 - Protection of Existing Industrial Premises (E2.35 Waterloo, Machen). This Policy states that "the expansion, conversion or redevelopment of premises for uses falling within B1, B2 and B8" will be permitted on this existing industrial site.

Policy E2 should be considered alongside Policy E3 in respect of the Protection of Existing and New Industrial Estates. The wording of Policy E3 is as follows:-

"On existing and new employment sites identified in Policies E1 and E2, development of uses that are not contained in Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will not be permitted unless:

- A. There is demonstrable evidence that a site is in general terms no longer needed for any of the specified use classes and is unlikely to be developed for such purposes and that in respect of the alternative development proposed there is a proven need for such development and/or it would provide a demonstrable local benefit; or
- B. The proposal is for a small-scale use ancillary to the industrial estate and/or serving the needs of those employed there."

In respect of the first part of Criterion (A) (i.e. that the site is no longer needed for its use) the results of the Caerphilly Employment Sites Supply and Market Appraisal Study are of relevance. This study was commissioned by this Authority.

Consultants at Atkins were commissioned in 2005 to produce an employment study with the aim of reviewing the current availability of employment land and premises in the County Borough, to consider the opportunities to release some older industrial sites for other uses and to strengthen the case to retain others and to undertake a market assessment of the suitability of employment sites. This study will serve to inform the preparation of the Local Development Plan.

Waterloo is judged to provide a marginal employment function having performed poorly on the scoring matrix (less than 55%). The study identifies that the site could perform well as an employment site if redevelopment was to occur, however, the site may be more appropriately developed for mixed uses, retaining an employment function. The study recommends that the employment status of the site be reconsidered and the Local Development Plan process offers the opportunity to do this.

One of the primary purposes of the Atkins study is to inform the evidence base for the LDP. One of the provisional findings of the study is that the Waterloo site provides only a marginal function and its use should be reconsidered.

The site has subsequently been assessed for its suitability for a housing based mixed-use development as part of the LDP process. The results of the provisional assessments were made available in April 2007 as part of a site register and the site has been identified as suitable for further consideration through the LDP process for a housing based mixed-use development. It should be noted that the site assessment process is provisional at this stage.

The site has now been cleared of the majority of buildings and plant installations, including those occupied by Valspar up until Autumn 2006. There has been no subsequent evidence of interest in the site being developed for industrial purposes.

In view of the results of the study and the preliminary assessment of the site in respect of the LDP, it would appear reasonable to conclude that sufficient employment land exists in the County Borough to meet its requirements. Also, the Waterloo site has performed poorly in terms of employment suitability and therefore there is credible evidence that the site is no longer needed for any specified use classes and is unlikely to be developed for such purposes.

With regard to the second element of criterion (A), this states that in respect of the alternative development proposed, there is a proven need for such a development and/or it would provide a demonstrable local benefit when the application was first submitted it was considered that the applicant had failed to demonstrate that there was a need for the proposed development, particularly in the light of the 11.5 year housing supply as of the 1st July 2004 Housing Land Availability Study.

As part of the ongoing work on the LDP, however, consideration is being given to a range of housing requirements for the plan period 2006 to 2021 of between 500 houses a year (based on the assumption of migration balance) and 750 houses a year (based on the apportionment exercise carried out by the South East Wales Strategic Planning Group on the WAG Regional Household Protection). It is therefore considered that this site would be crucial in contributing to the housing requirement for the LDP period.

In addition to the above "a demonstrable local benefit" may be demonstrated by the provision of the primary school, as well as the other contributions achieved under Policy DC3.

Therefore, having regard to these issues and the result of the Atkins employment study an objection to the application in relation to Policy E3, criterion (A) could not be sustained.

Criterion (B) is not relevant in this case.

As Policy E2 was considered alongside E3 then both are felt to be not applicable in this case. Also, Policy EV1 of the Adopted Caerphilly Basin Local Plan is likewise not relevant if it seeks to promote a site which is no longer needed to satisfy the employment function in the district.

No objection is therefore raised regarding the employment policies and obligation.

Turning to the relevant housing policies (i.e. H2 and H3) it is contended that in respect of Policy H2 (Development on Unallocated Sites), the proposal would not constitute either insensitive and/or inappropriate infilling or the residential amenities for new houses would be detracted from by neighbouring land uses.

As such, this policy is complied with.

In respect of Policy H3, discussions have taken place between officers of the Planning and Housing Divisions and an allocation has been agreed upon. This affordable housing requirement will subsequently be secured by way of a Section 106 clause which has been agreed to by the owner and will be completed on this agreed basis prior to consent being granted if Committee so resolve.

Policy H3 is also capable of being complied with.

With regard to the countryside policies (i.e. C12 - Special Landscape Areas and C13 - Trees, Woodlands and Hedgerows) it is considered that in respect of the Special Landscape Area designation the only area involved is the small area in the south-western corner of the site which is outside settlement limits. In the absence of layout details etc., it is not possible to categorically state that there will be no harmful impact on landscape features etc., however, control will lie with the Local Planning Authority at the detailed design stage to shape the form the development will take in this area of the site.

Policy C12 is therefore satisfactorily addressed.

In assessing Policy C13, it is recognised that landscaping is a reserved matter. However, it was also one of the topics addressed as part of the scoping exercise and therefore included in the Environmental Statement submitted with the application. With regard to the Trees, Woodland and Hedges, care was taken in the assessment of potential development to minimise the loss of any existing vegetation. It is therefore essential that the landscape information to be submitted as part of the reserved matters application refers back and builds on the information contained in the Landscape Impact Assessment. If this is done, it is considered the requirements of Policy C13 will be met.

Policy 1T(B) deals with developments which are likely to be major traffic generators. This being the case, they must address the following:

- (A) Minimise the need to travel;
- (B) Are, or are capable of being, served by public transport;
- (C) Facilitate other alternatives to the private use of cars;
- (D) Minimise the adverse environmental and amenity impacts of traffic.

The Environmental Statement contained a Traffic Impact Assessment in respect of this scheme. This was analysed by the Group Manager (Transportation Planning) and was found to be acceptable subject to the implementation of conditions and the payment of approximately three million pounds towards improvements to the strategic highway network.

One of the conditions proposed also requires the submission of a "Green Travel Plan" which is specifically designed to address some of the above-mentioned criteria.

In respect of this policy on transportation strategy, it is accepted on the basis of the Group Manager (Transportation Planning)'s response, that the Traffic Impact Assessment complies with this policy.

With regard to the level of open space provision to serve the site (i.e. Policy L9) any development of over 25 houses must provide such space and children's play facilities either on-site or as a commuted sum for off-site provision.

In this instance, it is considered that such incidental space shall be included in the required masterplan for the site, which will form a condition on any consent granted.

In view of the scale of this development, Policy L10 is also relevant. This requires that housing development in excess of 200 properties should have adequate provision of land for outdoor recreation space.

In this regard, the Authority has negotiated sufficient land and finance to provide for a junior sized football field and changing facilities to serve the development. This will also be able to be used by the primary school during the academic day.

On the above basis, your Officers consider that Policy L10 is addressed.

The last UDP Policy of relevance is CF5 - New School Buildings. This provides basic requirements to be included within any new school. These requirements include matters such as design issues, highway safety arrangements, etc. In view of the outline nature of this application, the detailed matters relating to the school are absent. However, the school construction, finance and external playing pitch facilities have been secured in the proposal and the associated Section 106.

At the detailed stage, the Local Planning Authority can ensure that the criteria contained in this policy are implemented.

In respect of the Development Plan and the Council Approved Unitary Development Plan, it is considered that there are no policy objections which can be raised to sustain a refusal of permission.

Planning Policy Wales is particularly relevant to this development in respect of the advice given on the re-use of land in preference to greenfield sites.

The current site has undergone a large-scale remediation exercise to clear up past industrial contamination. It has also been cleared of substantial buildings which, with their high stacks and large scale, were particularly out of keeping with the rural environment within which the operation was sited.

Because of the proposed after-uses, the site remediation has been to a high standard. This is considered to be beneficial not only to prospective residents of a new development but to existing residents and the local environment.

With regard to the advice contained in the TANs, an acceptable Design Statement was included with the Environmental Impact Assessment and a Flood Consequences Assessment was also submitted as part of that document. Environment Agency (Wales) has subsequently agreed with the conclusions contained in that assessment.

Therefore, the advice given in TAN 12 (Design) and TAN 15 (Flood Risk) have been included in the processing of this proposal.

In conclusion, there are not considered to be any policy reasons to object to this development.

As the proposal is contrary to the identified designation in the Development Plan, it was necessary to advertise the original application and the amended description as departures from that Plan. In accordance with the Town and Country Planning (Development Plan Consultations) Direction 1992, the matter must be referred to the Welsh Assembly Government for its consideration. A period of 21 days must be allowed for a response. No permission can be given by this Authority within that period.

Comments from Consultees: It is evident from the above comments that none of the Consultees raise objection to the application. A number did, however, raise issues which are required to be controlled by way of the imposition of conditions attached to any consent

granted and others have requirements which need to be secured by way of a Section 106 Agreement.

This outline application seeks to establish the principle of development on this site and the level of information provided is restricted to addressing this stage. At the reserved matters stage, these Consultees will again be able to comment on the acceptability of the detailed matters submitted.

Comments from public: As can be seen from the points listed above, there are a range of objections raised by the general public in respect of this planning application. Your Officer's response to these points is as follows:-

(1) The Transport Impact Assessment submitted as part of this proposal addresses capacity issues. After due consideration, neither the Group Manager (Transportation Planning) nor Cardiff City Council (into whose area the lanes referred to access/egress) raised objection to the proposal.

As such, no objection is maintainable in this regard.

(2) The policy issue of compliance with the Development Plan and the Council Approved Unitary Development Plan are addressed in the Committee report, where it is concluded that in respect of the relevant employment policies, the site is no longer needed for employment use. In the light of the Atkins' site study and the lack of recent demonstrable demand, there is no objection to the application in this regard.

(3) The issue of highway safety is again one that has been considered by the Group Manager (Transportation Planning) who concludes that subject to conditions and Section 106 contributions, the development is acceptable.

(4) The issue of secondary school provision is an important one, but not one which is a material consideration to this proposal. There has been no requirement for such provision requested by the Council's Education Officers.

(5) The issue of anti-social behaviour is a societal issue but cannot justify the refusal of consent for new housing and a school building. At the reserved matters stage, the arrangement of development can be examined to ensure that security is taken into account.

(6) Any road improvements required to serve the development will be paid for by the applicant. As indicated in the report, a sum of almost £3m is also being paid by the developer for improvements to the wider strategic highway network.

(7) This is a subjective point which has not been supported by the comments of Head of Public Protection.

(8) The development stands to be considered on the information provided. The question of alternative routes over third party land is not an issue here. The Council is being asked to judge the submission before it.

(9) This is an unsubstantiated statement which ignores the development and the public benefit that will result from it. These benefits include the contamination removal, affordable houses, new housing stock for the area, a school, contribution to highway improvements, etc.

(10) This point is not a material consideration that can be incorporated in the processing of this application.

(11) The remediation scheme has previously been approved. The completion of this scheme should be undertaken without detriment to the health of the local residents. The Head of Public Protection's comments are material in this regard.

(12) The issue of the protected species (i.e. dormice) is one that is being pursued by way of a licence to the WAG and by the imposition of a planning condition attached to any consent granted.

(13) In considering this application, Dwr Cymru and Western Power Distribution have been consulted (as well as other utilities). No objection has been raised by these parties in respect of the servicing of this site.

(14) If a surgery is required to be set up to serve this area, it is for the relevant doctors, in association with the Area Health Authority, to negotiate a site with the landowner.

(15) Cray Valley was unfortunately closed as a going concern due to market forces operating in that industry. The jobs were therefore lost. It has to be acknowledged, however, that the construction of the houses and school proposed will result in medium term employment for those working on the project, many of whom it is hoped will be from the local area.

(16) The utilities companies, the highway engineers, drainage bodies, etc., have not raised issues in respect of the infrastructure arrangements. Obviously, where required, new infrastructure will be installed to facilitate the development functioning.

(17) Group Manager (Transportation Planning) is mindful of the need to improve the service in respect of both school children and the general public. This is a matter which will be pursued independently of this proposal.

In conclusion, it is your Officer's view that this scheme, on balance, is one that should be approved conditionally, subject to a Section 106 Agreement.

RECOMMENDATION that:

(A) (1) The application be deferred for the completion of an agreement under Section 106 of the Town and Country Planning Act 1990. In that agreement, the applicant will agree to the following:-

- (i) To pay a sum of £2,953,335.00 as a contribution towards strategic highway improvements in the Caerphilly Basin area;
- (ii) To pay a sum of £2,500,000.00 for a primary school building and to provide an agreed site on which the school will be constructed;
- (iii) To provide a developable site of 1.5 acres in area (location to be agreed) and 16 units of low cost house ownership.

(2) In accordance with the Town and Country Planning (Development Plans and Consultation) Direction 1992, the proposal is required to be forwarded to the Welsh Assembly Government for their consideration. No decision should be made on this proposal by this Authority for a period of 21 days beginning with the date of notification to WAG.

(B) Upon completion of the Section 106 Agreement and the elapsing of the time period for the WAG consultation, permission shall be granted for outline permission for this development, subject to the following conditions:-

- 01) Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 05) Full engineering details of an improvement to the junction between the Caerphilly to Newport road, route A468 and the road serving Waterloo Village, route R586 shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on site. These details will include constructional details and sections, together with street lighting, drainage and traffic control proposals. Thereafter, these agreed details shall be completed prior to the occupation of any of the dwellings or the school hereby approved.
REASON: In the interests of highway safety.
- 06) Full engineering details of the proposed junctions on the road to Waterloo Village, route R586, which will provide access to the site shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on site. These details will include constructional details and sections together with street lighting and drainage proposals. Thereafter, these agreed details shall be completed prior to the occupation of any of the dwellings or the school hereby approved.
REASON: In the interests of highway safety.
- 07) Full engineering details of all the proposed highway layouts to serve the development shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on the site. These details will include constructional details and sections, together with drainage and street lighting proposals. Thereafter, these details shall be completed prior to the occupation of any of the dwellings or the school hereby approved unless as agreed otherwise with the Local Planning Authority.
REASON: In the interests of highway safety.
- 08) A Travel Plan for the development will be submitted as part of the reserved matters application. This will be designed to encourage residents to travel by alternative methods than by car and will require publicity material on the subject to be displayed in the developer's sales office and the issue of a welcome pack to each new resident comprising bus timetables, key rings, several vouchers for free bus travel, information about PTI Traveline Cymru and advice on the benefits of car sharing.
REASON: In the interests of highway safety.
- 09) If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
REASON: To prevent pollution of controlled waters and to ensure compliance with the existing remediation strategy.

- 10) Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted, their location must be approved, in writing, by the Local Planning Authority.
REASON: To prevent pollution of controlled waters.
- 11) The development hereby approved shall be undertaken in accordance with the Addendum to the Flood Consequences produced by URS Corporation Ltd: 1943 Addendum Issue Number 1 dated September 2006.
REASON: To ensure that the development accords with the guidance contained in TAN 15 (Development and Flood Risk).
- 12) No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this scheme has been agreed, in writing, by the Local Planning Authority. Thereafter, this agreed scheme shall be implemented concurrently with the development of the site.
REASON: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the public sewerage system.
- 13) Development shall not begin until a scheme to deal with the contamination of any land outside of the remediation scheme approved under Application Nos. P/04/1891 and P/06/0629 which is included in this permission has been submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include a ground investigation, ground gas monitoring and a risk assessment to identify the extent of the contamination (particularly in relation to the Cray Valley site) and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme. Notwithstanding the information submitted already, a remediation strategy must be submitted and approved, in writing, before the development commences. The remediation strategy URS Remedial Strategy Report (including Valspar Leased Area) dated September 2006 submitted in relation to P/06/0629 can be used as a basis with the following amendments to include:
- 1) validation of soils in backfilled remediation areas where air sparging is undertaken as per SKM's letter dated 29th May 2007;
 - 2) ground gas as per SKM's letter dated 29th May 2007;
 - 3) any other remediation necessary in relation to land outside P/04/1891 and P/06/0629 which is included in this permission.

This remediation strategy must be completed prior to any houses, the school or other ancillary development commencing.

REASON: To ensure that the site is remediated to a standard acceptable for the approved after-uses.

- 14) Prior to the development hereby approved commencing, a post remediation long-term monitoring and maintenance scheme with related reporting requirements, must be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the post remediation long-term monitoring and maintenance scheme.
REASON: To ensure that site remediation is working to a standard acceptable for the approved after-uses.
- 15) Prior to the development hereby approved commencing a scheme for dust mitigation (including particulate matter 10) must be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme for dust mitigation.
REASON: To ensure that site remediation is working to a standard acceptable for the approved after-uses.
- 16) Prior to development hereby approved commencing, a scheme of noise mitigation must be submitted to and agreed, in writing, by the Local Planning Authority. The scheme should include the extent of operational hours at the site and the noise levels during these hours. The specified noise levels shall be measured over one hour intervals and not the whole working day. The development shall be carried out in accordance with the agreed scheme for noise mitigation.
REASON: In the interests of residential amenity.
- 17) The development hereby approved shall not be occupied following the completion of the remediation works until a report, including monitoring results has been submitted to and agreed, in writing, by the Local Planning Authority which verifies that the development has been undertaken in accordance with the agreed remediation strategy and the health risk assessment as agreed in relation to P/06/0629. This must include all land covered by this permission and ground gas monitoring to characterise the site.
REASON: To ensure that the remediation of the site has been undertaken satisfactorily.
- 18) Prior to the development hereby approved commencing, a scheme for the importation to the site and testing for contamination of soils and materials must be submitted to and agreed, in writing, with the Local Planning Authority. This must include a validation report. The development shall thereafter be carried out in accordance with the approved scheme. The validation report shall include a statement to the effect that none of the material contains, or is suspected of containing, Japanese Knotweed, asbestos or any material contaminated by natural or synthetic hydrocarbons.
REASON: To ensure that all material imported to the site is free of contamination.
- 19) Prior to the development commencing, a gas risk assessment must be submitted to and agreed, in writing, with the Local Planning Authority including monitoring of methane, carbon dioxide, carbon monoxide, oxygen, VOC's, SVOC's, formaldehyde and gas flow to characterise the ground gas emissions. The location of wells, depth of screened sections and the number of monitoring rounds must also be included. The risk assessment must include the appropriate gas protection measures required in all

buildings and any additional gas protection/controls required in the land. These measures must then be installed in all buildings/land hereby approved by this permission.

REASON: To ensure future development is protected from ground gas emissions.

- 20) The plans and particulars submitted in accordance with Condition 01) shall include:
- (a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para/ 5.2.2 of BS5837) of every retained tree or shrub on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees and shrubs to be removed shall be indicated on this plan;
 - (b) the details of each retained tree as required at para 4.2.6 of BS5837 in a separate schedule;
 - (c) a schedule of tree works for all the retained trees in paragraph (a) and (b) above specifying pruning and other remedial or preventative work whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendation for Tree Work.

REASON: In the interests of biodiversity and visual amenity of the area.

- 21) The plans and particulars submitted in accordance with Condition 01) shall include a scheme depicting hard and soft landscaping and shall be submitted to and agreed, in writing, by the Local Planning Authority, and these works shall be carried out as approved. These details shall include:

- (a) Proposed finished ground levels of contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
- (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc., indicating lines, manholes etc; and
- (c) Planting plans; written specifications (including cultivation and other operations associated with tree shrub and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

REASON: In the interests of biodiversity and visual amenity of the area.

- 22) The plans and particulars submitted in accordance with Condition 01) shall include an Environmental Management Plan that shall be submitted to and agreed, in writing, by the Local Planning Authority, these works shall be carried out as approved. These details shall include:

- (a) measures for the protection of important habitats and species within and on the perimeter of the site during the construction period
- (b) measures for the short and long term management of the soft landscaping and retained habitats;
- (c) a monitoring scheme to measure the success of the management of retained and new habitats on site;

(d) details of the means by which the management and monitoring will be achieved.
REASON: In the interests of biodiversity and visual amenity of the area.

23) The plan hereby approved is that submitted on 21st February 2007.

REASON: For the avoidance of doubt as to the plan hereby approved.

24) As part of the details required in Condition 01) above, a "Masterplan" of the site shall be submitted. This shall incorporate the following:-

(a) The layout, design, appearance, etc., of the development shall incorporate the requirements of the Council's Adopted Supplementary Planning Guidance entitled Building Better Places to Live (October 2005);

(b) The Masterplan shall pay regard to the conclusions contained in the "Landscape and Visual Impact Assessment" section of the Environmental Statement submitted with the application, particularly the elements identified in Fig. 7.2 of that section (i.e. the Linear Park, the riverside walk, recreational wildlife link, wildlife conservation area, etc);

(c) The layout shall ensure that the appropriate level of children's play facilities shall be incorporated into it. This provision shall pay due regard to the requirement of Policy L9 of the Council Approved Unitary Development Plan;

(d) The principles of vehicular, pedestrian and cyclist access to the development;

(e) The phases of the development and the sequence for approval of the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved Masterplan unless the Local Planning Authority agrees to any variation in writing.

REASON: To ensure proper planning of the area.

Advisory Note(s)

The applicant be advised of the comments of Dwr Cymru, Environment Agency (Wales), Wales and West Utilities, Western Power Distribution, Gwent Police, Group Manager (Transportation Planning), Senior Engineer (Land Drainage) and Head of Public Protection.

DEFERRED FOR SECTION 106 AGREEMENT AND REFERRAL TO W.A.G. CONDITIONS AND REASONS NOW TO READ:-

- 01) Approval of the details of the siting, design and external appearance of the building(s), and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.**
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the siting, design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.**
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.**
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.**
- 05) Full engineering details of an improvement to the junction between the Caerphilly to Newport road, route A468 and the road serving Waterloo Village, route R586 shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on site. These details will include constructional details and sections, together with street lighting, drainage and traffic control proposals. Thereafter, these agreed details shall be completed prior to the occupation of any of the dwellings or the school hereby approved.
REASON: In the interests of highway safety.**
- 06) Full engineering details of the proposed junctions on the road to Waterloo Village, route R586, which will provide access to the site shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on site. These details will include constructional details and sections together with street lighting and drainage proposals. Thereafter, these agreed details shall be completed prior to the occupation of any of the dwellings or the school hereby approved.
REASON: In the interests of highway safety.**
- 07) Notwithstanding the submitted information and in particular that shown on Figures 9 & 10 within Section 4 "Design Statement" of the submission, full engineering details of all the proposed highway layouts to serve the development shall be submitted to and agreed, in writing, with the Local Planning Authority**

prior to the commencement of any work on the site. These details will include constructional details and sections, together with drainage and street lighting proposals. Thereafter, these details shall be completed prior to the occupation of any of the dwellings or the school hereby approved unless as agreed otherwise with the Local Planning Authority.

REASON: In the interests of highway safety.

- 08) A Travel Plan for the development will be submitted as part of the reserved matters application. This will be designed to encourage residents to travel by alternative methods than by car and will require publicity material on the subject to be displayed in the developer's sales office and the issue of a welcome pack to each new resident comprising bus timetables, key rings, several vouchers for free bus travel, information about PTI Traveline Cymru and advice on the benefits of car sharing.

REASON: In the interests of highway safety.

- 09) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a Method Statement (which may be complementary to or stand alone from any pre-existing Method Statements under permissions P/04/1891 and P/06/0629 for works on the site). This Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall then proceed in accordance with the approved Method Statement.

REASON: To prevent unacceptable risk of pollution of controlled waters.

- 10) Upon completion of the remediation detailed in the approved Method Statement, a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To protect the environment by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 11) Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted, their location must be approved, in writing, by the Local Planning Authority.

REASON: To prevent pollution of controlled waters.

- 12) The development hereby approved shall be undertaken in accordance with the Addendum to the Flood Consequences produced by URS Corporation Ltd: 1943 Addendum Issue Number 1 dated September 2006.

REASON: To ensure that the development accords with the guidance contained in TAN 15 (Development and Flood Risk).

- 13) No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this scheme has been

agreed, in writing, by the Local Planning Authority. Thereafter, this agreed scheme shall be implemented concurrently with the development of the site.
REASON: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the public sewerage system.

- 14) Development shall not begin until a scheme to deal with the contamination of any land outside of the remediation scheme approved under Application Nos. P/04/1891 and P/06/0629 which is included in this permission has been submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include a ground investigation, ground gas monitoring and a risk assessment to identify the extent of the contamination (particularly in relation to the Cray Valley site) and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: To ensure that the site is remediated to a standard acceptable for the approved after-uses and for the protection of controlled waters.
- 15) Notwithstanding the information submitted already, a remediation strategy must be submitted and approved, in writing, by the Local Planning Authority before the development commences. The remediation must be carried out in accordance with the approved strategy.

The remediation strategy, URS Remedial Strategy Report (including Valspar leased area) dated September 2006, submitted in relation to P/06/0629 can be used as a basis with the following amendments to include:

- 1) Validation of soils in backfilled remediation areas where air sparging is undertaken as per SKM's letter dated 29th May, 2007.
- 2) Ground gas as per SKM's letter dated 29th May, 2007.
- 3) Any other remediation necessary in relation to land outside P/04/1891 and P/06/0629 which is included in this permission.

The remediation strategy must be completed prior to any houses, the school or other ancillary development commences, unless otherwise agreed by the Local Planning Authority.

REASON: To ensure that the site is remediated to a standard acceptable for the approved after-uses and for the protection of controlled waters.

- 16) Unless otherwise agreed in writing by the Local Planning Authority, prior to the development hereby approved commencing, a post remediation long term monitoring and maintenance scheme with related reporting requirements, including groundwater monitoring, must be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the post remediation long term monitoring and maintenance scheme.
REASON: To ensure that site remediation is working to a standard acceptable for the approved after uses and protection of controlled waters.

- 17) Prior to the development hereby approved commencing a scheme for dust mitigation (including particulate matter 10) must be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme for dust mitigation.
REASON: To ensure that the site remediation is working to a standard acceptable for the approved after-uses.
- 18) Prior to development hereby approved commencing, a scheme of noise mitigation must be submitted to and agreed, in writing, by the Local Planning Authority. The scheme should include the extent of operational hours at the site and the noise levels during these hours. The specified noise levels shall be measured over one hour intervals and not the whole working day. The development shall be carried out in accordance with the agreed scheme for noise mitigation.
REASON: In the interests of residential amenity.
- 19) Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall not be occupied following the completion of the remediation works until a report, including monitoring results has been submitted to and agreed, in writing, by the Local Planning Authority which verifies that the development has been undertaken in accordance with the agreed remediation strategy and the health risk assessment as agreed in relation to P/06/0629. This must include all land covered by this permission and ground gas monitoring to characterise the site.
REASON: To ensure that the remediation of the site has been undertaken satisfactorily.
- 20) Prior to the development hereby approved commencing, a scheme for the importation to the site and testing for contamination of soils and materials must be submitted to and agreed, in writing, with the Local Planning Authority. This must include a validation report. The development shall thereafter be carried out in accordance with the approved scheme. The validation report shall include a statement to the effect that none of the material contains, or is suspected of containing, Japanese Knotweed, asbestos or any materials contaminated by natural or synthetic hydrocarbons.
REASON: To ensure that all material imported to the site is free of contamination.
- 21) Unless otherwise agreed in writing by the Local Planning Authority prior to the development commencing, a gas risk assessment must be submitted to and agreed, in writing, with the Local Planning Authority including monitoring of methane, carbon dioxide, carbon monoxide, oxygen, VOC's SVOC's, formaldehyde and gas flow to characterise the ground gas emissions. The location of wells, depth of screened sections and the number of monitoring rounds must also be included. The risk assessment must include the appropriate gas protection measures required in all buildings and any additional gas protection/controls required in the land. These measures must then be installed in all buildings/land hereby approved by this permission.
REASON: To ensure future development is protected from ground gas emissions.
- 22) The plans and particulars submitted in accordance with Condition 01) shall include:

- (a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree or shrub on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees and shrubs to be removed shall be indicated on this plan;
- (b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule;
- (c) a schedule of tree works for all the retained trees in paragraph (a) and (b) above specifying pruning and other remedial or preventative work whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989 Recommendation for Tree Work.

REASON: In the interests of biodiversity and visual amenity of the area.

- 23) The plans and particulars submitted in accordance with Condition 01) shall include a scheme depicting hard and soft landscaping and shall be submitted to and agreed in writing, by the Local Planning Authority, and these works shall be carried out as approved. These details shall include:

- (a) Proposed finished ground levels of contours; means of enclosure; car parking layout; other vehicle and pedestrian access and circulation areas; hard surfacing materials, minor structures including furniture, play equipment, refuse or other storage units; and
- (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc., indicating lines, manholes etc; and
- (c) Planting plans; written specifications (including cultivation and other operations associated with tree shrub and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

REASON: In the interests of biodiversity and visual amenity of the area.

- 24) The plans and particulars submitted in accordance with Condition 01) shall include an Environmental Management Plan that shall be submitted to and agreed in writing by the Local Planning Authority, these works shall be carried out as approved. These details shall include:

- (a) measures for the protection of important habitats and species within and on the perimeters of the site during the construction period;
- (b) measures for the short and long term management of the soft landscaping and retained habitats;
- (c) a monitoring scheme to measure the success of the management of retained and new habitats on site;
- (d) details of the means by which the management and monitoring will be achieved.

REASON: In the interests of biodiversity and visual amenity of the area.

- 25) The plan hereby approved is that submitted on 12th June 2007.

REASON: For the avoidance of doubt as to the plan hereby approved.

26) As part of the details required in Condition 01) above, a "Masterplan" of the site shall be submitted. This shall incorporate the following:-

(a) The layout, design, appearance, etc., of the development shall incorporate the requirements of the Council's Adopted Supplementary Planning Guidance entitled Building Better Places to Live (October 2005);

(b) The Masterplan shall pay regard to the conclusions contained in the "Landscape and Visual Impact Assessment" section of the Environmental Statement submitted with the application, particularly the elements identified in fig. 7.2 of that section (i.e. the Linear Park, the riverside walk, recreational wildlife link, wildlife conservation area, etc);

(c) The layout shall ensure that the appropriate level of children's play facilities shall be incorporated into it. This provision shall pay due regard to the requirement of Policy L9 of the Council Approved Unitary Development Plan;

(d) The principles of vehicular, pedestrian and cyclist access to the development;

(e) The phases of the development and the sequence for approval of the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved Masterplan unless the Local Planning Authority agrees to any variation in writing.

REASON: To ensure proper planning of the area.

PREFACE ITEM

APPLICATION NO. 13/0164/RET

APPLICANT(S) NAME: Mr & Mrs Moody

PROPOSAL: Regularise mixed-use of the land for agriculture and residential purposes to include retention of dwellinghouse with proposed extension, retain farm workshop and barn with alterations, retain chicken house, 'roundhouse' for use as picnic shelter/classroom and the proposed erection of an ancillary dwelling, garden shed, implement shed and a maximum No. of 6 seasonal camping yurts

LOCATION: Nant-Y-Cwm Farm Cefn-Onn Farm Lane Rudry
Caerphilly CF83 3EJ

This application was originally reported to the Planning Committee on 30 October 2013, with the recommendation that it be REFUSED on the following grounds:

- (1) The level of information included in the applicant's management plan is insufficient to meet the stringent tests set out in Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010), Planning Policy Wales (5th Edition, 2012) as well as policies SP5 and CW15 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010. In particular there is a lack of clarity about: the productivity of the site and its capacity to sustain the family; power generation; the use of neighbouring land for sourcing timber; other property in the applicant's ownership; and the implications of the proposed yurts and their occupants.
- (2) The unacceptable choice of materials and overall numbers of buildings would have a detrimental impact upon the visual amenity of this area of open countryside, which is characterised by open fields, trees and hedgerows, contrary to policies NH2.4, CW2 and CW19 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 as well as the guidance contained in paragraphs 7 and 8 of the Council Adopted Supplementary Planning Guidance LDP 10 - Buildings in the Countryside.

- (3) The lane network leading to the site is unsuitable to serve this One Planet Development proposal by virtue of its narrowness, lack of forward visibility, steep gradients and lack of street lighting and any increase in traffic movements along this network would be to the detriment of highway safety, contrary to criterion (A) of Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

- (4) The proposed living arrangements of the two dwellings fail to meet minimum housing standards and the reliance on an external compost toilet facility fails to provide full, easy and safe access for all, contrary to policies SP6 and CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, Technical Advice Note 12: Design (2009), and Planning Policy Wales (2012). Members resolved, however, for the application to be deferred for a site visit and also to allow the applicant the opportunity to submit revised details in an attempt to overcome the reasons for refusal, listed above. Members and Officers subsequently met on site on Tuesday, 12 November 2013 and the applicant's revised details were received at the beginning of the year. The details submitted as an amendment to the originally submitted scheme are discussed in the analysis below.

A copy of the original report is attached.

ANALYSIS

Reason 1

With regards to reason for refusal (1), the management plan has been amended in order to address the lack of clarity concerning the productivity of the site and its capacity to sustain the applicant's family; power generation; the use of neighbouring land for sourcing timber; other property in the applicant's ownership; and the implications of the proposed yurts and their occupants.

Members are reminded that a Management Plan is a prerequisite in these types of development and should adequately address the qualifying criteria set out in the One Planet Development Practice Guidance, 2012 (OPDPG 2012).

As part of the original assessment, the Agricultural Consultant highlighted a number of areas in the Management Plan that were considered to be light with regards to the agricultural justification. In particular the baseline assessment was incomplete and the analysis of how income is derived from sales of produce coupled with the labour needed to produce those goods needed to be more fully and clearly explained. Also, the Ecological Footprint Analysis used a larger land area than that which existed and the proposed water supply had not been tested.

Dealing with the matters that are considered to have been addressed, it is accepted that the revised Management Plan insofar as it relates to the suitability of the land area and quality, water supply and farm buildings should be sufficient to meet the needs of the applicant and his family, as set out in the OPDPG 2012. The holding in terms of its soil quality, land area and the proposed buildings is sufficient to support this OPD proposal.

The main area of concern lies with the gap in the knowledge base in the amended management plan between how much food is to be grown and the quantity of food that a largely adult family (in terms of food needs) requires, and whether the projected food consumption figures can be relied upon.

This land based activity is a key component. TAN 6 requires that land use activities on the site should be able to provide directly for the minimum needs of its occupants in no more than 5 years in terms of income and food, the need to live on site is justified, the number of occupants has a clear relationship to the site's ability to sustain them, and that the site should be the sole residence of the occupants.

The Practice Guidance requires the site to produce at least 65% of basic food needs. A minimum of 30% should be grown and/or reared on site whilst the remainder can be purchased or bartered using income or surplus produce from other produce grown and/or reared on the site.

The applicants are farming the land and provide themselves with beef, lamb, pork, geese and chicken. Their figures indicate that they produced 52% of their own food from the farm in 2013, which is set to increase to 58% in 2014, rising to 76% in 2015. This is well in advance of the figures set out in the OPDPG 2012.

The Council's Agricultural Consultant has been consulted on the application, in particular, to assess whether the productivity of the site is capable of sustaining the family. It is suggested that some of the base data of current and proposed food consumption appears light to meet the needs of a 6 or 7 person family given their active lifestyle, and the Ecological Footprint Analysis has the assumption that the size of the family will reduce in 5 years time, which given current trends is unrealistic. The Council's Countryside Group supports this view.

The applicants have responded to this by stating that One Planet Development Policy has been drawn in to monitor changes to potential numbers of inhabitants along with other unpredictable parameters and that there is a report and review mechanism allowing for actual consumption to be assessed in due course.

Because of their low ecological footprint, which is well below the recommended initial ceiling of 2.4 global hectares per person, the applicants also state that there is enough flexibility in their food consumption figures to overcome any discrepancies. The consultant sums up by saying that the key issue is whether the Local Planning Authority can reliably monitor their progress if consent is given so that a true One Planet Development lifestyle is practised.

With regards to the income generating plans, they are fairly diverse and have the ability to be robust in changing circumstances and perhaps more importantly, capable of being adapted to respond to success and failures.

It is also acknowledged that all the applicant's water, electricity, sewage and household fuel needs and a substantial proportion of their food needs would be met directly from the site. The cost of the housing would be low.

The applicants have stated from the outset that they own another property, which they rent out. This is a subject covered in Paragraph 4.17.1 of Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010), which states that the [OPD] site should be the sole residence of the occupants. The applicants have confirmed that details of income / expenditure in association with this property have been included in their Ecological Footprint Analysis and that their OPD business plan complies with the guidance as the earnings from the activities at Nant y Cwm Farm are sufficient to meet their minimum income needs through sales of produce from the site and planned educational courses. Nant y Cwm Farm, therefore, remains the sole residence of the applicants and a statement to this effect is included in the management plan, in accordance with the requirements of TAN 6.

With regards to the uncertainty surrounding the use of volunteers, the OPDPG states that the proposal should not rely on hired hands. The applicants point out that there is inherently a high demand of labour at certain times over the course of a year on sites such as this and that there would be sufficient interest in their traditional methods of farming to attract volunteers and to use their labour in exchange for temporary yurt accommodation and fresh fruit and vegetables from the garden. Strictly speaking, such an arrangement is not considered to fall within the category of hired hands as they are not paying for services provided.

One of the targets laid out in the OPDPG 2012 is that all of the energy needs shall be met from renewable energy on site. With regards to this issue, Nant y Cwm is off grid with solar, wind, water and biomass (wood) available. Concerns were previously raised with regards to the current use of fallen timber from neighbouring land for the provision of wood and how, if replanting was not undertaken or relationships failed, this would impact on the ability of the applicants to meet their energy needs.

The applicants have addressed this concern pointing towards the 2500 square metres of woodland and hedgerows and overhanging trees that bound the site. In recognition of the need to meet their own energy needs, they propose to plant 6500sqm of biomass willow on their site, which when established with an assumed 5 year rotation would supply them with between 4.55 and 7.8 tonnes of biomass per year. Although this figure has not been verified, what is clear is that the land at Nant y Farm is suitable for the growing of willow. Given that the applicants currently consume 6 tonnes of biomass, which is expected to rise to 8 tonnes when the ancillary dwelling is constructed, the figures provided indicate that there is a clear potential that the energy needs of the applicants would be met.

As there is a reasonably good prospect that the proposal will provide sufficient livelihood for and sustainably meet the needs of the applicant's family on site and bearing in mind the current and projected Ecological Footprint Analysis figures, the reason for refusal listed in (1) is now withdrawn.

Reason 2

With regards to the reasons for refusal listed in (2) amended elevation and layout drawings of the proposed agricultural buildings have been submitted in order to address the visual amenity concerns and the negative impact the original scheme had in this area of open countryside. The amended scheme proposes the following:

- Reduction in size of proposed polytunnel from 28m x 11.6m to 14m x 11.6m and alteration of its position.
- Removal of shepherds hut from proposal (Luton Van Body).
- Relocation of the Implement Shed (and associated track).
- Revision of 'seasonal' definition of yurts by inserting the phrase ...six seasonal yurts for siting between the months of April and October not to exceed 90 camping days in total.
- Revision of designs for existing agricultural buildings to incorporate timber cladding of (screening the steel container).

In addition to the proposed amendments to the appearance of the buildings and their arrangement within the site, an Independent Visual Impact Assessment has also been submitted.

The Council's Landscape Architect concurs with the submitted Visual Impact Assessment that the proposal will have a limited adverse impact upon the landscape character of the area and visual intrusion into public and private views.

It is recognised that the site is reasonably well screened in local views by land form and existing vegetation from the public highway and local footpaths and there appears to be no local building style or favoured building material as local farmsteads and dwellings exhibit a range of building materials and styles.

The ideal farmstead would have a fairly tight grouping of farm buildings / barns in close proximity to the dwelling house, utilising the same basic building materials or standard agricultural designs and materials. The current proposals to reduce the Poly-tunnel by 50% and to reposition it further down the field is welcomed as is the proposed additional screen planting.

The proposed use of timber cladding on all buildings and where possible a pitched roof and single roofing material would also be welcome as it would assist in developing a co-ordinated and unifying design.

As it stands, the amended scheme in its current format does not overcome the previous ground for refusal due to the overall numbers of smaller outbuildings, in particular their arrangement within the site. It is for this reason that objection is maintained by the Council's Countryside Group. However, this is a matter that can be overcome by imposing a condition requiring an amended layout drawing for the grouping, arrangement and number of individual buildings on site. Similarly, with regards to the siting of the proposed seasonal "Yurts", providing this area is not formalised in any way by the setting out of roadways or paths, no objection is raised. The refusal reasons listed in (2) are, therefore, withdrawn.

Reason 3

With regards to reason for refusal (3), the amendments made to the submitted Management Plan include changes to overcome the concerns raised by the Council's Transport Engineering Manager incorporating commitments on the volume and nature of traffic generated by the project for domestic, agricultural and educational activities.

It is acknowledged that the location for an application for planning permission for an agricultural based One Planet Development is only ever likely to be located in open countryside, where access in all likelihood would be via a rural lane. The main concern from a highway safety perspective is with regard to the traffic generation proposed as part of the educational and camping activities. These issues are examined in more detail below.

Currently, a drug rehabilitation group from Newport visits the site 5 days a month and travels by minibus.

As for proposed activities, the applicants state that they are in negotiations with the school their children attend with a view to running courses for learning and exploring sustainable development principles. If this goes ahead, the children will assemble at the school in the morning and return to the farm with the applicants after dropping off their own children. The children will then be returned to the school to coincide with the collection of the applicant's own children.

As part of their overall One Planet Development strategy, the applicants plan to run 'paid for' educational courses with accommodation being provided for in the Yurts. The maximum number of courses is 7, lasting for between 1 and 2 days. In order to keep the traffic flow to a minimum, participants will travel to the site using public transport and will then walk to the farm. Bus routes from the Newport and Cardiff routes are within a mile and a half of the site respectively. Any luggage will be collected by horse and cart.

Aside from educational courses, the yurts will also provide accommodation for volunteers who having arrived on site would essentially remain until departure, 90 days maximum.

It is estimated that the site would cater for no more than 20 volunteers in any one year, whose attendance on the farm would be along the same lines as those who pay to attend an educational course, i.e. public transport and walking, with any luggage collected by horse and cart.

With regards to the acceptability of the proposal insofar as it relates to planning policy, paragraph 8.7.3 of Planning Policy Wales (6th Edition, February 2014) states that any proposal should ensure that people can reach the development, as far as practicable, by walking, cycling and public transport, as well as by car.

Whilst the proposal is quite distant from the nearest settlement, the commitments in the management plan include the provision of a Travel Plan which will be designed to limit the amount of vehicular trips to and from the site together with suitable lane improvements.

Given the additional supporting information and on the basis that the traffic flow to and from the site would be monitored as part of the monitoring report, therefore, allowing the Highway Authority the opportunity to assess the traffic impact of the development, no objection is raised subject to conditions for improvement in the quality of the highway network and annual assessment of the transport impact of the site.

The Transportation Engineering Manager has requested that any permission is subject to a Section 106 Agreement requiring the payment of £5,500.00 per dwelling towards improvements to the strategic highway network in Caerphilly Basin. That is the Council's normal practice in accordance with adopted Supplementary Planning Guidance LDP3. However, that would not be appropriate in this case bearing in mind the low traffic generation that will be sought through the travel plan in order to limit the ecological footprint of the development, and the fact that should the development ultimately fail to achieve and maintain One Planet standards, the residential aspect of the scheme will have to be removed.

Reason 4

Finally, the reasons for refusal listed in (4) are primarily related to the proposed living arrangements of the occupants at Nant y Cwm Farm. Members will also recall that the original proposal placed reliance on an external compost toilet facility accessed by ladder and the use of a converted Luton Van body as shepherd's accommodation.

Dealing firstly with the living conditions, the applicant acknowledges the concerns raised by officers in respect of the reliance on an external compost facility, which at times meant that residents would have been exposed to excessive cold.

The amended scheme now proposes the siting of internal toilet facilities into both the main and ancillary dwelling. Despite the amendments, the Council's Head of Public Protection maintains its objection on the basis that the dwellings fail to meet the standards laid down in the Housing Act Legislation.

In response, it is acknowledged that both dwellings forming part of this application are unconventional, however, they nonetheless meet the basic habitable standards and provide adequate facilities for the health and well being of the occupants, in accordance with paragraph 9.1.1 of Planning Policy Wales (6th Edition, February 2014).

Whilst the proposed external compost toilet is to remain on site for general use, the amended drawings propose the construction of a ramped access in recognition of the need to provide full, easy and safe access for all.

The proposed removal from the site of the Luton Van body together with the amendments referred to above means that the proposal is now considered to comply with Policies SP6 and CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, Technical Advice Note 12: Design (2009), and Planning Policy Wales (2012), overcoming refusal reason no. 4.

CONCLUSION

In conclusion, paragraph 4.17 of the One Planet Development Practice Guidance states that the 'acceptability of an OPD proposal is found in the combination of how it satisfies the essential and addresses the contributory criteria, its Ecological Footprint, and the environmental attributes and impacts of specific aspects of the proposal. As with many planning decisions, it is a matter of taking all material considerations together and forming a view based on all of them in combination.'

Officers are mindful that the occupants at Nant y Cwm Farm have been reliant so far on the assistance of neighbouring landowners to help with their One Planet Development venture. Whilst this sustainable way of living is to be applauded, it is nevertheless contrary to the guidance listed in the OPDPG, which states that a One Planet Development site will need to meet the essential characteristics in its own right.

As there is a reasonably good prospect that this site will provide sufficient livelihood for and sustainability meet the needs of the applicant's family on site on its own accord, with the time set out in the Management Plan, no objection is raised subject to the conditions set out below.

RECOMMENDATION: That planning permission is granted subject to the following conditions:

- (1) The residential use hereby permitted shall be discontinued, the main dwellinghouse and ancillary dwelling and other structures hereby permitted removed from the land and the land restored to its former condition, within 6 months if the phasing strategy as set out in the Management Plan dated December, 2013, is not implemented in accordance with the timetable set out in that plan.
REASON: To retain effective control over the development to comply with policies in Technical Advice Note 6 – Planning for Sustainable Rural Communities.
- (2) No later than 1st April each year, commencing 1st April, 2015, a written Monitoring Report shall be submitted to the Local Planning Authority giving details of the activities carried out during the previous twelve months in compliance with the Monitoring Strategy listed in the revised Management Plan dated December, 2013. In particular, the Monitoring Report shall include details of the following:
 - a) An appraisal of the project's progress in relation to the Management Plan and towards 1.88 gha ecological footprint.
 - b) An assessment of the proportion of basic household food needs being met directly from land based activities on the site to secure at least 65%.
 - c) An appraisal of vehicle trips generated by the project.
 - d) A record of social and / or educational events provided.
 - e) A zero carbon analysis of the project and its activities to demonstrate that it is zero carbon in use.

Within 6 months of the failure to submit a monitoring report the residential use hereby permitted shall be discontinued, the main dwellinghouse and ancillary dwelling and other structures hereby permitted removed from the land and the land restored to its former condition.

REASON: To retain effective control over the development to comply with policies in Technical Advice Note 6 – Planning for Sustainable Rural Communities.

- (3) Should the Monitoring Report identified in (2) above show that the aims and objectives of the Management Plan are not being met, a supplementary report setting out corrective or mitigating measures shall be submitted to the local planning authority no later than 1st July of that year. Those measures shall be implemented in accordance with the supplementary report. Within 6 months of the failure to submit that supplementary report the residential use hereby permitted shall be discontinued, the main dwelling house and ancillary dwelling and other structures hereby permitted removed from the land and the land restored to its former condition.

REASON: To retain effective control over the development to comply with policies in Technical Advice Note 6 – Planning for Sustainable Rural Communities.

- (4) Should the corrective or mitigating measures referred to in (3) above fail to meet the aims and objectives of the Management Plan dated December, 2013, within 3 years from the date of the corrective or mitigating measures being agreed within the 6 months immediately after that 3 year period the residential use hereby permitted shall be discontinued, the main dwellinghouse and ancillary dwelling and other structures hereby permitted removed from the land and the land restored to its former condition.

REASON: To retain effective control over the development to comply with policies in Technical Advice Note 6 – Planning for Sustainable Rural Communities.

- (5) The dwellings, buildings and land comprising the application site shall be retained in use and occupation as a single site and no part shall be used or occupied separately.

REASON: To retain effective control over the development to comply with policies in Technical Advice Note 6 – Planning for Sustainable Rural Communities.

- (6) Notwithstanding the submitted layout plan dated December, 2013, revised details of the proposed siting of the ancillary buildings namely the chicken shed, garden shed, log store, implement shed and access tracks shall be submitted to and agreed in writing with the Local Planning Authority within 1 month from the date of this permission. The amendments shall be implemented in full within 3 months from the date of agreement being reached.

REASON: In the interests of visual amenity.

- (7) Notwithstanding the submitted elevation plans, details of construction of the proposed disabled ramped access for the external compost toilet facility shall be submitted to and agreed in writing with the Local Planning Authority. The ramped access shall be completed in full within 3 months from the date of agreement being reached.

REASON: To ensure safe access for all.

- (8) The 6 seasonal yurts hereby approved shall not be erected and shall not remain erected between the 1st October and 30th March. Once erected the yurts shall not be occupied for more than 90 days.
REASON: To retain effective control over the development to comply with policies in Technical Advice Note 6 – Planning for Sustainable Rural Communities.
- (9) This permission shall not extend to the proposed camping area indicated on the submitted layout plan dated December, 2013.
REASON: To retain effective control over the development to comply with policies in Technical Advice Note 6 – Planning for Sustainable Rural Communities.
- (10) Within 3 months from the date of this permission, the residential caravan in the form of the Green Luton Van body shall be removed from the site and the land reinstated in this location to its condition before the development took place.
REASON: To retain effective control over the development to comply with policies in Technical Advice Note 6 – Planning for Sustainable Rural Communities.
- (11) Within 1 month from the date of this permission, a revised Travel Plan shall be submitted for the consideration and approval of the Local Planning Authority, designed to deliver sustainable access to the development and reduce vehicular trips to and from the site. The development shall then be carried out in accordance with the agreed details within 1 calendar month from the date of approval.
REASON: In the interest of highway safety.
- (12) Within 1 month from the date of this permission, details shall be submitted to and agreed in writing by the Local Planning Authority for the improvement of Cefn-Onn Farm Lane. The improvements shall be in the form of the provision of new passing bays at strategic locations along its length. The improvements shall be carried out in accordance with the agreed details within 2 months from the date of agreement being reached.
REASON: In the interest of highway safety
- (13) Within 1 month from the date of this permission, details for the improvement of the access lane leading to Nant-Y-Cwm Farm, from its junction with Cefn-Onn Farm Lane, shall be submitted to and agreed in writing by the Local Planning Authority. The access improvements shall be carried out in accordance the agreed details within 1 month from the date of agreement being reached.
REASON: In the interest of highway safety.
- (14) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, or any order amending or re-enacting that order with or without modification, no development within Parts 1, 2, 5, 6 7 and 40 of Schedule 2 of that Order (or any Order revoking or re-enacting that Order) shall be carried out without specific planning permission being obtained.

REASON: To retain effective control over the development.

- (15) A scheme of landscaping and a programme for the provision of the landscaping shall be submitted to the Local Planning Authority for agreement within 1 month of the date of this permission. The agreed scheme of landscaping shall be implemented in accordance with the agreed programme. Any trees or plants which within a period of 5 years from the completion of the development die, 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 order to ensure that the site is landscaped and is maintained in the interests of the visual amenity of the area.



PLANNING COMMITTEE – 27TH NOVEMBER 2013

SUBJECT: SITE VISIT - CODE NO. 13/0164/RET - REGULARISE MIXED-USE OF THE LAND FOR AGRICULTURE AND RESIDENTIAL PURPOSES TO INCLUDE RETENTION OF DWELLING HOUSE WITH PROPOSED EXTENSION, RETAIN FARM WORKSHOP AND BARN WITH ALTERATIONS, RETAIN CHICKEN HOUSE, 'ROUNDHOUSE' FOR USE AS PICNIC SHELTER/ CLASSROOM AND THE PROPOSED ERECTION OF AN ANCILLARY DWELLING, GARDEN SHED, IMPLEMENT SHED AND A MAXIMUM NO. OF 6 SEASONAL CAMPING YURTS, NANT-Y-CWM FARM. CEFN-ONN FARM LANE, RUDRY, CAERPHELLY, CF83 3EJ

REPORT BY: INTERIM CHIEF EXECUTIVE

PRESENT:

Councillor D. G. Carter – Chairman
Councillor W. David – Vice Chairman

Councillors Mrs E.M. Aldworth, D. Bolter, H. Davies, L. Gardiner, Mrs J. Gale, N. George, Mrs J. Summers.

1. Apologies for absence were received from Councillors Mrs B. Jones, J.E. Fussell, Mrs C. Forehead, Mrs E. Forehead and A.G. Higgs and Mr J. Rogers (Principal Solicitor).
2. The Chair on behalf of the Planning Committee expressed his thanks to Countryside and Landscape Services for providing transport to the site.
3. The Planning Committee deferred consideration of this application on 30th October 2013 for a site visit. Members and Officers met on site on Tuesday, 12th November 2013
4. Details of the application to regularize mixed-use of the land for agricultural and residential purposes to include retention of dwelling house with proposed extension, retain farm workshop and barn with alterations, retain chicken house, 'roundhouse' for use as picnic shelter/classroom and the proposed erection of an ancillary dwelling, garden shed and a maximum no. 6 seasonal camping yurts, Nant-y-Cwm Farm, Cefn-Onn Farm Lane, Rudry, Caerphilly, CF83 3EJ were noted.
5. Those present walked the site area and examined the plans submitted with the application to fully appreciate the proposals.

6. Members noted the different elements of the site including those which the applicant was seeking permission to retain as well as the position and composition of the proposed extensions and ancillary dwellings/buildings. Members viewed the farm workshop and forge, barn, round house, main dwelling house and surrounding area that would accommodate the camping yurts and proposed polytunnel. It was noted that a substantial amount of the material used on the site would be recycled or sourced in a sustainable way.
7. Members were advised of the requirements of the One Planet Development (OPD) criteria and how the proposed development fitted within it. The essential characteristics of an OPD application were noted and the sustainability and self-sufficiency envisaged by the applicant was detailed for Members information. It was noted that the site would also seek to provide educational, training and rehabilitation opportunities through a program of courses on animal husbandry, sustainable living and rural skills. Clarification was sought as to the number of camping yurts to be incorporated onto the site and concerns were raised with regard to the additional traffic that this use could generate. Members were advised that although a maximum of six yurts had been proposed in the application, the applicant envisaged that no more than 3 yurts would be constructed which would operate during the spring and summer months. In terms of traffic generation the applicant would encourage the use of car share and public transportation to the site in order to reduce vehicle movements as well as the carbon footprint of the development.
8. Officers referenced the statutory objections raised in relation to minimum housing standards, primarily the external compost toilet facility, the visual impact of the development and highway safety issues linked to the suitability of the lane accessing the site. Members were advised that the applicant had made improvements to the external toilet facilities and would welcome the opportunity to work with Officers to provide internal facilities. The applicant also proposed a tree planting scheme to enhance the visual aesthetic of the site, and further planting would also be used to form a micro-climate environment and by doing so meet another requirement of the OPD criteria.
9. Officers confirmed that statutory objections had been received from the Team Leader Sustainable Development and Living Environment, Transport Engineering Manager and Head of Public Protection, and following advertisement to neighbouring properties, and a site notice being posted, one letter of response had been received. Details of the statutory objections are within the Officer's report.
10. Officers advised that the initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be unacceptable and Officers recommended that permission be refused. However in order to allow the applicant the fullest opportunity to present a robust evidence base for the OPD and respond to the reasons for refusal contained in the Officer's report it was agreed that consideration of the application be deferred to a future meeting of the Planning Committee.

Author:	E. Sullivan	Committee Services Officer, Ext. 4420
Consultees:	T. Stephens	Development Control Manager
	W. Grimstead	Enforcement Officer (Planning)
	L. Cooper	Engineer (Highway Development Control)
	M. Noakes	Senior Engineer (Highway Development Control)
	G. Mumford	Senior Environmental Health Officer
	A. Brown	Environmental Health Officer

P. Cooke Team Leader (Sustainable Development)

Appendices:

Appendix 1 Report submitted to Planning Committee on 30th October 2013.

DEFERRED FOR FURTHER INFORMATION

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0164/RET 11.03.2013	Mr & Mrs Moody Nant-Y-Cwm Farm Cefn-Onn Farm Lane Rudry Caerphilly CF83 3EJ	Regularise mixed-use of the land for agriculture and residential purposes to include retention of dwellinghouse with proposed extension, retain farm workshop and barn with alterations, retain chicken house, 'roundhouse' for use as picnic shelter/classroom and the proposed erection of an ancillary dwelling, garden shed, implement shed and a maximum No. of 6 seasonal camping yurts Nant-Y-Cwm Farm Cefn-Onn Farm Lane Rudry Caerphilly CF83 3EJ

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: Nant-Y-Cwm Farm, Cefn-Onn Farm Lane, Rudry.

Site description: The application site relates to a parcel of agricultural land of 6.5 hectares with varied land features and wooded areas. The land is defined by a stream along the north western boundary, which provides the main water source and hedgerows along the other boundaries. There are no mains services on the site and access is achieved via Cefn-Onn Farm Lane, which connects Rudry Common to the boundary shared with Cardiff City Council.

Development: Permission is sought to regularise a mixed-use of the land for agriculture and residential purposes to include retention of dwellinghouse with proposed extension, retain farm workshop and barn with alterations, retain chicken house, 'roundhouse' for use as picnic shelter/classroom and the proposed erection of an ancillary dwelling, garden shed, implement shed, polytunnel, shepherds hut and a maximum of 6 seasonal camping yurts.

Dimensions: The structures that form part of this development and their dimensions are as follows:-

Main dwellinghouse - 19.8m x 6.7m x 3.6m.
Farm workshop - 6.1m x 7.2m x 3.9m.
Barn - 17.4m x 18.5m x 6m.
Chicken house - 2.4m x 2.2m x 2.2m .
Roundhouse (classroom accommodation) - 7m diameter x 4.8m.
Proposed Ancillary dwelling - 6.7m x 9.7m x 3.5m.
Garden shed - 2.4m x 3.0m x 2.3m.
Camping yurt - 6m diameter.
Proposed polytunnel - 28m x 11.6m x 2.4m.
Existing polytunnel - 6m x 4.5m x 2.2m.
Proposed implement shed - 11.6m x 3m x 2.3m.
Shepherds hut - 3m x 3m x 2.5m.

Materials:

Main dwellinghouse - recycled timber construction, clad in cedar.
Farm workshop - reclaimed concrete block/timber with portable container incorporated into building fabric.
Barn - recycled dutch barn construction, clad in timber with portable container incorporated into building fabric.
Chicken coop - recycled timber construction.
Roundhouse (classroom accommodation) - recycled timber.
Ancillary dwelling - recycled timber construction, clad in cedar.
Garden shed - recycled timber construction.
Camping yurt - canvas.
Proposed polytunnel - recycled polytunnel frame and horticulture grade plastic.
Existing polytunnel - recycled steel/wood and horticulture grade plastic.
Proposed implement shed - recycled timber construction with tin roof.
Shepherd hut - former luton van body.

Ancillary development, e.g. parking: Parking facilities are proposed.

PLANNING HISTORY

There is no previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Outside settlement boundary with a visually important local landscape.

Policies: CW2 (Amenity); CW4 (Natural Heritage Protection); CW6 (Trees, Woodland and Hedgerow Protection); CW15 (General Locational Constraints); CW19 (Rural Development and

Diversification); SP5 (Settlement boundary); SP6 (Place Making); NH 2.4 (Rudry Visually Importance Local Landscape);

NATIONAL POLICY The relevant policies and guidance are set out in Planning Policy Wales (Edition 5, November 2012), Technical Advice Note (TAN) 6 - Planning for Sustainable Rural Communities (July, 2010) and the associated One Planet Development Practice Guidance (October, 2012).

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.

CONSULTATION

Cardiff City Council - No representations have been received.

Transportation Engineering Manager - Raises objection to the proposal as the lane network leading to the site is unsuitable to serve the development by virtue of its narrowness, lack of forward visibility, steep gradients and lack of street lighting. Any increase in traffic movements along this network would be to the detriment of highway safety.

Head Of Public Protection - Raises objection on the basis that the accommodation fails to meet the minimum housing standards as stated in the Housing Act 2004. Concern is also raised in respect of the water quality; however, this is a matter that can be made acceptable by monitoring and sampling.

Application No. 13/0164/RET Continued

Senior Engineer (Land Drainage) - Raises no objection subject to a condition being imposed showing how surface water and land drainage flows from the site will be dealt with.

Dwr Cymru - No representations have been received.

Rights Of Way Officer - Raises no objection and notes that Bridleway 51 Rudry passes through the site and must not be obstructed.

Gwent Wildlife Trust - No representations have been received.

Team Leader Sustainable Development And Living Environment - Raises objection on the basis that the level of information included in the applicant's management plan is insufficient to

meet the tests set out in Technical Advice Note 6 (TAN 6) - Planning for Sustainable Rural Communities.

ADVERTISEMENT

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

Response: One letter has been received.

Summary of observations: No objection raised.

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? No.

ANALYSIS

Policies: Planning Policy Wales and Technical Advice Note 6 (TAN 6) - Planning for Sustainable Rural Communities are the main sources of policy consideration for One Planet Development (OPD) in the countryside. One Planet Development is a new area of rural policy.

It is a justified exception to the strict control of residential development in the open countryside and shall only be permitted if the demanding requirements of TAN 6 and its practical guidance listed in the One Planet Development Practice Guidance (October, 2012) are met.

TAN 6, reflecting Planning Policy Wales, sets out a list of essential characteristics that all One Planet Developments in the open countryside must have. One Planet Developments must:-

1. Have a light touch on the environment - positively enhancing the environment wherever possible through activities on the site.
2. Be land based - the development must provide for the minimum needs of residents in terms of food, income, energy and waste assimilation in no more than five years.
3. Have a low ecological footprint - the development must have an initial ecological footprint of 2.4 global hectares per person or less with a clear potential to move to 1.88 global hectares per person over time.
4. Have very low carbon buildings - these are stringent requirements, requiring that buildings are low in carbon in both construction and use.
5. Be defined and controlled by a binding management plan, which is reviewed and updated every five years.

6. Be bound by a clear statement that the development will be the sole residence for the proposed occupants.

TAN 6 also says that planning applications for OPD need to be supported by robust evidence. In particular, it says that a management plan produced by a competent person or persons should accompany applications and that this should be the basis of a legal agreement relating to the occupation of the site. It also states that the management plan should cover the following areas; a business and improvement plan, ecological footprint analysis, carbon analysis, biodiversity and landscape assessment, a community impact assessment, and a transport assessment and travel plan. In accordance with the requirements of TAN 6, the applicants have submitted such a plan. The management plan sets out the applicants' objectives and defines the design strategy/proposals to create the infrastructure necessary to support a one-planet lifestyle. An ecological footprint analysis is also included.

As with all such proposals in the countryside the advice of an agricultural consultant was sought and the following analysis takes account of the comments received.

The submitted management plan is broken down into individual elements. From the information submitted, the applicants purchased 6.5 hectares of agricultural land at Nant-Y-Cwm Farm in 2008 and have been farming the land since this time. They claim to have lived on the land since 2009 in a variety of structures ranging from a yurt to a caravan. The move to a more permanent place of residence took place in 2011 when the applicant constructed a log cabin, which is now the main dwellinghouse. Other unauthorised buildings that have been constructed on the site include a barn, farm workshop, roundhouse, domestic/chicken sheds, and a polytunnel. This retrospective One Planet Development application seeks to regularise the unauthorised mixed-use of the land for agricultural and residential purposes. In addition to the buildings listed above, the applicant proposes to construct further agricultural buildings over a 5 year period as well as the siting of 6 camping yurts between the months of April and October.

With regards to the proposed activities, the applicants have provided a business plan, which provides a broad indication of the current business and how it is to be developed. Their aim is to live a sustainable lifestyle and to have a light touch on the environment. To achieve this, they currently provide themselves with meat, vegetables, eggs and fruit and if the application is successful, they aim to develop this further by supplying the locality with fresh produce using local markets and horse and cart.

The One Planet Development Practice Guidance (OPDPG) recognises that it is not feasible for all the food needs of occupants to be produced on site and suggest that realistically, at least 65% of basic needs should be met, which the applicants confirm is their objective. The figures submitted with the application indicate that the proportion of food produced on the farm for 2013 is 50% and by 2017, this figure rises to 79%. Despite this, the OPDPG states that the proposals have to be land based and provide the minimum income necessary to meet the applicant's needs, within 5 years of first habitation of the site. As the occupants are already living on site and as the management of the site took place as early as 2010, concern is raised

as to whether this criterion is now capable of being complied with as 5 years from the date of first habitation ends in 2014.

With regards to the size of the holding, it is accepted that it could, in principle produce/sustain the levels of production shown, e.g. number of sheep, cattle, fruit, vegetables, grains etc. However, the starting point for assessing whether or not the figures can be achieved is the baseline assessment. The baseline assessment that forms part of this application lacks details on the list of requirements set out in the OPDPG.

For example, with regards to the physical attributes of the land (geology, topography and soils), the applicants claim to have analysed and limed the soil, however, without the provision of basic soil information and its productive capacity and management needs, the lack of evidence casts doubt as to whether the proposed agricultural activities/figures are achievable. It also fails to adequately demonstrate whether projects such as the sales of produce via horse and cart are viable.

OPDPG states that the development must have an initial ecological footprint of 2.4 global hectares per person or less with a clear potential to move to 1.88 global hectares per person over time. Many of the submitted figures included in the footprint calculation are unverifiable, however, there is one clear discrepancy and that relates to the size of the plot for the growing of the family's own food. The applicants have since confirmed that the figure of 90,000 sq. m. should actually read 34,000 sq.m. The net effect of this is that by year 5 (2017), the footprint per capita reduces dramatically in favour of the applicants from a total shown of 1.75 per capita to 0.98. As the figures are not quantified in the management plan and bearing in mind the applicants already claim to have an exemplary ecological footprint, the shift to 0.98 casts considerable doubt over the accuracy of the figures used to calculate their footprint per capita.

With regards to the current activities at the site, it is evident that the applicants operate day to day as part of a linked group of family and friends, sharing trips and some outside resources such as freezing facilities and biomass fuel (timber). The energy at Nant-Y-Cwm Farm is off grid with solar, wind, water and biomass available as the main sources of energy. Biomass fuel is the main source of heat for the existing and proposed dwelling, which comes from existing hedgerows, branches overhanging the application site and coppiced hazel from within. There is also an agreement in place with two neighbours to selectively thin and manage woodland areas outside of the application site, which supplement their biomass needs. Although this way of sustainable living is to be applauded, the OPDPG specifically states that the energy needs of inhabitants must come from the site.

To achieve this, the applicants make reference to the carrying out of additional planting of hedgerows and mixed coppiced areas as well as an area of up to 6,500 sq. m. of woodland. Not only would there be a cost to this, there is considerable concern that because of the limited baseline assessment, the loss of land for the growing of biomass willow will result in the inhabitants being less able to provide for themselves in terms of food/income, adversely impacting on their ecological footprint results. Furthermore, the management plan also refers to the use of a methane digester to replace the use of LPG but it fails to mention where the organic matter will come from.

Although the submitted management plan refers to a one family residence, the application proposes a second dwelling for the applicants' eldest child. On this matter, it was noted during the application site visit that the Luton type van body is already being used by the eldest child as a residential caravan in breach of planning control. If this application is successful, this van body will be used as a shepherds hut and an ancillary dwelling constructed of similar materials to the main dwellinghouse. It would also be off grid and share the same compost toilet as the main dwellinghouse, which is situated outside the main building. With regards to the proposed living arrangements, both dwellings lack internal toilet facilities and therefore, fail to meet the minimum housing standards.

With regards to the proposed external composting toilet, the Council has a duty to consider the implications of the Equalities Act (2010) when carrying out its function as a Local Planning Authority. As it is only accessible by ladder and bearing in mind the planned residential and educational courses, the proposal fails to address inclusive design and is considered to have a detrimental impact on those residents and visitors whose disability would make using the composting toilet difficult or impossible. Its design, therefore, is considered contrary to policies CW2 and criterion (D) of Policy SP6 of the Council's LDP.

Notwithstanding the acceptability or otherwise of these living and sanitary arrangements, the applicants have included their eldest child's consumption in the overall figures relating to 'proportion of food produced on farm' on the basis that they will be operating as one family, i.e. seven inhabitants. This is in effect, however, a two household application and there is also the prospect of a third household if the second eldest sibling stays. Whilst the OPDPG refers to the provision of a simple balance sheet based on projections of the anticipated income, in order to reach that point, the applicants must have worked out their enterprise budgets in terms of land area needed, labour requirement and the normal inputs and outputs. The OPDPG requires robust evidence to support the management plan and the baseline survey and the necessary detail to show how the outputs have been reached are absent from the management plan. The OPDPG requires an applicant to quantify how their minimum food and income needs will be derived from the site. That information is not given in sufficient detail and the projections, therefore, are not fully proven.

OPDPG also states that the produce grown and reared on the site (that meets the minimum food and basic income of the occupants) must be the result of the labours of the occupants of the site and not that of hired hands.

With regards to the labour required to meet the One Planet Development requirements, the management plan fails to adequately establish whether the enterprise is reliant upon the labour of volunteer workers given that three and possibly shortly four adults will be working on the holding. Even though the proposed yurts are likely to be a useful income derived from the land, it is unclear from the submitted management plan about the role of volunteers within the proposal, including those on educational and rehabilitation courses and how their needs in terms of food, or their contribution to the food needs of the family would be allocated. Furthermore, if all six yurts are occupied, there could be as many as thirty persons on site

including family members, all sharing the main dwelling's external compost toilet, which in practical terms is considered unacceptable.

With regards to the provision of water, the management plan states it is currently supplied from a piped spring, which has not been tested. With proposed educational courses involving the general public there will be a requirement for a potable water supply to be provided. There is no indication in the submitted management plan that the water supply has been tested for pathogens and any pollution from neighbouring land uses. In addition, given the soil type, irrigation will be very important in dry summers and an assessment of crop and livestock needs, need to be provided and how it will be supplied.

The spring may be reliable, but the polytunnels, crops and livestock will require a considerable amount of water in a dry year and use of the streams may or may not be required or possible. Currently, there is insufficient evidence in this regard and not enough information provided to evaluate the water supply, its reliability and suitability to meet stringent quality tests.

In order to achieve the One Planet Development status, the applicants propose a total of 11 buildings/structures and six seasonal yurts for siting between the months of April and October to serve those who volunteer and attend training courses. As the application site is within an area of open countryside which is designated in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 as a Visually Important Local Landscape (VILL), policy NH2.4 of the Council's LDP is of relevance which states that development will only be permitted where it conserves and where, appropriate, enhances the distinctive visual and sensory landscape or characteristics of the Rudry VILL.

Paragraph 7.3 of the Council Adopted Supplementary Planning Guidance LDP 10 - Buildings in the Countryside (January, 2012) is also relevance and states that if new buildings are allowed as part of rural development and diversification schemes, the number and size of buildings proposed to be used for the new or expanded business should be proportionate to the number of existing buildings on a site.

Paragraph 8 of the same guidance recognises that new agricultural buildings, by virtue of their scale, may be prominent features on the landscape and they should be sited to ensure minimal visual impact and that it will not be appropriate for buildings to be domestic or industrial in character or standard. Similarly, the guidance in paragraph 6.7 of Technical Advice Note 12: Design (TAN 12) states that the appearance and function of a proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications.

A network of footpaths and bridleways surround the application site with views into the site easily obtainable, especially during winter months when there is less foliage on the trees. Although the materials proposed in the construction of the buildings at Nant-Y-Cwm Farm come from recycled sources, because of this, the development as a whole lacks cohesion as far as the general appearance of the built structures are concerned. For example, steel portable containers are incorporated into the fabric of the barn and farm workshop and the former Luton van body is to remain as a shepherds hut. The planned siting does not

overcome the visual harm caused by these structures and they appear incongruous in this area of open countryside, which is characterised by open fields, trees and hedgerows.

Notwithstanding the harm caused through the unacceptable choice of materials, concern is also raised in respect of the overall number of buildings and structures required to facilitate this One Planet Development, which at anytime one could be as many as 17. Such a large number would impact adversely upon the general appearance of this area and severely compromise the VILL status of this land, contrary to the guidance listed in Policies NH2.4, CW2 and CW19 of the Council's LDP as well as that contained in the Council Adopted Supplementary Planning Guidance LDP 10 - Buildings in the Countryside and Technical Advice Note 12 - (Design).

With regards to the accessibility of the application site, the lane network that leads to Nant-Y-Cwm Farm is unsuitable to serve this One Planet Development proposal by virtue of its narrowness, lack of forward visibility, steep gradients and lack of street lighting and any increase in traffic movements along this network would be to the detriment of highway safety, contrary to criterion (A) of Policy CW3 of the Council's LDP.

Comments from Consultees: These have been included in the analysis above.

Comments from public: None.

Other material considerations: As the mixed-use of the land for agriculture and residential purposes has already been carried out and as this application is not considered to meet the strict One Planet Development guidance criteria listed in the TAN 6, it is recommended that enforcement action be taken to require the cessation of the residential use and reinstatement of the land to its condition before the development took place to include the removal from the site of all ancillary residential and agricultural buildings. Although the applicants own a property in Trethomas, which is currently rented out, they will nevertheless lose their residential status on this land. As this is the family's main place of residence, it is recommended that an extended compliance period of 12 months be given to allow them the opportunity to make alternative accommodation arrangements.

RECOMMENDATION that (A) Permission be REFUSED

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

- 01) The level of information included in the applicants' management plan is insufficient to meet the stringent tests set out in Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010), Planning Policy Wales (5th Edition, 2012) as well as Policies SP5 and CW15 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010. In particular there is a lack of clarity about: the productivity of the site and its capacity to sustain the family; power generation; the use of neighbouring land for sourcing timber; other property in the applicants' ownership; and the implications of the proposed yurts and their occupants.

- 02) The unacceptable choice of materials and overall numbers of buildings would have a detrimental impact upon the visual amenity of this area of open countryside, which is characterised by open fields, trees and hedgerows, contrary to policies NH2.4, CW2 and CW19 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 as well as the guidance contained in paragraphs 7 and 8 of the Council Adopted Supplementary Planning Guidance LDP 10 - Buildings in the Countryside.
- 03) The lane network leading to the site is unsuitable to serve this One Planet Development proposal by virtue of its narrowness, lack of forward visibility, steep gradients and lack of street lighting and any increase in traffic movements along this network would be to the detriment of highway safety, contrary to criterion (A) of Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 04) The proposed living arrangements of the two dwellings fail to meet minimum housing standards and the reliance on an external compost toilet facility fails to provide full, easy and safe access for all, contrary to Policies SP6 and CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, Technical Advice Note 12: Design (2009), and Planning Policy Wales (2012).
- (B) That Enforcement Action be authorised on the basis of the terms set out in this report including legal action if necessary.
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DEFERRED FOR SITE VISIT

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0094/COU 12.02.2014	Aktons 76 Cardiff Road Caerphilly CF83 1JR	Change of use from A1 retail to A2 financial services and first floor flat, residential bathroom extension at rear and provide new shopfront and alterations 60 Cardiff Road Caerphilly CF83 1JQ

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The site, 60 Cardiff Road, Caerphilly, is located on the east side of the street, and the front elevation has a westerly aspect, facing Pentrebanne Street.

Site description: The premises are a ground floor retail (A1) unit, currently vacant, of a two storey property, with a first floor used as storage in connection with the ground floor use.

Development: The proposal is for a change of use from a Use Class A1 retail outlet to a mixed use as A2 financial and professional service use on ground floor and first floor residential flat. In addition, the proposal includes a first floor rear extension to provide a bathroom for the flat, and a new shop front and alterations for the ground floor use.

Dimensions: The retail unit ground floor area measures 13m x 4.5m, and the proposed flat, with the proposed extension, would also be 13m x 4.5m.

Materials: The external walls are rendered stone, and the roof is interlocking concrete tiles. The shop front is typical of circa 1970s design.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

P/04/1358 - Change the use to shoe repairs, key cutting and leather goods - Granted 12.10.04.

13/0872/CLPU - Obtain a Lawful Development Certificate for the proposed use of the first floor as a single flat - Not yet determined.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Land within the settlement boundary and a principal town centre.

Policies: Policies SP5 (Settlement Boundaries); CW14 (Use Class Restrictions - Retail); CW2 (Design Considerations - Amenity); CW3 (Design Considerations - Highways).

NATIONAL POLICY Planning Policy Wales (2014) and Technical Advice Note 4: Retail and Town Centres.

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 in an area where a mining risk assessment is not necessary.

CONSULTATION

Strategic & Development Plans - The proposal to change the use from A1 retail to a mixed use as A2 (professional and financial services) would be contrary to Policy CW14, and should be refused permission.

Caerphilly Town Council - raises objection for the reasons:

- i) The reduction in shops selling in the town centre is having an adverse effect on Caerphilly; and
- ii) Too many shops with 'dead frontage' on Cardiff Road.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

ADVERTISEMENT

Extent of advertisement: 8 neighbours were notified by letter, and a site notice 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? None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The Council's Local Development Plan 'Objective 22' seeks to "Maintain the vitality, viability and character of the County Borough's town and village centres, and re-establish them as a focus for economic activity and community pride". Key to this Objective is promoting footfall and allowing change to increase economic activity.

In assessing this application for change of use from A1 retail to a mixed use as A2 use and a residential flat, in the principal centre, the key considerations are given to Policy CW14.

Policy CW 14 provides policy constraints that aim to maintain the character, vitality and viability of the principal town centres, through placing restrictions on changes to the use of A1 retail units to other uses, unless the centre as a whole has been subject of a vacancy rate greater than 10% over a period exceeding the previous 12 months.

In terms of Policy CW14, the last vacancy rate (October 2013) is under 10%, although this has been the first year in six that it has dropped below 10%. In respect of Policy CW14, the proposal to change the use of the ground floor of the premises to an A2 use would be contrary to the policy.

However, it is important to consider the positive effects an operating unit will have over a potentially empty unit and from this perspective consideration needs to be given to whether the unit meets the intentions of Objective 22 in promoting footfall and increasing economic activity. An empty unit does not promote footfall, whereby a unit in occupation will have benefit to some degree. In this case the proposed use is for a Class A2 professional and financial services use, and as such its impact on footfall is unlikely to be significant. The proposed use would provide employment but, in order to meet the Objective, the employment opportunities would need to be significantly greater than an A1 use could generate in the unit.

On both counts it is considered that the proposed change of use would not realise a significant enough contribution to outweigh the policy objection that would be generated from Policy CW14.

The proposal includes other aspects, specifically a first floor residential flat, with a small first floor rear extension to provide a bathroom. There would be no policy objections to this part of the proposal and there are no objections to this aspect from any of the consultees.

A third aspect to the proposals is a replacement shop front, details of which are very vague. It is deemed unnecessary to expect the applicant to go to additional expense of providing detail plans when the application is being recommended for refusal on policy grounds.

As such it is considered that the proposal to change the use of the ground floor of the unit from A1 to A2 use would be contrary to Policy CW14, and even though there are acceptable aspects to the overall proposals, it is not possible to grant permission in part only. Therefore, the application should be refused.

Comments from Consultees: Caerphilly Town Council raise objection to the loss of an A1 retail unit.

Comments from public: None.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

- 01) The change of use from Class A1 retail premises to a mixed use as professional and financial services on the ground floor would result in the loss of a Use Class A1 retail unit in a Principal Town Centre to the detriment of the objective to maintain the vitality, viability and character of the retail area, and therefore would be contrary to Policy CW14 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
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APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	<u>PROPOSAL & LOCATION</u>	<u>DECISION</u>
14/0006/FULL 06.01.2014	Miss Jenkins & Miss Thomas 12 Elm Grove Caerphilly CF83 3BE	Erect tiled storm porch to the front elevation 12 Elm Grove Caerphilly CF83 3BE	Granted 03.03.2014
13/0855/RET 17.12.2013	Mr & Mrs G Lloyd 19 Ffordd Erw Caerphilly CF83 1RY	Retain two-storey side and rear extension 19 Ffordd Erw Caerphilly CF83 1RY	Granted 04.03.2014
14/0002/FULL 03.01.2014	Mr J Styles 5 Heol-Y-Berth Caerphilly CF83 1SP	Erect conservatory to rear of property 5 Heol-Y-Berth Caerphilly CF83 1SP	Granted 04.03.2014
14/0008/FULL 07.01.2014	Mr & Mrs Warr- Townley 14 Gelligroes Road Pontllanfraith Blackwood NP12 2JU	Erect single-storey rear extension 32 Brynheulog Street Penybryn Hengoed CF82 7GD	Granted 04.03.2014
14/0009/RET 07.01.2014	Abertysswg R.F.C. Mr P Bell (Secretary) 37 Carn Y Tyla Terrace Abertysswg Rhymney NP22 5AS	Retain the extension of the temporary development at existing rugby field to provide pitch-side sport associated cabins for Abertysswg R.F.C. Abertysswg Playing Fields Station Road Abertysswg Tredegar	Granted 04.03.2014
14/0013/FULL 08.01.2014	Mrs Fenney 13 Cwrt Nant-Y-Felin Caerphilly CF83 1TP	Erect single-storey conservatory 13 Cwrt Nant-Y- Felin Caerphilly CF83 1TP	Granted 04.03.2014
14/0022/FULL 10.01.2014	Mrs C Brown 6 Bardsey Island Way Caerphilly CF83 2DD	Convert garage into play room 6 Bardsey Island Way Caerphilly CF83 2DD	Granted 04.03.2014
14/0027/FULL 13.01.2014	Mr C Aguiar 153 Commercial Street	Erect detached garage on plot to rear and demolish existing garage Plot Of Land To Rear	Refused 04.03.2014

	Senghenydd Caerphilly CF83 4GA	Of 153 Commercial Street Senghenydd Caerphilly CF83 4GA	
14/0028/FULL 13.01.2014	Mr C Aguiar 153 Commercial Street Senghenydd Caerphilly CF83 4GA	Erect garage to rear 153 Commercial Street Senghenydd Caerphilly C F83 4GA	Refused 04.03.2014
14/0029/FULL 13.01.2014	Mr R Shearn 3 Y Cilffordd Caerphilly CF83 2LS	Erect single-storey side extension 3 Y Cilffordd Caerphilly CF83 2LS	Granted 04.03.2014
14/0040/FULL 16.01.2014	Mr G Churton Dan Y Coed House 7 Dan-y-coed Caerphilly CF83 1HU	Modify existing detached garage Dan Y Coed House 7 Dan-y-coed Caerphilly CF83 1HU	Granted 04.03.2014
14/0051/FULL 22.01.2014	Mr M Evans 7 Skomer Island Way Caerphilly CF83 2AR	Convert existing integral garage into additional sitting room 7 Skomer Island Way Caerphilly CF83 2AR	Granted 04.03.2014
14/0010/FULL 08.01.2014	Lidl UK GmbH Dr W Hurst Waterton Industrial Estate Off Cowbridge Road Bridgend CF31 3PH	Erect extension to foodstore including construction of external trolley bay and associated groundworks Lidl 5 Beddau Way Caerphilly CF83 2AX	Granted 05.03.2014
14/0011/FULL 08.01.2014	Mr S Parslow 48 Pwll Yr Allt Tir-y-berth Hengoed CF82 8FR	Convert integral garage into living space 48 Pwll Yr Allt Tir- y-berth Hengoed CF82 8FR	Granted 05.03.2014
14/0014/FULL 08.01.2014	Mr & Mrs Cornish 7 Beechwood Close Newbridge Newport NP11 4NX	Erect extension to form ground and first floor living space above existing garage 7 Beechwood Close Newbridge Newport NP11 4NX	Granted 05.03.2014
14/0015/FULL 08.01.2014	Mr K Williams 3 Hillside Terrace Bedwas Caerphilly CF83 8AJ	Construct detached garage 3 Hillside Terrace Bedwas Caerphilly CF83 8AJ	Granted 05.03.2014
14/0017/RET 09.01.2014	Mr S Lock 59 Dan-Y-Bryn	Retain partial internal conversion of garage to	Granted 05.03.2014

	Pontllanfraith Blackwood NP12 2FJ	store/utility room with internal partition 59 Dan-Y-Bryn Pontllanfraith Blackwood NP12 2FJ	
14/0026/FULL 13.01.2014	Mr T Thomas 4 Bryn Canol Cefn Hengoed Hengoed CF82 7LQ	Erect single-storey rear extension 4 Bryn Canol Cefn Hengoed Hengoed CF82 7LQ	Granted 05.03.2014
13/0658/OUT 10.09.2013	Mr R Smith Homeleigh House Park Place Newbridge NP11 4RL	Erect four bedroom dwelling house and integral garage with ancillary works to form new drive access Homeleigh House Park Place Newbridge NP11 4RL	Granted 06.03.2014
13/0872/CLPU 20.12.2013	Aktons 76 Cardiff Road Caerphilly CF83 1JR	Obtain a Lawful Development Certificate for the proposed use of the first floor as a single flat 60 Cardiff Road Caerphilly CF83 1JQ	Granted 06.03.2014
13/0877/FULL 24.12.2013	Mr N Jenkins 44 Pengam Street Glan-y-nant Blackwood NP12 3XJ	Convert existing garage to living accommodation and erect first floor side extension with balcony 6 Bramblewood Court Pengam Blackwood NP12 3QW	Granted 06.03.2014
14/0016/COU 09.01.2014	Mr J Wallace 63 North Road Newbridge Newport NP11 4AB	Convert ground floor of public house to a three bedroom flat Masons Arms North Road Newbridge Newport	Granted 06.03.2014
14/0018/COU 10.01.2014	Exchange Stores & Post Office Mr P Kemp 55 St Mary Street Risca Newport NP11 6GF	Change the use from two living rooms on the ground floor into retail space, adding external staircase to living accommodation and changing door to improve retail access 55 St Mary Street Risca Newport NP11 6GF	Granted 06.03.2014
14/0041/FULL 16.01.2014	Mr J Evans 15 Gwerthonor Lane Gilfach Bargoed CF81 8JT	Erect rear extension to bungalow with attic conversion 15 Gwerthonor Lane Gilfach Bargoed CF81 8JT	Granted 06.03.2014
13/0506/OUT 05.07.2013	Mr G Thomas 1 Heol-Y-Twyn	Erect residential development Former British Legion Club	Granted 07.03.2014

	Rhymney NP22 5DW	Heol Uchaf Rhymney	
14/0031/TPO 10.01.2014	Greenhill Construction Mr M Griffiths The Green House Esperanto Way Newport NP19 0RD	Provide tree works to poplar tree (plot 1), oak trees (plots 4, 5 and 9) and sycamore trees (plots 7 and 8) protected by Tree Preservation Order 58/72/MCC Land At Moriah Hill Risca	Granted 07.03.2014
14/0037/FULL 16.01.2014	Mr P Thomas 3 Pennar Houses Pennar Lane Pentwyn-mawr Newport NP11 4GT	Take down existing conservatory and build a single-storey extension towards the rear and side of the existing property to create a third bedroom and living area within the property 3 Pennar Houses Pennar Lane Pentwyn-mawr Newport	Granted 07.03.2014
14/0056/COU 27.01.2014	Emmanuel Jones 6 Ty-Nant Court Morganstown Cardiff CF15 8LW	Change the use from A2 to A1 Halifax Plc 169 High Street Blackwood NP12 1AA	Granted 07.03.2014
13/0850/ADV 16.12.2013	Team Threads Mrs S Bevan 9 Corbett Grove Caerphilly CF83 1SZ	Retain one fascia sign and erect one hoarding sign 1 Piccadilly Square Caerphilly	Granted 10.03.2014
14/0023/FULL 13.01.2014	Mr & Mrs P Matthews 55 Waungoch Road Oakdale Blackwood NP12 0LJ	Erect single-storey utility room and wet room extension to side of dwelling 55 Waungoch Road Oakdale Blackwood NP12 0LJ	Granted 10.03.2014
14/0021/RET 10.01.2014	Mr N Cleverley Gelli-haf Bungalow Rock Villas Argoed Blackwood NP12 0AD	Retain a two-storey detached training facility Gelli-haf Bungalow Rock Villas Argoed Blackwood	Refused 11.03.2014
14/0049/FULL 20.01.2014	Priory Group C/o WYG Ropemaker Court 11-12 Lower Park Row Bristol BS1 5BN	Erect single-storey temporary building for a period of 12 months in order to provide meeting area for family visits Cefn Carnau Uchaf Nursing Home Cefn Carnau Lane Thornhill Caerphilly	Granted 11.03.2014

14/0050/FULL 21.01.2014	Dr L Menon Tyn-Y-Cae Waterloo Machen Caerphilly CF83 8NJ	Erect single-storey kitchen/diner extension Tyn-Y-Cae Waterloo Machen Caerphilly	Granted 11.03.2014
14/0035/RET 15.01.2014	Miss S Bashir 128 Parc-y-Fro Creigau Cardiff CF15 9SB	Vary condition 02 of planning consent 08/1312/COU to allow opening hours between 12.00 p.m. to 11.30 p.m. Monday to Thursday, between 12.00 p.m. to 00.00 a.m. on Friday and Saturday and between 12.00 p.m. to 11.30 p.m. on Sundays and Bank Holidays 1-3 Thomas Street Abertridwr Caerphilly CF83 4AU	Refused 12.03.2014
13/0781/OUT 25.10.2013	Mr A Maggs Pant-yr-resk House Pant-yr-resk Road Pant-yr-resk Mynyddislwyn Newport NP11 5AG	Erect one residential dwelling Land Adjoining Ty Ffynnon Halls Crossing Woodfieldside Blackwood	Refused 13.03.2014
13/0827/FULL 26.11.2013	Rocco Plant Limited Mr S Lewis C/o GVA Mr O Griffiths One Kingsway Cardiff CF10 3AN	Change the use of land to scrap yard including weighbridge, temporary steel containers (to provide staff office/canteen/toilet facilities) and storage units, ferrous loading area and associated storage bins, car/lorry parking and boundary fencing Land At Unit 9 Penallta Industrial Estate Hengoed CF82 7SU	Granted 13.03.2014
13/0854/LA 13.12.2013	Caerphilly County Borough Council Private Sector Housing Mr N Challenger Pontllanfraith House Blackwood Road Pontllanfraith Blackwood	Convert existing children's home to 4 No. one-bedroom flats 22 - 24 Heol Aneurin Penyrheol Caerphilly CF83 2PB	Granted 13.03.2014

	NP12 2YW		
14/0032/RET 14.01.2014	Miss R Jones 20 Ridgeway Machen Caerphilly CF83 8RB	Retain the partially converted garage to a utility/storage room 29 Long Heath Close Caerphilly CF83 3SD	Granted 13.03.2014
14/0036/RET 16.01.2014	Mr A Saeffadin 21 Adamsdown Square Cardiff CF24 0EL	Retain the change the use of former Wern Stores from a fruit and veg wholesalers to the current mixed use of a motor vehicle maintenance repair and M.O.T. testing centre and a hand car wash with a replacement canopy extension Wern Stores Caerphilly Road Nelson Treharris	Refused 13.03.2014
14/0039/FULL 16.01.2014	Mr P Bush 5 Leydene Close Risca NP11 6HD	Erect single/double rear extension and garden shed building 33 Crescent Road Risca Newport NP11 6GJ	Granted 13.03.2014
13/0839/NCC 02.12.2013	Mr L Aalten 271 Bedwas Road Caerphilly CF83 3BL	Vary condition 3 of planning consent 08/1141/OUT (Erect detached dwelling) to extend the period within which to submit reserved matters application for an additional three years Land At 271 Bedwas Road Caerphilly CF83 3BL	Granted 14.03.2014
14/0044/TPO 17.01.2014	Morris's Ground Maintenance Mr T Rogers Unit K Springvale Industrial Estate Cwmbran Torfaen NP44 5BE	Fell oak tree to ground level (Tree Preservation Order 1/82/IBC) Pen-Y-Bryn Court Croespenmaen Newport NP11 3BA	Refused 14.03.2014
12/0030/NCC 16.01.2012	Mrs C Lloyd 1 Penmaen Avenue Oakdale Blackwood NP12 0JZ	Vary conditions (2) & (3) to renew outline consent 07/1564/NCC to erect residential development Land At George Street Cwmcarn	Granted 17.03.2014

14/0007/FULL 07.01.2014	Seda Uk Ltd Mr G Davies Salvatore D'Amato Court 10 Hawtin Park Gelli-haf Pontllanfraith Blackwood NP12 2EU	Erect new porch with portable building overflow changing rooms to factory 2 Seda Uk Ltd Salvatore D'Amato Court 10 Hawtin Park Gelli-haf	Granted 17.03.2014
14/0058/FULL 27.01.2014	Mr P Sanders 159 Beaumaris Way Cefn Fforest Blackwood NP12 1DF	Erect a first floor extension to create a bedroom and a bathroom 159 Beaumaris Way Cefn Fforest Blackwood NP12 1DF	Granted 17.03.2014
14/0063/FULL 29.01.2014	Mrs A Brooks 60 Sunnybank Road Blackwood NP12 1HZ	Erect external wheelchair lift/shaft in front garden 60 Sunnybank Road Blackwood NP12 1HZ	Granted 17.03.2014
14/0071/FULL 31.01.2014	Mr C Walkly 23 Syr Dafydd Avenue Oakdale Blackwood NP12 0LA	Demolish the existing rear extension housing the kitchen and erect a double-storey extension 23 Syr Dafydd Avenue Oakdale Blackwood NP12 0LA	Granted 17.03.2014
14/0053/FULL 24.01.2014	Mr K Rees 22 Park Road Hengoed CF82 7LW	Erect two-storey extension 22 Park Road Hengoed CF82 7LW	Granted 18.03.2014
14/0081/TCA 04.02.2014	Mr R Howells Ffynnon Cottage Draethen Newport NP10 8GA	Reduce crown of T1 beech by 2.5m and thin crown of T2 ash by 25% Ffynnon Cottage Draethen Newport NP10 8GA	No objection raised 18.03.2014
13/0870/OUT 20.12.2013	Mrs B Cheballah 17 Caradoc Close St Mellons Cardiff CF3 0LQ	Construct four, two-bedroom dwellings (terraced type) Land Adjacent To 135 Jubilee Road Elliot's Town New Tredegar	Granted 19.03.2014
14/0005/COU 03.01.2014	Creazione Limited Mr M Evans Oxford House Clos Y Cedr Caerphilly CF83 3RL	Change use from courier services to a centre providing health, fitness and well being classes and dance education Block E - Sparks House Western Industrial Estate Caerphilly CF83 1BQ	Granted 19.03.2014

14/0020/COU 10.01.2014	Miss J Woodcock 42 Tanybryn Pontymister Risca Newport NP11 6JR	Change the use for two child minders to work in one house 42 Tanybryn Pontymister Risca Newport	Granted 19.03.2014
14/0043/FULL 17.01.2014	Mr M Reader 15 Garden Suburbs Pontywaun Newport NP11 7GB	Install a conservation rooflight at the rear of the property 15 Garden Suburbs Pontywaun Newport NP11 7GB	Granted 19.03.2014
14/0064/ADV 29.01.2014	Kwik Fit Pontygwindy Road Caerphilly CF83 3HD	Erect a 4.6m high gantry sign Kwik-Fit Pontygwindy Road Caerphilly CF83 3HD	Granted 19.03.2014
14/0079/FULL 04.02.2014	Mr T Leaman Hendredenny Hall Morlais Court Hendredenny Caerphilly CF83 2RL	Construct new driveway and new gates to replace existing fence Hendredenny Hall Morlais Court Hendredenny Caerphilly	Granted 19.03.2014
14/0038/FULL 15.01.2014	Mr & Mrs R Clifford 14 Tredegar Terrace Crosskeys Newport NP11 7PR	Erect replacement extension to create kitchen and bathroom to rear and associated works 14 Tredegar Terrace Crosskeys Newport NP11 7PR	Granted 20.03.2014
14/0054/RET 24.01.2014	Mr P Sanders 159 Beaumaris Way Cefn Fforest Blackwood NP12 1DF	Retain 2m fence around property 159 Beaumaris Way Cefn Fforest Blackwood NP12 1DF	Granted 20.03.2014
13/0808/FULL 13.11.2013	Monnow Group Ltd 27 Windsor Place Cardiff CF10 3BZ	Erect 5 new build link houses with associated gardens, landscaping, access and car parking Land At Cliff Road Blackwood	Granted 21.03.2014
13/0818/FULL 20.11.2013	Mr M Davies 3 The Row Draethen Newport NP10 8GD	Remove existing extension and replace with new extension 3 The Row Draethen Newport NP10 8GD	Granted 21.03.2014

14/0109/LA 21.02.2014	Caerphilly County Borough Council Mr N Wilstead Engineering Projects Group Pontllanfraith House Blackwood Road Pontllanfraith Blackwood NP12 2YW	Construct new land drainage and upsize the existing drainage from the River Sirhowy to the rear of Glenview Terrace and provide a temporary worksite compound Land At Glenview Terrace, Mount Pleasant And High Street Ynysddu Newport	Granted 21.03.2014
13/0874/FULL 24.12.2013	Mrs L Galleozzie 25 Ffos Y Cerridden Nelson Treharris CF46 6HD	Install new shop front Wick Head Hairdressers Unit A 205 High Street Blackwood	Granted 24.03.2014
14/0033/FULL 15.01.2014	Mr Kumar 16 Wentworth Close Long Ditton Surbiton KT6 5DY	Carry out internal alterations and install Velux windows Brindavan Care Home Commercial Street Aberbargoed Bargoed	Granted 24.03.2014
14/0060/FULL 29.01.2014	Mr & Mrs Lloyd 31 Pine Tree Way Nelson Treharris CF46 6PA	Erect single-storey kitchen extension 31 Pine Tree Way Nelson Treharris CF46 6PA	Granted 24.03.2014
14/0066/FULL 30.01.2014	Mr L Butcher 11 St John's Lane Nelson Treharris CF46 6JD	Erect two-storey side extension to provide garage and bedroom 11 St John's Lane Nelson Treharris CF46 6JD	Granted 24.03.2014
14/0067/FULL 31.01.2014	Mr I Williams 6 Llanfedw Close Badgers Wood Caerphilly CF83 3NP	Erect fence Land Adjacent To Unit 1 Bedwas Business Centre Bedwas House Industrial Estate Bedwas	Refused 24.03.2014
14/0077/FULL 03.02.2014	Mr S Mantle 7 Heol Bryn Fab Nelson Treharris CF46 6JF	Erect open plan kitchen and dining extension 7 Heol Bryn Fab Nelson Treharris CF46 6JF	Granted 24.03.2014
14/0095/FULL 13.02.2014	Mrs A Davies 17 Heol-Yr-Onen Caerphilly CF83 1AR	Erect two-storey extension to rear of property 17 Heol-Yr-Onen Caerphilly CF83 1AR	Granted 24.03.2014

14/0065/RET 30.01.2014	Mr M Allen 15 Upper Brook Street Abercarn Newport NP11 5JJ	Retain replacement single garage Land Adjacent To 16 Upper Brook Street Abercarn Newport	Granted 25.03.2014
14/0075/ADV 31.01.2014	Mr J Khehra 192 Bedwas Road Caerphilly CF83 3AU	Erect back-lit illuminated signage to the front and side elevations 192 Bedwas Road Caerphilly CF83 3AU	Granted 25.03.2014
14/0087/FULL 10.02.2014	Mr & Mrs Selway 28 Clos Cae Mawr Penpedairheol Hengoed CF82 7TH	Convert garage to dining room and store 28 Clos Cae Mawr Penpedairheol Hengoed CF82 7TH	Refused 25.03.2014
14/0059/FULL 29.01.2014	Mr G Greenslade 71 North Road Pontywaun Crosskeys NP11 7FW	Erect detached domestic garage Plot 1 Land At St Lukes Church Twyn Road Abercarn Newport	Granted 26.03.2014
14/0061/FULL 29.01.2014	Mr J S Khehra Highland Farm Mountain Road Bedwas Caerphilly CF83 8ES	Demolish existing garage and construct two-storey extension to west elevation Highland Farm Mountain Road Bedwas Caerphilly	Granted 26.03.2014
13/0615/FULL 15.08.2013	Mrs P Rees 9 Golwg Y Coed Hendredenny Caerphilly CF83 2UA	Erect detached dormer bungalow Land Adjoining 62 Pandy Road Bedwas Caerphilly	Granted 27.03.2014

**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.
11/0471/FULL 15.06.11	Construct garden shed/store and works to access path at 36 Garden Suburbs, Pontywaun, Newport, NP11 7GB.	Awaiting amended plans.
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.
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.	Considering amended plans.

12/0371/FULL 29.05.12	Erect two detached three-bedroom houses on Land Adjacent To 88 Abernant Road, Markham, Blackwood.	Awaiting additional information about ecological matters.
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.
12/0550/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.
12/0637/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.	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.
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.
13/0196/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.
13/0351/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.

13/0479/FULL 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.
13/0487/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.
13/0520/OUT 11.07.13	Erect a 4 bedroom detached dwelling with integral garage at Graig Cottage The Graig Cwmcarn Newport	Subject to further discussion and consideration.
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.
13/0534/RET 19.07.13	Retain horse stable and tack room with bat mitigation provision, retain existing house and regularise garage and external works including main entrance and driveway lighting at The Meadows Gypsy Lane, Groeswen, Cardiff.	Subject to further discussion and consideration.
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.
13/0612/FULL 14.08.13	Erect one detached dwelling at Land At Mill Court, Mill Road, Caerphilly.	Subject to further discussion and consideration.
13/0667/NCC 13.09.13	Vary Condition 1 of planning consent 07/1524/FULL (Construct 87 dwellings with associated garaging and car parking) to extend the period within which the development can commence at Suflex Estate Newport Road Pontymister Risca	Awaiting information about flooding.

13/0674/RET 19.06.13	Retain change of use from petrol filling station to hand car wash at Star Hand Car Wash, Nant Court, Glenview Terrace, Llanbradach.	Considering site uses at the site and their impact.
13/0702/RET 27.09.13	Retain the change of use from agricultural land to a farm based educational and activity centre, with the retention of the associated office, classroom, animal shelters and ancillary accommodation at Lylac Ridge, Dan Y Graig Stables, Dan Y Graig Road, Risca.	Awaiting information about parking and access.
13/0705/OUT 27.09.13	Erect residential development at Wimpole Gordon Road, Blackwood.	Awaiting tree survey.
13/0725/RET 07.10.13	Retain retaining wall at 97 Caerphilly Road, Senghenydd, Caerphilly.	Awaiting structural calculations.
13/0726/FULL 08.10.13	Erect two bay extension to existing storage building at Robert Price (Builders Merchants) Ltd, 145 Pontygwindy Road, Caerphilly.	Considering impact on neighbouring houses.
13/0732/MIN 10.10.13	Mine approximately 6 million tonnes of coal from the Nant Llesg Surface Approximately 478.1 Ha Of Land West And South-West Of Rhymney, North And West Of Pontlottyn And Fochriw And Wholly Within The County Borough Of Caerphilly	Subject to further discussion and consideration.
13/0756/FULL 17.10.13	Erect disabled bungalow and associated external works at Land Adjacent To 27 Oakfield Street, Llanbradach, Caerphilly.	Awaiting further amendments.
13/0759/FULL 18.10.13	Erect steel framed agricultural building at Derwen Fferm, Twyn Sych Farm Lane, Rudry.	Considering other work carried out at the site as well. Requested further information.
13/0768/RET 22.10.13	Erect two-storey rear extension, detached garage, replacement shop front and change the use of store to a one bedroom flat at 35 Merchant Street Pontlottyn Bargoed CF81 9PD	Awaiting amended plans
13/0782/NCC 29.10.13	Vary condition 7 of planning consent 08/0310/FULL (Convert Grade II listed roofless ruin into 2 two-bedroom cottages) to revise the caravan park access location at Beddau Farm, 2 St Cenydd Road, Trecenydd, Caerphilly.	Subject to discussions about access to neighbouring caravan site.

13/0793/OUT 06.11.13	Erect two detached dwellings at Land Adjacent To 23 Kingswood Close, Hengoed.	Subject to further discussion and consideration.
13/0797/FULL 07.11.13	Erect detached dwelling with off road parking and associated works at 9 Coed-Yr-Eos, Caerphilly.	Awaiting amended red line boundary.
13/0799/CLEU 08.11.13	Obtain a Lawful Development Certificate for the existing use of storing and servicing company vehicles, plant and mining machinery and as a heavy goods vehicle operating licensing centre at Caeglas Colliery, Fochriw Road, Fochriw, Bargoed.	Awaiting additional information.
13/0803/FULL 08.11.13	Erect agricultural workers dwelling at Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly CF83 2TT	Considering financial and functional information.
13/0809/CLEU 19.11.13	Obtain Lawful Development Certificate for the commencement of works to implement planning consent for 87 houses with associated garaging and car parking (reference 07/1524/FULL) at Former Suflex Estate, Newport Road, Pontymister, Risca.	Subject to further discussion and consideration.
13/0820/FULL 20.11.13	Erect a commercial stable block and tack room/food store on agricultural land including all engineering and associated works at Fferm Pont Carreg – Land at Rhyd Y Gwern Lane, Machen.	Awaiting comments from Consultees.
13/0824/FULL 25.11.13	Erect a single 500kW wind turbine, access track and associated transformer enclosure at Land At Pen-y-fan Industrial Estate, Pen-y-fan, Newport.	Awaiting additional information.
13/0837/LA 29.11.13	Erect new two/three storey teaching block, bus turning area, parking and external works at Y Gwyndy - Ysgol Gyfun Cwm Rhymni, Pontygwindy Road, Caerphilly.	Awaiting air quality information and noise survey.
13/0862/COU 20.12.13	Change of use from public house/hotel (A3) to a community facility (sui generis use), with the erection of a new entrance lobby and an extension to provide a function room at Ty Yn Y Pwll Hotel Newport Road Trethomas Caerphilly CF83 8BR	Considering amended plans.

13/0869/OUT 19.12.13	Erect housing development (6 no. 3 bedroom dwellings) at Former Newbridge Clinic Ashfield Road Newbridge Newport	Subject to discussions with Local Member about drainage.
13/0873/OUT 23.12.13	Erect housing development (eight dwellings) on Land At Park Road Newbridge Newport	Subject to discussions with Local Member about drainage.
13/0875/COU 24.12.13	Convert barn into dwelling at Gwern-y-domen Gwern-y-domen Farm Lane Rudry Caerphilly	Considering ecological information.
14/0001/RET 03.01.14	Retain steel framed building at 3 Commercial Lane Pontymister Risca Newport	Awaiting amended location plans
14/0019/FULL 10.01.14	Erect detached dormer bungalow and car port on Land Adjoining Ty'n Derwen White Hart Machen Caerphilly	Subject to further discussion and consideration.
14/0025/OUT 13.01.14	Erect dwelling at 2-4 Coed Moelfa Road Abercarn Newport NP11 5LF	Awaiting information about impact on trees.
14/0030/RM 14.01.14	Seek approval of the reserved matters regarding access, appearance, landscaping, layout and scale reserved under planning application 13/0219/NCC to construct three new dwellings on Land South Of Alma Cottages Bedwas Caerphilly	Awaiting sections.
14/0045/NCC 17.01.14	Vary condition 01 of planning consent 08/0900/FULL (Construct commercial development, ground floor retail, first floor offices with external works) to extend the period within which the development can commence on Land At 2, 4 & Former Beulah Methodist Church Pontygwindy Road Caerphilly	Subject to further discussion and consideration.

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.	File closed due to lack of progress will be reported back the Planning Committee.
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.	Sent amended draft back with comments.
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. No progress so put as dormant.
09/0614/OUT 03.07.09	Erect residential development on Land To Rear Of Ty Fry Road, Aberbargoed, Bargoed.	File placed as dormant due to lack of progress. Considering report back to Planning Committee
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.	Waiting for part of the site to be released from charge held by Santander so they do not have to be party to the Agreement.

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.	Moving forward with 106 as we need to keep separate from covenant issue. Asked Solicitors for comments on draft. Solicitors still trying to resolve covenant issue with Property.
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. Still working through the title problems.
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.	Subject to discussions between Planning Officer and Applicants about terms of agreement. Negotiations still ongoing.
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.	Planning advised us they are waiting for CIL so our file closed.
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. Closed as can't get any correspondence to applicant. Planning Officers to consider reporting back to Planning Committee. File closed.
12/0518/FULL 09.07.12	Erect dormer bungalow based on previously lapsed outline permission (P/04/1637) at Barry Bungalow Brynhyfryd, Energlyn, Caerphilly.	Sent drafts and queried title. Still Waiting to hear from Solicitors. Chased.
12/0531/OUT 07.08.12	Erect mixed residential development comprising of fifteen new build dwellings at Land At Station Approach, Risca, Newport.	Sent Agent letter and asked Officers for comments. An update has been sought.

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.
13/0233/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.
13/0253/FULL 16.04.13	Construct a second rural enterprise dwelling at Ty Canol Farm, Hendredenny, Caerphilly.	Recent decision, work on preparation of Section 106 commencing.
13/0364/COU 16.05.13	Change use from church to residential dwelling at Saron Congregational Church, Pandy Road, Bedwas, Caerphilly.	Agreements agreed subject to title issues being resolved. Waiting to hear about that. An update has been sought.
13/0422/FULL 12.06.13	Change the use to provide 18 accommodation units for homeless people and associated office space and support facilities at Maes Y Dderwen, Heol Las, Nelson, Treharris CF46 6PW	UWHA acquiring title to the site so waiting to hear from them.
13/0456/FULL 20.06.13	Erect two flats at Land Adjoining 201 Bedwas Road, Caerphilly,	Sent documents to the Solicitors.
13/0506/OUT 05.07.13	Erect residential development at Former British Legion Club, Heol Uchaf, Rhymney.	Completed 07.03.14.
13/0511/OUT 08.07.13	Demolish Goodrich Hotel and erect residential development and associated works at Goodrich Hotel, Van Road, Caerphilly.	Sent drafts for comments. Waiting to receive comments. Chased agent for an update.
13/0545/COU 18.07.13	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 at Panteg Hotel, The Square, Abertridwr, Caerphilly	Sent drafts to Solicitors. Chased.
13/0615/FULL 15.08.13	Erect detached dormer bungalow on Land Adjoining, 62 Pandy Road, Bedwas, Caerphilly.	Completed 27.03.14.

13/0646/COU 03.09.13	Change use of ground floor from cafe/shop to apartment at 24 Church Street, Bedwas, Caerphilly.	Planning advised up they are waiting for CIL so our file closed.
13/0688/COU 24.09.13	Convert old stone barn/old coaching house into a four bedroom dwelling and integrated livery yard office at Cwm Farm, Caerphilly.	Agreement sent out.
13/0722/COU 08.10.13	Convert first and second floor shop premises into two, two-bedroom apartments at 73 Cardiff Road, Caerphilly.	Sent drafts. An update has been sought.
13/0784/FULL 19.11.13	Demolish former primary school and develop site for 26 affordable residential units, access arrangements and associated works at Former Aberbargoed Primary School, Heol Ysgol Newydd, Aberbargoed.	Sent Solicitors letter. Chased.
13/0805/NCC 12.11.13	Remove reference to the electricity substation in Condition 26 of planning consent 07/1524/FULL (Construct 87 dwellings with associated garaging and car parking) at Suflex Estate, Newport Road, Pontymister, Risca.	Sent Solicitors letter.
13/0810/OUT 19.12.13	Demolish and provide residential re-development together with associated vehicular and pedestrian accesses, car parking, landscaping, ancillary development and retain community garden at Former Blackwood Junior School, Pentwyn Road, Blackwood.	Awaiting further instruction to draft agreement.

OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
13/0026/REF 13/0558/OUT	Mr M Williams Claremont Brynhoward Terrace Oakdale Blackwood NP12 0LD	Erect a detached dwelling with associated groundworks, access and car parking at Claremont, Brynhoward Terrace, Oakdale, Blackwood, NP12 0LD	17.12.2013
14/0001/REF 13/0748/FULL	Mr P Angell Halo Developments Ltd High Street Blackwood NP12 1BA	Provide works to existing buildings, as an alternative scheme to that approved by Planning Consent Ref 12/0581/RET, including the introduction of a revised Section 106 Agreement at Park Service Station, Bedwellty Road, Cefn Fforest, Blackwood, NP12 3HA	05.02.14
14/0002/REF 13/0693/FULL	Mr A Mullen St Field Farm Heol-Y-Felin Cefn Hengoed Hengoed CF82 8FL	Erect stables, parking area, hay and muck store and associated works at St Field Farm, Heol-Y-Felin, Cefn Hengoed, Hengoed, CF82 8FL	06.02.14
14/0003/COND 13/0441/RET	Daisymoon Designs Ltd Mr W Rees Banalog Farm Banalog Terrace Hollybush Blackwood NP12 0SF	Retain the change of use from barn-workshop to a workshop at Banalog Farm, Banalog Terrace, Hollybush, Blackwood, NP12 0SF	14.02.14
14/0004/REF 13/0775/FULL	Dr M Alam 21 St Peters Drive Blackwood NP12 2ER	Erect new boundary wall at 21 St Peters Drive, Blackwood, NP12 2ER	24.02.14
14/0005/REF 13/0856/COU	Mr & Mrs A Walters 84 Ty Isaf Park Avenue Risca NP11 6NJ	Change use of butchers shop and two-bedroom dwelling into 3 one-bedroom flats at 3 Coronation Buildings, Cwmfelinfach, Newport, NP11 7HP	12.03.14

14/0006/REF 13/0745/RET	Mr R M Chartres Glas Fryn Twyn-Gwyn Road Cwmfelinfach Newport NP11 7AX	Retain off road parking and hardstanding for caravan on Land Adjacent To Glas Fryn Twyn-Gwyn Road Cwmfelinfach Newport NP11 7AX	20.03.14
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APPEAL DECISIONS

APPEAL REF/ PLANNING APP NO.	PROPOSAL & LOCATION	APPEAL DECISION/ DATE	COMM/ DEL
13/0024/NOTD 12/0875/FULL	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 CF83 2TT	Dismissed 12/03/14	DEL