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For all enquiries relating to this agenda please contact Emma Sullivan
(Tel: 01443 864420 Email: sullie@caerphilly.gov.uk)

Date: 10th April 2019

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 17th April, 2019** at **5.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meetings and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

- | | Pages | |
|---|-----------------------------------|--|
| 1 | To receive apologies for absence. | |
| 2 | Declarations of Interest. | |

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



To approve and sign the following minutes: -

- 3 Planning Committee held on 20th March 2019. 1 - 10

To receive and consider the following report(s): -

Planning Applications Under The Town And Country Planning Act - North Area: -

- 4 Code No. 18/1061/FULL - Land at Grid Ref 314499 200312, Adjacent to 128-134 Llancayo Street, Bargoed. 11 - 24

Planning Applications Under The Town And Country Planning Act - South Area: -

- 5 Preface Item Code No. P/06/0037 - Waterloo Works, Machen. 25 - 68
- 6 Code No. 18/0620/FULL - Yearsley Discount, 1 Lon-y-Twyn, Caerphilly, CF83 1NW. 69 - 88
- 7 Code No. 19/0119/FULL - Ty Canol Farm, Mountain Road, Abertridwr to Hendredenny Park, Hendredenny, Caerphilly, CF83 2RL. 89 - 98

To receive and note the following information item(s): -

- 8 Applications determined by delegated powers. 99 - 106
- 9 Applications which are out of time/not dealt with within 8 weeks of date of registration. 107 - 108
- 10 Applications awaiting completion of a Section 106 Agreement. 109 - 112
- 11 Appeals outstanding and decided. 113 - 114

Circulation:

Councillors M.A. Adams (Chair), Mrs E.M. Aldworth, C. Andrews, A. Angel, J. Bevan, M. Davies, J.E. Fussell, R.W. Gough, D.T. Hardacre, A.G. Higgs, A. Hussey, B. Miles, Mrs G.D. Oliver, J. Ridgewell, J. Simmonds, J. Taylor, A. Whitcombe (Vice Chair), R. Whiting and T.J. Williams

And Appropriate Officers

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PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 20TH MARCH 2019 AT 5:00PM

PRESENT:

Councillor M. Adams - Chair
Councillor A. Whitcombe - Vice-Chair

Councillors:

C. Andrews, A. Angel, M. Davies, R.W. Gough, D. Hardacre, A. Hussey, B. Miles, J. Ridgewell, J. Simmonds, J. Taylor and R. Whiting.

Together with:

T. Stephens (Development Control Manager), R. Crane (Solicitor), M. Noakes (Senior Engineer, Highway Planning), M. Godfrey (Senior Environmental Health Officer), M. Davies (Principal Planner), C. Boardman (Principal Planner), C. Powell (Principal Planner), E. Rowley (Senior Planner), A. Pyne (Senior Planner), A. Wilcox (Senior Planner) and E. Sullivan (Senior Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors E.M. Aldworth, J. Bevan, J.E. Fussell, A.G. Higgs, Mrs G. Oliver and T. Williams.

2. DECLARATIONS OF INTEREST

A declaration of interest was received at the start of the meeting from Councillor R. Whiting in relation to Agenda Item No. 5 (19/0053/FULL). Details are minuted with the respective item.

3. MINUTES – 20TH FEBRUARY 2019

It was moved and seconded that the minutes of the meeting held on the 20th February 2019 be agreed as a correct record and by a show of hands this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 20th February 2019 (minute nos. 1-20) be approved and signed as a correct record.

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - NORTH AREA.

4. CODE NO. 19/0002/FULL – UNIT A, 12 THE MARKET PLACE, BLACKWOOD.

It was noted that this application had been subject to a site visit which had been held on Monday 18th March 2019.

Councillor K. Etheridge spoke on behalf of a local resident and Mr J. Steven the applicant's agent spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to an amendment to Condition 15 and an additional condition in relation to car park control measures the recommendation contained within the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) the application be DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out in the Officer's report;
- (ii) on completion of that agreement and subject to an amendment to Condition 15, an Additional Condition (20) and the conditions contained within the Officer's report this application be granted;

Amended Condition (15)

Prior to the commencement of the development (excluding demolition) details shall be submitted to the Local Planning Authority outlining what acoustic measures will be provided to ensure external noise sources (including the neighbouring gym premises) do not have an unacceptable impact on the living conditions of future occupiers of the residential apartments hereby approved. The development shall be undertaken in accordance with this agreed acoustic scheme and maintained thereafter for the lifetime of the development.

Reason

In the interests of the residential amenity of future occupiers.

Additional Condition (20)

Prior to the commencement of the residential apartment block (excluding demolition) details shall be submitted to the Local Planning Authority for their written agreement outlining the opening hours for the car parking facilities to the west of the proposed apartment block. Access shall be controlled by means of a barrier which shall be maintained in place and prevent access during those agreed hours.

Reason

In the interests of residential amenity.

- (iii) the Applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2, C3, CW4 and CW5;
- (iv) the Applicant be advised of the comments from Welsh Water, The Council's Ecologist, Senior Engineer (Land Drainage), Housing Enabling Officer and Wales and West Utilities.

5. CODE NO. 19/0053/FULL – LAND ADJACENT TO ROWAN ROAD, TY SIGN, RISCA.

Councillor R. Whiting declared a personal and prejudicial interest in that he is a former trustee of Channel View Community Centre and left the Chamber when the application was

discussed.

Ms. Z. Davies spoke on behalf of residents in objection to the application and Mr G. Tanswell spoke on behalf of the 5th Risca Scout Group.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands and in noting there was 1 against this was agreed by the majority present.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) The applicant be advised that Sustainable Drainage Approval is Required Prior to the Commencement of this Development: -

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511
Email: drainage@caerphilly.gov.uk
Website: www.caerphilly.gov.uk/sab

- (iii) the applicant be advised of the comments of Dwr Cymru/Welsh Water;
- (iv) the applicant be advised of the comments of the Senior Arboricultural Officer.

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - SOUTH AREA.

6. CODE NO. 17/0804/OUT – VIRGINIA PARK GOLF CLUB AND DRIVING RANGE, VIRGINIA PARK, CAERPHILLY.

It was noted that this application had been subject to a site visit, which was held on Monday 18th March 2019, a briefing note on the visit was circulated at the meeting and are appended to these minutes.

Councillor J. Pritchard, S. Cook and P. Bevan and Ms S. Elliott a resident spoke in objection to the application and Mr M. Roberts, the applicant's agent spoke in support of the application.

Following consideration of the application it was moved and seconded that the application be deferred to allow further discussion with the applicant in relation to affordable housing options by show of hands and in noting there was 1 abstention this was agreed by the majority present.

RESOLVED that the application be deferred to allow further discussion with the

applicant in relation to affordable housing options.

7. CODE NO. 18/1089/FULL – LAND AT GRID REF 315195 191134, WINGFIELD CRESCENT EAST LANE, LLANBRADACH

It was noted that this application had been subject to a site visit, which had been held on Monday 18th March 2019, a briefing note on the visit was circulated at the meeting and are appended to these minutes.

Members were advised that since the preparation of the report the consultation on the revised plans had expired and the Planning Officer outlined the further representations received, which included amongst others an updated response from Natural Resources Wales and a letter from the Assembly Member Hefin David on behalf of residents in objection to the application. The additional objections and comments received were detailed and Officers' responses given.

Mr P. Williams and Councillor C.P. Mann spoke on behalf of local residents in objection to the application and Mr S. Courtney the applicant's agent spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officer report be approved and by show of hands and in noting there were 3 against and 2 abstentions this was agreed by the majority present.

Councillor J. Taylor wished it noted that as he had not been present for all of the debate he had not taken part in the vote.

In accordance with Rule of Procedure 15.5 Councillor R.W. Gough wished it recorded that he had abstained from voting.

RESOLVED that: -

- (i) the application be deferred to allow the applications to enter into a Section 106 Obligation to provide 40% provision of affordable housing;
- (ii) on completion of the Section 106 Obligation and subject to the conditions contained in the Officer's report this application be granted;
- (iii) the applicant be advised of the comments of Western Power Distribution, Dwr Cymru/Welsh Water, Head of Public Protection and Wales and West Utilities;
- (iv) the applicant be advised that they will be required to enter into formal highway agreement under Section 278 of the Highways Act 1980 in order to undertake the necessary highway improvements;
- (v) the applicant be advised that the proposed development lies within a coal mining which may contain unrecorded coal mining related hazards. If any mining feature is encountered during development, this should be recorded immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

8-11. ITEMS FOR INFORMATION

The following items were received and noted: -

- (1) Applications determined by delegated powers;
- (2) Applications which are out of time/not dealt with within 8 weeks of date of registration;
- (3) Applications awaiting completion of a Section 106 Agreement;
- (4) Appeals outstanding and decided.

The meeting closed at 8.00pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 17th April 2019, they were signed by the Chair.

CHAIR

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Members' Site Visit

PLANNING APPLICATION REFERENCE: 17/0804/OUT

PROPOSED DEVELOPMENT: Erect up to 350 homes, public open space, a local centre and community building, new vehicular, cycle and pedestrian accesses, associated engineering works and seek approval of access

LOCATION: Virginia Park Golf Club and driving Range, Virginia Park, Caerphilly
DATE OF SITE VISIT: 18th March 2019

MEMBERS PRESENT: Mike Adams, Adrian Hussey, James Pritchard, Phil Bevan and Shayne Cook.

Members visited the site and viewed the proposed building from the proposed access on Heol Bro Wen, from within the application site and from the car park of Caerphilly Leisure Centre.

Members raised the following concerns:-

- The impact of the proposed extension on highway safety with particular regard for the access onto Heol Bro Wen and increased traffic on the existing highway network;
- Whether the site is brownfield or greenfield land;
- The contamination of the site and measures for remediation and whether this should be done prior to the determination of any application;
- Concerns with regard to drainage and the impact on the surrounding area;
- The absence of affordable housing as part of the development;
- The site has previously been identified in the Development Plan Review as being unsuitable for residential development;
- Potential for the removal of the covenants on the site.

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Members' site visit update

PLANNING APPLICATION REFERENCE: 18/1089/FULL

PROPOSED DEVELOPMENT: Erect residential development of 30 No. affordable homes, highway improvement works, access, car parking and associated works

LOCATION: Land At Grid Ref 315195 191134, Wingfield Crescent East Lane, Llanbradach

DATE OF SITE VISIT: 18th March 2019

MEMBERS PRESENT: Cllr M. Adams, Cllr C. Andrews, Cllr R. Gough, Cllr A. Hussey, Cllr C. Mann.

The following points were raised by members, and the answers provided:

- Members queried the relationship of the proposed dwellings to the existing residential properties surrounding the site and in particular to the Bungalows to the east in Heol Ty Gwyn. Members were advised of the site layout, scale of the new dwellings and separation distances.
- Members requested clarification on site levels and importation of material and were advised that the development plateau would be raised to accord with the advice from Natural Resources Wales and that a planning condition requested by the Environmental Health Officer requires any imported material to meet with recognised standards.
- Members queried the point of access and whether the existing double yellows lines on Wingfield Crescent were required to be extended. It was clarified that no extension of double yellows lines was required to achieve the required visibility splay.
- Members requested clarification on the proposed parking bays to the rear lane of Plasturtwyn Terrace and whether it would result in narrowing of the lane and the access implications for the existing garages served from the lane. It was clarified that the new parking would not result in narrowing of the existing lane and access to the garages would be maintained.

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Agenda Item 4

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/1061/FULL 03.01.2019	Mr M Pullen 4 Glyn Terrace Fochriw Bargoed CF81 9JP	Erect two dwellings with associated retaining works and new road access Land At Grid Ref 314499 200312 Adjacent To 128 - 134 Llancayo Street Bargoed

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located at the north-western end of Llancayo Street, Bargoed.

Site description: The rectangular shaped area of vacant land is situated on the valley side and located at the north-west end of Llancayo Street. The site is bounded along its north-eastern and south-eastern boundaries by existing residential properties, and to the south-west by open countryside. There is also an existing property to the north-west of the site. The site slopes up relatively steeply from east to west.

Development: Full planning permission is sought for the residential development of two detached dwellings. The access point to the site is in the south-east corner of the site, off a short section of lane that connects with Llancayo Street. The application is reported to Planning Committee because the applicant is employed by the Council.

Dimensions:

Plot 1 measures 12.3 metres in width, 11.2 metres in depth, with a height of 8.7 metres to ridge level.

Plot 2 measures 12.4 metres in width, 10.0 metres in depth, with a height of 8.7 metres to ridge level.

Cont'd

Application 18/1061/FULL - Continued

Materials: The external walls will be finished in a combination of random natural stone and K render (painted cream colour), the roof will be brown concrete interlocking roof tiles, and windows and doors will be light oak effect uPVC.

Ancillary development, e.g. parking: A new access road to serve the proposed plots is proposed, as well as 4 off-street parking spaces per dwelling. Retaining works to the front and rear of the proposed dwelling are also proposed given the sloping topography of the site. The maximum height of these walls is 4 metres in height.

PLANNING HISTORY 2005 TO PRESENT

12/0376/FULL - Erect one four bedroom dwelling and one three bedroom dwelling including outbuildings - Granted - 06.09.2013.

18/0582/OUT - Erect residential development of two dwellings - Granted - 16.08.2018.

18/0580/NCC - Vary condition 01 of planning consent 12/0376/FULL (Erect one four bedroom dwelling and one three bedroom dwelling including outbuildings) to extend the time to implement the development by a further 5 years - Withdrawn - 03.10.2018.

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies:

Policy SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW7 (Protection of Open Space), CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP5 (Car Parking Standards), LDP6 (Building Better Places to Live), LDP8 (Protection of Open Space).

NATIONAL POLICY Planning Policy Wales (10th Edition), TAN12: Design.

Cont'd

Application 18/1061/FULL - Continued

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

Head Of Public Protection - No objection subject to conditions relating to the control of noise and dust during construction.

Senior Engineer (Land Drainage) - No objection subject to the imposition of a land and surface water drainage Condition.

Transportation Engineering Manager - No objection subject to Conditions relating to the gradient of the proposed access drive; the use of permanent materials for the driveway and parking area, i.e. not loose, granular material; and restricting access to the properties from Llancayo Street only, will not access from the existing lane that is located above the application site.

Dwr Cymru - No objection. Provide advice to the developer.

Ecologist - No objection subject to conditions relating to a reptile mitigation strategy, and biodiversity enhancement measures in the proposed dwellings, i.e. bat and bird boxes.

Landscape Architect - No comment.

Senior Arboricultural Officer (Trees) - No comment.

ADVERTISEMENT

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

Response: Two letters of objection were received.

Cont'd

Application 18/1061/FULL - Continued

Summary of observations:

- Querying status of original planning permission that covered a larger parcel of land;
- Land ownership query and potential for future development on land adjoining the site;
- Ecology/loss of wildlife concerns;
- Drainage and runoff concerns;
- Concerns that development may impact on structural integrity of nearby dwellings;
- Inadequate level of neighbour consultation;
- Loss of privacy to nearby dwellings;
- Loss of sunlight to nearby properties during winter months.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable?

New residential development is CIL liable. The site is located in the Lower Viability CIL zone where the chargeable rate is currently £0.

ANALYSIS

Policies:

The application site is located within the Settlement Boundary and therefore the principle of development is considered to be acceptable subject to material planning considerations. In this instance, those material consideration, i.e. main issues, are the impact of the proposal on the visual amenity of the area; the impact on the amenity of nearby properties; and the impact on highway safety. It should also be noted that outline planning permission was granted for two dwellings on the site in August 2018, and therefore an extant planning permission exists of the application site.

Cont'd

Impact on visual amenity

The site currently consists of an overgrown area of open space which is bounded to the north-east and south-east by existing residential development. Given the sloping topography of the site, it is necessary to undertake engineering works, i.e. 'cut and fill' to create a level area for the proposed dwellings. The submitted plans show an equal amount of retaining works to the front and rear of the proposed dwellings. Whilst retaining works to the rear of the dwellings will be screened by the dwellings themselves when viewed from the opposite side of the valley to the east, it is important from a visual amenity perspective that the retaining works to the front of the plots are sympathetic to the surrounding area in visual terms. For this reason a condition will be attached to the permission requiring the finishes of the retaining works to be agreed with the Local Planning Authority prior to the commencement of works. Furthermore, a condition will be attached to the permission requiring details of a soft landscaping scheme along the frontage of the site to ensure the development sensitively integrates with the surrounding area.

Impact upon residential amenity

In terms of the potential impact on existing properties nearby, the closest property to the east of the site is No. 153 Llancayo Street. Plot 1 is sited approximately 13 metres to the north-west of No. 153. Given this orientation, the proposed dwelling will not have an unacceptable overbearing or overshadowing impact on No. 153. Furthermore, as only a first floor bathroom window is proposed in the side, south-east facing elevation of Plot 1, there will be no unacceptable loss of privacy as a result of the development as this windows will be obscurely glazed (to be controlled by way of condition).

The other existing properties potential impacted by the proposed development are those to the north-east of the application site, i.e. Nos. 128, 130 and 132 Llancayo Street. Plot 1 is located 39 metres away from the front elevation of No. 128, and Plot 2 is located 35 metres from the front elevations of Nos. 130 & 132. Whilst there is a difference in finished floor levels between the existing and proposed dwellings of approximately 10 metres, given the distance between the existing and proposed dwellings, it is not considered that the development will have an unacceptable overbearing or overshadowing impact. For the reasons outlined above the development accords with the requirements of Policy CW2.

Cont'd

Impact on highway safety

Access to the site is gained over a short stretch of un-adopted highway linking the application site to Llancayo Street (which is adopted highway). This section of un-adopted highway also serves Nos. 128, 130 and 132 Llancayo Street, and is classed a private drive in planning terms. As the generally accepted rule is to allow five dwellings off a private drive, the application site only has the capacity for two new dwellings, hence the current application. On this basis, the Transportation Engineering Manager raises no objection subject to conditions. Those conditions include the maximum gradient of the proposed access drive, and car parking provision requirements in accordance with the adopted Car Parking Standards. Therefore the proposal is considered to accord with Policy CW3, which relates to highway safety and car parking requirements for new developments.

As the site is within settlement limits, an Open Space Assessment (OSA) in line with policy CW7 and the accompanying SPG LDP8: Protection of Open Space has been undertaken. The OSA highlights that there is still sufficient recreational amenity and visual amenity space in the area, should the site be developed. Furthermore, the site itself is not easily accessible and would not be useable in terms of recreational amenity. Therefore, there are no concerns arising from the perspective of policy CW7.

Comments from Consultees:

No objection subject to conditions and advice.

Comments from public:

- Querying status of original planning permission that covered a larger parcel of land - The land ownership plan submitted with the application indicates that the applicant owns a larger parcel of land surrounding the application site. A previous planning permission related to this larger parcel of land however this previous permission has now expired and is therefore not relevant to the current application.
- Land ownership query and potential for future development on land adjoining the site - As outlined above, the site is currently constrained to a maximum of two new dwellings by virtue of it being served by an un-adopted lane that currently serves three existing properties.
- Ecology/loss of wildlife concerns - The Council's Ecologist raises no objection to the proposed development subject to conditions. Therefore the proposal is considered to be acceptable in this regard.

Cont'd

Application 18/1061/FULL - Continued

- Drainage and runoff concerns - The Senior Engineer (Land Drainage) raises no objection subject to the imposition of a land and surface water drainage condition. This is a pre-commencement condition, and therefore the developer will need to satisfy the Land Drainage section prior to the commencement of works onsite.
- Concerns that development may impact on structural integrity of nearby dwellings - Given the distance between the existing and proposed dwellings this is unlikely. However, if the developer were to cause damage to any nearby dwellings during construction works this would be a private legal matter between the interested parties.
- Inadequate level of neighbour consultation - Properties adjoining the application site were consulted by way of letter and a site notice was displayed on the lamppost nearest to the application site. This was the appropriate level of consultation as required by The Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- Loss of privacy to nearby dwellings - As outlined above, a minimum distance of 35 metres between the front windows of the proposed dwellings and the existing dwellings to the north-east of the site will be achieved. This is significantly more than the 21 metre privacy distance that is often sought.
- Loss of sunlight to nearby properties during winter months - Given the distance between the existing and proposed dwellings, coupled with the existing topography of the land, overshadowing is not considered to be a significant issue for this application.

Other material considerations:

At the 16th August 2018 Planning Committee, Outline planning permission (Ref: 18/0582/OUT) was granted at the application site for two detached dwellings in approximately the same position as those proposed by the current application. A requirement of Outline planning applications is to specify minimum and maximum dimension for proposed dwellings, known as scale parameters, that will then inform subsequent reserved matters applications. In the case of the above outline permission, the applicant stated that the maximum width of the proposed dwellings would be 11.0 metre, and the maximum depth would be 10.0 metres.

The current application proposes dwellings with a maximum width of 12.4 metres and maximum depth of 11.2 metres. It should be noted that the height of the dwellings as proposed is 8.7 metres, which is significantly less than the maximum height of 13.0 metres agreed at Outline stage.

Cont'd

Application 18/1061/FULL - Continued

The extant Outline planning permission, and the scale parameters agreed as part of it, is a material planning consideration in that they represent the fallback position, i.e. the scale of dwellings already approved on the site. Although the proposed development is considered to be acceptable in its own right based on the reasons outlined above, the fallback position should also be taken into account when making a decision on the application. The proposed dwellings are only marginally larger than those agreed at Outline approval stage, and their impact in visual and residential amenity terms will essentially be the same.

Due to the physical constraints of the site, as well as the footprints and required parking areas for the current proposal, it would not be possible to implement the current application and the Outline permission. Therefore it is not considered to be necessary to require the developer to enter into a Section 106 legal agreement to confirm that either Outline planning permission 18/0582/OUT or the current application is implemented.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont'd

Application 18/1061/FULL - Continued

- 03) The development shall be carried out in accordance with the following approved plans and documents:
Drwg No. Llancayo 03A - Proposed Site Plan and Sections, received 22.03.2019;
Drwg No. Llancayo 06 - Proposed Block Sections, received 22.03.2019;
Site Location Plan, received 17.12.2018;
Drwg No. Llancayo 02 - Proposed Plans, Elevations & Sections, Plot 2, received 17.12.2018;
Drwg No. Llancayo 01 - Proposed Plans, Elevations & Sections, Plot 1, received 17.12.2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 04) Prior to the commencement of works on site a scheme of land and surface water drainage within the site 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 it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage in accordance with Policy CW5 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 05) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the first occupation of the dwellings hereby approved. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the dwellings hereby approved are first occupied.
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont'd

Application 18/1061/FULL - Continued

- 07) The proposed private driveway shall have a maximum gradient not exceeding 12.5% (1 in 8).
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 08) The proposed private driveway shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and shall be completed prior to beneficial occupation of the development.
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 09) The buildings shall not be occupied until the areas indicated for the parking of vehicles have been laid out in accordance with the submitted plans to the written satisfaction of the Local Planning Authority and those areas shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety and to ensure that adequate parking facilities are provided within the curtilage of the site in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 10) Access to the 2 dwellings hereby granted consent shall at all times be from Llancao Street only. No vehicular access, including construction traffic delivering materials during the construction of any part of the development, shall be gained from the lane which lies to the south-west of the site.
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 11) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Cont'd

Application 18/1061/FULL - Continued

- 12) No development or site or vegetation clearance shall take place until a detailed reptile survey has been carried out and the results of the survey, including an impact assessment, and if necessary details of any proposed mitigation measures, have been submitted to and approved by the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.
REASON: To ensure that reptiles are protected, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new properties at Land At Grid Ref 314499 200312 Adjacent to 128 - 134 Llancayo Street, Bargoed, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 14) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the new properties at Land At Grid Ref 314499 200312 Adjacent to 128 - 134 Llancayo Street, Bargoed, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 15) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont'd

Application 18/1061/FULL - Continued

- 16) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.

REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 17) Rainwater run-off shall not discharge into the highway surface-water drainage system.

REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

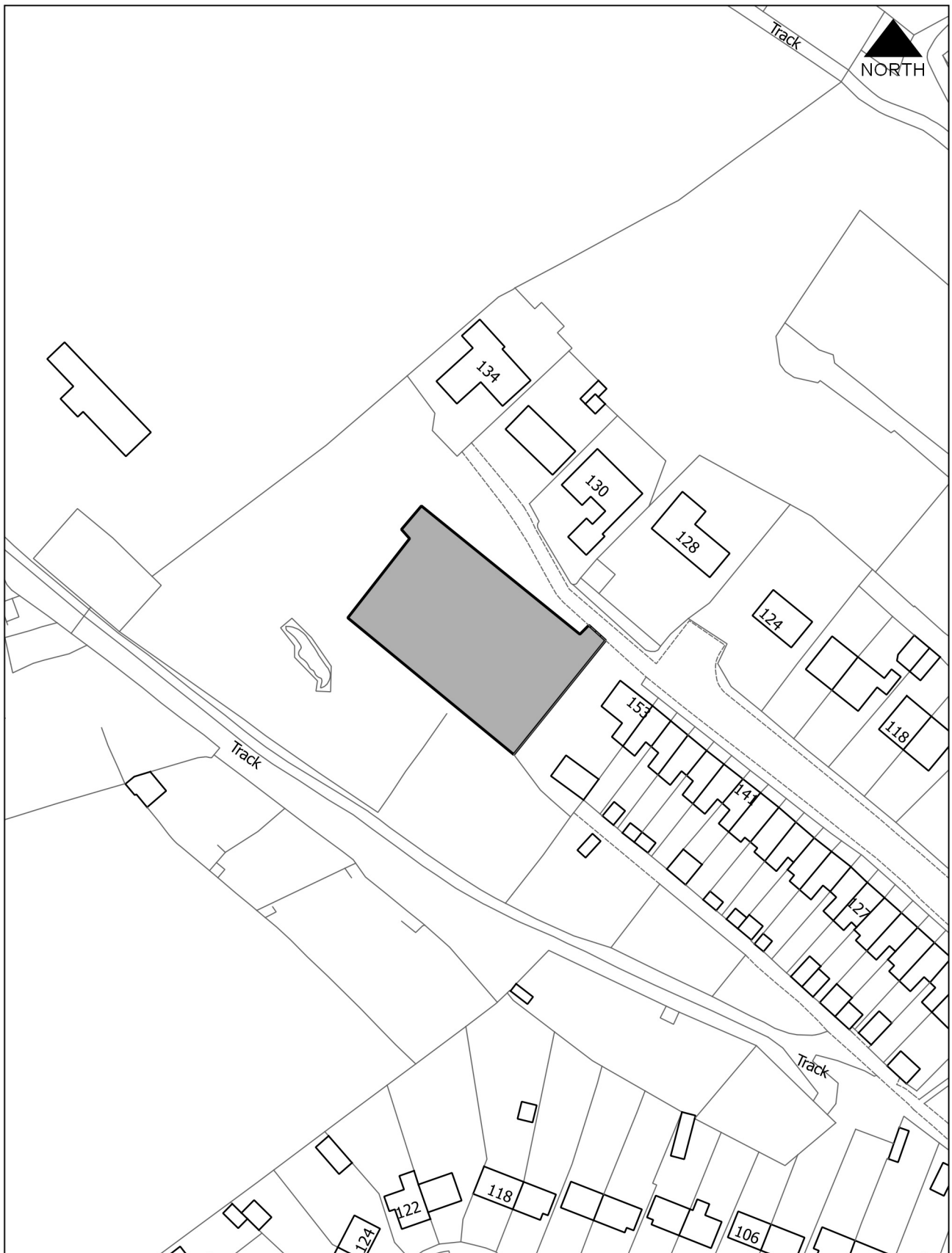
Advisory Note(s)

The applicant is advised of the comments of Dwr Cymru/Welsh Water, The Council's Ecologist, and the Senior Engineer (Land Drainage).

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 SP6, CW2, CW3, CW4, CW5.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.



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Agenda Item 5

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

1. This application was reported to Planning Committee in February of this year with a recommendation of refusal for the reasons set out in the attached report. Members resolved to defer a decision to allow the Development Control Manager to advise the applicant to withdraw the application or the Officer's recommendation to refuse would be put to the Planning Committee at the 17th April 2019 meeting.
2. The Development Control Manager wrote to the applicant's agent on the day after Committee to convey the resolution. It was emphasised that they should consider either that the application is withdrawn, or planning permission would be refused for the current scheme. At the time of the preparation of this report no further advice had been received from the agent, and so the recommendation is still to refuse permission as set out below and explained in the attached report.

RECOMMENDATION: That planning permission is refused for the following reason:

The proposed development does not make adequate provision for affordable housing, public open space, nature conservation enhancement, and for travel by means other than by car, as required by policies CW11, CW10, SP10 and CW3 respectively of the adopted Caerphilly Country Borough Local Development Plan up to 2021. Neither does it pay sufficient regard to the principle of placemaking as set out in Planning Policy Wales Edition 10 of December 2018.

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 Pida 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."

Cont'd...

Application No. P/06/0037 Continued

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.

Cont'd...

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.

Cont'd...

Application No. P/06/0037 Continued

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

Cont'd...

Application No. P/06/0037 Continued

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;

Cont'd...

Application No. P/06/0037 Continued

(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.

Cont'd...

Application No. P/06/0037 Continued

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.

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Application No. P/06/0037 Continued

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.

Cont'd...

Application No. P/06/0037 Continued

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?

Cont'd...

Application No. P/06/0037 Continued

- (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.

Cont'd...

Application No. P/06/0037 Continued

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.

Cont'd...

Application No. P/06/0037 Continued

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.

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Application No. P/06/0037 Continued

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.

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Application No. P/06/0037 Continued

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.

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Application No. P/06/0037 Continued

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.

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Application No. P/06/0037 Continued

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.

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Application No. P/06/0037 Continued

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.

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Application No. P/06/0037 Continued...

(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.

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Application No. P/06/0037 Continued

(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.

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Application No. P/06/0037 Continued

- 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.

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Application No. P/06/0037 Continued

- 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).

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Application No. P/06/0037 Continued

- 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.

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Application No. P/06/0037 Continued

- 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.

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Application No. P/06/0037 Continued

- 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.

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Application No. P/06/0037 Continued

- 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. 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.

AMEND SECTION 106

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 16 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 with the Council and our external consultants a remediation scheme designed to clear the land to a standard that can accommodate residential development and the school. This aim has delayed the completion of the agreement.

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 Planning Committee agreed in April 2014 that the payment for the school be made on the commencement of the construction of the 100th house at the site other than what the licence for the construction of the school was issued.

Cont....

Application P/06/0037 Continued

Since then the Council introduced the Community Infrastructure Levy (CIL) in July 2014, following which the developers could not be required to provide the highway contribution or the education financial contribution. Both matters were included in the Council's list of infrastructure projects that are to be funded through CIL. On that basis the developers approached the local planning authority to seek the removal of those items from the section 106 agreement. However, the delivery of a school at this site is considered to be an important part of its redevelopment, and policy CF1.34 of the adopted local development plan (LDP) reflects that. To that end the CIL was revised in November 2015 to refer to the funding of off-site education, whereas the school at this development will be on site, and could therefore be secured through a section 106 obligation.

The obligation as originally drafted included the provision of 1.5 acres (0.6ha) for the development of affordable housing. It is still the intention of the applicants to include that provision. Policy CW11 of the LDP states that the target for the provision of affordable housing in this area is 40% of the total number of dwellings. The proposed provision would be significantly less than that, but the applicants have justified that level on the grounds of viability. A considerable amount, some £19 million, has been spent on the remediation of the site, and the provision of affordable housing as well as the dedication of land and a financial contribution to a school would make the development of the site unviable. Information has been submitted to support the applicant's case, which is satisfactory.

A Section 106 agreement must now satisfy the following tests:

- (a) It is necessary to make the development acceptable in planning terms.
- (b) It is directly related to the development.
- (c) It is fairly and reasonably related in scale and kind to the development.

On the basis of the LDP, the securing of affordable housing and the contribution towards the school are necessary. Affordable housing and a school are directly related to the residential development of the site. The scale is fairly and reasonably related to the development which would be 545 units.

RECOMMENDATION: That the Section 106 Agreement associated with planning approval P/06/0037 be progressed on the basis of the advice in the above report i.e. a contribution of £2,599,000 and the provision of 2.5 acres of land towards the erection of a school, the financial payment to be made on the commencement of the construction of the 100th house at the site; and the provision of 1.5 acres of land for affordable housing.

DEFERRED FOR COMPLETION OF S106

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

1. 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.
2. 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 16 units of low cost ownership.
3. The last draft of the Section 106 Agreement was prepared in the summer of 2009, but it has not yet been signed and as such the planning permission has not been issued. Planning Committee agreed in 2016 to amend the terms of the section 106 to allow the Education payment to be made on the commencement of the construction of the 100th house, and with the advent of the Community Infrastructure Levy, the highway contribution was dropped.
4. 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 with the Council and our external consultants a remediation scheme designed to clear the land to a standard that can accommodate residential development and the school. This aim has delayed the completion of the agreement.

Cont'd....

5. In view of the amount of time that has passed since it was resolved to grant permission, it is now appropriate to review whether planning permission should be granted on the basis of the terms set out above. The resolution to grant planning permission was taken in 2007. There have been a number of changes to the policy context since then.
- The adoption in November 2010 of the Caerphilly County Borough Local Development Plan up to 2021 (LDP)
 - The amendment of Welsh Government document Planning Policy Wales (PPW) on a number of occasions, the latest being Edition 10 published in December 2018
 - New version of the following Welsh Government Technical Advice Notes (TANs) which are of relevance to this scheme:
 - TAN 5, Nature Conservation and Planning (2009)
 - TAN 12: Design (2016)
 - TAN 18: Transport (2007)
 - The publication by Welsh Government of its Development Management Manual which sets out the information needed to support a planning application.

Consideration will be given below to those policies that are relevant to a review of the original resolution.

6. Caerphilly County Borough Local Development Plan up to 2021

- 6.1 The site is still allocated in the LDP for residential development of around 545 dwellings, and therefore there are no objections in principle to the proposed development. Policy SP6 of the plan refers to Placemaking, and requires development, amongst other things, to have a location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all. Policy SP7 refers to Planning Obligations to overcome obstacles to development including:

- Infrastructure for walking, cycling, public transport, parking
- Schools and ancillary facilities
- Community Facilities
- Formal and informal open and leisure space
- Affordable housing and
- Other facilities and services considered necessary

Policy SP10 states that the Council will protect, conserve, enhance and manage the natural heritage of the borough.

Cont'd

6.2 The following countywide policies are also of relevance. Policy CW3 addresses the design considerations for highways including the need to promote the interest of pedestrians, cyclists and public transport before that of the car. Policy CW10 seeks the provision of leisure and open space provision. Policy CW11 seeks the provision of affordable housing, with the target in this area being 40% of the total number of dwellings.

7. Planning Policy Wales Edition 10 December 2018

7.1 The format and content of PPW was recently changed to reflect the Well-being of Future Generations Act. It contains a significant emphasis on placemaking, the outcomes of which include accessible and high quality green space; accessibility by means of active travel and public transport; no car dependency; minimising the need to travel; convenient access to goods and services; and promoting physical and mental health and well-being.

8 Technical Advice Notes

8.1 TAN 5, Nature Conservation and Planning (2009) states that Biodiversity conservation and enhancement is an integral part of planning for sustainable development.

8.2 TAN 12: Design (2016) sets out the objectives of good design which include: ensuring ease of access for all, promoting sustainable means of travel, enhancing biodiversity, ensuring attractive and safe public spaces, and promoting quality, choice and variety.

8.3 TAN 18: Transport (2007) draws attention to changes in travel patterns brought about by land use change in the future which are likely to be incremental, but over the medium to long term could significantly reduce the need to travel and ensure that effective use is made of public transport options, walking and cycling.

9. Development Management Manual

9.1 Where appropriate, an application for outline planning permission must include the following information:

- Biodiversity Survey and Report
- Flood Consequences Assessment
- Coal Mining Risk Assessment
- Noise Assessment
- Transport Assessment
- Tree Survey

Cont'd

10. Analysis

- 10.1 It is important to bear in mind that this land is allocated for housing in the LDP, and it would represent the redevelopment of a large brownfield site. Therefore, this report will not argue against the principle of development at this site, but will consider whether the application can still be recommended for approval bearing in mind the amount of time since its submission and the changing policy context.
- 10.2 The site is relatively isolated. The small village of Waterloo, itself isolated, lies immediately to the south. As it stands, residents of the new development would more than likely drive to any facilities. More recent proposals in association with their transport assessments provide evidence of how the use of means of transport other than the private car are going to be encouraged. Opportunities are shown in the LDP with the former railway lines to the north and south of the site safeguarded for cycle routes. Those improvements, which may include enhancements to the local cycle and pedestrian network, and inducements to use public transport, are usually secured through a section 106 agreement.
- 10.3 In view of the size of the development, a range of play facilities would be required, and a contribution to their maintenance secured through a section 106 agreement.
- 10.4 The target for affordable housing is 40% of the total housing, which on the basis of the LDP allocation would be 218 units. The resolution to grant planning permission only sought 16 units and 1.5 acres (0.6 hectares) of land for affordable housing. The delivery of affordable housing is sensitive to the viability of the development of the site, and has to be balanced against the other matters secured through the section 106 agreement, including in this case, the need for an educational facility on site which is also identified in the LDP. In view of this site's semi-rural location and the location of the River Rhymney Site of Importance for Nature Conservation along its northern boundary, wildlife habitat enhancement would also be sought. No doubt the developer would wish the cost of remediating the site to be taken into account as well
- 10.5 It is evident that the section 106 agreement needs to be reconsidered to reflect the changed policy context.

Cont'd

10.6 The original application was accompanied by an Environmental Statement submitted in accordance with the then Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. That 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.

In that respect, the submission covers many of the requirements set out in Development Management Manual apart from the need for a Coal Mining Risk Assessment, which was only introduced in 2009. However, the Planning Supporting Statement, Transportation Assessment, and Ecological Assessment would have to be brought up to date to reassure the Local Planning Authority that it was granting planning permission for development on a sound basis in those respects. Also, there may be other aspects of the ES that would have to be amended to reflect the new EIA Regulations of 2017, and any relevant case law that has arisen since the original resolution to grant planning permission.

10.7 Although not mentioned above, consideration should also be given to TAN15 Development and Flood Risk. Approximately half of the site is within Flood Zone C2 as defined by the TAN where highly vulnerable development such as housing should not be permitted. There have been appeal cases in recent years where The Planning Inspectorate have appeared to take a more prohibitive approach to residential developments on Flood Zone C2. This is another matter that should be reviewed before the Local Planning Authority grants planning permission.

10.8 The Joint Housing Land Availability Study published in August 2018 concludes that this borough has a five-year land supply of 2.3 years. This has been a significant consideration in the determination of planning applications for housing on unallocated sites in the borough. This site, despite the resolution to grant planning permission, does not currently contribute to the land supply. As already stated, there are no objections in principle to housing on this land, but the uncertainties set out above in respect of the application as a result of the time that has passed since the original resolution would outweigh the need to improve the land supply.

Cont'd

11. Conclusion

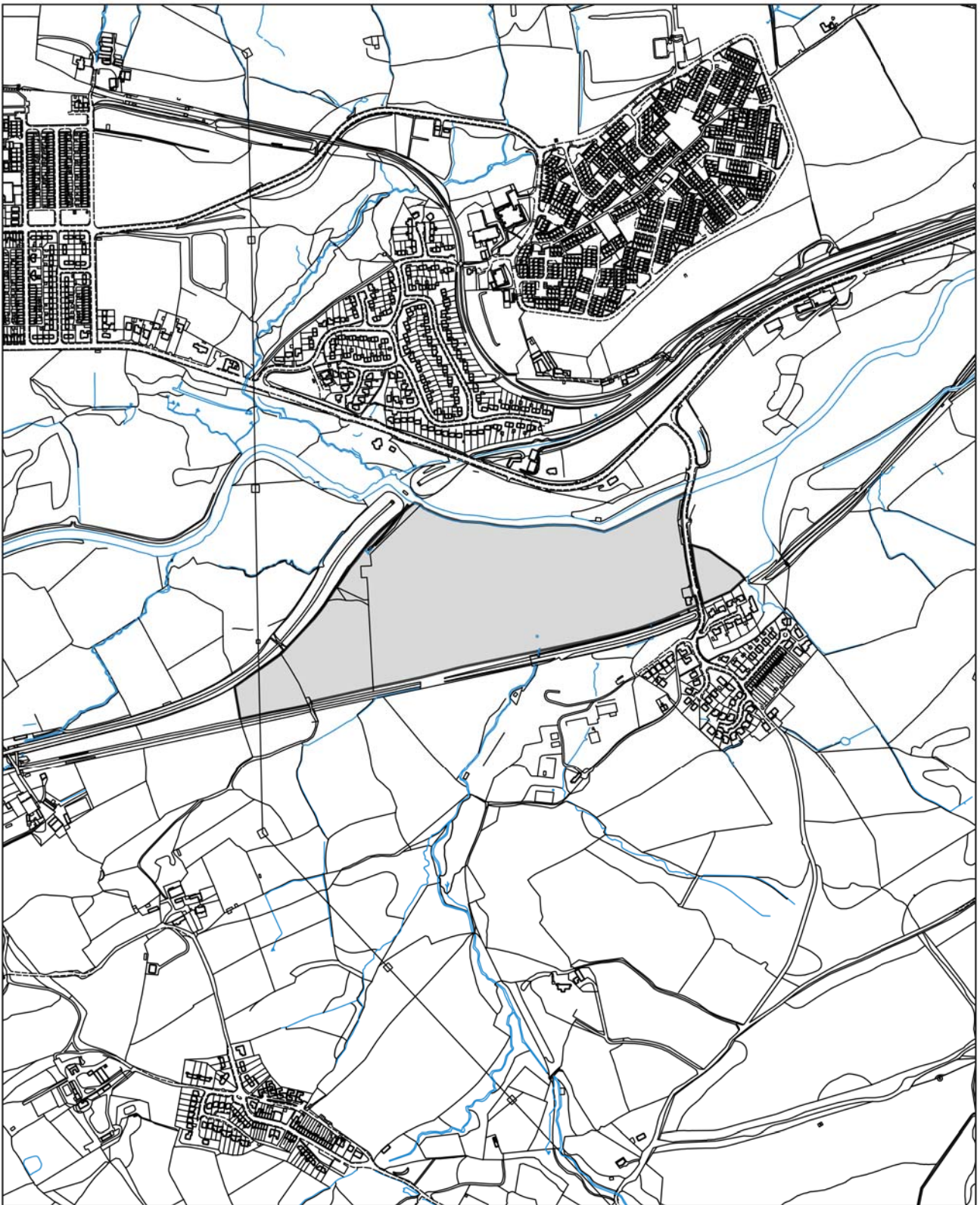
- 11.1 The planning application and the resolution to grant planning permission subject to a section 106 do not adequately reflect the current planning policy context. There is a strong likelihood that the Environmental Statement that supports the application needs to be brought up to date before the Local Planning Authority can consider the acceptability of the proposed development. Therefore, it is recommended that planning permission is refused.

RECOMMENDATION: That planning permission is refused for the following reason:

The proposed development does not make adequate provision for affordable housing, public open space, nature conservation enhancement, and for travel by means other than by car, as required by policies CW11, CW10, SP10 and CW3 respectively of the adopted Caerphilly Country Borough Local Development Plan up to 2021. Nor does it pay sufficient regard to the principle of placemaking as set out in Planning Policy Wales Edition 10 of December 2018.

Planning Committee 20.02.2019 – Amendments

Deferred to Planning Committee 17.04.2019.



Agenda Item 6

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0620/FULL 12.11.2018	Mr H Yearsley C/o Mr L Evans 2 Craig Ysguthan The Rise Llanbradach CF83 3PY	Demolish existing retail shop and erect residential flats Yearsleys Discount 1 Lon-Y-Twyn Caerphilly CF83 1NW

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Yearsleys Discount, 1 Lon-Y-Twyn, Caerphilly, CF83 1NW

Site description: A Commercial premise located on the northern side of Lon-Y-Twyn Road comprised of a plumbing business with associated service/parking area to the east. To the east of the site is Holmesdale a detached bungalow located at a lower level and fronting East View Road. To the west is a private car park with businesses located beyond (4, 4A and 4B Market Street), to the north at a lower level is the rear service area of a Municipal club which fronts Market Street with residential properties beyond (2 North View Terrace and Meadow House). To the south is Lon-Y-Twyn Road with properties on East View (8 and 9 East View) beyond.

Development: Demolish existing retail shop and erect residential flats. The application was originally submitted for a three storey building containing six flats however following negotiation this has been revised to a two storey building with four number three bedroom flats.

Dimensions: 17.6m wide by 12.4m deep with an overall height of 7.8m high.

Materials:

Walls: Brick and Render.

Roof: Slate effect Tile.

Cont'd

Application 18/0620/FULL – Continued

Ancillary development, e.g. parking: 4 car parking spaces.

PLANNING HISTORY 2005 TO PRESENT

07/1216/OUT - Erect 4 no. two-bedroom flats on two storeys with the appropriate level of car parking - Granted - 11.03.2010.

POLICY

LOCAL DEVELOPMENT PLAN: Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site lies within the defined settlement boundary and the principal town centre boundary for Caerphilly.

Policies:

CM1 (Principal Town Centre Boundaries), CW2 (Amenity), CW3 (Highways), CW14 (Use Class Restrictions - Retail), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY:

Planning Policy Wales (Edition 10), Technical Advice Note 12: Design.

Planning Policy Wales paragraph 3.16 states

"Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence."

Cont'd

Application 18/0620/FULL – Continued

Planning Policy Wales paragraph 6.721 states

"Regard should be paid to current air quality and noise levels and the quality of the existing soundscape and account taken of any relevant local air quality action plan, noise action plan and/or local or regional air quality strategy as part of development strategies and proposals in development plans and before determining planning applications."

Planning Policy Wales Paragraph 6.724 states

"The potential impacts of noise pollution arising from existing development, be this commercial, industrial, transport related or cultural venues (such as music venues, theatres or arts centres), must be fully considered to ensure the effects on new development can be adequately controlled to safeguard amenity and any necessary measures and controls should be incorporated as part of the proposed new development. This will help to prevent the risk of restrictions or possible closure of existing premises or adverse impacts on transport infrastructure due to noise and other complaints from occupiers of new developments. It will be important that the most appropriate level of information is provided and assessment undertaken."

Planning Policy Wales paragraph 6.7.5 states

"Air Quality and soundscape influence choice of location and distribution of development and it will be important to consider the relationship of proposed development to existing development and its surrounding area and its potential to exacerbate or create poor air quality or inappropriate soundscapes. The agent of change principle says that a business or person responsible for introducing a change is responsible for managing that change. In practice, for example, this means a developer would have to ensure that solutions to address air quality or noise from nearby pre-existing infrastructure, businesses or venues can be found and implemented as part of ensuring development is acceptable."

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 6 (Building a Better Place to live),
Supplementary Planning guidance note LDP5 - Car Parking standards,
Caerphilly Basin Masterplan.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

Cont'd

Application 18/0620/FULL – Continued

COAL MINING LEGACY

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

This is a Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

CADW - Having carefully considered the information provided with the planning application, their records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development.

They have no comments to make on the proposed development.

Senior Engineer (Land Drainage) - No objections subject to planning condition requiring full drainage details being imposed.

Police Architectural Liaison Officer - No objections, recommends developer looks to build to Secured by Design standard.

CCBC Housing Enabling Officer - Following the revised plans being submitted the proposed development does not meet the threshold for an affordable housing contribution.

Transportation Engineering Manager - No objection subject to the imposition of conditions to address detailed highway considerations including parking, visibility and access.

Head Of Public Protection - No objections subject to the imposition of planning conditions to address matters of demolition and construction in terms of method of demolition and dust/noise suppression.

Cont'd

Application 18/0620/FULL – Continued

Ecologist - The application proposes to demolish the existing retail shop and erect residential flats. A Bat Scoping Survey was undertaken by a competent ecologist (Ecological Services, Ltd) at an appropriate time of year. The methodology and findings of the survey report are considered satisfactory.

The Bat Scoping Survey Report confirms that an External Scoping Survey was undertaken on the 6th October 2018 and no bats or evidence of bat use was observed.

The report concludes that prior to works starting, the demolition contractor must state in writing that all aspects of the building can be accessed safely and soft stripped. If soft stripping cannot be guaranteed prior to works starting then the project must not proceed and further exit surveys in the summer months be undertaken. If subsequently any area of the building becomes unsafe to soft strip the works will stop, the area will be fenced off and the project will wait until summer when bat surveys can be undertaken. It is recommended that the project can proceed without the requirement of maternity season exit surveys but under the Bat Method Statement included in Section 9 of the submitted Bat Scoping Survey Report.

Recommends planning conditions and advisory notes to address ecological matters.
Dwr Cymru - No objection. Recommends planning condition.

ADVERTISEMENT

Extent of advertisement:

The application was advertised via a site notice and 7 neighbour notification letters were sent. A reconsultation was carried out following the receipt of amended plans.

Response:

6 representations were received from the occupiers of 2 properties. In addition two letters that state they are not objecting to the application but express concerns at certain aspects have been received from local businesses.

Cont'd

Summary of observations:

- In respect of the originally submitted scheme the following objections were received:
- Insufficient parking for flats and visitors
- Insufficient access/turning facility
- Visibility from parking area
- Lack of parking and likelihood for increasing on street parking
- Existing highway network capacity/congestion issues including from school traffic
- At peak times Emergency Vehicles & Commercial Vehicles are unable to drive through East View
- Concern over demolition of existing building and disposal of any asbestos
- Overlooking from this development and other consented development
- Loss of Privacy
- Loss of Light
- Overdevelopment
- Overbearing impact
- Loss of Views
- Bin storage could be a fire risk
- Is there a requirement for there to be a sprinkler system installed within a development of this nature in Wales?
- Will the flats have robust fire prevention and fire fighting equipment installed
- We often have bats in the garden at night, would there be a need for a bat survey?
- Drainage issues in the area
- Need for a contaminated land survey
-

The matters raised by the local businesses are:

- Municipal club raises concerns in relation to potential future noise complaints from residents of the proposed apartments due to the club being a licensed premise with music and entertainment during week nights and weekends.
- Impact on existing retaining wall stability.
- Request for boundary treatments to be conditioned.

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 crime and disorder will be materially affected by the development.

Cont'd

Application 18/0620/FULL – Continued

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

A Bat survey (prepared by Ecological Services Ltd) was carried out and no bats or evidence of bats was found, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable?

The development is within the Higher Viability Zone for CIL attracting a fee of £40/Sqm.

ANALYSIS

Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area.

The application site is located within the defined Principal town centre boundary for Caerphilly designated under adopted Local Development Plan Policy CM1 (Principal Town Centre Boundaries) and this policy is intended to operate in tandem with Policy CW14 (Use Class Restrictions - Retail) which includes restrictive criteria for changes of use from A1 retail premises. The existing business on the application site is a single storey warehouse building occupied by "Plumbsave" a plumber's merchants which is open to both trade and members of the public. It is considered that this existing business use would fall within Class A1 of the Use Classes Order. The criteria for a change of use within Policy CW14 is that within the Principal Town Centre boundary, changes of use sought to the ground floor of class A1 retail premises to other uses will only be permitted where;

- i) The commercial vacancy rate of the centre has been over 10% for over a year and
- ii) For a change to residential use the property is located on the edge of the centre.

Cont'd

Application 18/0620/FULL – Continued

In this respect it is noted that the latest available vacancy figures for Caerphilly Town Centre (2017) is 9.5% and this vacancy rate has increased from 9.01% which has been the vacancy figure since 2014. This figure whilst substantial is however less than 10% vacancy rate stated within Policy CW14. It is therefore considered that the proposed development would not comply with criterion (i) of Policy CW14.

In relation to criterion (ii) of Policy CW14 the application site is adjacent to the edge of the defined town centre boundary near to residential properties located on East View and therefore the proposal would comply with criterion (ii). In terms of its location the premise is located away some 40 metres away from Market Street and is the final retail unit at the eastern end of Lon-Y-Twyn with other commercial buildings on Lon-Y-Twyn having a dual frontage on both Market Street and Lon-Y-Twyn and therefore the loss of the unit would not result in a break in retail frontage being at the periphery of the existing retail offer. It is considered that the development would accord with Policy CW15 (General Locational Constraints) in not prejudicing the implementation of wider comprehensive redevelopment or constrain the development of any adjacent site for its allocated land-use and would accord with the role and function of the settlement of Caerphilly. The approved Caerphilly Basin Masterplan notes that in paragraph 5.15

"The development of new residential units within the town centre will: help diversify the existing housing stock in the town; promote housing in sustainable locations that are well served by public transport; and increase footfall in the town centre."

It is also noted that the application site history indicates that the application site was granted outline planning permission (07/1216/OUT) for residential use in 2010 which included the loss of the current A1 use but this outline permission was not progressed to reserved matters and has now lapsed.

In terms of the proposed development whilst acknowledging that it would not accord with policy CW14 this has been weighed against the fact that the site has previously been granted outline planning permission which if implemented would have removed the A1 business use from the site. In also considering the merits of the proposal it is noted that it would represent a comprehensive redevelopment of the site including the demolition of the existing "Plumbsave" building. The building is constructed of single skin blockwork with the main building having a pitched roof with asbestos sheets. Sheet cladding is also present on upper portions of the front and side elevations. The visual appearance of the building whilst painted is generally poor in terms of its form and materials and contributes little to the character of the area.

Cont'd

Application 18/0620/FULL – Continued

Following negotiation to reduce the overall scale of the development the proposed development would provide a two storey apartment building located in a broadly similar position to the existing Plumbsave building where it fronts Lon-Y-Twyn but would not extend as far northwards as the existing building. The new building has an eaves height of 5.8m and a ridge height of 7.8m and this would be an increase in massing compared with the existing building which has a maximum height of 7m and reduces to 4m at the eastern end and 3.8m at the western end. The proposed building would include a centralised front gable detail to the principal elevation and would have a hipped roof form to the main roof. It would be finished in painted render to the ground floor and face brickwork to the first floor with a slate effect roof tile. Brick detailing above and below the windows is also proposed. It is considered that the visual appearance of the building would be acceptable according with adopted Local Development Plan Policy SP6 (Place making).

The impact on neighbour amenity has been considered. A property to the east (Holmesdale) is a detached bungalow located at a lower level than the application site. The rear fenestration of Holmesdale faces primarily north-west viewing down their own rear garden area. However the existing building on the application site (Plumbsave) is already visible to the western side from the outlook of the rear fenestration from Holmesdale and the Plumbsave building at a higher level extends in its north-east corner to the edge of the application site on the boundary with the rear garden of Holmesdale. The proposed apartment building in contrast will be several metres away from the boundary with the rear garden of Holmesdale.

It is acknowledged that in terms of its height the proposed apartment building will be higher than the existing building in terms of eaves and ridge height, however noting the reduced depth of the footprint compared with the existing building and the hipped roof form of the apartment building it is not considered that it would have an unacceptable overbearing impact on the occupiers of Holmesdale. The footprint of the new building would be around 17m away from the footprint of Holmesdale at its closest point and there would be no fenestration directly viewing towards the existing windows in Holmesdale. The fenestration to the north facing rear elevation of the apartment building would view across the end of the garden of Holmesdale and a rear yard of the Municipal Club with other residential curtilage areas beyond. The bungalow Holmesdale has a generous sized garden (circa 25m long) and whilst overlooking will be introduced to the north-western end of the garden a substantial amenity area close to the rear of the bungalow would not be overlooked. Further residential properties to the north-east (Meadow House) and north-west (2 North View Terrace) would not be unacceptably impacted in terms of overlooking to their amenity areas or existing fenestration.

Cont'd

Application 18/0620/FULL – Continued

There are several extant planning consents on a parcel of land to the north-east of the site forming part of the amenity area of a bungalow (Ty Nant) located to the north-east of Holmesdale. These extant permissions relate to a detached dwelling (15/0574/FULL) and also an apartment block (17/0445/FULL) but due to overlapping footprints only one of these permissions could be implemented. There would be angled orientations between the development proposed in this application and either of the buildings approved under the extant permissions and it is considered that were the current apartment building proposed under this application be approved there would be no unacceptable impact in terms of overlooking if one of the extant permissions on the land within the current amenity area of Ty-Nant was constructed.

In terms of the impact of the development on residential amenity from fenestration on the front elevation of the proposed apartment building there are residential properties located to the south of Lon-Y-Twyn that include 8 and 9 East View. These existing residential properties are angled in relation to the application site with their north-east facing side elevations and north-west facing rear elevations visible from Lon-Y-Twyn Road. The front elevation of the proposed apartment building would view across Lon-Y-Twyn Road with at least 19m separation distance to the closest window in these dwellings and that would be an angled view with windows not directly facing each other and there would be 10.5m separation distance to the nearest garden areas on the opposite side of Lon-Y-Twyn which is considered acceptable within the urban context. It is also noted that the rear facades of these properties on East View are already visible from public pavements on Lon-Y-Twyn Road and a balcony on 9 East View is also visible from Lon-Y-Twyn Road meaning users of the balcony do not benefit from great levels of privacy at present.

It is not considered that the development would have such a severe impact in terms of overlooking or loss of privacy to warrant refusal of the application on this basis. The development accords with Policy CW2 (Amenity) in having an acceptable impact on the existing levels of amenity of occupiers of all surrounding residential properties.

In relation to car parking and access, Lon-Y-Twyn Road is a one way street with vehicles travelling in an eastwardly direction from Market Street only. Following comments from the Highway Authority a revised parking arrangement has been received which provides four car parking spaces and allows for turning within the site. It is noted that due to the sustainable location of the development in close proximity to local shops and amenities as well as public transportation the reduction in parking provided accords with adopted Supplementary Planning Guidance note LDP5 (Car Parking Standards) and Policy CW3 (Highways).

Cont'd

Application 18/0620/FULL – Continued

Comments from Consultees:

- Addressed in the body of this report.

Comments from public:

- Insufficient parking for flats and visitors
- Insufficient access/turning facility
- Visibility from parking area
- Lack of parking and likelihood for increasing on street parking.
- Existing highway network capacity/congestion issues including from school traffic
- At peak times Emergency Vehicles & Commercial Vehicles are unable to drive through East View.

These matters have been addressed through the amended parking layout which provides for turning within the site, the proposed planning conditions to restrict boundary treatment heights to ensure suitable visibility. The Highway Authority have considered the proposed development in terms of the level of parking/traffic generation and deemed it acceptable due to the limited scale of the development as well as the sustainable location of the site.

- Concern over demolition of existing building and disposal of any asbestos.

This would be a matter for the developer to address. An informative note is proposed highlighting the need to employ a suitably qualified contractor for removal of any asbestos.

- Overlooking from this development and other consented development.
- Loss of Privacy

The impact of the development has been considered in respect of the existing surrounding residential properties as well as the extant planning permissions on land within the garden of Ty Nant. It is not considered that unacceptable loss of privacy or overlooking would be introduced by the development.

Cont'd

Application 18/0620/FULL – Continued

- Loss of Light
- Overdevelopment
- Overbearing impact

The development has been considered on its merits taking into consideration the scale of the proposed development which has been reduced from three storeys to two storeys and from six flats to four flats following negotiation with the applicant. The development is not considered to result in overdevelopment, unacceptable loss of light or have an overbearing impact to surrounding residential properties both built and consented.

- Loss of Views

This is not a material planning consideration.

- Bin storage could be a fire risk

Noting the scale of the development it is not considered that there would be a substantial risk in this regard.

- Is there a requirement for there to be a sprinkler system installed within a development of this nature in Wales?
- Will the flats have robust fire prevention and fire fighting equipment installed.

These matters would be addressed through the Building Regulations process.

- We often have bats in the garden at night, would there be a need for a bat survey?

A bat survey was carried out in respect of the existing building and no evidence of bat using the building was found. The Council's Ecologist has offered no objection to the proposed development. Mitigation for bats is proposed to be incorporated into the new building and where deemed necessary planning conditions have been imposed.

- Drainage issues in the area

Dwr Cymru and the Land Drainage Officer have offered no objections to the development

Cont'd

Application 18/0620/FULL – Continued

- Need for a contaminated land survey

The Environmental Health Officer has reviewed the proposal and has not advised this is required.

- Municipal club raises concerns in relation to potential future noise complaints from residents of the proposed apartments due to the club being a licenced premise with music and entertainment during week nights and weekends.

In accordance with Planning Policy Wales (Edition 10) consideration has been given to the comments of the existing Municipal club business in respect of the impact of the proposed residential development and the 'agent of change' (PPW 10 see above) principle in terms of the existing soundscape that exists in the area and the characteristics of the place. There are existing residential properties in close proximity to the north-east of the Municipal Club with those properties located on North View Terrace and also to the east on East View. The existing requirements under Environmental Health legislation for the club to operate in relation to these noise sensitive receptors is considered equally appropriate for the proposed new sensitive receptors that would be introduced by the proposed development. In this existing context and having received the comments of the Environmental Health Officer which does not recommend any acoustic mitigation measures, it is considered that the proposed new apartments will not be incompatible with the existing uses in the area.

- Impact on existing retaining wall stability.

The development does not extend to the rear boundary of the site with the retaining wall but the land it is located upon is retained by it. It would be a private matter for the developer to ensure construction does not affect the stability of the walling.

- Request for boundary treatments to be conditioned.

Boundary Treatments are to be agreed via a planning condition.

Cont'd

Other material considerations:

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

The development is acceptable in terms of its use, appearance and impact on neighbour amenity and highway safety. It is recommended for approval accordingly.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan and Site Plan, drawing reference 04 rev C, received 25.03.19;
 - Proposed Site Plan, drawing reference 03 rev C, received 25.03.19;
 - Proposed Elevations, drawing reference 02 rev B, received 15.01.19.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont'd

Application 18/0620/FULL – Continued

- 04) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the occupation of the development.
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of works on site a scheme of land and surface water drainage within the site 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 it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the development commencing, a lighting scheme shall be submitted to and agreed, in writing, with the Local Planning Authority. That scheme shall indicate the type and positioning of luminaires, and a plan indicating expected illuminance levels both on and off site. The lighting shall thereafter be installed and maintained in accordance with the agreed scheme and no additional lighting shall be installed without the approval of the Local Planning Authority.
REASON: In the interests of nature conservation in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) The development shall be carried out in accordance with the Bat Method Statement included in Section 9 of the submitted Bat Scoping Survey Report.
REASON: To ensure adequate protection to protected species.

Cont'd

Application 18/0620/FULL – Continued

- 09) The provision of roosting sites for bats (5 lbstock Type b Bat Bricks) and nesting sites for house nesting birds (4 bird bricks for House sparrow and 4lbstock swift boxes) shall be incorporated into the new flats as shown in Section 3 and 4 of the submitted Ecological Mitigation Strategy undertaken by Ecological Services Ltd dated November 2018. The provision of roosting and nesting sites shall be implemented before the development hereby approved is first occupied.
REASON: To provide mitigation and enhancement for protected species, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 10) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.
REASON: To ensure that the demolition is carried out in an appropriate manner in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont'd

Application 18/0620/FULL – Continued

- 13) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) Prior to the occupation of the dwelling(s) hereby approved all hard surfacing within the curtilage(s) shall have been:
1) constructed in porous or permeable materials, or
2) provided with drainage to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the site, and
3) where a surface is to be used as a parking area or drive it shall not be constructed in loose materials,
and thereafter those areas shall be permanently maintained so as to comply with requirements 1), 2) and 3) of this condition.
REASON: To provide a sustainable drainage system and avoid loose materials being taken out onto the highway in accordance with policies CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) The gates hereby approved shall not open outwards over the public highway.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) with or without modification, any boundary enclosures fronting Lon-Y-Twyn shall at all times be limited to no higher than 0.6m in height.
REASON: In the interests of highway safety to ensure adequate pedestrian visibility splays in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to the development hereby approved being occupied the footway fronting the site along Lon-Y-Twyn shall be altered in terms of regularising the existing dropped crossing and levels in a manner that shall have been first submitted to and agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont'd

Application 18/0620/FULL – Continued

Advisory Note(s)

Please find attached the comments of The Council's Head Of Public Protection, Police Architectural Liaison Officer, The Council's Ecologist, and Dwr Cymru/Welsh Water that are brought to the applicant's attention.

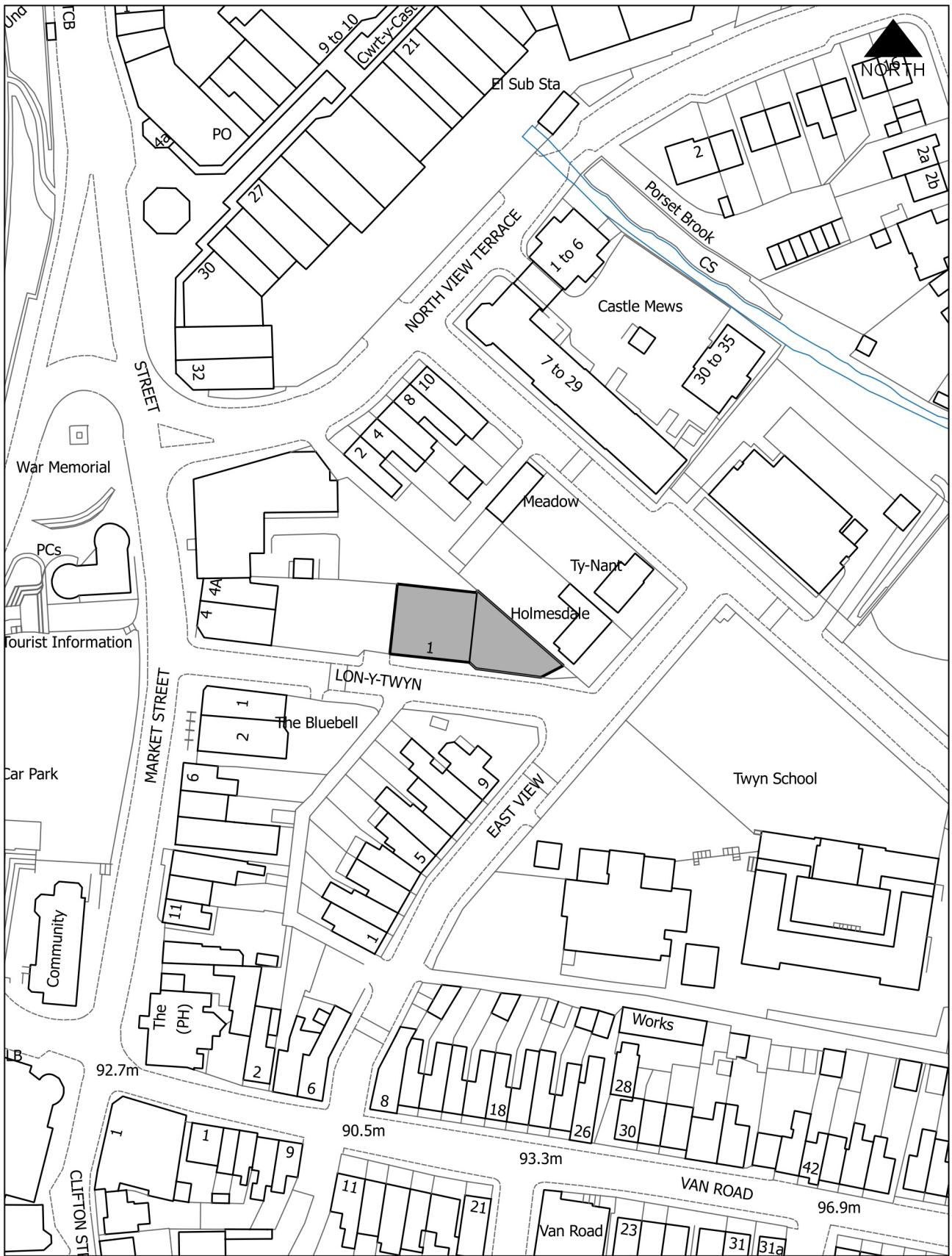
Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily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

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

The developer is reminded that a registered Asbestos contractor should undertake any required asbestos removal works.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.



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Agenda Item 7

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0119/FULL 12.02.2019	E R Morris And Partners Mr E R Morris Ty-Canol Farm White Cross Lane Caerphilly CF83 2RL	Undertake engineering works to construct a chicken effluent storage lagoon Ty Canol Farm Mountain Road Abertridwr To Hendredenny Park Hendredenny Caerphilly CF83 2RL

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located approximately 1km to the north west of Hendredenny and 0.5km to the south of Abertridwr.

Site description: The application refers to part of a field parcel forming part of the holdings at Ty Canol Farm. The field is a steeply sloping area of ground to the west of the lane between Hendredenny and Coed y Picca in Abertridwr. The field parcel is unimproved grassland lying within the Mynydd Eglwysilan Special Landscape Area and it has an existing gated access onto the lane at the south east corner. Whilst the nearest communities are over 0.5km away from the site there are isolated dwellings at Hendredenny Uchaf Farm approximately 250m away.

Development: The application seeks full planning consent to undertake engineering works to construct a chicken effluent storage lagoon. It is proposed to carry out a cut and fill exercise in order to create a pond in the sloping ground with a bund on the downside to support the structure and to help to screen the lagoon. The lagoon would then be lined with a clay liner in order to prevent any discharge from it. Given that the farm holds a total of 25,000 hens at any time and every thousand hens creates 25 tonnes of manure a total of 625 tonnes of manure is created annually (1500 cubic metres). As a result of muck spreading restrictions set down by the Council's Public Health and Protection Division this manure cannot be spread during the summer months and as such it has to be stored in a lagoon until it can be spread.

Cont'd

Application 19/0119/FULL – Continued

Dimensions: The lagoon has maximum dimensions of 13.5m by 7.5m with a maximum depth of 5m. The structure (including all earthworks) has overall dimensions of 18m by 24m with a maximum height of the bund of 5m.

Materials:

The lagoon will be constructed using earth won from the site with a clay liner.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

16/1044/NOTA - Create an area on the farm land to store silage bales - NYD.

18/0783/FULL - Undertake engineering works to construct an animal effluent storage lagoon - Withdrawn 23.10.18.

POLICY

Local Development Plan: Outside settlement limits and within the Mynydd Eglwysilan Special Landscape Area NH 1.3.

Policies

Local Development Plan:

SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP8 (Minerals Safeguarding), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), CW19 (Locational Constraints - Rural Development and Diversification).

Cont'd

Application 19/0119/FULL – Continued

National Policy:

Paragraph 5.66 of Planning Policy Wales states:

"Planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation."

Technical Advice Note 6 - Planning for Sustainable Rural Communities provides general advice in respect of livestock units and slurry. Specifically Paragraphs 6.6.2-6.6.4 state:-

6.6.2 The term protected building includes most residential and other permanent buildings such as schools, hospitals and offices that are normally occupied by people. It excludes any building on the same agricultural unit, any farm dwelling or other farm building on another agricultural unit. The 400 metres will usually be measured from the boundary of the land on which the protected building stands, for example, from the end of the garden of a house.

6.6.3 To minimise the potential for future conflict between neighbouring land uses, planning authorities should exercise particular care when considering planning applications for houses or other new protected buildings within 400 metres of established livestock units. It is important also for planning authorities to keep incompatible development away from other polluting or potentially polluting uses.

6.6.4 Regulations set minimum standards for new, substantially reconstructed or enlarged silage, slurry or fuel oil facilities. The Environment Agency is empowered to serve notice requiring action to improve existing installations when it considers that there is a significant risk of pollution. These Regulations form an important part of the Assembly's commitment to reduce agricultural pollution of rivers. Planning authorities are therefore encouraged to consider sympathetically development proposals aimed at meeting the requirements of these Regulations.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

Cont'd

Application 19/0119/FULL – Continued

COAL MINING LEGACY

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

CONSULTATION

Ecologist - No objection.

Landscape Architect - Raises concern over the visual impact of the structure on the Special Landscape area and suggests that should consent be granted, a condition should be attached requiring the submission of a detailed landscaping scheme.

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection.

Natural Resources Wales - Raises no objection to the proposal but provides advice to be conveyed to the developer.

ADVERTISEMENT

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

Response: One letter of objection was received.

Summary of observations:

- The application form is incorrect. It states that surface water will be disposed of to mains sewers and there are no mains sewers in the area.
- The form also states that there are no watercourses within 20m of the site but there is a watercourse just outside of this distance.
- The Design and Access Statement suggests that the nearest residential properties are further away from the site than is actually the case.
- Any increase in surface water flows as a result of this proposal would have an impact on the properties on the eastern side of the lane.
- Any increase in surface water flows would have an impact on highway safety on the lane.
- Concerns are raised that the lagoon may overflow.
- There is an existing slurry pit to the north of the proposed lagoon. No explanation has been given as to why this is not adequate.

Cont'd

Application 19/0119/FULL – Continued

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.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies:

This application has been considered in accordance with national planning policy and guidance, local plan policy and guidance. The main point to consider in the determination of this application is the visual impact of the proposal and whether this is outweighed by the benefits of the proposal.

The application site is located within the Mynydd Eglwysilan Special Landscape Area and on that basis the Council's Landscape Architect has raised concerns about the effect of the lagoon on the landscape character of the area. The site is located within a sensitive area with a distinctive landscape form and the Landscape Architect argues that the proposed structure would harm this character if it is not properly designed with adequate landscaping.

However, that impact has to be balanced against the need for the lagoon in order to deal with the effluent issues at this farm. As stated above, this farm holds 25,000 hens at any time on a 13 month rota. Over that period the hens create a total of 625 tones of effluent that cannot be spread on the fields during the summer months, and as such a storage facility is required. Because of the particular characteristics of chicken effluent it is prone to causing a fly issue and this has been dealt with as an amenity issue for the residents of Hendredenny in the past.

Paragraph 6.6.3 of Technical Advice Note 6 advises that care should be taken when considering applications for new dwellings within 400m of an existing livestock unit. It is considered that the same care should be given to applications to site slurry and livestock facilities in such close proximity to existing properties. In this instance the proposed lagoon would be sufficiently far away from the neighbouring properties that there would be no detrimental impact on their amenity.

Cont'd

Application 19/0119/FULL – Continued

Further, subject to the imposition of a condition requiring the submission of a detailed landscape scheme, the visual impact of the proposal is outweighed by the need for the structure and for it to be sited in this location.

Policy SP8 of the Local Development Plan seeks to safeguard reserves of coal, sand and gravel and hard rock and to maintain a minimum 10 year supply. Whilst this proposal is located in an area where there are such resources, it is not considered that this proposal would prevent them from being worked. Deep mining or excavation would not have an impact on the structure itself and the structure is not sufficiently permanent in nature to prevent any surface working. In that regard it is not considered that the proposal is contrary to Policy SP8.

Comments from Consultees:

- The comments of the Council's Landscape Architect are addressed above. No other objections were raised.

Comments from public:

The comments of the public are addressed as follows:-

- It is agreed that there are no mains sewers in the area but this is not considered to be fatal to the determination of this application.
- As there are no watercourses within 20m of the site the question has been answered correctly.
- It is acknowledged that the Design and Access Statement submitted with the application gives incorrect details with regard to the distance from the development to the nearest dwellings. However, the Local planning Authority is able to disregard this information in its determination of any application. It is considered that the actual distances to the nearest residential properties is adequate to mitigate any impacts from the development to an acceptable level.
- There is no evidence to suggest that there would be any increased surface water flows from this development. The lagoon has to be designed for a maximum capacity plus expected rainfall and it will be lined with clay such that effluent should not leach out and into the water table of the surrounding land. In that regard it is not considered that the proposal would lead to any surface water drainage issues.

Cont'd

Application 19/0119/FULL – Continued

- As above there is no evidence that there would be any increased surface water flows. Any existing surface water drainage issues associated with this land are not material to the determination of this application.
- This is addressed above.
- The applicant has stated that there are concerns with regard to the integrity of the existing lagoon and as such there is more likelihood of environmental impacts from that structure. That structure is also unauthorised in planning terms and would need to be removed in due course.

Other material considerations: None.

In conclusion, it is considered that the benefits of the proposal outweigh the harm to the landscape character of the area and any such harm can be mitigated by suitable landscaping and as such the proposal is acceptable in planning terms.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents: MJA/ERM/0219/01.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The first 10m of the access track from the public highway shall be completed in materials as approved by the Local Planning Authority to ensure that loose stones or mud etc. are not carried onto the public highway.
REASON: In the interests of highway safety and in order to ensure compliance with Policy CW3 of the Caerphilly County Local Development Plan up to 2021.

Cont'd

Application 19/0119/FULL – Continued

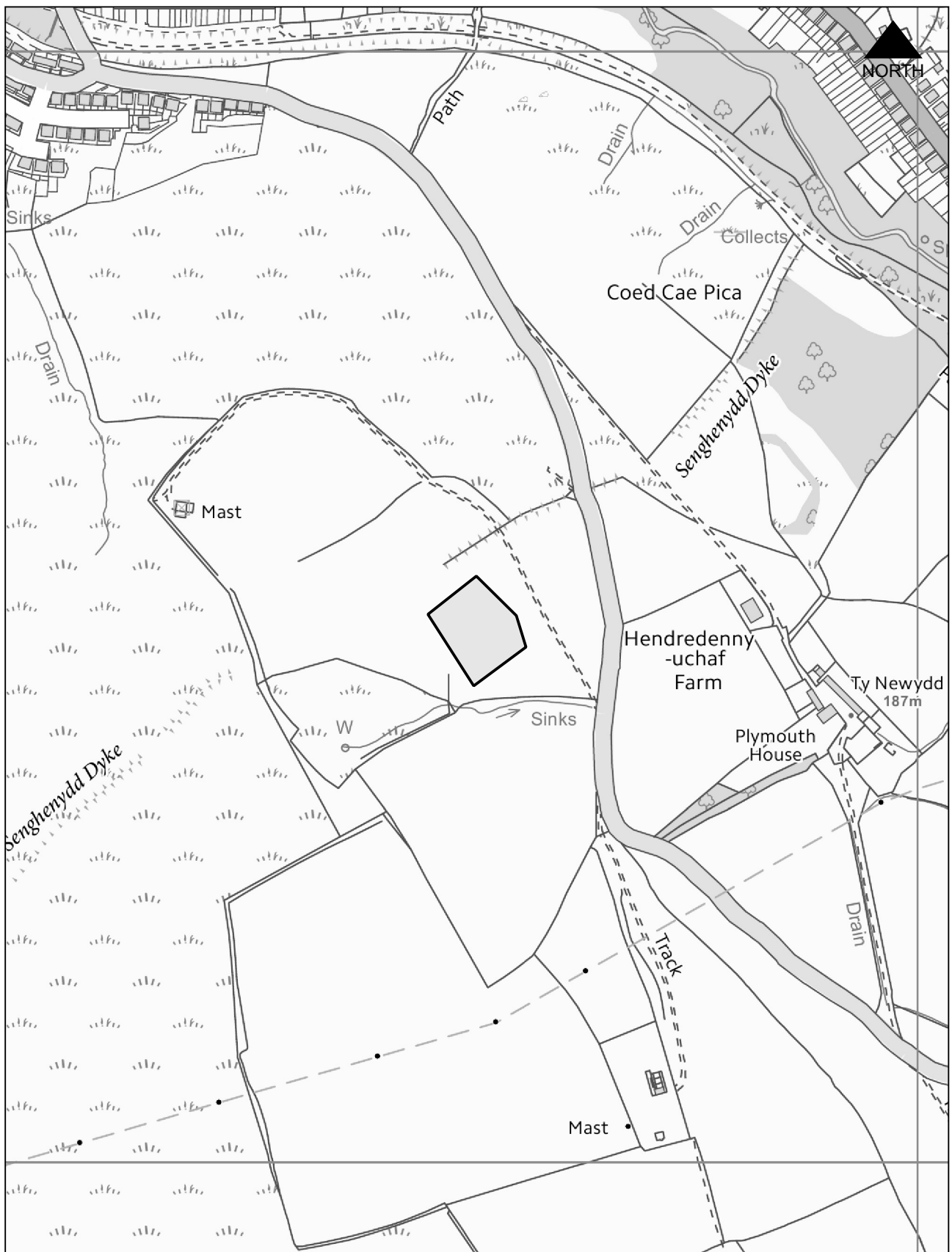
- 04) Prior to the commencement of the development a detailed scheme depicting the landscaping of the lagoon shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the commencement of the development. Any landscape features which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of the development an Operation and Management Plan for the lagoon shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the method of filling and emptying the lagoon together with measures for monitoring its permeability and structural integrity together with measures for the control of public health nuisance. The lagoon shall thereafter be operated in accordance with the approved details.
REASON: In order to retain control over the operation of the lagoon in the interests of Public Health and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 06) The lagoon hereby approved shall only be used for the storage of chicken effluent and no other effluent or other organic matter shall be permitted to be stored or disposed of in the lagoon without the prior written approval of the Local Planning Authority.
REASON: In order to retain control over the operation of the lagoon in the interests of Public Health and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

Please find attached advice from Natural Resources Wales.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.



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Agenda Item 8

APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
19/0036/FULL 14.01.2019	Mr A Worrillow 46 Ty'n Y Parc Abertridwr Caerphilly CF83 4ED	Convert existing integrated garage into a lounge/cinema room 46 Ty'n Y Parc Abertridwr Caerphilly CF83 4ED	Granted 11.03.2019
19/0038/FULL 15.01.2019	Mr Tamplin 34 Meadow Way Caerphilly CF83 1TQ	Erect rear dormer roof extension and insertion of front rooflights 34 Meadow Way Caerphilly CF83 1TQ	Granted 12.03.2019
19/0039/FULL 17.01.2019	Mr L Daives 58 St David's Drive Graig-y-rhacca Caerphilly CF83 8RH	Erect 2 bedroom detached new build house with a single storey rear extension Land Within The Curtilage Of 58 St David's Drive Graig-y- rhacca Caerphilly	Refused 12.03.2019
19/0057/NMA 23.01.2019	United Welsh Housing Association Mr Seabourne Y Borth 13 Beddau Way Caerphilly CF38 2AX	Seek approval of a non- material amendment to planning consent 15/1258/FULL (Build a housing association development providing 37 No. dwellings) to remove a footpath link from the adjacent road to the South of the site and the addition of a new footpath link adjacent to the proposed children's play area Land At Grid Ref 313044 197039 Penywrlod Gelligaer	Granted 12.03.2019
18/1016/FULL 27.11.2018	Mr & Mrs D Darmanin 19 Garth Close Rudry Caerphilly CF83 3EN	Demolish existing garage and erect two storey side extension and new detached garage 19 Garth Close Rudry Caerphilly CF83 3EN	Granted 13.03.2019

19/0047/FULL 21.01.2019	Mr G Hamer 14 Cwrt Neuadd Wen Aberbargoed CF81 9DL	Convert existing integrated garage into a habitable room and increase width of driveway and replace existing tarmac construction with proposed brick paving 14 Cwrt Neuadd Wen Aberbargoed Bargoed CF81 9DL	Granted 13.03.2019
19/0058/NCC 23.01.2019	Miss A Neeson Land At Grid Ref 315517 194630 Tabor Road Maesycwmmmer Hengoed CF82 7PU	Vary condition 02 (Approved Plans) of 18/0428/FULL (Erect three bedroom residential dwelling) to create a habitable room in the basement Land At Grid Ref 315517 194630 Tabor Road Maesycwmmmer Hengoed	Granted 13.03.2019
19/0061/FULL 24.01.2019	Mr M Lane 6 Energlyn Close Energlyn Caerphilly CF83 2QU	Erect front porch and rear single storey sun room 6 Energlyn Close Energlyn Caerphilly CF83 2QU	Granted 13.03.2019
19/0069/RET 25.01.2019	Marstons PLC Mr A Whittingham Marstons House Brewery Road Wolverhampton WV1 4JT	Retain smoking shelter and three posts for festoon lighting Moat House Inn 30 Lon-Y-Llyn Caerphilly CF83 1BY	Granted 13.03.2019
19/0075/TPO 28.01.2019	Mr W Dainton Durley Chine Brynavon Terrace Hengoed CF82 7LZ	Repollard lime tree to old pollard head (Tree Preservation Order 49/82/RVDC) Durley Chine Brynavon Terrace Hengoed CF82 7LZ	Granted 13.03.2019
19/0088/FULL 01.02.2019	Mr C Arcos Ty Cilgant 30C The Crescent Machen CF83 8ND	Demolish existing conservatory and erect new single storey extension Ty Cilgant 30C The Crescent Machen Caerphilly	Granted 13.03.2019
19/0041/RET 18.01.2019	RLS Property Rentals Mr R Burgess C/o Plan R Ltd Mr R Hathaway 39 Merthyr Mawr Road Bridgend CF31 3NN	Retain the change of use from office space, ancillary to the adjacent A1 shop, to an independent A1 unit 9 Penallta Road Gelligaer	Granted 15.03.2019

19/0086/NMA 29.01.2019	Mr M Noakes 20 St Maelog Close Libanus Fields Pontllanfraith Blackwood NP12 2FD	Seek approval of a non-material amendment to planning consent 13/0556/FULL (Erect residential development) to amend the house type of plot 4 60 Plynlimon Avenue Croespenmaen Newport NP11 3GR	Granted 15.03.2019
18/0831/COU 25.09.2018	Mr M Howe 14 Plantation Terrace Fochriw Bargoed CF81 9JR	Change the use of existing doctors surgery to new dwelling with alterations to roof to provide 3 No. bedrooms and ground floor alterations 14 Plantation Terrace Fochriw Bargoed CF81 9JR	Granted 18.03.2019
19/0056/FULL 23.01.2019	Mr R Wardle Ty Pen-Y-Waun Mountain Road Bedwas CF83 8ER	Erect single storey monopitch extensions on either side of main house Ty Pen-y-waun Mountain Road Bedwas Caerphilly	Granted 18.03.2019
19/0102/FULL 06.02.2019	Mr Ellis 10 Lon Uchaf Bondfield Park Caerphilly CF83 1BR	Erect Edwardian style conservatory to rear 10 Lon Uchaf Caerphilly CF83 1BR	Granted 18.03.2019
18/0925/FULL 25.10.2018	Mrs C Rees Ty Isaf Caerphilly Road Ystrad Mynach CF82 7EP	Construct a new dormer bungalow and a double garage along with access and ancillary works Land At Ty Isaf (Adjacent To Underwood Bungalow) Caerphilly Road Ystrad Mynach	Granted 19.03.2019
19/0003/FULL 02.01.2019	Miss L Pawluk 17 Clos Gwastir Caerphilly CF83 1TD	Erect a single storey rear extension, loft conversion (including ridge height increase) including construction of rear dormer and insertion of roof lights to front roof slope to create an attic bedroom (Revised Scheme) 17 Clos Gwastir Caerphilly CF83 1TD	Granted 19.03.2019

19/0028/COU 10.01.2019	Wicked Image Mrs B Jones Nythfan Commercial Street Bedlinog CF46 6RE	Change the use from Beauty Salon to Tattoo Studio The Cutesy Co 17 Penallta Road Ystrad Mynach Hengoed	Granted 19.03.2019
19/0034/COU 14.01.2019	Kaleidoscope Project Mrs S Chicken Resolven House St Mellons Business Park Cardiff CF3 0EY	Change the use to a base to support activities relating to the treatment and support of substance misuse issues including clinical interventions Unit 3 - Penmaen House Block F Penmaen Industrial Estate Pontllanfraith	Granted 19.03.2019
19/0148/NMA 21.02.2019	Mr M Griffiths 1 Plas Road Fleur De Lis Blackwood NP12 3RJ	Seek approval of a non-material amendment to Planning Consent 16/0912/COU (Change the use of church to residential) to add an extension to provide an entrance Ardwyn Former St Annes Church Hengoed Road Cefn Hengoed	Granted 19.03.2019
19/0065/CLPU 25.01.2019	Mrs Collins 12 Downey Grove Penpedairheol Caerphilly	Obtain a Lawful Development Certificate for the removal of existing lean-to and replace with single storey extension 23 Julian's Close Gelligaer Hengoed CF82 8DT	Granted 20.03.2019
19/0160/NMA 26.02.2019	Mr S Wheeler The Old Coach House 19 Morlais Court Hendredenny Caerphilly CF83 2UG	Seek approval of a non-material amendment to planning consent 17/1070/FULL (Erect detached garage with associated boundary works), to turn garage 90 degree with roller shutter door facing dwelling The Old Coach House 19 Morlais Court Hendredenny Caerphilly	Granted 20.03.2019
18/0989/LBC 16.11.2018	Ms M Arthur The White Cross Groeswen Cardiff CF15 7UT	Carry out works to telephone box including removing defunct telephone, installing a defibrillator and painting the outside of the box White Cross Inn Groeswen Road Groeswen Cardiff	Granted 21.03.2019

18/1005/FULL 23.11.2018	Llanmoor Developments Ltd Mr S Grey 63-65 Talbot Road Talbot Green Pontyclun Rhondda Cynon Taff CF72 8AE	Erect 55 unit residential development with associated landscaping and play provision Land At Former Bedwellty Comprehensive School Pengam Road Aberbargoed	Granted 21.03.2019
19/0033/COND 10.01.2019	Mr D Bartlett Shangri La Bryn Road Pontllanfraith Blackwood NP12 2EY	Discharge conditions 3 (Materials) and 4 (Land Drainage) of planning consent 16/0980/FULL (Build an in- ground swimming pool) Shangri La Bryn Road Pontllanfraith Blackwood	Decided - Discharge of Conditions 21.03.2019
19/0059/FULL 24.01.2019	Gwent Hills & Vale Methodist Circuit Mrs J Jackson 42 Marlborough Road Cwmbran NP44 5EP	Convert garage to form new dining room 47 Dan-Y-Bryn Pontllanfraith Blackwood NP12 2FJ	Granted 21.03.2019
19/0063/TPO 24.01.2019	Mr B Price 63 Blacksmith Close Oakdale NP12 0BP	Carry out various works to beech tree (Tree Preservation Order 43/08/CCBC) 63 Blacksmith Close Oakdale Blackwood NP12 0BP	Granted 21.03.2019
19/0006/COU 03.01.2019	Alexercise Limited C/O DPP Planning Miss S Thomas Sophia House 28 Cathedral Road Cardiff CF11 9LJ	Change the use of unit from class B1/B2/B8 to restricted class D2 gymnasium Units 1A, B And C Coopers Court Caerphilly Road Ystrad Mynach	Granted 22.03.2019
19/0076/FULL 28.01.2019	Mr M Williams 44 Montclair Avenue Blackwood NP12 1EF	Erect part two storey, part single storey rear extension 44 Montclair Avenue Blackwood NP12 1EF	Granted 22.03.2019

19/0008/COND 03.01.2019	Miss A Neeson 35 Church Street Bedwas Caerphilly CF83 8EA	Discharge conditions 3 (Drainage), 9 (Site control - dust suppression), 10 (Site control - noise suppression), 11 (Bat roost mitigation), 12 (Breeding bird provision) and 13 (Materials) of planning consent 18/0428/FULL (Erect three bedroom residential dwelling) Viaduct House Tabor Road Maesycwmmmer Hengoed	Decided - Discharge of Conditions 25.03.2019
19/0074/FULL 28.01.2019	Mr & Mrs A Griffiths 33 Vancouver Drive Penmaen Oakdale NP12 0UQ	Erect dormer rear of bungalow plus alterations to window and door openings 33 Vancouver Drive Penmaen Oakdale Blackwood	Granted 25.03.2019
19/0073/FULL 28.01.2019	Mr T Rafik 17 Corbett Grove Caerphilly CF83 1SZ	Erect single storey extension to rear to provide additional living space, internal alterations to provide new utility and wet room and erect first floor extension over existing single storey former garage 17 Corbett Grove Caerphilly CF83 1SZ	Refused 26.03.2019
19/0079/FULL 29.01.2019	Mr G Power 10 Manor Way Ty Sign Risca NP11 6AA	Erect two storey side extension 10 Manor Way Ty Sign Risca Newport	Granted 26.03.2019
19/0081/FULL 29.01.2019	Mr C Newman 23 Coed Duon View Pentwyn-Mawr NP11 4EN	Erect single storey kitchen/dining room and home office extension at rear of dwelling 23 Coed Duon View Pentwyn-mawr Newport NP11 4EN	Granted 26.03.2019
19/0083/COND 29.01.2019	Reginald Moore Limited 5 Cwrt Y Parc Cardiff Business Park Llanishen Cardiff CF14 5GH	Discharge conditions 03 (Footway Provision) and 06 (Drainage) of planning consent 18/0748/COU (Convert Mountain View into 2 no. two bedroom flats and construct new build 2 no. one bedroom flats to the rear) Land At The Laurels And Mountain View Van Road Caerphilly CF83 1LA	Decided - Discharge of Conditions 26.03.2019

19/0095/FULL 31.01.2019	Mr Gordon 1 Bredon Close Trenewydd Park Risca Newport NP11 6RB	Alter open canopy and form entrance porch to front of previous extension 1 Bredon Close Trenewydd Park Risca Newport	Granted 28.03.2019
19/0097/FULL 31.01.2019	Mr D A Hill Chapel Cottage Mill Road Deri Bargoed CF81 9HG	Erect a two storey extension to provide lounge/dining room and two bedrooms Chapel Cottages Mill Road Deri Bargoed	Refused 28.03.2019
18/0842/FULL 01.10.2018	Mr L P Lazarou Lanwood House White Hart Machen Caerphilly CF83 8QQ	Erect detached dwelling Land Adjoining Ty'n Derwen White Hart Machen Caerphilly	Granted 29.03.2019
19/0027/COND 10.01.2019	Mr & Mrs John 16 Bryn View Avenue Ystrad Mynach Hengoed CF82 7DB	Discharge conditions 3 (Boundary Treatment), 5 (Secondary Glazing), 19 (Retained Trees), 20 (Tree Planting), 21 (Japanese Knotweed) and 22 (Removal of trees) on planning consent 14/0847/FULL (Erect three detached residential dwellings) Land To The Rear Of Brynmynach Avenue Ystrad Mynach Hengoed	Decided - Discharge of Conditions 29.03.2019
18/0895/COND 16.10.2018	G B Engineering (Wales) Ltd Ms T Branfield Unit F Croespenmaen Industrial Estate Kendon Crumlin NP11 3AG	Discharge condition 03 (drainage) of planning consent 18/0628/FULL (Erect Class B2/B8 (General Industrial, Storage and Distribution) unit together with associated servicing, parking and new access arrangements) Unit 2A Parkway Pen-y-fan Industrial Estate Pen-y-fan	Decided - Discharge of Conditions 02.04.2019
18/0950/RET 02.11.2018	Forgebank Properties Ltd Mr C Tucker Brynheulog House Old Parish Road Hengoed CF82 7HU	Retain imported material and change of use of land to additional residential amenity area for existing dwelling 1 Viaduct View Court Victoria Road Maesycwmmmer Hengoed	Granted 02.04.2019

19/0100/FULL 05.02.2019	Mr S Jones 18 Penrhiw Avenue Oakdale Blackwood NP12 0NH	Demolish existing lean-to, steps and storage area and construct a two storey rear extension 18 Pen-Rhiw Avenue Oakdale Blackwood NP12 0NH	Refused 02.04.2019
19/0104/RET 07.02.2019	Mr M Jones 12 Nant-Y-Hwyad Caerphilly CF83 2RU	Retain detached garage 12 Nant-Y-Hwyad Caerphilly CF83 2RU	Granted 02.04.2019
19/0118/FULL 11.02.2019	Mr S Leonard 20 Merlin Avenue Penallta Hengoed CF82 6AY	Construct driveway to front of property 20 Merlin Avenue Penallta Hengoed CF82 6AY	Granted 02.04.2019
18/0941/NCC 31.10.2018	Millbrook Homes (Cwmbran) Ltd Mr C Rabaiotti C/O The Potters 22-24 Upper Dock Street Newport	Vary Condition 2 (Approved Plans) of planning consent 18/0152/FULL (Demolish existing house/associated structures and erect eight dwellings and associated works) Gelli Pystyll Farm Elm Drive Ty Sign Risca	Granted 03.04.2019
19/0105/FULL 08.02.2019	Mr & Mrs A Holbrook 35 Pentwyn Terrace Trinant NP11 3JE	Erect two storey rear extension 35 Pentwyn Terrace Trinant Newport NP11 3JE	Granted 04.04.2019
19/0201/NMA 07.03.2019	Mrs K Barwood Danycoed 5 Underwood Avenue Maesycwmmmer Hengoed CF82 7PT	Seek approval of a non- material amendment to planning consent 17/0214/FULL (Erect single- storey rear extension and second floor loft conversion with side and rear dormers) to increase the size of the rear dormer for the second floor loft conversion and increase the size of the single storey side window in line with and symmetrical to the atrium window Danycoed 5 Underwood Avenue Maesycwmmmer Hengoed	Granted 04.04.2019

Agenda Item 9

LIST OF PLANNING APPLICATIONS WHICH ARE NOT DEALT WITH IN TIME

APPLICATION NUMBER DATE VALID	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
17/0971/NCC 13.11.17	Vary condition 18 of planning permission 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to enable the variation of the approved restoration scheme details to reflect the positioned earth bund and landscaping Gelliargwelt Farm, Gelligaer Road, Gelligaer .	Subject to further discussion and consideration.
18/0160/OUT 16.02.18	Erect residential development up to 131 dwellings and associated works at Land Adj To Tiryberth Farm, Hengoed Road, Penpedairheol, Hengoed.	Subject to further discussion and consideration.
18/0323/FULL 11.04.18	Change the use of land to use as residential caravan site for two gypsy families, each with two caravans, including no more than one static caravan/mobile home and erection of two amenity buildings at Ynsyddu Yard - Vine Tree Ynysddu Hotel Approach Ynysddu Newport NP11 7JW	Awaiting additional information.
18/0586/COU 07.01.19	Demolish existing retail shop and erect residential flats at Yearsleys Discount 1 Lon-Y-Twyn Caerphilly CF83 1NW	Subject to further discussion and consideration.
18/0981/FULL 15.11.18	Erect two storey extension with balcony to rear and alterations to conservatory roof at 1 Penywaun Lodge Heol Fawr Nelson Treharris CF46 6PL	Considering additional information.
18/1009/FULL 26.11.18	Seek approval of the reserved matters regarding details of access, appearance, landscaping, layout and scale in relation to planning consent 14/0239/NCC (Vary condition 3 of 09/0688/OUT (Erect residential development) to extend the time period for the approval of reserved matters) at Land At Grid Ref 320738 198125 Albertina Road Treowen	Subject to further discussion and consideration.

18/1032/FULL 29.01.19	Erect single storey extensions to rear and side at Martindale Pennar Lane Pentwyn-mawr Newport NP11 4GY	Subject to further discussion and consideration.
18/1048/FULL 10.12.18	Demolish existing two storey extension and replace with a part two storey and part single storey extension at Ffald Gerrig Cottage Rudry Road Rudry Caerphilly CF83 3DD	Subject to further discussion and consideration.
18/1074/FULL 13.02.19	Erect 2 No. semi detached dwellings at Plot 10 46 Gelynos Avenue Argoed Blackwood	Subject to further discussion and consideration.
18/1077/FULL 27.02.19	Demolish an existing office building and construct 42 affordable housing apartments together with a ground floor retail unit and associated external works and parking at Llys Ifor Crescent Road Caerphilly	Subject to further discussion and consideration.
18/1080/OUT 27.02.19	Erect up to 8 No. dwellings with associated works At Land At Grid Ref 317561 196510 Libanus Road Blackwood	Subject to further discussion and consideration.
18/1084/FULL 20.12.18	Erect six bungalows with off-street parking at Land At Grid Ref 320775 196886 Tynewydd Terrace Newbridge	Subject to further discussion and consideration.
18/1090/FULL 21.12.18	Erect four dwellings at Land At Grid Ref 312302 188899 Bronmynydd Abertridwr	Subject to further discussion and consideration.
19/0060/FULL 24.01.19	Erect five houses with 14 self-contained assisted living residence flats at Land At Grid Ref 311814 205796 Waterloo Terrace Pontlottyn	Subject to further discussion and consideration.
19/0087/COND 30.01.19	Discharge conditions 5 (Vision Splays), 6 (Parking and Turning Area), 8 (Access Ramp Gradient) and 16 (CTMP) of planning consent 18/0374/FULL (Erect elderly persons living accommodation and associated works) at Pontllanfraith Youth Centre And Cyber Cafe Sir Ivor Road Pontllanfraith Blackwood NP12 2JH	Subject to further consultation.

Agenda Item 10

APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT

APPLICATION NUMBER & DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/06/0037 13.01.06	Redevelop site incorporating 545 residential units and 2.5 acres for a primary school at Waterloo Works, Machen.	Received draft agreements. Waiting for internal comments. Can't agree over some clauses regarding Affordable Housing. Waiting for instructions from Planning.
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. File closed due to no progress.
13/0479/FULL 02.04.13	Erect new house at Former Holly House Nursing Home, Victoria Road Fleur-de-lis, Blackwood.	Sent amended draft to Solicitors and they are taking instructions. Sols asked for completion statement sent. Chased. Chased again.
16/0085/NCC 05.02.16	Vary conditions 03 and 04 of planning permission 13/0058/NCC to extend the period of time for the submission of reserved matters and the commencement of the development at Land Off Pencoed Avenue Cefn Fforest Blackwood	Waiting for instructions from housing. No change.
17/0088/OUT 03.02.17	Construct housing development of 17 properties at Land At Fair View Garage Pengam Road Pengam Blackwood	Sent draft Agreement for approval. Advised Sols slight amendment required. They say they are seeking instructions.
17/0545/NCC 28.06.17	Vary Condition 3 of planning consent 12/0531/OUT (Erect mixed residential development comprising of fifteen new build dwellings) to extend the time for submitting reserved matters applications at Land At (Grid Ref 323900 190615) Station Approach Risca	Sent draft to Sols. Nearing completion.
17/0616/COU 14.07.17	Convert former night club at second floor level to 7 No. flats (D2 to C3) at Pulsars Niteclub 3A Pentrebane Street Caerphilly	Issues with title and changes to plan. In process of resolving. Chased. No change. Asked Planning for advice.

17/0888/FULL 16.10.17	Construct 60 No. dwellings, access, parking, landscaping, agricultural improvement works (includes the redistribution of onsite material and the raising of levels) and associated works at Land At Grid Ref 319662 198758 Ton-Y-Felin Farm Lane Croespenmaen	Sent draft.
17/0973/FULL 13.11.17	Retain and formation of a repositioned approved earth bund, landscaping and associated works at Gelliargwelt Farm Gelligaer Road Gelligaer CF82 8FY	In discussions about the draft.
18/0286/OUT 27.03.18	Outline planning permission for up to 22 dwellings and seek approval of access at PD Edenhall Ltd Dan Y Graig Works Dan Y Graig Road Risca	Sent draft.
18/0415/OUT 08.05.18	Erect residential development of up to 14 apartments, of total floor area less than 1,000 sqm, and associated access, car parking, engineering and landscape works, including car parking for the existing guest house at Land At Grid Ref 314932 189096 (Adjacent To Y Fron) Pwlypant Roundabout To Coed-Y-Brain Roundabout Pwlypant Caerphilly	New Instructions. No change.
18/0988/OUT 19.11.18	Erect two detached properties with public off street parking and turning area Land At Grid Ref 311602 191525 Graig Terrace Senghenydd	New Instructions. Requested Sols details. Chased Applicant.
18/0444/FULL 14.05.18	Construct two social rented units and one market house at The Rectory High Street Nelson Treharris	Sent draft.
18/0941/NCC 31.10.18	Vary Condition 2 (Approved Plans) of planning consent 18/0152/FULL (Demolish existing house/associated structures and erect eight dwellings and associated works) at Gelli Pystyll Farm Elm Drive Ty Sign Risca	Requested solicitors details. No change.

<p>18/1059/NCC 17.12.18</p>	<p>Vary condition 2 of planning consent 15/0252/OUT (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) granted on appeal reference APP/K6920/A/15/3137884 to extend the period for the submission of reserved matters by a further three years at Land At Gelli Farm Tredegar Road Cwmgelli Blackwood</p>	<p>Requested title. No change.</p>
<p>19/0002/FULL 02.01.19</p>	<p>Redevelop the former Somerfield Supermarket, including the partial demolition of the existing structure and construction of 47 No. 1 and 2 bed apartments over three storeys; and development of 19 permanent artisan market units, to be located on the existing market square to the south of The Market Place shopping centre at Unit A 12 The Market Place Blackwood NP12 1ZP</p>	<p>New matter.</p>

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Agenda Item 11

OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
18/0013/LB 18/0178/LBC	Mr N Watkins Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood NP12 0JH	Retain and complete works to install new entrance gates and install flue pipe and storm cap to existing chimney breast to allow for installation of a wood burner at Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood	08/11/18
19/0002/REF 18/0478/FULL	Motor Fuel Group Building 2 Abbey View Everard Close St Albans AL1 2QU	Erect sales building extension with new Subway store and associated parking (Revised traffic route throughout site to include a one-way system serving 12 new parking spaces & deliveries. Kerb and barrier adjacent to offset fills removed and cut back to improve site circulation) at Texaco Mabon Filling Station Heol Mafon Nelson Treharris CF46 6PE	24/01/2019

APPEALS DECIDED

APPEALS DECIDED APPEAL REF/ PLANNING APP NO.	PROPOSAL & LOCATION APPEAL	DECISION/ DATE	COMM/ DEL
18/0019/REF 18/0123/FULL	Construct three dwellings and external works on Land At Grid Ref 321036 188882 Rhyd Y Gwern Lane (South Of Clos Trefeddyg) Machen	DISMISSED 07/03/2019	COMM