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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Emma Sullivan
(Rhif Ffôn: 01443 864420 Ebst: sullie@caerphilly.gov.uk)

Dyddiad: Dydd Mercher, 1 Gorffennaf 2020

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Pwyllgor Cynllunio** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Mercher, 8fed Gorffennaf, 2020 am 10.00 am** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny.

Bydd y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n siarad yn ystod y Pwyllgor Cynllunio ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor: www.caerffili.gov.uk

Oherwydd cyfyngiadau yn ymwneud â Covid-19, mae Ymweliadau Safle'r Pwyllgor Cynllunio wedi'u hatal ac ni fydd y cyfarfod hwn ar agor i'r wasg na'r cyhoedd. Fodd bynnag, gall y rhai dan sylw wneud cais am gyflwyno sylwadau ysgrifenedig mewn perthynas ag unrhyw eitem ar yr agenda hon, a fydd yn cael eu darllen i'r Pwyllgor. I gael rhagor o fanylion am y broses hon, cysylltwch â Chlerc y Pwyllgor ar sullie@caerffili.gov.uk

Yr eiddoch yn gywir,

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

Christina Harrhy
PRIF WEITHREDWR

A G E N D A

Tudalennau

1 I dderbyn ymddiheuriadau am absenoldeb

A greener place Man gwyrddach

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



2 Datganiadau o Ddiddordeb.

Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

3 Cynhaliwyd y Pwyllgor Cynllunio ar 17 Mehefin 2020.

1 - 4

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

4 Rhif Cod 20/0047/OUT - Tir ar safle'r hen Dy Pontllan-fraith, Blackwood Road, Pontllan-fraith NP12 2YW.

5 - 42

5 Rhif Cod 19/0857/FULL - Saer Coed, Load of Hay Road, Crymlyn, Casnewydd NP11 2AY.

43 - 56

6 Rhif Cod. 20/0260/FULL - Fferm Gelliargwellt Uchaf, Gelligaer Road, Gelligaer, Hengoed CF82 8FY

57 - 62

7 Rhif Cod. 20/0293/FULL - Fferm Gelliargwellt Uchaf, Gelligaer Road, Gelligaer, Hengoed CF82 8FY

63 - 76

Cylchrediad:

Cynghorwyr M.A. Adams (Cadeirydd), 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 (Is Gadeirydd), R. Whiting a T.J. Williams

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar www.caerffili.gov.uk. ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn ar ein gwefan <http://www.caerffili.gov.uk/Pwyllgor/Preifatrwydd> neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio griffd2@caerffili.gov.uk neu ffoniwch 01443 863028.



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 17TH JUNE 2020 AT 10:00AM

PRESENT:

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

Councillors:

Mrs E.M. Aldworth, C. Andrews, A. Angel, J. Bevan, M. Davies, J.E. Fussell, R.W. Gough, A.G. Higgs, A. Hussey, B. Miles, J. Ridgewell, J. Simmonds, J. Taylor, A. Whitcombe, R. Whiting and T.J. Williams.

Together with:

R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), R. Tranter (Head of Legal Services & Monitoring Officer), L. Cooper (Engineer, Highway Planning), M. Godfrey (Senior Environmental Health Officer), C. Boardman (Principal Planner), C. Campbell (Manager, Transport Engineering) A. Pyne (Senior Planner) and E. Sullivan (Senior Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors D. Hardacre and Mrs G. Oliver.

2. DECLARATIONS OF INTEREST

At the commencement of the meeting: Councillor B. Miles declared a personal and prejudicial interest in relation to Agenda Item No. 4 (Application Code No. 19/1018/OUT) as she lives in close proximity to the proposed application and as such would be directly affected by it, she left the meeting when the application was considered and took no part in the debate or decision.

Councillor M. Adams declared a personal and prejudicial interest in relation to Agenda Item No. 5 (Application Code No. 20/0047/OUT) in that he lives in close proximity to the site and as such it could be viewed that his home and enjoyment of it would be directly affected by the proposed development and he left the meeting when the application was considered and took no part in the debate or decision.

During consideration of Agenda Item No. 5 (Application Code No. 20/0047/OUT), Councillor J. Ridgewell declared a personal and prejudicial interest in that the Applicant's Planning Agent who submitted a written representation is known to him as they both sit on the Board for Fields in Trust and they have previously worked together. Cllr Ridgewell left the meeting and

took no further part in the matter.

3. MINUTES – 18TH MARCH 2020

It was moved and seconded that the minutes of the meeting held on the 18th March 2020 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 18th March 2019 (minute nos. 1-11) be approved and signed as a correct record.

4. CODE NO. 19/1018/OUT – LAND AT GRID REFERENCE 310845 196295, BROOKLANDS, NELSON

Councillor B. Miles declared a personal and prejudicial interest as she lives in close proximity to the proposed application and as such would be directly affected by it, she left the meeting when the application was considered and took no part in the debate or decision.

A statement on behalf of Residents in objection to the application was read to the Committee.

Councillor S. Morgan spoke on behalf of residents in objection to the application.

A statement of behalf of the Applicant's Agent in support of the application was read to the Committee.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officer's report be approved and in noting that there were 14 For, 2 Against and 0 Abstentions this was agreed by the majority present.

RESOLVED that: -

- (i) the application be REFERRED to Welsh Government as a Departure from the provisions of the Development Plan under The Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2020 and subject to confirmation from Welsh Government that they do not wish to call in the application that planning permission be GRANTED subject to the completion of a Section 106 Planning Obligation, which requires: 25% affordable housing provision comprising 3 x 4 bedroom (6 person) homes, built to DQR standards and at a transfer price of £89,415 per unit and the conditions contained within the Officer's report;
- (ii) the applicant be advised of the comments of Natural Resources Wales, Public Rights of Way Officer, Dwr Cymru/Welsh Water, Western Power Distribution, Wales and West Utilities and Police Architectural Liaison Officer.

5. CODE NO. 20/0047/OUT – LAND AT FORMER PONTLLANFRAITH HOUSE, BLACKWOOD ROAD, PONTLLANFRAITH, NP12 2YW

Councillor M. Adams declared a personal and prejudicial interest in that he lives in close proximity to the site and as such it could be viewed that his home and enjoyment of it would be directly affected by the proposed development and he left the meeting when the application was considered and took no part in the debate or decision.

A statement on behalf of the Sir Harold Finch Estate and Harold Finch Memorial Park in objection to the application was read to the Committee.

A statement from Cllr G. Kirby on behalf of local residents in objection to the application was

read to the Committee.

A statement from the Applicant's Agent on behalf of Pobl in support of the application was read to the Committee.

Following this statement Councillor J. Ridgewell declared a personal and prejudicial interest in that the Applicant's Planning Agent who submitted this written representation is known to him as they both sit on the Board for Fields in Trust and they have previously worked together. Cllr Ridgewell left the meeting and took no further part in the matter.

Following consideration of the application a motion was moved and seconded that the application be deferred to allow the Officer's report to be amended in order to clarify the boundary of the Harold Finch Memorial Park and in noting that there were 4 For, 9 Against and 2 Abstentions the motion was declared lost.

A motion was then moved and seconded that the recommendation contained within the Officer's report be approved and planning permission be granted and in noting there were 6 For, 7 Against and 2 Abstentions the motion was declared lost.

As the motion was lost, the application would be deferred for a further report with draft reasons for refusal based on the loss of Green Space and that it is contrary to Policy CW8 for the Planning Committee to consider.

RESOLVED that the application be deferred for a further report with draft reasons for refusal based on the loss of Green Space and that it is contrary to Policy CW8.

The meeting closed at 12.25am.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 8th July 2020.

CHAIR

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PREFACE ITEM

APPLICATION NO. 20/0047/OUT

APPLICANT(S) NAME: Pobl Group

PROPOSAL: Redevelop the site for residential development (up to 125 units) and all associated works (all matters reserved)

LOCATION: Land At Former Pontllanfraith House Blackwood Road Pontllanfraith NP12 2YW

The above planning application sought outline planning permission (with all matters reserved) to redevelop the site of the former Council Offices site (known as Pontllanfraith House) and associated land, for residential development of up to 125 dwellings and associated works.

The application was reported to Planning Committee on 17th June 2020 with a recommendation for approval subject to conditions. A copy of the previous report is attached as an Appendix.

The Officer report makes reference to development on part of the Sir Harold Finch Memorial Park (hereafter referred to as the SHFMP) and this inadvertently gave rise to some confusion at the previous Planning Committee. To clarify matters leisure allocation LE1.9 in the Local Development Plan is labelled SHFMP but this is not the legal boundary of the Park. The boundary of the Park is not defined in law but the Authority considers the Park to be the meadow areas to the north of the development site which comprise a Local Nature Reserve and a SSSI. It is reconfirmed that the development does not encroach on either the Local Nature Reserve or the SSSI so what the Authority considers to be the SHFMP will be unaffected. However, approximately 13% of leisure allocation LE1.9 will be lost but this will be partially offset as outlined below.

At the meeting, it was moved and seconded that the application be deferred to allow Officers to provide reason(s) for refusal on the basis that the development would result in the loss of Green Space (leisure land allocation) contrary to Policy CW8 of the Local Development Plan.

If Members remain minded to refuse the application on this basis a suggested reason for refusal is contained at the end of this preface item report. However, before Members make a final decision it is deemed appropriate to provide further information relating to:

1. Leisure provision in the surrounding area; and
2. Housing need in the Pontllanfraith/Blackwood area.

These matters are considered in turn below.

1. Leisure provision in the surrounding area.

Policy CW8 (Protection of Community and Leisure Facilities) of the Local Development Plan states:

“Proposals that would result in the loss of a community and/or leisure facility will not be permitted except where:

- A. A comparable replacement facility can be provided by the developer either on or off site, and within easy and convenient access on foot or by bicycle, or*
- B. It can be demonstrated that the facility is surplus to requirements.”*

As referenced above part of the application site (approximately 1.4 hectares) is located within Leisure Allocation LE1.9. The proposed development would result in 13% of the overall LDP leisure allocation being lost, however, none of the SHFMP would be lost to development.

Of this area 0.31ha is identified as formal/informal leisure to serve the development which equates to 22% of the area. Notably if approved this will be usable open space rather than meadow as is currently the case as illustrated in the plan below at Figure 1.

Figure 1: Plan illustrating overlap of application site and Leisure allocation LE1.9 including areas of formal/informal open space within the development site/leisure allocation overlap.



An assessment of formal and informal open space has been undertaken for the surrounding area. This assessment shows that notwithstanding the small encroachment into the Leisure Allocation LE 1.9 at this location the area is well served by leisure land and there would be 8.35 ha of useable informal and 17.48 ha of formal leisure land remaining to serve the area within a 0.5 km radius. Therefore, although the parcel of leisure land that would be lost to the development has not, in policy terms, been classified as surplus to requirements, the areas of useable open space in close proximity to the site are of significant size and the proposal would not, it is considered, have a detrimental impact on the formal and informal leisure land available to serve the area.

2. Housing need in the Pontllanfraith/Blackwood area.

The delivery of new homes and affordable homes is integral to meeting the objectives of the Corporate Plan 2018-2023. Specifically, Priority 3 seeks to address the availability, condition and sustainability of homes throughout the county borough and provide advice, assistance or support to help improve people's well-being.

The stated outcomes necessary to deliver Priority 3 include:

- Increase the provision of new, affordable, social housing that meet the 'Lifetime Homes' principles and identified needs, whilst supporting the governments' innovative housing programme.
- Prevent homelessness and tackle rough sleeping.
- Help reduce fuel poverty by making homes more energy efficient and providing people with advice on how best to heat their homes.

The Need for Housing

There is a housing requirement for 8,625 new dwellings to be delivered over the 15-year LDP plan period up to 2021. This equates to an annual requirement of 575 dwellings per annum.

The 2019 housing completions data, indicates that 4,835 units have been delivered (56% of the overall Adopted LDP housing requirement) up to the end of March 2019. There is, therefore, a requirement for a further 3,790 dwellings to be developed over the remainder of the plan period, i.e. by the end of 2021, to meet the LDP housing requirement.

The number of dwellings that have been constructed each year has been consistently below the annual average requirement of 575 dwellings per annum for every year since 2008-9. The economic crash and subsequent recession have had a significant impact on housebuilding across the County Borough and build rates have not recovered to the levels delivered at the start of the plan period.

The last published JHLAS for the period up to 1st April 2019 indicated that only 122 dwellings were completed, which is the lowest housebuilding rate since records for Caerphilly began in 1996.

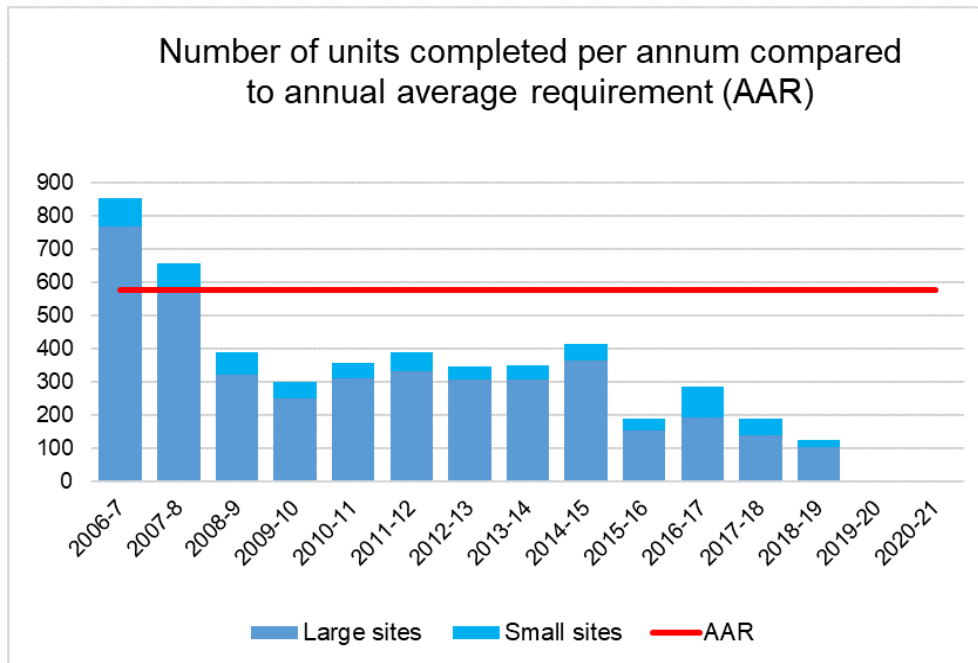


Figure 2: Number of units completed per annum compared to annual average requirement (AAR)

At this point in monitoring of the plan period (13 years), 7,475 dwellings should have been constructed. However, only 4,835 had been built up to 2018/19, equating to 65% of the housing requirement expected at this point in the plan period.

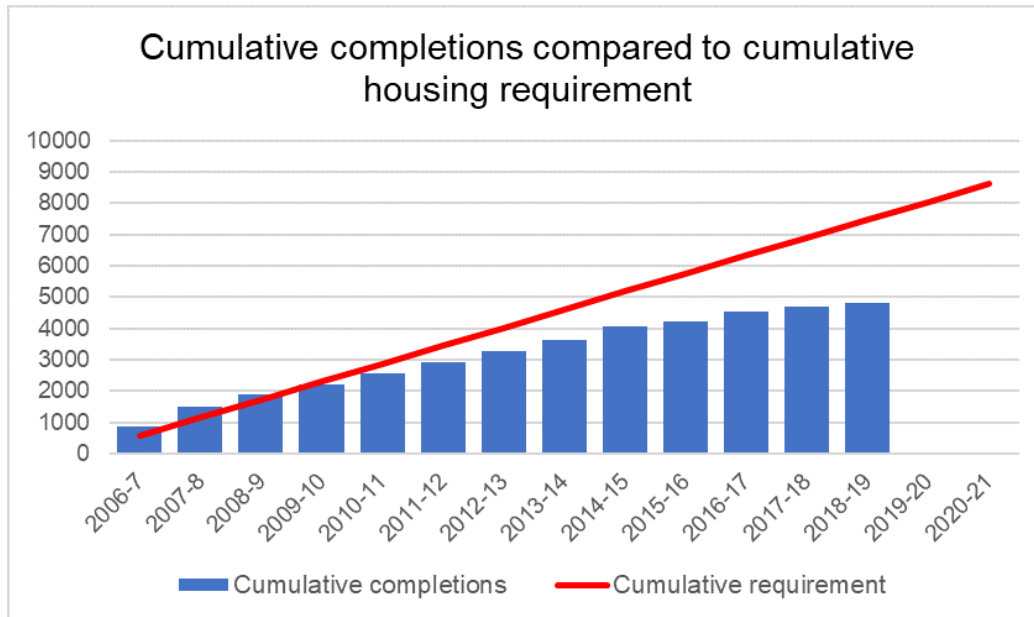


Figure 3: Cumulative completions compared to cumulative housing requirement

Figures 2 and 3 demonstrate that there is a significant shortfall in the delivery of housing in the County Borough.

The Council resolved in its consideration of the 2019 Annual Monitoring Report (AMR) that it needs to continue to address the shortfall in the five-year housing land supply through proactive action, including:

- To consider proposals for new residential development on their relative planning merits on a site-by-site basis and have due regard for the need to increase the housing land supply in line with national planning policy and guidance;

The magnitude of the shortfall in housing delivery in the adopted LDP is significant and is a matter that will not be addressed in policy terms until such time as additional land for housing is released upon adoption of the 2nd Replacement LDP in potentially 4 years' time (2024) which represents a best case scenario.

Contribution of the Development to Housing Delivery

The development at Pontllanfraith would provide up to 125 new homes of which 66% (83 homes) are proposed to be of an affordable tenure. The policy requirement at this location is for 25% - which equates to 31 homes, and thus the development far exceeds the Council's policy requirement in this regard.

The 2018 Local Housing Market Assessment indicates that there is an annual need for 167 social rented properties and 28 low cost home ownership (LCHO) properties per annum in the Northern Connections Corridor market area (Pontllanfraith lies in the NCC).

The developer is an established Registered Social Landlord (POBL) with a proven track record of delivery of quality social rented housing and LCHO's within the County Borough.

Pobl is a not for profit company working with the Council to deliver on this project to provide quality lifetime homes fit for the 21st Century for residents in need of open market and affordable housing.

In this respect this scheme is proposed as an exemplar garden suburb development incorporating sound placemaking features, including best practice for sustainable drainage systems, integrated well designed open space and formal children's play, comprehensive landscaping, active travel and high quality housing within a parkland setting.

The proposed development will make a significant contribution to the current shortfall of housing, and in particular affordable housing, within the LDP defined settlement boundary, thereby reducing the pressure for development outside the settlement boundary elsewhere in the County Borough.

Conclusion - Balance of consideration Protection of Leisure vs Housing Delivery

The Local Planning Authority can depart from planning policy when it considers that this is outweighed by other factors and this can be justified in the circumstances of the particular case. Where there are competing priorities and policies the Local Planning Authority must exercise its judgement in determining the balance of considerations.

In this case the weight to be attached to the protection of a small area of allocated leisure land (1.4ha) against the significant shortfall in housing delivery and the need to deliver affordable homes for people in urgent housing need, needs to be carefully balanced.

Given the significant level of available formal and informal leisure land remaining in the area, and the pressing need to deliver homes and affordable homes to increase housing supply in the Northern Connections Corridor, it is considered that on balance the weight to be attached to increasing housing supply significantly outweighs the impact of the loss of this small area of leisure land, and on this basis it is recommended that planning permission be granted.

RECOMMENDATION – That (A) if Members are minded to GRANT planning permission that the application is first REFERRED to the Welsh Minister; in the event that no objections are raised by the Minister, that the application is DEFERRED to allow the applicants to enter into a Section 106 obligation as set out above; and on completion of satisfactory obligations that planning permission is GRANTED subject to conditions.

However, if Members remain minded to refuse the application the following reason is suggested:

“The proposed development would result in the unjustified loss of a designed area of informal open space which is not regarded as being surplus to requirements and for which no comparable facility can be provided contrary to the provisions of Policy CW8 of the Caerphilly County Borough Local Development Plan up to 2021.”

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0047/OUT 27.01.2020	Pobl Group E Cunliffe Exchange House The Old Post Office High Street Newport NP20 1AA	Redevelop the site for residential development (up to 125 units) and all associated works (all matters reserved) Land At Former Pontllanfraith House Blackwood Road Pontllanfraith NP12 2YW

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The 3.87 hectare site is located to the east of Blackwood Road in Pontllanfraith on the site of the former Council Offices (Ty Pontllanfraith).

Site description: The application site comprises the former Council Office building (now demolished) in the central part of the application site, together with the car parking area to the north and south, and areas of open space to the east and west. Most of the site is unallocated in the adopted LDP, but the eastern part of the site forms part of the Sir Harold Finch Memorial Park. The Memorial Park itself extends to the north and west of the application site, and a Medical Centre is located to the south. A Grade II listed war memorial is located to the west of the former Council Offices within the site. This will be retained as part of the proposal.

To the north of the site is a designated Local Nature Reserve, and to the North-West of the site is a Site of Special Scientific Interest (SSSI). The site is also bounded extensively by protected Trees (TPOs) and a public right of way runs along the southern boundary.

Development: Outline application to redevelop the site of the Former Pontllanfraith House Council Offices for residential development (up to 125 units). The planning application is in outline form with layout, scale, appearance and landscaping reserved for future consideration.

Cont....

Application No. 20/0047/OUT Continued

The proposal comprises of:

- 125 dwellings comprising of 42 social rented units, 41 Low Cost Home Ownership (LCHO) units and 42 units for market sale.
- Open space in the form of a natural play area on the eastern part of the application site.
- An area of drainage attenuation in the central part of the site that will also serve as an area of informal public open space.

The site will be served by the existing access off Blackwood Road that previously served the Council Offices and continues to serve the Health Centre.

The planning application and related plans were supported with the following documents:

- Planning Statement.
- PAC Report.
- Design and Access Statement.
- Drainage Strategy Report.
- Preliminary Ecological Appraisal.
- Great Crested Newts Survey Report.
- National Vegetation Classification Survey.
- Transport Statement.
- Travel Plan.
- Tree Survey Report and Tree Constraints Plan.
- Landscape Strategy.
- Geotechnical and Geo-Environmental Report.

Dimensions: The site amounts to 3.87 hectares. The site is an irregular shape, but roughly triangular tapering from west to east to follow the existing field parcel pattern. The site has maximum dimensions of approximately 240 metres measured north to south, and 310 metres east to west.

Scale Parameters:

Width - Min: 4.0 metres, Max: 19.0 metres;
Depth - Min: 6.5 metres, Max: 10.0 metres;
Height - Min: 6.0 metres, Max: 9.0 metres.

Materials: Not applicable at outline stage.

Cont....

Application No. 20/0047/OUT Continued

Ancillary development, e.g. parking: The submitted indicative site layout shows a large drainage basin area located roughly in the centre of the site which is associated with the required Sustainable Urban Drainage approval process (SAB). An area of formal open space is also shown at the eastern extent of the application site. It is understood that this area will act primarily as an area of natural play with associated natural play features, as well as a drainage feature during extreme rainfall events. The vast majority of the time this area would be dry and will function as formal open space provision. These details will be formalised and agreed at reserved matters stage should outline permission be granted.

PLANNING HISTORY 2010 TO PRESENT

12/0661/LA - Convert flat roof to pitched - Granted 01.11.2012.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundary and the eastern part of the site is allocated as Leisure land (Ref: LE1.9 - Harold Finch Memorial Park). The site has no ecological designation.

Policies:

Strategic Policies

Policy SP2 Development Strategy (NCC), Policy SP4 Settlement Strategy, Policy SP5 Settlement Boundaries, Policy SP6 Place Making, Policy SP7 Planning Obligations, Policy SP14 Total Housing Requirements, and Policy SP15 Affordable Housing Target.

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion, Policy CW2 Amenity, Policy CW3 Design considerations (Highways), Policy CW4 Natural Heritage protection, Policy CW5 Protection of the Water Environment, Policy CW6 Trees, Woodland and Hedgerow Protection, Policy CW10 Leisure and Open Space provision, Policy CW11 Affordable Housing Planning Obligation and Policy CW15 General locational constraints.

Cont....

Application No. 20/0047/OUT Continued

Supplementary Planning Guidance

LDP1: Affordable Housing Obligations, LDP4: Trees and Development and LDP 6: Building Better Places to Live.

NATIONAL POLICY

Planning Policy Wales (Edition 10, December 2018).

Technical Advice Note 2: Planning & Affordable Housing (2006), Technical Advice Note 5: Nature Conservation and Planning (2009), Technical Advice Note 12: Design (2016), Technical Advice Note 16: Sport Recreation and Open Space (2009) and Technical Advice Note 18: Transport (2007).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is located in the high risk coal mining legacy area. On that basis the application was accompanied by a Geotechnical and Geo-Environmental Report prepared by Terra Firma (Wales) Limited. This Report has been informed by an appropriate range of sources including the results of intrusive ground investigations in the form of 5no. rotary boreholes drilled to a maximum depth of 47m. Borehole logs and a plan illustrating where the boreholes were drilled are appended to the report. Based on the findings of these ground investigations the report author concludes that the new development is at a very low risk from mining related ground instability however. This low risk can be mitigated by the use of suitable reinforcement within the foundations.

Based on this report, the Coal Authority considers that the content and conclusions of the Geotechnical and Geo-Environmental Report are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Cont....

Application No. 20/0047/OUT Continued

CONSULTATION

Rights Of Way Officer - No objection subject to advice being relayed to the developer regarding public rights of way in the vicinity of the application site. Requests improvements to the existing right of way along the southern boundary of the site to be secured by way of condition.

Transportation Engineering Manager - Based on the Transport Statement that accompanied the application raises no objection to the principle of the development.

Head Of Public Protection - No objection subject to conditions.

Conservation & Design Officer - Raises concerns about the potential impact of development on the Listed War Memorial to the west of the site. These comments will be forwarded to the developer to inform the reserved matters layout.

Senior Engineer (Land Drainage) - Provide advice to the developer and request that the application be deferred until such a time that the land drainage details have been agreed in accordance with the SAB approval process. As SAB approval is a separate legislative process that the developer will be required to satisfy it is not considered necessary or reasonable to delay the determination of the planning application for this reason.

CCBC Housing Enabling Officer - No objection subject to the securing of at least 25 percent of the development as affordable housing. Provides advice to the developer.

Ecologist - Based on the submitted ecology reports, no objection is raised at outline stage subject to a condition being attached to the permission.

Landscape Architect - Raises concern about the potential loss of mature trees within the development site, and provides advice regarding landscaping provision. This advice will be relayed to the developer and should inform the reserved matters layout.

Natural Resources Wales - Raise concerns regarding the potential impact of the development on access and management of the Memorial Park Meadows Pontllanfraith SSSI to the north west of the application site. However as this land is Local Authority owned and maintained these concerns can be appropriately controlled by way of conditions. Their concerns regarding potential impact on bats has also been addressed by way of relevant surveys.

Cont....

Application No. 20/0047/OUT Continued

Head Of Public Protection - No objection subject to conditions.

Dwr Cymru - Confirm that the local sewer network has adequate capacity to accept foul drainage from the proposed development. Provide advice to the developer.

CADW - No comments.

Principal Valuer - No comments.

The Coal Authority - Raise no objection to the proposal based on the Geotechnical and Geo-Environmental Report (prepared by Terra Firma) that accompanied the application.

CCBC - 21st Century Schools - Confirm that there is adequate capacity for catchment children in local schools to accommodate the proposed development.

Parks And Open Spaces - No response.

Head Of Public Services - Provides advice to the developer regarding refuse collection. The developer should take this into account in relation to any reserved matters application.

Police Architectural Liaison Officer - No objection subject to advice being relayed to the applicant.

Western Power Distribution - Raise no objection and provide advice to the developer.

Senior Arboricultural Officer (Trees) - Raises concern about the potential loss of protected trees within the site based on the indicative site layout plan that accompanied the application. However as the layout of the development is a reserved matter, the retention of high value trees should inform the layout. The comments of the Tree Officer are discussed in more detail in the analysis section of this report.

Strategic & Development Plans - Whilst concerns are raised relating to the loss of part of the Harold Finch Memorial Park, based on the contribution the development would make to housing and affordable housing need, on balance raise no objection to the proposal.

ADVERTISEMENT

Extent of advertisement: A total of twenty six nearby residential properties and commercial premises were consulted by way of letter and bi-lingual site notices were placed at the entrance to the site near Blackwood Road.

Cont....

Application No. 20/0047/OUT Continued

Response: Two objections have been received.

A petition signed by 1308 signatories has also been received. The petition refers to saving Sir Harold Finch Memorial Park from housing development, but it does not contain the planning application reference number and it is not dated, and therefore it is not specific in regard to the current application. It has however been considered in relation to the current application.

Summary of observations:

1. Most appropriate use of the site is as parkland and the proposed development will alter the landscape forever;
2. Proposed development will have a detrimental impact on the Local Nature Reserve (LNR) and Site of Special Scientific Interest (SSSI);
3. Large amount of water runs through the site - drainage/flooding implications;
4. Disappointed that the large boundary stone at the entrance of the site is proposed to be moved;
5. Reference to the 2010 LDP only allocating 91 houses on the land;
6. Questions the affordable housing provision onsite;
7. States that NRW have serious concerns;
8. States that habitat loss compensation is unacceptable;
9. Wellbeing of future generations should also include well being of animals, ecosystems and biodiversity;
10. Development does not improve the environment or culture;
11. Pressure on existing facilities;
12. Concern that the development encroaches into the Harold Finch Memorial Park;
13. Noise from the nearby commercial uses to the east, and road noise from Blackwood Road to the west have not been considered;
14. Development will increase traffic flows on Blackwood Road, thereby also increasing noise and air pollution, to the detriment of the residents of Blackwood Road;
15. The future development of Pontllanfraith comprehensive school will have a cumulative impact associated with the current proposal in terms of traffic generation, air and noise pollution, and this cumulative impact should be considered as part of the current application;
16. Querying the accuracy of the Transport Statement;
17. Querying the Travel Plan on the basis that it refers to the 901 bus to train service that may be discontinued in accordance with the CCBC draft budget proposals 2020/21.

Cont....

Application No. 20/0047/OUT 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?
Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The planning application was accompanied by several ecology and biodiversity surveys and reports that included: Tree Retention/Removal Plan; a Landscape Strategy Plan; a Great Crested Newt Report; National Vegetation Classification Survey Report; and a Preliminary Ecological Appraisal Report. Based on these reports no objection is raised by the Council's ecologist.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the application site is located in the Mid Viability CIL zone where the chargeable amount is £25 (plus indexation). It should be noted that affordable housing benefits from CIL exemption.

ANALYSIS

Policies:

Principle of Development.

The application site is in a sustainable location, within settlement limits, in proximity to the services and facilities of Blackwood and, therefore, its development is supported in accordance with strategic policies SP4 and SP5.

The application site is partially brownfield, being the former Council Offices, and flanked on to the east and west by greenfield land. Planning Policy Wales 10 supports the redevelopment of sustainable brownfield sites. Furthermore, Policy SP2 of the Local Development Plan supports the development of brownfield and greenfield sites in the Northern Connections Corridor providing they support the economic and social function, reduce car trips, protect natural heritage and are an efficient use of land. It will be demonstrated through this report how the proposal accords with the requirements of Policy SP2.

Cont....

Application No. 20/0047/OUT Continued

Given the application site's sustainable location within the settlement boundary, the principle of development is established subject to the proposals being acceptable in regard to all material planning considerations.

The relevant material planning considerations in respect of this application are:

1. Housing Delivery.
2. Loss of the Leisure Facility.
3. Impact on Trees.
4. Ecological Considerations.
5. Highway Impact.
6. Impact of Air Quality.
7. Rights of Way.
8. Affordable Housing.
9. Residential Amenity.
10. Leisure and Open Space Provision.
11. Section 106 Legal Agreement requirements.

These matters are discussed in turn below.

Housing Delivery.

The development will provide up to 125 No. new dwellings of which 66% are proposed to be of an affordable tenure. The developer is an established Registered Social Landlord (hereafter referred to as RSL) with a proven track record of delivery within the County Borough.

The up to date Annual Monitoring Report (hereafter referred to as AMR) for the Local Development Plan (hereafter referred to as LDP) has indicated that housing has not been delivered at the levels required by the LDP. Policy SP14 requires 8,625 new dwellings to be constructed over the LDP period, which equates to 575 dwellings per year. At this point in the life of LDP it was expected that 7,475 dwellings would have been constructed, however, only a total 4,835 have been completed. Resulting in a requirement for a further 3,790 dwellings to be constructed by the end of 2021 (i.e. in circa. 19 months). The house building rate in the Authority has been consistently below the LDP target and in 2019 the lowest rate since 1996 was recorded at just 122 units per year.

There is, therefore, a clear need to bring suitable, sustainable housing development sites forward to meet the LDP housing target in accordance with Policy SP14.

Cont....

Application No. 20/0047/OUT Continued

Furthermore, as mentioned above, the applicant is a RSL and they have promoted the application on the basis of 66% of the total development, so up to 83 dwellings, being offered of an affordable tenure. Policy SP15 which relates to the delivery of affordable housing requires development within the Northern Connections Corridor to provide 25% affordable housing. The proposed affordable housing contribution proposed seeks to provide over and above the minimum requirement which would represent a significant contribution towards the overall affordable housing target of the LDP which is 964 units. It is acknowledged that the Local Planning Authority can only secure 25% affordable housing via a planning condition or Section 106 Agreement since this is the policy requirement. The applicant is an RSL and there is strong evidence, given their previous developments in the County Borough, that they will deliver the level of affordable housing and it is reasonable to assume this provision will come forward.

The proposed development would provide a significant benefit to the housing delivery in the County Borough and supported in accordance with Policy SP14 and SP15. The delivery of housing would also support the economic and social function of local area, including Blackwood town centre, by increasing the local population which accords with Policy SP2.

Loss of Leisure Facility.

The application site is partially designated as a leisure allocation under Policy LE1 as formal open space (LDP reference LE1.9). This area of open space is part of a wider park known as the Sir Harold Finch Memorial Park (hereafter referred to as SHFMP). The application site also encompasses a children's play area to the north west which is not covered by the policy LE1 designation.

Policy CW8 of the Local Development Plan seeks to protect leisure facilities and, therefore, is relevant when assessing the development of the designated open space area within the SHFMP and the children's play area. Policy CW8 states:

Proposals that would result in the loss of a community and/or leisure facility will not be permitted except where:

- A. A comparable replacement facility can be provided by the developer either on or off site, and within easy and convenient access on foot or by bicycle, or
- B. It can be demonstrated that the facility is surplus to requirements.

The impact of the development in terms of the SHFMP and the children's play area will be discussed in turn below.

Cont....

Application No. 20/0047/OUT Continued

Impact on the Sir Harold Finch Memorial Park.

The application site encompasses approximately 1.4ha of the SHFMP which represents 13.3% of the overall area of the memorial park. Whilst this area would be lost from the park itself, the overall development will be required to provide two areas of open space including a local area of play (hereafter referred to as a LAP) and a local area of equipped play (hereafter referred to as a LEAP) in accordance with the Fields in Trust Standards (Wales) which would equate to a minimum of 500m² in open space. One of these areas would have a dual purpose as a play area and as sustainable drainage. The indicative master plan demonstrates the potential size and location of each area of open space. Whilst it is acknowledged this layout is not set, since layout is a reserved matter, it clearly demonstrates the capacity of the site to deliver this level of open space at reserved matters stage.

The 13.3% loss of the SHFMP is, therefore, mitigated to an extent by the provision of these two formal areas of open space which will be open to the general public and easily accessible by foot and bicycle.

Despite the open space to be secured through the development, it is acknowledged that the proposal will result in the partial loss of the SHFMP for which a comparable replacement facility will not be provided as required under the provisions of Policy CW8. In this case it is necessary however to assess the lack of compliance with Policy CW8 against other material considerations which are pertinent to the determination of this application which, amongst other things, the contribution to housing delivery.

In this respect as discussed in detail under the 'Housing Delivery' section above, the development will provide up 125 No. new dwellings of which 66% will be an affordable tenure on a site within an established settlement boundary which is in a highly sustainable location (the sustainability of the site discussed in more detail under 'Highway Considerations' below). The site is partially brownfield and therefore, its re-use is regarded to be an efficient use of land, in accordance with Policy SP2.

What's more the sites sustainable location, its connectivity, access to the SHFMP and surrounding public right of way network together its capacity to accommodate formal areas of public open space and sustainable urban drainage will facilitate a well design development that at the reserved matters stage has the capacity to meet the placemaking objectives embedded within Planning Policy Wales (Edition 10).

These housing delivery considerations are, in this case, considered to outweigh the loss of this part of the SHFMP. The significant level of housing that would be delivered would provide a substantial benefit to the local community which is considered to outweigh the moderate loss of open space.

Cont....

Application No. 20/0047/OUT Continued

It is acknowledged that whilst from a planning perspective the policy deals with the loss of the open space, as discussed above, the loss of part of the park has a wider meaning to some local residents given the open space forms part of the memorial park for Sir Harold Finch and understandably this matter is an emotive one. It is regrettable that the development would encroach on the park. The determination of the application must, however, be based purely on material planning considerations. On that basis, it is considered that the substantial benefit to the housing target outweighs the loss open space as discussed above.

Loss of the Children's Play Area.

The existing children's play area on the site is also protected by Policy CW8. As mentioned above, Policy CW8 allows for the loss or such a play area the development if a comparable replacement facility can be provided either on or off site, and within easy and convenient access on foot or by bicycle. The Council, which currently owns the park, have secured planning permission for a replacement children's play area along Blackwood Road (application reference: 20/0200/LA). This replacement facility was proposed at this location since it was regarded as being more accessible by foot and bicycle by the wider community and had far better natural surveillance.

The loss of the children's park as part of the development is therefore considered to be acceptable since an equivalent facility has been provided in the local area in accordance with Policy CW8. Furthermore, formal public open space will be a requirement of the proposed layout at reserved matters stage.

To conclude on the loss of leisure facilities, the proposal will result in the loss of 13.3% of the SHFMP yet it will secure a LAP and LEAP which will also provide sustainable drainage benefits and a replacement children's play area has been granted planning permission elsewhere. The proposed development would therefore make a significant contribution towards the LDP housing target, which is much needed given the consistently low delivery of housing during the plan period to date. On balance, therefore, in the context of other material planning considerations, it is considered that the loss of leisure facilities are acceptable in this instance.

Impact on Trees.

The application site has a large number of trees located along the site boundary which are not within the application site but nonetheless are important to the setting of the proposed development. In some cases, the root protection areas of these trees encroach into the development area. Within the limits of the site there are clusters of trees to the north, individual trees located centrally and within the western portion of the site near the war memorial. The majority of the trees in and around the site are covered TPO (ref: 119/81/GCC).

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Application No. 20/0047/OUT Continued

This assessment, therefore, relates to the trees inside the site limits and on the periphery to ensure a holistic assessment of the trees is carried out. It is important to note, however, that some of the trees covered by the Tree Preservation Order and identified in the Tree Survey and Arboricultural Impact Assessment (hereafter referred to as the AIA) to be removed (discussed in more detail below) are outside of the development site. This application, if approved, will only permit the removal of trees within the development boundary and does not extend to trees beyond the site limits. To remove the TPO trees outside of the site boundary will require separate TPO consent. An informative will be added to the permission to advise the applicants of this.

As indicated above the application is supported by a Tree Survey and AIA which have assessed trees within the site limits and all trees along the site periphery. The Tree Survey identified the quality of all the trees on site and AIA provides a brief on the tree removal proposed to facilitate the development.

The AIA identified that the trees identified as T7, T11, T13, T18, T19, T20, T21, T24, T26, T46, T52, G55, G57, T59, G83, T84, G86 and T94 are of poor quality (category U) and are recommended for removal. The Tree Officer has agreed with these conclusions and to these trees being removed. The removal of these trees are recognised as necessary given their poor quality and is supported.

The AIA also identifies the removal of the following trees in order to facilitate the development T1, T2, T3, T6, T17, T85, G87, G88, T89, G90, T91 and T104, which are all C category trees (low quality) except for T4, T5, T6, T91 and T104 which are identified in the assessment as B category (moderate quality).

The loss of the category C trees is regarded as acceptable since they are of lower quality trees and it is considered that replacement planting through landscaping, which is a reserved matter, can be secured to mitigate for their loss. The tree officer supports the loss of the category C trees.

The Tree Officer has raised concerns in respect of the loss of T4, T5, T91, T104 and T105 since they are considered to be good quality and also that T4 and T5 should be regarded as category A trees, due to their combined quality. Category A and B trees are ordinarily required to be retained and represent a material planning consideration.

In this case, however, it is acknowledged that a large number of trees will be retained and the majority of trees to be removed are of poor quality and their removal is necessary for good management of the overall woodland. The retention of the trees identified by the Tree Officer requires a balanced consideration between the benefit the trees offer in terms of its landscape and amenity value and the potential impact they would have on the final layout of the development.

Cont....

Application No. 20/0047/OUT Continued

Following a site visit, it was assessed that T104 and T105, whilst attractive trees, are isolated from wider existing landscaping and are of small stature. They are located centrally within the site and, therefore, their retention could be challenging to the overall development and potentially hinder the provision of good quality, cohesive layout.

T4, T5 and T91 were also viewed and it was concluded they have significant amenity value and landscape benefits given their size and quality, more so than T104 and T105, and should be retained.

On balance, T104 and T105 are considered not to be of such a high quality or positive visual amenity to warrant their retention and their loss is acceptable, however, suitable replacement planting will be requested at reserved matters as part of the landscaping details. T4, T5 and T91, however, are valuable in the overall landscape and should be retained and a planning condition requiring their retention will be imposed. Subject to the imposition of condition the proposed development is acceptable when assessed under the provisions of Policy CW6.

Ecological impact.

The application was supported by the following ecology documents:

Tree Retention/Removal Plan 10/2019.

Landscape Strategy Plan, 430.02 Rev A.

Great Crested Newt Report, Final; V2.0 August 2019 by JBA Consulting.

National Vegetation Classification Survey Report V1.0, August 2019; by JBA Consulting.

Preliminary Ecological Appraisal Report V2.0 August 2019 by JBA Consulting.

Based on the findings of these report/surveys, the Councils Ecologist identifies the following issues of importance:

1. The loss of trees.

The arboriculture report identifies the proposed loss of 27 individual trees which includes 17 mature trees and 6 groups of trees. As the layout of the development is a Reserved Matter, it should aim to retain as many mature trees as possible, with additional planting for the loss of any trees lost. The scheme should aim for a ratio of 2:1 (planted to lost). This ratio is also recommended in the relevant surveys submitted by the applicant's ecologist.

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Application No. 20/0047/OUT Continued

2. Bat roosting potential of impacted trees.

The trees identified by the agent as having moderate potential for bats are not proposed to be removed. However, to ensure there is no impact on potential bat roosts a condition will be attached to secure appropriate felling methods for the trees identified as having low bat potential.

3. The importance of the grassland in the eastern part of the application site.

The grassland in the eastern part of the site has been identified as hay meadow type grassland supporting a population of Southern Marsh Orchids. On this basis the reserved matters application should include details for the preservation of this habitat, either in situ or through translocation.

4. Site boundaries/dark corridors.

The application is surrounded in large parts by mature trees and hedgerows. To ensure ongoing connectivity for biodiversity, vegetated dark movement corridors for wildlife must be secured around the site. At this outline stage, this plan can be indicative, however, for the Reserved Matters application, this information must be provided in detail. This will also require coordination with the lighting strategy.

5. Reptiles.

The Preliminary Ecological Appraisal identified a prior record for Slow worms on site, and it has assumed presence of a population of reptiles and has recommended that a Reptile Strategy will be required in order to carry out the development. This information can be provided at Reserved Matters Stage.

6. Biodiversity Enhancement.

A biodiversity enhancement strategy will be required prior to construction, however, this can be submitted with the Reserved Matters application.

7. Priority Species: Hedgehog.

Ensure no impact on hedgehog by providing access into the curtilages of all the new properties. This can be achieved through gaps under fences and through walls. Hedgehog access can be either 130mm x 130mm hole, a continuous gap of 100mm high or a 150mm diameter pipe through a wall. This should be included on plans submitted with the reserved matters application.

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Application No. 20/0047/OUT Continued

On the basis of the above considerations, the Council's Ecologist raises no objection and the proposal is regarded as acceptable subject to condition, and advice being forwarded to the applicant to inform the reserved matters application.

Highway Impact.

The application is made in outline with all matters reserved and, therefore, details of access and parking are reserved for later consideration. It is, however, required at this stage to assess whether there is a suitable access to serve the development and whether the impact of the development would have an acceptable impact on the local highway network in accordance with the requirements of Policy CW3.

The application site was occupied by Pontllanfraith House which was a former Council Offices which had 6,100sqm of office space within the three-storey building. The Pontllanfraith House was opened in 1975 and demolished in 2018.

The application is supported by a Transport Statement (TS) which has carried out a TRICS analysis to estimate the trip generation from the former Council Offices and the proposed 125 No. residential developments to enable a comparison to be made.

The TRICS data provided estimates that 1521 trips over a 12-hour period were likely in respect of the former office building. This equates to 214 trips in the morning peak period (08.00 - 9.00) and 196 trips in the evening peak period PM (17.00 - 18.00).

The proposed 125 No. residential development estimates 906 trips over a 12-hour period and for the peak period this equates to 102 trips in the morning peak period (08.00 - 9.00) and 92 trips in the evening peak period (17.00 - 18.00).

The data demonstrates that the former office use had significantly more trips over the 12-hour period and during the peak period than the proposed residential development. Indeed, the residential development results in an approximately 50% reduction rate in trips during the peak periods.

Whilst it is acknowledged the former offices are demolished, the TS submitted indicate that the access and local road network has previously accommodated significantly more vehicular movements than the proposed development. It is concluded, therefore, that the access and local highway network is capable of accommodating the proposed traffic associated with the proposed development. The Transportation Engineering Manager supports the findings of the TS.

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Application No. 20/0047/OUT Continued

Whilst the TS demonstrate a significant reduction in vehicular trips, it includes an assessment of census data to understand current modes of transport for commuters. This data indicates that on average 78% of people would likely use a motor vehicle to travel to work. Applying this census data to the estimated trips during peak period for the proposed development, morning and evening peak trips would reduce further to 80 and PM 76, respectively. This would result in even less pressure on the local network in comparison to the previous use.

It is however, expected that the percentage use of the private motor vehicle could be reduced further since the site is in an extremely sustainable location. It is within 95m of the nearest bus stops along the B4251 which have frequent services throughout the day and on the weekends. The site is also 500m walking distance to independent shops such as a convenience store, which further boosts the sustainability credentials of the site.

Planning Policy Wales 10 requires new development to be assessed against the sustainable transport hierarchy which requires development to prioritise the following in order:

1. Walking and cycling;
2. Public transport;
3. Low emissions vehicles; and
4. Private motor vehicles.

Applying the sustainable transport hierarchy to the proposed development, the following conclusion can be drawn.

Based on the submitted TS and the assessment of the development against PPW10, it can be concluded that development will have an acceptable impact on the local highway network, sustainable modes of transport are easily accessible and a suitable access to the site can be achieved. The proposals, therefore, accord with Policy CW3 and are acceptable in regard to highway impact.

1. Walking and cycling.

The site is located in a sustainable location with local services within a 500m walking distance and which are accessible via existing foot paths.

The site is also adjacent to Footpath 88 which provides a footpath, providing a recreational walk. This footpath also links to Penmaen Industrial Estate to the north and Commercial Street in Pontllanfraith to the south.

Cont....

Application No. 20/0047/OUT Continued

2. Public transport.

As discussed above, the site is within 95m of the nearest bus stops which are well served by existing bus services.

3. Low emissions vehicles.

Electronic vehicles charging point will be secured via planning condition for all on plot parking spaces. This will encourage low emissions vehicle ownership amongst future occupiers.

4. Private motor vehicles.

The sustainable location of the site and provision of charging points for electrical vehicles provides ample opportunity for future occupiers to not to have to rely on the private car as their main mode of transport.

To conclude, on the basis of the data set out in the submitted Transport Statement (which is summarised above), which indicates that the proposed use will generate approx. 50% less traffic than the former employment use of the site, coupled with the sites sustainable location and easy access to public transport, the proposal is considered to be acceptable from a traffic generation and highway safety perspective. On this basis the Transportation Engineering Manager raises no objection to the proposal.

Air Quality.

Air quality is an emerging, high profile issue relating to development, and it is important that proposals pay due regard to this issue in accordance with national and local planning policy. Based on the discussion above in the Highway Impact section, it is estimated that the proposed use will generate approx. 50% less traffic movements than the former employment use of the site, which represents an improvement in air quality terms.

However, it is important to identify opportunities to integrate new infrastructure that will contribute to further improving air quality as a result of development. On this basis and as detailed above, the developer has agreed to install EV (electric) charging points as part of the development. Such EV charging points are most suitably provided at properties with off-street parking space (as opposed to properties that will have parking courtyard arrangements). As layout is a reserved matter, the percentage of EV charging points will be secured at reserved matters stage.

Cont....

Application No. 20/0047/OUT Continued

Rights of Way.

Public footpath (footpath reference: 88) runs along the outside of the southern boundary of the site, albeit immediately adjacent to it. The footpath has two access points, a stepped access just outside the site boundary and a footpath access within the site limits. The Rights of Way officer has requested that improvements to the footpath are secured via a Section 106 including the replacement of the stepped access to an accessible gradient and the length of the footpath to be resurfaced.

It is considered that the requests of the Rights of Way officer are not necessary to mitigate the impact of the development in relation to the footpath since there is a footpath access to the right of way approximately 73m from the stepped access point which is accessible via public land. It is considered unreasonable to provide a second ramped access in such proximity to an existing similar access point. In terms of resurfacing, the existing right of way is good condition along the length of the site and this request is considered to be unreasonable in this instance.

The proposed development is considered to have an acceptable impact on the existing right of way and contributions to its improvement are not required.

Affordable Housing.

CW11 (Affordable Housing Planning Obligation) states:

"Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross area."

The application site is located within the area defined as the Northern Connections Corridor which has an affordable housing target of 25%.

As detailed above, the application proposes 66% of the total dwelling to be affordable. Policy SP14 requires a contribution of 25% of the total development to be affordable and this will be secured via a Section 106 Legal Agreement. The proposal accords with Policy SP14.

Residential Amenity.

Policy CW2 of the Adopted Caerphilly LDP states that development proposals should have no unacceptable impact on the amenity of adjacent properties or land; should not result in over-development of the site; and should be compatible with surrounding land uses.

Cont....

Application No. 20/0047/OUT Continued

In terms of impact on existing nearby properties, it is noted that the nearest existing residential properties are located approximately 50 metres to the north west and south west of the western boundary of the application site. On this basis the proposal will have limited impact on existing levels of residential amenity, but this matter will be considered further at reserved matters stage. Furthermore, given the indicative site layout that shows a moderate density of housing with ample green infrastructure running throughout the site, it is not considered that up to 125 dwellings represents over-development of the application site.

In terms of compatibility with surrounding land-uses, the site is bounded to the west by existing residential development, to the south by a Health Centre, and to the north and east by open space. On this basis the proposed use is considered to be compatible with its setting.

Leisure and Open Space Provision.

Policy CW10 of the adopted Caerphilly LDP requires all new housing sites capable of accommodating 10 or more dwellings to make adequate provision for well design usable open space as an integral part of the development; and appropriate formal children's play facilities either on or off site. The indicative site layout plan submitted with the application shows two significant areas of open space within the application site. The first is a large basin in the centre of the site that forms part of the drainage strategy. This area will also serve an important focal point to the development providing visual relief for the properties surrounding it. An area of public open space is shown at the eastern extent of the site measuring approximately 1,000 square metres. The applicant has indicated that this will be an area of natural play to serve the proposed development site. As noted above, the existing children's playground provision onsite is to be moved approximately 150 metres to the north west of the site, on land adjacent to Blackwood Road (planning permission 20/0200/LA) and this facility will also serve the proposed development. The provision of appropriate levels of public open space to serve the proposed development in accordance with the Fields in Trust (FIT) standards will be secured by way of condition.

Section 106 Legal Agreement requirements.

A Section 106 Agreement will be required to secure the provision, maintenance and management of the LEAP and the provision of 25% affordable housing onsite (which equates to 31 dwellings), and must meet the following tests:

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

Cont....

Application No. 20/0047/OUT Continued

Policy CW11 requires the provision of affordable housing and that can only be secured through a S106 Agreement. Policy CW10 requires the provision of formal play facilities that should be secured by way of legal agreement.

(b) It is directly related to the development.

The affordable housing and LEAP can only be secured as part of a housing development.

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

The amount of affordable housing is based on the requirements set out in the LDP which has been through an examination and been adopted. The size of the LEAP is consistent with the standards set out in the Fields in Trust guidance.

Conclusion.

The recommendation therefore is that planning permission should be granted subject to conditions and the applicant entering into a Section 106 legal agreement to provide affordable housing and formal public open space onsite. If members are minded to support the recommendation, in accordance with Circular 001/2020 - Guidance on the Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2020 (January 2020), this application has to be referred to Welsh Government because it is over 10 dwellings, and is not in accordance with one or more provisions of the development plan in force.

Comments from Consultees: No objection subject to conditions and advice.

Comments from public:

1. Most appropriate use of the site is as parkland and the proposed development will alter the landscape forever - This issue has been discussed in detail above.
2. Proposed development will have a detrimental impact on the Local Nature Reserve (LNR) and Site of Special Scientific Interest (SSSI) - This issue has been discussed in detail above.
3. Large amount of water runs through the site with drainage/flooding implications - The developer will require separate SAB approval. That process will ensure the development is fully acceptable from a land drainage perspective.
4. Disappointed that the large boundary stone at the entrance of the site is proposed to be moved - This is a matter between the landowner and the relevant parties. As the layout of the development is a reserved matter, such relocation of the stone has not been considered as part of this application.

Cont....

Application No. 20/0047/OUT Continued

5. Reference to the 2010 LDP only allocating 91 houses on the land - The application site was not allocated as a housing site in the adopted LDP.
6. Questions the affordable housing provision onsite - The applicant is proposing 66% affordable housing provision in an area where the requirement is 25%.
7. States that NRW have serious concerns - The concerns of NRW have been addressed above and relevant conditions will be attached to the permission in that regard. The land to the north of the site will remain in the ownership and control of the Local Authority.
8. States that habitat loss compensation is unacceptable - The proposal has been considered by the Council's Ecologist who raises no objection to the proposal subject to conditions.
9. Well-being of future generations should also include well being of animals, ecosystems and biodiversity - Biodiversity has been fully considered as part of this application.
10. Development does not improve the environment or culture - The application proposes much needed affordable and private housing to meet the identified need.
11. Pressure on existing facilities - The Education department has confirmed that adequate capacity is present in local schools to serve the future occupiers of the development.
12. Concern that the development encroaches into the Harold Finch Memorial Park - This matter has been discussed in detail above.
13. Noise from the nearby commercial uses to the east, and road noise from Blackwood Road to the west have not been considered - The Head of Public Protection raises no objection to the proposed development.
14. Development will increase traffic flows on Blackwood Road, thereby also increasing noise and air pollution, to the detriment of the residents of Blackwood Road - The Transportation Engineering Manager raises no objection based on the submitted Transport Statement. Based on the information contained in the Transport Statement, the volume of traffic generated by the proposed development should be significantly lower than the former use of the site, i.e. the Council Offices.
15. The future development of Pontllanfraith comprehensive school will have a cumulative impact associated with the current proposal in terms of traffic generation, air and noise pollution, and this cumulative impact should be considered as part of the current application - To date no application has been made to redevelop the former school site. As and when such an application is made it will be considered on its own merits.
16. Querying the accuracy of the Transport Statement - The Transportation Engineering Manager is satisfied with the Transport Statement as submitted and raises no objection to the proposed development.

Cont....

Application No. 20/0047/OUT Continued

17. Querying the Travel Plan on the basis that it refers to the 901 bus to train service that may be discontinued in accordance with the CCBC draft budget proposals 2020/21 - At present the draft budget proposals for 2020/21 have not been agreed and therefore it is reasonable of the developer to make reference to the bus to train service that currently stops in close proximity to the site. Notwithstanding this specific bus service, the application site is in close walking distance of Blackwood Bus Station that serves a multitude of locations with regular bus services.

Other material considerations: The proposed development will make a significant contribution to the current shortfall of housing, and in particular affordable housing, within the LDP defined settlement boundary, thereby reducing the pressure for development outside the settlement boundary elsewhere in the County Borough.

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 (A) if Members are minded to GRANT planning permission that the application is first REFERRED to the Welsh Minister; in the event that no objections are raised by the Minister, that the application is DEFERRED to allow the applicants to enter into a Section 106 obligation as set out above; and on completion of satisfactory obligations that planning permission is GRANTED subject to the following conditions:

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
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 access, appearance, landscaping, layout and scale of the development, 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.

Cont....

Application No. 20/0047/OUT Continued

- 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) In addition to the trees identified for retention in the Tree Survey (prepared by Treescene dated 30.03.2020) the following trees shall be retained as part of the layout of the reserved matters submission: T4, T5 & T91.
REASON: To protect trees of importance in accordance with Policy CW6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 06) No operations of any description (including all forms of development, tree felling, tree pruning) shall commence on site until a detailed Arboricultural Method Statement, which shall include a Tree Protection Plan and detailed schedule of works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full compliance with the Arboricultural Method Statement.
REASON: To protect important landscape features within the site and to ensure compliance with LDP Policy CW6 of the Caerphilly County borough Local Development Plan up to 2021 - adopted November 2010.
- 07) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.

Cont....

Application No. 20/0047/OUT Continued

- 08) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 09) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 10) 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.
- 11) 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....

Application No. 20/0047/OUT Continued

- 12) The development shall be carried out in accordance with the following approved plans and documents:
- Geotechnical and Geo-Environmental Report (prepared by Terra Firma) received 27.01.2020;
 - Drawing No. LP-01 - Site Location Plan, received 27.01.2020;
 - Amended Design and Access Statement, received 02.03.2020;
 - Amended Planning Statement, received 11.03.2020.
- REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 13) Prior to the commencement of the development hereby approved a notice shall be given to the Local Planning Authority.
- (a) stating the date on which the development is to begin;
 - (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
- Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it. That decision notice shall be in the form specified by, and must be displayed in accordance with, Schedule 5B of the Order.
- REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.
- 14) Prior to the commencement of any works on site, details of the method of clearance/felling provision shall be submitted to the Local Planning Authority for approval. The approved details will be strictly complied with.
- REASON: To prevent accidental killing or injuring of protected species, in accordance with Planning Policy Wales and the Wildlife and Countryside Act 1981 (as amended).
- 15) Details submitted in relation to Condition 1 of this permission shall include details of the proposed public open space (a LEAP and a LAP) designed in accordance with the standards set out in Fields in Trust guidance, and the timing of their provision, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
- REASON: To ensure the adequate provision of public open space.

Cont....

Application No. 20/0047/OUT Continued

- 16) Details submitted in accordance with Condition 1 of this permission shall include the provision of EV (electric vehicle) charging points for all properties benefitting with off road parking provision within their curtilage. The Ev charging provision shall be installed prior to occupation of each of the relevant dwellings.
REASON: In the interests of promoting clean energy and in the interests of air quality.
- 17) Prior to commencement on site a residential travel plan shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.
REASON: in the interest of highway safety and to promote sustainable modes of travel in accordance with Policies SP2, SP7, and CW1 of the Caerphilly County borough Local Development Plan up to 2021 - adopted November 2010.
- 18) Prior to the commencement of the development details shall be submitted to the Local Planning Authority detailing proposed improvement works to Public footpath (footpath reference: 88) that runs along the southern boundary of the site. The agreed improvement works shall be completed prior to first occupation of any of the dwellings approved.
REASON: To encourage walking in accordance with Policies SP2, CP7 and CW1 of the Caerphilly County borough Local Development Plan up to 2021 - adopted November 2010.

Advisory Note(s)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided.

Cont....

Application No. 20/0047/OUT Continued

In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

WARNING:

SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO 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

Cont....

Application No. 20/0047/OUT Continued

Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect.

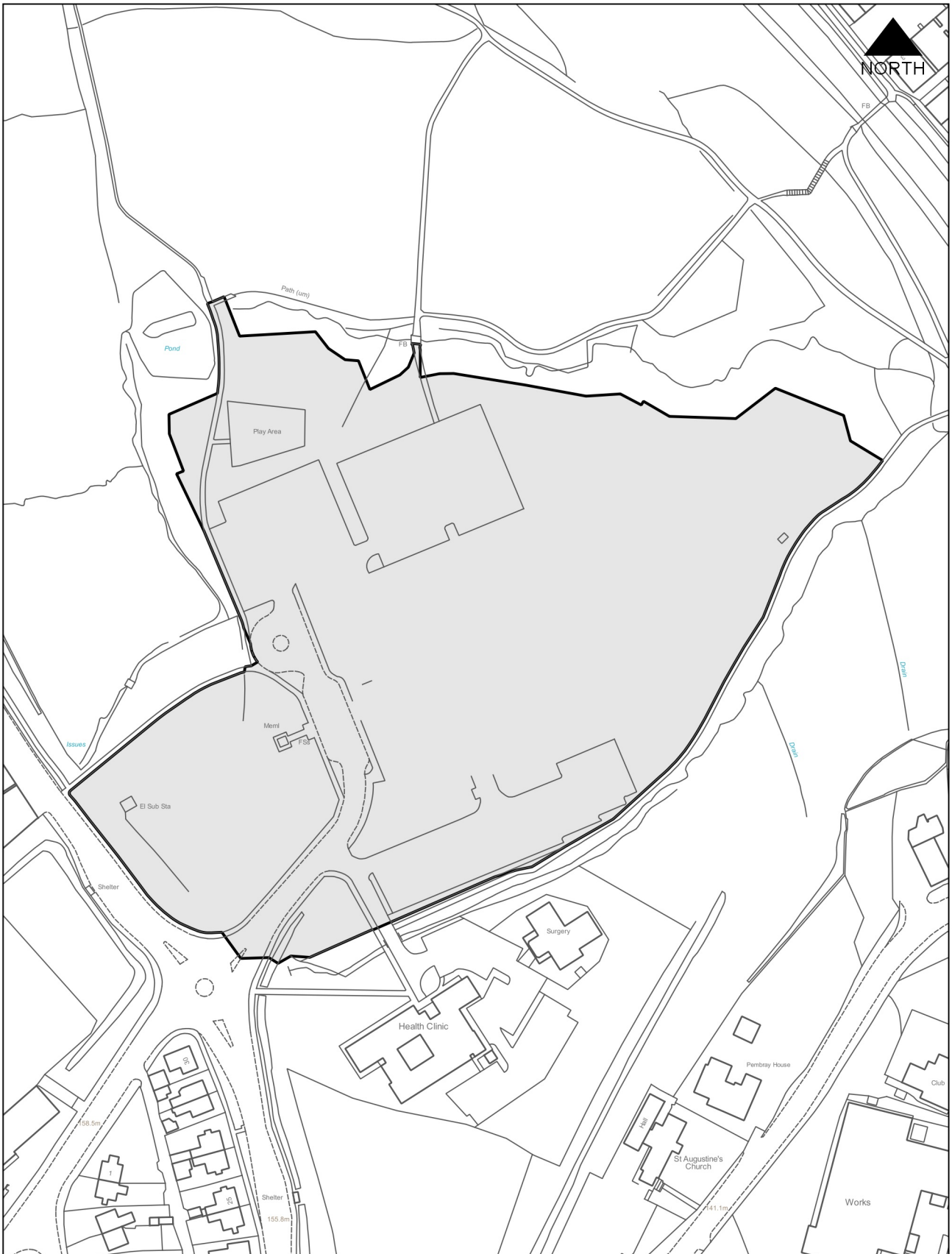
The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

Please find attached the comments of Dwr Cymru/Welsh Water, Western Power Distribution, Senior Engineer (Land Drainage), Council's Ecologist, Senior Arboricultural Officer (Trees), Landscape Architect, Transportation Engineering Manager, Head of Public Protection, Rights of Way Officer, The Coal Authority and National Resources Wales that are brought to the applicant's attention.

DEFERRED FOR REASONS FOR REFUSAL



PREFACE ITEM

APPLICATION NO. 19/0857/FULL

APPLICANT(S) NAME: Values in Care Ltd.

PROPOSAL: Convert existing garage to annexe accommodation with addition of two Velux roof windows, internal alterations to main property with addition of external door accesses

LOCATION: Saer Coed, Load Of Hay Road, Crumlin, NP11 3AY

The above planning application seeks planning permission to convert the existing garage on the site to an annexe to be used for purposes ancillary to the main dwellinghouse. By way of clarification the application description of development includes internal alterations to the main property but these works do not require the benefit of planning permission and, therefore, have not been considered further. The application relates to the physical works only and does not propose a change of use of the property or associated garage. Therefore, only the physical works to convert the garage to an annexe are considered as part of the determination of this application.

The application was reported to Planning Committee on 18th March 2020 with a recommendation for approval subject to conditions. A copy of the previous report is attached as an Appendix.

At the meeting, it was moved and seconded that the application be deferred to allow for further information in relation to the outcome of an ongoing freedom of information request and highway safety. The ongoing freedom of information related to the proposed use of the application site, and whether that use represented a material change of use from a C3 dwelling to a C2 care home.

Since the date of that Planning Committee, the applicant has lodged an appeal with the Planning Inspectorate against non-determination. The appeal against non-determination was lodged on 19th May 2020.

The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 introduced a 4-week period of "dual jurisdiction" between a Local Planning Authority and the Planning Inspectorate where an appeal has been lodged for non-determination. This allows a Local Planning Authority to continue to determine an application for planning permission during the first 4 weeks of an appeal being made against non-determination.

Cont....

Application No. 19/0857/FULL Continued

The appeal against non-determination was received on the 19th May 2020, and therefore the 4-week period ended on the 16th June 2020. However it was not possible to make a decision on or before the 16th June 2020 due to the dates of the relevant Planning Committee meetings. The appellant has also lodged a claim for costs on the basis that they feel the Local Planning Authority has acted in an unreasonable manner by deferring consideration at Planning Committee on 18th March 2020 and not determining the planning application in a timely manner

As the period of dual jurisdiction has expired, the Planning Committee can no longer make a formal determination of the planning application. However, the Planning Committee are invited to provide a resolution on how they would have determined the application if given the opportunity. The reasons for deferral are discussed in turn below.

Freedom of information request in relation to the proposed use of the application site

Freedom of Information requests referred to were submitted by a neighbouring resident, the local Ward Member and Assembly Members, and sought the release of the Counsel opinion provided by the applicant in support of the application. This Counsel opinion confirmed that planning permission was not required for the future use of the dwelling as a care facility for up to 6 residents. Following agreement from the applicant this Counsel opinion has been released but has not been challenged to date.

In addition, this Council has also sought independent advice from Counsel on the proposed future use of the property. Counsel was provided with all of the information in relation to the proposed operation of the care facility, i.e. number of residents, number of staff, staff shift patterns, how the household would operate, etc. Based on this information the independent Barrister also does not consider that the proposed future use represents a material change of use of the property. He considers the proposed use to fall under Use class C3(B) of the Use Classes Order. This view aligns with a separate Counsel view provided by the applicant.

One issue raised by Counsel (instructed by the Council) was the stability of the group, i.e. how long they would remain resident at the property and their subsequent ability to form a single household. This likely tenancy period was raised with the application who provided the following comments:

“With regard to the basis of our anticipated occupancy at Saer Coed I can confirm that these are projected and planned to be long-term placements where the home will provide the permanent place of residence for the people that are being supported by Values in Care.

Cont....

Application No. 19/0857/FULL Continued

While each individual will arrive with differing needs and requirements an objective for several of our residents is that they may ultimately be able to develop their own independence sufficiently to move into their own less supported accommodation but for many others a successful placement will provide their permanent future home. In any case, the very greater proportion of stays with Values in Care are numbered in (often several) multiples of years rather than weeks or months.”

On the basis of these comments it is considered that the proposed future use would not represent a material change of use of the property and would not require planning permission.

Notwithstanding the above it must be recognised that this application relates to physical works to the garage only and the future use is not a material planning issue which Members should take into account as part of its determination.

In light of the appeal on grounds of non-determination and the existing application submitted for costs against the Authority it is important to recognise that if such change of use issues are raised by the Authority as a potential reason for refusal as part of its appeal submissions then it is possible that this would be regarded, by the Inspector, as unreasonable behaviour exposing the Authority to a further potential award of costs.

Highway safety

On the basis of the above position the Highway Authority raise no objections to the application. Given that planning permission is not required for the proposed use the Highway Authority have no basis upon which to comment on such matters as part of the consideration of this application.

RECOMMENDATION – That Planning Committee Members provide a resolution that planning permission would be GRANTED subject to the conditions contained in the original report, if they had jurisdiction to determine the application.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0857/FULL 22.10.2019	Values In Care Ltd Tredomen Innovation Centre Tredomen Business Park Tredomen Ystrad Mynach Hengoed CF82 7FQ	Convert existing garage to annexe accommodation with addition of two Velux roof windows, internal alterations to main property with addition of external door accesses Saer Coed Load Of Hay Road Crumlin Newport NP11 3AY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is situated on the south western side of Load of Hay Road, in open countryside one kilometre due south of the settlement boundary of Trinant.

Site description: The garage, the subject of the application is located within the generous grounds of a detached single storey property with a partially converted loft space to part of the dwelling.

Development: Conversion of existing garage to annex accommodation, with addition of two Velux roof windows. Internal alterations to main property, with addition of external door accesses.

Dimensions: Existing garage measures 6.5m x 4.5m, the height to eaves is 2.5m and height to ridge of the garage roof is 4.0m

Materials: Garage: new windows and doors, double glazed white uPVC. Where the existing up and over garage doors are to be removed and the openings reduced in size, those areas will be finished to match the existing. Main House; new door and side window combinations, double glazed uPVC.

Ancillary development, e.g. parking: None shown.

Cont'd

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 adopted November 2010 (LDP).

Site Allocation: The site is located outside settlement limits.

Policies: SP5 (Settlement Boundaries), CW2 (Amenity), CW3 (Design Constraints - Highways), CW15 (General Locational Constraints), CW20 (Locational Constraints- Conversion, Extension and Replacement of Buildings in the Countryside).

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within a low risk coal mining area, however standing advice will be provided.

CONSULTATION

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - No objection - offers the following observations:

The applicant has not indicated how they intend to dispose of surface water; no/limited information has been submitted for consideration.

The site is situated within an area susceptible to groundwater flooding.

Transportation Engineering Manager - No objection - subject to the imposition of a condition limiting the use of the annex accommodation as ancillary and incidental to the residential enjoyment of Saer Coed and for no other purpose.

Cont'd

ADVERTISEMENT

Extent of advertisement: Three adjoining properties were notified together with two adjacent land owners. A site notice was also displayed at the property.

Response: Responses have been received from three adjacent properties and two adjacent landowners. The views of residents have also been relayed by a Planning Consultant, local MP, AM, and Local Members.

Summary of observations:

- 1). The proposed works are indicative of a change of use of the premises as a whole from a single dwelling to that of a care home. The introduction of commercial enterprise would have a detrimentally significant impact on the residential amenity currently enjoyed by nearby residents.
- 2). Works are being undertaken to the main house prior to the determination of any application for planning permission.
- 3). The single track access lane is inadequate as a sole means of access to the site. As well as its access onto the main Trinant Road with no visibility whatsoever. Increased traffic generation to an unacceptable degree to the detriment of highway safety.
- 4). No record of planning permission or approval under the Building Regulations for the garage at the time it was originally erected therefore there is a question over its structural integrity, and how it could be possible to approve modification to a building which apparently has no permission to exist.
- 5). The potential inappropriate use of the adjacent woodland by residents of the property.
- 6). Potential for persons from the property to injury themselves on unforeseen hazards that might be present in that woodland.
- 7). The presence of two roof windows on the roof slope facing the site boundary and the venting of flues and extractor units directly through the rear elevation of the annex onto the side boundary with the adjacent property have a detrimental affect on the residential amenity of the adjacent dwelling.

Cont'd

SECTION 17 CRIME AND DISORDER ACT

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

The proposed development is unlikely to have a significant effect on crime and disorder in the local area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? As no additional floor area is being created the development is not CIL liable.

ANALYSIS

Policies: This application has been considered in accordance with National Policy and Guidance and Local Plan Policies. The main points to consider in the determination of this application are whether the proposal would have an unacceptable impact in terms of visual amenity on the character of the surrounding area, its impact in terms of neighbouring amenity, together with highway safety implications.

The application site is an established residential property within its own substantial grounds, situated outside settlement limits in open countryside. The garage concerned is an existing building within the curtilage of that dwelling. The proposal under consideration does not involve the construction of any new buildings, or the creation of additional floor space, in the open countryside. Therefore the main issues that fall to be considered in the determination of this application relate to its impact on visual and neighbouring amenity together with Highway safety impacts.

The garage is located adjacent to the side boundary to the southern edge of the curtilage of the dwelling, with the ridge line running parallel to that boundary. It is generally well screened from the highway, with the gable end of the structure visible from the site access. The ridged roof of the building is visible above the existing 1.8m high, timber, vertical lapboard fence, which forms the boundary between the host property and the neighbouring residential property to the south. Residents have queried whether the garage building referred to in the application is authorised. It would appear from the planning history of the site, that the previous owner of the property, sought planning permission to incorporate a detached garage building that had existed in very close proximity to the main dwelling, into that building to form extended living accommodation. The garage the subject of this application first appears in the aerial photographs of the area in 2010.

Cont'd

The garage as erected at that time does not appear to project beyond the forward most part of the dwelling fronting onto the highway, it would therefore appear to be permitted development in accordance with the Town and Country Planning (General Permitted Development Order) 1995, as amended, which would have been the legislation which applied at that time. Permitted Development rights for householders were changed in 2013. Notwithstanding this fact the structure has been in position for more than four years and therefore on the balance of probability, in planning terms, it would now be Lawful and immune from any enforcement action under the planning legislation. Any works to the building to convert it into an annex would require approval under the Building Regulations. Therefore if any significant structural faults were to exist, they would become exposed during these works. However, there is no evidence to suggest that any such faults to the building currently exist.

The works to the exterior of the garage building, involve the removal of the two existing up and over garage doors, from the front elevation of the garage and their replacement to the left hand side with a pedestrian door and side window and to the right hand side with a single window. A new pedestrian door is to be installed in the gable end of the building facing the site access and an additional door is shown as being installed to the opposite gable end. Two velux roof windows measuring 500mm x 980mm are indicated on the rear roof slope of the annex facing the joint side boundary. On the original plans that were submitted showing the rear elevation of the annex, three flues were shown exiting the building through this wall. The Agent has now submitted amended plans which show two vents exiting the building through the south western gable end and two extractors exiting through the roof by means of tile vents. The velux roof windows are shown as being fixed pane and non openable. Internally the annex is shown as comprising one bedroom with ensuite bathroom, a living room, Staff bedroom/dining room, a kitchen and separate WC. The structure will be dry lined and internal partitons creating the new rooms.

The works to the interior of the main house shown on the submitted plans, comprise of the re-positioning of a number of internal walls, to re-configure and create additional shower room/WC's, the removal of one staircase, and the blocking up and or replacement of door openings. The works which affect the exterior of the main building relate to an alteration to an existing window to the southern elevation, the insertion of obscure glazing in a window to the right hand side of the front elevation, replacement of the existing window opening with a door and double glazed uPVC side window to the northern side elevation and the replacement of an existing window with a door and uPVC side window to the rear elevation. None of which materially affect the external appearance of the building. By virtue of Section 55 of the Town and Country Planning Act 1990 as amended, the carrying out for the maintenance, improvement or other alteration of any building of works which affect only the interior of the building, and do not materially affect the external appearance of the building, shall not be taken to involve the development of land. Section 56 of the Planning Act 1990 states that the development of land shall be taken to be initiated, if the development consists of a change of use, at the time when the new use is instituted. To date a use such as that described by residents has not yet been initiated at these premises.

This application relates solely to the conversion of the existing garage to an annex, in that regard Policy CW2 of the Local Development Plan (LDP) sets out criteria relating to amenity. In terms of that Policy, development proposals should not have an unacceptable impact on the amenity of adjacent land or properties. These will be addressed in turn.

In terms of its impact upon the character of the surrounding area, the garage building is an existing structure within the mature grounds of an established residential property. The proposed changes to the structure are cosmetic in nature, in that the building is not being extended and no additional floor space is being created. It is therefore considered that the proposed use of the garage as an annex will not result in an unacceptable impact on the visual amenity of the surrounding area.

In terms of its impact upon neighbouring amenity, it is considered that the amendments that have been made to re-position the external flues to the rear elevation of the building and the proposed use of velux roof windows that are fixed panes and non opening has overcome any adverse impact in this regard. The imposition of a condition to ensure that they remain as such in perpetuity would be appropriate, together with a condition to prevent any further alterations or extensions to the annex without having first obtained the written consent of the Local Planning Authority would also be reasonable. Consequently, subject to the imposition of appropriate conditions the development is in accordance with Policy CW2 of the LDP.

Policy CW3 sets out criteria in terms of highway design considerations. In that regard it is not considered that the proposed works will have any detrimental impact on the safe, effective and efficient use of the transportation network subject to the imposition of a conditions attached to any consent to limit the use of the annex to ancillary accommodation and incidental to the residential enjoyment of Saer Coed. On this basis, no objection is raised by the Transportation Engineering Manager.

In conclusion the proposed development complies with policies CW2 and CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010.

Comments from consultees: Head of Public Protection - No objection.

Senior Engineer (Land Drainage) - No objection.

Transportation Engineering Manager (Highways) - No objection - subject to a condition restricting the use of the annex to purposes incidental and ancillary to the residential enjoyment of Saer Coed and for no other purpose.

Cont'd

Comments from public:

- 1) The proposed works are indicative of a change of use of the premises as a whole from a single dwelling to that of a care home. The introduction of commercial enterprise would have a detrimentally significant impact on the residential amenity currently enjoyed by nearby residents - The application seeks permission to convert the existing garage to an annex, and does not propose a change of use at the property. If and when such a use is implemented, the matter will be fully investigated by the planning enforcement section, however, this application must be determined based on what is currently proposed. In that regard neighbouring amenity has been addressed in the report above.
- 2) Works are being undertaken to the main house prior to the determination of any application for planning permission - This application relates to the conversion of the existing garage to an annex only, and internal works relating to the dwelling have been addressed in the report above.
- 3) The single track access lane is inadequate as a sole means of access to the site. As well as its access onto the main Trinant Road with no visibility whatsoever. Increase traffic generation to an unacceptable degree to the detriment of highway safety - The Transportation and Engineering Manager raises no objection to the proposal on the basis of what is being considered under this application, i.e. conversion of a garage to an annex.
- 4) No record of planning permission or approval under the Building Regulations for the garage at the time it was originally erected therefore there is a question over its structural integrity, and how it could be possible to approve modification to a building which apparently has no permission to exist - Building Regulations approval is a separate matter and are not material to the consideration of this planning application. As outlined above, the garage onsite was likely constructed under householder permitted development rights at the time. Notwithstanding this the structure would now be classed as lawful development given the passage of time since it was constructed.
- 5) The potential inappropriate use of the adjacent woodland by residents of the property - This is not a material planning consideration.
- 6) Potential for persons from the property to injury themselves on unforeseen hazards that might be present in that woodland - This is not a material planning consideration.

Cont'd

7) The presence of two roof windows on the roof slope facing the site boundary and the venting of flues and extractor units directly through the rear elevation of the annex onto the side boundary with the adjacent property have a detrimental effect on the residential amenity of the adjacent dwelling - Amended plans have been submitted to ensure there is no impact upon neighbouring amenity. This has been addressed in the report above.

Other material considerations: None.

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:
Site Location Plan, Drwg No.100 Rev. PO; received on 18th October 2019;
Proposed Site Block Plan, Drwg No. 201 Rev. PO; Received on 18th October;
Proposed Garage Plan, Drwg. No. 250 Rev P5; Received on 14th February 2020;
Proposed Front and Side Elevation - Garage, Drwg.No. 255 Rev. P5; Received on 14th February 2020;
Proposed Rear and Side 2 Elevation - Garage, Drwg. No. 256 Rev. P5; Received on 14th February 2020;
Proposed Front and Side Elevation - House, Drwg No. 205 Rev. P1, Received 18th October 2019;
Proposed Rear and Side 2 Elevation - House, Drwg. No. 206 Rev. P3, Received 18th October 2019;
Proposed Ground Floor Plan - House, Drwg. No. 203 Rev. P4, Received 18th October 2019; and
Proposed Loft Floor Plans - House Drwg. No. 204 Rev. P3, Received 18th October 2019.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Cont'd

- 03) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
REASON: In the interests of the visual amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) The development hereby permitted shall not be occupied at any time other than for purposes ancillary and incidental to the C3 residential use of the existing dwelling known as Saer Coed at the site subject of this consent.
REASON: For the avoidance of doubt as to the nature of the approved development and to ensure that the development is not occupied as a separate unit of accommodation.
- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the annex hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Notwithstanding the plans hereby approved the roof lights on the rear roof plane of the annex shall be fixed and non-opening and shall be retained as such in perpetuity.
REASON: In the interests of residential amenity in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont'd

Advisory Note(s)

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

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.

Planning Committee 18.03.2020 – Deferred for further information.



Agenda Item 6

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0260/FULL 01.04.2020	Price & Co Farming Ltd Mr A Price Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY	Construct canopy over existing farm yard area Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer.

Site description: The application site comprises existing farmyard canopy buildings.

Development: It is proposed to increase the canopy roof area to cover part of the existing farmyard cattle sheds.

Dimensions: The proposed roof canopy area measures 961 sq. metres. It will be the same height or lower than the existing roof structure.

Materials: Fibre cement sheeting.

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

PLANNING HISTORY 2010 TO PRESENT

17/0305/NOTA - Construct access track - Details Approved 30.05.2017.

16/0488/FULL - Erect a milking parlour, cattle shed and associated works - Granted 04.08.2016.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is within a special landscape area (SLA) (policy NH1.3), and a sandstone safeguarding area.

Cont....

Application No. 20/0260/FULL Continued

Policies: SP6 (Place Making), CW2 (Amenity), and CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), and NH1 (Special Landscape Areas).

NATIONAL POLICY Planning Policy Wales (December 2018).

ENVIRONMENTAL IMPACT ASSESSMENT

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

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is not a material consideration in this case.

CONSULTATION

Senior Engineer (Land Drainage) - Request information regarding sustainable urban drainage. As the development will require separate SAB approval this information is not deemed necessary prior to the determination of the planning application.

Rights Of Way Officer - No objection subject to advice being provided to the applicant regarding rights of way in the area.

Head Of Public Protection - No objection.

Ecologist - No objection.

Landscape Architect - No objection.

Natural Resources Wales - No objection subject to advice being forwarded to the developer.

ADVERTISEMENT

Extent of advertisement: 36 nearby properties were consulted by way of letter and a site notice was displayed near the application site.

Response: One objection was received.

Cont....

Application No. 20/0260/FULL Continued

Summary of observations:

1. Questions the timing of the application given the coronavirus pandemic;
2. Claims that residents self-isolating would be unable to respond by post/telephone/email.

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? No.

ANALYSIS

Policies: The application proposes two sections of infill canopy between existing large scale cattle sheds on an industrial farm. The proposed canopy will infill a section between existing cattle shed buildings, and will be the same height or lower than the existing canopy. The roof and supporting columns will comprise the same materials as the existing roof structure. On this basis the proposal is considered to be acceptable in terms of its visual impact. Given the location of the site there would be no impact on any residential receptors.

In support of the application, the agent has provided the following information:

"Gelliargwellt Farm is a dairy farm with a large herd of cows, a natural consequence of which is the volume of slurry generated per cow per day. NRW are generally requiring the farming industry to reduce their potential pollution footprint on the environment, by reducing incidental pollution as a result of rainfall on hardstanding areas. This application is part of the farm's general improvements required as the result of a NRW audit carried out in May of last year."

"In addition by providing more covered, but open sided areas the general management and well-being of the herd will be improved as more feeding and watering for the herd will now take place under covered areas which the herd seem to prefer."

Cont....

Application No. 20/0260/FULL Continued

Comments from Consultees: No objection subject to advice being passed to the developer.

Comments from public:

1. Questions the timing of the application given the corona virus pandemic - as outlined above, the proposed canopy is required to reduce the likelihood of nitrate run off pollution. Furthermore, as the application site produces milk it is deemed an essential operation that must continue to operate during the pandemic.
2. Claims that residents self isolating would be unable to respond by post/telephone/email - The application has been advertised in accordance with statutory requirements and has been pending determination for some time allowing significant timescale within which to submit comments. Whilst it may have proved more difficult for some residents to post letters, the current climate does not preclude email or telephone communication.

Other material considerations: None.

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.

Cont....

Application No. 20/0260/FULL Continued

- 02) The development shall be carried out in accordance with the following approved plans and documents:
Drawing No: PCF-CYA-2020-202 - Site Location Plan, received 26.03.2020;
Drawing No: PCF-CYA-2020-205 - Enlarged Proposed Site Plan, received 26.03.2020;
Drawing No: PCF-CYA-2020-207 - Proposed Elevation and section plan, received 26.03.2020.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
REASON: In the interests of the visual amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

Please find attached the comments of National Resources Wales, Rights of Way Officer and Senior Engineer (Land Drainage) that are brought to the applicant's attention.

WARNING:

SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO 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



Agenda Item 7

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0293/FULL 22.04.2020	Price & Co Farming C/o Barton Wilmore Greyfriars House Greyfriars Road Cardiff CF10 3AL	Carry out engineering works to provide a lagoon and associated works and infrastructure Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY.

Site description: Gelliargwellt Uchaf is a dairy farm with lands between Gelligaer, Nelson and Trelewis. A small quarry was established to the south-east of the farmhouse in the early 1990s and a materials recycling facility and waste transfer station was developed to the west of the farmhouse following an appeal in 2013. An Anaerobic Digestion facility has also been developed to the north-west of the farmhouse, following the same appeal. The application site is located on the west of the site and comprises some 0.66 hectares of land within the wider farm site.

Development: Carry out engineering works to provide a lagoon and associated works and infrastructure. These works have now been completed so the application has been considered as a retrospective application.

Dimensions: The Lagoon capacity is approximately 3,000m³ and the size of the lagoon itself although irregularly shaped is approximately 35m by 40m (excluding the surrounding bunds and regrading works).

The submitted cross section indicates that engineering works involved regrading/reprofiling the existing slope to provide the lagoon and associated bunds. The cross sections indicate that the creation of an embankment involving raising natural ground levels by up to 7.6m.

Materials: A High Density Polyethylene (HPDE) liner for the lagoon.

Ancillary development, e.g. parking: Associated pipework to bring surface water to the Lagoon from the farm.

Cont....

Application No. 20/0293/FULL Continued

PLANNING HISTORY 2010 TO PRESENT

10/0429/RET - Retain and complete earthworks - Granted - 04/11/2010.

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused - 08/12/2011.

11/0226/FULL - Provide permanent operation of materials recycling facility and erection of new building - Refused - 08/12/2011.

11/0227/NCC - Delete condition 13 of planning permission ref 10/0429/RET to remove requirement to reduce height of bund to 1 metre above the adjoining ground level - Granted - 08/12/2011.

12/0570/FULL - Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works - Granted - 08/08/2013.

14/0226/FULL - Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) - Granted - 14/07/2014.

15/0488/RET - Retain development previously approved under planning permission.

11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare - Granted - 10/12/2015.

16/0069/COND - Discharge Condition 12 (external lighting), Condition 13 (wheel and road washing), Condition 14 (surface water drainage), Condition 15 (slurry pipeline), Condition 16 (landscaping), Condition 18 (construction method statement) and Condition 20 odour management) of planning permission 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) - Decided - 25/04/2016.

18/0085/NCC - Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the d - Granted - 19/04/2018.

Cont....

Application No. 20/0293/FULL Continued

18/0843/NCC - Vary condition 08 of planning consent 18/0085/NCC (Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) to enable collections to take place on Sundays - Granted - 06/12/2018.

19/0011/FULL - Provide additional fire prevention measures including structures, storage tanks, engineering and associated works - Granted - 21/02/2019.

19/0275/NCC - Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers - Refused - 12/09/2019.

19/0276/NCC - Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers - Refused - 12/09/2019.

20/0140/COND - Discharge conditions 03 (Drainage), 04 (Trees) of planning consent 19/0011/FULL (Provide additional fire prevention measures including structures, storage tanks, engineering and associated works) - Decided - 09/04/2020.

20/0171/COND - Discharge conditions 6 (Resurfacing of access road) and 7 (Site Management Plan) of planning consent 19/0275/NCC granted on appeal reference number APP/K6920/A/19/3240193 (Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers) - Decided - 09/04/2020.

20/0172/COND - Discharge conditions 09 (Resurfacing of access road) and 10 (Site Management Plan) of planning consent 19/0276/NCC granted on appeal reference number APP/K6920/A/19/3240204 (Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers) - Granted - 20/04/2020.

Cont....

Application No. 20/0293/FULL Continued

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 adopted November 2010 (LDP).

Site Allocation: The site is not allocated for any purpose in the adopted Local Development Plan.

Policies: The following policies are relevant to the determination of this application: CW2 (Amenity), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW15 (General Locational Constraints), CW22 (Mineral Safeguarding Areas), CW23 (Minerals site buffer zones), and NH1.3 (Special Landscape Areas).

NATIONAL POLICY Planning Policy Wales (PPW) 10, December 2018.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within the coalfield and the Coal Authority has been consulted.

CONSULTATION

Landscape Architect - The site is located on steeply south facing sloping agricultural land within the SLA with views of the site afforded from the South and A472. I have two main concerns one being the impact on the landscape character of the SLA and how the proposals are to be integrated and the second the visual impact from the south and south west. The proposals as they currently stand are likely to have a major adverse impact on both landscape character and visual amenity during construction, which would persist until establishment of landscaping. As appropriate landscaping would assist to integrate and reduce the visual impact. This could be achieved principally by seeding of slopes, ideally with a species rich grass seed mix suitable for the site soils, which would also improve biodiversity.

This can be conditioned.

Cont....

Application No. 20/0293/FULL Continued

The Coal Authority - In considering the nature of this particular development proposal, we note that whilst engineering works are proposed to create the lagoon, these will mainly entail the building up of land levels, with relatively limited works proposed to cut into the slope. We also note that no new buildings are proposed. As such, we do not consider that requiring a new Coal Mining Risk Assessment would be proportionate to the nature of the development proposed in this particular case and do not object to this planning application.

Provide informative advice for the applicant.

Head Of Public Protection - No objection subject to planning condition restricting use of the lagoon for surface water retention only.

CADW – No comments received.

Transportation Engineering Manager – No comments received.

Natural Resources Wales - The application site is within approximately 600m of Nelson Bog Site of Special Scientific Interest (SSSI). The Nant Cylla is also failing under the Water Framework Directive and the Nant Caeach waterbody on site, feeds into this waterbody. A reason for failure of the Nant Cylla waterbody is due to high phosphate levels.

We express concerns and any leakage or overtopping of the lagoon without appropriate interception poses high environmental risks. We therefore request that the lagoon is double lined, and fitted with an appropriate leak detection and associated monitoring point system prior to operation, in order to detect any leaks to ground and / or any over topping of the lagoon.

Confirm that a planning condition requiring the details of the lining and leak detection equipment, to be submitted to the Local Planning Authority within 3 months of the date of the decision including a timescale for implementation of agreed works, is an acceptable approach.

Chief Fire Officer - No objections, provides advice for the applicant.

Ecologist – No comments received.

Dwr Cymru - No objections.

Cont....

Application No. 20/0293/FULL Continued

ADVERTISEMENT

Extent of advertisement: The application was advertised via site notices.

Response: Six objections have been received relative to the application.

Summary of observations:

1. Odour from existing lagoon.
2. Highway safety and surface water run off.
3. Dust and Pollution.
4. Noise.
5. Retrospective nature of works.
6. Overlooking/loss of privacy.
7. Issues surrounding publicising application, ability to respond to applications during the pandemic and suggests determination should not happen during lockdown.
8. Construction work was carried out during pandemic lockdown.
9. Matters related to a previous refusal which was subsequently approved by Planning Inspectorate.
10. Request Planning Committee a committee look at the overall applications, licences, appeals, complaints and monitoring of ALL companies that operate from Gelliargwellt Uchaf Farm.
11. Health and well-being are being put at risk. This includes our mental health too.
12. Existing complaints about the site and company.
13. Area was where people go for walks they also exercise their dogs.
14. Impact on Wildlife.
15. Attributes existing rat problem to the wider site.

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.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Cont....

Application No. 20/0293/FULL Continued

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The application is not CIL liable.

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 of the visual appearance of the development on the character of the area and matters related to the lagoon itself.

This is a retrospective application for the retention of works carried out to create a surface water lagoon with a storage volume of approximately 3,000 cubic square metres together with associated land reprofiling and the creation of an earth bank surrounding the lagoon. The purpose of the lagoon is to store surface water run-off from yards associated with the dairy unit at Gelliargwellt Uchaf Farm. This water will then be used for purposes associated with farm activity.

The principle of the development is considered acceptable as Policy CW15 (General Location Constraints) advises that outside of defined settlement boundaries proposed development associated with agriculture are acceptable and the lagoon has been provided to support the activities at Gelliargwellt Uchaf Farm.

In terms of the visual impact of the development the works to regrade the land and create the lagoon have had a short term significant negative visual impact within the Mynydd Eglwsilan Special Landscape Area by reason that the areas previously grassed are now visible as mainly bare earth and the topography is steeper than prior to the works occurring thereby increasing the visibility of the slope within the wider landscape.

The applicant has undertaken some seeding of the bank but this is currently immature and it is unclear the exact specification and mix of grass used. In terms of the Special Landscape Area policies CW4 and NH1, these require that the Special Landscape Area will be protected from development that would harm their distinctive features or characteristics. The Landscape Officer considers that landscaping would assist to integrate and reduce the visual impact. He advises that this can be achieved principally by seeding of slopes, ideally with a species rich grass seed mix suitable for the site soils, which would also improve biodiversity.

Cont....

Application No. 20/0293/FULL Continued

It is therefore considered that whilst the applicant has undertaken some seeding activities, it would be appropriate to require further details of a scheme to undertake additional seeding particularly in the event that there is failure of the seeding already undertaken. It is considered that this is reasonable to ensure that overtime the regraded slopes created to provide the lagoon are acceptably assimilated into the wider landscape of the Special Landscape Area. Subject to the imposition of a condition for a seeding scheme it is considered that the long term visual impact of the development within the Special Landscape Area would be acceptable according with adopted Local Development Plan policies CW4 (Natural Heritage Protection), SP6 (Placemaking) and NH1 (Special Landscape Areas). On this basis the development is considered to be acceptable in terms of its visual impact subject to the aforementioned condition.

Development proposals that may impact mineral safeguarding areas will be considered against the criteria set out in policy CW22 (Mineral Safeguarding Areas) to ensure that the minerals that society may need in the future are not unnecessarily sterilised.

The site is within sandstone and coal safeguarding areas. Since the Local Development Plan was adopted there has been a change in national policy in PPW10 in that local planning authorities are no longer required to safeguard coal resources. National policy takes precedence and, therefore, the coal safeguarding area is not an issue in this case. In relation to the sandstone safeguarding area, future development of the resource is already constrained within the application site due to existing built development. The proposed development would not add any additional material constraint and there is no conflict with policy CW22.

The impact of the development on neighbour amenity has been considered. The lagoon position is such that it is bounded by open fields to the south and west, and where the fields stop to the north and east, by parts of the existing Bryn operation in terms of recycling and other operations. The lagoon has been constructed and it is a supportive facility to the existing farm operation and therefore will not itself lead to a material change in site traffic. It is to store rainwater and surface water runoff and therefore no significant odours should emanate from the lagoon. It is therefore considered that there will be no unacceptable impacts on any residential properties from the development and the development therefore accords with Policies CW3 (Highways) and CW2 (Amenity).

Based on the above consideration, the development is considered to be acceptable subject to relevant conditions.

Cont....

Comments from Consultees:

Natural Resources Wales have advised that they have concerns specifically in relation to any leakage or overtopping of the lagoon which without appropriate interception poses high environmental risks. There are environmentally sensitive sites such as the Nelson Bog SSSI (within 600m), a SINIC, and the Nant Caeach waterbody close to the site. Natural Resources Wales request that the lagoon is double lined, and fitted with an appropriate leak detection and associated monitoring point system prior to operation, in order to detect any leaks to ground and / or any over topping of the lagoon.

It is noted that the lagoon has been constructed and lined, however in order to ensure that this is to an agreed specification for Natural Resources Wales a condition is proposed requiring details of the lining and monitoring to be submitted within 3 months of the date of the decision. Natural Resources Wales have confirmed that they have no objection subject to the imposition of this condition.

Comments from public:

1. Odour from existing lagoon.

The development sought for retention under this permission is for surface water and rainwater only and therefore the odour problem that has been attributed by the objector to the separate slurry lagoon on site will not be materially altered by the proposed lagoon.

2. Highway safety and surface water run off.
3. Dust and Pollution.
4. Noise.

The issues raised in relation to highway safety, dust, pollution and noise may have partly occurred during the construction of the lagoon but as the works are substantially completed it is not considered that this would be an ongoing impact directly attributable to the lagoon as its purpose is to support the existing agricultural function of the site. The ongoing impacts from the lagoon itself are not considered to have a material impact on highway safety, noise, dust or pollution.

5. Retrospective nature of works.

Applicants are entitled to submit planning applications in retrospect and the consideration of such applications will be based on material planning consideration.

Cont....

6. Overlooking/loss of privacy.

It is not considered that the lagoon will facilitate any unacceptable overlooking as no residential properties are within 100m of the lagoon. There is no right to a view in planning terms and the development is considered to have an acceptable impact on outlook. Subject to agreement of further seeding, the development is also considered to be acceptable in terms of its impact on the Special Landscape Area.

7. Issues surrounding publicising application, ability to respond to applications during the pandemic and suggests determination should not happen during lockdown.

The application was publicised by site notices and the public have been afforded the opportunity to submit representations. Welsh Government has provided advice to Local Planning Authorities in respect of the Covid-19 pandemic and this allows for the consideration of planning applications and their determination.

8. Construction work was carried out during pandemic lockdown.

This would be a matter for the applicant and their contractors in undertaking the work and is not relevant to the determination of this application.

9. Matters related to a previous planning refusal which was subsequently approved by Planning Inspectorate.

This is a separate matter which has been subject to a Planning Inspectorate decision and is not a material consideration in this application.

10. Request Planning Committee look at the overall applications, licences, appeals, complaints and monitoring of ALL companies that operate from Gelliargwellt Uchaf Farm.

This application is before Members for consideration on its planning merits in respect of the retention of the work applied for. In relation to other matters raised in respect of the wider site operation (and indeed conduct of other companies) this would be for relevant Council departments and external bodies to assess and investigate. Where individual specific complaints are raised this would be dependent on whose remit those complaints fall within.

Cont....

Application No. 20/0293/FULL Continued

11. Health and well-being are being put at risk. This includes our mental health too.

The impact of the lagoon which is subject to this application has been considered and deemed acceptable. It is not considered that the amenity of existing residents would be unacceptably harmed by the approval of the lagoon.

12. Existing complaints about the site and company.

These relate to separate matters not directly relevant to the lagoon application.

13. Area was where people go for walks they also exercise their dogs.

The application site is not common land and does not include any public rights of way. It is therefore not considered that the loss of the site for such activities is a material consideration in the determination of this application.

14. Impact on Wildlife.

There has been no evidence provided in relation to wildlife on site and the engineering works have been completed. It is not considered that the ongoing use of the lagoon would have a significant impact on wildlife and planning conditions have been imposed requiring monitoring of the lagoon.

15. Attributes existing rat problem to the wider site.

This is not directly related to the application and is a separate public health issue not material to the determination of this application as the use of a surface water lagoon is not considered to be significant in terms of attracting rats.

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.

RECOMMENDATION that Permission be GRANTED

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This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents:
- Location Plan, drawing reference PCF-NSL-2020-001A.
 - Proposed Site Plan, drawing reference PCF-NSL-2020-003C.
 - Cross Section Plan, drawing reference PCF-NSL-2020-004B.
 - Site Location Plan, drawing reference PCF-NSL-2020-005D.
- REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) The lagoon hereby approved shall be used solely for the purpose of the storage of surface water and its re-use for activities associated with the farm and for no other purpose.
- REASON: To define the scope of the permission and for the protection of the environment.
- 03) Within 3 months of the date of this permission the applicant shall submit for the written approval of the Local Planning Authority a scheme to include details of lining for the lagoon and measures to provide leak detection and associated monitoring point system. The scheme shall include a timetable for its implementation. The scheme as agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed details and timescales and shall thereafter be maintained in accordance with the approved scheme for the lifetime of the development.
- REASON: In the interests of the protection of ground water and the environment including the environmentally sensitive sites such as the Nelson Bog SSSI and Nant Caeach waterbody in accordance with policies CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

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It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

Please find attached the comments of The Fire Office and Natural Resources Wales that are brought to the applicant's attention.

