

# Public Document Pack

Penallta House,  
Tredomen Park,  
Ystrad Mynach,  
Hengoed CF82 7PG

Ty Penallta,  
Parc Tredomen,  
Ystrad Mynach,  
Hengoed CF82 7PG



[www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)  
[www.caerffili.gov.uk](http://www.caerffili.gov.uk)

Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett  
(Rhif Ffôn: 01443 864245 Ebst: [barrerm@caerphilly.gov.uk](mailto:barrerm@caerphilly.gov.uk))

**Dyddiad: Dydd Mercher, 10 Chwefror 2021**

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Pwyllgor Cynllunio** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Mercher, 17eg Chwefror, 2021** am **5.00 pm** 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](http://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 sydd â diddordeb wneud cais i fynychu o bell a siarad mewn perthynas ag unrhyw eitem ar yr agenda hon. I gael rhagor o fanylion am y broses hon, cysylltwch â Chlerc y Pwyllgor ar [barrerm@caerffili.gov.uk](mailto:barrerm@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



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 20fed Ionawr 2021.

1 - 6

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

4 Eitem Ragarweiniol Rhif Cod 20/0662/OUT – Tir i'r gogledd-orllewin o Atcombe Cottage, Lôn Waterloo, Machen, Caerffili.

7 - 28

5 Rhif Cod 20/1070/NCC – Tir ar bwys Rowan Road, Tŷ Sign, Rhisga.

29 - 46

**Cylchrediad:**

Cynghorwyr M.A. Adams, Mrs E.M. Aldworth (Is Gadeirydd), C. Andrews, A. Angel, J. Bevan, M. Davies, J.E. Fussell, R.W. Gough, D.T. Hardacre, L. Harding, A.G. Higgs, A. Hussey, B. Miles, Mrs G.D. Oliver, R. Saralis (Cadeirydd), J. Simmonds, J. Taylor, A. Whitcombe 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](http://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 neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio [griffd2@caerffili.gov.uk](mailto:griffd2@caerffili.gov.uk) neu ffoniwch 01443 863028.



## PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 20TH JANUARY 2021 AT 5:00 PM

#### PRESENT:

Councillor R. Saralis – Chair  
Councillor E.M. Aldworth – Vice-Chair

#### Councillors:

M. Adams, C. Andrews, A. Angel, M. Davies, J.E. Fussell, R.W. Gough (part of meeting), A.G. Higgs, A. Hussey, B. Miles, J. Simmonds, A. Whitcombe, T.J. Williams

Councillor S. Morgan (Deputy Leader and Cabinet Member for Economy and Enterprise)

#### Together with:

M. Woodland (Senior Solicitor), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Boardman (Area Principal Planner), C. Powell (Area Principal Planner), A. Pyne (Principal Planner), L. Cooper (Assistant Engineer), J. Hobbs (Principal Engineer), M. Godfrey (Team Leader - Pollution Control), R. Barrett (Committee Services Officer)

#### RECORDING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being recorded and would be made available following the meeting via the Council's website – [Click Here to View Part 1](#) and [Click Here to View Part 2](#). Members were advised that voting on decisions would be taken by way of roll call.

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. Bevan, D.T. Hardacre, L. Harding, G. Oliver and J. Taylor.

#### 2. DECLARATIONS OF INTEREST

Councillor B. Miles confirmed that she had sought advice from the Senior Solicitor in relation to Agenda Item 7 (as she has relatives who farm land near the proposed development) and Councillor A. Whitcombe confirmed he had sought advice from the Monitoring Officer in relation to Agenda Items 5 and 6 (as Chair of the Housing & Regeneration Scrutiny Committee). Both Members were advised there was no requirement to declare an interest on this occasion.

There were no declarations of interest received at the commencement or during the course of the meeting.

**3. MINUTES – 2ND DECEMBER 2020**

It was moved and seconded that the minutes of the meeting held on the 2nd December 2020 be agreed as a correct record and by a show of hands-up this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 2nd December 2020 (minute nos. 1-8) be approved as a correct record.

**4. CODE NO. 20/0662/OUT - LAND NORTH WEST OF ATCOMBE COTTAGE, WATERLOO LANE, MACHEN, CAERPHILLY**

Mr P. Williams and Councillor E. Forehead spoke on behalf of local residents in objection to the application and a written statement was read out on behalf of Mr D. Lock (the applicant's agent) in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained within the Officer's report, the recommendation contained in the Officer's report be approved, and in noting there were noting there were 4 For, 10 Against and 0 Abstentions, the motion was declared lost.

As the motion was lost, the application would be deferred for a further report to a future meeting with draft reasons for refusal based on unjustified development outside the settlement boundary, and the scale and siting of the development and its impact on neighbouring properties and the character of the area.

RESOLVED that the application be deferred for a further report with draft reasons for refusal based on unjustified development outside the settlement boundary, and the scale and siting of the development and its impact on neighbouring properties and the character of the area.

**5. CODE NO. 20/0635/NCC - FORMER PONTYMISTER SERVICE STATION, NEWPORT ROAD, PONTYMISTER, RISCA**

Mrs L. Woodford and Councillor B. Owen spoke in objection to the application on behalf of local residents and Mr R. Chichester (the applicant's agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to an amended recommendation to extend the completion of the Section 106 Agreement from three months to six months, the recommendation in the Officer's report be approved, and in noting there were 11 For, 1 Against and 1 Abstention this was agreed by the majority present.

RESOLVED that the application be deferred to allow the applicant to enter into a Section 106 Agreement as set out in the report (with the completion period extended from three to six months) and on completion of the Agreement the application be GRANTED subject to the conditions contained in the Officer's report.

**6. CODE NO. 20/0688/FULL - TY YN Y PWLL HOTEL, NEWPORT ROAD, TRETTHOMAS, CAERPHILLY, CF83 8BR**

Councillor D. Havard spoke in objection to the application on behalf of local residents and Mr J. Hurley (the applicant's agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendation in the Officer's report be approved, and in noting there were 12 For, 0 Against and 1 Abstention this was agreed by the majority present.

RESOLVED that:-

- (i) the application be deferred to allow the applicant to enter into a Section 106 Agreement as set out in the report and on completion of the Agreement the application be GRANTED subject to the conditions contained in the Officer's report;
- (ii) the applicant be advised that a registered Asbestos contractor should remove any asbestos within the boundary of the development. Although this development would not need a formal air quality impact assessment, Environmental Health would encourage the applicant to submit a scheme of air quality soft measures that can reduce the impact of the development on local air quality. This should include the provision of electric charging points or wiring, cycling routes and facilities etc. that encourage cleaner travel.

**7. CODE NO. 20/0645/FULL - GELLIARGWELT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 8FY**

Mrs V. Muxworthy, Councillor C. Bezzina and Councillor A. Gair spoke in objection to the application on behalf of local residents and Mr J. Ayoubkhani (the applicant's agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendation in the Officer's report be approved, and in noting there were 11 For, 1 Against and 1 Abstention this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the application be GRANTED;
- (ii) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT

From 7<sup>th</sup> January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring that all new developments of more than one house or where the construction areas is of 100m<sup>2</sup> 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

- (iii) The applicant be advised of the comments of the Land Drainage Officer and the Coal Authority that are brought to the applicant's attention.

**8. REVIEW OF SERVICE LEVELS AND DECISION-MAKING PROCESSES FOR THE DEVELOPMENT MANAGEMENT AND PLANNING ENFORCEMENT FUNCTIONS OF THE PLANNING SERVICE**

Consideration was given to the report, which had previously been considered at a special meeting of the Housing and Regeneration Scrutiny Committee on 9<sup>th</sup> December 2020. The report provided a review of service delivery and decision-making processes for the development management and enforcement functions of Planning Services, and sought views from the Planning Committee on the service levels proposed, recommendations for amendments to the Scheme of Delegation and Member protocols and a review of the size of the Planning Committee.

Members were advised that the Planning Service has recently undergone the final stages of restructure to accommodate significant budgetary pressures with staff resources now well below historic levels. In recent years the planning system in Wales has been modernised which has facilitated the introduction of new ways of working and models of service delivery. The opportunity now exists to review the development management and enforcement service and embed many of these new approaches through the introduction of an output driven statutory service and more strategically focussed decision-making processes.

The Planning Committee were therefore asked to consider and endorse a number of detailed proposals in the report, which will allow the Planning Service to respond more positively to key challenges and deliver the Council's priorities, particularly around Team Caerphilly and the Place Shaping and Caerphilly Homes agendas.

It was noted that at the meeting of the Housing and Regeneration Scrutiny Committee, Members had endorsed the report recommendations subject to the exclusion of Recommendation 3.1 (d) relating to proposed changes to the Scheme of Delegation. It was explained that although the Scrutiny Committee had accepted that Planning Committee should not deal with a plethora of minor development proposals, it was felt they should deal with minor proposals if they are a matter of great concern or controversy within a ward. Their main concern around Recommendation (d) was the high threshold of objections that was proposed to allow a "call-in" request for the Planning Committee to consider the application and address the issues raised.

The Planning Committee considered the report and one Member stated that they would support the removal of the proposed threshold for written objections, but expressed concerns around the proposal to delegate all householder planning applications to Planning Officers, thereby removing the opportunity for contentious applications to be brought to Committee, and also queried how applications that do not meet the definition of major planning developments (such as HMOs or change of use) would be dealt with under the amended Scheme of Delegation. Officers explained that the applicant has a right of appeal in the event of refusal and that the proposed changes to the Scheme of Delegation is intended to provide a more strategic focus for Planning Committee but that the proposal could be adjusted if Members were so minded. With regards to HMOs and change of use applications, it was confirmed that these would be subject to the proposed threshold for written objections.

In responding to a Member's query, Officers explained that the proposed amendment to reduce the size of the Planning Committee from 20 Members to 16 Members takes into account the average attendance at Committee and would provide parity with the size of the Council's other Committees and Planning Committees across other local authorities. A

Member queried the staff resources available to deliver the Council's planning priorities, particularly in relation to the lack of planning enforcement officers and Officers confirmed that there are proposals contained in the forthcoming budget report to provide additional staffing resources going forward.

Following discussion on the contents of the report and in taking into account the views of the Scrutiny Committee, the Planning Committee determined that they were generally supportive of recommendations 3.1 (a) (b) (c) and (e) but expressed reservations about endorsing recommendation (d) in its current form in view of the concerns raised by Members. It was agreed that the Planning Committee would take a vote on the other recommendations in the report and then address Recommendation 3.1 (d) separately.

It was therefore moved and seconded that Recommendations 3.1 (a) (b) (c) and (e) be endorsed and in noting that there were 12 for, 0 against and 0 abstentions, this was unanimously agreed.

Following further discussion, it was moved and seconded that Recommendation (d) in relation to the Scheme of Delegation be endorsed, subject to the following amendment to the wording detailed at 7.18(b) of the Officer's report to read: ***"Call In – Any planning application where a Member has requested in writing on material planning grounds to the Head of Regeneration & Planning within the 21 day consultation period that the application should be considered by the Planning Committee"***. In noting that there were 12 for, 0 against and 0 abstentions, this was unanimously agreed.

It was therefore RESOLVED that:-

- (a) the output driven service delivery model proposed for the development management and enforcement function be endorsed, with a focus on the delivery of its statutory obligations, frontloading, further commercialisation and the delivery of major and strategically significant schemes underpinned by the introduction of a new Wellbeing local performance indicator;
- (b) the amendments to the Enforcement Charter be endorsed;
- (c) the changes to the Planning Committee structure with a reduction from 20 to 16 Members be endorsed;
- (d) the changes to the Scheme of Delegation to provide Planning Committee with a more strategic role and focus be endorsed, subject to the following amendment to the wording detailed at 7.18(b) of the Officer's report to read: ***"Call In – Any planning application where a Member has requested in writing on material planning grounds to the Head of Regeneration & Planning within the 21 day consultation period that the application should be considered by the Planning Committee"***;
- (e) the Non-Planning Committee Member Protocol for Ward Members be endorsed.

The meeting closed at 8.29 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 17th February 2021.

This page is intentionally left blank



## PREFACE ITEM

APPLICATION NO.	20/0662/OUT
APPLICANT(S) NAME:	Mrs T Howell
PROPOSAL:	Erect detached dwelling with associated groundworks and seek approval of scale
LOCATION:	Land North West Of Atcombe Cottage Waterloo Lane Machen Caerphilly

The above planning application sought outline planning permission (with all matters other than scale reserved for future consideration) to redevelop the application site for residential development of 1 dwelling and associated works.

The application was reported to Planning Committee on 20th January 2021 with a recommendation for approval subject to conditions. A copy of the previous report is attached at Appendix A.

The Officer report makes reference to the fact that the application site is located outside of the settlement limits as defined in the proposals map to the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010. The report goes on to discuss the fact that the land has been used as part of the garden curtilage of the property at Atcombe Cottage for in excess of 10 years. On that basis, and having regard for the domestic appearance of the site, and its proximity to the settlement, it was considered that the proposal would constitute acceptable rounding off of the settlement and as such was acceptable in planning terms. Furthermore, given the character of the adjacent land to the west, which is part of a Special Landscape Area, designated as a Site of Special Scientific Interest and is protected by a Tree Preservation Order, the application site is considered to have natural defensible boundaries to further development.

At the meeting, Members resolved that the application be deferred to allow Officers to provide reason(s) for refusal on the basis that the development would be unacceptable development in the countryside contrary to Policy SP5 of the Local Development Plan and would result in unacceptable impacts on the amenity of the neighbouring dwellings.

If Members remain minded to refuse the application on this basis, suggested reasons for refusal are contained at the end of this preface item report. However, prior to determining the application it is felt that the following information should be considered.

The Status of the Application Site as Domestic Curtilage

It is acknowledged that the use of the application site as domestic garden does not benefit from planning consent. However, it should be noted that planning consent was granted for the land to be used as part of the curtilage of the dwelling at Atcombe Cottage under application reference number 5/5/93/0739. As can be seen from the attached aerial photograph from 2001 at appendix B, this consent was not implemented within 5 years of the date of that permission and as such that consent expired.

Nevertheless, as can be seen from the aerial photograph from 2010 at Appendix C the land was in use as part of the domestic curtilage of the dwelling. In accordance with Section 171B of the Town and Country Planning act 1990 the time limit for taking enforcement action is 10 years from the date of the breach. Whilst the Local Planning Authority could request that the applicant make an application for a Certificate of Lawfulness for an Existing Use in order to regularise the use, it would not be reasonable to pursue any enforcement action in respect of this matter as the use would be lawful in planning terms.

The decision of the Local Planning Authority to not include the application site within the defined settlement limits when these were set out in the Adopted LDP has no bearing on this fact as the host dwelling at Atcombe Cottage is also outside of the settlement limits but this does not prevent it from being used for residential purposes.

#### The Character of the Application Site

If it is accepted that the application site forms part of the domestic curtilage of Atcombe Cottage then its character and impact on the landscape character of the Special Landscape Area have to be considered in the determination of this application. It is a principle of planning that each application has to be treated on its own merits having regard for the particular circumstances of each case. In that regard, and whilst it is acknowledged that the application site forms part of the South Caerphilly Special Landscape Area, the domestic appearance of the site, its inclusion both visually and physically within the curtilage of Atcombe Cottage, and its close proximity to the established settlement which includes the adjacent modern dwellings in The Meadows, is such that it does not make a significant contribution to the landscape character of the SLA. It should also be noted that the SLA covers a total area of 1600 hectares and the application site has an area of 0.04 hectares and as such the application represents an insignificant portion of the SLA. In that regard it is considered that the development of the site would not have a detrimental impact on the landscape character of the special landscape area and would not lead to the domestication of an otherwise rural setting.

#### Setting a Precedent for Approval of Other Developments

As stated above it is a central principle of planning that each application has to be considered on its own merits. In that regard, and notwithstanding that only the courts can set a precedent, it would only be possible for this application to set a precedent for the approval of other similar applications if those applications have the same planning characteristics as this proposal.

With regard to the adjacent site at The Tinworks and any potential development of that, it should be noted that that site is not only part of the South Caerphilly Special Landscape Area, but it is part of the Rudry Woodlands Site of Importance for Nature Conservation and is also protected by a Tree Preservation Order. In that regard there are a number of considerations which would make this site different to the application site such that approval of this application would not set a precedent for approval of development on that site.

In light of the above it is considered that the proposal is acceptable in planning terms and as such it would be difficult to defend a refusal of the application at appeal on the grounds of unacceptable development in the countryside.

#### Scale of the Proposal and its Impact on the Amenity of Neighbouring Dwellings

Whilst members raised concerns with regard to the scale of the proposal it should be noted that the upper and lower scale parameters suggested are in keeping with the scale of the adjacent dwellings in The Meadows and would not be out of keeping in that regard. In terms of the impact of the proposal on the amenity of the neighbouring dwelling it should be noted that siting is reserved for future consideration. In that regard it is considered that the dwelling could be sited in such a position within the application site that it would be directly adjacent to the side elevation of the neighbouring dwelling which has no windows facing onto the application site. Alternatively it could be sited on the western side of the application site such that it is located away from the neighbouring dwelling. In either respect the impact on the amenity of the neighbouring dwelling would be acceptable in planning terms and it would be very difficult to defend a refusal on this ground and as such a reason for refusal in that respect is not provided.

**RECOMMENDATION** – That if Members are minded to GRANT planning permission that it is GRANTED subject to the conditions included in the report at Appendix A.

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

“The proposal would result in unacceptable development in the countryside which has not been justified by any of the excepted categories of development set out in Criterion C of Policy CW15 of the LDP and as such the proposal is contrary to the provisions of Policies SP5 and CW15 of the Caerphilly County Borough Local Development Plan up to 2021.”

This page is intentionally left blank

**Application Number:** 20/0662/OUT

**Date Received:** 06.10.2020

**Applicant:** Mrs T Howell

**Description and Location of Development:** Erect detached dwelling with associated groundworks and seek approval of scale - Land North West Of Atcombe Cottage Waterloo Lane Machen Caerphilly

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The application property is located at the south western end of The Meadows, Waterloo, Machen.

Site description: The application site forms part of the domestic garden of the property at Atcombe Cottage and is a relatively flat lawned area. It is bounded to the north east by the side boundary of the dwelling at 9 The Meadows, to the north by timber fence and to the south west by a timber fence and mature trees forming part of the SINC located in that area. Access to Atcombe Cottage is derived off a drive onto Lon Waterloo but there is a secondary access onto The Meadows via a five bar gate.

Development: This application seeks outline planning consent for residential development

Use: Residential development.

The amount of development proposed for each use: One dwelling.

Indicative layout: The revised indicative layout shows a dwelling sited towards the front of the site with parking to the front and amenity space to the rear.

Indicative access points: Access will be derived via the existing five bar gate onto The Meadows.

### Dimensions:

Dimensions (upper and lower limits for height, width and length of each building): Width 7-10m, Depth 7-11.5m, Height 5.6-8.5m.

Materials: Not specified.

Ancillary development, e.g. parking: Two parking spaces are shown and a garage is referred on the indicative layout plan.

PLANNING HISTORY 2010 TO PRESENT

None.

POLICY

Local Development Plan: Outside settlement limits and within the South Caerphilly Special Landscape Area (NH1.5).

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural heritage Protection), CW6 (Trees, Woodlands and Hedgerow Protection) and CW15 (General Locational Constraints).

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

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: Paragraph 3.9 - The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Paragraph 3.16 - Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

3.56 Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

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

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

#### COAL MINING LEGACY

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

#### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No comments received.

Dwr Cymru - Provide advice to be conveyed to the developer.

Strategic & Development Plans - No objection.

Landscape Architect - No objection subject to conditions.

CADW - No objection.

Ecologist –

#### ADVERTISEMENT

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

Response: 9 objections were received.

Summary of observations:

- The application form describes the application site as garden land but no consent exists for such use.
- The application site is located outside the settlement boundary as defined in the Adopted Local Development Plan (LDP). As such, the proposal is a Departure from the LDP and conflicts with its policies that seeks to protect the open countryside.
- The application site falls within a Special Landscape Area and is immediately adjacent to a Site of Importance for Nature Conservation.
- The proposal would have an overbearing impact on no. 9 The Meadows.
- The planning application form states that the proposed development would rely on an existing pedestrian and vehicular access from the public highway. However, it is unclear if the applicants control the land necessary to secure an access point.
- The planning application form states that there will be no felling of trees as a result of the proposal. However, mature trees were recently felled before the submission of the planning application.
- Approval of the application would set a precedent for other similar proposals in the area.
- The proposal would affect the existing turning head at the end of The Meadows.
- The road at The Meadows is not capable of dealing with additional traffic.

SECTION 17 CRIME AND DISORDER ACT

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

None.

EU HABITATS DIRECTIVE

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

Is this development Community Infrastructure Levy liable? No. CIL would be calculated at the reserved matters stage.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application site is a greenfield site outside of the settlement boundary in the Southern Connections Corridor (SCC). The SCC strategy promotes development on previously developed land as opposed to greenfield sites. Therefore, the proposal does not meet with the strategy of the LDP. In addition, the proposal area is within a Special



Landscape Area (SLA) and the North Western boundary intersects a Site of Importance for Nature Conservation (SINC). In that regard the main points to consider in the determination of this application are the principle of the development in this location the impact of the proposal on the character and ecology of the area, and the potential impact on the amenity of nearby residential properties.

With regard to the principle of the development it should be noted that the application site is currently being used as a large garden associated with Atcombe Cottage, and provides a vehicular access to that dwelling off The Meadows. Layout plans submitted with the application highlight that although the site is outside of the settlement boundary, it is not and does not have the appearance of open countryside and the construction of a new dwelling would not have an impact on the character of the Special Landscape Area or its border with the nearby SINC and TPO. There is an existing wooden fence that separates the garden area from the SINC to the west, meaning that potential development is unlikely to have any impact on the adjoining countryside setting and could be considered to be a natural rounding off of the settlement.

It should also be noted that the Council currently has a shortfall of housing land. Policy SP14 Total Housing Requirements makes provision for 10,269 dwellings for the 15-year period 2006 to 2021. This represents 1,644 (19%) residential units more than the 8,625 units required to meet the dwelling requirement identified for the plan period. The 19% over-allocation allows for flexibility and choice in recognition of the fact that not all sites will be developed.

The delivery of housing in the LDP is monitored through the Annual Monitoring Report (AMR). The Council has prepared eight AMRs to date, the most recent of which was agreed by Council in October 2019 (2019 AMR). It is evident from successive AMRs that new housing has not been delivered at the levels required. Policy SP14 indicates that there is a housing requirement for 8,625 new dwellings to be delivered over the 15-year plan period. This equates to an annual requirement of 575 dwellings per annum.

Having regard for the 2019 completions data, the 8th AMR indicated that 4,835 units had been delivered (56% of the overall Adopted LDP total housing requirement) up to the end of March 2019. Therefore, there is 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. At this point in the plan period (13 years), it would be assumed that 7,475 dwellings would have been constructed.

The number of dwellings that have been constructed each year has been consistently below the annual average requirement (AAR) of 575 dwellings per annum for every year since 2008-9. The last published AMR identified that in the year ending 31st March 2019, only 122 dwellings were completed, which is the lowest housebuilding rate since records for Caerphilly began in 1996.

The 2019 AMR acknowledges that "housing delivery overall is significantly behind where it should be means the delivery of the housing needed to meet the Plan's housing requirement up to 2021 is being seriously compromised."

In order to address this key issue, Recommendation R2 of the AMR states "In recognition of the need to identify more land for employment and housing to support local need and regional aspirations the 8th Annual Monitoring Report recommends that a review of the Adopted LDP be commenced. Further to this, Recommendation R3 states that "in the period up to the adoption of the revised LDP, the Council will need 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."

Whilst this recommendation to increase the "housing land supply" was originally drafted to address the 5-year land supply, this should now be interpreted to seek to address the shortfall in housebuilding when compared to the LDP requirement.

Whilst this application will only deliver a single dwelling, which will make only a minimal contribution to meeting the housing requirements set out in the LDP, it nevertheless does make a contribution and this view has been supported by recent appeal decisions and as such this should be considered in the determination of this application.

On balance it is therefore considered that the erection of a dwelling at this location would not have a detrimental impact on the character or appearance of the countryside and would not lead to the loss of an otherwise undeveloped area of land. In addition to this, the site is well related to the existing built form of Waterloo and a dwelling would be compatible with adjoining uses. The proposal would also make a small contribution to addressing the shortfall in the delivery of housing. In that regard the principle of the development is considered to be acceptable in this instance.

With regard to the impact of the proposal on the landscape character and ecology of the area, as stated above it should be noted that the application site is currently used as part of the domestic curtilage of Atcombe Cottage and has the appearance of domestic garden rather than that of open countryside. There is a readily definable boundary between the application site and the adjacent SINC and the indicative layout plan shows that a dwelling can be accommodated on the site without the need to affect any of the trees or ecology within that area. The Council's Landscape Architect and Ecologist have also considered the application and do not consider that the proposal would have a detrimental impact on the character of the Special Landscape Area or on the ecology of the site.

Policy CW2 of the LDP states that developments should not have a detrimental impact on the amenity of neighbouring land. In that regard it should be noted that the originally

submitted indicative layout plan showed the dwelling set further back in the site such that it would have an overbearing impact on the rear garden of the adjacent dwelling at 9 The Meadows. However, an amended indicative layout plan has now been submitted showing the dwelling being site closer to the front of the site. Notwithstanding the submitted details, siting is reserved for future consideration and it is considered that the submitted plan shows an acceptable relationship is possible between the two properties. Given the siting of the dwelling alongside the adjacent dwelling and the location of the nearest dwelling on the opposite side of The Meadows it is not considered that there would be any direct overlooking of these properties and as such no loss of privacy would occur. In light of the above considerations it is considered that adequate indicative details have been submitted to demonstrate that a dwelling could be proposed at the site at reserved matters stage that could comply with Policy CW2.

With regard to highway safety it should be noted that no objection has been raised by the Transportation Engineering Services Manager. Whilst the highway at The Meadows has not yet been adopted by the Council, the delay in doing so is a legislative matter rather than a technical one and as such the highway is considered to be acceptable to serve the development. An adequate access to the site can be achieved and the indicative layout plan shows that sufficient parking can be provided within the site. In that regard the proposal complies with Policy CW3 of the LDP subject to conditions.

Comments from Consultees: No objections raised.

Comments from public:

- The application form describes the application site as garden land but no consent exists for such use - It is acknowledged that there is no planning consent in place for the use of the application site as part of the curtilage of Atcombe Cottage. Nevertheless, for the purposes of this application the Local planning Authority has to consider whether the proposal would have a detrimental impact on the character of the area. In that regard, the evidence held by the Council suggests that the application site has been used as a garden for in excess of 10 years and as such it is now exempt from enforcement action. Moreover, as discussed above, the appearance of the land is that of a domestic garden and it is on that basis that the Local Planning Authority has to consider this application. That issue is discussed at length above and is considered to be acceptable in planning terms.
- The application site is located outside the settlement boundary as defined in the Adopted Local Development Plan (LDP). As such, the proposal is a Departure from the LDP and conflicts with its policies that seeks to protect the open countryside - This issue is considered at length above.
- The application site falls within a Special Landscape Area and is immediately adjacent to a Site of Importance for Nature Conservation - This issue is considered above.
- The proposal would have an overbearing impact on no. 9 The Meadows - This issue is considered above.

- The planning application form states that the proposed development would rely on an existing pedestrian and vehicular access from the public highway. However, it is unclear if the applicants control the land necessary to secure an access point - The applicant has now served a land ownership notice on the owner of the land over which the access would be achieved and as such the application is acceptable in planning terms.
- The planning application form states that there will be no felling of trees as a result of the proposal. However, mature trees were recently felled before the submission of the planning application - It is acknowledged that a small number of trees were felled prior to the submission of this application. However, those trees did not benefit from any legislative protection and consent was not required for their removal prior to the submission of this application.
- Approval of the application would set a precedent for other similar proposals in the area - Each application has to be considered on its own planning merits. The justification for this proposal in this particular location is carefully considered above and the approval of this application would not set a precedent for the approval of other dwellings outside of the defined settlement limits.
- The proposal would affect the existing turning head at the end of The Meadows - As stated above it is considered that the proposal is acceptable in highway safety terms. An adequate access to the site can be achieved and there is no reason to believe that this would have any impact on the existing turning head, which is located on the opposite side of the highway from the application site.
- The road at The Meadows is not capable of dealing with additional traffic - As stated above, the proposal is considered to be acceptable in highway safety terms. The highway has been constructed to adoptable standards and is suitable for the increase in traffic associated with this proposal.

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.

In conclusion it is considered that the erection of a dwelling at this location would make a contribution towards housing provision in the County Borough, it would not have a detrimental impact on the character or appearance of the countryside and would not have a detrimental impact on designated sites adjacent to the site. Furthermore, the indicative site layout details submitted demonstrate that a dwelling could be provided in this location that would not have a detrimental impact on the amenity of neighbouring properties. The proposal is considered to be acceptable in highway safety terms and as such is considered to be acceptable from a planning perspective.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, and layout 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 and layout 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.
- 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) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan (1230/SL1) and Amended Site Layout Plan (1230/2A).  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 06) 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.

- 07) 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.
- 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) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
 REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) Details of biodiversity enhancement shall be submitted with the Reserved Matters application referred to in condition 1 above. The Biodiversity enhancement considered appropriate at this site would be the inclusion of bird/bat boxes, access for hedgehog under fences and use of native species in the planting/landscaping scheme.  
 REASON: To ensure compliance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Parking throughout the development shall be provided in accordance with LDP5 Car Parking Standards.  
 REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The proposed shared access shall have a minimum width of 4.1m for the first 10m, (which can be reduced to 3.65m thereafter), and shall incorporate a turning facility to allow vehicles to enter and leave the site in a forward gear. The access shall be constructed in permanent materials to be agreed in writing with the LPA and completed prior to beneficial occupation of the development.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

### **Deferred for Refusal**

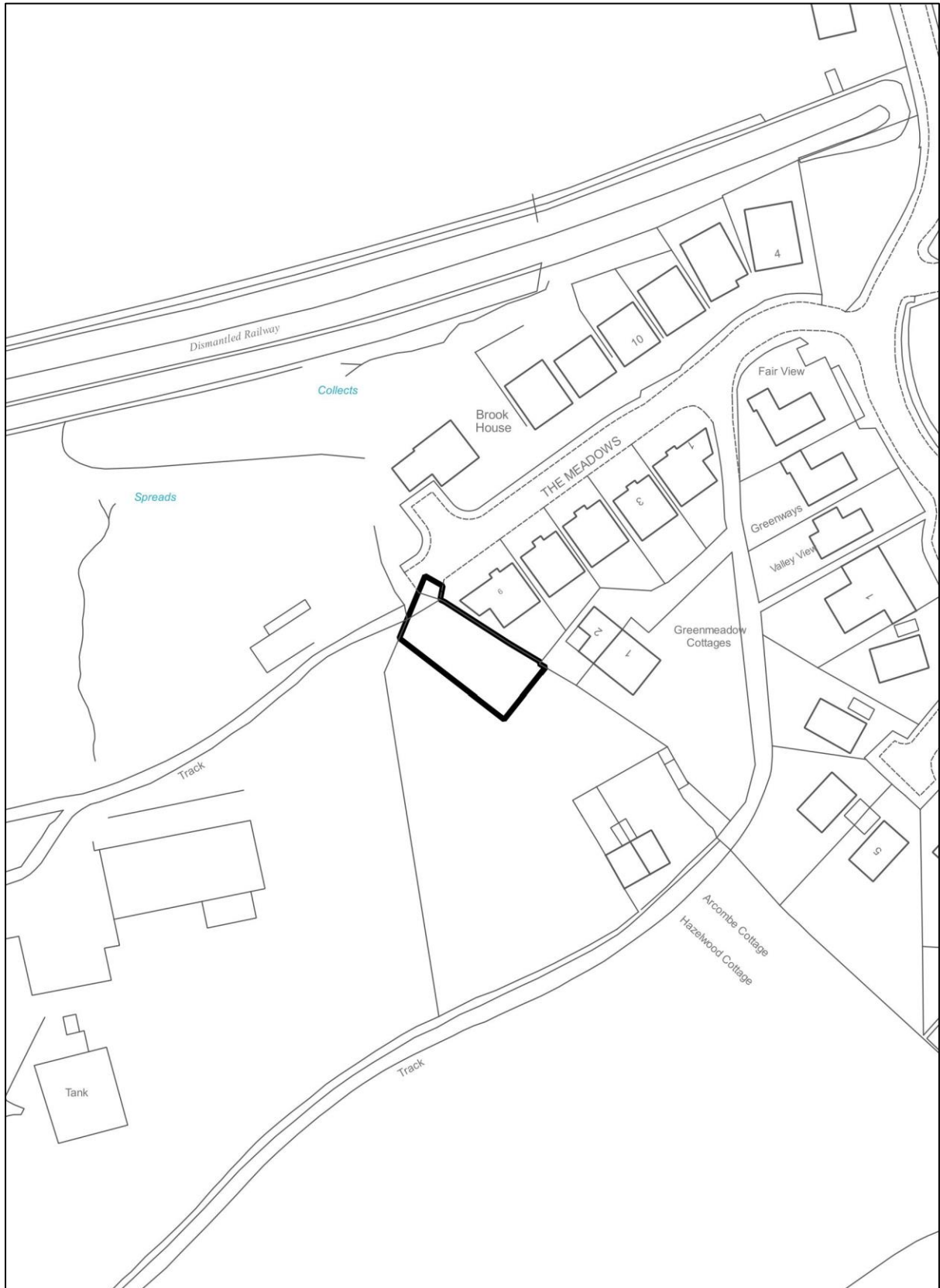
**The reasons for refusal on the following grounds:**

- 1. Unjustified development in the countryside detrimental to the character of the area.**
- 2. Scale and siting would have an unacceptable impact upon the amenity of neighbours.**

This page is intentionally left blank



# 20/0662/OUT



This page is intentionally left blank



This page is intentionally left blank





© Crown copyright and database rights 2021, OS 100025372.  
© Hawlfraint y Goron a hawliau cronfa ddata 2021, AO 100025372.

This page is intentionally left blank

**Application Number:** 20/1070/NCC

**Date Received:** 18.12.2020

**Applicant:** Mr R Owen

**Description and Location of Development:** Vary conditions 02 (approved plans and documents), 04 (car park area provision) and 06 (details of access and footpath) of planning consent 19/0053/FULL (Erect a Community Hall and Resource Centre with associated car parking and improved access from Rowan Road and garden space) - Land Adjacent To Rowan Road Ty Sign Risca

**APPLICATION TYPE:** Development without complying with conds

## SITE AND DEVELOPMENT

Location: The application site is located to the east of Rowan Road, Ty Sign.

Site description: A relatively flat plateau of informal open space directly below an area of formal play provision comprising of a playground, skate park and Multi Use Game Area (MUGA). The plateau itself measures approximately 94.0 metres wide by 34.0 metres deep at its maximum and is elevated approximately 5.0 metres above Elm Drive.

Development: Planning permission is sought to vary conditions 02 (approved plans and documents), 04 (car park area provision) and 06 (details of access and footpath) of planning consent 19/0053/FULL to erect a community hall and resource centre with associated car parking, improved access and garden area.

Dimensions: The building measures 15.78 metres in width by 15.88 metres in depth with a height of 2.72 metres to the eaves and 6.56 metres to ridge height.

Materials: The external surfaces of the building have not been specified.

Ancillary development, e.g. parking: Widening of the existing access and provision of a pedestrian footpath off Rowan Road; 14 car parking spaces, 1 disabled car parking spaces and a turning facility; security fencing enclosing the garden area; 0.6 metre high barrier rail to the top of the bank on the western side of the car park; embankment to the rear of the eastern side of the car park; 5 glazed vents in each of the south-western and north-eastern roof planes; and solar panels on the south-western roof plane.

## PLANNING HISTORY 2010 TO PRESENT

19/0053/FULL - Erect a Community Hall and Resource Centre with associated car parking and improved access from Rowan Road and garden space - Granted 21.03.2019.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within settlement limits.

Policies: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations - Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW7 (Protection of Open Space), CW8 (Protection of Community and Leisure Facilities), CW15 (General Locational Constraints) and advice contained within Supplementary Planning Guidance LDP5: Car Parking Standards.

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018) and TAN 12: Design (March 2016).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within an area where coal mining legacy issues are not considered to be an issue.

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions in respect of parking provision, surfacing materials, vision splays, pedestrian safety and rainwater run-off.

Principal Valuer - No adverse comments offered.

Head Of Public Protection - No comments received at the time of writing the report.

Senior Engineer (Land Drainage) - No comments received at the time of writing the report.

Dwr Cymru - No objection but provides informative advice regarding the requirement to obtain technical approval under Section 104 of the Water Industry Act 1991.

Ecologist - No comments received at the time of writing the report.



Landscape Architect - Four mature trees which provide considerable visual amenity are located in very close proximity to the existing / proposed access road.

Should the application be recommended for approval conditions should be imposed to any consent in respect of:

- safeguarding the existing trees;
- topographical details;
- soft landscape details;
- details of all boundary treatments including all retaining structures; and
- a plan and details of the proposed hard landscaping materials.

Senior Arboricultural Officer (Trees) - No comments received at the time of writing the report.

Parks And Open Spaces - No comments received at the time of writing the report.

Strategic & Development Plans - No comments received at the time of writing the report.

Risca East Community Council - The Community Council wishes to register its objections because the land being taken will result in a reduction of available green space for children to play.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and 33 neighbours were notified by way of letter.

Response: 10 letters of representation were received objecting to the proposed development.

Summary of observations: The following objections were raised:-

1. The land is much valued community space.
2. There are few areas of informal open space remaining for residents to enjoy at their leisure.
3. Since the pandemic the open space has been used more in that it is a flat area of land and is important for the community to be able to have access to it for health and wellbeing purposes.
4. Suggestions as to what equipment and facilities should be installed on the land to serve the interests of the community.
5. The building will restrict vantage points of the park where parents can observe their children.
6. The building is too close to a busy road and residential properties.

7. There are highway safety concerns with a car park in close proximity to a skate board park and playground.
8. On street parking is becoming a prevalent problem for existing residents, users of the group would be travelling by car and exacerbate existing problems.
9. There are existing facilities within walking distance to the site along with improved community facilities within existing community buildings to accommodate a church group.
10. The intended users of the building are not part of the local community.
11. The Charitable Incorporated Organisation 6th February 2018, this group removed themselves 5th October.
12. The Scouts no longer wish to use the building.
13. The community will be left with a building and carpark that is used exclusively for Agape activities until they decide they no longer want it and then the community will be left with an unused eyesore which poses security issues for those living near to it.
14. The opening and closing times will generate antisocial behaviour.

#### 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 is a material planning consideration in the determination of this application. From a planning perspective, community centres are best located in or near residential areas. Whilst it is acknowledged that security measures have been incorporated into the development, any anti-social behaviour will be a matter for the management of the occupiers of the building and the Police to enforce.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The council's Ecologist previously requested a series of conditions to be imposed to the original planning permission (19/0053/FULL) to safeguard the protection of any birds, protected species and reptiles. In that there has been no material change in circumstance on the site it is considered appropriate for the same conditions to be imposed to this application, should planning permission be granted.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development is CIL liable as the proposal intends to create more than 100 square metres of additional floor space. However, in that the proposed use of the building falls within a D2 use class whereby the rate is charged at £0 per square metre for new development, no CIL will be collected.

#### ANALYSIS

Policies: This application has been considered in accordance with national policy and guidance, local plan policies and supplementary planning guidance. The application site is an informal area of open space owned by this Council directly below an area of formal play provision. Planning permission (planning reference 19/0053/FULL) was granted by members of the planning committee in March 2019 to erect a community hall and resource centre on the land with associated car parking, improved access and garden area. The application for consideration seeks to amend the previously approved plans associated with planning permission 19/0053/FULL and their corresponding conditions.

In this regard it should be recognised that the Welsh Government Development Management Manual confirms that Sections 73 (2) and (4) of the Town and Country Planning 1990 Act restricts the Local Planning Authority in their determination of section 73 applications. The effect of the provisions is to limit the Local Planning Authority to considering the question of whether the conditions identified in the section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The Local Planning Authority cannot revisit the original permission and reconsider whether it should have been granted in the first place. However, as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been since the original permission was granted in order to ensure that all relevant material considerations have been assessed.

Therefore the main issues to be considered in the determination of this application are in relation to the loss of the informal open space; the provision of a replacement community facility, design; amenity and highway safety. These will be addressed in turn:-

#### LOSS OF INFORMAL OPEN SPACE

This issue was considered at length in the determination of the previously approved development (planning reference 19/0053/FULL). The application site is directly adjacent to formal play provision, however the application site is not a designated area of formal recreational space within the Adopted Local Development Plan. Notwithstanding this, it is recognised that the land is used by the community and as such the proposal would reduce the amount of informal open space within the area. Proposals for development on areas of open space within settlements are considered on the basis of Policy CW7 (Protection of Open Space). In these circumstances, an open space assessment is required to determine whether there is sufficient open space remaining in the area to meet the needs of the existing community should the development be granted consent. In this instance, a total of 1.99 hectares of useable open space is required in the area to meet the local standards.

Having regard to the developable area of the application site, the open space assessment identifies that 2.26 hectares of open space would remain within a 0.5km radius of the site. It is therefore considered that a sufficient amount of open space for

recreational purposes and visual amenity would remain in the area. The proposed development therefore accords with Policy CW7 and it would not be reasonable to warrant a refusal of planning permission relating to loss of informal open space.

## THE PROVISION OF A REPLACEMENT COMMUNITY FACILITY

The justification for the development has previously been considered at length in the determination of the approved development. There has been no change in circumstances in respect of the Channel View Community Centre. The building is not fit for purpose as a result of structural, locational and functional problems that cannot be addressed by further reasonable investment in the building. The intention remains for the building and associated land to be disposed of. In that Policy CW8 (Protection of Community and Leisure Facilities) requires a replacement or comparable facility to be provided, its re-allocation elsewhere in the community would satisfy criterion A of Policy CW8 together with the building and associated land afforded the protection by Policy CW8 in the future. The development therefore accords with Policy CW8.

Despite the objections received to the proposed development it would not be reasonable to warrant a refusal of planning permission on the basis that there are other community related buildings within convenient access of the site. The development therefore accords with Policy CW8.

## DESIGN

In terms of the design of the building itself, siting, scale, footprint, layout and visual appearance were previously considered in respect of the approved development. The proposed building remains single storey, albeit slightly taller in height. However, the resultant eaves height and footprint is slightly smaller and this in turn reflects a reduction in the required number of off-street car parking spaces to be provided.

It should be noted that the associated existing access still requires widening together with the provision of a 2.0 metre footway into the site but the pedestrian and vehicular access to and from the site involves changes to the layout that would reduce the overall length of road widening provision in order to protect the existing mature trees on the site together with a separate 2.0 metres pedestrian access being provided away from the vehicle access.

The proposed development therefore accords with Policy SP6 together with guidance contained within Technical Advice Note 12: Design and Planning Policy Wales Edition 10 and it would not be reasonable to warrant a refusal of planning permission regarding the amended layout and design of the proposed building.

## AMENITY

The character and appearance of the site in terms of visual amenity and neighbouring amenity as a result of the approved development has previously been considered.

Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses.

Whilst the proposal will change the character and appearance of the site, it is not considered that the development will have any significant adverse impacts upon the visual amenity of the surrounding area. Furthermore, given the relationship between the application site and the nearest dwellings, it is not considered that the development will result in the privacy or amenity of the nearest neighbouring occupiers being adversely affected by the development.

The proposed development therefore complies with all of the criterion associated with Policy CW2 and it would not be reasonable to warrant a refusal of planning permission on visual amenity or neighbouring amenity grounds.

## HIGHWAY SAFETY

Policy CW3 considers Highway Safety and development proposals must satisfy the following highways requirements:

- A The proposal has regard for the safe, effective, and efficient use of the transportation network;
- B The proposal ensures that new access roads within development proposals are designed to a standard that:
  - (i) Promotes the interests of pedestrians, cyclists and public transport before that of the private car, and
  - (ii) Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve.
- C Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008.
- D Where access onto a highway is required the proposal takes account of the restrictions relevant to the class of road as designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity.

Highway safety was considered in the determination of the approved development. In highway safety terms the application for consideration involves changes to the existing access road into the site and associated road widening provision, providing an alternative location for the required pedestrian footpath and a reduced number of off-street car parking spaces commensurate with the floor area of the building.

The Transportation and Engineering Manager is satisfied that the proposed development accords with Policy CW3 subject to the imposition of appropriate conditions to any consent. Therefore, it would not be reasonable to warrant a refusal of planning permission on highway safety grounds.

## CONCLUSION

The proposed development is not considered to be materially different from the scheme previously granted planning permission to erect a community hall and resource centre on the land with associated car parking, improved access and garden area (planning reference 19/0053/FULL). The principle of a community facility on the site that is currently an area of informal open space adjacent to formal outdoor play provision facilities has previously been established and the substitution of an amended design regarding the building itself, together with associated changes to the approved vehicular/pedestrian access and off-street car parking requirements is not considered to result in any material change in circumstances in terms of its impact upon visual or residential amenity as well as highway safety.

On this basis it is considered that the proposed development accords with policies SP6, CW2, CW3, CW7 and CW8 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Comments from consultees: It is noted that a number of consultees have yet to respond in writing with their formal comments at the time of writing the report. Should those comments be received in the interim, they will be reported to members verbally.

The Community Council has objected to the proposed development on the basis that the land being taken to accommodate the proposed development would result in a reduction of available green space for children to play. In that regard it is accepted that there would be a loss of informal open space and this was a matter that was previously considered as part of the approved development (planning reference 19/0053/FULL). Nonetheless, as explained in the analysis above, a sufficient amount open space would remain open space would remain in the area in accordance with the relevant policy.

Comments from public: The following responses have been provided to the issues raised:

1. The land is much valued community space.
2. There are few areas of informal open space remaining for residents to enjoy at their leisure.
3. Since the pandemic the open space has been used more in that it is a flat area of land and is an important for the community to be able to have access to it for health and wellbeing purposes.

With regards to points 1-3 there is still sufficient land left over within the site and within the surrounding area for the community to continue to enjoy for recreational purposes.

4. Suggestions as to what equipment and facilities should be installed on the land to serve the interests of the community - It is not possible for the Local Planning Authority to consider alternative uses and suggestions for the site. It can only consider the merits of the application submitted before them.

5. The building will restrict vantage points of the park where parents can observe their children - In that there is difference in levels on the site between the formal play provision and informal plateau of open space, there are more appropriate vantage points closer to the formal play provision that can be utilised if required.

6. The building is too close to a busy road and residential properties - The site's suitability has previously been considered as a result of planning permission 19/0053/FULL. Matters relating to highway safety and neighbouring amenity are material planning considerations and have been addressed in the analysis above.

7. There is highway safety concerns with a car park in close proximity to a skate board park and playground.

8. On street parking is becoming a prevalent problem for existing residents, users of the group would be travelling by car and exacerbate existing problems.

With regards to points 7 and 8, highway safety has been addressed in the analysis above.

9. There are existing facilities within walking distance to the site along with improved community facilities within existing community buildings to accommodate a church group - Alternative sites were considered prior to the submission of the approved development but were considered unsuitable. The application for consideration does not provide an opportunity to revisit the merits of the previously approved development and reconsider whether it should have been granted in the first place.

10. The intended users of the building are not part of the local community - This is not a material planning consideration.

11. The Charitable Incorporated Organisation 6th February 2018, this group removed themselves 5th October 2020 - This is not a material planning consideration.

12. The Scouts no longer wish to use the building - This is not a material planning consideration.

13. The community will be left with a building and carpark that is used exclusively for Agape activities until they decide they no longer want it and then the community will be left with an unused eyesore which poses security issues for those living near to it. The

land on which the building is to be located is within the ownership of this Council together with the building being formally designated as a community facility. The intended users of the building is not a material planning consideration together with the issue of anti-social behaviour addressed below.

14. The opening and closing times will generate antisocial behaviour - Community facilities can attract anti-social behaviour, but they are best located within the communities they serve, and any such problems should be controlled by the management of the building and Police. The hours of operation imposed to the approved development were considered acceptable for the use of the building. Notwithstanding the above, it would be within the gift of the users of the building to reduce the opening hours to suit the particular needs of those groups or individuals who would require use of the building.

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.

Living Decision Document: Condition 02 of planning consent 19/0053/FULL has been varied by consent 20/1070/NCC dated XXX granted by Caerphilly County Borough Council in respect of Dwg No. 09 C Proposed Site Plan received on 18.12.2020 and Dwg No. 20 A Floor Plans and Elevations v3 received on 18.12.2020.

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:  
Dwg No. 09 C Proposed Site Plan received on 18.12.2020; and  
Dwg No. 20 A Floor Plans and Elevations v3 received on 18.12.2020.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved



in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 04) The building shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: To ensure that adequate off-street parking is provided within the curtilage of the site in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) The proposed parking and turning area shall be completed in permanent materials, details of which shall be submitted for consideration and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation of the development.  
REASON: To ensure loose stones or mud etc, are not carried on to the public highway in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The proposed widened access to serve the proposed development, in addition to the proposed new 2m wide footway as indicated on Dwg No. 09 C Proposed Site Plan, shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and shall be completed prior to beneficial occupation of the development.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 43 metres. No obstruction or planting when mature exceeding 0.6 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Notwithstanding the submitted plans, no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating a pedestrian landing area and pedestrian restraint barrier at the termination of the proposed pedestrian access where it abuts Rowan Road. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the development commencing.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) Prior to beneficial occupation of the development hereby approved, the construction details for the proposed drop kerb crossing as indicated on Dwg No. 09 C Proposed Site Plan shall be submitted to and approved in writing by the Local Planning Authority provided in accordance with the submitted plans and thereafter completed in accordance with the agreed details.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) There shall be no obstruction to visibility greater than 0.6 metres above adjoining road level forward of a line drawn 2.0 metres back and parallel to the nearside carriageway edge over the entire site frontage along Rowan Road. Such visibility shall be fully provided prior to beneficial occupation of the development hereby approved and shall thereafter be maintained at all times.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Rainwater run-off shall not discharge into the highway surface-water drainage system.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021
- 12) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
  - b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
  - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
  - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
  - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
  - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each

- construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
  - h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
  - i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
  - j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
  - k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
  - l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
  - m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
  - n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
  - o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
  - p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
  - q) the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of hard and soft landscaping together with details of ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the

next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) No development shall take place until details of the retaining earthworks on the eastern side of the carpark have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied.  
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) No development or site/vegetation clearance shall take place until a detailed Reptile Mitigation Strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.  
REASON: To ensure that reptiles are protected, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to the occupation of the development hereby approved, nesting sites for birds shall be provided as part of the approved development.  
REASON: To improve biodiversity and further resilience of ecosystems, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales Edition 10 (2018) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 18) The use hereby permitted shall not be open to members of the public outside the following times:  
(a) 07.00 hours to 23.00 hours Monday to Saturday, and (b) 09.00 hours to 22.00 hours Sunday.

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

- 19) Notwithstanding the submitted plans details of any external and roof mounted plant and machinery (if any) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the plant or machinery and the predicted noise levels (measured as LAeq 1 hour) as measured on the boundary of the application site. Thereafter, the development shall be carried out in strict accordance with the agreed details.

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

- 20) A grease trap, details of which shall be agreed with the Local Planning Authority prior to installation, shall be installed in the foul drainage system prior to the commencement of the use hereby approved.

REASON: To prevent pollution in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 21) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.

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

- 22) Prior to the commencement of the development a scheme for on-site refuse storage (including any open air storage facilities) and for waste material awaiting disposal (including details of any screening) shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the first occupation of the development.

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

#### 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: SP6, CW2, CW3, CW7 and CW8.

Please find below the comments of The Transportation Engineering Manager that are brought to the applicant's attention.

In relation to the proposed drop crossing as conditioned, the applicant should ring (01443) 863112 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

**WARNING:**

**SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO  
COMMENCEMENT OF THIS DEVELOPMENT**

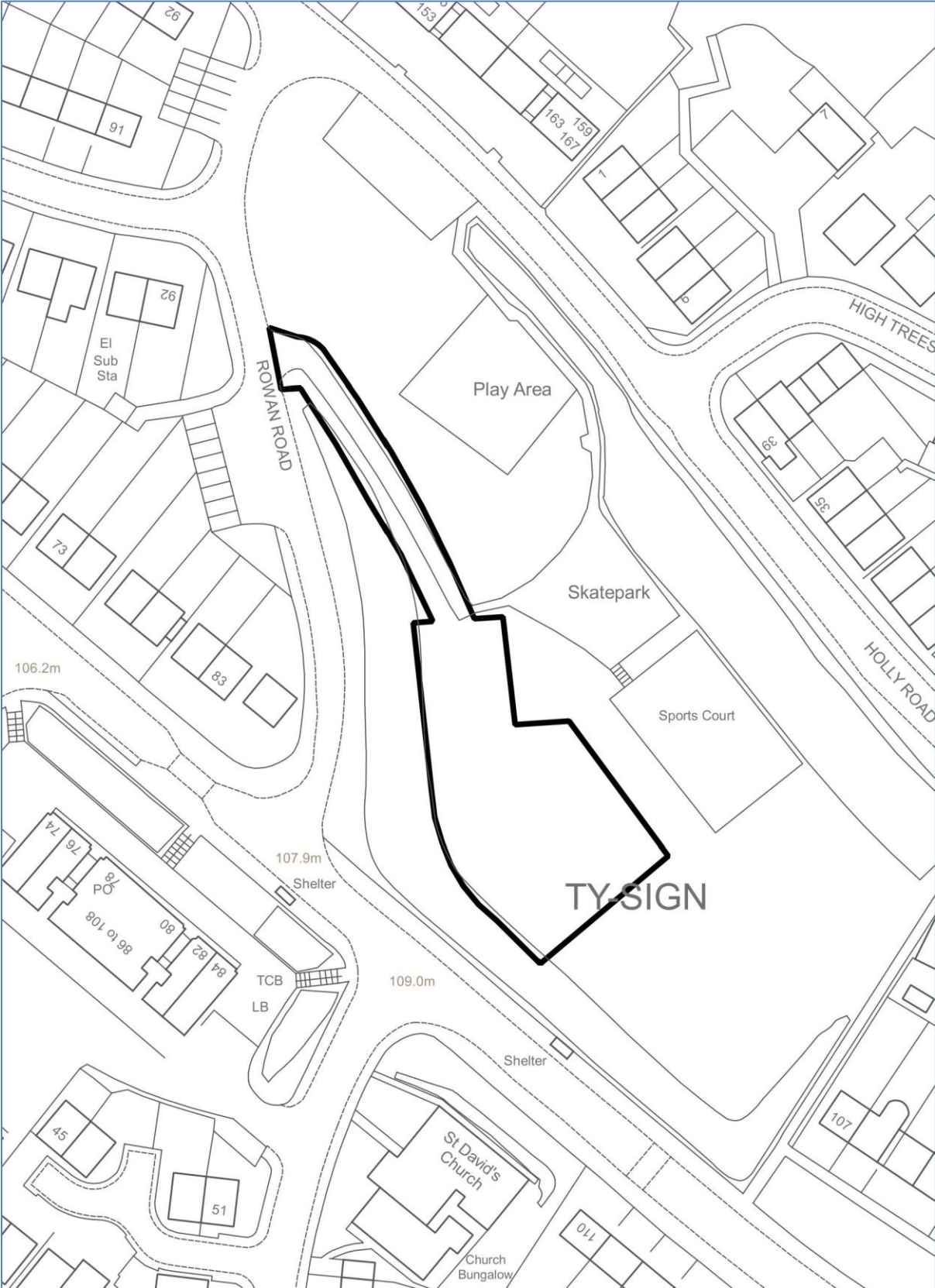
Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface 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](mailto:drainage@caerphilly.gov.uk)  
Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

Please find attached the comments of Dwr Cymru/Welsh Water that are brought to the applicant's attention.

# 20/1070/NCC



This page is intentionally left blank