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(Tel: 01443 864245 Email: [barrerm@caerphilly.gov.uk](mailto:barrerm@caerphilly.gov.uk))

**Date: 31st May 2022**

To Whom It May Concern,

A multi-locational meeting of the **Planning Committee** will be held in the Council Chamber, Penallta House, and via Microsoft Teams on **Wednesday, 8th June, 2022 at 5.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided on request.

Members of the Public or Press may attend in person at Penallta House or may view the meeting live via the following link: <https://civico.net/caerphilly>

This meeting will be live-streamed and a recording made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals present and/or speaking at Planning Committee will be publicly available to all via the recording on the Council website at [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)

Interested parties may make a request to speak in regard to any item on this agenda. To obtain further details on this process please contact the Committee Clerk [barrerm@caerphilly.gov.uk](mailto:barrerm@caerphilly.gov.uk).

Yours faithfully,

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

**Christina Harrhy**  
CHIEF EXECUTIVE

## A G E N D A

Pages

- 1 To receive apologies for absence.

A greener place Man gwyrddach



2 Declarations of Interest.

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

To approve and sign the following minutes: -

- 3 Planning Committee held on 13th April 2022. 1 - 6

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

- 4 Application No. 21/1215/FULL - Caerphilly Castle, Castle Street, Caerphilly, CF83 1JD. 7 - 22
- 5 Application No. 22/0130/NCC - Cefn Carnau Hospital, Cefn Carnau Lane, Thornhill, Caerphilly, CF83 1LX. 23 - 38
- 6 Application No. 22/0157/NCC - 9 Gwerthonor Lane, Gilfach, Bargoed, CF81 8JT. 39 - 48
- 7 Application No. 22/0341/FULL - Llwyn Cae Bungalow, Gypsy Lane, Groeswen, Cardiff CF15 7UP. 49 - 82

**Circulation:**

Councillors M.A. Adams, Mrs E.M. Aldworth (Vice Chair), A. Angel, R. Chapman, N. Dix, G. Ead, J.E. Fussell, A. Hussey, D. Ingram-Jones, B. Miles, M. Powell, R. Saralis (Chair), J. Taylor, S. Williams, A. Whitcombe and K. Woodland

And Appropriate Officers

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## PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 13TH APRIL 2022 AT 5:00 PM

#### PRESENT:

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

#### Councillors:

M. Adams, M. Davies, N. Dix, J. Fussell, R.W. Gough, L. Harding, A. Hussey, J. Ridgewell, J. Taylor

Cabinet Member: Councillor A. Whitcombe (Sustainability, Planning and Fleet)

#### Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Powell (Area Principal Planner), J. Waite (Principal Planner), M.W. Jones (Planning Officer), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), J. Hobbs (Senior Engineer), C. Lamnea (Planning Enforcement and CIL Monitoring Officer), K. Denman (Housing Solutions Manager), B. Jones (Homeless Prevention Officer), R. Barrett (Committee Services Officer), J. Lloyd (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](#) Members were advised that voting on decisions would be taken via Microsoft Forms.

### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors C. Andrews, J. Bevan, A. Higgs, B. Miles and J. Simmonds.

### 2. DECLARATIONS OF INTEREST

Councillor M. Adams sought advice from the Monitoring Officer on Agenda Item No. 7 ([Application No. 22/0018/RET](#)) due to his long involvement with objectors of the application site in his capacity as a local ward member. It was established that Councillor Adams had an open mind regarding the application, and on receiving advice he decided that he could remain in the meeting.

Councillor R. Gough declared a personal and prejudicial interest in Agenda Item 5 (Application No. 21/0342/LA) on the basis of his previous involvement with the Regeneration Project Board concerning the funding around this application, and he left the meeting when the application was discussed.

Councillor J. Taylor declared a personal and prejudicial interest in Agenda Item 6 (Application No. 21/1090/RM) as he is a friend of the former owners of the site, and he left the meeting when the application was discussed.

Councillor N. Dix declared a personal interest in Agenda Item 7 (Application No. 22/0018/RET) as an employee of Pobl who provide services to the application site but never by Councillor Dix personally or in the future and therefore he remained in the meeting during consideration of the application.

### **3. MINUTES – 9TH MARCH 2022**

It was moved and seconded that the minutes of the meeting held on the 9th March 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 10 for, 0 against and 1 abstention) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee held on 9th March 2022 (minute nos. 1-6) be approved as a correct record.

### **4. MINUTES – 23RD MARCH 2022**

It was moved and seconded that the minutes of the meeting held on the 23rd March 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 10 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 23rd March 2022 (minute nos. 1-5) be approved as a correct record.

### **5. APPLICATION NO. 21/0342/LA - LAND AT PARC PENALLTA, PENALLTA ROAD, PENALLTA, HENGOED**

Councillor R. Gough declared a personal and prejudicial interest in this item on the basis of his previous involvement with the Regeneration Project Board concerning the funding around this application, and he left the meeting when the application was discussed.

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, together with an amendment to Condition 10 in relation to parking facilities in the interests of highway safety, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 10 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report and the following amended condition the application be GRANTED;

**Amended Condition (10)**

The development shall not be brought into beneficial use until full details of parking facilities including delineated disabled parking, EV charging and coach layby has been laid out in accordance with plans that have been submitted and approved in writing by the Local Planning Authority, such areas shall not thereafter be used for any purpose other than the parking / manoeuvring of vehicles.

**Reason**

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

- (ii) Warning: A European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require a EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or via [Link to Natural Resources Wales website](#)

- (iii) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT

From 7th 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  
Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)  
Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

**6. APPLICATION NO. 21/1090/RM - AUSTIN GRANGE, MAES GLAS SOUTH UL, CAERPHILLY, CF83 1LN**

Councillor J. Taylor declared a personal and prejudicial interest in [Agenda Item 6 \(Application No. 21/1090/RM\)](#) as he is a friend of the former owners of the site, and he left the meeting when the application was discussed.

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 9 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the application be GRANTED.
- (ii) Warning: A European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require a EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or via [Link to Natural Resources Wales website](#)

- (iii) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT

From 7th 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.

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

- (iv) The applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the [Coal Authority website](#);
- (v) The applicant/developer is advised that the required strategy for the protection of reptiles should include, but not be exclusively limited to, a site timing and clearance methodology, identification of receptor site(s), reptile exclusion fencing, habitat management/enhancement, remedial measures and post development monitoring.

- (vi) The applicant/developer is advised that the biodiversity strategy should include, but not be exclusively limited to, working methodologies including timing/phasing for clearance works, wildlife friendly drainage, provision of bird nesting boxes (average one nest box per unit), buffer to water courses, 100mm gaps under all fences and site protection measures for wildlife such as preventing entrapment in trenches etc.

**7. APPLICATION NO. 22/0018/RET - CHAMBERS HOUSE, 49 BLACKWOOD ROAD, PONTLLANFRAITH, BLACKWOOD, NP12 2BW**

Councillor N. Dix declared a personal interest in Agenda Item 7 (Application No. 22/0018/RET) as an employee of Pobl who provide services to the application site but never by Councillor Dix personally or in the future and therefore he remained in the meeting during consideration of the application.

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Mrs D. Llewellyn spoke on behalf of local residents in objection to the application and Mrs C. Oliver-Thomas (Applicant's Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 8 for, 2 against and 1 abstentions) this was agreed by the majority present.

RESOLVED that subject to the conditions contained in the Officer's report the application be GRANTED.

**CHAIR'S ANNOUNCEMENT**

Before concluding the meeting, Councillor R. Saralis (Chair) highlighted that this was the last Planning Committee meeting of the current electoral term. He placed on record his thanks to Members and Officers for their participation and support during Planning Committee meetings, and extended his best wishes to retiring Members and to those standing for re-election.

The meeting closed at 6.54 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 8th June 2022.

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CHAIR

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**Application Number:** 21/1215/FULL

**Date Received:** 14.01.2022

**Applicant:** Cadw

**Description and Location of Development:** Refurbish the Great Hall, convert the existing visitor centre to a shop and erect a new Welcome Centre and associated site-wide access improvements - Caerphilly Castle Castle Street Caerphilly CF83 1JD

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site relates to Caerphilly Castle and its grounds located adjacent to Caerphilly Town Centre.

Site description: The site relates to the following buildings and external areas within the grounds of the Castle: the Great Hall, Earl's Apartment, visitor reception/shop building, area close to main castle entrance and opposite the visitor reception/shop building, Inner East Gatehouse, North Wall, area between Outer West Gatehouse and Inner West Gatehouse, area opposite South West Tower, area opposite South East Tower and surrounding Storehouse, area within the South Dam Platform and Embankment, and area within North Dam Platform and Embankment.

Development: Full planning permission is sought for the refurbishment of the Great Hall, the conversion of the existing visitor centre to a shop, the erection of a new welcome centre and associated site wide access improvements. New built development would predominantly relate to the erection of the proposed two storey welcome centre that would provide a visitor reception, cafe and toilet facilities at ground floor level and staff facilities at second floor level. The proposed building would be of a curved form with the two storey element set back and in from the single storey elevations of the building. A mono-pitch green roof system with a row of rooflights would serve the single storey element of the building while the second storey would incorporate a mono-pitch standing seam zinc roof. The proposed building has been designed to achieve a BREEAM "Excellent" rating, with a range of low and zero carbon technologies proposed, including an air source heat pump and photovoltaic panels attached to the standing seam zinc roof.

No significant external alterations are proposed to the Great Hall as part of its refurbishment. A hard wearing, permeable ground covering with perimeter drainage would, however, be installed in the adjoining Earl's Apartment which would enhance the use of the Great Hall by enabling a temporary marquee and bar to be erected when required for special events. A proposed new ramp would also link the Great Hall to the Earl's Apartment to facilitate their joint use during such events.

External alterations to the existing visitor reception/shop building are also limited to replacing single doors with double doors, timber shutters and glazing. Internal alterations would increase the retail floorspace by 18 sqm and enable the building to function as a shop and ticket office.

A number of raised deck/ramp structures and a bridge are also proposed at various locations across the site to improve visitor access.

Dimensions: The proposed welcome centre building would have a maximum width, depth and height of approximately 31.5m, 16m and 7m respectively.

Materials: The proposed welcome centre building would be finished in a mixture of brick (plinth only), timber vertical boarding, frameless glass doors and screens, powder coated aluminium framed doors and windows, and a green and standing seam zinc roof.

The proposed raised deck/ramp structures and bridge would typically comprise of galvanized steel deck/grating and support stanchions on concrete pad foundations with stainless steel handrails and diamond webnet framed balustrade.

Ancillary development, e.g. parking: A number of permeable bound gravel paths with timber edging and stone paving paths with stainless steel handrails are also proposed to improve visitor access. In addition, outdoor seating and play areas are proposed adjacent to the proposed welcome centre along with bench seating and interpretation panels throughout the Castle grounds. A number of external air source heat pump units would also be installed to serve new underfloor heating in the Great Hall, the existing visitor centre/shop building and the proposed welcome centre.

PLANNING HISTORY 2010 TO PRESENT 13/0626/FULL - Install metal safety railings to the unprotected drops, install metal stairs to afford safe visitor access and install metal footbridge over breach in north wall-walk of the Middle Ward, install metal safety railings to the unprotected drop to the north and north east wall-walks and install metal link footbridge over breach in the north/north west wall-walk (formerly the North East Tower) affording safe access to visitors to the Inner East Gatehouse of the Inner Ward - Withdrawn 16.12.2013.

14/0651/FULL - Install metal safety barriers to the middle-ward, inner-ward and north-west tower rooftop, install metal footbridge over the remains of the inner north-east tower and associated access improvement works - Granted 28.11.2014.

18/0370/FULL - Create a new attraction at Caerphilly Castle - Gilbert's Maze - Granted 26.06.2018.

18/0371/FULL - Create a new attraction at Caerphilly Castle - Dragons' Lair - Granted 26.06.2018.

19/0955/FULL - Replace footpaths, drainage and associated structural and electrical works to Caerphilly Castle Inner Ward - Granted 28.01.2020.

## POLICY

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

Site Allocation: TM1.9 (Caerphilly Castle Grounds, Caerphilly).

Policies: SP3 (Development in the Southern Connections Corridor), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints) and CW16 (Locational Constraints - Retailing).

Supplementary Planning Guidance LDP 5 Car Parking Standards (January 2017).  
Caerphilly Basin Masterplan (July 2018).

NATIONAL POLICY Planning Policy Wales (Edition 11, February 2021), Technical Advice Note 5: Nature Conservation and Planning (September 2009), Technical Advice Note 12: Design (March 2016), Technical Advice Note 15: Development and Flood Risk (2004) and Technical Advice Note 24: The Historic Environment (May 2017).

## ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? N/A.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is located in a low risk coal mining area and an advisory note can be added advising the applicant/developer of this fact if planning permission were to be granted.

## CONSULTATION

Heritage And Placemaking Officer - No objection raised to the proposed development.

Natural Resources Wales - No objection raised to the proposed development subject to any light spill onto bat foraging and commuting habitat being controlled via condition. In addition, no concerns have been raised in relation to flood risk.

Glamorgan-Gwent Archaeological Trust - No comments made in respect of the proposed development.

CADW - No objection raised to the proposed development and confirmation provided that Scheduled Monument Consent (SMC) will also be required before the proposals can commence. It is also advised that the Local Planning Authority should not place conditions on any planning permission that is granted regarding archaeological works or conservation requirements as such conditions would duplicate any conditions which are attached to the SMC.

Transportation Engineering Manager - CCBC - No objection raised to the proposed development.

Environmental Health Manager - CCBC - No objection raised to the proposed development.

Senior Engineer (Drainage) - Confirmed that separate Sustainable Drainage Approval will also be required for the proposed development. Also advised that advice is sought from Natural Resources Wales in relation to flood risk.

Dwr Cymru - No objection raised in principle to foul or surface water drainage proposals.

Ecologist - No comments received.

Landscape Architect - CCBC - No objection raised in relation to the proposed development subject to additional landscaping details being secured by condition.

Strategic & Development Plans - No comments received.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of site notices.

Response: No responses were received from members of the public. Two Councillors have submitted comments of support for the proposed development, while another Councillor has raised concerns over the proposals and requested that the application be determined by planning committee.

Summary of observations: The comments of support state the proposals and investment in the Castle would encourage more visitors and benefit the town of Caerphilly. The concerns raised relate to the proposed design being out of keeping with a 750 year old ancient castle.

### SECTION 17 CRIME AND DISORDER ACT

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

None.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes - A1 (retail) development and A3 (Restaurant, Cafe & Drinking Establishments) development have CIL charge rates of £100 and £25 per square metre respectively.

## 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 falls within tourism allocation TM1.9 which promotes tourism related activities within the grounds of Caerphilly Castle. In addition, the Caerphilly Basin Masterplan seeks to maximise Caerphilly's potential as a key tourist destination linked to Caerphilly Castle and highlights the need to work more closely with Cadw to help enhance the visitor experience of the Castle and widen its appeal. The Masterplan also indicates that improving the attractiveness of the Castle to a wider range of visitors will increase the likelihood of visitors spending more time in the Castle and its grounds as well as within the town centre.

The proposed development would enhance the tourism potential of Caerphilly Castle by providing a range of site wide access improvements alongside additional facilities within the Castle and its grounds, including a new welcome centre with reception, café and cloakroom facilities; outside seating areas; improved display and interpretation of the historic asset; an enhanced retail provision and ticket office; and a refurbished Great Hall with an improved range of facilities for special events. It is estimated that the delivery of these proposals offers the potential to cater for a 30% increase in visitor numbers, with associated increased employment opportunities in the catering, cultural and hospitality sectors. Accordingly, it is considered that the proposed development is supported by Policy TM1.9 and meets the requirements of the Caerphilly Basin Masterplan.

With regards to flooding, limited parts of the wider site fall within Flood Zones C2 and B. Technical Advice Note (TAN) 15: Development and Flood Risk describes Flood Zone C2 as an area of the floodplain without significant flood defence infrastructure. TAN 15 also describes Flood Zone B as an area known to have been flooded in the past via evidence by sedimentary deposits and is used as a precautionary approach to indicate where site levels should be checked against the extreme flood level (See Figure 1 of TAN 15).

No new buildings or built structures are, however, proposed within these flood zones and as such, the justification tests and flood consequence assessment requirements as

set out in TAN 15 are not considered applicable in this instance. It should also be noted that Natural Resources Wales (NRW) has raised no objection to the proposed development on flood risk grounds and confirmed that given the limited extent of flood risk shown to be affecting the site, the proposals could be acceptable, subject to the developer being made aware of potential flood risks. The latter can be brought to the developer's attention via a suitably worded informative if planning permission were to be granted.

In terms of visual amenity, the proposed external alterations to the Great Hall and the existing visitor reception/shop building are limited in nature and would not significantly alter the character and appearance these existing buildings. The proposed raised deck/ramp structures and bridge are also considered to be of a high standard of design and would therefore be acceptable in visual terms.

The proposed welcome centre building would predominately be single storey in height, with the second storey element set-back and set-in from the eaves of the low, mono-pitched green roof. This design approach reduces the scale and mass of the proposed building, and its curved form complements the existing visitor reception/shop building. The position and height of the proposed building has also been carefully considered so that it is concealed by the castle wall when viewed from Castle Street.

Whilst the proposed welcome centre building would be visible from Dafydd Williams Gardens to the south/southwest, it is considered that the proposed building has been designed to a high standard with the use of modern materials, such as a green roof and glazed facade, which reduce its visual impact. The variety of materials proposed is also considered to bring visual interest to the building, with the vertical timber boarding and smaller areas of glazing used towards the rear of the building providing a more solid and permanent appearance without attempting to compete with the solidity and permanence of the castle wall behind.

The proposed welcome centre building would be adjacent to a new play area and would partly enclose a new external terrace that would provide additional outdoor seating for the proposed café. Additional hard and soft landscaping are also proposed adjacent to both the proposed building and the existing visitor reception/shop building in order to accommodate revised access routes and provide an appropriate visual setting. A range of hard and soft landscaping details are proposed, including natural stone and resin bound aggregate paving, amenity grass with potential shrub planting and wildflower planting. The Council's Landscape Architect has raised no objection to the general arrangement of the landscaping scheme but has requested the submission of further planting/seeding and maintenance details for approval. Such landscaping details can be secured via an appropriately worded condition.

Given the above, it is considered that the proposed welcome centre building and other proposed external built structures represent a well-designed addition to Caerphilly Castle and its grounds, which would sit comfortably within the surrounding area. As such, the proposal is considered to comprise of a high standard of design that

reinforces attractive qualities of local distinctiveness. Accordingly, the proposal complies with the requirements of Policy SP6 of the LDP.

In relation to the historic asset, Caerphilly Castle is designated as both a Scheduled Monument and a Grade 1 Listed Building. In cases of dual-designation, the designation as a scheduled monument takes precedence and any consent application for proposed works will be determined by the Welsh Ministers through Cadw (see paragraph 5.11 of Technical Advice Note 24: The Historic Environment). It has been confirmed by Cadw that all of the proposals will require scheduled monument consent as they fall within the boundaries of the Scheduled Monument. It should also be noted that a number of the proposed works, such as those relating to the internal refurbishment of the Great Hall, do not in themselves require planning permission and their effect on the character of the building will only be considered by Cadw under the scheduled monument consent process. Cadw has also advised that if planning permission were to be granted, the Local Planning Authority should not impose any conditions relating to archaeological works or conservation requirements.

Planning Policy Wales (PPW) (February 2021) indicates that the conservation of archaeological remains and their setting is a material planning consideration (paragraph 6.1.23). TAN 24 also states that the main purpose of scheduling is to ensure the preservation of ancient monuments and there is a presumption in favour of their physical preservation. As such, there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains (see Annex A, paragraph A5).

Whilst not technically required as part of a planning application, a Heritage Impact Assessment (HIA) has been submitted which sets out the significance of Caerphilly Castle as an historic asset and assesses the impact of the proposed development on it. The HIA identifies a number of minor and moderate negative impacts as a result of the proposals, including varying degrees of visual impact where new features contrast with the aesthetic value of the Castle's distinctive medieval character. However, overall, the HIA concludes that the communal value of Caerphilly Castle would be substantially enhanced through increased opportunities for the visiting public to engage with the site's history. Moreover, traditional conservation work will further preserve the site for future generations and, collectively, the proposals will better reveal the site's high historic value through wider engagement. Cadw has also raised no objection to the proposed development.

Notwithstanding the conclusions of the HIA, Cadw will make an assessment of the significance of the negative impacts identified as part of the scheduled monument process. The Agent has confirmed that, at the time of writing, an application for scheduled monument consent had been submitted to Cadw but had not yet been determined. It should be noted that both planning permission and scheduled monument consent will be required before the proposed development can commence.

In terms of archaeology, archaeological excavations/evaluations have been undertaken in the locations of the proposed welcome centre and the Earl's Apartments where it is proposed to install a hard-wearing ground covering with perimeter drainage to allow the erection of a temporary marque during special events. The submitted Archaeological Reports (AR) indicate that a small quantity of finds (medieval/post-medieval/modern) were observed in these locations and a number of archaeological features were also identified. It is noted from both ARs that the documentary and digital archives from the archaeological excavations/evaluations will be deposited with the Royal Commission on the Ancient and Historical Monuments of Wales. Similarly, finds archives will be deposited with the National Museum for Wales. No further archaeological investigations or watching briefs have been requested by Cadw or Glamorgan Gwent Archaeological Trust in relation to the proposed development.

In respect of the setting of surrounding listed buildings, The Court House (Grade II Listed Building) and the Obelisk Memorial to Dafydd Williams (Grade II Listed Building) are located to the southwest of the proposed welcome centre building. As indicated above, the proposed building would be visible from Dafydd Williams Park and as such, would also be visible within the setting of these listed buildings. PPW advises that there is a statutory requirement to have special regard to the desirability of preserving the setting of a listed building (paragraph 6.1.10). TAN 24 also explains that the setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated embracing present and past relationships to the surrounding landscape (paragraph 1.25). Moreover, TAN 24 goes on to state that the extent of any setting is not fixed and may change as the historic asset and its surroundings evolve.

When viewed from the wider area to the south/southwest, the proposed welcome centre building would be viewed within the context of the existing, modern visitor reception building and would also sit beneath the Outer Main Gatehouse and Barbican and eastern castle wall. Moreover, the scale and mass of the proposed building has been limited through the incorporation of a smaller second storey and the use of a green roof and extensive glazing, which helps the building blend into its surroundings and appear subservient to the Castle. It is therefore considered that the proposed development would preserve the setting of The Court House and the Obelisk Memorial to Dafydd Williams Listed Buildings, and accordingly, meets the requirements of PPW and TAN 24 in respect of this matter.

In terms of parking, there are no existing car parking facilities within the grounds of Caerphilly Castle, due to its scheduled monument status. As such, both staff and visitors currently utilise nearby public car parks and public transport when visiting the site. Whilst new uses, such as the café within the proposed welcome centre building, would normally require associated car parking provision in accordance with the Car Parking Standards SPG, such provision must be balanced against the harm that would be caused to the setting of this historic asset. Moreover, the Transportation Engineering Manager has raised no objection to the proposed development on highways and parking grounds and it is recognised that the Castle is located in a highly sustainable location and is well served by bus stops located immediately to the east of the site and



Caerphilly train station located approximately 600m to the south. A covered storage for cycles is also proposed in the external area between the proposed welcome centre building and the castle wall that would facilitate the use of this sustainable mode of transport by staff.

With regards to retail policy, the proposals include reconfiguring the existing visitor reception/shop building which would involve internal alterations that would create an enlarged and enhanced retail area. As the application site lies just outside of the town centre boundary, the proposed increase in retail floor area must be considered against the requirements of Policy CW16 which states that, among other things, additional retail floorspace will only be permitted where the change of use is 1,000 square metres or less in size and would serve neighbourhood needs or is ancillary to another commercial use (criterion C). The reconfigured shop would remain ancillary to the primary tourism use of Caerphilly Castle and the proposed increase in retail floorspace would measure just 18 square metres. Accordingly, the proposal would meet the requirements of Policy CW16 of the LDP.

In respect of Ecology, the main built development proposed relates to the new welcome centre building that would be located in an area which comprises of closely mown amenity grassland and existing hard surfaces. The submitted Ecology Appraisal Report (EAR) confirms that the habitats within the survey area are of low ecological value with very limited potential to support protected species and do not represent any constraint to the proposed development. The EAR also indicates that whilst the wall directly adjacent to the proposed welcome centre building has negligible potential to support roosting bats, there are multiple features suitable for bats to roost within various castle structures and high levels of bat activity have been recorded around the inner moat. As such, there is potential for the proposed development to have an indirect impact on bats through light spill on the adjacent castle structures and inner moat and runoff/pollution effects on the moat and connected waterbodies arising from construction activities. In order to mitigate such impacts, the EAR recommends the avoidance of night working, appropriate lighting control to be implemented into the final design of the new building and the implementation of industry standard pollution prevention measures to be implemented throughout construction.

NRW has reviewed the submitted EAR and raised no objection to the proposed development subject to light mitigation measures being secured via condition. An advisory note has also been recommended in relation to pollution prevention measures for the adjacent castle moat during the construction phase. As such, subject to the imposition of the aforementioned condition, it is not considered that the proposed development would adversely affect bat foraging and commuting habitat. Accordingly, the proposal would meet the requirements of Policies SP10 and CW4.

With regards to amenity, the primary use of the Caerphilly Castle as a heritage tourist attraction would remain unchanged as a result of the proposals and the proposed welcome centre building, along with the other proposed built structures, would be largely contained within the castle walls. The proposed development would not

therefore have an unacceptable impact on the amenity of adjacent properties or land and would remain compatible with surrounding land uses. Accordingly, the proposal would meet the requirements of Policy CW2 of the LDP.

Comments from consultees: Comments from consultees have been addressed above.

Comments from public: Concerns raised in relation to the impact of the proposed development on Caerphilly Castle have been addressed above.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan, Drawing No. CCR-PUR-ZZ-XX-DR-A-00100 (Rev. P01), dated 20/05/2022;  
Proposed Site Plan, Drawing No. CCR-PUR-B1-XX-DR-A-02100, dated 23/11/2021;  
Access Works Site Plan, Drawing No. CCR-PUR-A1-00-DR-A-00003, dated 08/11/2021;  
New Welcome Centre and Refurbished Shop Proposed Ground Floor Plan, Drawing No. CCR-PUR-B1-00-DR-A-03100, dated 23/11/2021;

New Welcome Centre and Refurbished Shop Proposed First and Roof Plan, Drawing No. CCR-PUR-B1-ZZ-DR-A-03101, dated 23/11/2021;  
New Welcome Centre Proposed Elevations - Sheet 1, Drawing No. CCR-PUR-B1-EL-DR-A-03300, dated 23/11/2021;  
New Welcome Centre Proposed Elevations - Sheet 2, Drawing No. CCR-PUR-B1-EL-DR-A-03301, dated 23/11/2021;  
New Welcome Centre Proposed Sections, Drawing No. CCR-PUR-B1-SC-DR-A-03201, dated 23/11/2021;  
Shop Proposed Elevations and Sections, Drawing No. CCR-PUR-B1-SC-DR-A-03200, dated 23/11/2021;  
Shop Elevation and Sections Demolitions, Drawing No. CCR-PUR-B1-SC-DR-A-00201, dated 23/11/2021;  
Shop Ground Floor Plan Demolitions, Drawing No. CCR-PUR-B1-00-DR-A-00102, dated 23/11/2021;  
The Great Hall Proposed Elevations, Drawing No. CCR-PUR-A1-EL-DR-A-03300, dated 08/12/2021;  
The Great Hall Proposed Ground Floor Plan, Drawing No. CCR-PUR-A1-00-DR-A-03100, dated 08/12/2021;  
The Great Hall Proposed First Floor Plan, Drawing No. CCR-PUR-A1-01-DR-A-03101, dated 08/12/2021;  
The Great Hall Proposed Roof Plan, Drawing No. CCR-PUR-A1-XX-DR-A-03102, dated 08/12/2021;  
The Great Hall Proposed Internal Elevations East, West & Entrance Lobby, Drawing No. CCR-PUR-A1-SC-DR-A-03201, dated 08/12/2021;  
The Great Hall Proposed Internal Elevations North & South, Drawing No. CCR-PUR-A1-SC-DR-A-03200, dated 08/12/2021;  
The Great Hall Proposed Staircase Details, Drawing No. CCR-PUR-A1-ZZ-DR-A-20000, dated 08/12/2021;  
Earls Apartment Proposed Ramp Details, Drawing No. CCR-PUR-A1-00-DR-A-20001, dated 08/12/2021;  
Earls Apartment Proposed Ramp Details, Drawing No. CCR-PUR-A1-00-DR-A-20002, dated 08/12/2021;  
Earls Apartment Proposed Sections, Drawing No. CCR-PUR-A1-00-DR-A-03202, dated 08/12/2021;  
Watergate Entrance Details, Drawing No. CCR-PUR-A1-SC-DR-A-52800, dated 08/12/2021;  
Access Works Item 2 - As Proposed, Drawing No. CCR-PUR-A1-00-DR-A-03130, dated 08/11/2021;  
Access Works Item 4 - As Proposed, Drawing No. CCR-PUR-A1-00-DR-A-03131, dated 08/11/2021;  
Access Works Item 5 - As Proposed, Drawing No. CCR-PUR-A1-00-DR-A-03132, dated 08/11/2021;  
Access Works Item 8 - As Proposed, Drawing No. CCR-PUR-A1-00-DR-A-031337, dated 08/11/2021;  
Access Works Item 10 - As Proposed, Drawing No. CCR-PUR-A1-00-DR-A-03134, dated 08/11/2021;

Access Works Item 11 - As Proposed, Drawing No. CCR-PUR-A1-00-DR-A-03135, dated 08/11/2021;  
Access Works Item 12 - As Proposed, Drawing No. CCR-PUR-A1-00-DR-A-03136, dated 08/11/2021;  
Access Works Item 12 - Section As Proposed, Drawing No. CCR-PUR-A1-00-DR-A-03137, dated 08/11/2021;  
External Works Details, Drawing No. CCL-ASL-00-ZZ-DR-L-0910 (Rev. P1), dated 28/10/21;  
Landscape General Arrangement, Drawing No. CCL-ASL-00-ZZ-DR-L-0900 (Rev. P5), dated 29/10/21; and  
Ecological Appraisal, Caerphilly Castle New Visitor Centre, prepared by BSG Ecology, dated 26th July 2021; and  
Bat Report 2021, Caerphilly Castle, prepared by BSG Ecology, 4th August 2021.  
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 welcome centre building hereby approved details of the materials to be used, in electronic or printed format 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 SP6 of the adopted Caerphilly Local Development Plan up to 2021.
- 04) Notwithstanding the details forming part of the submitted plans, prior to any works progressing beyond ground preparation and laying of the slab of the wellbeing centre building hereby approved a detailed scheme depicting soft landscaping together with a programme for long term maintenance of the landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting or seeding season following the wellbeing centre building being brought into beneficial use. 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 policy SP6 of the adopted Caerphilly Local Development Plan up to 2021.
- 05) Prior to the installation of any external lighting, details of a scheme of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed lighting scheme.  
REASON: To ensure adequate protection to protected species in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

### Advisory Note(s)

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

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

#### WARNING:

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

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 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)

The applicant/developer is advised that small areas within the site fall within Flood Zones C2 and B according to Natural Resources Wales Development Advice Map. Further information can be accessed at:

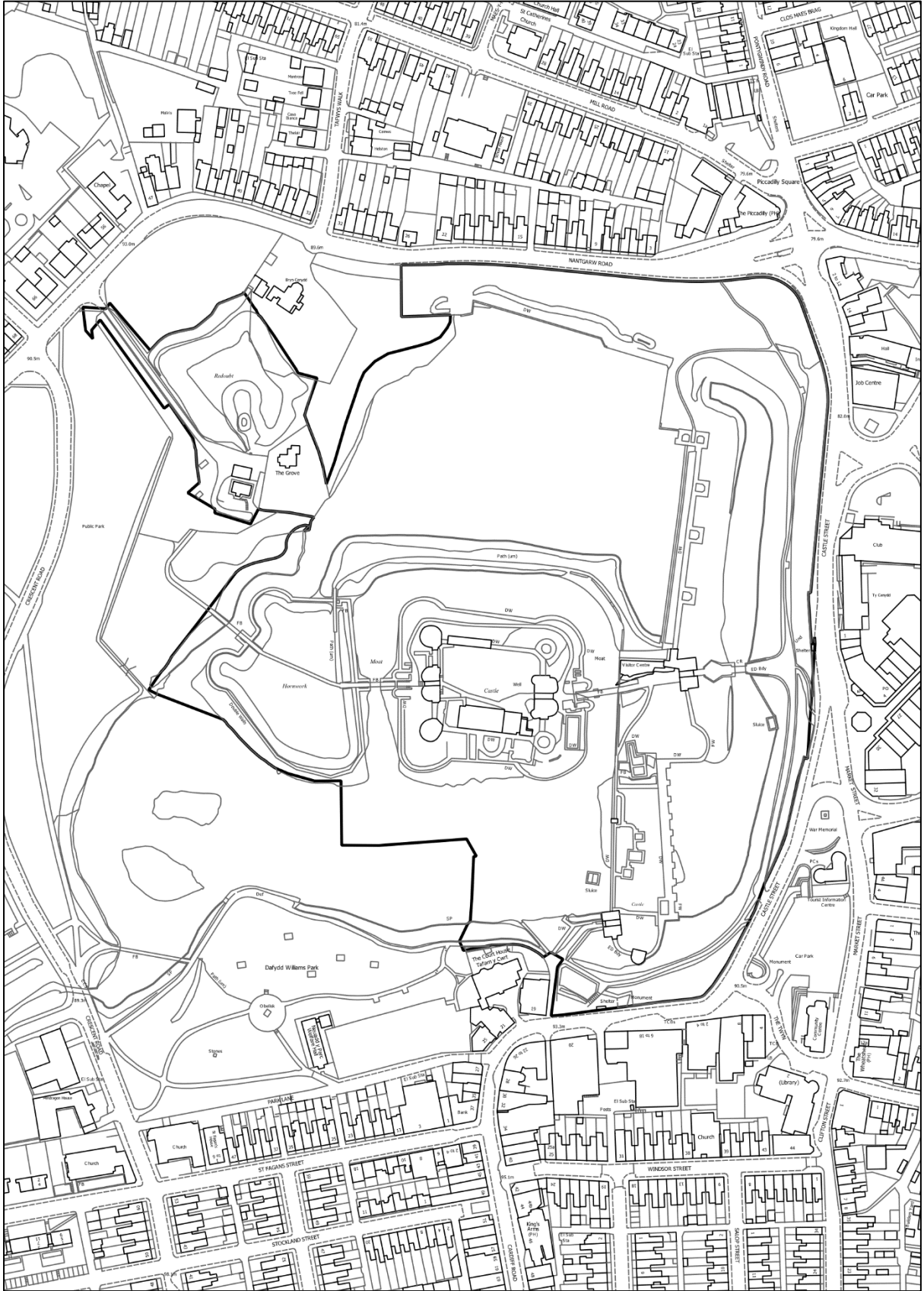
<https://naturalresourceswales.gov.uk/flooding/flood-map-for-planning-development-advice-map/?lang=en>

The applicant/developer is advised that the site lies adjacent to a waterbody (Castle moat fed by the Nant Gledyr). Appropriate pollution prevention measures must be implemented during construction works to protect the water environment. Guidance for Pollution Prevention (GPP) documents are available on the NetRegs website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Particular regard should be had to GPP5 Works and maintenance in or near water. Further pollution prevention advice or support is also available from Natural Resources Wales at: [et.newportcaerphilly&blaenaugwent@cyfoethnaturiolcymru.gov.uk](mailto:et.newportcaerphilly&blaenaugwent@cyfoethnaturiolcymru.gov.uk)

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**Application Number:** 22/0130/NCC

**Date Received:** 21.03.2022

**Applicant:** Montpelier Estates Limited

**Description and Location of Development:** Vary condition 2 (Approved Plans) of planning consent 18/0571/FULL (Erect a 22 bed, low secure, locked rehabilitation facility on land to the rear of the existing buildings together with the re-configuration of the car park to create 60 spaces and associated landscaping) - Cefn Carnau Hospital Cefn Carnau Lane Thornhill Caerphilly CF83 1LX

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

## SITE AND DEVELOPMENT

Location: The application site is located set back from Cefn Carnau Lane approximately 250m to the east of Mountain Road and 1km to the south of Caerphilly.

Site description: The application site is an existing secure hospital providing services to vulnerable members of the public. The site comprises the complex of buildings which form Cefn Carnau hospital. The main building is divided into three residential units each served with their own enclosed garden area. There is an additional free-standing building to the west which provides staff accommodation, therapy and meeting rooms. The car parking is located at the front of the site set within grassed amenity space. The site also includes a tennis court, communal gardens an allotment and areas of general amenity space.

The hospital currently provides 22 beds which are split into 3 wards. Each has its own separate garden within a larger communal ground space which includes a tennis court and an allotment plot. There is a therapy centre on site which includes an IT suite, an ADL (Activities of Daily Living) kitchen, a sensory room and a large multi-purpose room which is used for a variety of activities.

The application site lies to the rear of the existing building complex on an area of open ground which is currently unused amenity space. The area is securely enclosed by a timber fence along the northern boundary with the existing buildings and a wire mesh fence some 3.5 metres in height around the remaining perimeter.

Outside of the security fence are mature trees (located some 2m from the fence) which screen views into and out of the site. To the east of the application site and still contained within the fencing and tree screen is the allotment area. Beyond the perimeter fence and tree planting on all sides are open fields with an electricity pylon and cables just outside of the site to the south. The Rhymney Valley Ridgeway walk; a long distance footpath is located to the south of the site running in an east-west direction.

Development: The original scheme which has planning permission proposed a purpose built acute, low secure, locked rehabilitation facility to meet the standards at the time of submission for patient, staff and visitor welfare. The proposed building provided 22 beds and supplementary accommodation for gender specific wards. It was proposed to create two 8 bed wards and one 6 bed ward designed flexibly to enable the wards to change size if required. The building was designed to provide a safe, welcoming environment for the rehabilitation of patients, whilst meeting the necessary operational standards of the facility.

Since the time of the earlier permission as explained in the Design Statement submitted with this application it is stated by the applicant that further consideration has been given to the functioning of the building and it was recognised that further changes to the approved layout need to be made to create a building which meets the operation requirements of the provider and the national standards set by the Healthcare Inspectorate Wales (HIW).

The revised scheme incorporates the following:

- Reception area separated from patient communal area by secure staff and visitor air lock lobbies.
- Ancillary staff areas accessed via secure separate lobbies or dedicated entrance monitored via control base.
- Fully compliant tribunal suite within the secure envelope of the proposal easily accessed from the main reception.
- Dedicated visit room with secure lobby access adjacent to the main reception, allowing safe secure access for patients and guests.
- Communal Activities of Daily Living (ADL) Cafe/Kitchen, IT Suite, and Art rooms.
- 2 No. 11 bed wards allowing for complete separation and better operational functionality.
- Seclusion Suites on-ward with dedicated outside space.
- Individual Lounge and Dining rooms allow for separation of functionality if required.
- Dispensary off the clinic allowing for patient privacy.
- Dedicated staff only servery with separate ADL Kitchen for patient use.
- Central indoor recreation space monitored from the adjacent nurse station.
- On-ward interview/telephone room allowing patients private communications when required.
- On-ward patient ADL utility for washing of personal clothing.
- Dedicated secure patient storage room for larger/restricted items.
- Ward manager office adjacent to nurse station.
- Lifts to First Floor for Equalities Act compliance.
- Dedicated administration area on First Floor including offices and meeting rooms with separated secure access.
- Production kitchen and store with lift access to Ground Floor and servery required for stand alone unit.

- Commercial laundry with linen store required for stand alone unit.
- Large dedicated secure ward gardens with communal amenity space.
- The revised proposal is arranged around 3 external courtyards and laid out to create 2 wards linked by a communal core block.
- The complex provides 'family units' for a small group of patients accommodated within self-contained wings with access to the designated garden area.

The layout of each wing is 'L-shaped' and based around one long corridor, clearly visible from the nurse station, with individual patient rooms, spacious open lounges, staff offices and catering and cleaning facilities stemming from the central corridor. The corridor system and internal layout is stated by the applicant to resemble that which is frequently used within hotel and offices developments, where there are private spaces as well as communal areas. It is also described within the submitted documentation that the layout has been carefully designed to provide suitable separation between the private areas (bedrooms) and a series of domestic scale communal spaces to create a dignified environment that offers appropriate privacy and activities.

The 2 separate wards are linked by an entrance area / central core element that can be shared by patients and is easily accessible by external consultants and visitors, without a need to enter the patient's only zone. Non-patient areas, including offices, staff training, staff room and changing facilities, kitchen, laundry and plantroom are located on the first floor, predominantly within the roof void, away from the secure environment. The revised design seeks to ensure there is no need for the office and supporting staff to enter the patients' areas.

The application documentation also highlights that the approved scheme had no provision for Tribunal, Production Kitchen and Laundry, all necessary to register as a stand-alone low secure hospital. Introduction of those services, has resulted in a small increase in the floorspace (from 1799m<sup>2</sup> to 1920m<sup>2</sup>), however the overall height of the building has been reduced.

Dimensions: The approved scheme building (18/0571/FULL) had overall dimensions of 86m by 28m with a ridge height of 8.3m apart from a small two storey central element at a height of 11m.

The revised scheme within this application has overall dimensions of 91m by 30m with a height of 7.5m.

Materials: The building is to be constructed using a variety of materials including red and buff bricks, timber effect cladding, off white render (apart from a colour feature element), dark grey aluminium windows and a slate tiles and single ply membrane.

Ancillary development, e.g. parking: It is proposed that the existing car park be reconfigured to provide an increase in the number of spaces and make a more efficient use of the area. There are currently 39 car parking spaces and the current application

proposes to increase this to a total of 56 spaces (including 3 assisted bays). A new cycle store is also proposed on the edge of the car park.

PLANNING HISTORY 2010 TO PRESENT 11/0956/FULL - Erect 3.9 metre high mesh perimeter fence (to replace existing 2.4 metre - 3 metre high security fence) - Refused 12.03.2012.

12/0469/FULL - Erect a 3.5m high mesh perimeter fence to replace existing 2.4m to 3m high perimeter fence - Granted 07.08.2012.

14/0049/FULL - Erect single-storey temporary building for a period of 12 months in order to provide meeting area for family visits - Granted 11.03.2014.

18/0571/FULL - Erect a 22 bed, low secure, locked rehabilitation facility on land to the rear of the existing buildings together with the re-configuration of the car park to create 60 spaces and associated landscaping - Granted 19.10.2018.

## POLICY

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

Site Allocation: The site lies outside the defined settlement boundary.

## Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW15 (General Locational Constraints), CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) and NH1.5 (South Caerphilly Special Landscape Area).

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.

Supplementary Planning Guidance LDP 6 Buildings in the Countryside gives relevant advice.

National Policy: Planning Policy Wales (Edition 11).

Paragraph 3.9 states:- 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 3.10 states:- In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.

National Planning Guidance contained in Technical Advice Notes 6 - Planning for Sustainable Rural Communities and 12 - Design.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

### COAL MINING LEGACY

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

### CONSULTATION

Transportation Engineering Manager - CCBC - No objections subject to detailed highway considerations.

Landscape Architect - CCBC - Advises that additional information on trees should be submitted.

Natural Resources Wales - No objections, recommend previous condition on pre-commencement bat survey be attached to any new permission issued.

Senior Arboricultural Officer (Trees) - Has considered the submitted Tree Protection Plan and has raised no objections and recommends planning conditions in respect of trees be attached to any permission.

Ecologist – No response received.

Environmental Health Manager - CCBC – No response received.

CADW – No response received.

Senior Engineer (Drainage) - No comments but advise that any drainage conditions on the original approval are carried forward to any new approval.

Waste Strategy and Operations Manager – No response received.

Dwr Cymru - No objections.

Police Architectural Liaison Officer – No response received.

Western Power Distribution - Can you make the applicant aware that if they require a new connection or a service alteration, they will need to make a separate application to WPD.

Care & Social Services Inspectorate Wales (CSSIW) – No response received.

Social Services - Supporting People Manager – No response received.

Social Services (Mental Health / Adult Services) – No response received.

Healthcare Inspectorate Wales – No response received.

Heritage And Placemaking Officer - Following small amendments to the building design has no further comments.

### ADVERTISEMENT

Extent of advertisement: The application was advertised via site notice, press notice and a neighbour notification letter was sent.

Response: No responses received.

Summary of observations: None.

### SECTION 17 CRIME AND DISORDER ACT

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

It is not considered that crime and disorder will be materially affected by the development.

### EU HABITATS DIRECTIVE

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

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development type is zero rated for CIL purposes.

### ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plan policy and supplementary planning guidance.

The principle of the development in the terms of a new ward building at the existing hospital site was considered under application 18/0571/FULL and was found acceptable with planning permission granted. The current application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary the approved plans condition seeking to agree amendments to the approved building's layout and design and scale.

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.

Since the earlier planning permission was granted Future Wales The National Plan 2040 has been adopted by Welsh Government and is a material planning consideration in terms of the national planning policy context. The proposed development will contribute to the improvement of healthcare within the south-east region and is considered to accord with the strategic aims of Future Wales (and also the Well-being of Future Generations (Wales) Act 2015) in supporting the aim of a healthier and more equal Wales. It is noted that the facility would not be located within a town centre however this development is an improvement of an existing care facility rather than the provision of a new facility and so the location is considered acceptable.

It is considered that the same Local Development Plan Policy considerations which were considered under application 18/0571/FULL are also relevant to the current application.

The proposed development lies outside the settlement boundary of Caerphilly, within the South Caerphilly Special Landscape Area (Policy NH1) and within the Southern Connections Corridor. In such locations strategic policies (SP3 - Development Strategy - Developments in the Southern Connections Corridor and SP5 - Settlement Boundaries) and countywide policies (CW15 - General Locational Constraints) of the adopted Local Development Plan require development to be located within the settlement boundary. Whilst this criterion is not achieved by the current proposal, it should be noted that the application seeks an extension to an existing facility and as such Policy CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) is relevant.

Policy CW15 (General Locational Constraints) states:-

C Outside settlement boundaries proposals will not be permitted unless the proposed development is either

iv Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere

Whilst the proposed development does not fit clearly into one of the stated exceptions, it is clearly a facility that cannot reasonably be located elsewhere, bearing in mind the existing facility at the site.

In respect of extensions Policy CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) states:-

CW20 The conversion, extension or replacement of a building outside settlement boundaries will be permitted where:

C Extension is justified by demonstrating that:

- i The scale, form and design of the extension respects the scale and character of the original building, which remains the dominant element;
- ii The extension does not result in the loss of undeveloped countryside
- iii The extension does not result in the domestication or urbanisation of an otherwise rural setting

Whilst the proposed new building has a larger footprint than the existing facility and would have a slightly larger floorspace than the previously approved scheme, it is still considered that the proposal complies with criterion Ci above. The new building is located behind the existing building, is effectively screened by both it and the natural vegetation around the site. It is also largely single storey and as such the existing facility still remains the dominant element from a visual perspective.



The site of the proposed new building, whilst on an area currently grassed, is within the developed area of the application property being enclosed by fencing and accessible by those residing at the hospital. In that regard it is considered that the proposal would not lead to the loss of undeveloped countryside and it would not therefore lead to the domestication or urbanisation of an otherwise rural setting. The proposal therefore complies with criterion Cii and Ciii of the above policy.

The site is within a special landscape area, where policy requires that, "Development proposals that affect locally designated natural heritage features, will only be permitted: A) Where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA) or Visually Important Local Landscape (VILL)."

The earlier permission found the building height and massing acceptable in the South Caerphilly Special Landscape Area and the current proposal whilst being several metres longer in length, is significantly lower in height and the site remains well screened. It is considered that the development, being mainly single storey, to the rear of the existing building, and within the existing premises curtilage will preserve the features of the Special Landscape Area according with Policy NH1 (Special Landscape Areas).

The changes proposed seek to agree alterations to the footprint and design of the building. The design of the building is considered acceptable and accords with Policy SP6 (Placemaking).

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. The application site is sufficiently separated from residential properties to avoid any unacceptable impacts on neighbour amenity or privacy and the development accords with Policy CW2 (Amenity).

The proposal will increase parking and cycle provision at the hospital and has been reviewed by The Transportation Engineering Manager who raises no objections to the proposal. However in order to accord with the development description which states 60 car parking spaces are included a revised parking plan is proposed to be required by planning condition to show the 60 spaces. The proposed development accords with Policy CW3 (Highways).

Comments from Consultees: The Landscape Officer advised that further information on trees was required. The applicant has submitted further information and this has been reviewed by the Arboricultural Officer who has raised no objections. The proposed scheme is lower in height than the previously approved scheme and it is proposed that full landscaping details will be required through a planning condition to ensure suitable landscaping/screening is agreed.

Comments from public: None.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

In conclusion it is considered that the proposal is acceptable in planning terms subject to the imposition of conditions.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan, drawing reference 20011/F01/S01/Rev/.  
Proposed Site plan, drawing reference 20011/F01/S02/Rev/F.  
Proposed Ground Floor plan, drawing reference 20011/F01/001/Rev/C.  
Proposed First Floor plan, drawing reference 20011/F01/002/Rev/B.  
Proposed Roof plan, drawing reference 20011/F01/003/Rev/B.  
Proposed Section plan, drawing reference 20011/F01/004/Rev/C.  
Proposed Elevation plan, drawing reference 20011/F01/EL01/Rev/C.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local

Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.

REASON: To ensure the development is served by an appropriate means of drainage.

- 04) Notwithstanding the submitted plans within 3 months of the date of this permission revised car parking plans showing 60 car parking spaces shall be submitted for the written approval of the Local Planning Authority. The development shall not be occupied until the revised parking area agreed under this condition and indicated for the parking of vehicles has been laid out in accordance with the approved plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) The proposed parking area shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. are not carried on to the public highway.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) 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.
- 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) The development shall be carried out in accordance with the submitted ArbTS Tree Protection Plan and the Arboricultural Method Statement contained on the plan. This shall include the following measures (inter alia) being adhered to:  
a) Tree Protection Fencing erected in accordance with the plan prior to any clearance work or machinery associated with the development being brought onto site and All Weather Construction Exclusion Zone posters attached to the fencing. The Tree protection fencing shall be maintained until the completion of the development works (unless otherwise agreed in writing by the Local Planning Authority).

- b) Soil remediation in areas to be planted must be to the specification and satisfaction of the project Arboriculturist, to ensure excellent conditions for future tree growth.
- c) All service runs (overhead or underground) to be located outside root protection areas and outside areas reserved for replacement tree planting.  
 REASON: To ensure the adequate protection of existing tree on/near the site in accordance with policy CW4 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) No development including site clearance, with the potential to impact on bats, shall commence until a pre-construction bat survey has been carried out for the development. If the survey confirms the presence of bats the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.  
 REASON: To ensure the potential presence of bats is confirmed prior to construction and where necessary remedial measures are implemented for their protection.
- 10) Prior to the construction of any external walls (above a height of 0.5m) associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new building at Cefn Carnau Hospital, Thornhill, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building hereby approved is first occupied.  
 REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 11) Prior to the commencement of any works on site or within 3 months of the date of permission (whichever is the later), details of the provision of nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the new building at Cefn Carnau Hospital, Thornhill, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building hereby approved is first occupied.  
 REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 12) Prior to the commencement of the development or within 3 months of the date of the permission (whichever is the later) a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:

- (a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
- (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
- (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: In the interests of the visual amenity of the area in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

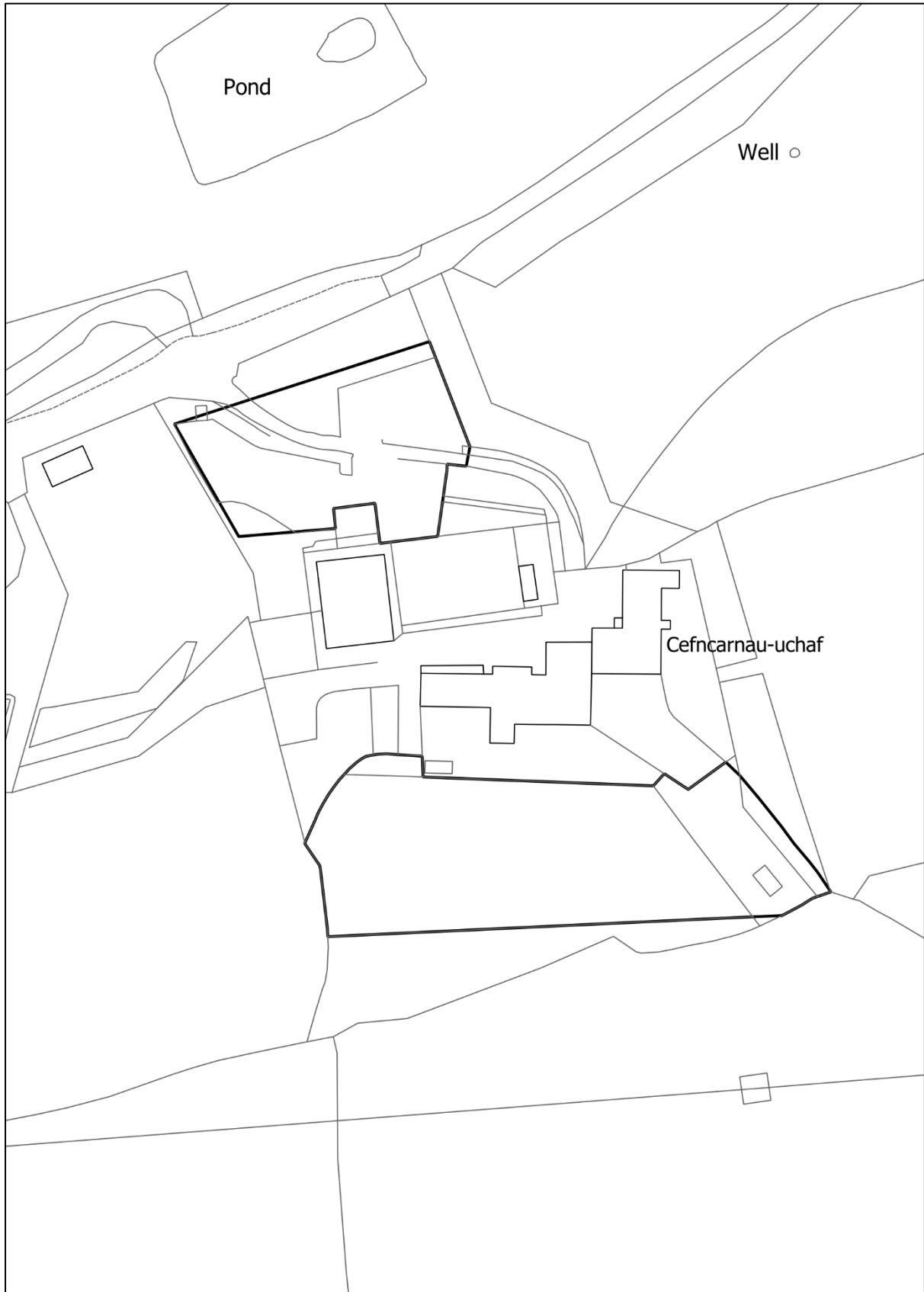
Please find attached the comments of Dwr Cymru/Welsh Water, Natural Resources Wales and Western Power Distribution. that are brought to the applicant's attention.

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

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

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

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**Application Number:** 22/0157/NCC

**Date Received:** 17.02.2022

**Applicant:** Mr Pizey

**Description and Location of Development:** Vary condition 02 (Approved Plans) of planning consent 20/0713/FULL (Erect single storey rear and side extension, demolish existing garage, conservatory and side porch and provide L shaped single storey extension and replace roof to create a three bedroom dormer property) to alter two individual dormers to one continuous dormer along the rear elevation of the roof - 9 Gwerthonor Lane Gilfach Bargoed CF81 8JT

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

## SITE AND DEVELOPMENT

Location: Number 9, is located on the western side of Gwerthonor Lane.

House type: Dormer bungalow with flat roofed garage extension to southern elevation and conservatory projecting from the rear elevation. Works to implement 20/0713/FULL have commenced on site.

Development: Permission is sought to vary condition 02 (Approved Plans) of planning consent 20/0713/FULL to amend the design of the development approved under 20/0713/FULL, by the addition of two dormers to the front elevation, increase in the size of the box dormer to the rear elevation and change roof from a hipped to a ridged roof.

Dimensions: Box dormer to rear elevation has an overall width of 10.372 metres, it is set in from the southeast edge of the roof by 2.00 metres and from the northwest edge by 1.942 metres. The widow openings to the outer edges are 3.10 metres in width, the window opening positioned centrally between these is 2.150 metres in width. The dormer has an overall height of 2.32 metres and projects from the top of the roof slope by some 5.24 metres. Each opening is shown to have a fixed Juliet balcony with clear glazing and a fixed hand rail. Dormers to front elevation, are 3.237 metres in width, 1.313 to eaves and 1.78 to the top of the shallow pitched roof, with 6.088 metres between and they project from the top of the roof slope by 4.067 metres. They are set in from the edge of the roof by 875mm.

Materials: Cladding to box dormer rear elevation horizontal slates colour to match roof.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT 20/0713/FULL - Erect single storey rear and side extension, demolish existing garage, conservatory and side porch and provide L

shaped single storey extension and replace roof to create a three bedroom dormer property - Granted 09.11.2020.

21/0973/NCC - Vary condition 2 (Approved plans) of planning consent 20/0713/FULL (Erect single storey rear and side extension, demolish existing garage, conservatory and side porch and provide L shaped single storey extension and replace roof to create a three bedroom dormer property) to amend elevations to install larger dormer windows to the rear and front elevation, together with the additional changes to the roof design - Refused 16.12.2021.

## POLICY

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

Site Allocation: Site is located within the settlement limits of Bargoed. Rear boundary of property is the south western extent of the settlement boundary.

Policies: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW15 (General Locational Constraints) and advice contained within the Local Planning Authority's Adopted Supplementary Planning Guidance LDP7: Householder Developments.

NATIONAL POLICY Future Wales - The National Plan 2040, Planning Policy Wales 11th Edition (February 2021) and Technical Advice Note 12: Design (2016).

## ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

## COAL MINING LEGACY

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

## CONSULTATION

Ecologist - No response.

## ADVERTISEMENT

Extent of advertisement: Two adjoining properties were notified of the application by letter.

Response: One response has been received.

Summary of observations: The comments which have been received can be summarised as follows:-

Wishes to object to the amendment with particular regard to the box dormer to the rear elevation. The openings in these dormers would allow the occupiers to step out onto the 13800 x 1000 canopy shown on the rear elevation, which it is believed would be used by the occupiers as a balcony and as such it would enable anyone using it in that way to look into the objectors dwelling and into the upstairs bedroom window of the immediately neighbouring property to the south giving rise to issues of overlooking and loss of privacy.

### SECTION 17 CRIME AND DISORDER ACT

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

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Not liable additional floor area amounts to less than 100 square metres.

### ANALYSIS

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

Planning permission reference number 20/0713/FULL was granted on 9th November 2020 subject to two conditions, to erect single storey rear and side extension, demolish existing garage, conservatory and side porch and provide L shaped single storey extension and replace roof to create a three bedroom dormer property - 9, Gwerthonor Lane, Gilfach, Bargoed, CF81 8JT. Condition two identified the plans and documents that had been approved under that permission and stated:-

The development shall be carried out in accordance with the following approved plans and Documents :-

Existing Layouts - Site Location Plan, Drwg. No. AL-PA-01, Dated August 2020, Received 26th August 2020;

Proposed Layouts, Drwg. No. AL-PA-02, Dated August 2020, Received 26th August 2020;

Letter from Williams Architectural Design Services, Dated August 2020, Received 26th August 2020.

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

The current application seeks to vary condition 2 of planning consent 20/0713/FULL to permit the development to be undertaken in an amended form as shown on the plan submitted for consideration, Drwg. No. AL-PA-20-B. With regard to the nature of the application it should be recognised that the Welsh Government Development Management Manual confirms that Sections 73 (2) and (4) of the Town and Country Planning Act 1990 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 a 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 the development 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 addressed. In that regard the suitability of an extension to 9, Gwerthonor Lane remains unchanged in policy terms. As such the main consideration in the determination of this application is whether the proposed amendments to the approved scheme are in themselves acceptable in terms of design and whether there would be any detrimental impact to the occupiers of number 10 and number 8 Gwerthonor Lane, or on the street scene or wider area.

The previously approved plan shows two individual box dormers to the rear elevation. The one to the south east end of the roof slope is set in from the edge of the roof by 2.7 metres, it is 2.0 metres in width with a window opening of 1.49 metres and has an overall height of 2.1 metres. Between it and the second box dormer towards the northwest side of the roof slope there is a distance of 4.2 metres, that dormer is set in from the edge of the roof by some 3.0 metres. It also has an overall width of 2.0 metres and a window opening of 1.30 metres. The box dormer is shown to project from the top of the roof slope by some 4.83 metres. The plans show what is identified as a clad overhang projecting from the rear elevation by one metre and extending across the width of the rear elevation at wall plate level. The front roof slope as approved under 20/0713/FULL shows the provision of six roof lights of two different sizes, set out in a uniform arrangement to provide light to the bedroom accommodation at first floor.

The proposed amendment shows a single box dormer across the rear roof slope divided into three window openings. It has an overall width of 10.372 metres, it is set in from the southeast edge of the roof by 2.00 metres and from the northwest edge by 1.942

metres. The widow openings to the outer edges are 3.10 metres in width, the window opening positioned centrally between these is 2.150 metres in width. The dormer has an overall height of 2.32 metres and projects from the top of the roof slope by some 5.24 meters. The clad overhang to the rear elevation is shown to remain. The plan carries a notation stating that the overhang is for shading only. There is a further notation referring to the openings in the rear dormer which states:- ' 3 Fixed balconies (Juliette) with clear glazing, fixed handrail (as noted in red) for security and safety from the first floor rooms, no access can be gained via these doors out onto the roof space or overhang' In respect of the front elevation the amended scheme shows two pitched dormers one towards either end of the front roof slope set in 875 mm from the edge of the roof with two of the smaller roof lights retained centrally towards the top of the roof slope. These dormers are 3.237 metres in width, 1.313 to eaves and 1.78 to the top of the shallow pitched roof, with 6.088 metres between and they project from the top of the roof slope by 4.067 metres. It is also proposed to change the shape of the roof by replacing the hips at either end to gables.

Policy CW2 of the Local Development Plan (LDP) considers amenity. The principle of rear dormer extensions to increase the current level of accommodation was considered acceptable in the original application on the basis that there would be no unacceptable impact to neighbouring amenity or land. The requested amendment represents a considerable increase in the size of the proposed box dormer. However it is acknowledged that subject to complying with specific criteria in terms of its design, dimensions, volume and matching materials, a substantial roof dormer on the rear elevation of a dwelling can be built utilising householder permitted developments rights and as such it is not considered that this amendment would be unacceptable in this instance.

Policy SP6 of the Local Development Plan (LDP) states that development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features, Criterion B of that Policy identifies that this can be achieved through a high standard of design that reinforces attractive qualities of local distinctiveness.

Advice contained in Supplementary Planning Guidance LDP7: Householder Development (2017) Guidance Note 4, in respect of Dormer windows states 'Normally dormer windows are discouraged to the front of your house, unless they are an existing local feature - Where planning permission is required key principles are:

- Dormer windows should be subservient to the main roof and use the same roofing details as the main roof;
- Dormer windows should cover no more than a maximum of 50% of the roof area on which it is located;
- Dormer windows should normally be set well back from the eaves, down from the ridge and in from the sides of the roof;
- New dormer windows should reflect the design of dormer windows that are an original feature of other buildings in your area or street;

- Dormer windows should be positioned to match the pattern of the windows on the rest of your house;
- Two smaller dormer windows are often preferred to one large window.

With regard to the two ridged box dormers shown on the roof slope to the principal elevation of the dwelling, These dormers are 3.237 metres in width, 1.313 to eaves and 1.78 to the top of the shallow pitched roof, with 6.088 metres between, there are set in from the edge of the roof at either end by 875mm and they project from the top of the roof slope by 4.067 metres. There are several properties in the street of the same original design to that of the host with one hipped dormer set in the front roof slope, as exists at the host and others with ridged dormers. These are set high up on the roof slope above the eaves and are visibly lower than that of the peak to the roof. Those now proposed comply with the principles set out in LDP7 and as such are acceptable in planning terms.

In conclusion, for the reasons set out in the report above it is considered that the proposal complies with the objectives of Policies SP6 and CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010, together with advice contained in supplementary Planning Guidance LDP7: Householder Development (2017) and as such it is recommended that permission is granted.

Comments from public: The comments which have been received can be summarised as follows:-

Wishes to object to the amendment with particular regard to the box dormer to the rear elevation. The openings in these dormers would allow the occupiers to step out onto the 13800 x 1000 canopy shown on the rear elevation, which it is believed would be used by the occupiers as a balcony and as such it would enable anyone using it in that way to look into the objectors dwelling and into the upstairs bedroom window of the immediately neighbouring property to the south giving rise to issues of overlooking and loss of privacy. The issues raised have been considered in the main body of the report - As referred to above the agent for the application has added a notation to the plan stating that no access can be gained via the doors in the dormers out onto the roof space or the overhang, due to the proposed fixing in place of glazed Juliet Balconies across each opening together with fixed hand rails. It is stated by the Agent that the overhang is to provide shelter/shade to the property and not for any use such as seating above from the first floor. A canopy would not in itself be objectionable whereas a balcony in such a location would be a cause for concern, but this could be controlled by condition if it was recommended that consent should be granted.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

Living Decision Document: Condition 02 of Planning permission 20/0713/Full has been varied by consent 22/0157/NCC dated xx.xx.2022 granted by Caerphilly County Borough Council.

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:  
Existing Layouts - Site Location Plan, Drwg. No. AL-PA-01, Dated August 2020, Received 26th August 2020;  
Proposed Layouts, Drwg. No. AL-PA-02 B, Dated January 2022, Received 14th April 2022;  
Letter From Williams Architectural Design Services, Dated August 2020, Received 26th August 2020.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The canopy indicated on the rear elevation of the extended dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area.  
REASON: In interests of the amenity of neighbours and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 04) Prior to the beneficial occupation of the accommodation at first floor level, the installation of the three proposed Juliet balconies with fixed handrails on the rear elevation shall be carried out and completed in accordance with the approved

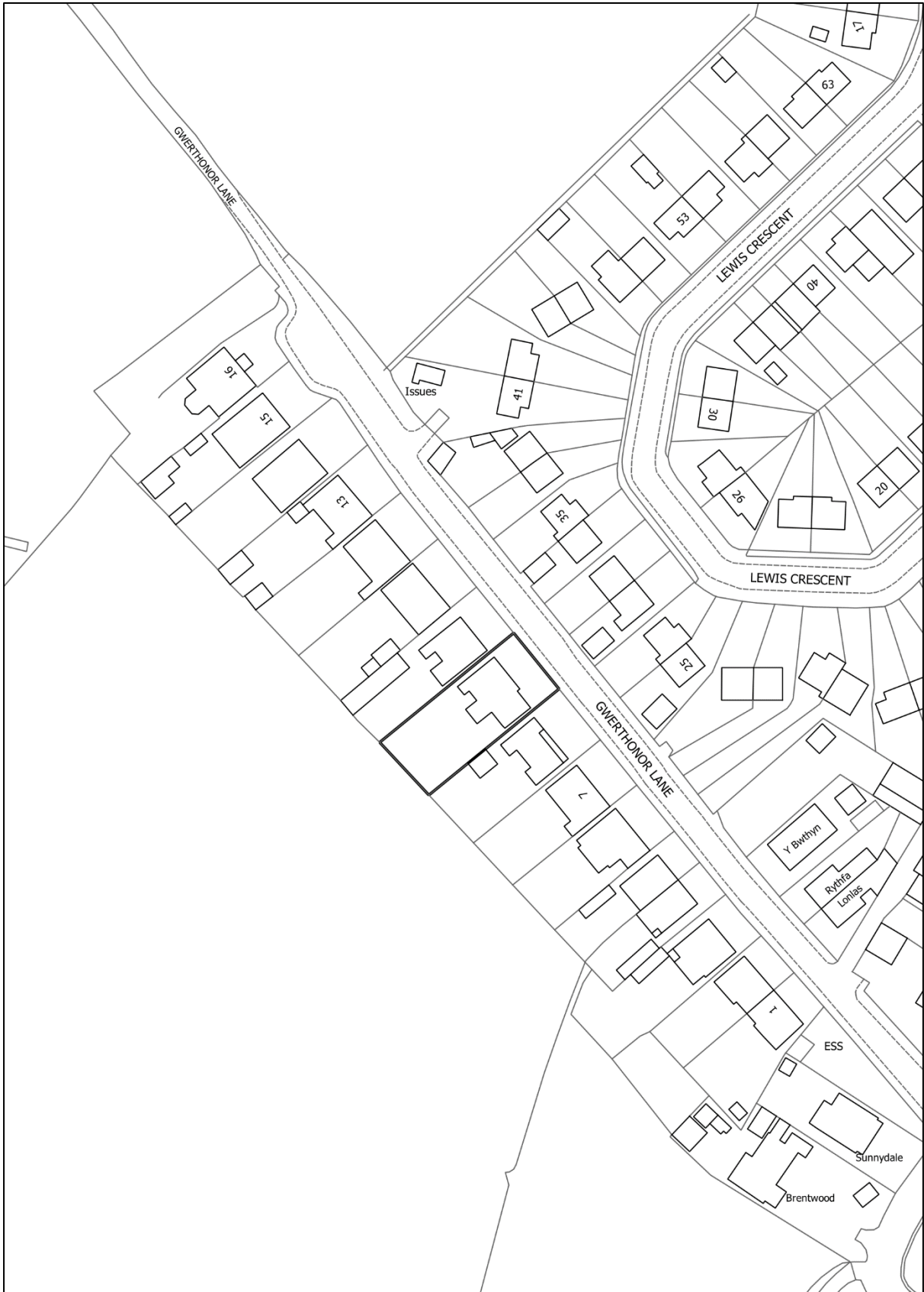
plans and shall thereafter be retained in perpetuity unless written consent is obtained for the removal.

REASON: In the interests of residential amenity.

- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the first floor gable windows facing North and South shall be glazed with obscure glass. Any replacement or repair shall only be with obscure glass.

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





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**Application Number:** 22/0341/FULL

**Date Received:** 12.04.2022

**Applicant:** Fletcher Dormer

**Description and Location of Development:** Demolish existing single storey dwelling and replace with new 1 1/2 storey dwelling with associated garage, car parking, landscaping and access - Llwyn Cae Bungalow Gypsy Lane Groeswen Cardiff CF15 7UP

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: Llwyn Cae Bungalow is located on the North-western side of Gypsy Lane, a winding country track travelling Northwest linking Nantgarw Hill area with Hendredenny. Gypsy Lane can be accessed via Old Nantgarw Road and Groeswen Road (North). The site is set to the west of the A468 and Castlegate Business Park, just outside (approx. 0.3kms) the edge of the settlement of Caerphilly (Caerphilly Basin).

Site description: The application site is approx. 0.2 Ha currently occupied by a simple construction bungalow with detached garage. The site features access to the front amenity area directly off gypsy lane and a large curtilage. The rear curtilage is covered with dense vegetation cover inclusive of many mature trees in 'woodland' setting. The site is neighboured to the southwest with a large single-storey dwelling known as 'The Brambles' and borders open countryside (agricultural field parcels) further North and East.

The site is located on moderate to steeply sloping topography, rising to the northwest, with a southerly aspect within the LDP designated Mynydd Eglwysilan Special Landscape Area (SLA) NH1.3 and within LANDMAP Visual & Sensory CYNONVS143. The Nant Gledyr watercourse crosses the site to the Northeast and runs across the Gypsy Land Wetland (South of Groeswen), a designated SINC with LDP reference NH3.163.

Development: The existing dwelling will be demolished to create a level site for a larger sustainable new-build 1 and ½ storey dwelling with associated garage, car parking, landscaping, and access. Prior to this submission the applicant has utilised the statutory pre-application process, planning reference SPA/20/0012 to gain feedback on a similar proposal; Demolish bungalow and build new sustainable home. The conclusions provided by the Case Officer are discussed within the main body of the report.

Dimensions: As per the Proposed Ground Floor Plan (drawing No. 1201), the maximum parameters of the dwelling are as follows: Depth of elevation opposing The Brambles 9.5m x 22.7m (L) and 13.0m depth at northeast facing elevation with a height to ridge of

8.30m and eaves height varying from 3.8m (lowest) to 6.0m (highest). The footprint of the dwelling is approx. 270m<sup>2</sup> at ground floor level, surrounded by an outdoor terrace supported by low-lying retaining works. There is some variation in plans, which could be down to the software used to obtain measurements, given The DAS specifies the following measurements: Eave's height 3.7m, Ridge height 8.2m, Footprint 265m<sup>2</sup> and Volume 1,650m<sup>3</sup>.

The dwelling is set forward of the principal elevation of "The Brambles" indicated by a marked silhouette of this property on Drawing No. 1401 Rev A (Proposed Sections & Long Elevation), and at the rear the property will still be set behind the building line of the brambles is a slightly staggered relationship. This maintains the development frontage as a continuation of 'Brambles' to the southwest, with the primary massing of the dwelling orientated as per the existing relationship, with the gable fronted wing perpendicular to the main form of the dwelling. The front gable feature projects forward from the principal elevation by 2.15m to the front and outward by a length of 1.68m at the rear with a total breadth of 7.0m and height of 8.30m (pitch/ridge).

The dwelling proposed in application No. 21/0965/FULL has been outlined in red on Plans Proposed Elevations 1 & 2 and it is evident that a marginal reduction in ridge height of approx. 0.70m is proposed, coupled with a reduction in length of 0.5m (at North-eastern side). The scheme is September 2021 attempted to address the issues that presented at pre-app stage, presenting a dwelling with a more traditional form and materials with contemporary detailing. The overall massing of the building was already reduced (since 20/0379/FULL) with lowered eaves levels, so that the first floor predominantly sat within the roof. The scheme presented here is equivalent, apart from the minor adjustments to height and horizontal span as described.

The DAS specifies that the existing single-storey dwelling (bungalow) has a footprint of approx. 108m<sup>2</sup> and a total volume of 510m<sup>3</sup>. Considering the volume in isolation this would constitute a percentage increase of 224% (nearest whole figure), with a volume difference of 1140m<sup>3</sup>. If considering the footprint, this would equate to a 145% increase. The DAS specifies that the footprints of the buildings at 'Brambles' have been calculated at approximately 359m<sup>2</sup>. However, this site has not been formally surveyed.

Materials: The materials are detailed as follows:

Finishing on dwelling will be Rough Coursed Natural Stone (Blue Pennant) completed with Portland Stone Colour Copings and Cills with Light Charred Timber Cladding and Painted Timber Fascias and Soffits (Charcoal).

Roofing will be completed in Standing Seam Anthrazinc Flat Roof (Flat elements) and Natural Slate Roof.

The dwelling will feature Double Glazed Aluminium Windows and Doors in Dark Grey, the window in the front roof-slope the same, with Aluminium Rainwater Goods (Charcoal) and a Pressed Aluminium Recessed Feature Band (Charcoal).

At 1st Floor balcony features will be secured with a Toughened and laminated glass balustrade and brick detailing below feature windows at Ground Floor, will be completed in Engineering brickwork (Blue-black).

Lastly the dwelling will feature 2 no. Timber clad chimney.

Ancillary development, e.g. parking: The site will be accessed via the existing access off Gypsy Lane, which is to be retained in its current composition, this slopes towards the level of the dwelling by a degree of 1:8, with a landscaped bank and lower lying hedging. Retaining the existing access results in minimal disturbance to the southern boundary and character of Gypsy Lane. Vehicles will park in a private courtyard completed in permeable paving, with provision for 4 No. vehicles in tandem and an area to store wheelie bins. The surrounding curtilage will feature two SuDs features/infrastructure and wildflower swathes with soft landscaping

PLANNING HISTORY 2010 TO PRESENT 21/0965/FULL - Demolish existing dwelling and erect new dwelling with associated garage – Withdrawn 28.01.2022.

## POLICY

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

Site Allocation: The application site is located outside nearing settlement boundaries, most proximate being Caerphilly Town to the East Treceynydd), with Nantgarw to the South and Hendredenny Park to the North.

Local Development Plan: The following policies of the Caerphilly County Borough LDP are relevant to the determination of this application: SP3 (Development Strategy - Development within the Southern Connections Corridor Area), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), SP14 (Total Housing Requirements), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW15 (General Locational Constraints), CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside), NH1 (Special Landscape Areas SLA's) and NH3 (Sites of Importance for Nature Conservation (SINCs)).

Further guidance can be found in the Council's supporting Supplementary Planning Guidance:

LDP5: Car Parking Standards (Revision No. 2) Adopted January 2017. The application of parking standards enables a transparent and consistent approach to the provision of parking facilities associated with new development and change of use. This Supplementary Planning Guidance (SPG) identifies how the CSS Wales - Wales

Parking Standards 2014 will be applied across Caerphilly County borough, supplementing policy SP24 of the LDP.

LDP6: Building Better Places to Live (Revision No. 3) Adopted January 2017, gives advice on all levels of development.

LDP7: Householder Development (Revision No. 3) Adopted January 2017. The LDP aims to improve the standard of design in householder development, and to provide the Council with a comprehensive structure for managing the design and development process. It also gives developers a strong basis for developing proposals with some certainty that the design objectives they are working to are the same as those expected by, and acceptable to, the Council. New development is needed to make a positive contribution to creating and maintaining sustainable and attractive communities throughout Caerphilly County Borough.

LDP10: Buildings in the Countryside, Adopted January 2012. The key ethos of national planning guidance is that new building in the countryside should be strictly controlled. However, the conversion and/ or extension of existing buildings in the countryside, or the replacement of buildings, will be permitted where a proposal accords with the requirements of the LDP policy and follows the key principles set out within this guidance.

The above SPG provides further information and guidance to clarify the policy aims described in the following appraisal of these proposals.

National Policy: Future Wales - The National Plan 2040 (February 2021) sets out the spatial strategy for Wales for the next 20 years and provides Policies that should be considered in the determination of applications at all levels, along with Planning Policy Wales (Edition 11) adopted February 2021.

PPW 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.

PPW Paragraph 3.14 - Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals.

PPW 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.

Technical advice notes (TANs) provide detailed planning advice. The following have been considered when assessing this proposal: TAN 5: Nature Conservation and Planning (2009), TAN 12: Design (2016) and TAN 18: Transport (2007).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within a Development Low Risk Area as per LDP mapping, Coal Mining Development Referral Area (2022). As such, the application was not required to be supported with a Coal Mining Risk Assessment, or an equivalent report. The appropriate informative notes will be attached to any consent.

### CONSULTATION

Transportation Engineering Manager - CCBC - No objection subject to the following conditions:

The building shall not be occupied until the area indicated for the parking and turning of vehicles has been laid out in accordance with the submitted plans to the satisfaction of the LPA and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

The proposed parking and turning area shall be completed in materials as agreed with the LPA, to ensure loose stones or mud etc. is not carried on to the public highway.

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

Reasons:

In the interests of highway safety

To ensure that adequate parking facilities are provided within the curtilage of the site.

Environmental Health Manager - CCBC - Environmental Health have no adverse comments to make.

Senior Engineer (Drainage) - No Objections - Subject to Planning Conditions to request additional information in response to outlined concerns:

1. The applicant has indicated the disposal of surface water via sustainable drainage system; however limited information has been submitted to consider the viability of this method of disposal of surface water. We request that additional information is provided in the form of a "National SuDS Standards Compliance Statement" or similar prior to determination in order for us to be able to provide more substantive comments.
2. The applicant has indicated the disposal of surface water via watercourse; however limited information has been submitted to consider the viability of this method of disposal of surface water. Further information and discussions will be required with the relevant watercourse undertaker.
3. Where the applicant intends to discharge surface water to Main River, we recommend the Local Planning Authority consult NRW for their comments.
4. The site is situated within an area susceptible to groundwater flooding.
5. The proposed development is between 8m and 20m of or in close proximity to a watercourse.
6. There are past flooding incidents recorded within the immediate vicinity of the site.

Dwr Cymru - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development:

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Ecologist - No Objections: We recommend the inclusion of one planning condition and one advisory to secure biodiversity conservation and enhancement on site.

Landscape Architect - CCBC - I would not recommend the application is approved. This is due to the significant size and scale of the proposed build form in this sensitive SLA landscape setting and noncompliance with policy CW20 or SPG LDP10 Buildings in the Countryside. If approved in its current form the development is highly likely to result in urbanisation of the setting, as well as set a precedent for large scale residential



dwellings in the countryside. Further information is provided in appendices to this report.

Senior Arboricultural Officer (Trees) - I have attached my previous comments, which went to Jacob Cooke, for the previous application which I understand was withdrawn. None of the comments I made in my response have been addressed - they are still valid and will require addressing before determination of this new/revised application. Within the DAS, they state that the proposal will be well screened and that they have had a tree survey undertaken by Treescene. This was dated February 2021, but is now clearly out of date and will need to be done again. A revised Tree Survey and Constraints plan, including dimensioned tree protection fencing, must be submitted before this current application progresses. The recent photographs taken by the authority's Principal Landscape Architect appear to show that the root protection indicated in the Tree Constraints plan has been ignored, and this zone adversely impacted by site clearance. "Policy CW6: Any of the mature trees and mature hedgerow on Gypsy Lane (which it is acknowledged, add considerably to the landscape character) will not be adversely impacted by the proposals and a tree survey [by Treescene] has been submitted with the application to demonstrate this. This details all trees and hedgerows that might be impacted."

The photographs appear to show that the rooting zone of the off-site trees within the neighbour's garden have been compromised by changes in levels, compaction from mechanical plant and cultivation to plant a new hedgeline. "The site adjoins the detached bungalow known as the Brambles. A close board fence and tree and shrub cover within the curtilage of the Brambles provide substantial visual separation and this would be reinforced by further planting along the boundary within the ownership of the applicant".

The photographs show a line of conifers (probably Leyland cypress), contrary to their DAS, which states that "gaps must be planted up with appropriate native species that match the existing hedgerow". To be clear, Leyland Cypress are not native, nor are they appropriate in this location. Additionally they will soon outgrow this location and the stems will press on the fence causing damage. Any planting in this area should allow for expected growth and access to the fence for future maintenance.

Given the applicant seems to have ignored the contents of their DAS and that the work to date has not been in compliance with arboricultural best practice, I would suggest that a number of planning policies are not being adhered to? I would not be able to respond to the current application until the arboricultural issues are clarified, updated and resolved.

#### ADVERTISEMENT

Extent of advertisement: The application was advertised via display of a site notice on 22nd April 2022 with neighbour notification letters sent to occupants at The Brambles.

Response: At the time of finalising this report 20 representations have been received from the occupants at The Brambles and members of the public. The majority of which OBJECT to the development proposals, with 3 letters of support.

Summary of observations: The key points raised within the submitted objections are summarised below:

- Works carried out without consent causing substantial damage to local environment and ecosystems.
- Destruction of woodland has been ongoing for the past 3 years, with removal of mature trees and hedgerows.
- Loss of woodland in a setting where locals enjoy walking, that is peaceful and beautiful.
- Deep trenches with drainage pipes have been installed, works which are not outlined in the submitted Design and Access Statement (DAS).
- Inappropriate close-board fencing has been constructed along the entirety of the western boundary.
- The property is of an unacceptable scale and will present overbearing and overlooking impacts upon occupants of The Brambles. 1st Floor windows will be overlooking rear garden, especially due to the slope topography.
- Mature trees along boundary are getting damaged and may need removal in future, will reduce screening and result in a loss of privacy.
- Gypsy Lane is set within an SLA, SINC and surrounded by a SSSI, removal of the woodland is unnecessary, it has become a campaign of 'deforestation'.
- The new dwelling is over 200% larger than the original bungalow against planning guidance. This grossly exceeds what is acceptable (Policy and SPG).
- Under The Well-being of Future Generations Act, public bodies in Wales are required to think about the long-term impact that a decision exactly such as this would have on the future of the climate and the environment; and allowing a development in an already designated area would go directly against this.
- Responding to notice on gypsy lane and objecting in same manor as previous applications. Wetlands/woodland are being destroyed, clearing, and tipping of rubbish on the site and considerable noise from construction equipment, impacting bird species. Enforcement action should be taken.
- Approving application will set precedent for other large developments within the countryside.
- Mature Oak Tree in front garden has been removed and the site completely cleared, with piles of rubble - owners have little respect for the land.
- 'Plant room' will be 5m away from the bedrooms in the neighbouring property.
- Development will impact upon Druid, Pagan and Wicca religious Practices at neighbouring site.
- CCTV cameras and flood lighting on the property will impact upon privacy and contribute to poor mental health.

Supporting comments are summarised below:

- The property will benefit from being improved from its current state and be sympathetic to its countryside location.
- Current dwelling is a 'shack' on a substantial 1-acre site.
- Other three dwellings on Gypsy Lane are large properties, one being a Zoo (The Meadows) attracting multiple visitors with buildings spread across the curtilage.
- Opposed dwelling is tastefully designed and will improve the quality of Gypsy Lane.
- There is bias in the council with former applications dismissed or lengthy delays, this is evident with the consistent engagement with immediate neighbours and lack of dialogue with the applicant. I trust this application will be recommended for approval, to avoid investigation of practices.
- Various property sizes along Gypsy Lane, Carreg Llwyd is the largest with considerable extensions. The dwelling at Llwyn Cae is smaller. It will increase the value of housing in the lane.
- It will significantly improve the aspect of the property, which at present consists of a shack. At the entrance of the lane there is a garden centre with portacabins and poly tunnels etc. which is a blight to the rural landscape.
- The proposed dwelling is suited to the environment and not over developed for the size of the land and is also energy efficient.

#### SECTION 17 CRIME AND DISORDER ACT

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

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

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No, in this case there are unlikely to be any significant ecological impacts. The application is not supported by any relevant surveys e.g., European protected species (Bat Survey). The applicant proposes to retain existing hedgerow and trees on the boundaries of the property with any gaps planted up with appropriate native species that match the existing hedgerow so that the site frontage will be retained and protected in terms of character and diversity.

Given the site lies within a designated SLA, dense vegetation inclusive of established trees and hedgerows is present in a countryside locale, thus, the site has significant wildlife habitat potential. The absence of protected species cannot be guaranteed. The council's ecologist has completed a survey and raises no specific objections. In this case, the standard ecological planning conditions will be imposed, and an advisory note will be sent to the applicant as precautionary measures.

In accordance with the below policy/legislation, the council's ecologist has recommended the inclusion of one planning condition to secure biodiversity conservation and enhancement on site.

**Planning Policy Wales (Edition 11, February 2021):** Section 6.4 places a duty on local authorities to ensure that biodiversity and resilience are fully considered by Local authorities. Reference is made to The Section 6 Duty (Environment Act) to ensure that planning authorities demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

Protected Species under European or UK legislation, or under section 7 of the Environment Act are a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. (Section 6.4.22).

**Future Wales - The National Plan 2040:** Policy 9, states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment. In that regard biodiversity enhancements can be sought as part of this development through any additional landscaping proposals required if the development is considered acceptable in all other areas.

**Technical Advice Note 5: Nature Conservation and Planning:** Section 6.2.1 states, the presence of a protected species is a material consideration when a local planning authority is considering a development proposal, that, if carried out, would be likely to result in disturbance or harm to the species or its habitat. Further to this, Section 6.2.2 highlights, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

**The Environment (Wales) Act:** became law on 21st March 2016 and replaces the Natural Environment and Rural Communities Act 2006. It puts in place legislation to enable Wales's resources to be managed in a more proactive, sustainable, and joined up manner and to form part of the legislative framework necessary to tackle climate change. The Act supports the Welsh Governments wider remit under the Well-Being of Future Generations (Wales) Act 2015 so that Wales may benefit from a prosperous economy, a healthy and resilient environment, and vibrant, cohesive communities. Caerphilly County Borough Council as a public body has obligations under section 6 of the Environment (Wales) Act 2016 to demonstrate how the Local Authority will "seek to maintain and enhance biodiversity in the proper exercise of their functions and in doing so promote the resilience of ecosystems".

Local Biodiversity: The site is within a defined Special Landscape Area NH1.3 Mynydd Eglwysilan and within LANDMAP Visual & Sensory CYNONVS143. The Nant Gledyr watercourse crosses the site to the Northeast and runs across the Gypsy Land Wetland (South of Groeswen), a designated SINC with LDP reference NH3.163. This SLA

consists of two distinct landscape types being open uplands and lowlands and represents an important landscape unit adjacent to the populated Rhymney Valley in the east and the Cynon Valley to the west.

VILLs and SLAs are a non-statutory designation applied by the local planning authority to define areas of high landscape importance within their administrative boundary. Areas of high landscape importance may be designated for their intrinsic physical, environmental, visual, cultural, and historical value in the contemporary landscape. Landscapes designated as an SLA may be unique, exceptional, or distinctive to the local authority area.

SLA NH1.3 has a range of landscape habitat types from agriculturally improved grassland with patches of broadleaved woodlands and bracken. Both upland and lowland areas are heavily grazed, and this is preventing the spread of bracken but is also preventing the improved grassland areas from increasing in ecological value. Semi-improved grassland, marshy grassland and flushes, dry heath/ acid grassland mosaic and areas of blanket mire occur throughout the SLA. Significant features are also located within this SLA inclusive of ponds, hedgerows with mature tree species, unimproved acid grasslands, marshy grassland, bracken, European Protected Species, UK Protected Species and LBAP priority species and habitats. Examples of this vegetation is seen along the circumference of the application site at all boundaries, with a proportion of the site still occupied by woodland.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the proposal seeks to erect a new residential dwelling (C3 Use Class) which is CIL Liable. The site is within a Higher Viability Charging Area (PENYRHEOL), where the CIL rate is £40 per square metre.

#### ANALYSIS

Policies: The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenities having regard to the aims of Overarching national policy, the provisions of applicable policies within the Caerphilly Local Development Plan (LDP) and all supplementary planning guidance.

Firstly, the site is within a designated Special Landscape Area (SLA) and therefore, policy NH1 is applicable. NH1.3 Mynydd Eglwysilan is an area will be protected from any development that would harm its distinctive features or characteristics. The area, whilst consisting of two distinct landscape types - open uplands and lowlands - represents an important landscape unit adjacent to the populated Rhymney Valley in the east and the Cynon Valley to the west and provides a wider landscape setting and context for the settlements of Nelson, Ystrad Mynach, Llanbradach and north Caerphilly. Long term strategies include ensuring Future development proposals do not result in the loss of any historic environment or geological or geomorphological features

present within the landscape. A wealth of archaeology from all periods, especially the Industrial/Modern period is present and should be protected. Medium term goals involve protecting Hedgerows and stone walls and restricting urban spread into the countryside to maintain a defined urban edge.

The applicant will need to demonstrate that any development proposal will not have an unacceptable impact on the specific distinctive features or characteristics associated with the SLA. There is a need to preserve the openness and character of the SLA through the development process, via prevention of encroachment into the SLA or the countryside in general. To achieve this aim, development proposals should attempt to preserve, maintain, and enhance existing features within the SLA and should seek to integrate landscape features into the overall design. With respect to this proposal, the Council's Landscape Architect has concerns in relation to the proposed development and the effect it will potentially have on the local setting.

Policy CW4 (Natural Heritage Protection) criterion A specifies "Development proposals that affect locally designated natural heritage features, will only be permitted, where (Criteria A) they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA) or Visually Important Local Landscape (VILL). This policy test applies to any development proposal that would, or would be likely to, have a detrimental effect upon the distinctive biodiversity, geological or landscape features and characteristics of the County Borough. As noted, the site is adjacent to the Gwaun Gledyr Site of Special Scientific Interest (SSSI) and within the boundary of a SINC (NH3.163) and SLA.

The Landscape Visual Assessment (LVA) prepared by McQuitty Landscape Design (MLD) dated March 2022 acknowledges that "The Site lies wholly within the LANDMAP Visual & Sensory Aspect Area Llanfabon (CYNONVS143) with a Level 3 Classification: Hillside & Scarp Slopes Mosaic. This area is recognised as a pleasant landscape, with some attractive rolling farmland away from the built form urban edges of Nelson, Blackwood and Treforest with these field patterns, isolated farmsteads and urban built forms leading to a complex overall character. Its overall evaluation is 'moderate', given "scenic quality and integrity are borderline mod/high, therefore of strong local importance." In conjunction, the site also lies within the edges of the Historic Aspect Area CYNONHL308 Senghenydd and Cwm yr Aber. This is evaluated as 'outstanding.'

In prior consultations the Council's Landscape Architect notes, "the site is currently screened / filtered from public view by existing mature deciduous vegetation on northern and eastern perimeters and filtered from the west and southern edge by existing hedgerows and trees. The south being where the site access is located. Having visited the locality, it's clear that the proposed development will be visible in close range views from Gypsy Lane and to a lesser extent from the start / end of the PRoW (Eglwysilan FP68)." The promoted long distance Rhymney Valley Ridgeway Walk leaves the western edge of Caerphilly approx. 0.6kms to the south of the site, before travelling toward Groeswen and Mynydd Meio. The southern site boundary along Gypsy Lane is vegetated with a mix of evergreen and deciduous trees and shrubs.

Subsequently, the LVA addresses these comments in Appendix 1. The LVA concludes that there will be no residual substantial effects for walkers and road users when mitigation has become established as discussed in paragraph 5.7 of the LVA. The Councils Landscape Architect also advises, "I broadly concur that the development will in the wider context not pose any significant adverse impact on Landscape Character or Visual Amenity. However, this relies heavily on the existing on and off-site mature woodland and linear mature hedgerows/trees which were still in leaf at the time of the October assessment." It is recognised that the site features vegetation around its enclosure that would contribute greatly to screening, the LVA clarifies "given the small-scale nature of development and the significant site enclosure provided by woodland and hedgerow, no substantial effects are anticipated beyond 0.25kms."

However, following site inspection in May 2022 the Councils Landscape Architect has noted the Removal of mature vegetation which has contributed to urbanisation, and domestication of the countryside, noting "the site has not been sympathetically managed of late due to the recent removal of woodland, erection of urban boundary fencing, and groundworks. Comparing aerial imagery, it is evident a significant amount of woodland, including mature trees as been removed between 2018-2021 and even more so since documented in July 2021. This has been undertaken on the lower southern third of the land within the blue line boundary and extends beyond the redline boundary. The Landscape architect concludes, "This has impacted principally on woodland to the north and west of the site as well as mature trees to the south. These woodland and mature trees all form part of the landscape character and would have had the potential to constrain development. Its removal could be seen therefore as having the potential to facilitate a larger development at the expense of the sensitive rural setting and landscape character." Given the former comments in 2020/2021, it was noted how important this landscape along the site perimeters was to soften the development within the SLA.

The western boundary shared with 'The Brambles' is most impacted, with the addition of an extensive stretch of 2.0m high close board (domestic) fencing. This appears to have been recently installed (later than July 2021) and is detailed on the proposed site plan (Drawing No. 1102 Rev B). However, this fencing would be contrary to Supplementary Planning Guidance (SPG) LDP10 Buildings in the Countryside, introducing an inappropriate urban boundary treatment into the countryside and SLA, in addition to adversely affecting the amenity from the neighbouring property to the west. In this case it can be concluded there are material impacts on the SLA with respect to the issues discussed above, but also due to the sheer scale of the dwelling (debated later).

To alleviate the impacts of development upon the landscape character the council's landscape architect advises, "The close board fencing on the western boundary is replaced with a boundary [treatment] in accordance with SPG LDP10 Buildings in the Countryside, and dense native hedgerow / buffer planting undertaken. Close board fencing should be removed once planting has sufficiently established to ensure neighbouring amenity." Section 7.1 (Setting) of SPG LDP10 clarifies that Boundary treatments should be appropriate for the context of the area and should ensure that the

area remains open in character where this was traditionally the case. Any new boundary treatments are likely to include native species hedges, dry stone walls and post and wire fencing. In this case, post and wire fencing was present in some parts, prior to the addition of the close board fencing and is most appropriate in this setting, particularly in an SLA.

Given vegetation has been removed, there are conflicts with LDP Policy CW6 (Trees, Woodlands and Hedgerow Protection). Policy CW6 sets out criteria A-D relevant to development proposals on sites containing trees, woodlands, and hedgerows, or which are bordered by one of more such trees or hedgerows. It is noted that there are several mature trees present on the site as highlighted in the Tree constraints Plan which accompanies the Tree Survey prepared by Treescene (Arboricultural Consultants) dated 12th February 2021. However, at present none are covered by Tree Protection Order. Given the setting of the site within an SLA, it would be favourable that any larger trees would be retained to preserve the character of the countryside at this locale as per criterion C of CW6, "Development proposals have made all reasonable efforts to retain, protect and integrate trees, woodlands or hedgerows within the development site." The LPA should also seek to conserve the biodiversity of sites and would suspect an array of wildlife rely on this dense hedging and mature tree for habitat.

Planning Policy Wales, Section 6.4 places a duty on local authorities to ensure that biodiversity and resilience are fully considered by Local authorities. Reference is made to The Section 6 Duty (Environment Act) to ensure that planning authorities demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. Likewise, Technical Advice Note 5: Nature Conservation and Planning (2009) states at Section 6.2.1 - the presence of a protected species is a material consideration when a local planning authority is considering a development proposal, that, if carried out, would be likely to result in disturbance or harm to the species or its habitat. In this case, it was not identified then any additional surveys with respect to Protected Species (Bats or Birds) were required given the comments submitted by the Councils Ecologist. However, the loss of habitat cannot be overlooked.

The DAS describes that the mature trees and mature hedgerow on Gypsy Lane will not be adversely impacted by the proposals with the Tree Survey demonstrating that this is the case, including suggested measures to protect trees during development. Section 5.2 f the DAS advises, "remaining hedgerow and trees on boundaries of the property will be retained intact. Any gaps must be planted up with appropriate native species that match existing hedgerow so that the site frontage will be retained and protected in terms of character and diversity." However, contrary to this, following site inspection it is evident that there are conflicts with the DAS.

The Council's Landscape Architect also recognised mature native trees have been recently removed on the western boundary and conifer tree planting, likely to be non-native *Leylandii* has been recently embedded adjacent to the close board fencing. This



species is inappropriate in a countryside context and is a fast-growing conifer with the potential, unless regularly managed to form a high dense all year-round screen shading the adjacent property and landscaping, which would be visible from the wider SLA. Parts D of Policy CW6, advises "Where trees, woodlands or hedgerows are removed, suitable replacements are provided where appropriate", which given the siting, is prudent in this case. The planting utilised, has the potential to adversely impact on both visual amenity and landscape character of the SLA.

Although the DAS advises that the development would satisfy the requirements of A-D of CW6, the activities completed on site are concerning and policy objections have become apparent. Clearance works have commenced on site, inclusive of groundworks with materials stockpiled along the site boundaries following excavation. It is noted that there are changes in levels (engineering operations), compaction from mechanical plant and cultivation to plant conifer hedge within the adjacent root protection areas. Criterion B of policy CW6 specifies, "Root systems will be retained and adequately protected for the duration of all development activity on site". All works have been undertaken with little regard to the sensitive setting, mature trees, and woodland both on and off the site on adjacent perimeters.

The Council's Arboricultural Officer advised that the young Leyland's are not described within the submitted Tree Survey and a recent addition to the site (bedded later than February 2021). Trees less than 150mm in diameter are usually classed as Category C, hence this is a distinct single species group of young trees, that would have been mentioned by the appointed Arboricultural Consultant. It is noted that group 7 (G7) is highlighted as a Group of Leyland Cypress (*Cupressocyparis leylandii*) and Goat Willow (*Salix caprea*) 19m high, located off-site and on land belonging to The Brambles. This refers to the existing conifer behind the boundary fencing.

The Officer advises "With regard to the works along this alignment, whether relating to a cable or not, there will be damage to the tree roots of the neighbouring trees...The ground in this area will have been compacted damaging roots and adversely affecting the trees.". Given the site has now been cleared and there is evidence of new planting, the Tree Survey and Constraints plan are now obsolete in terms of this new application. To determine this application and secure compliance with Policy CW6 a revised Tree Survey along with recommendations for mitigation of the damage caused to the boundary trees is required. In combination, an Arboricultural Impact Assessment would be necessary as works have been undertaken. This should include (but not restricted to) site services above and below ground, drainage proposals including any soakaways, driveways and parking areas or other hardstanding's, retaining features, outbuildings and any proposed changes in existing levels relating to the building or garden development etc.

Without additional details it is not possible to assess the potential effect that the development may have upon biodiversity and resilience, given it fails to establish that it would protect the natural heritage from inappropriate forms of development. As such the proposal would fail comply with the Guidance contained within Planning Policy Wales

(Edition 11, February 2021) and Policy SP3 of the Caerphilly County Borough LDP. Criterion E of policy SP3 states, "Development proposals in the southern connections corridor will promote sustainable development that; Protects the natural heritage from inappropriate forms of development."

Policy SP5 of the Local Development Plan (LDP) seeks to delineate in plan form coherent and established urban areas within which further development, will in principle, be permitted. By defining settlement boundaries, the areas outside of the boundary are recognised for the purposes of planning policy as countryside where new development will be strictly controlled. In that regard criterion D of Policy SP5 seeks to prevent inappropriate development in the countryside and should also be applied in conjunction with Policy CW15 whereby the policy sets out general locational constraints for new development outside settlement boundaries to five defined circumstances.

The application site lies outside the settlement boundary and is, therefore, subject to criterion C of Policy CW15, which specifies outside settlement boundaries proposals will not be permitted unless the proposed development falls under the classifications presented in I-V. These are as follows: (i) Associated with either agriculture, forestry or the winning and working of minerals; ii) For the conversion, rehabilitation or replacement of rural buildings and dwellings; iii) For recreation, leisure and tourism proposals that are suitable in a countryside location; iv) Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere; v) Associated with the reclamation / treatment of derelict or contaminated land. In this instance, the proposal would satisfy part (ii) of Criterion C. Therefore, the proposed development may be considered acceptable in planning terms.

Policy CW20 permits the conversion, extension, or replacement of a building to four defined circumstances. Paragraph 2.47 clarifies the objectives of policy CW20 making it clear that, "In order to maintain appropriate forms of development in the countryside and avoid their replacement with inappropriate development, replacement buildings will only be permitted where part D can be satisfied." Where buildings are replaced, the new development must be sympathetic to its location in terms of both use and design.

Part D outlines, replacement is justified by demonstrating that:

- i) The existing building is structurally unsound and not capable of rehabilitation or conversion to an alternative use without major alteration or rebuilding;
- ii) The use of the existing building has not been abandoned;
- iii) The use cannot practicably continue to be accommodated in the existing building and;
- iv) All practical appropriate alternatives for reuse have been examined.

In this instance, the applicant argues In line with criterion (i), that the existing bungalow is structurally substandard and not capable of rehabilitation. It is stated that the property has no insulation, gas supply or foul water system. Section 3.2 of the DAS quotes, "whilst this in itself does not demonstrate that the existing building cannot continue to be

used as a dwelling, it should be recognised that a replacement dwelling that addresses these issues and complies with current building regulations would be more sustainable and substantially improve living conditions." The applicant argues that the proposal also complies with criterion (ii) as it is not considered that the existing residential use of the building has been abandoned. However, the property has been vacant for over a year and left to dilapidate. Lastly, with regards to criterion (iv), the proposal would result in the continued use of the site for residential purposes. SPG, LDP 10 also makes it clear that new buildings/dwellings in the countryside are most often unacceptable, unless proposed as part of rural development and diversification schemes, relate to acceptable rural land uses and adhere to the key principles set out in Section 7. Paragraph 6.3 states "Suitable rural development will not include residential development unless the construction of a new house is a replacement of an existing dwelling in accordance with Policy CW20."

Section 7.3 (Scale) of SPG LDP10 highlights, "If the proposal is for a replacement building it may be acceptable for the replacement to be larger in size than the original buildings where this is appropriate for the local context and would not have an adverse impact on the local landscape. However, any increase in volume should not be greater than 50% of the volume of the original building, excluding any extensions". In this case, if considering the volumes of the existing and proposed dwellings in isolation this would constitute a percentage increase of 224% (nearest whole figure), with a volume difference of 1140m<sup>3</sup>. If considering the footprint, this would equate to a 145% increase. Furthermore, guidance specifies, "Replacement buildings should reflect the type of building that is being replaced. If the original building was single storey (such as a bungalow), it would not be appropriate for this to be replaced with a building of two storeys or more unless this increase in height would accord with other buildings on the site and would have no harmful visual impact". The applicant has been formally advised (SPA/20/0012) that due to the site-specific characteristics of being well screened and situated in a large plot, it is considered that the erection of a building larger than that existing, and more than the 50% volume increase could be possible due to the replacement being unlikely to have an adverse impact on the local landscape character. However, the Councils Landscape Architect was not consulted at this time.

Following submission of two later planning applications it was concluded that the scale of the proposal needs to be reduced for it to be supported by Officers. The reduction in size of 0.7m (ridge height) and 0.5m (at North-eastern side) are not great enough to overcome the conflicts with the above guidance within LDP10. The Councils Landscape Architect agrees, "The proposed large dwelling has the potential to dominate the site being elevated topographically and accessed by both ramp and steps. The footprint from south to north is also extensive and likely to involve significant level changes / retaining structures and ground works". Thus, it is considered that the scale and siting would not be justified in that it would increase domestication in an otherwise rural setting. Justifying a new dwelling of this scale in this locale is arduous, given the identified oppositions to LDP policy CW20 and SPG LDP10.

Giving regard to Policy SP6 (Placemaking), "Development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features", according with the specified criterion. In this case, based on the above discussions and the site context, it is imperative to ensure "a high standard of design that reinforces attractive qualities of local distinctiveness" and "the incorporation and enhancement of existing natural heritage features." At the outset, it can be concluded that the scheme fails to accord with the objectives of this policy particularly given the divergence from guidance within LDP10. Although the contemporary design is welcomed in this setting, with the use of a palette of high-quality materials, the scale is an issue. The siting of the proposed residential dwelling with urban features/elements in conjunction with its scale would serve to exacerbate the visual incursion that the development proposal would have upon this countryside setting, especially in an SLA. It should also be noted that this impact is further exacerbated by the failure of the recent works on the site to have regard for its natural heritage.

Comments from consultees: The concerns of the Council's Landscape Architect and Arboricultural Officer have been addressed above. No other objections have been raised.

Comments from public: Any objection comments which have not been addressed within the main body of the report are acknowledged below:

1. Deep trenches with drainage pipes have been installed, works which are not outlined in the submitted Design and Access Statement (DAS) - This is the case, In subsequent discussions with the agent it has been concluded these works are linked to rebedding existing underground services, and the following statement was issued, "This is not site clearance but necessary works to lift and re bed a buried electrical cable that crosses the site. The original bedding material was not fit for purpose and had failed, causing water to gather and run down the line of the cable into the existing bungalow. Works have been completed in order to halt the erosion of the site and rear wall of the existing bungalow." The impacts of the works have been discussed in relation to LDP Policies CW4 (Natural Heritage Protection) and CW6 (Trees, Woodlands and Hedgerow Protection).

2. Under The Well-being of Future Generations Act, public bodies in Wales are required to think about the long-term impact that a decision exactly such as this would have on the future of the climate and the environment; and allowing a development in an already designated area would go directly against this - 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 final recommendation, the ways of working set out at section 5 of that Act have been considered, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

3. Approving application will set precedent for other large developments within the countryside - The proposal has been assessed against LDP Policy CW20 (Locational Constraints: Conversion, Extension and Replacement of Buildings in the Countryside) and SPG LDP10 (Buildings in the Countryside) and it has been concluded that there are conflicts with this guidance. The LPA is careful not to set precedent for inappropriate development in the countryside unless it can be profoundly justified.

4. 'Plant room' will be 5m away from the bedrooms in the neighbouring property - the ground floor plans indicate a 'plant room' although it is not detailed that this will house any specific plant machinery/equipment or flues. Thus, it is likely to be used as an external store. Head of Public Protection has made no adverse comments with respect to this application

5. Development will impact upon Druid, Pagan and Wicca religious Practices at neighbouring site - The impacts upon residential amenity in accordance with Policy CW2 (Amenity) are a material planning consideration and have been considered in the determination of this application. However, given the siting and orientation of the proposed dwelling it is not considered that there would be any unacceptable impacts.

6. CCTV cameras and flood lighting on the property will impact upon privacy and contribute to poor mental health - It is not indicated that these items would be installed at the site, regardless it is not a planning matter and breaches of privacy or light pollution/disturbance would be controlled by the Police or CCBC Environmental Health.

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 considered, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Future Wales: The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

**RECOMMENDATION that Permission be REFUSED**

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

- 01) The proposed development, by virtue of its excessive scale would be unsuitable within its context and detrimental to the character of the area and SLA. As such the proposal is contrary to the guidance contained in Supplementary Planning Guidance LDP 10 Buildings in the Countryside and the requirements of Policy CW20 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 02) In the absence of a revised Tree Survey and Tree Constraints Plan it is not possible for the Local Planning Authority to fully consider the impact of the development on root protection areas, existing mature trees, hedgerows, and woodland present at the site, which may warrant protection given the setting in a Special Landscape Area. As such the proposal is contrary Criterion A-D of Policy CW6 of the Caerphilly County Borough Local Development Plan up to 2021 adopted November 2010.
- 03) The proposed development, in terms of the loss of the vegetation and the erection of a modern style dwelling of an excessive scale would have a detrimental impact on the landscape character of the Mynydd Eglwysilan Special landscape Area and as such the proposal is contrary to Policy CW4 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.



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Davis, Ellie

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**Sent:** Bryan, Richard J.  
09 May 2022 14:40  
**To:** Lamnea, Chantalle  
**Cc:** Planning Administration; Browning, Rebekah  
**Subject:** Landscape 22/0341/FULL- Llwyn Cae Bungalow Gypsy Lane  
**Attachments:** ufm40\_Consultation\_Standard\_(21d).pdf; Review of LVA Proposed Replacement Single Dwelling Gypsy Lane.pdf

**Categories:** Ellie

Hi Chantelle,

With regard to your consultation, having studied the latest set of plans, elevations, sections, DAS statement and Landscape and Visual Appraisal (LVA) in support of this application, plus having visited the locality, I still have concerns in relation to the proposed development and the affect it will potentially have on the local setting. As a result, I do not consider the proposals are sufficiently sympathetic to the sensitive setting or comply with Policy CW20, as detailed below. I therefore would not recommend that the application is approved in its current form.

Policy CW20 Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside and SPG LDP10 Buildings in the Countryside

Firstly, my concerns remain regarding the proposed properties very large scale. The proposals currently designed remains significantly over the 50% increase, which would be in contravention of LDP policy CW20 and also not comply with LDP10 Section 7.3 Scale, as outlined below.

- Having studied the DAS, sections and overlaid the plans onto aerial photographs, it's clear that the volume is much more than 50% of the original modest dwelling, the proposed two story residential development has a ground floor footprint of 265m<sup>2</sup>, volume 1650m<sup>3</sup> as opposed to the existing bungalow of 108m<sup>2</sup>, volume 510m<sup>3</sup> which represents a significant increase of more than 200%.
- The existing bungalow dwelling sits well within the setting being of an appropriate scale and mass for the location, although the site has potential to accommodate an enlarged residential property up to a maximum of 50% volume (in line with policy) of the original dwelling, this is providing development is done sensitively to the rural SLA setting. This clearly has not been the case the proposed property remains significantly over 50% increase on the original property in terms of volume, scale and mass.
- The proposed large dwelling has to potential dominate the site being elevated topographically and accessed by both ramp and steps. The footprint from south to north is also extensive and likely to involve significant level changes/ retaining structures and ground works.
- The scale and mass of the proposed dwelling plus hard landscape footprint, including walling and paving and terraces dominating the width of the site, leaves limited space to the west and east for onsite perimeters to be suitably planted with native woodland planting to mature, which would be required to offset for the established mature woodland boundary recently removed.

Removal of mature vegetation, urbanisation, and domestication of the countryside

Unfortunately, it's clear from recent observations that the site has not been sympathetically managed of late due to the recent removal of woodland, erection of urban boundary fencing, and groundworks as outlined below.



IMAGE DATE 20/07/2021



IMAGE DATE 25/06/2018

- In addition to visiting the locality, having studied aerial photographs, shown below, its apparent that on site woodland vegetation including mature trees have been recently removed. This has been undertaken on the lower southern third of the land, the blue line boundary, and extends beyond the redline boundary. This has impacted principally on woodland to the north and west of the site as well as a mature tree to the south. This woodland and mature trees all form part of the landscape character and would have had the potential to constrain development. Its removal could be seen therefore as having the potential to facilitate a larger development at the expense of the sensitive rural setting and landscape character.
- Trees and vegetation clearance has affected the west perimeter adjacent to the Brambles, and extensive close board fencing of 2 metres high has been recently installed (shown on the Proposed Site Plan) along the full length of this west boundary, which is at odds with Supplementary Planning Guidance (SPG) LDP10 Buildings in the Countryside, bringing inappropriate urban boundary treatments into the countryside, in addition to the adversely affecting the amenity from the neighbouring property to the west. The below images from the submitted DAS show this inappropriate 2m high boundary treatment to the west, along with the area that has been recently cleared of trees and vegetation to the north and west.



View of the existing bungalow from the higher ground to the north



Looking back towards the site frontage from a position north and adjacent to the existing bungalow

- It's recommended that the close board fencing on the western boundary is replaced with a boundary in accordance with SPG LDP10 Buildings in the Countryside, and dense native hedgerow / buffer planting undertaken. Close board fencing should be removed once planting has sufficiently established to ensure neighbouring amenity. See extract below from the SPG.

### 7.1 Setting

**7.1.1 It is important that rural developments do not result in the domestication or urbanisation of the countryside setting. In order to ensure that this does not occur, the following should be considered:**

- **Boundary treatments should be appropriate for the context of the area and should ensure that the area remains open in character where this was traditionally the case. Where boundary treatments such as gates, walls or hedges already form part of the traditional character of the countryside location, these should be incorporated into any scheme. Opportunities for the repair of boundary structures where necessary will be favoured over their replacement.**
  - **Suitable new boundary treatments are likely to include native species hedges, dry stone walls and post and wire fencing. Boundary treatments more common to an urban area such as close board fencing, brick walls or concrete will not be appropriate for a residential use.**
- On the west boundary where mature native trees have been recently removed conifer tree planting, likely to be non-native Leylandii has been undertaken recently, immediately adjacent to the above installed close board fencing. This is an inappropriate species in this sensitive countryside context, as this fast growing conifer has the potential unless regularly managed to form a high dense all year round screen shading the adjacent property and be visible from the wider SLA. The removal of existing mature native vegetation and planting of the conifers contradicts the statement below from section 5.2 of the submitted DAS.

Remaining hedgerow and trees on the boundaries of the property will be retained intact. Any gaps must be planted up with appropriate native species that match the existing hedgerow so that the site frontage will be retained and protected in terms of character and diversity. This will serve to protect and enhance an important habitat as required by the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

- From site observations its apparent that clearance works have commenced, including groundworks, materials stockpiled and banded, excavation, changes in levels, compaction from mechanical plant and cultivation to plant the new conifer hedge within adjacent trees root protection areas, all works have been undertaken with little regard to the sensitive setting, mature trees/ woodland both on and off the site on adjacent perimeters.

### Indicative Proposed Soft Landscaping

In terms of the soft landscaping proposed shown on the Proposed Site Plan, in general the native planting and wildflowers would be welcomed but is currently insufficient to mitigate for native vegetation and trees recently removed on the site, notably on the western perimeter and north of the site.

- The Proposal Plan shows only limited indicative planting, and considerably expansion and more detail would be needed in this respect for concerns to be fully addressed. The Proposed Site Plan still shows the existing western boundary vegetation (which has recently removed) and does not mention the newly planted conifer planting along this boundary.
- Indicative native Rowan (*Serbus aucuparia*) tree planting shown on the plan on the western aspect will not provide a suitable robust soft boundary. A mix of native species including

both deciduous and evergreens species found locally, would need to be extended to form a continuous vegetated tree and shrub buffer on this important aspect and likewise to the north of the site where woodland has been removed.

Landscape and Visual Appraisal. see attached review.

Whilst the indicative soft landscaping is likely to assist to soften the proposed build form, I do not agree that the proposed development has been designed with a sufficient landscape-led approach. This is notably due to the proposed dwellings scale with an increase of 200% plus on the existing dwelling, extensive hard landscaping and recent loss of mature vegetation. This is likely to result in the proposed large dwelling not sitting acceptably within the site, dominating the width, and adversely affecting the sensitive intimate wooded local landscape character, and consequently adversely affecting the SLA in which it sits.

To conclude, in my professional opinion, I would not recommend the application is approved. This is due to the significant size and scale of the proposed build form in this sensitive SLA landscape setting and noncompliance with policy CW20 or SPG LDP10 Buildings in the Countryside. If approved in its current form the development is highly likely to result in urbanisation of the setting, as well as set a precedent for large scale residential dwellings in the countryside.

However, should amended plans be submitted, scaling back in size of the dwelling in line with Policy CW20, with a landscape-led approach including appropriate boundary treatments, expanded native tree, shrub planting, woodland buffer and mitigation planting, this is likely to be more acceptable subject to further appraisal.

Kind regards

**Richard Bryan CMLI**

Pensaer Tirwedd | Landscape Architect

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

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Gallwch ohebu mewn unrhyw iaith neu fformat.Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.  
Correspondence may be in any language or format.Corresponding in Welsh will not lead to any delay.



**SUBJECT: Review of Landscape and Visual Appraisal**

**Proposed Replacement Single Dwelling, Gypsy Lane, Caerphilly.**

Planning application Ref 22/0341/FULL- Llwyn Cae Bungalow Gypsy Lane

REPORT BY: Richard Bryan Landscape Architect CMLI

DATE: 9th May 2022

A Landscape and Visual Appraisal (LVA) has been submitted in support of a revised planning application. The purpose of the LVA is to identify and assess the likely landscape and visual effects that would result from the proposed replacement dwelling of on a site at Gypsy Lane Caerphilly, located outside of the settlement boundary.

#### **Review of introduction**

The submitted Landscape and Visual Appraisal (LVA) contains an introduction that details the aspects in which the Landscape consultant disagrees with the observations made on the previous application, rather than detailing the purpose of the landscape and visual appraisal.

#### **Review of methodology**

Except for the introduction the LVA is well structured and broadly follows the guidelines set down in the third edition of "Guidelines for Landscape and Visual Impact Assessment" published jointly by the Landscape Institute and the Institute of Environmental Management and Assessment.

#### Study Area

The LVA considers a study area 0.25 kms as appropriate which is considered acceptable in this context.

#### Surveys

The LVA although mentions detailed desktop surveys were carried this did not pick up on the relatively recent clearance of mature vegetation both on the site and within the blueline boundary. Similarly, although field assessment is mentioned of the Site and the wider landscape context, this also failed to pick up on this clearance which is of concern.

#### Assessment Viewpoints

The LVA looks at 6 representative viewpoints for assessment which are considered appropriate to the development.

Landscape Sensitivity (Susceptibility to Change)

There are only three categories of sensitivity described, which means that there is a significant difference between the descriptors of higher, medium, and low with intermediate categories effectively being omitted. A more accurate assessment is achieved when five descriptors ranging from very high, high, medium, low to negligible is used. Therefore, the assessment does not reflect the complexity of this landscape. Five categories are therefore recommended to define sensitivity more accurately.

Sensitivity of Visual Receptors (Susceptibility to Change)

Similarly, there are only three categories of sensitivity described, which means that there is a significant difference between the descriptors of higher, medium, and low with intermediate categories effectively being omitted. A more accurate assessment is achieved when five descriptors ranging from very high, high, medium, low to negligible is used. Therefore, the assessment does not reflect the complexity of this receptors. Five categories are therefore recommended to define visual receptors sensitivity more accurately.

Assessment of Overall Level of Effect

Similarly, table 5 Assessment of Overall Level of Effect doesn't reflect this above range and therefor the complexity of the overall landscape and visual effect sufficiently.

**Review of Baseline Conditions**

The details the site and the sites context including Landscape Character however this too lacks a description of the character of the site and study area with its distinctive mature trees and woodland character with its strong sense of place being of tranquil and intimate character. Instead, the baseline concentrates on the small number of detractors and attempts and under value the existing locally important landscape and its character despite being classified by NRW LANDMAP, see below LANDMAP paragraph, and hence the above average quality of the landscape and hence Special Landscape Designation in the Local Development Plan.

The close board fencing is not accurately described “ *The boundary with the Brambles has a close-boarded fence and tree cover within the Brambles*” however this is an inappropriate boundary and has been recently installed by the applicant, with mature boundary vegetation removed.

The baseline assessment of the site and blue line area also fails to detail the recent removal of woodland, screening native west boundary vegetation and mature trees on the site.

Visuals in the form of photographs are provided from the six viewpoints, including photographs taken during the winter months, but not of the actual site or have any aerial photographs been provided to complement the baseline. Having visited the locality and viewed recent aerial photographs the baseline assessment therefore does not fully reflect the site or landscape in which it sits, as it does not detail the recent mature vegetation removed on site and within the blue line boundary.

Landscape Character LANDMAP

The LVA discusses the existing landscape character referring to LANDMAP and that the site falls into the LDP designated Mynydd Eglwysilan Special Landscape Area (SLA).



I concur that the site is within the LDP designated Mynydd Eglwysilan Special Landscape Area (SLA) NH1.3 and within LANDMAP Visual & Sensory CYNONVS143 with an overall visual and sensory layer has the evaluation of **moderate**, which is classified as **locally important**. The reasons LDP SLA designation was awarded is because of the overall above average LANDMAP evaluations awarded for the five aspect areas, see below, and wider landscape setting in which the development resides. The SLA designation although not designed to preclude development, was awarded to ensure development is appropriate to the sensitive setting and does not undermine the overall qualities of the locally important landscape and its rural character.

LANDMAP five aspect areas for landscape

Cultural Landscape CYNONCL056 - Evaluation **High**

Geology- CYNONGL011 - Evaluation **Moderate**

Historic CYNONHL308 – Evaluation **Outstanding**

Habitats CYNONLH159 – Evaluation **High**

Visual & Sensory CYNONVS143 - Evaluation Moderate – “although scenic quality and integrity are borderline **moderate/high**, therefore **of strong local importance** which is acknowledged.

However, the LVA ends this section with the following statement.

*“3.20 this LVA has considered the careful integration of the development into the local coed cae landscape”*

This statement is not relevant to the existing landscape character.

Overall landscape sensitivity of the site, having visited the locality, I do not concur with the below LVA statement, which is also misplaced within the existing baseline assessment / landscape character . The scale of the proposed development represents a 200% plus increase on the existing modest dwelling and will be out of scale with the site and sensitive setting. Mature vegetation has also been removed reduces the woodland coverage on the site and could has the potential been seen as having been removed to facilitate development.

<p><b>Overall landscape sensitivity of Site</b> in relation to ability to accommodate development of the scale, nature and extent proposed</p>	<p><b>Medium:</b> <i>Reasoning:</i> A sensitive architectural design for the replacement house which will be of appropriate scale and set within a well-designed naturalistic landscape which reinforces the existing distinctive character of the coed cae landscape.</p>
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Visual Receptors

I concur with the receptors described. However, the below statement in the LVA does not accurately reflect that boundary tree cover which has been recently reduced on the applicant’s land, notably adjacent to the Brambles property.

*“Residential receptors: neighbouring property of the Brambles (while properties*

*beyond the coed cae in the general vicinity of the Site will be assessed, there are very unlikely to be any substantial visual effects due to the extent of existing boundary tree cover);”*

### **Review of the Proposed Development**

The LVA incorrectly mentions retention of boundary tree and shrub cover, see below extract, which from site observations is clearly not the case, the proposals therefore do not fully take onboard the current situation on the site. The proposed scale represents over a 200% increase on the existing modest dwelling which sits well within the setting. The proposed increase which is not in line with LDP countryside policy CW20 and is considered out of scale with the site and setting.

*“4.3 Primary Measures for the proposed development include:*

- *The siting of the proposed development on an existing plot, replacing a poor quality bungalow*
- *Retention, reinforcement and management of boundary tree and shrub cover*
- *The layout, scale, form and style of the proposed replacement dwelling will be of high quality and appropriate in scale, form and choice of materials to its setting within the coed cae landscape.”*

### **Review of Magnitude of Effects and of Level of Effects**

From site observation it appears that development has commenced with insensitive clearance works, lack of tree protection and inappropriate conifer planting. Whilst it's acknowledged that construction works may be viewed as temporary no timescale has been given to this nature.

#### Effects on Landscape Character

##### **LANDMAP**

I do not concur that the proposed development to date has or will respect the local landscape character or Special Landscape Area (SLA) NH1.3 MYNYDD EGLWYSILIAN and or reinforce it. This is due to how the site has been poorly managed recently with mature trees and vegetation removed. Furthermore, the proposed large scale dwelling on the site and local setting and character would be overall moderate to high adverse due to scale.

#### Effects on Caerphilly Special Landscape Area

Whilst it's appreciated that the site and development will not be visible from the wider SLA, the management and scale of the proposed development has the potential to adversely effect the character of the SLA. This is not only due to loss of mature vegetation, but also due to the large scale nature of the development on this site, which is likely to be at the expense the character of the SLA context in which it resides.

#### Massing and Scale in the Surrounding Landscape

The mass and scale needs to be considered with the sensitive context in this respect as is out of settlement in an intimate landscape setting, it's considered that the development is not small-scale,

the proposed building is over a 200% increase on the modest existing dwelling, dominating the site therefore out of scale with the site and setting.

Physical Landscape Effects on Topography

Due to the size of the proposed large dwelling this will impact on topography, no details on level changes or retaining structures have been submitted, which are likely to be required, which are likely to have a moderate adverse magnitude of effect and not be considered negatable adverse.

Vegetation

The approach described is welcomed, however this does not correspond with the recent management of the site and loss of mature native vegetation from within the blue line boundary. Concern also remains with the indicative proposed soft landscaping, whilst in principle, a landscape-led approach is welcomed, proposed native planting needs significant expansion and detail adding given the sensitive context.

Overall Significance of Overall Landscape Effects

I do not concur that the 200% plus increase in scale of the development and dwelling is in keeping with the site or SLA setting and has the potential to result in an overall adverse effect due to the proposed large scale on the landscape character.

Assessment of Visual Effects of Proposed Development

I concur that the neighbouring property the Brambles will potentially experience substantial effects from the proposed development. The existing close board fence is noted in the LVA as providing good visual separation; however, this is a recent and inappropriate boundary feature and would require removal and replacement with a more appropriate boundary, with recently removed vegetated boundary replanted with a densely vegetated native buffer.

Public Footpaths, Designated Access Land and Public Open Spaces

I concur with assessment of PRoW (Eglwysilan FP68) as minor adverse on PRoW in this respect that once the proposed native planting is fully established there would be negligible adverse impact. I concur with the assessment on the Rhymney Valley Ridgeway Walk and that there would likely be negligible adverse residual effects on views obtainable by users of other parts of the PRoW network.

Roads

I concur that the likely magnitude of change for road users would therefore be locally moderate adverse during construction, reducing to minor adverse immediately after and negligible adverse when mitigation planting has successfully established.

**Review of Landscape-related Planning Policy**

This section highlights the aspects of planning policy which are relevant to the landscape appraisal of the proposed development. It also provides commentary on how the proposed development relates to this guidance, except for the below in relation to Policy CW4, CW20 and SPG LDP10 Buildings in the Countryside section 7.3 *Scale* in relation to the proposed dwellings scale, acquiesce that the indicative approach to the landscaping is heading in the right direction but lacks detail and requires significant further expansion to fully represent a landscape-led approach.

Policy CW4 Natural Heritage Protection

With the exception of scale, I concur that the indicative approach to the landscaping although lacking detail and requires further expansion is in general appropriate to the SLA.

Policy CW20

I do not concur that the proposed dwellings scale with an increase of over 200% meets the requirements of this countryside planning policy. The sites width will be dominated by the development and its hard landscaping at the detriment to the local setting.

SPG LDP10 Buildings in the Countryside

I do not concur that this is brownfield site, and that recent close board is an inappropriate boundary treatment. Existing hedgerow and treed boundaries have not been retained on boundaries and would require considerable native shrub and tree planting to mitigate for this loss with long term management.

**Conclusion**

The LVA in general is well structured and it's appreciated the revised proposals in comparison to the previously submitted application in principle would slightly reduce the impact both visually and on the Landscape Character and SLA to a lesser extent. However, following recent site visit and study of aerial photography has presented concerns in relation to the adverse manor in which the site has recently been managed resulting in the loss of mature vegetation, mature vegetation which contributes to the wider landscape character of the SLA and site context and site. This coupled with the significant size proposed of the new dwelling and noncompliance with Policy CW20 in terms of scale, concerns remain over the proposed development impact on Landscape character. I concur soft landscaping in principle will lessen the impact once the proposed soft native planting has been established, however the indicative proposed soft landscaping is lacking in detail and needs expanding given the loss of vegetation and sensitive SLA context.