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For all enquiries relating to this agenda please contact Rebecca Barrett
(Tel: 01443 864245 Email: barrerm@caerphilly.gov.uk)

Date: 6th July 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, 13th July, 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](#).

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.

Yours faithfully,

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

Christina Harrhy
CHIEF EXECUTIVE

AGENDA

Pages

A greener place Man gwyrddach

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



1 To receive apologies for absence.

2 Declarations of Interest.

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

To approve and sign the following minutes: -

3 Planning Committee held on 8th June 2022.

1 - 4

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

4 Application No. 21/0203/FULL - Land at Y Fron, Mountain View, Pwllpant, Caerphilly, CF83 3HW.

5 - 20

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 MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 8TH JUNE 2022 AT 5:00 PM

PRESENT:

Councillor R. Saralis – Chair

Councillors:

M. Adams, A. Angel, R. Chapman, N. Dix, G. Ead, J. Fussell, A. Hussey, D. Ingram-Jones, M. Powell, J. Taylor, S. Williams, A. Whitcombe

Cabinet Member: Councillor P. Leonard (Planning and Public Protection)

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 (Team Leader Development Management), A. Pyne (Principal Planner), J. Waite (Principal Planner), E. Rowley (Area Senior Planner), M.W. Jones (Planning Officer), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), C. Lamnea (Planning Officer), C. Campbell (Transportation Engineering Manager), L. Cooper (Assistant Engineer), V. Julian (Senior Solicitor), R. Barrett (Committee Services Officer), S. Hughes (Committee Services Officer)

RECORDING, FILMING 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. Due to technical difficulties this meeting was not live-streamed.

CHAIR'S ANNOUNCEMENT

On behalf of the Planning Committee, the Chair expressed his deepest condolences to Councillor B. Miles on the recent loss of her father.

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs E.M. Aldworth (Vice-Chair), B. Miles and K. Woodland

2. DECLARATIONS OF INTEREST

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

3. MINUTES – 13TH APRIL 2022

It was moved and seconded that the minutes of the meeting held on the 13th April 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 6 for, 0 against and 4 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee held on 13th April 2022 (minute nos. 1-7) be approved as a correct record.

Councillor A. Whitcombe confirmed that he had abstained from voting on the minutes of the last meeting as he was not a member of the Planning Committee at that time.

4. APPLICATION NO. 21/1215/FULL - CAERPHILLY CASTLE, CASTLE STREET, CAERPHILLY, CF83 1JD

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 13 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) 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](#);
- (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 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

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

- (iv) 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: [Natural Resources Wales website](#)
- (v) 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](#)

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

5. APPLICATION NO. 22/0130/NCC - CEFN CARNAU HOSPITAL, CEFN CARNAU LANE, THORNHILL, CAERPHILLY, CF83 1LX

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 12 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) the applicant be advised of the comments of Dwr Cymru/Welsh Water, Natural Resources Wales and Western Power Distribution that are brought to the applicant's attention;
- (iii) 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](#);
- (iv) The applicant 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).

6. APPLICATION NO. 22/0157/NCC - 9 GWERTHONOR LANE, GILFACH, BARGOED, CF81 8JT

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.

Mr P. Spearman (Local Resident) spoke in objection to the application and Mrs C. Thomas (on behalf of the Applicant) 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 12 for, 0 against and 1 abstention) this was agreed by the majority present.

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

7. APPLICATION NO. 22/0341/FULL - LLWYN CAE BUNGALOW, GYPSY LANE, GROESWEN, CARDIFF CF15 7UP

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.

A written representation was read out on behalf of Reverend C. Pingel (Local Resident) in objection to the application and Mr F. Dormer (Applicant) spoke in support of the application.

Following consideration of the application it was moved and seconded that the application be deferred pending further information relating to the submission of documents for the application. By way of Microsoft Forms (and in noting there were 5 for, 8 against and 0 abstention) the motion was declared lost.

It was then moved and seconded that the recommendation for refusal as contained in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 9 for, 3 against and 1 abstention) this was agreed by the majority present.

RESOLVED that for the reasons set out in the Officer's report the application be REFUSED.

The meeting closed at 6.37 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 13th July 2022.

CHAIR

Application Number: 21/0203/FULL

Date Received: 04.03.2022

Applicant: Lilyalex Properties

Description and Location of Development: Erect a three-storey building containing ten, one-bed flats and one studio flat, with associated support accommodation, ancillary car parking and associated works - Land At Y Fron Mountain View Pwllypant Caerphilly CF83 3HW

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land At Y Fron, Mountain View, Pwllypant, Caerphilly, CF83 3HW.

Site description: The application site comprises of land to the north of 'Y Fron' which is a detached building which was formerly a guesthouse but was subject to a change of use application (20/0634/COU) which granted permission for the building to be used for Emergency Housing/Move on Accommodation (Sui Generis). An extension to Y Fron was also granted under that permission but this element has yet to be constructed.

The application site (along with Y Fron) is slightly elevated above the dual carriageway which lies to the east (A469), it is a mainly flat parcel of land comprising of a mixture of stoned areas and grass. To the west the land rises up sharply in the form of a steep embankment which elevates to Central Street which is positioned approximately 10 metres in height above the application site. Also visible from the application site are the imposing remnants of a former Viaduct at the northern end of Central Street. To the south of Y Fron are residential dwellings whose shared vehicular access rises up to Central Street.

Development: Erect a three-storey building containing ten, one-bed flats and one studio flat, with associated support accommodation, ancillary car parking and associated works.

The scheme (which was amended by the applicant following its original submission) now has the following accommodation within the building:

Ground Floor

1 x 1 person studio apartment.

2 x 1 bedroom 2 person apartments.

Entrance area and stairway.

Facility Management Office, office/store and Accessible toilet/wetroom.

Cycle, Plant and Refuse storage areas.

First Floor

4 x 1 bedroom, 2 person apartments.
Fire escape stairways.

Second Floor

4 x 1 bedroom, 2 person apartments.
Fire escape stairways.

The applicant has indicated that the apartments would fall within use class C3 and that it is envisaged that the accommodation would be wholly affordable housing.

Dimensions: The length of the proposed building measures approximately 35.7m by 11.2m deep (max extent) with a maximum height of 11.3m.

Materials: Walls: Face brickwork, panel board facade system. Roof: Fibre cement slates and green roofs.

Ancillary development, e.g. parking: The proposal includes 9 car parking spaces and turning area and landscaped areas.

PLANNING HISTORY 2010 TO PRESENT 20/0634/COU - Change use and erect extension at Y Fron from Guest House (C1) to HMO to be used for Emergency Housing/Move on Accommodation (Sui Generis) and associated works - Granted - 08.10.2020.

20/0980/COND - Discharge condition 7 (Landscaping) of planning consent 20/0634/COU (Change use and erect extension at Y Fron from Guest House (C1) to HMO to be used for Emergency Housing/Move on Accommodation (Sui Generis) and associated works) - Pending Consideration.

20/0994/COND - Discharge condition 3 (Materials) of planning consent 20/0634/COU (Change use and erect extension at Y Fron from Guest House (C1) to HMO to be used for Emergency Housing/Move on Accommodation (Sui Generis) and associated works) - Decided 12.01.2021.

POLICY

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

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

Policies: SP3 (Development in the Southern Connections Corridor), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place Making), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design

Considerations: Highways), CW11 (Affordable Housing Planning Obligation) and CW15 (General Locational Constraints).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 11: Noise, Technical Advice Note 12: Design.

SUPPLEMENTARY PLANNING GUIDANCE

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. Caerphilly Basin Masterplan.

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

CONSULTATION

Environmental Health Manager - Following consideration of the revised Noise Assessment raise no objections to the scheme. Require a planning condition to provided details of mitigation (noise and dust) during the construction period.

Llanbradach & Pwllypant Community Council - Raise objection to the application for reasons of Over development due to the extra height and additional rooms.

Raise objection over Highways safety specifically with the increase in vehicles from this development egressing directly onto a dual carriageway is concerning.

Transportation Engineering Manager - CCBC - There is no objection to the proposed development subject to a condition requiring parking to be provided prior to the beneficial use of building.

Heritage And Placemaking Officer - The massing of the three storey helps to balance the site, especially in context of the ridge height of Y Fron to the south and the massing of the viaduct to the northwest. The embankment behind the proposed building also helps to minimize the impact of the massing as the street above sits above the ridge of the south and north tower. This building will help to tie in Y Fron and the viaduct across the property.

Advises that the finalised colour scheme (brick type and cladding) should be secured via a planning condition to enable agreement on detailed aspects of the external finishing.

Senior Engineer (Drainage) - Confirm SAB approval is required. Request planning condition in respect of drainage and provide advice.

CCBC Housing Enabling Officer - The number of units being proposed reaches the threshold in the Affordable Housing SPG to allow the Council to seek an affordable housing contribution. Given that the location of the development is situated in the Caerphilly Basin area then the contribution would be 40%, subject to viability.

The request for a contribution is supported by the 2018 LHMA, which shows a high requirement for 1 bed accommodation in the Caerphilly Basin area.

The Council preference is for on-site provision. The location of the units should be provided throughout the apartment block, as per the clustering requirement for affordable housing. The completed units will be transferred to the Council. They will be let as social rented and need to be built to Welsh Government's Design Quality Requirement. Any affordable housing units provided on the ground floor would preferably contain a walk-in shower rather than a bath, to cater for any identified accessible housing requirements.

The transfer value per unit would be: £49,069. A legal agreement would be required.

Ecologist - Request Ecological Enhancement be secured.

Dwr Cymru - Advise that a watermain crosses the application. Request planning condition/advisory be attached to any permission.

Police Architectural Liaison Officer - Raise no objections. Recommends the development should meet Secured by Design Homes Guide and provides detailed guidance in this regard for the applicant.

ADVERTISEMENT

Extent of advertisement: The application was publicised with 14 neighbour notification letters being sent to surrounding properties and two sets of site notices were posted. One set was posted on the footway adjacent to the A469 in front of the site and another notice was posted on Central Street to the west of the site.

Response: Two representations have been received.

Summary of observations: - Antisocial behaviour from residents of Y Fron including rubbish/littering and alleged drug use.
Visits from Police.

Allegations of previous actions of the proprietor in terms of adjacent access/land.
Devaluation of properties.
Caravan on site.
Query over the access point and whether the scheme will replace Y Fron/The Cottage or be in addition to them.

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? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The site lies within the Higher Viability Area for CIL with residential attracting a CIL charge of £40 per sqm (excluding indexation).

ANALYSIS

Policies: Principle of the Development.

The application site lies within the defined settlement boundary of Caerphilly and is in a relatively prominent location, visible from the A469 dual carriageway (which provides routes northwards towards Llanbradach/Ystrad Mynach/Maesycymmer) and will be seen from the dual carriageway when both entering and leaving Caerphilly. The site is not allocated for any purpose in the adopted Local Development Plan and is considered to be part of the existing planning unit for Y Fron as it contains the vehicular access for this building. It is however considered to be a relatively underutilised piece of land. As described above the site, being within the defined settlement boundary and occupying a key location on the fringe of Caerphilly Town, has the potential to incorporate a building of scale to act as a visual gateway development for the town. The adopted Supplementary Planning Guidance (SPG) document (Caerphilly Basin Masterplan - adopted July 2018) acknowledges that within Caerphilly Basin area "there remains an acute need for affordable housing" (paragraph 6.58). The SPG also states "it is recognised that additional windfall opportunities and greenfield sites may be promoted by the development industry in the future. Where planning applications are submitted, it is necessary to consider each application on its merits, having regard to planning policies, the need for housing and the sustainability of the location." (Caerphilly Basin Masterplan, Paragraph 6.61). The application site is within the defined settlement boundary and the proposal is acceptable in principle conforming with the requirements

of Policies CW15 (General Locational Constraints), SP3 (Development Strategy - Development in the Southern Connections Corridor), SP4 (Settlement Strategy) and SP5 (Settlement Boundaries).

In terms of Policy SP3, SP4 and SP5 the site is considered to form part of an existing planning unit and its redevelopment would make more efficient use of land and existing infrastructure and provide additional housing to Caerphilly which is defined as a Principal Town under Policy SP4 (Settlement Strategy). In respect of Policy SP5 the purpose of the settlement boundary is to define the area within which development would normally be allowed, taking into account all other material considerations. The purpose of the Policy is to promote the full and effective use of urban land and thus concentrate development within settlements.

In respect of housing delivery the national planning guidance document Planning Policy Wales (PPW) acknowledges that there must be "sufficient sites suitable for the full range of housing types to address the identified needs of communities" (paragraph 4.2.12).

The proposed development is for a three-storey building which would contain ten one-bed affordable housing flats and one studio flat, with associated support accommodation. The proposal would utilise an existing vehicular access from the A469 (currently and would continue to be used by Y Fron) which allows access/egress to the northbound carriageway. The site is well located in terms of access to bus services, having both northbound and southbound bus stops on the A469 in easy walking distance. A signalised pedestrian crossing on the A469 facilitates safe access to the southbound bus stop (Caerphilly direction). The site is considered to be relatively sustainable with some facilities in walking distance (Toby Carvery circa 300m and Pwll-Y-Pant Village Store and Community Centre within 400m).

The site is also adjacent to proposed Active Travel route (INMC69) which is part of wider walking and cycle route improvement plans (CCBC Active Travel Integrated Network Map) which have been assessed to ensure the proposed improvements have the potential to meet the standards for active travel routes set by the Welsh Government. Should these improvements come forward this would further enhance connectivity of the site by linking the site to other enhanced walking and cycling proposals (INMC65, INMC68 and INMC103) including improved linkages to Gallagher Retail park and also Pontygwindy Road (towards Asda Superstore).

Design

The design of the development has been considered. The applicant made changes to the scheme following submission following discussions with the Local Planning Authority and the design and appearance of the building is considered acceptable. It will include elements such as a green roof on the central section and areas of brick and cladding. It is considered that final colours and materials will be agreed under a planning condition, but the general form of the building is appropriate. The building is of

a significant scale, however this is considered appropriate for the site noting the existing embankment is itself of a substantial scale and the Viaduct on Central Street will remain a more elevated feature in the wider street scene and in longer distance views of the site. The proposal is considered to accord with the broad aims of Planning Policy Wales (Edition 11) noting in paragraph 4.2.22 it states "Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links."

Impact on Neighbour Amenity

The impact on neighbour amenity has been considered. The proposed building would front overlooking the A469 with woodland beyond. The rear (west) facing elevation would face towards Central Street, but properties on Central Street are themselves located on a raised area (accessed from communal steps/walkways). The windows in the new building would be separated from those existing properties on Central Street by a 'window to window' distance of around 28 metres which comfortably exceeds the 21 metres usually applied in 'back to back' situations to avoid any unacceptable overlooking. In this instance this is further mitigated by the fact that the new building's rear windows face towards the front of the existing properties on Central Street which is their public facing elevation (and thus less private than rear windows) which are already visible at far closer distances from the communal walkways. The presence of the embankment and the level difference between the sites mean that those front windows of properties on Central Street will have their primary (.i.e. non angled) views going over the top of the development or towards the upper parts of the facade/roofs of the building above the fenestration. It is however acknowledged that there would be impacts on existing residents of Central Street from the development in terms of a change in their general view and outlook (which is currently of countryside opposite the A469). It is important to note that there is no 'right to a view' in planning terms and the impact on general outlook from properties on Central Street has been considered acceptable noting the separation distances detailed previously. There would also be no unacceptable impacts in terms of overlooking or privacy to properties to the south of Y Fron (Broadlands Bungalow, Central House and The Pines) which would be well separated from the new building.

It is noted that some of the occupants of the new building would be impacted by the proximity of the embankment to the rear of the building, which at its closest would be within several metres of the windows of residential units. It is however noted that the apartments span the width of the building so each apartment would have windows both facing west (towards the embankment which progressively slopes away from the new building as it rises in height) and facing east (towards the A469 and the woodland beyond). The apartments at the two ends of the building have fenestration facing south and north respectively. All of the apartments proposed would have a living area with a window not directly facing the embankment. The pavement on the opposite side of Central Street would enable views towards the rear elevation of the proposed building

(approximately 13.5m), however noting the footway is relatively lightly used, serving a limited number of dwellings and the fact that the road terminates a short distance north of the site, it is not considered that there would be any unacceptable impacts on privacy of future residents. On balance it is considered that there would be sufficient light, outlook and privacy to all of the residential units proposed. The impact on existing residents would also be acceptable. The development would accord with Policy CW2 (Amenity).

Noise

The submitted noise assessment shows the proposed building will be impacted by noise from the adjacent dual carriageway with the front (east facing) elevation and the northern and southern end elevations being most affected. From the modelling and measurement results carried out by the assessment the site falls into Noise Exposure Category C (NEC C) which Welsh Government Technical Advice Note 11 states "Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise." In considering the suitability of the site in this instance it is noted that not all of the elevations of the proposed building are impacted by noise to the same degree, notably the rear facade of the building falls within NEC A (TAN 11 defines NEC A as "Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end should not be regarded as desirable").

The submitted noise assessment modelled daytime and night time noise impacts (from both road and rail) and concludes that with mitigation measures through design and construction (including external wall construction, roof construction, ventilation provision and uprated windows to the most affected habitable rooms) that noise levels experienced by future residents would be acceptable. The predicted internal equivalent noise levels due to external noise (with mitigation measures installed) are within the British Standard 8233:2014 criteria of daytime 35 LAeq (16 hour) and night time 30 LAeq (8 hour), and within the World Health Organisation guidelines of a maximum noise level in bedrooms of up to 45 dB LAmax(fast), no more than 10-15 times per night.

In considering the impacts of the development regard has been had to Planning Policy Wales and in particular section 6.7 (Air Quality and Soundscape). The Environmental Health Officer has reviewed the information and raised no objections in terms of noise or air quality. The building is set sufficiently far back from the road and local topography is such that no canyoning effect is anticipated to be created by the development and acoustic design and mitigation has been considered within the noise report (according with general advice within PPW paragraph 6.7.8). It is considered that with mitigation measures identified within the noise assessment that the impact on future residents will be acceptable.

Parking and Highways

The Transportation Engineering Manager has reviewed the scheme and has no objections to the development. There would be a total of 9 new car parking spaces for the new building making a total of 19 car parking spaces (when taken with the provision for the already consented development on the wider Y Fron site) and there would also be cycle storage provision within the new building. The existing vehicular access onto the A469 is considered acceptable and the proposed additional traffic movements are not considered to have a material impact on the dual carriageway or the wider highway network. The development accords with Policy CW3 (Highways).

Cumulative impacts and antisocial behaviour

In considering this application regard has been had to the adjacent Y Fron building which is within the ownership of the applicant and the existing use of that building for HMO/move on accommodation and the consented extension to that building. In considering the already consented development this represents 17 bedrooms (including the as yet unconstructed extension to Y Fron). When this is combined with the proposed 11 units in this current application that equals 28 bedroom across the whole land parcel. It is noted that the proposed building utilises the existing form of topography to provide accommodation over three levels but this is considered acceptable given the resultant building will have no overbearing impact on surrounding residents.

Comments from Consultees: The Llanbradach and Pwllypant Community Council raise objection in relation to overdevelopment of the site and highway safety issues. In respect of overdevelopment as mentioned earlier in the response Planning Policy Wales indicates that making efficient use of land is desirable and the height and scale of the building is considered acceptable noting the existing topography. The site is of sufficient size to accommodate the building footprint and car parking and provision for refuse storage and cycle storage is contained within the scheme. Taking into account the cumulative impact with the existing Y Fron building and consented extension, together with this current proposal it is not considered that overdevelopment would occur.

In respect of the Community Council's concerns over Highway Safety and the existing access junction from the A469 the Transportation Engineering Manager has reviewed the proposal and offers no objections. The existing vehicular access is restricted in terms of having direct access only to the northbound carriageway. It is noted however that there are two roundabouts in relatively close proximity to both the north and south of the site which means that the site can be accessed easily from the local highway network. There is good visibility and relatively straight sightlines when using the existing junction to the site and therefore the Community Council's concerns with highway safety are not considered to be well founded.

The Community Council also make reference to a static caravan on the site but this is a separate matter unrelated to the consideration of the current application.

Dwr Cymru have advised that the developer will need to enter discussions over their infrastructure which crosses the site and in addition separate SAB approval is required

for the development (Dwr Cymru are also consultees on the SAB process). It is considered appropriate to provide the developer with the comments of Dwr Cymru for them to address matters with them.

The Senior Engineer (Drainage) has confirmed Sustainable Drainage (SAB) approval is required for the development but has also requested a planning condition be added for drainage details. In accordance with the advice contained within Welsh Government Circular WGC 016/2014 on planning conditions this states that "Conditions should not repeat the provisions of other conditions or duplicate controls under other legislation unless there is a planning reason for doing so." In this instance it is considered that to avoid duplication of control an advisory note alerting the applicant to the need to obtain separate SAB approval will be sufficient.

Comments from public: - Antisocial behaviour from residents of Y Fron including rubbish, drug use.

Visits from Police

The proposed building within this application is for accommodation within Use Class C3 (Residential) however the plans include a Facilities Management Office area which provides space for suitable building management to be provided on site which could assist in addressing any anti-social matters that may arise.

- Allegations of previous actions of the proprietor in terms of adjacent access/land
This is not relevant to the application under consideration.

- Devaluation of properties

Property devaluation is not a material planning consideration and the proposed development has been considered in respect of the impact on amenity of existing residents and has found to be acceptable.

- Caravan on site

This is a separate matter to the consideration of the planning application.

- Query over the access point and whether the scheme will replace Y Fron/The Cottage or be in addition to them.

The proposal utilises the existing vehicular access from the A469 and the building will be in addition to the existing 'Y Fron' building which has an approved but as yet unconstructed extension permitted under separate planning permission. The cumulative impact of the existing, consented and proposed development has been assessed and is not considered to have an unacceptable impact nor result in overdevelopment of the site.

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 (A) the application be deferred to allow the applicants to enter into a Section 106 Obligation to provide the following:-

1. 40% provision of Affordable Housing.

On completion of the Section 106 Obligation that (B) planning permission is granted subject to the following conditions.

If the obligation is not completed within three months of the resolution to approve, that the Head of Planning and Regeneration be granted delegated powers to refuse the application for failure to comply with Policy CW11 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

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;
Proposed Site Plan, drawing reference P700 revA;
Proposed Ground Floor Plan, drawing reference P701 revision D;
Proposed First Floor Plan, drawing reference P702 revision C;
Proposed Second Floor Plan, drawing reference P703 revision C;
Proposed Section AA, drawing reference P705 revision B;
Proposed Front and Side Elevations drawing reference P706 revision B;
Proposed Rear and Side Elevations, drawing reference PP708 revision C;
Noise Impact Assessment, Rev A, dated 4/5/2022, by Acoustic Consultants Ltd.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, 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.
- 04) The development shall not be brought into beneficial use until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the beneficial occupation of development, a 3 No. 17A Schwegler triple cavity swift nest boxes shall be incorporated into the building at or near the apex (unless otherwise agreed in writing by the Local Planning Authority).
REASON: To provide nesting for birds 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).
- 06) The building envelope of the approved development shall be constructed (and any such internal mitigation measures provided) so as to provide sound attenuation against external noise in accordance with sections 7 and 8 of the submitted Acoustic Consultants Ltd report reference 9631/PR/BL revision A dated 04.05.22. The measures shall achieve the internal noise levels as detailed within section 7.6 of the aforementioned report. The sound attenuation works shall be completed before the use of the building begins and thereafter retained in perpetuity.
REASON: In the interests of the amenity of future residents of the building in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021 and paragraph 6.7.8 of Planning Policy Wales (Edition 11).
- 07) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the beneficial occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

08) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.

The scheme shall include:

- (i) control of noise,
- (ii) control of dust, smell and other effluvia,
- (iii) control of surface water run off,
- (iv) site security arrangements including hoardings,
- (v) proposed method of piling for foundations,
- (vi) construction and demolition working hours,
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

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

Advisory Note(s)

WARNING:

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

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

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

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

Please find attached the comments of The Police Designing out Crime Officer, Dwr Cymru and Senior Engineer (Drainage) that are brought to the applicant's attention.

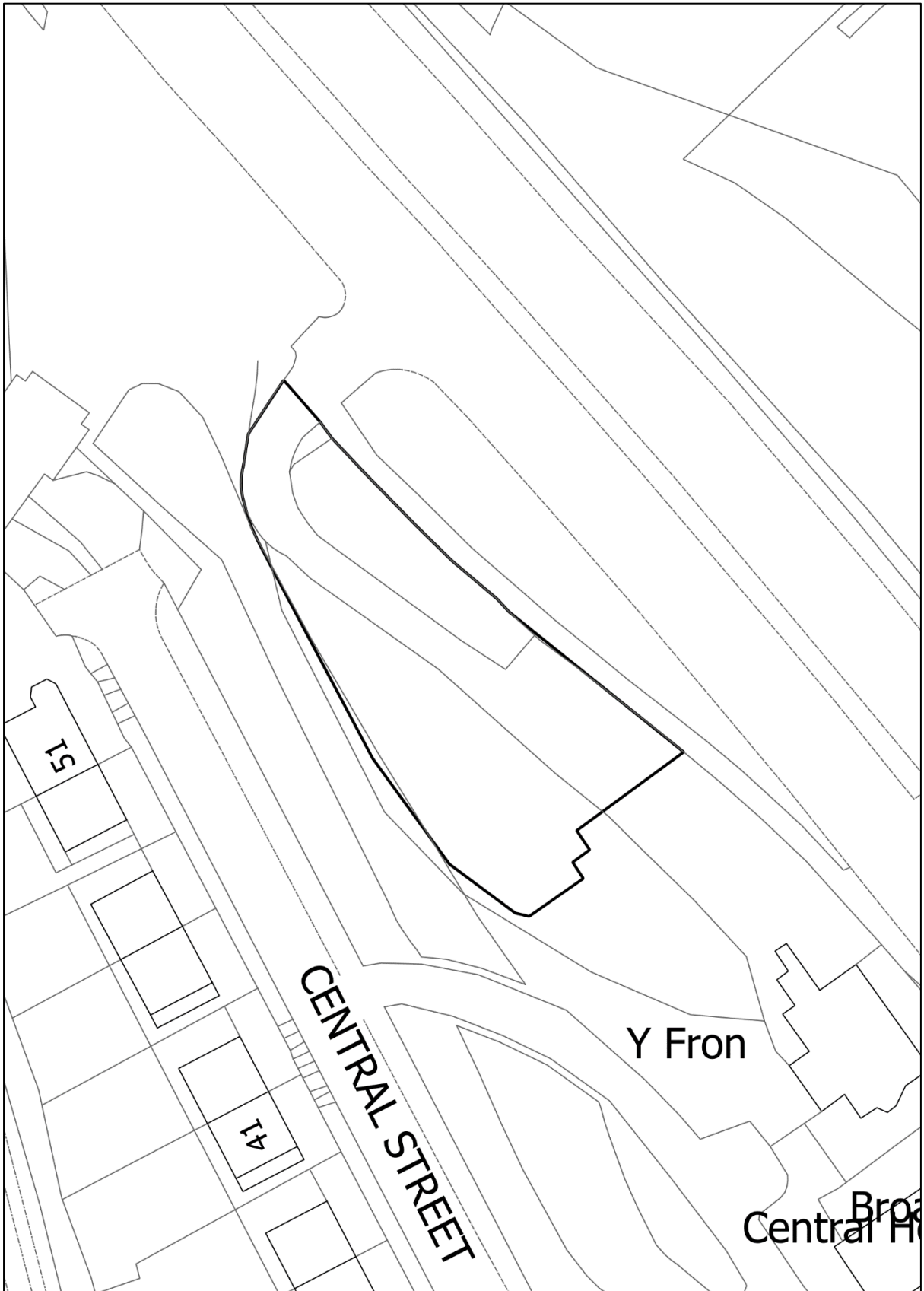
Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and 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).

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

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

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



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