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For all enquiries relating to this agenda please contact Sharon Hughes
(Tel: 01443 864281 Email: hughesj@caerphilly.gov.uk)

Date: 6th December 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, 14th December, 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 hughesj@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

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 9th November 2022. 1 - 8

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

4 Application No. 21/1213/FULL - Former St Catherine's Church, Gladstone Street, Crosskeys, Newport, NP11 7PA. 9 - 34

5 Application No: 22/0251/RET - Lanes Recovery Ltd, The Sidings Building, St Cenydd Road East, Treceenydd, Caerphilly, CF83 2RP. 35 - 54

6 Application No: 22/0306/FULL - Bargoed Golf Club, Heolddu Uchaf Farm Access, Bargoed, CF81 9GF. 55 - 62

7 Application No: 22/0758/NCC - Former Pontymister Service Station, Newport Road, Pontymister, Risca. 63 - 78

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

HOW WE WILL USE YOUR INFORMATION

Those individuals that attend committee meetings to speak/give evidence will be named in the minutes of that meeting, sometimes this will include their place of employment or business and opinions expressed. Minutes of Meetings including details of speakers will be publicly available to all via the Council website at www.caerphilly.gov.uk. except for discussions involving confidential or exempt items.

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PLANNING COMMITTEE

MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 9TH NOVEMBER 2022 AT 5:00 PM

PRESENT:

Councillor R. Saralis – Chair

Councillors:

M. A. Adams, A. Angel, R. Chapman, J. Fussell, A. Hussey, D. Ingram-Jones, B. Miles, M. Powell, J. Taylor, A. Whitcombe and S. Williams.

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), J. Burrows (Planning and Enforcement Officer), L. Cooper (Assistant Engineer), L. Carpenter (Environmental Health Officer), V. Julian (Senior Solicitor), S. Hughes (Committee Services Officer), J. Lloyd (Committee Services Officer) and J. Thomas (Committee Services Officer).

Also present to speak on applications:

Agenda Item 7 – Councillor N. George (Local Ward Member) and Miss S. Berry (Agent).

Also in attendance:

Cllr. A. Leonard.

RECORDING, FILMING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being live-streamed and 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 were received from Councillors E. M. Aldworth (Vice Chair), N. Dix, G. Ead and K. Woodland.

2. DECLARATIONS OF INTEREST

Councillor B. Miles declared a personal and prejudicial interest in Agenda Item 4 (Preface Item Application No. 19/1018/OUT), due to living in close proximity to the Brooklands area, and as such left the meeting whilst the application was discussed. Details are also minuted with the respective item.

Councillor J. Taylor declared a personal and prejudicial interest in Agenda Item 6 (Application No. 22/0619/NCC), as a good friend has an interest in the land, which is the subject of the development, and as such he left the meeting whilst the application was discussed. Details are also minuted with the respective item.

3. MINUTES – 28TH SEPTEMBER 2022

It was moved and seconded that the minutes of the meeting held on the 28th September 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 9 for, 0 against and 0 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee meeting held on 28th September 2022 (minute nos. 1-8) be approved as a correct record.

The Planning Committee considered the applications in the order as noted below.

7. APPLICATION NO. 22/0207/RET - T G HOWELL AND SONS LIMITED, CLIFTON STREET, ROGERSTONE, RISCA, NEWPORT, NP10 9YU.

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.

Councillor N. George spoke on behalf of residents in objection to the application and Miss S. Berry (Applicant's Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that, subject to the amendment of Condition 2 and Condition 6, 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 and the following amended conditions, the application be GRANTED.

Amended Condition (02):

Unit 4 within the site shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:

- (a) 08:00 hours to 22:00 hours Monday to Saturday, and

(b) 09:00 hours to 17:00 hours Sunday and Bank Holidays.

Reason

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

Amended Condition (06)

Unit 6 within the site shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:

(a) 07:00 hours to 18:00 hours Monday to Friday, and

(b) 08:00 hours to 13:00 hours Saturday.

No operation Sundays and Bank Holidays.

Reason

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

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

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.

- (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](#).

4. PREFACE ITEM APPLICATION NO. 19/1018/OUT - LAND AT GRID REF 310845 196295, BROOKLANDS, NELSON.

Councillor B. Miles declared a personal and prejudicial interest in this item due to living in close proximity to the Brooklands area, and as such left 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.

Following consideration of the application it was moved and seconded that the application be deferred to allow the developer a further period to complete S106 but with delegated powers to refuse if the application is not determined within a timely period. By way of Microsoft Forms (and in noting there were 11 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the application be deferred to allow the developer a further period to complete the S106 planning agreement, but with delegated powers to Officers to refuse the planning application if it is not determined within a timely period.

6. APPLICATION NO. 22/0619/NCC - AUSTIN GRANGE, MAES GLAS, SOUTH UL, CAERPHILLY, CF83 1LN.

Councillor J. Taylor declared a personal and prejudicial interest in this item as a good friend has an interest in the land, which is the subject of the development, and as such he left the meeting whilst 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 be approved. By way of Microsoft Forms (and in noting there were 11 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 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 at [Natural Resources Wales Website](#).

- (iii) THE APPLICANT BE ADVISED THAT SUSTAINABILITY 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

- (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 be 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 be 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.

5. APPLICATION NO. 22/0743/RET - MCI LOGISTICS, UNIT B MCI BUSINESS CENTRE, 4-5 NEWTOWN INDUSTRIAL ESTATE, CROSSKEYS, NP11 7PZ

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 request was made for the Committee to be verbally notified when the matter is resolved satisfactorily.

Following consideration of the application it was moved and seconded that the application be deferred to allow further information to be sought from the developer, with delegated powers to Officers to determine the application in due course when the further information is provided. By way of Microsoft Forms (and in noting there were 11 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that: -

- (i) the application be deferred to allow further information to be sought from the developer, with delegated powers to Officers to determine the application in due course when the further information is provided.

- (ii) THE APPLICANT BE ADVISED THAT 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

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

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
[Coal Authority Website – new development and mine entries](#)

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

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on

0345 762 6848. Further information is available on the [Coal Authority Website](#).

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

The meeting closed at 5.55 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 14th December 2022, they were signed by the Chair.

CHAIR

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Application Number: 21/1213/FULL

Date Received: 15.12.2021

Applicant: YS Projects

Description and Location of Development: Demolish the Former St Catherine's Church and redevelop into residential flats and associated works - Former St Catherine's Church Gladstone Street Crosskeys Newport NP11 7PA

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on the north-western side of Gladstone Street at the corner with Woodward Road, Crosskeys.

Site description: The application site comprises of the former St Catherine's Church building and its associated soft landscaped amenity areas. The main pedestrian access into the site is off Woodward Road and the site boundaries comprise of a mixture of wrought iron railings and gates, low rise stone walls and stone entrance pillars. The site is flat and bounded by Gladstone Street to the southeast, Woodward Road to the northeast, a public car park to the southwest and an access lane to the northwest. Immediately beyond the access lane lies No. 1 Woodward Road.

Development: Full planning permission is sought to demolish the former church building and erect a predominantly 3 storey residential building in its place. The proposed building would accommodate 16 No. units in total, comprising of 11 no. 1 bed units and 5 no. 2 bed units. All of the units proposed would be for affordable housing.

Dimensions: The proposed development comprises broadly of a 'U' shaped building fronting on to both Gladstone Street and Woodward Road. The proposed building would be 3 storeys in height along Gladstone Street and would continue at this height at the entrance of Woodward Road before stepping down to 2 storeys. The latter 2 storey element would also incorporate a 2 storey rear wing that would be set down from the ridgeline and in from the northwest flank elevation of the main 2 storey element.

The proposed building as it fronts on to Gladstone Street would measure approximately 25m and 9m in width and depth respectively. The proposed pitched roof would measure approximately 11m and 7.6m at ridge and eaves height respectively. The width and depth of the proposed building at Woodward Road would measure approximately 28m and 8m respectively, and the ridge and eaves height of the building's 2 storey element would reduce to approximately 8.3m and 5.3m respectively. The proposed 2 storey rear wing of the building would measure approximately 6.2m and 9.3m in width and depth respectively, and would also incorporate a pitched roof design measuring approximately 7.5m and 5.2m at ridge and eaves height respectively.

Materials: The proposed building would comprise of a mixture of stone and brick detailing to match the local vernacular, cream render, grey windows and grey roof tiles.

Ancillary development, e.g. parking: Ancillary development would include a central landscaped garden area, a bin storage area and cycle store. No onsite car parking spaces are proposed as part of the residential development.

PLANNING HISTORY 2010 TO PRESENT None.

POLICY

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

Site Allocation: Unallocated site within the settlement boundary.

Policies: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Placemaking), SP7 (Planning Obligations), SP10 (Conservation of Natural Heritage), SP14 (Total Housing Requirements), SP15 (Affordable Housing Target), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW8 (Protection of Community and Leisure Facilities), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligation) and CW15 (General Locational Constraints).

Supplementary Planning Guidance - LDP 1 Affordable Housing Obligations (Revision) sets out affordable housing requirements for residential developments.

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 sets out design guidance for all residential developments.

Future Wales - The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides policies that should be taken into account in the determination of applications at all levels. The following policies are considered to be relevant to the proposed residential development: Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking; Policy 7 - Delivering Affordable Homes; Policy 12 - Regional Connectivity; and Policy 13 - Supporting Digital Communications.

NATIONAL POLICY

Planning Policy Wales (Edition 11, February 2021), Technical Advice Note 2: Planning and Affordable Housing (June 2006), Technical Advice Note 12: Design (March 2016) and Technical Advice Note 18: Transport (March 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 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

Glamorgan-Gwent Archaeological Trust - No objection is raised to the proposed residential development subject to a historic building recording being secured via condition.

21st Century Schools Manager - Confirmed that there is adequate capacity within catchment schools to meet the needs of the proposed residential development.

CCBC Housing Enabling Officer - The proposed residential development is supported as it would help meet affordable housing needs identified in the Crosskeys area.

Senior Engineer (Drainage) - Advised that the proposed residential development will require a separate sustainable drainage consent from the Council's Sustainable Drainage Approval Body.

Waste Strategy and Operations Manager - No comments received.

Transportation Engineering Manager - CCBC - The proposed residential development is not supported by the Local Highway Authority, due to highway safety concerns over the potential oversubscription of parking in the area and a lack of disabled parking.

Dwr Cymru - No objection raised to the proposed residential development.

Police Architectural Liaison Officer - No comments received.

Western Power Distribution - Advised that a separate application will need to be made to Western Power Distribution if a new connection or service alteration is required.

Parks And Countryside Operations Manager - No comments received.

Heritage And Placemaking Officer - Whilst some design improvements have been suggested, no objection has been raised to the proposed residential development.

Ecologist - No objection raised to the proposed residential development subject to the imposition of biodiversity enhancement related conditions.

Senior Arboricultural Officer (Trees) - No objection raised to the proposed residential development subject to replacement tree planting being secured.

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

Landscape Architect - CCBC - No objection raised to the proposed residential development subject to additional/revised details being secured in relation to hard and soft landscaping.

ADVERTISEMENT

Extent of advertisement: The application was originally advertised by means of site notices, neighbour letters and a press notice. A further re-consultation exercise, which included site notices and neighbour letters, was also undertaken as a result of amendments to the scale and design of the proposed residential building. The amendment also included a reduction in the proposed number of flats from 17 to 16.

Response: The initial public consultation exercise resulted in 24 separate objections to the proposed residential development. A petition against the proposal has also been received with 185 signatories.

Following the re-consultation exercise a further 5 separate objections have been received.

Summary of observations: The objections raised are summarised as follows:

1. The development should include dedicated on-site car parking as there is insufficient on street car parking available in the local area.
2. Additional on-street parking as a result of the proposal would exacerbate illegal parking and highway safety issues.
3. Emergency vehicles currently have difficulty accessing side streets and the problem would be exacerbated if the development went ahead.
4. Insufficient evidence has been submitted to demonstrate the majority of future residents will utilise public transport.
5. The Transport Technical Note (TTN) is 12 months out of date and should be reviewed to take into account Transport for Wales' additional train service to Newport.
6. The TTN fails to capture or reflect significant levels of daytime demand for parking spaces from train commuters and local shops/facilities, and is based around the site's extant use which is now redundant.
7. The loss of local on-street and public car parking spaces as a result of the proposal should be considered as a loss of a 'community facility'.

8. Active Travel Routes are used exclusively for leisure purposes and are unsuitable for commuting due to conflict between different types of users and safety issues.
9. Bus services are less frequent during the evening and late at night, and only provide access to certain locations, making them unsuitable for certain types of commuter.
10. A public refuse bin and dog waste bin would need to be relocated as it obstructs the entrance to the proposed building.
11. Construction works would cause noise and light disruption and would adversely affect the surrounding highway network and the existing access lane between the application site and Woodward Road. A traffic management plan would also be required during construction works.
12. There are existing unused residential homes in the surrounding area that could accommodate future residents.
13. The proposal represents overdevelopment of the site and the proposed building itself is out of scale with the existing footprint of St Catherine's Church and the character of the locality.
14. The proposed building would be a very dominant, overwhelming, harsh structure with insufficient soft landscaping.
15. The size of the living accommodation within the proposed building is too small.
16. The proposed building would result in an overbearing impact and loss of light and privacy to neighbouring properties.
17. The proposed building would result in the loss of a view of the valley.
18. The proposed building would potentially adversely affect the local drainage system.
19. As 12 months have passed since the application was submitted, the capacity of local schools should be reviewed.
20. The proposal would exacerbate existing anti-social behaviour problems in the local area and affect the character of the neighbourhood.
21. St Catherine's Church should be retained as a community facility.
22. Public consultation on the application undertaken by Caerphilly CBC was inadequate.

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 - the site is located in the mid-range viability area where CIL is charged at £25 per square metre plus indexation.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application site is located within the settlement boundary within which development is normally permitted subject to the requirements of other relevant LDP policies and material planning considerations (Policy SP5). The site is not covered by any allocations or designations according to the LDP Proposals Map.

The application site falls within the Southern Connections Corridor where, among other things, the use of previously developed land within settlement limits is promoted (Policy SP3 - criterion A). The site is classified as brownfield land and it is considered that the proposed residential development would be compatible with surrounding land uses which comprise of a mixture of residential and commercial uses (Policy CW2 - criterion C). The proposed residential development would also accord with the role and function of the settlement within which it is located (Policy CW15 criterion - B), and it is therefore considered that the proposal is broadly acceptable in land use terms.

The existing church building is recognised as a community use that is protected by Policy CW8. Among other things, this policy requires any proposal that would result in the loss of a community facility to demonstrate that either a comparable replacement facility can be provided, or the facility is surplus to requirements. Written confirmation has been provided by The Representative Body of the Church in Wales, stating that the Church was formally closed and declared redundant on 14th May 2019. On this basis, it is considered that the community facility is surplus to requirements and as such, the proposed development meets the requirements of Policy CW8 (criterion B).

With regards to housing need, Policy SP14 made provision for 10,269 new dwellings in the County Borough between 2006 and 2021 in order to deliver the 8,625 new dwellings required to meet the moderate growth strategy of the LDP. This equated to an annual requirement of 575 dwellings per annum. The most recent Annual Monitoring Report (AMR) of the LDP was approved in October 2022 and includes a housing trajectory of the 15 year plan period up to 2021 plus 6 years (see Appendix 1 of AMR). This shows that the number of dwellings completed has been below the annual requirement of 575 dwellings per annum since 2008/09 and is forecast to continue to be below this requirement for most years up to 2026/27. There is just one exception in the year 2023/24 where the number of dwelling completions is forecast to be 635 units. The affordable housing target of delivering at least 964 affordable units between 2006 and 2021 (Policy SP15) has also not been met and the AMR continues to recommend that proposals for residential development should be considered on their relative merits on a site-by-site basis, having regard to the need to increase the housing land supply.

The proposed residential development would provide 16 flats all of which are proposed to be affordable. Whilst the amount of housing proposed would not make a significant contribution to the overall supply of housing, it would make a much needed contribution,

particularly in terms affordable housing. Accordingly, the proposal would meet the requirements of Policies SP14 and SP15.

In respect of affordable housing, it should be noted that the site falls within the Lower Islwyn housing market area which requires a 10% affordable housing contribution subject to viability (Policy CW11). As such, the Council's Housing Enabling Officer has confirmed that only 2 flats need to be provided as affordable to meet policy requirements and each flat should comprise of a 1 bed, 2 person unit for social rent. Such affordable housing requirements would need to be secured as part of a Section 106 agreement.

With regards to the scale and design of the proposed residential building, Policy SP6 requires development proposals to contribute to sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. The local area is predominantly characterised by two storey terraced buildings, with semi-detached buildings and a 3 storey residential building also evident. Whilst the local vernacular is varied, the existing church building and immediately adjacent terraced buildings have a distinctive character and appearance, comprising of grey/brown stone with buff brick quoins, horizontal bands and detailing around windows and doors. Gable roofs with grey roof tiles are also a common feature.

The proposed residential building would be predominantly 3 storeys in height and located in a visually prominent position on the southwest corner of the junction between Gladstone Street and Woodward Road. The proposed building would also be immediately opposite an existing 3 storey residential building and would broadly reflect this building's scale and positioning. The proposed building would also step down to 2 storeys in height at its north-western end in order to more appropriately reflect the scale of the terraced block at Woodward Road. A similar step down in height has not been incorporated into the design of the proposed building along Gladstone Street as it is considered that the existing public car park provides a sufficient visual break between the 2 storey terraced block to the southwest and the proposed 3 storey element of the building along Gladstone Street. The mass of the proposed building along Gladstone Street would, however, be broken up by a recessed entrance/internal stairwell and visual break in the roof part way along its frontage. The proposed residential building is therefore considered to be in keeping with the existing scale and built form of the area.

It is considered that the existing St Catherine's Church building currently makes a positive contribution to the street scene and some of its key characteristics and design features have been incorporated into the design of the proposed residential building. These include the proposed incorporation of a gable roof design and the use of stone on the building's façade along with buff brick quoins, horizontal brick band detailing and brick detailing around windows. The proposed use of such materials and design features would also complement the character and appearance of the immediately adjacent terraced blocks at Gladstone Street and Woodward Terrace.

The proposed residential building would provide active frontages along both Gladstone Street and Woodward Road and the 3 storey gable projection on the north-eastern corner of the building would provide a positive, prominent design feature within the street scene. Moreover, the proposed recessed entrances/internal stairwells, two storey flat roof bay windows, entrance canopies and variation in the roofscape would collectively help break up the scale and massing of the building, whilst also adding visual interest to the building's overall design. It is therefore considered that the scale and design of the proposed residential building would sit comfortably with the context of the site and as such, would not be out of keeping with the character and appearance of the street scene. Accordingly, the proposed development would meet with the requirements of Policy SP6 in respect of this matter.

In terms of existing trees on site, the submitted Tree Report indicates that all existing trees and shrubs on site are of low quality. The Council's Arboricultural Officer has reviewed the Tree Report and confirmed that there are no trees of inherent value that should be retained in the longer term as part of the proposed residential development. Replacement tree planting of a scale appropriate to the urban setting, particularly within the proposed communal garden, is recommended, however.

In respect of hard and soft landscaping, the proposed landscaping plan includes permeable paving throughout the site, rain gardens along the frontage of the site, a central landscaped garden area, and planting areas and a wildflower grassland in the southwest corner of the site. Both the rain gardens and permeable paving would function as sustainable drainage features, ultimately conveying surface water to the wildflower grassland area where the surface water will infiltrate into the ground. As the proposed development is for more than one dwelling, the sustainable drainage details require a separate consent from the Sustainable Drainage Approval Body (SAB).

The Council's Landscape Architect has confirmed that the proposed landscaping plan is acceptable in principle, and it is considered that the proposals would provide some useable outdoor amenity space for future residents and help soften the built form of the proposed building. Further planting details are, however, considered necessary along with details of hard landscaping and boundary treatments. It is considered that such matters can be addressed via conditions requiring the submission and approval of revised/additional hard and soft landscaping and boundary treatment details. Subject to such conditions, it is considered that the proposed landscaping scheme would provide an appropriate visual setting for the proposed residential building.

With regards to ecology, the submitted Bat Survey Report states that no direct evidence of bats using the existing building was identified during the bat surveys. As such, the Report concludes that the proposed residential development would have a negligible impact on the local bat population. The Council's Ecologist has reviewed the Report and raised no objection to the proposed development subject to biodiversity enhancement measures being secured via condition.

In relation to residential amenity, the proposed building would be located opposite two existing hot food takeaways with flats above and the residential properties of Nos 10 and 12 at Gladstone Street. At Woodward Road, the proposed building would be located opposite the existing 3 storey residential building. The proposed building would maintain the existing building lines of adjacent terraced blocks along both Gladstone Street and Woodward Road and as such, would achieve similar separation distances between the principal elevations of opposing buildings. The level of direct overlooking between the proposed residential building and existing residential properties is not therefore considered to be any different to that currently experienced between existing opposing properties within these streets and as such, the proposal would not give rise to an unacceptable loss of privacy to the surrounding residential properties. It should also be noted that whilst the front gable projection on the corner of the proposed building would extend further forward than the main building line, any overlooking into the windows of the flats above the takeaways at Gladstone Street would be at an oblique angle and as such, would not give rise to an unacceptable level of direct overlooking.

The proposed building would be of a similar scale to the existing 3 storey residential building at Woodward Road and as such, there are no concerns in respect of the overbearing impact on this neighbouring residential building. It is acknowledged that the proposed building would have more of an overbearing impact on the residential properties immediately opposite the application site at Gladstone Street (Nos 10 and 12) than the existing church building. However, it is considered that the mass and bulk of the proposed building has been reduced to some degree by the incorporation of a recessed entrance/internal stairwell and visual break in the roof part way along its frontage. Moreover, it is not considered that any overbearing impact that the proposal would have on these neighbouring properties would be unacceptable given that a separation distance of approximately 12m would be maintained between the proposed and existing buildings within the street. It is also considered that any overbearing impact that the proposed building would have on the flats above the hot food takeaways at Gladstone Street would be limited by the fact that the proposal would be viewed from first floor level, significantly reducing the scale of building and the resulting impact on the amenity of the occupiers.

In addition to the above neighbouring properties, No.1 Woodward Road also lies adjacent to the northwest boundary of the application site and is separated from the site by a single vehicle access lane. This neighbouring property has a side, ground floor, habitable room window on the flank elevation of the main building and also has an extended two storey rear wing (approximately 7m long) with habitable room windows at ground and first floor level incorporated into its side elevation. As such, all of these windows face towards the application site.

The proposed residential building steps down to 2 storeys in height along Woodward Road so that the building would have a similar ridge and eaves height to No.1 Woodward Road. Whilst the main two storey element of the proposed building would be located directly opposite the ground floor habitable room window on the main flank

elevation of this neighbouring property (approximately 4.5m away), this side window is not the only window serving the habitable room. As such, as an alternative means of outlook is available for the occupiers of the property, it is not considered that the overbearing and overshadowing impact would be unacceptable.

The main 2 storey element of the proposed building also incorporates a 2 storey rear wing that would be set down from the ridgeline and in from the northwest flank elevation of the main 2 storey element by approximately 0.8m and 2m respectively. It is noted that the proposed 2 storey rear wing would breach the 45 degree rule as applied to the existing habitable room windows on the main rear elevation of No.1 Woodward Road. However, when this breach is considered alongside the existence of the intervening access lane and the extent of the separation distance between the centre point of the habitable room window and the proposed rear wing (approximately 7.5m), it is not considered that any overbearing or overshadowing impact would be unacceptable. Similarly, a slightly greater separation distance of up to approximately 8m would be maintained between the proposed building's two storey rear wing and the existing habitable room windows in the side elevation of the neighbouring property's extended 2 storey rear wing. These habitable rooms are also served to some degree by other existing windows in the rear elevation of the 2 storey rear wing, which provide an alternative means of light and outlook. As such, it is not considered that the proposed development would have an unacceptable impact on No.1 Woodward Road by means of overshadowing or overbearing.

In respect of overlooking, no windows are proposed in the north-western elevation of the proposed building adjacent to No.1 Woodward Road. Moreover, whilst windows would be incorporated into the rear elevation of the 3 storey element of the proposed building that would face towards the rear garden of No.1 Woodward Road, an adequate separation distance of approximately 21.5m would be maintained, preventing any unacceptable loss of privacy.

Overall, it is not considered that the proposed residential development would have an unacceptable impact on the amenity of occupiers of neighbouring residential properties by means of overbearing, overshadowing or overlooking. Accordingly, the proposed development is considered to meet the requirements of Policy CW2 (criterion A) in respect of this matter.

In terms highways and parking matters, the submitted Transport Technical Note (TTN) estimates that the proposed residential development would generate a total of 25 vehicle movements throughout the day (7am -7pm). Moreover, during peak morning (8am- 9am) and evening (5pm-6pm) travel periods, the proposal is anticipated to generate just 3 and 2 vehicle movements respectively. The Council's Transportation Engineering Manager has reviewed the TTN and raised no concerns in respect of the impact of these additional vehicle movements on the safe, effective and efficient use of the highway network.

In respect of car parking, the submitted TTN demonstrates that the application site is located in a sustainable location with good access to a range of local facilities and public transport. In particular, the application site is located less than 80m from Crosskeys train station and local bus stops, and there are numerous local facilities in reasonable walking distance of the site, including a local primary school, convenience store, newsagent, dental practice and hot food takeaways/restaurants.

Whilst there are also national cycle routes within close proximity to the site, it is noted that the Transportation Engineering Manager and objectors have brought into question the practicalities of accessing national cycle route 465 to the northeast of the application site by cyclists, given the narrowness, steepness and condition of the path between Carlton Terrace and the cycle route itself. Having walked the path, it is considered that it is not conducive to cycling and is likely to act as a deterrent to future occupiers of the proposed development in choosing to access this cycle route on a regular basis.

Notwithstanding the limitations of accessing route 465 for cycling, it should be noted that this route has also been identified as a walking route for local travel as part of the local active travel network. In addition, national cycle route 47 is located a little further towards the southwestern end of Gladstone Street and when these factors are taken into account alongside the good access to public transport and local facilities, it is considered that the application site is located within a sustainable location with the potential to encourage a modal shift away from a reliance on the private car.

The Council's Car Parking Standards SPG typically requires 1 space to be provided per bedroom which results in a requirement for 21 car parking spaces for the proposed residential development. A reduction in car parking spaces is, however, permitted based on the proximity of a development to local facilities, public transport and cycle routes. The TTN indicates that the proposed development can be awarded sufficient sustainability points (even with the removal of 1 point relating to cycle route access) to allow a parking reduction of 1 space per flat. As the Car Parking Standards SPG requires a minimum of 1 space per flat, this reduction can only be applied to the flats with 2 bedrooms, which results in a car parking requirement of 16 spaces for future residents plus 3 spaces for visitors (19 spaces in total).

The proposed residential development does not include any off-street car parking spaces and as such, conflicts with the requirements of the Car Parking Standards SPG. The Transportation Engineering Manager has also raised highway safety concerns given the potential for an oversubscription of parking in the area. Whilst the conflict with the Car Parking Standards SPG and the concerns of the Transportation Engineering Manager are fully acknowledged, it is considered that they need to be balanced against the requirements of Planning Policy Wales (PPW, Edition 11) and Future Wales in relation to car parking, the fall-back position of the potential use of the existing St Catherine's Church building, car ownership data and the findings of car parking demand surveys. Each of these matters is considered in turn below.

Paragraph 4.1.50 of PPW (Edition 11) states that, among other things, car parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a shift to walking, cycling and public transport. Moreover, it states that well designed schemes which keep parking levels down, especially off-street parking, must be supported by planning authorities. Policy 12 of Future Wales takes the approach of minimising off-street parking a step further by requiring planning authorities to identify opportunities for higher density, mixed use and car-free development around metro stations. Given that the application site is located less than 80m from Crosskeys train station and adjacent bus stops, it is considered that the proposed residential development presents an opportunity to provide a car-free development that would support a shift to more sustainable modes of transport, such as rail and bus use. The proposal is therefore considered to comply with the general thrust of PPW (Edition 11) and Policy 12 of Future Wales in respect of car parking matters.

With regard to the fall-back position of the potential use of the existing St Catherine's Church building, the submitted TTN indicates that the number of car parking spaces required for the previous use of the building as a church/place of worship would be between 22 to 23 spaces. This requirement is more than the 19 car parking spaces required for the proposed residential development and the TTN concludes that the proposal would result in a reduction in the demand for on-street parking when compared with the extant church/place of worship use.

The Council's Transportation Manager has stated that the fall-back position is invalid as the proposal would involve the demolition of the existing church building and the construction of a new residential building, rather than the conversion of the existing building to a residential use. Objections to the proposed development have also been received from local residents, which state that, among other things, the site has no extant use as the building has been unused for at least the past five years, with all current local parking demand being related to existing residential uses and users of local facilities and amenities.

It does not simply follow that as the proposal involves the construction of a replacement building that there is no fall-back position on the site. If planning permission were to be refused for the proposed residential development, the existing building would remain on site and it is likely that the owner would seek to put the building to a productive use, rather than leave it to abandonment and dereliction and the financial loss that that would incur. However, as indicated above, evidence has been submitted in the form of written confirmation from The Representative Body of the Church of Wales, stating that the Church was formally closed and declared redundant on 14th May 2019. On this basis, the judgement has been reached that the church facility is surplus to requirements and accordingly it is acceptable for the church building to be lost as a community facility. It therefore logically follows that whilst it is possible that the building could continue to be used as a church or other place of worship, the potential for this continued use is very limited, otherwise the building should be retained for the continued community use. It is therefore considered that the fall-back position of the building continuing as a church or

other place of worship with its associated higher parking demand should not be given significant weight.

Notwithstanding the unlikelihood of the existing church building continuing under its existing use, consideration also needs to be given to the fact that places of worship fall with the D1 (non-residential institution) use class and as such, the building has the potential to be used for a number of alternative uses within the same use class without the benefit of planning permission. Such D1 uses include clinics, health centres, creches, day nurseries, education and training centres and public halls. Given the sustainable location of the site and the likelihood that the owner would seek to put the existing building to an alternative beneficial use if planning permission were to be refused for the proposed residential development, it is considered that there is a latent demand for parking associated with the application site and the proposed residential development should not be seen as creating a wholly new requirement for parking. It is recognised that it is difficult to make a quantitative comparison between the car parking requirements for the proposed residential use and alternative D1 uses as the car parking requirement for the latter uses are often based on staff/practitioner numbers, which are unknown at this time. However, it is not considered that the car parking requirements for the proposed residential use and alternative D1 uses would be vastly different, especially if a lower parking requirement is to be accepted for the proposed residential development based on the anticipated level of car ownership as considered further below.

The TTN provides an estimate of the likely car ownership rate of the future residents of the proposed development based on car availability data in the 2011 Census. The TTN states that car ownership for flats in the area is 0.51 cars per household and for social rented dwellings it is 0.49 cars per household. Whilst the supporting information submitted with the application states that the proposed residential development would provide 100% affordable housing, certainty cannot be provided over the exact type and amount of affordable housing provision as the applicant is not a registered social landlord/housing association and only 2 of the proposed flats are required to be secured as social rent affordable housing as part of a Section 106 Agreement (see above). It is, however, clear that the proposed residential development would only be providing flats, and as such, it is not considered unreasonable to expect the number of car parking spaces needed for future residents to be lower than the 16 spaces required by the Car Parking Standards SPG based on the 2011 Census data provided. Moreover, given the site's close proximity to a rail station and bus stops, and the fact that the site is within walking distance to a range of local facilities, it is considered that the proposed development would be attractive to non-car owners and would offer a choice of transport modes in line with the thrust of PPW (Edition 11).

It is noted that the Transportation Engineering Manager has raised questions over the robustness of the 2011 Census data as it is over 10 years old and represents a snapshot of car ownership at that time. However, a more recent source of data does not appear to be available at the time of writing and whilst the Transportation Engineering Manager speculates that travel patterns and levels of car ownership may have

potentially changed since 2011, no supporting evidence or information has been provided to substantiate this claim. On this basis, it is considered that the 2011 Census data should be considered as the best information currently available.

With regards to the existing car parking survey, the TTN indicates that night-time surveys were carried out on two weekday nights between 12.30am and 5.30am. This time period represents the maximum demand for residential parking and whilst objections have been received stating that the surveys fail to capture the significant demand for daytime parking, the Transportation Engineering Manager has raised no concerns in this regard. Moreover, it is noted that the Council's Highway Officer undertook his comparative car parking demand survey between 20.00pm and 20.45pm, also outside of daytime hours.

The results of the night-time surveys contained within the TTN indicate that on the busier of the 2 weekday nights surveyed, 72% of parking spaces within the surrounding streets were used with 74 unoccupied spaces remaining available. In contrast, the Highway Officer survey only identified 11 unoccupied spaces, which indicates that 96% of available parking spaces were occupied. The TTN acknowledges that practical car parking capacity is reached at approximately 85-90% and above this level, finding a space may become difficult and vehicles may need to circulate the area. In addition, depending on the layout and width of the carriageway, streets fully parked on both sides may have fewer passing places, which can affect vehicle circulation in an area and potentially access by large vehicles.

There is a clear discrepancy between the surveys undertaken by the applicant's transport consultant and by the Highway Officer. The Planning Agent's letter (dated 13th September 2022) contends that the difference is likely to be related to commuter traffic associated with the use of local facilities and Crosskeys train station. This is considered to be a reasonable assertion given that local residents have also raised concerns over the demand for parking spaces throughout the morning, afternoon and evening from non-residents utilising local facilities and the train station.

Based on the survey data provided it is reasonable to conclude that there would be sufficient on-street parking available during the night time to meet the needs of the proposed residential development. During this period the demand for residential car parking would be at its highest, although there would also be little demand from non-residents who park in the surrounding streets in order to access the train station and local facilities. The Highway Officer survey is likely to have captured elements of both residential and non-residential demand for on-street car parking, which demonstrates a higher level of car parking stress with only 11 unoccupied spaces found to be available. This number of unoccupied spaces would only be sufficient to meet the needs of the proposed residential development if a lower parking requirement for the proposal is accepted based on lower car ownership levels for occupiers of flats and/or social rent affordable accommodation (i.e. 8 spaces). However, it must also be acknowledged that based on the Highway Officer survey data that the current level of on-street car parking is already above the practical car parking capacity for the area at certain times of the

day and any further loss of unoccupied parking spaces would therefore exacerbate the existing parking stress within the area to the detriment of local resident's amenity.

In summary, the proposed residential development with no off-street car parking provision conflicts with the requirements of the Car Parking Standards SPG. However, more recent and up-to-date policy in both PPW and Future Wales seeks to reduce the reliance on the private car and support a modal shift to walking, cycling and public transport. Policy 12 of Future Wales, which forms part of the Authority's development plan framework, also requires planning authorities to identify opportunities for higher density, mixed use and car-free development around metro stations. The application site is located within a sustainable location in close proximity to a rail station and bus stops, and within walking distance to a range of local facilities. It is therefore considered that the proposed development would be attractive to non-car owners and would offer a choice of transport modes in line with the general thrust of PPW (Edition 11) and Policy 12 of Future Wales.

The on-street parking concerns raised by both the Transportation Engineering Manager and local residents are fully acknowledged and it is accepted that at certain times of day the amount of available on-street car parking is likely to be limited. However, it is not considered that the proposed residential development would generate an entirely new demand for on-street car parking as it is considered that there is a fall-back position on the site relating to the more general existing D1 use of the building. Given that the proposed residential development would comprise of flats with some, if not all, units providing social rent affordable housing, it is not unreasonable to expect the level of car ownership to be less than 1 per household. The likelihood of the latter is increased by the fact that the proposed development is located in a sustainable location, which would make it attractive to non-car owners. It is not therefore considered that the proposed residential development would generate a significant increase in the demand for parking over and above the fall-back position of the existing D1 use of the church building. When this is considered alongside the aforementioned policy requirement to seek to promote car-free development around metro stations, it is considered that, on balance, the proposed residential development would not have an unacceptable impact in terms of car parking.

Comments from Consultees: The majority of the concerns raised by the Transportation Engineering Manager have been addressed above. In terms of the additional concern relating to the lack of disabled parking provision, it is noted that the Gladstone Street public car park, which adjoins the southwest boundary of the site, has two existing disabled parking spaces. The car parking surveys undertaken by the applicant's transport consultant and the Council's Highway Officer both demonstrated that the two disabled spaces were unoccupied at the time of the surveys. It is therefore considered that any future need for disabled parking arising from the proposed development could be met by this existing provision.

In respect of the Transportation Engineering Manager's concern that the submitted car parking survey had not taken into account double yellow lines and vehicle crossovers,

the Planning Agent's letter (dated 13th September 2022) confirms that these factors were taken into account when the survey was undertaken.

Glamorgan Gwent Archaeological Trust (GGAT) has indicated that St Catherine's Church is first shown on the Third Edition OS map of c1920 and is noted in the Historic Environment Record. As such, even though St Catherine's Church is not covered by any statutory or non-statutory historic environment designations, GGAT has requested that a condition is attached to any planning permission granted which secures a historic building recording of the structure prior to any development commencing. Given the local historic significance of the church building, it is considered that a condition of this nature is justified.

Comments from public: A number of the main concerns raised by local residents relating to the lack of off-street parking, impact on residential amenity, loss of a community facility and impact on the character and appearance of the area have been addressed above. A response to the remaining concerns is provided below.

It is noted that a concern has been raised over the submitted TTN being 12 months out of date. However, the application has not been assessed on this evidence alone, with the Highways Officer's parking survey also taken into consideration. The Transportation Engineering Manager has also made no request for further surveys and any recent increase in demand from commuters for car parking would not affect the maximum demand for residential car parking during the night time.

In respect of the concern relating to over-development, it is recognised that criterion B of Policy CW2 states that a development proposal should not result in over-development of the site. However, this requirement also needs to be balanced against other policy requirements within the LDP, such as criterion F of Policy SP6 which states that development proposals should make efficient use of land by providing higher density developments in close proximity to key transport nodes. This requirement is also reflected in PPW (Edition 11) which states that planning authorities need to ensure that they make the most efficient use of land in their areas and encourage higher densities on sites which have good walking, cycling and public transport links (see paragraph 4.2.22). Similarly, one of the key strategic placemaking principles set out in Policy 2 of Future Wales is the need to increase population density, with built development at urban densities that can support public transport and local facilities.

As indicated above, the application site is located in a sustainable location with good access to Crosskeys train station, bus stops and a range of local facilities within walking distance. As such, it is considered appropriate to accept a higher level of housing density on the application site, particularly as no unacceptable impacts on residential and visual amenity or on street parking have been identified. Moreover, it is considered that the proposed residential development would be adequately served by open space, cycle parking provision and refuse collection facilities within the site. It is therefore considered that the proposal would represent a sustainable form of development and would not result in over-development of the site.

In relation to concerns over the impact of construction works on the local highway network and local amenity as a result of noise and light disturbance, it is considered that such impacts would be temporary and capable of being adequately controlled through the implementation of demolition and construction method statement. The latter can be secured via the imposition of an appropriately worded condition if planning permission were to be granted.

In respect of the concern over the potential adverse effect on the local drainage system, Dwr Cymru/Welsh Water has confirmed that the public sewerage network has the capacity to accommodate foul flows from the proposed development. Moreover, the submitted Drainage Strategy confirms that surface water arising from the proposed development will be dealt with via sustainable drainage systems on site and will not connect to the public sewerage network.

With regards to the claim that there are sufficient unused residential homes in the area, as indicated above, the amount of housing delivered within the County Borough has been below the LDP's annual requirement of 575 dwellings per annum since 2008/09. The Council's Housing Enabling Officer has also confirmed that there is need for affordable housing in the Crosskeys area and the proposed residential development would help meet this affordable housing need.

In respect of concerns relating to the suitability or likelihood of future residents of the development utilizing active travel routes and/or public transport, it is acknowledged that such modes of transport may not be suitable for every individual's personal circumstances. However, it is considered that these modes of transport provide a realistic alternative to the use of the private car and as such, the development would be attractive to non-car owners who would benefit from good access to public transport and/or opportunities for walking/cycling to local facilities.

In relation to the assertion that the proposed living accommodation is too small, it should be noted that the Environmental Health Manager has raised no concerns in respect of the proposed flats not meeting current housing standards.

With regards to the assertion that existing on-street car parking represents a protected community facility, it is considered that this is a misinterpretation of Policy CW8 which relates specifically to community buildings and more formal facilities, such as children's playgrounds and designated sports pitches.

In respect of the need to review local school capacity, it should be noted that one bedroom flats are not considered suitable for families and as such, only the 5 no. two bedroom flats are likely to give rise to a future need for pupil places in local schools. Whilst it is acknowledged that nearly 12 months has passed since the initial consultation response was received from the 21st Century Schools Manager, this limited time delay is unlikely to have any significant effect on the estimation of the future demand for school places given that there is always some uncertainty when the actual need for the places will come into effect as any planning permission granted has five years to be

implemented and there are no time limits over when a development is to be completed. Moreover, the overall demand for school places from the proposed development is considered to be low and unlikely to have a significant effect on local school capacity.

In relation to concerns over anti-social behaviour affecting the character of the neighbourhood, it is considered that the proposed residential development is compatible with neighbouring land uses. Moreover, no comments have been received from the Police Architectural Liaison Officer raising concerns over the nature of the proposed development.

Finally, the potential need to relocate public facilities, such as refuge and dog waste bins, are not considered to be a significant impediment to the proposed development, and the loss of an open view is not a material planning consideration. It is also confirmed that all statutory public consultation procedures were followed as part of processing this application, including issuing neighbour letters, displaying site notices and a placing a notice in the local newspaper.

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. 10% 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, Drawing No. A100, received 14/12/21;
Proposed Site Plan, Drawing No. A104 (Rev. G), received 02/11/22;
Proposed Ground Floor Plan, Drawing No. A105 (Rev. H), received 26/09/22;
Proposed First Floor Plan, Drawing No. A106 (Rev. F), received 26/09/22;
Proposed Second Floor Plan, Drawing No. A107 (Rev. F), received 11/10/22;
Proposed Roof Plan, Drawing No. A108 (Rev. F), received 11/10/22;
Proposed Elevations Sheet 1, Drawing No. A109 (Rev. G), received 11/10/22;
Proposed Elevations Sheet 2, Drawing No. A110 (Rev. G), received 11/10/22;
Proposed Courtyard Elevations, Drawing No. A111 (Rev. G), received 11/10/22;
and
Site Investigation Report: St Catherine's Church, Gladstone Street, Crosskeys, Document Ref. 12918/LS/21/SI, prepared by Integral Geotechnique (Wales) Limited, dated October 21.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) 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.

- 04) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 05) 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.
- 06) The development shall not be occupied until covered and secure cycle parking facilities have been provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure that the development is accessible by all modes of transport in the interests of sustainability in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to any works progressing beyond ground preparation and laying of the slab a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the building hereby approved is brought into beneficial use.
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Notwithstanding the details forming part of the submitted plans, prior to any works progressing beyond ground preparation and laying of the slab a revised scheme depicting hard and soft landscaping together with a programme of 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 and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Prior to any works progressing beyond ground preparation and laying of the slab details of the type and location of 12 No. integrated swift boxes shall be submitted to and approved in writing by the Local Planning Authority. The integrated swift boxes shall be installed in accordance with the approved details before the building hereby approved is brought into beneficial use and shall be retained thereafter.

REASON: To provide nesting for birds for biodiversity enhancement in accordance with Policy SP10 of the Caerphilly Local Development Plan up to 2021 and Part 1 Section 6 of the Environment (Wales) Act 2016.

- 10) No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To record the special architectural and historic character of the St Catherine's Church building.

- 11) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve the approved residential building. The necessary infrastructure required shall be installed prior to the first occupation of the residential building.

REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.

- 12) No development shall commence on site until a Demolition and Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Demolition and Construction Method Statement shall include details of:

hours of working;

method of demolition;

the parking of vehicles of site operatives and visitors;

loading and unloading of plant and materials;

storage of plant and materials used during demolition and construction works;

wheel washing facilities;

the erection and maintenance of security hoardings;

measures to control noise and light nuisance during demolition and construction works;

measures to control the emission of dust and dirt during demolition and construction works; and

details of a scheme for the recycling/disposing of waste resulting from demolition and construction works.

Thereafter the demolition and construction of the development shall be undertaken in accordance with the approved Demolition and Construction Method Statement.

REASON: In the interests of amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.

Advisory Note(s)

Notification of initiation of development and display of notice:

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

Notice of initiation of development:

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

Display of Notice:

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

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

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

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.

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

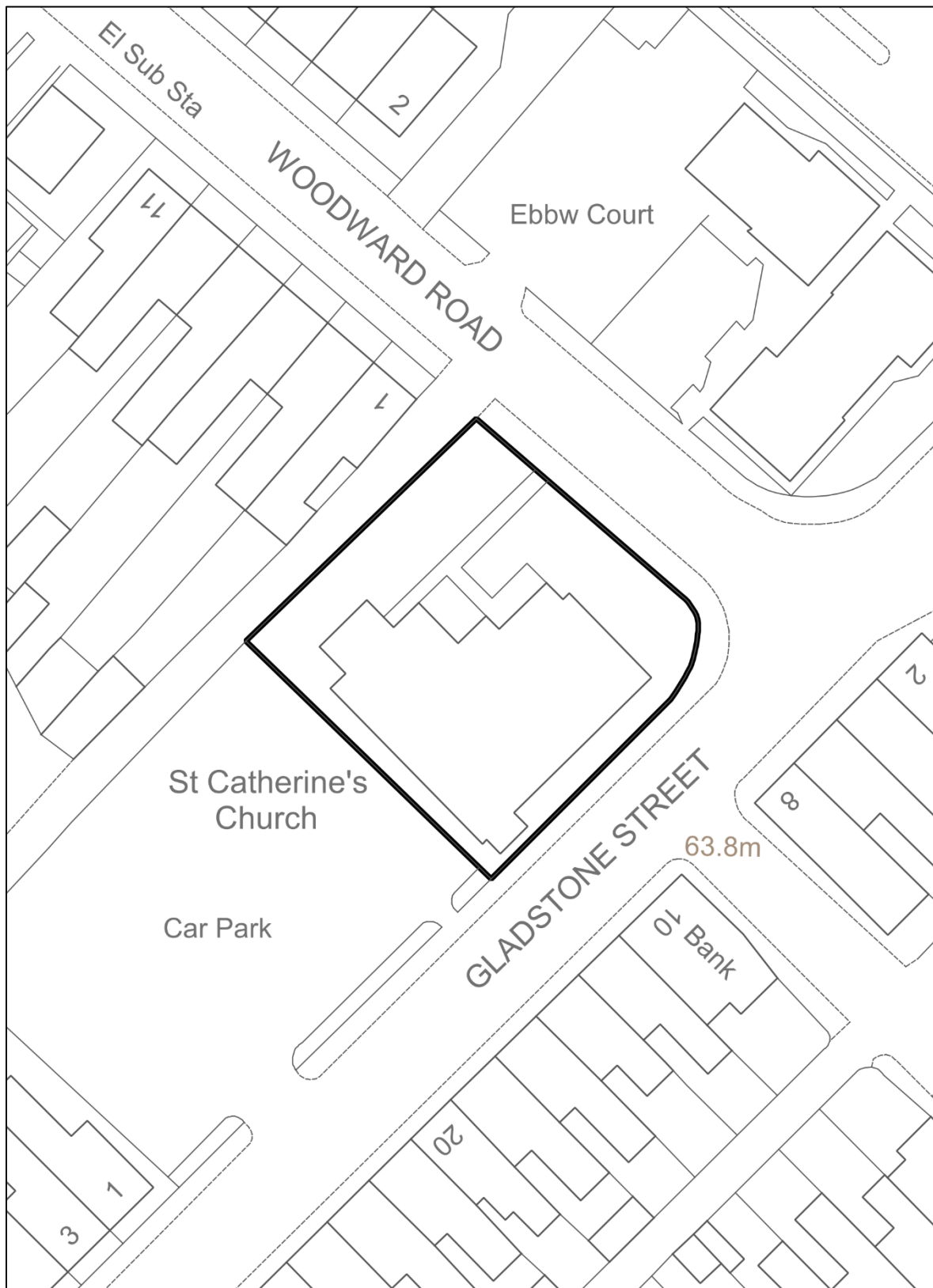
Website: www.caerphilly.gov.uk/sab

Bats use buildings for roosting and a bat roost may be present at the property and/or be affected by the works. Bats are secretive by nature and their roost site is not apparent from the outside and many householders are unaware that they have a bat roost at their property. The applicant is responsible for ensuring that a bat roost will not be affected by the works. If bats are found during the course of the works, all work must cease immediately and Natural Resources Wales contacted at the earliest opportunity for further advice on 03000 653000. A licence may be required to resume works. Bats and their roosts are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

The applicant/developer is advised that the historic building recording work must be undertaken to the appropriate standard and guidance set by the Chartered Institute for Archaeologists (CIfA). It is therefore recommended that the recording work is carried out either by a CIfA Registered Organisation or an accredited Member.

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21/1213/FULL



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Application Number: 22/0251/RET

Date Received: 18.05.2022

Applicant: Lanes Recovery Ltd

Description and Location of Development: Retain the change of use from manufacturing to vehicle recovery and storage - Lanes Recovery Ltd The Sidings Building St Cenydd Road East Trecenydd Caerphilly

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: Lanes Recovery Ltd The Sidings Building St Cenydd Road East Trecenydd Caerphilly CF83 2RP.

The application site is located to the East of Orchards Poultry Farm, Station Terrace, and St Cenydd Road (B4263). The Nant-Yr-Aber Watercourse and SINC travels to the South of the application site, with the A468/9 travelling to the East. A wider residential area, comprising of multiple spine roads connecting to the northern section of the B4263 is set to the North. Properties set along the south-eastern end of Thomasville and southern limits of Ty Nant border the application site, along with the Allotment gardens at Energlyn Terrace.

Site description: The application site incorporates a large parcel of land surrounding a well-established industrial unit known as 'The Sidings Building'. The site was formerly utilised as a steel fabrication/manufacturing plant (circa 1996 to late 2000's) managed by Zonner Industries. The site has been occupied since 2019 by Lanes Recovery Ltd, an automotive business providing towing services for damaged vehicles, domestic and commercial.

The primary access to the site is via a vehicle access lane off St Cenydd Road (B4263) to the west, proximate to its connection with Station Terrace. The access track divides into two paralleling tracks 'North' and 'South' at a point approx. 110m's from the end of a length of surfaced 'highway' and approx. 150m from the junction with Station Terrace/ St Cenydd Road. Both tracks are secured by a gated access, comprising lockable industrial style security gates and palisade security fence. The principal track, travels southeast, diverting down the upper 'profiled' bank of the site into a large concrete forecourt at the front of the 'The Sidings Building'. The smaller, secondary track skirts along the upper gradient of the slope, travelling easterly across the breadth of the site along the northern site perimeter. This provides access to a vehicle storage area (HGV storage), abutting a parcel of vegetation that backs on to properties along Ty Nant and beyond into a rear service/storage yard completed in gravel.

Development: Planning permission is sought to retain the change of use from manufacturing to a vehicle recovery and storage facility.

Dimensions: The site area is approx. 1.8Ha with 'The Sidings Building' occupying a footprint of 0.20Ha (2000m²) as per Drawing No. PP-02 Site Location Plan. Around 50% of the site is hard surfaced (concrete, stone/gravel chippings, or compacted matter) provisioned to accommodate vehicles and for outdoor storage (B8 Use class).

Materials: 'The Sidings Building' is a purpose-built industrial unit with a rectangular form, a higher profile at the rear and a smaller, low-profile projection at the front. The building is constructed from corrugated profile sheeting. The external element of the site comprises a concrete yard with accompanying areas of compressed/compacted stone chippings and a larger gravel hardstanding to the rear of the building.

Ancillary development, e.g. parking: To the front of 'The Sidings Building' is a Concrete service yard to be retained with a HGV parking and turning area, HGV storage area along the northern site boundary and gravel hardstanding to the rear of the building.

PLANNING HISTORY 2010 TO PRESENT None.

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 of Caerphilly.

Policies: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), SP21 (Parking Standards), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations: Highways), CW5 (Protection of the Water Environment), CW6 (Trees, Woodland and Hedgerow Protection) and CW15 (General Locational Constraints).

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

LDP4 - Trees and Development (January 2017): Trees, woodlands, and hedgerows (hereafter 'trees') are an important part of rural and urban environment. The successful integration of existing trees as part of a development will enhance the landscape character of the area and the development, soften and screen buildings, enhance biodiversity, filter air, noise and light pollution, reduce soil erosion and provide a valuable resource in climate change terms. Caerphilly County Borough Council aims to ensure that the successful integration of existing trees and new planting as part of development proposals is encouraged as best practice.

LDP5 - Car Parking Standards (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 Parking Standards (2014) will be applied across Caerphilly County borough.

LDP6 - Building Better Places to Live (January 2017): The main purpose of this SPG is to improve the standard of design in residential development, regardless of its size and location. Caerphilly County Borough Council (CCBC) is committed to achieving good design, as is the Welsh Government (WG). Good design is a key aim of the Planning System. Planning Policy Wales (PPW), Edition 11, 2021, requires that Local Development Plans (LDPs) provide clear policies setting out a local authority's design expectations in connection with Technical Advice Note (TAN) 12: Design, 2016, which offers advice to local planning authorities on how design may be facilitated within the planning system.

The above SPG provides further information and guidance to clarify the policy aims described in the following appraisal of these proposals. The document has been formally adopted by the Council on the date specified above, which followed appropriate public consultation exercises and stakeholder engagement carried out to inform the content of the SPG. It is considered appropriate to have regard to the content of the SPG given it is fundamentally aligned to LDP Policy; it is consistent with national guidance and overarching principles of Placemaking [PPW] and ultimately it provides useful guidance to confirm how the Council considers the LDP Policy aims, and objectives should be interpreted.

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, coinciding with Planning Policy Wales (Edition 11) adopted February 2021.

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).
TAN 15: Development and Flood Risk (2004).
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 predominantly lies within a Coal Mining Development Referral Area (2022) - Development Low Risk Area. Parts of the site reside above (Caerphilly CBC Local Development Plan November 2010) an SCR8, Secondary Coal Resource. Given the physical aspects of the development have been present across time, with the operations well established, these structures and/or use present no further concerns with respect to coal mining conditions in this area. Standing advice will be made available to the applicant.

CONSULTATION

CADW - No comments submitted.

Transportation Engineering Manager - CCBC - No comments submitted.

Environmental Health Manager have no adverse comments to make with regards to the above planning application.

Health & Safety Executive - No comments to make regarding this application.

CADW - No comments submitted.

Estates Manager - No further comments.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour notification letters issued to properties along Thomasville Penyrheol on 6th May 2022. The public consultation period expired on 29.06.2022, however any comments received to the date of finalising this officer report have been included.

Response: 3 No. representations have been received, all of which OBJECT to the proposal. In this instance, although separate submissions, all representations are from one individual.

Summary of observations: The key objections are summarised below:

1. Large scale groundworks have been completed across recent years, with earth deposits to rear of the main factory unit. It is unclear where this landfill came from or what permissions were granted for these works.
2. Significant trees and hedges adjacent to the site have been cleared many times. Area of land was cleared of greenery to provide HGV parking, directly against the remaining hedgerow backing onto Ty Isaf Bungalows.
3. Little vegetation left along the boundary (Northern site boundary) provides minimal screening to residents of HGV vehicles parked in this area. Every effort should be made to retain/restore greenery on this site to its former standard.
4. Application states opening hours are 9am-6pm, this is incorrect as operate 24/7.

5. Noise disturbance to surrounding residents.
6. Car Wash Centre on adjacent land was refused due to the impacts upon residential amenity.
7. Substantial earthworks since 2018 with no planning consents.
8. Lanes Recovery are already unlawfully operating.
9. There is a detriment to pedestrian safety due to large vehicles entering and existing this site, with constant obstruction of footway and highway. Therefore, some clarity needs to be provided on how the use of this site by these vehicles is compatible with the Safer Routes to School works and the Government's support of Safer Active Travel Routes for school children.
10. Size of vehicles entering the site is not safe for road users or pedestrians: Heavy duty tow trucks towing 56-seater coaches and articulated lorries. Most days there are double decker transporter lorries, often carrying between 6 and 8 vehicles at a time manoeuvring a small junction.
11. Consideration should be given to refusals of historical applications.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
The development and uses in themselves do not raise any concerns in this respect, but should permission be granted, the applicant would be advised to contact the Police to discuss Secure by Design principles for incorporation into 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. If appropriate, conditions to secure Biodiversity Enhancement(s) in accordance with Part 1 Section 6 'Biodiversity and resilience of ecosystems duty' of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note 5: Nature Conservation and Planning (2009) can be applied.

All Public Bodies, including Caerphilly County Borough Council have a legal obligation under the Environment (Wales) Act 2016 to conserve and enhance biodiversity. These are actions we take directly and through those actions which we consent.

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. Particular 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."

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The lawful use of the development would fall under a Sui generis/Unique Use and B8 Storage or distribution - Use for storage or as a distribution centre (inclusive of open-air storage) by virtue of the Town and Country Planning (Use Classes) Order 1987 (as amended). In that respect the development would not be CIL Liable as the Commercial Development CIL Rates is equivalent to £0.

Further information with respect to the Community Infrastructure Levy (CIL) can be found within the Caerphilly County Borough Council Community Infrastructure Levy Charging Schedule (Adopted 2014). The council resolved to approve the Charging Schedule at a meeting of the Full Council held on 10 June 2014, with an implementation date of 1 July 2014. The chargeable amount will be calculated at the time planning

permission first permits the chargeable development in accordance with the formula set out in Regulation 40.

ANALYSIS

Technical Advice Note 15: Development And Flood Risk (July 2004)

Part of the site, notably the southwestern region, in a band from the north-south perimeters (approx. 0.25Ha) lies within a recognised TAN 15 (Development Advice Map - February 2021) categorised Zone B flood zone. The area is prone to flooding because of its proximity to the Nant Yr Aber watercourse which travels to the south. The immediate floodplain also features ponds, a natural sink (east of the application site) and a small fissure within the vicinity which travels northward, paralleling with the shared boundary with Orchards Poultry Farm.

Planning Policy Wales (PPW) section 6.6.22 (Development and Flood Risk):

Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes, and these factors should be considered at an early stage in formulating development proposals.

Furthermore, section 6.6.25 of PPW specifies, "development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself". At this site the floodplain has been obstructed for some time via the installation of a concrete yard within the identified flood zone. PPW (section 6.6.27) suggests, there may be scope to control surface water run-off near to flooding sources with the possible incorporation of SuDS into existing infrastructure, as such sustainable development can be achieved in line with overarching PPW aims.

With respect to the guidance within TAN 15, Zone B areas are classified as, "Areas known to have been flooded in the past evidenced by sedimentary deposits". Concerning these sites the precautionary framework should be used as part of a precautionary approach to indicate where site levels should be checked against the extreme (0.1%) flood level. Section 5 of TAN 15 (Nature of development or land use) discusses the need to identify the vulnerability of different land uses to flooding and as such, the proposal would fall within the "less vulnerable development" category. Section 6.2 of TAN 15 stipulates, "New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue". As flooding has been identified as a material consideration to allow for localised problems (Zone B), the tests outlined in section 6 of TAN 15 are relevant. With respect to parts i-iv of the test, it would be most appropriate to consider this proposal against the following:

"Development, including transport infrastructure, will only be justified if it can be demonstrated that: (iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW page 37, Chapter 6); and, (iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable."

With respect to the above, the development classifies as less vulnerable development, meeting the test outlined in section 6. With respect to part (iii); "previously developed (also known as brownfield) land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure." With respect to the application site, this definition is satisfied, likewise the proposal seeks 'retention-of' existing developments. In conjunction, it can be concluded that flooding is already appropriately managed, with scope for enhanced flood defences, such that the development broadly concurs with the aims of PPW. Thus, the justification will be in the knowledge that this development will flood and will need to be planned accordingly. Section 7.2 states "whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effects on existing development". Considering the tests outlined in sections 5, 7 and Appendix 1; the development is considered acceptable, satisfying criterion (iv).

Policies: Verified by planning history at this site, historically the site has accommodated a working steel fabrication unit with ancillary office facilities operated by Zonner Industries. The LPA has considered several pre-applications, inclusive of a Proposed ice-skating business, Proposed B2 Use and Proposed recycling operations. However, none of these uses have been prolific. The site precinct and primary industrial 'unit' known as 'The Sidings Building' has been occupied by Lanes Recovery Ltd since a tenancy commenced in May 2019. Lanes Recovery has reached a degree of maturity as a business, such that it employs 35 people fulfilling a variety of roles. Whilst the storage and BAU (business as usual) running of the business operates 9am to 6pm Monday to Friday, the vehicle recovery missions, and its control-room operates 24 hours.

This application seeks to retain the change of use from manufacturing to vehicle recovery and storage (*sui generis*). Attention is drawn to the Proposed Site Plan (Drawing No. PP01, dated March 2022), this depicts that the warehouse unit exists as the 'core' structure occupying a footprint of approx. 2040sqm, housing a workshop and specialist storage area. The site also accommodates an enclosed 'outdoor' secure compound (storage use), concrete yard (inclusive of parking and turning facilities) and HGV storage and parking areas.

The main issues to discuss relate to the principle of the proposed use on this site, the proximity of the development to residential properties and the potential detriment this

specific use could pose to the residential amenity of these occupants and how the operations could adversely impact highway safety.

The area surrounding the industrial unit is largely flat, with the wider land sloping downward from the North, towards the lower-lying watercourse and from west-east with few natural landforms. The land appears to have been profiled in parts, to create level plateaus with underlying banks across areas of higher gradients. Only the existing buildings, industrial/commercial yards, and associated paraphernalia (e.g., waste storage containers) appear to break up the historic homogeneity of the site. It is likely the scale of the scrapyards sited to the front and rear of the building have evolved over several years, increasing in scale to accommodate the change in use. Aerial photography reveals that between 2016 and 2018 the rear gravelled hardstanding area became more established, with some works to the upper track. This gravel area does not appear to have been used for any designated purpose with no notable artefacts. In July 2021 the HGV storage area along the northern site boundary can be seen in situ, with salvaged vehicles being stored in the lower yard. The concrete forecourt (in situ since before 2000) is now, evidently occupied by staff and recovery vehicles.

LDP Policy SP6 (Placemaking) seeks to ensure 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. Criteria A-D secure an appropriate mix of uses that reflect the role and function of settlements, a high standard of design that reinforces attractive qualities of local distinctiveness and a location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all, amongst other aims. As this development is existing, connects with existing infrastructure/networks and involves no structural changes, the proposal predominantly centres around the acceptability of the change-of-use of the site. Thus, the proposed land use must be suitable and result in no greater visual detriments, whilst weight is still given to the material considerations of this policy.

The site is seen in long-range vistas from the heights of the A468, although a degree of screening is offered by mature vegetation adorning the eastern site perimeter. In summer months, the quality of this vegetation and mature tree canopy serves to largely screen the development. However, the gravelled area is sizable and thus, a distinguishable land feature at higher vantage points. Likewise, this area benefits from screening to the north and south boundaries, with the allotments and wooded parcels set beyond. In order to prevent further industrial/urban encroachment onto this land and to preserve the current levels of visual amenity at the east of the site, it would be appropriate to apply a planning condition restricting the use of this area, e.g., limited to appropriate and 'contained' B8 storage only and no storage of car scrap/wrecks etc. Likewise, the tree/vegetation density to the circumference of this area needs to be protected in the interests of visual amenity.

Numerous mature trees are depicted along the Northern site boundary, and from land level, it is conceivable that this vegetation is existing, although in parts its density is lessened, notably towards the west of the boundary. This is based on the reducing

wealth of this vegetation since circa 2013 and as it presents today; scrubby in segments, notably at lower percentiles where natural/man-made erosion is possible. Historically this 'green parcel' was larger, with landscaping engulfing the upper track with an absence of any HGV parking in this locale. Gradually this vegetation has been cleared back, creating an embankment (in part) lessening the green buffer between the site and residential properties along Ty Nant. However, the quality of this vegetation cannot be concluded from aerial imagery. It is evident that this area first appears barren in 2016, when the site has appeared vacant for some time (since 2013); potentially there was mass clearance as the use ceased and the area became overgrown.

Regardless, from the time Lanes Recovery have commenced their tenancy, the landscaping has changed in diminutive amounts. In any case, an adequate degree of screening is afforded to the site from the limits beyond the formal site entrance and along the residential boundary. In this more immediate site context, the development is largely screened. Limited glimpses are possible from St Cenydd Road East and during winter months, potentially from No 51-52 Thomasville. However, these would be short-range views across areas more open to the public realm from the highway.

Given the above, with respect to visual amenity, the natural landscape has not evolved greatly from the way the site was left at the closure of the former industry. The impacts are introduced by the storage of salvage and vehicles in these formerly 'open' zones. However, with suitable control of parking and storage, the impacts may be mitigated, in addition to a landscaping scheme to revitalise the existing hedging/trees along the northern boundary. In terms of the local context, the site is sandwiched between the A469 and Orchards Poultry Farm, with a degree of geographical segregation from high density residential development.

The adjoining site is also characterised by large scale industrial/commercial buildings with associated surface car parking. Within this context it is not considered the development of the site for vehicle recovery and storage, would result in any significant visual impacts, particularly given the site has presented similar aesthetics across time, with marginal changes in the last 5-7 years. The plans indicate the provision of palisade style fencing and steel style security gates. This type of fencing is not considered to be unacceptable in visual terms in this context. In light of the above, in visual terms, the proposed development is considered to be appropriate to its local context and is therefore considered to be in accordance Policy SP6 (Placemaking) of the LDP. This change of use proposal will not fundamentally alter the commercial character of either the site or its surroundings and any impact would be contained within the described context. However, it is noted that the application site lies within close proximity to residential properties (20m), between which there is a third-party operated industrial yard. Policy CW2 relates to amenity and states that development proposals should have no unacceptable impact on the amenity of adjacent properties or land; would not result in over-development of the site or its surroundings; the proposed use is compatible with surrounding land uses; and the viability of existing neighbouring land uses would not be compromised by virtue of the proposed use.

With respect to criteria B to D of Policy CW2, given the history of the site, long established industrial use, degree of highway connectivity and re-use of existing structures and hard landscaping, the proposal accords with these objectives. The new use would fall under a Sui Generis and B8 - Storage or distribution use class, a change of use from the historic B2 General industrial, and in planning terms is considered acceptable.

In terms of the potential impact on nearby properties, it is noted that the nearest residential properties are those on Ty Nant, located to the north of the application site. These properties are some 20m away with a considerable landscaping buffer in-between. In any case, the closest activity involves the static parking of HGV vehicles, with some sporadic manoeuvring of parked vehicles to an isolated area at the furthest point from the northern boundary. As discussed within PPW it is essential to Understand and Identify the Sources of Airborne (Air and Noise) Pollution and strategies to mitigate future sources of pollution should be considered. Normal BAU operations will cease at 6p.m. on weekdays and across weekends. Although the vehicle recovery is a 24-Hour operation, these comings/goings are likely to be intermittent. Sounds may be omitted from recovery vehicles between unsociable hours (11pm to 6am), such as engine noises, gates opening and closing and rattling/banging of equipment. It is noted that the only gates are to the west of the site, and these could easily be left open or manned to allow a smooth ingress/egress. In any case, vehicles are residing within the building and its compound some 60m from these properties. Although sounds may carry, as discussed, the level of noise would not be consistent across the night, nor likely to be at decibels to cause significant local disruption.

In this case, the Council's Head of Public Protection has raised no concerns with respect to noise levels at this site, such that it is not considered that the change-of-use would result in any exacerbated noise levels, such that the occupants along Ty Nant would suffer any additional detriment to residential amenity. HOPP also make no further adverse comments with respect to air, water or ground pollution and/or contamination. On this basis it is not considered that the proposed storage building and associated storage use will detract from residential or visual amenity to a degree to warrant a refusal of planning permission. The objectives of policy CW2 are largely gratified and with the addition of planning conditions to control the storage/parking of HGV vehicles, and hours of operations, there are no overriding planning concerns.

Policy CW3 relates to highway safety, and states that development proposals should have regard for the safe, effective and efficient use of the highway network. This policy works in tandem with Policy SP21 (parking standards) and LDP5: Parking Standards. In addition, PPW (Location of Commercial, Industrial, and other Potentially Polluting Development) specifies in section 6.7.16, that a relevant consideration is the "impact on the road and other transport networks, and in particular on traffic generation, particularly where the proposed development is not transport infrastructure itself."

In this case, the site benefits from a private access from the end of St Cenydd Road East, of a width that can comfortably accommodate passing vehicles, or allow for

vehicles to utilise a passing-bay. This track is frequented by cars and larger vehicles including tow trucks and HGV's. St Cenydd Road East only serves the application site and some external parking compounds, no other extant planning consents exist for industrial or commercial uses along this stretch of highway. The junction with Station Terrace is demarked with double yellows on both curves to prevent obstruction from parked vehicles and for clear movements onto the B4263. There is no reason as to why a driver's visibility would be obstructed such that they would not have a clear vision of the footway and highway. In any case, the scale of vehicles and No. of vehicles frequenting the site is unlikely to be dissimilar to those servicing the former manufacturing plant. The council's Transportation Engineering Manager has not submitted any comments in relation to this proposal, although given the ample No. of on-site parking provisions, designated vehicle turning/manoeuvring areas and layout of access roads, there are no obvious policy conflicts.

Lanes Recovery Ltd currently recruit 35 employees, with a workforce comprising of a number of individuals residing in local communities. Hence, there are clear economic benefits as a result of the proposal. PPW and TAN 23 (Economic Development) provide definitions of economic development and its associated benefits, which are as follows:

Economic development is development (new or change of use) where the resulting space will be occupied by economic activities.

An economic activity, or economic land use, is an activity which directly generates wealth (output), jobs and income.

Generating jobs includes providing or sustaining existing jobs as well as creating new jobs.

Considering the above, the use assures the latter. Section 1.2.1 of TAN 23 highlights, "The economic benefits associated with development may be geographically spread out far beyond the area where the development is located. As a consequence it is essential that the planning system recognises, and gives due weight to, the economic benefits associated with new development." Furthermore, PPW advises that planning for economic land uses should aim to provide the land that the market requires, unless there are good reasons to the contrary. Where markets work well, this will help maximise economic efficiency and growth. As Lanes has been successfully operating since 2019, with continued success, the market clearly requires the service. The economic benefits significantly outweigh the risk of disabling this use and seeing a large industrial site return to a vacant status with a loss of 35+ jobs. The proposal will make a contribution to the local economy in terms of the service it is to provide to the local and wider economy, together with the level of employment it will generate. Notwithstanding the economic benefits, it is still recognised that a balance must be struck between the economic, social and environmental considerations associated with this proposal.

With respect to the environmental impacts of the development, the site lies immediately adjacent to the heavily trafficked A468 in a largely urbanised part of the Borough. Although not directly affected by any landscape or nature conservation designations, LDP SINC (Site Importance Nature Conservation), NH 3.156 Nant Yr Aber River is set

approx. 45m from the southern boundary, and surrounds the small river fissure running north, which comes into contact with this site perimeter. At present there is no evidence of encroachment from the development beyond this border, or into habitat adjacent to the SINC. However, it is recognised that SINC's are an important biodiversity resource covering significant areas of priority habitats and species.

Site-specific level biodiversity is likely to be poor, given the habitat comprises hard surfacing and limited vegetation with a high degree of human interference, noise levels and lighting. In this circumstance, wildlife is likely to rely on the vegetation lining the borders of the site, using mature trees for nesting. The proposal does not include the removal of any of this vegetation and the protection/re-planting of deciduous planting can be secured via planning conditions. The applicant also proposed biodiversity enhancements at the site, inclusive of bat box in the east facing apex of the building, under the eaves and affixed to mature trees at the north. This would be a suitable measure to ensure that suitable nesting is available for any foregoing/commuting bats and nesting birds.

In conclusion the above assessment demonstrates that the objectives of Future Wales, PPW and LDP Policy can be adequately achieved. Therefore, it is recommended that permission be GRANTED subject to conditions including, amongst other matters: submission of a suitable landscaping scheme to rejuvenate the density of deciduous planting/trees along the northern site boundary, parking and turning areas for HGVs are to be strictly controlled in accordance with the approved site layout plan, no imported materials, salvaged material, vehicles or waste shall be stored on the gravel area at the rear of the site, unless otherwise agreed in writing with the LPA, restricted hours of operation and a scheme for the parking and turning of vehicles with the building forecourt.

Comments from Consultees: No objections have been raised by consultees.

Comments from public: Comments as outlined within the 'Summary of Observations' section of this report are addressed in turn below:

1. Large scale groundworks have been completed across recent years, with earth deposits to rear of the main factory unit. It is unclear where this landfill came from or what permissions were granted for these works, as such there is potential contamination at this site.

The landscape has changed across time, and this has been discussed within the main body of the report. The Council is not aware of any contamination at the site. It does not appear as though tipping has been an issue at this site. Moreover, given the industrial use of the land, the risk to the wider population of any potential contamination would be negligible.

2. Significant trees and hedges adjacent to the site have been cleared many times. Area of land was cleared of greenery to provide HGV parking, directly against the remaining hedgerow backing onto Ty Isaf Bungalows.

The removal of landscaping has been discussed within the officer report. The Local planning Authority had no control over the removal of this landscaping. The proposal would not result in the loss of any further trees or vegetation along this boundary. The council is minded to apply a planning condition to secure a landscaping scheme to ensure the protection/restoration of planting along this perimeter.

3. Little vegetation left along the boundary (Northern site boundary) provides minimal screening to residents of HGV vehicles parked in this area. Every effort should be made to retain/restore greenery on this site to its former standard.

As above.

4. Application states opening hours are 9am-6pm, this is incorrect as operate 24/7.

The covering letter dated 15/03/2022 specifically states, "Whilst the storage and day to day running of the business operates 9am to 6pm Monday to Friday as the application forms, the recovery and its control room operates 24 hours". The application has been determined with the above hours of operation in mind.

5. Noise disturbance to surrounding residents.

The potential noise arising because of operations between antisocial hours (11pm - 6am) has been discussed within the report. General BAU noise has been considered and the potential impacts upon residential amenity has been assessed.

6. Car Wash Centre on adjacent land was refused due to the impacts upon residential amenity.

Each planning application is considered on its own merits.

7. Substantial earthworks since 2018 with no planning consents.

Although there may have been earthworks across time, it would not be expedient to take any planning enforcement action against these historic works. The applicant is seeking planning consent to retain the completed development, and this would remedy any breaches of planning control.

8. Lanes Recovery are already unlawfully operating.

If planning permission is granted, Lanes Recovery Ltd can continue their operations lawfully.

9. There is a detriment to pedestrian safety due to large vehicles entering and existing this site, with constant obstruction of footway and highway. Therefore, some clarity needs to be provided on how the use of this site by these vehicles is compatible with the Safer Routes To School works and the Government's support of Safer Active Travel Routes for school children.

Highway safety is discussed within the main body of the report with respect to LDP Policy CW3 (Design Considerations: Highways).

10. Size of vehicles entering the site is not safe for road users or pedestrians: Heavy duty tow trucks towing 56-seater coaches and articulated lorries. Most days there are double decker transporter lorries, often carrying between 6 and 8 vehicles at a time manoeuvring a small junction.

As above.

11. Consideration should be given to refusals of historical applications.

No historical planning applications have been refused at this site.

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.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan (PP02) dated 15/03/22 Existing and

Proposed Site Plan (PP01) dated 15/03/22 Existing and Proposed Block Plan (PP01) dated 29/03/22.

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

- 02) No commercial business operations other than the emergency recovery and/or storage of external motor vehicles shall be undertaken on the premises before 09.00 hours on weekdays, nor after 18.00 hours on weekdays, nor at any time on a Saturday, Sunday or Public Holidays.
REASON: In the interests of the amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 03) No lorries shall leave or enter the site half an hour either side of opening and closing times of 09:00 to 18:00hrs Monday - Friday.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Within 3 months of the date of this approval a scheme for the improvement and maintenance of landscaping along the northern site boundary shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained, include areas of new native planting, and set out measures for their protection whilst the land-use, hereby permitted is continued at the site.
REASON: In the interests of preserving residential and visual amenities, biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009) in accordance with policies CW2, CW4, SP6 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009) in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) Within 2 Months of the date of this consent a scheme for all vehicle parking and turning spaces located within the area marked 'concrete yard' on drawing No. [PP]01 'Existing and Proposed Block Plan' to be surfaced and marked out shall be submitted for approval in writing by the Local Planning Authority. The area shall be surfaced and marked out in accordance with those details within 3 months of the date of their approval and shall not thereafter be used for any purpose other than the parking and turning of cars and recovery trucks.
REASON: To ensure that the development is provided with adequate car parking in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Within 2 Months of the date of this consent a scheme for all hgv parking located within the area marked 'concrete yard' on drawing No. [PP]01 'Existing and Proposed Block Plan' to be surfaced and marked out shall be submitted for approval in writing by the Local Planning Authority. The area shall be surfaced and marked out in accordance with those details within 3 months of the date of their approval and shall not thereafter be used for any purpose other than the parking and turning of cars and recovery trucks.
REASON: To ensure that the development is provided with adequate car parking in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) The area marked as 'Gravel Hardstanding' on Drawing No. [PP]01 'Existing and Proposed Block Plan', shall be left open as amenity land to accompany the host building, and shall not be used for the storage of any vehicles, materials or other paraphernalia associated with the permitted operations and/or land-use unless otherwise agreed in writing by the Local Planning Authority.
REASON. In the interests of preserving visual amenity and the existing character of the landscape with respect to Policy SP6 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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Application Number: 22/0306/FULL

Date Received: 30.09.2022

Applicant: Bargoed Golf Club

Description and Location of Development: Erect fencing on the golf course
- Bargoed Golf Club Heolddu Uchaf Farm Access Bargoed CF81 9GF

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is within the Bargoed Golf Club.

Site description: The site is currently used as a golf club. The location in which the application is focussed is toward the eastern boundary of the golf course, where the 8th Green is located.

Development: The proposed development is for the erection of safety fencing to help control wayward golf balls from entering the residential properties adjacent to the 8th Green. The properties are along the street named Fairways. The fencing would extend 60 metres in a southerly direction, where it then turns almost 90 degrees and heads a further 30 metres in a westerly direction. The location of the fence runs parallel with the rear boundaries of the properties along Fairways.

Dimensions: There would be a total of 90 metres of fencing, at 6 metres in height.

Materials: The fence would be a metal structure with black netting.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT None.

POLICY

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

Site Allocation: The site is located outside of settlement limits.

Policies: SP1 (Development Strategy - Development in the Heads of the Valleys Regeneration Area (HOVRA)), 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), CW20 (Locational Constraints - Conversion, Extension and

Replacement of Buildings in the Countryside) and advice contained within the Local Planning Authority's adopted Supplementary Planning Guidance LDP5: Car Parking Standards, LDP 6: Building Better Places to Live and LDP 10: Buildings in the Countryside.

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is located within an area of low risk, informative advice will be provided and any issues would be dealt with as part of the building regulations approval process.

CONSULTATION

None.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour letters.

Response: 1 letter of support was received, as well as 39 letters of objection and a petition against the development with a total of 27 signatories.

Summary of observations: The content of the letters of objection can be summarised into the following points:

1. The fences elsewhere on the course whistle and rattle in the wind, this fence would be detrimental to the nearby residents.
2. The fence will negatively impact the value of nearby houses.
3. The fence will give the impression of being caged in.
4. The fence is not high enough to stop golf balls entering the nearby residential gardens.
5. Application form states that residents have been consulted, however this was two years ago and not for this proposal.
6. The fence will spoil my view.
7. We would rather the hole be redesigned or closed down.
8. The users of the golf course use foul language.

9. There are unsafe trees on the boundary of the golf course.

The content of the letter of support can be summarised into the following:

1. The netting will increase safety, by stopping golf balls entering the gardens of Fairways.

SECTION 17 CRIME AND DISORDER ACT

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

None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, the proposal is unlikely to have a significant impact on biodiversity. However, Policy 9 of Future Wales - The National Plan 2040 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 will be sought as part of this development.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application seeks permission for the construction of a ball stop fence adjacent to the site boundary of Bargoed Golf Club. The main points to consider in the determination of this application are whether the proposal is acceptable from a design perspective, and whether the proposal would have an unacceptable impact on the amenity of neighbouring land and buildings.

Criterion B of Policy SP6 of the Local Development Plan (LDP) states that developments should have regard for the context of the built environment and should exhibit a high standard of design that reinforces attractive qualities of local distinctiveness. In terms of the design, the proposed fence is typical of a sporting facility such as a golf course, and as such does not look out of place in this setting. Moreover, given the nature of the fencing proposed with its open mesh style and slim profile supporting posts at regular intervals, it has a permeable appearance that will assimilate into the background from most views. Therefore, the proposed development would not result in a development out of character with the surrounding area, and as such complies with Policy SP6.

Policy CW2 of the Local Development Plan (LDP) considers amenity and in that regard development proposals should not have any unacceptable impacts on the amenity of adjacent properties or land, as well as being compatible with the surrounding land uses. The use of the land as a golf course pre-dates the existence of the development known as Fairways. With regard to the visual impact of the fencing and the supporting columns, it is accepted that these will change the outlook to the rear of the properties at Fairways. However it has to be accepted that this is an established sporting facility at the edge of the settlement of Bargoed, and as such structures such as this are not uncommon in this area. In addition to this and having regard for the design characteristics noted above, the fence is not considered to block light reaching the properties along Fairways, nor would it have an overbearing impact, and it would not result in a loss of privacy. The fence, at the closest point to a property along Fairways, is at least 8 metres from the rear boundary of the adjacent properties. As such, the potential impact from the fence is considered to be negligible.

Furthermore, the visual amenity of the area is considered to be maintained due to the slim profile supports and use of black netting, and the fact the fencing from within the site would be viewed with residential properties in the background. The fence viewed from outside the site would be limited to the rear of a section of properties along Fairways, and as such is not considered to result in a detrimental visual impact. As such, it is considered that the visual impact of the development is considered to comply with Policy CW2.

Policy CW20 of the Local Development Plan (LDP) seeks to ensure that development outside of the settlement boundaries is acceptable to the context of the site and the surroundings. CW20(A) notes, 'The proposed use, scale, form, siting, design and materials are suitable within its context.' In this instance, it is considered that the proposed fence is of a scale, use and design that is entirely appropriate for its setting and intended use. As such, the proposal complies with criterion A of Policy CW20.

In conclusion it is considered that there would be no undue detrimental impact on the amenity or privacy of neighbouring landowners, the proposals would not be overbearing or have an unacceptable impact on the visual outlook of those properties. Moreover, the benefits the fence provides in terms of preventing golf balls from entering the gardens of the adjacent dwellings would, in balance, overcome any minimal negative impacts of the proposal. It is therefore considered that the proposal does not conflict with the objectives of Policies SP6 (Place Making), CW2 (Amenity) and CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) of Caerphilly County Borough Local Development Plan up to 2021 adopted November 2010 (LDP) and accordingly it is recommended that planning permission is granted subject to conditions.

Comments from Consultees: No objections.

Comments from public: The following responses are offered in relation to the concerns raised:

1. The fences elsewhere on the course whistle and rattle in the wind, this fence would be detrimental to the nearby residents - Whilst other fences may rattle, there is no evidence to suggest the proposed fence would also rattle, subject to adequate maintenance. Such maintenance would be a matter for the Golf Club.
2. The fence will negatively impact the value of nearby houses - This is not a material planning consideration.
3. The fence will give the impression of being caged in - As assessed in the above report, it is not considered that the fence would result in an overbearing impact.
4. The fence is not high enough to stop golf balls entering the nearby residential gardens - The Local Planning Authority assesses the applications put before it, it is the responsibility of the applicant to ensure the development is fit for their purpose.
5. Application form states that residents have been consulted, however this was two years ago and not for this proposal - Whilst this may be the case, the substance of the application has been assessed above and any impact on nearby residents has been taken into account.
6. The fence will spoil my view - This is not a material planning consideration.
7. We would rather the hole be redesigned or closed down - The Local Planning Authority assesses the applications put before it and will determine applications on that basis.
8. The users of the golf course use foul language - The Local Planning Authority cannot control the behaviour of the users of the golf course.
9. There are unsafe trees on the boundary of the golf course - Any trees on site are the responsibility of the site owner and any issues relating to this matter should be addressed with them.

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

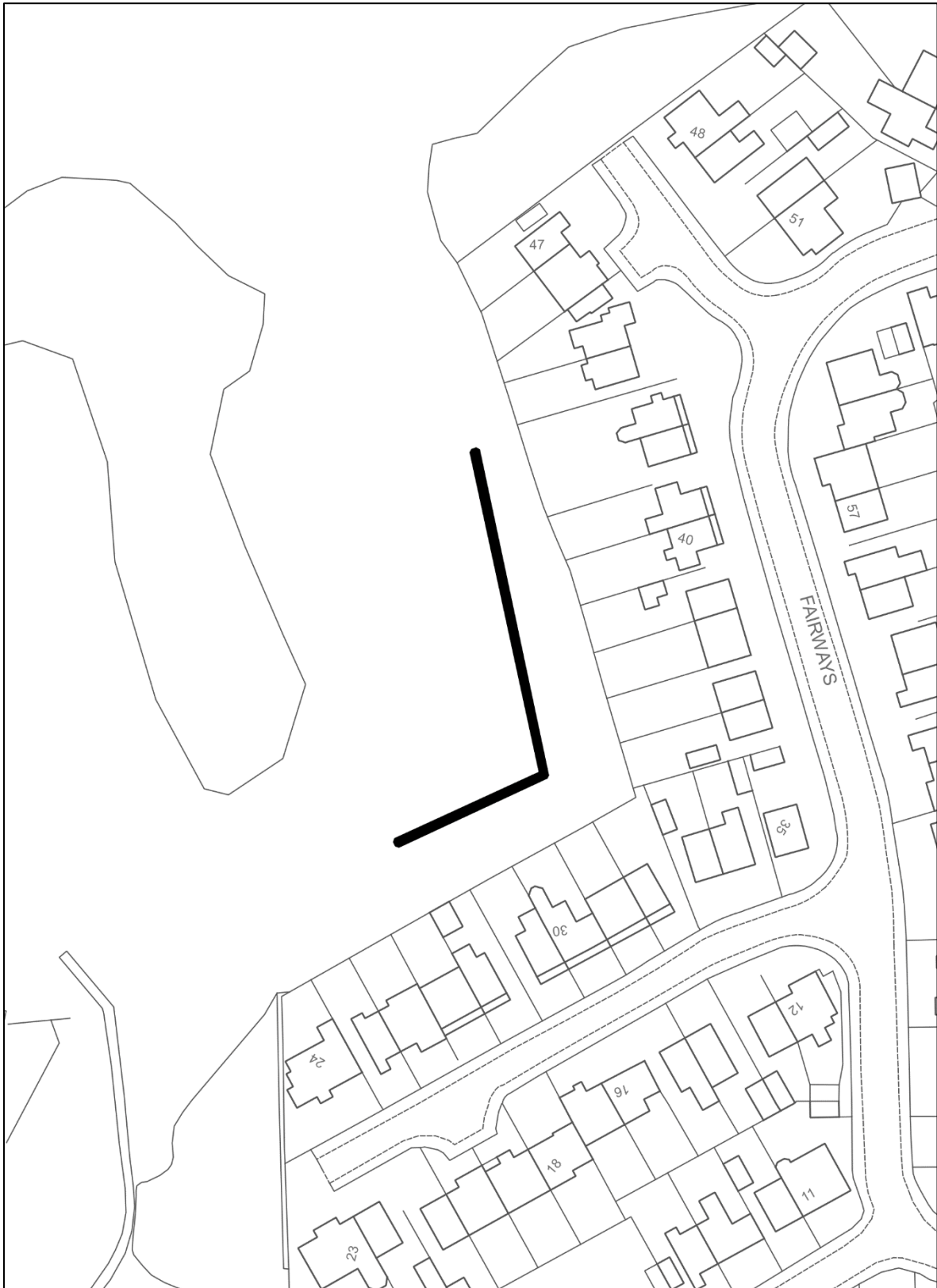
This permission is subject to the following condition(s)

- 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:
Dwg no. Amended Site Location Plan received on 30.09.2022;
Dwg no. Amended Site Area Plan received on 30.09.2022; and
Dwg no. Proposed Fence received on 13.05.2022.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the submitted plans, full details of the proposed fence shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be carried out in accordance with the agreed details.
REASON: For the avoidance of doubt as to the extent of the permission hereby granted.

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.



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Application Number: 22/0758/NCC

Date Received: 30.08.2022

Applicant: Castell Construction Ltd

Description and Location of Development: Vary condition 03 (Approved plans) of planning consent 19/0010/FULL (Construct 18 self-contained 1-Bed apartments with on-site parking, amenity, cycle and refuse stores) to introduce 2no. 2bed 3person units to the first and second floor, relocate stairwell to introduced principal entrance to the building, amend full height glazing on second floor units and rationalise elevations - Former Pontymister Service Station Newport Road Pontymister Risca

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is located on a parcel of land sited between Newport Road and Tanybryn, Pontymister.

Site description: Vacant parcel of land which was formerly the site of a petrol filling station and more recently a car sales place. The site is located in a mainly residential area and is approximately 1.0m - 1.5m above the land to the north and south. Planning consent was granted under application 19/0010/FULL to construct a 3-storey building comprising of 18 self-contained one bedroom apartments. The development as 100% affordable housing.

Development: This application seeks approval of a minor material amendments to the approved residential development to introduce 2 no. 2 bed/3person units at first and second floor, relocate stairwell and main entrance to the front of the building and amend glazing and elevations. The total number of units would remain unchanged at 18 and would continue to provide 100% affordable housing.

Dimensions: The proposed residential building would have a maximum width and depth of approximately 26.4m and 16.8m respectively. The main ridge and eaves height of the building would measure approximately 11.6m and 6.8m respectively.

Materials: The submitted details show the residential building finished in a combination of grey and buff brick, and synthetic roof slate.

Ancillary development, e.g. parking: Ancillary development includes 22 off-street car parking spaces, an area of amenity space to the rear of the proposed building and a bin and bike store to the southern side of the proposed building.

PLANNING HISTORY 2010 TO PRESENT 16/0367/COU - Change the use to a vehicle washing and valeting facility, construct a canopy and erect a security fence with ancillary mobile structures - Refused 06.07.2016.

17/0281/COU - Change the use to form a vehicle washing and valeting facility – Refused 24.05.2017.

19/0010/FULL - Construct 18 self-contained 1-Bed apartments with on-site parking, amenity, cycle and refuse stores - Granted 06.12.2019.

20/0635/NCC - Vary condition 3 (approved plans) of planning consent 19/0010/FULL (Construct 18 self-contained 1-Bed apartments with on-site parking, amenity, cycle and refuse stores) to approve amendments to the internal layout of the building to create 14no.1 bed 2 person units and 4no. 2 bed 3 person units instead of 18 no. 1 bed 2 persons units and amendments to external appearance of approved building inclusive of removal of glazed entrance atrium and removal of full height windows to second floor units - Granted 03.11.2021.

POLICY

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

Site Allocation: Unallocated site within settlement boundary.

Policies: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Placemaking), SP7 (Planning Obligations), SP14 (Total Housing Requirements), SP15 (Affordable Housing Target), CW2 (Amenity), CW3 (Design Considerations - Highways), CW5 (Protection of the Water Environment), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligation) and CW15 (General Locational Constraints).

Supplementary Planning Guidance - LDP 1 Affordable Housing Obligations (Revision) sets out affordable housing requirements for residential developments

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 sets out design guidance for all residential developments.

Future Wales - The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides policies that should be taken into account in the determination of applications at all levels. The following policies are considered to be relevant to the proposed residential development: Policy 2 - Shaping Urban Growth and

Regeneration - Strategic Placemaking; Policy 7 - Delivering Affordable Homes and Policy 12 - Regional Connectivity.

NATIONAL POLICY

Planning Policy Wales (Edition 11, February 2021), Technical Advice Note 2: Planning and Affordable Housing (June 2006), Technical Advice Note 12: Design (March 2016) and Technical Advice Note 18: Transport (March 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? No.

CONSULTATION

Parks And Countryside Operations Manager - No comments received.

Transportation Engineering Manager - CCBC - No objection raised to the proposed changes to the development subject to parking related conditions.

Environmental Health Manager - No objection raised to the proposed changes to the development subject to land contamination related conditions.

Estates Manager - No comments received.

Senior Engineer (Drainage) - No comments received.

CCBC Housing Enabling Officer - The proposed changes to the development are supported.

Waste Strategy and Operations Manager - No comments received.

Ecologist - No comments received.

Landscape Architect - CCBC - No objection raised to the proposed changes to the development subject to conditions relating to hard and soft landscaping and boundary treatments.

Risca Town Council - Objection raised to the proposed residential development as original concerns remain over the physical size of the development, the impact on the

visual amenity of adjacent residential properties, highways and road safety and lack of on-site car parking. A range of updated surveys have also been requested.

Police Architectural Liaison Officer - No comments received.

Chief Fire Officer - No objection raised to the proposed changes to the development.

National Grid - No comments received.

Natural Resources Wales - No objection raised to the proposed changes to the development subject to a condition setting the finished floor levels of the residential building.

Dwr Cymru - No objection raised to the proposed changes to the development.

Transport For Wales - No comments made in respect of the proposed changes to the development.

Network Rail - No objection raised to the proposed changes to the development.

Heritage And Placemaking Officer - Concerns raised in respect of the proposed changes to the design of the building as originally submitted.

Wales & West Utilities - Approximate position of apparatus in the vicinity of the application site is highlighted.

ADVERTISEMENT

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

Response: No comments have been received from members of the public. A local ward member has, however, requested that the application go before planning committee for determination.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes - new residential development is CIL Liable. The application site is located in a higher viability area where CIL is charged at £40 per square metre of proposed floor space plus indexation. However, it should be noted that affordable housing can be CIL exempt.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. In this regard it should be recognised that this application has been submitted under Section 73 of the Town and Country Planning Act 1990, which allows applications to be made for planning permission without complying with conditions previously imposed on an extant planning permission. The purpose of this application is to consider minor material amendments to the approved residential development for 18 no. affordable self-contained apartments by varying the approved plans listed under condition 3 of planning permission 19/0010/FULL, which was granted on 6th December 2019. A minor material amendment is commonly considered to be one whose scale and nature results in a development which is not substantially different from that which has been approved.

It should also be noted that the Welsh Government Development Management Manual confirms that:

"Sections 73(2) and (4) of the 1990 Act restrict the LPA in their determination of section 73 applications. The effect of the provisions is to limit the LPA 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 LPA 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 in terms of policy since the original permission was granted in order to ensure that all relevant material considerations have been assessed." (see paragraph 13.3.12).

Based on the parameters for the consideration of this section 73 application as set out above, it is considered that the main issues are:

Impact on visual amenity;
Impact on residential amenity;
Impact on off-street parking provision; and
The need for affordable housing.

With regards to visual amenity, the overall appropriateness of the scale and design of the proposed 3 storey residential building within the local context was considered in detail as part of the original planning application (19/0010/FULL), where it was

determined that the proposal would not cause harm to the visual amenity of the surrounding area. This application seeks to make some relatively minor amendments to the footprint and design of the approved building to primarily enable the relocation of the main entrance to the principal elevation of the building and the provision of a single, more central, stairwell within the building itself. This would enable the removal of the main entrance and stairwell from the northern side of the building and the secondary internal stairwell from the southern side of the building. In doing so, the proposed building would have a more regular shape and form with the front (eastern) part of the building being wider than the rear (western) part. Other proposed amendments to the external design of the building include changes to the number and size of the 3 storey gable projections on the front and rear elevations of the building as well as changes to fenestration and architectural detailing.

The Council's Heritage and Placemaking Officer raised a number of concerns to the originally proposed changes to the building in relation to the loss of architectural form and design, loss of fenestration, the creation of blank elevations with no fenestration and the addition of small window dormers. In order to address some of these concerns, revised plans have been submitted which provide additional architectural detailing and additional/enlarged fenestration in order to both enhance the visual appearance of the building and improve natural light and ventilation within the building itself. The proposed amendment to create a simpler, more regular building form remains as originally submitted, however. The Agent has indicated that this is due to increased build costs and development viability.

Whilst the proposed changes to the building would alter its footprint to a certain extent, the maximum depth of the building would remain the same as originally approved and the maximum width of the building would reduce slightly by approximately 0.3m. The maximum height of the proposed building would also remain unchanged and as such, it is not considered that it would be reasonable to refuse this application on the proposed changes to the overall scale of the building.

In terms of design, it is acknowledged that the proposed change to a simpler, more regular building shape and form would result in some loss of architectural interest to the building, particularly in terms of a less varied roofscape and the loss of the fully glazed entrance/stairwell feature on the building's northern elevation. However, it is considered that the design intent of the proposed building has broadly been retained, especially as the revised elevations now incorporate additional/enlarged fenestration and architectural detailing which more appropriately reflects the design of the proposed building as originally approved. Moreover, the proposed changes to the size and position of the 3 storey gable projections on the front and rear elevations of the building are also considered to retain the overall character and appearance of the building. As such, it is considered that the proposed changes are acceptable in visual and placemaking terms and accordingly, the proposal meets the requirements of Policy SP6.

With regard to residential amenity, the proposed changes would result in an increase in mass of the building at its northern front corner, due to the width of the building

increasing by approximately 1.8m at this location. The nearest neighbouring properties to this part of the proposed building are No. 70 and 71 Newport Road and an adequate separation distance of at least 30m would be retained, preventing any unacceptable impact on the amenity of the occupiers of these properties.

Relatively minor increases in the mass of the building are also proposed in the southern front and rear corners, due to 3 storey gable projections extending approximately 0.6m further forward at these locations. No. 12 and No. 13 Tanybryn are the nearest neighbouring properties to the southern rear corner of the proposed building and given the oblique angle between existing and proposed windows and the minimum separation distance of 17m between existing and proposed buildings, it is not considered that the amenity of the occupiers of these neighbouring properties would be unacceptably affected by the proposal in terms of overlooking, overshadowing or overbearing. Similarly, an adequate separation distance of 13m would continue to be maintained between the southern front corner of the proposed building and the shared boundary with No. 92 Tanybryn. The separation distance between the existing neighbouring and proposed building is also significantly greater at approximately 22m and as such, it is not considered that the proposal would result in an unacceptable loss of privacy to this neighbouring property or have any unacceptable overbearing or overshadowing impacts.

Given the above, it is not therefore considered that the proposed changes to the residential building would have an unacceptable impact on the amenity of the occupiers of surrounding neighbouring properties and accordingly, the proposal meets the requirements of Policy CW2 in respect of this matter.

In respect of off-street parking, the proposed changes to the residential development would result in 16 no. 1 bed apartments and 2 no. 2 bed apartments (18 apartments in total). The Car Parking Standards SPG typically requires 1 space to be provided per bedroom which results in a requirement for 20 car parking spaces to meet the parking needs of future residents of the proposed development. A further 3 car parking spaces are also required to meet the parking needs of visitors (1 space per 5 dwellings). As only 22 off-street car parking spaces are proposed as part of the residential development, the proposal would be 1 visitor car parking space short and as such, would not be in full accordance with the requirements of the Car Parking Standards SPG.

Notwithstanding the shortfall of 1 visitor car parking space, it should be noted that planning permission was granted for a residential development for 18 apartments with a higher proportion of 2 bed units on the application site on 3rd November 2020 (20/0635/NCC). This alternative residential development had a requirement for 22 car parking spaces to meet the parking needs of future residents, leaving no parking spaces available for visitors. This planning permission remains extant and its implementation remains a realistic fall-back position for developing the site if the current Section 73 application is refused. The proposed changes to the residential development currently being considered would therefore represent a reduction in the intensification of on-street

parking demand when compared with the fall-back position on the site and the Transportation Engineering Manager has raised no objection to the proposal on parking grounds. As such, the proposed development's shortfall of 1 visitor car parking space is not considered to be unacceptable.

In relation to affordable housing provision, the Council's Housing Enabling Officer has confirmed that there will be no change to the type and level of affordable housing provision as a result of the proposed changes to the residential development. Accordingly, the proposal would continue to meet the requirements of Policy CW11.

With regards to other matters, condition 17 of planning permission 19/0010/FULL requires details of the vehicle turning head within the site to be submitted and approved in writing by the Local Planning Authority. The submitted proposed site plan has, however, been amended to incorporate an adequate turning head of 13.6m and as such, it is recommended that condition 17 is reworded accordingly to reflect this change in circumstances.

In summary, the principle of residential development on the site has previously been established and it is not considered that the impacts of the proposed changes to the approved residential building would be unacceptable in terms of visual amenity, residential amenity, off-street parking provision or affordable housing provision. Moreover, it is not considered that the proposed changes would be substantially different from the nature and scale of the residential scheme previously approved under planning application 19/0010/FULL. As such, the proposal is considered to meet the requirements of a minor material amendment and accordingly, it is recommended that planning permission be granted subject to a revised condition 3, which incorporates the associated changes to the approved plans, and the update of condition 17 to reflect the change in circumstances.

Comments from Consultees: As indicated above, Risca Town Council has raised an objection to the proposed changes to the development on the grounds that the proposals haven't taken into account the original objections relating to the physical size of the building, impact on residential properties, lack of on-site parking and highway and road safety concerns. These matters were considered in detail as part of the consideration of the original planning application (19/0010/FULL) and it should be noted that the LPA cannot revisit the original permission and reconsider whether it should have been granted in the first place as part of this Section 73 application. It is also considered that the minor amendments proposed to the residential development do not give rise to the need for any updated surveys/assessments and the impacts of the proposed changes to the residential building have been fully assessed above. Moreover, no such updated surveys/assessments have been requested by specialist consultees.

Comments from public: No comments received.

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.

Living Decision Document: Condition 3 has been varied by consent 22/0758/NCC dated [XX] 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:
Dwg. No. AL(01)10 Rev. A - Proposed Elevations, received 08.11.2022;
Dwg. No. AL(01)04 Rev. A - Proposed 2nd Floor Plan, received 08.11.2022;
Dwg. No. AL(01)03 Rev. A - Proposed 1st Floor Plan, received 08.11.2022;
Dwg. No. AL(01)02 Rev. A - Proposed Ground Floor Plan, received 08.11.2022;
Dwg. No. AL(90)01 Rev. A - Location Plan, received 08.11.2022;
Dwg. No. AL(01)01 Rev. A - Proposed Site Plan (excluding bin store location), received 08.11.2022; and
Flood Consequences Assessment, received 30.04.2019.
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) 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 completion 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.
- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is first occupied.
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety in accordance with policies CW2, CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) The development shall not be first occupied until the area indicated for the parking of 22 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.
- 08) The development shall not be first occupied until the turning head as shown on the approved proposed site plan under condition 2 has been completed and shall be maintained thereafter free of obstruction for the turning of vehicles only.

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

- 09) The parking and turning areas as shown on the approved proposed site plan under condition 2 shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. is not carried onto 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.

- 10) No development or site/vegetation clearance shall take place until a detailed reptile Mitigation Strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.

REASON: To ensure that reptiles are protected in accordance with policy SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

- 12) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new apartment building at the Former Pontymister Service Station, Newport Road, Pontymister, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new apartment 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 (2018) and Tan 5 Nature Conservation and Planning (2009).

- 13) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the new apartment building at The Former Pontymister Service Station, Newport Road, Pontymister, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new apartment 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 (2018) and Tan 5 Nature Conservation and Planning (2009).

- 14) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the building hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021 and to comply with the requirements of TAN15: Development and Flood Risk.
- 15) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 16) 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.
- 17) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 18) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and agreed in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the agreed scheme. The scheme shall include:
 - a. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than one of the approved housing units.

- b. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, except where tenants exercise the Right to Acquire under the Housing Act 1996.
 - c. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 - d. Where the development is not carried out by a Registered Social Landlord (RSL) the arrangements for the transfer of the constructed affordable housing to a Registered Social Landlord.
 - e. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing (unless no market housing is provided within the development hereby approved).
- REASON: To ensure that affordable housing is provided in accordance with adopted Council policy

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.

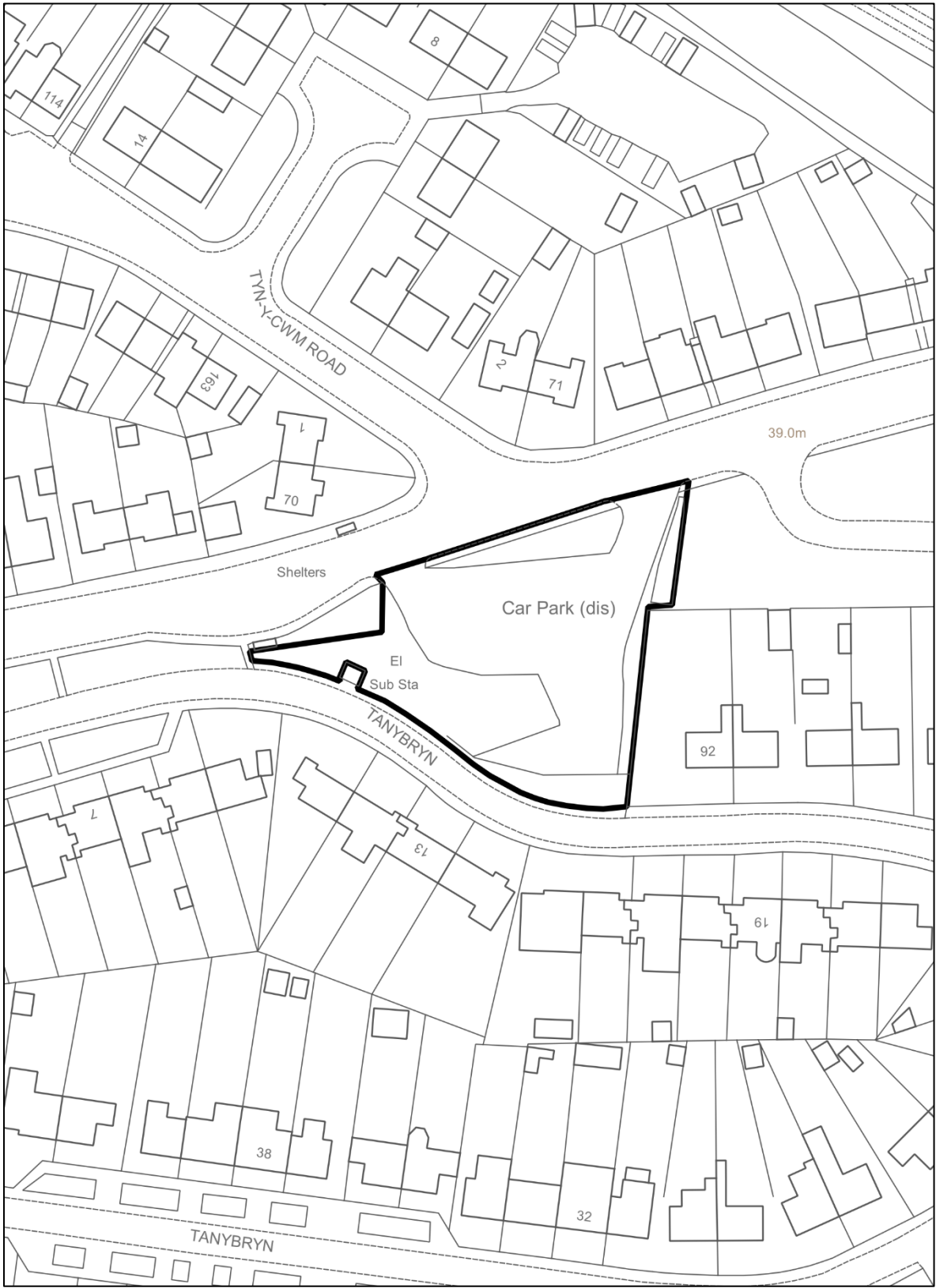
The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

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