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

Date: 4th January 2023

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, 11th January, 2023 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', enclosed in a large, loopy oval shape.

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 14th December 2022.

1 - 4

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

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

5 - 32

5 Application No. 20/0957/FULL - Land at the Old Farmhouse, Pentref-y-Groes Farm Lane East, Croespenmaen.

33 - 44

6 Application No. 22/0443/FULL - Land at Former Crown Inn, The Crown Access Road, Pontllanfraith.

45 - 82

Circulation:

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

And Appropriate Officers

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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, 14TH DECEMBER 2022 AT 5:00 PM

PRESENT:

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

Councillors:

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

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

Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), R. Thomas (Planning Services Manager), C. Powell (Team Leader Development Management), J. Waite (Principal Planner), J. Burrows (Planning and Enforcement Officer), E. Rowley (Principal Planner), L. Cooper (Assistant Engineer), C. Campbell (Transportation Engineering Manager), V. Julian (Senior Solicitor) and S. Hughes (Committee Services Officer).

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

An apology for absence was received from Councillor N. Dix.

2. DECLARATIONS OF INTEREST

Councillor G. Ead advised the Committee that he had predetermined the planning application in relation to [Agenda Item 5 \(Application No. 22/0251/RET\)](#) and took no part in the debate or vote. Details are also minuted with the respective item.

3. MINUTES – 9TH NOVEMBER 2022

It was moved and seconded that the minutes of the meeting held on the 9th November 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 11 for, 0 against and 4 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee meeting held on 9th November 2022 (minute nos. 1-7) be approved as a correct record.

The Planning Committee considered the applications in the order recorded below.

6. APPLICATION NO: 22/0306/FULL - BARGOED GOLF CLUB, HEOLDDU UCHAF FARM ACCESS, BARGOED, CF81 9GF

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.

I. Morris (Local Resident) spoke in objection to the application and G. Hardacre (Member of Bargoed Golf Club) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation be approved. By way of Microsoft Forms (and in noting there were 12 for, 1 against and 2 abstentions) this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report, the application be GRANTED.
- (ii) The applicant be advised that 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. APPLICATION NO. 21/1213/FULL - FORMER ST CATHERINE'S CHURCH, GLADSTONE STREET, CROSSKEYS, NEWPORT, NP11 7PA

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 J. Simmonds (Local Ward Member) and N. Abraham (Local Resident) spoke in objection to the application and J. Hurley (Applicant's Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that the Officer's recommendation be approved. By way of Microsoft Forms (and in noting there were 4 votes for, 9 votes against and 1 abstention) the motion was declared lost.

RESOLVED that: -

- (i) that the application be DEFERRED for a further report for reasons for refusal, based on the lack of on-site parking and highway safety grounds.

5. APPLICATION NO: 22/0251/RET - LANES RECOVERY LTD, THE SIDINGS BUILDING, ST CENYDD ROAD EAST, TRECENYDD, CAERPHILLY, CF83 2RP

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 G. Ead advised the Committee that he was predetermined in relation to Agenda Item 5 (Application No. 22/0251/RET) and took no part in the debate or vote as a planning committee member.

Councillor G. Ead (Local Ward Member) spoke in objection to the application. The Committee received written representation from J. Lane (Applicant).

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 8 for, 3 against and 1 abstention) this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report, the application be GRANTED.

7. APPLICATION NO: 22/0758/NCC - FORMER PONTYMISTER SERVICE STATION, NEWPORT ROAD, PONTYMISTER, RISCA

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 B. Owen (Local Ward Member) spoke in objection to the application and R. Chichester (Applicant's Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation be approved. By way of

Microsoft Forms (and in noting there were 11 for, 0 against and 1 abstention) this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report, the application be GRANTED.
- (ii) THE APPLICANT BE ADVISED THAT SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

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

The meeting closed at 7.10 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 11th January 2023, they were signed by the Chair.

CHAIR

PREFACE ITEM

APPLICATION NO. 21/1213/FULL
APPLICANT(S) NAME: YS Projects
PROPOSAL: Demolish the Former St Catherine's Church and Redevelop into Residential Flats and Associated Works
LOCATION: Former St Catherine's Church, Gladstone Street, Crosskeys, NP11 7PA

At the last meeting of the Planning Committee on 14th December 2022 members resolved to defer consideration of this application to enable a further report to be prepared to consider possible reasons to refuse the application. Members requested that Officers give consideration to the refusal of the application in respect of the lack of off street car parking.

Members expressed the view that the absence of any off street parking to serve the proposed residential development would lead to additional on street parking in the vicinity of the site thereby exacerbating an already unacceptable parking situation.

Whilst Officers have sympathy with the views of members in that the proposed development does not accord with the requirements of the adopted Car Parking Standards Supplementary Planning Guidance, this conflict needs to be balanced against policies contained within Planning Policy Wales and Future Wales – The National Plan 2040, which seek to reduce the reliance on the private car and support a modal shift to walking, cycling and public transport. Moreover, it should be recognised that it is not considered that the proposed residential development represents an entirely new demand for on street car parking as there is a fall-back position on the site relating to the more general existing D1 use of the former church building.

Recommendation: that planning permission is granted subject to the applicant entering into a Section 106 obligation to provide 10% provision of affordable housing in accordance with the attached report. However, if members are minded to refuse planning permission, the following reason for refusal is suggested:

1. The proposed residential development, by virtue of the non-provision of off street car parking, would result in additional on street car parking to the detriment of the effective and efficient use of the local highway network and highway safety. Accordingly, the proposed development conflicts with the requirements of Policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 and the guidance contained in Supplementary Planning Guidance LDP 5 – Car Parking Standards.

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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

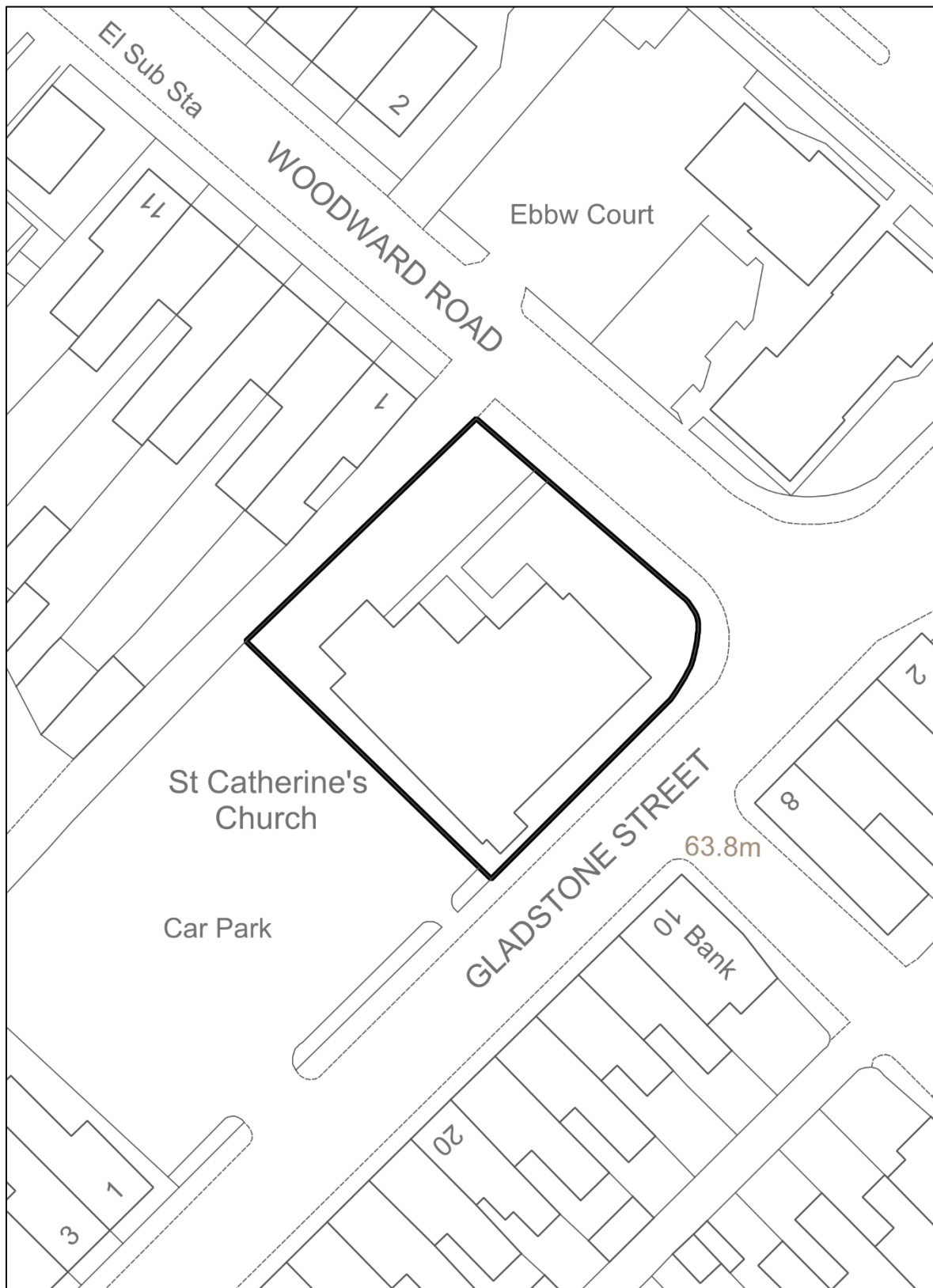
Website: www.caerphilly.gov.uk/sab

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: 20/0957/FULL.

Date Received: 19.04.2022.

Applicant: Mr W Richards.

Description and Location of Development: Erect two detached dwellings - Land At The Old Farmhouse Pentref-Y-Groes Farm Lane East Croespenmaen.

APPLICATION TYPE: Full Application.

SITE AND DEVELOPMENT

Location: The application site is located on land to the north of Pentref-Y-Groes Farm Lane, Croespenmaen.

Site description: Vacant parcel of land within the settlement boundary. The site is bounded to the south by Pentref-Y-Groes Farm Lane, to the west by existing residential properties, to the north by the Croespenmaen Industrial Estate, and to the east by the Unilever commercial building.

Development: Erect two detached dwellings.

Dimensions: The dwellings proposed measure as follows:

Plot 1 measures approximately 19.5m wide by 13m deep with an overall height of 9.3m.
Plot 2 measures approximately 19m wide by 11m deep with an overall height of 9.6m.

Materials: Walls: Render, stone and cedar cladding, Roof: Artificial Slate.

Ancillary development, e.g. parking: Off street parking spaces and turning space are provided for each dwelling.

PLANNING HISTORY 2010 TO PRESENT 15/0430/FULL - Erect 2 detached residential dwellings - Refused 28.11.2016.

15/0666/FULL - Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid - Granted - 09.11.2015.

16/0943/FULL - Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid - Granted - 06.01.2017.

17/0023/FULL - Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid - Granted - 07.03.2017.

17/0407/NCC - Vary condition 14 of planning consent 16/0943/FULL (Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid) to make reference to an updated site plan and technical specification details (reducing the number of generators from 16 to 7) - Granted - 05.07.2017.

17/0602/COND - Discharge conditions 5 (land drainage), 9 (hard and soft landscaping), 11 (lighting scheme), 12 (method statement for treatment of Himalayan Balsam) and 13 (habitat management) of planning consent 17/0407/NCC (Vary condition 14 of planning consent 16/0943/FULL (Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid) to make reference to an updated site plan and technical specification details (reducing the number of generators from 16 to 7)) - Decide - 06.09.2017.

17/0603/COND - Discharge conditions 5 (land drainage), 9 (hard and soft landscaping), 11 (lighting scheme) and 12 (method statement for treatment of Himalayan Balsam) of planning consent 17/0023/FULL (Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid) - Decide - 06.09.2017.

17/0619/NMA - Seek approval of a non-material amendment to planning consent 17/0023/FULL (Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid) to provide a different specification of generator and amendments to the site layout, including the layout of the internal access road - Granted - 09.08.2017.

18/0943/NCC - Vary condition 06 (Hours of use) of planning consent 17/0407/NCC (Vary condition 14 of planning consent 16/0943/FULL (Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid) to make reference to an updated site plan and technical specification details (reducing the number of generators from 16 to 7)) to allow for an increase in the facilities' annual operating hours - Granted - 10.01.2019.

19/0378/OUT - Erect two detached dwellings - Granted - 15.08.2019.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the Settlement Boundary.

Policies: Policy SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection).
Supplementary planning guidance contained in LDP6 - Building Better Places to Live, LDP5 - Parking standards.

NATIONAL POLICY Planning Policy Wales 11th Edition - and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No. The site is located in the Low Risk area.

CONSULTATION

Ecologist - No objections, recommends planning conditions to require adherence to ecological mitigation measures and provision of biodiversity enhancement (nest boxes).

Environmental Health Manager - Environmental Health previously recommended refusal of this development and consider significant adverse impacts are likely. However, we understand that an extant outline planning permission still exists for the proposed development. Environmental Health are still very concerned about the proposed development, however, if the planning department are minded to grant permission we recommend that a noise mitigation scheme be provided. The scheme must include sound insulation for all habitable rooms to be capable of achieving a night-time internal LAeq level of 30 dB(A) (measured over an 8 hour period) and LMax level of 45 dB(A). The scheme must also be capable of achieving an LAeq level of 50 dB(A) (measured as a 16 hour period) in garden areas.

Also advise conditions to address any contamination.

Senior Engineer (Drainage) - Advises SAB approval is required. Requests drainage condition be imposed.

Transportation Engineering Manager - CCBC - Advise current parking layout would be very tight to provide 3 parking spaces and turning space however there appears to be scope to amend the driveway provision so this matter could be dealt with by a condition.

Estates Manager - No adverse comments.

Dwr Cymru - Public sewer crosses site. Advise that Dwr Cymru understands it is the applicant's intention to divert the sewer. Recommends planning condition are attached in respect of drainage.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent.

Response: 3 representations have been received.

Summary of observations:

1. Increased size and level of dwellings,
2. Query Boundary finishes,
3. Site clearance works and ecology,
4. Utilities infrastructure,
5. Business use and parking demand,
6. Increased traffic on the adopted highway,
7. Concern over traffic/access during construction.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? A survey was carried out and no evidence was found, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, new residential development in the Mid-Range CIL liability area where the chargeable amount is £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 main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area.

The application site is located within the Settlement Boundary and therefore the principle of residential development is considered acceptable providing material planning considerations do not indicate otherwise. In addition the principle of residential development has been established through the grant of outline planning permission on the site through planning permission 19/0378/OUT. That application considered the site's proximity to the Croespenmaen Industrial Estate and found it acceptable for residential development and noted that existing residential properties (including numbers 2 and 3 Pentref-Y-Groes Farm) are close to the industrial estate which includes the Braces Bread factory. The previous planning permission considered the existing soundscape in the area (which includes industrial development) and found that due to the existing residential properties that already surrounded the industrial estate that the proposal for residential development on the application site would not introduce a 'change' involving a new type of sensitive use to the area and therefore the 'agent of change' principle would not apply in this instance. This is still the case with the current proposal.

The visual impact of the proposal is considered acceptable, the principle of having residential development at the site has been established and it is sited within an area where other dwellings are located. The design of the two dwellings are considered acceptable and will have no detrimental impact on the character of the area. The proposal accords with adopted Local Development Plan policy SP6 (Placemaking).

The issue of the existing noise climate for the proposed residential properties was previously considered under the outline application. It is noted that the Environmental Health department objected to the previous application for residential development on this site given the proximity to the existing commercial uses that may have an unacceptable impact on the amenity of future occupiers. This was considered by members at planning committee and the application was approved on the basis that noise attenuation measures would be able to be incorporated into the proposed dwellings. The applicant has submitted a noise report with the current application which indicates that measures such as uprated glazing and mechanical ventilation would result in an acceptable level of noise for future residents. The Environmental Health response received indicates that the Environmental Health department do not support the development however they indicate that a noise mitigation scheme could be agreed. It is considered based upon the information supplied in terms of the noise survey undertaken that there would be technical solutions which could be incorporated into the build of these properties to meet the suggested noise levels advise by the Environmental Health Officer and therefore it is considered appropriate to require a noise mitigation scheme to be agreed with the Local Planning Authority prior to the commencement of development on the dwellings.

The impact on neighbouring properties has been considered. The previous outline permission found there was no unacceptable impact on the amenity of existing properties and the siting and layout of this application is considered to have an acceptable impact on the amenity of those surrounding dwellings. The proposal accords with Policy CW2 (Amenity).

Comments from Consultees: The Land Drainage Officer and Dwr Cymru have both requested a drainage condition be imposed on the permission. It is noted that SAB (sustainable drainage approval) approval is required for the development and therefore this approval will cover drainage matters. In respect of Dwr Cymru they have advised that the applicants intention is to divert a sewer and therefore this matter will be subject to separate approval and agreement with Dwr Cymru. It is proposed to highlight to the applicant by way of advisory information the comments of Dwr Cymru and the need to obtain SAB approval.

It is considered, as advised by the Transportation Engineering Manager, that adequate parking for each dwelling can be achieved through a revised parking layout and this can be agreed by planning condition. The development would accord with Policy CW3 (Highways).

Comments from public:

1. Increased size and level of dwellings - The application has been submitted as a full application and is therefore not bound by previous outline permission scale parameters - The proposed dwellings are acceptable given the application site area and are sufficiently well separated from surrounding dwellings to avoid any unacceptable impacts on neighbour amenity. The natural topography of the area rises to the north and the proposed level is considered appropriate.
2. Query Boundary finishes - Boundary finishes will be agreed by planning condition.
3. Site clearance works and ecology - The Council's Ecologist has raised no objection to the development subject to planning conditions requiring works to be carried out in accordance with the submitted ecological report and provide ecological enhancement.
4. Utilities infrastructure - This would be a matter for the developer to address.
5. Business use and parking demand - The planning application seeks planning permission for two residential dwellings and the application form indicates that no non-residential floorspace is sought. Should the applicant seek to utilise any floorspace within each property for a commercial use which is not ancillary or incidental to the lawful residential use of the dwelling or dwellings then this would require planning permission.
6. Increased traffic on the adopted highway.
7. Concern over traffic/access during construction - It is not considered, given the scale of the development, that unacceptable impacts in terms of traffic or access would be likely to occur and in any event any impacts could be mitigated by the developer.

Other material considerations: The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the

sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 02) The development shall be carried out in accordance with the following approved plans and documents:
Site Location Plan, drawing reference SL01 revision A;
Proposed Site plan, drawing reference PL02 revision A;
Plot 1 floorplans and elevations - sheet 1, drawing reference PL03 revision A;
Plot 1 floorplans and elevations - sheet 2, drawing reference PL04 revision A;
Plot 2 floorplans and elevations - sheet 1, drawing reference PL05 revision A;
Plot 2 floorplans and elevations - sheet 2, drawing reference PL06 revision A;
Proposed Street Elevation, drawing reference PLO7 revision A;
Ecological Assessment report by BE Ecological Ltd.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) The site clearance and construction phases shall be carried out in accordance with the Mitigation Measures made within Sections 4.2.7, 4.4.10 and 4.5.9 and the Recommendations made within Section 5 of the Ecological Assessment, undertaken by B E Ecology dated July 2020, unless otherwise agreed in writing by the Local Authority.
REASON: To ensure adequate protection and mitigation for protected species.

- 04) An integrated nest box for either house sparrow or swift shall be installed in the new buildings during construction, on the east elevations at the gable apex on the gable walls.
REASON: To provide nesting for house nesting birds as a long term biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 05) Notwithstanding the approved plans before each dwelling is occupied 3 off-street parking spaces (a total of 6 parking spaces on the whole site) shall be provided within the curtilage of the site in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for the parking of motor 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.
- 06) Prior to the occupation of either of the dwellings hereby approved 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 for each plot shall be completed in accordance with the approved details before the occupation of each of the respective dwellings that it relates to.
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.
- 07) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 08) 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.

- 09) 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.
- 10) Prior to the commencement of development a scheme for noise insulation of each property shall be submitted for the written approval of the Local Planning Authority. The scheme to be submitted shall include measures for each property to ensure that:
All habitable rooms are capable of achieving a night-time internal LAeq level of 30 dB(A) (measured over an 8 hour period) and LAmax level of 45 dB(A), and Each plot is capable of achieving an LAeq level of 50 dB(A) (measured as a 16 hour period) within each of the garden areas.
Each dwelling shall be fitted with any measures identified and required by the approved scheme prior to that dwelling's occupation and those measures shall be retained thereafter.
REASON: In the interests of the amenity future residents of the dwellings in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

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

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

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

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

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

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

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



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Application Number: 22/0443/FULL.

Date Received: 23.05.2022.

Applicant: Penllwyn Estate.

Description and Location of Development: Erect retail building on the eastern side of the site with access, parking and landscaping and outline planning permission sought to erect up to 14 residential units with all matters reserved except access on the western side of the site. - Land At Former Crown Inn The Crown Access Road Pontllanfraith.

APPLICATION TYPE: Full Application.

SITE AND DEVELOPMENT

Location: The application site is located on the southern side of Bryn Road, Pontllanfraith and is located in between the Bryn roundabout to the west and residential properties of no.1-4 Trem-Y-Goron, no.1-2 Crown Cottages and no.1 Bryn View Pontllanfraith.

Site description: Vacant land within the settlement boundary of Blackwood that is previously associated with the former Crown Inn Public House. The building has been subsequently demolished and enclosed with hoardings. The site is semi-circular in shape measures approximately 0.29 hectares in area and is screened by trees and established vegetation at a higher level along the northern boundary of Bryn Road and the western boundary of the A4049. The existing vehicular into the site is via Trem-Y-Goron and Bryn Road. Trem-Y-Goron currently only provides access to the small number of dwellings to the south but it should be noted that this access also used to serve the former public house.

Development: This is a hybrid planning application seeking full planning permission to erect a retail building on the eastern side of the site with access, parking and landscaping together with outline planning permission sought to erect up to 14 residential units with all matters reserved except access on the western side of the site.

A layout has been submitted comprising of full details for the commercial retailing element of the scheme on the eastern side of the site and an indicative layout for the residential element of the scheme on the western side of the site.

The detailed site layout plan for the commercial element comprises of a single A1 retail unit with 375 square metres of sales and store room floor space and 12.75 square metres of enclosed bin storage. A new internal access road will also be created along with a dedicated servicing and unloading area. The development will also provide 15 x car parking spaces, 2 x mobility impaired spaces, 2 x separate areas for bicycle storage and 1 x motorcycle bay together with a new pedestrian access into the site from Bryn Road along the north-western boundary. The existing landscaping along the northern

and western boundaries of the site are to be retained and enhanced through additional planting.

The residential element is indicative only and seeks to provide 14 units of 1 and 2 bedroom accommodation with access to be derived off Trem-Y-Goron.

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

Pre-Application Consultation (PAC) Report;
Design and Access Statement;
Planning Statement;
Flood Consequences Assessment;
Noise Impact Assessment;
Transport Statement;
Transport Technical Addendum;
Covid 19 Transport Statistics; and
Landscape/ Ecology Strategy.

Dimensions: The site measures approximately 0.29 hectares and is to be subdivided into two separate land uses comprising of circa 0.16 hectares of commercial land and 0.14 hectares of residential land.

The commercial element of the scheme has a maximum footprint measuring 23.9 metres in width and 21.0 metres in depth with an overall ridge height measuring 8.28 metres above ground level.

The maximum scale parameters for the residential element of the scheme measure as follows:

Width - 30.4 metres;
Depth - 20.2 metres; and
Height - 9.9 metres.

Materials: The external finishes for the retail element of the scheme comprise of Ibstock Atlas dark grey brickwork laid in a stretcher bond with dark grey mortar, vertical cladding panels, dusty grey powder coated aluminium curtain walling with glass infill panel with the framing to match, dark grey standing seam roof, grey soffit planks with integrated lighting together with dusty grey aluminium rainwater goods and doors.

The external finishes for the residential element are not applicable at outline stage.

Ancillary development, e.g. parking: The installation of solar panels on the retail building to maximise solar gain efficiency.

PLANNING HISTORY 2010 TO PRESENT 20/0894/NOTD - Demolish the Crown Inn Public House - Notification Prior Approval Not Required 17.12.2020.

POLICY

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

Site Allocation: The site is located within settlement limits.

Policies: SP2 (Development Strategy in the Northern Connections Corridor (NCC)), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP14 (Total Housing Requirements), SP15 (Affordable Housing Targets), SP20 (Road Hierarchy), CW1 (Sustainable Transport, Accessibility and Social Exclusion), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW6 (Trees, Woodland and Hedgerow Protection), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints), CW16 (Locational Constraints - Retailing), SI1 (Green Wedges) and advice contained within Supplementary Planning Guidance LDP1 (Affordable Housing Obligations), LDP4 (Trees and Development), LDP5 (Parking Standards), LDP6 (Building Better Places to Live) and LDP12 (Shop Fronts and Advertisements).

NATIONAL POLICY Future Wales: The National Plan (February 2021), Planning Policy Wales Edition 11 (February 2021), Technical Advice Note 4: Retail and Commercial Development (November 2016), Technical Advice Note 12: Design (March 2016), Technical Advice Note 11: Noise (October 1997), Technical Advice Note 18: Transport (March 2007) and Technical Advice Note: Economic Development (February 2014).

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 9 (Resilient Ecological Networks and Green Infrastructure), Policy 12 (Regional Connectivity) and Policy 13 (Supporting Digital Communications).

Paragraph 3.9 of Planning Policy Wales states: -

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

Paragraph 3.16 of Planning Policy Wales states:-

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

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 in a low risk development area, standing advice is also provided.

CONSULTATION

Environmental Health Manager - No objection subject to conditions.

Heritage And Placemaking Officer - This is a prominent site at a busy intersection which has multiple views both interior and exterior. Traffic safety and site safety are important for this application and internal uses should reflect this important aspect of the site's condition.

In design terms the elevations seem to be lacking something either an addition of a contrasting material to help animate the façade or the introduction of detailing through detailing around the windows and doors or an additional detail within the façade. This applies to both residential and commercial elements.

Senior Engineer (Drainage) - Advises that Sustainable Drainage Approval is required.

CCBC Housing Enabling Officer - The size of the land to be developed and the number of units proposed both reach the threshold in the Affordable Housing SPG, thereby permitting the Council to seek an affordable housing contribution, subject to viability.

The proposed development falls within the Pontllanfraith ward, which attracts an affordable housing target of up to 25% (Northern Connections Corridor), subject to

viability. When I commented on the SPA the residential element consisted of 18 units. However, the PAC Report says 14 and from the proposed floor plans appear to confirm this. Therefore, I will base my comments on 14 units. 25% of 14 units is 4 units when rounded.

The 2018 LHMA shows a need for 1 and 2 bed social rented accommodation in the Pontllanfraith ward. There is also need in surrounding wards which can be met through this development.

On the basis of what the SPG and the LHMA is telling us the affordable housing contribution would be provided as follows:

4 x 1 bed, 2 person flats;

Flats to be provided at social rent so would need to be built to WDQR (2021);

Ideally all flats would have their own separate walk-ups but given the design of the building this may not be possible. Therefore, I would suggest that all of the affordable housing is provided in one cluster, which is situated on the ground floor; and

To increase the accessibility of the social housing stock, the 4 flats would be provided with a walk-in shower, rather than a bath, and located on the ground floor.

For the purpose of the s106 Agreement the affordable housing contribution would be transferred to the Council.

Waste Strategy and Operations Manager - No comments received.

21st Century Schools Manager - In the absence of any detailed floor plans and not knowing how many flats and whether these will be 1 or 2 bedroom apartments, I am working on an indicative number of 21 (3 floors of 7 apartments).

The schools affected are:

Bryn Primary.

Islwyn High School.

YG Trelyn.

YG Cwm Rhymini.

There is room for catchment pupils in all schools whose parents apply for a place through the normal admissions rounds.

Parks and Countryside Operations Manager - No comments received.

Strategic & Development Plans - The land in question lies within the settlement boundary as set by the adopted LDP and, therefore, there is a presumption in favour of such forms of development as sought by the proposal. The scheme complies with policy CW15 (general locational constraints) and it is considered that the retail element, by virtue of its scale and location, is intended to serve the local community and would not

have a detrimental impact on the vitality and viability of Blackwood town centre. For this reason, the scheme also complies with policy CW16 (locational constraints - retailing) and does not undermine Future Wales' 'town centre first' policy, which concerns development of a significant scale.

As asserted by the applicant, the site is not subject to either zones C1 or C2 of the Development Advice Map, and therefore TAN 15's justification test does not apply. While the current edition of the TAN remains in force until 2023 and the new Flood Map for Planning (FMfP) holds no formal weight until then, Welsh Government's letter to LPAs of 15 December 2021 states that the best available information (as contained in the FMfP) may be regarded as a material consideration. The FMfP shows that the western part of the site is subject to zones 2 and 3 (surface water and small watercourses), though not for fluvial flooding. The draft version of the emerging TAN 15 states that information on surface water flooding will enable locally-appropriate approaches to be formulated. It is accepted that this is recognised in the FCA undertaken as part of the application, and has been factored into the recommendations.

Notwithstanding the need for all applicable planning considerations to be satisfactorily addressed, there is, in principle no objection to the proposal.

Ecologist - No objection subject to implementing the Landscape/Ecology Strategy as agreed.

Landscape Architect - CCBC - This site is prominently located, although screened at a low level by an existing native buffer on the west and north perimeters. The site however is visually exposed on the southeast perimeter along Trem-Y-Goron and on the approach from the east along Bryn Road.

I note the land adjacent to the west, off site, is designated as Green Wedge. This area is well vegetated except for several juvenile Ash trees which are suffering from Ash dieback. Contextually this deciduous buffer performs an important role and a good if low visual screen to the development site, and it is pleasing to see that it is to be improved as outlined on the Masterplan and the Landscape and Ecology Strategy. This is just indicative at present and further detail would be needed by application of a landscape condition should you be minded to approve this application.

Dwr Cymru - No objection subject to conditions. Informative advice is also provided.

Rights Of Way Officer - No objection but provides informative advice to be conveyed to the developer regarding the nearby Public Right of Way.

Police Architectural Liaison Officer - No comments received.

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

Chief Fire Officer - The Fire Authority has no objection to the proposed development but provides informative advice to remind the developer to consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances.

Transportation Engineering Manager - CCBC - No objection subject to conditions.

ADVERTISEMENT

Extent of advertisement: The application was advertised in the press, by means of a site notice and ten neighbouring properties were notified by way of letter. It should also be noted that the Local Planning Authority also undertook a second neighbour consultation following receipt of the amended plans.

Response: Ten letters of representation have been received in total from seven objectors.

Summary of observations: The following objections were raised.

CONCERNS WITH THE STATUTORY PRE-APPLICATION CONSULTATION PROCESS

Significant concerns over the way in which the developer has shared information with the public and should have undertaken in a transparent and open manner.

Discussions with the developer's solicitors were met with reluctance in that a copy of the developer's Equal Opportunities Policy was requested.

Concerns that the developer or an associated subsidiary group is not registered with Companies House.

Concerns raised that neighbouring commercial businesses were not informed at the pre-planning stage.

DESIGN CONCERNS

The proposed development fails to accord with chapters 2 and 3 of Planning Policy Wales and Technical Advice Note 12: Design.

Chapters 2 and 3 of Planning Policy Wales stipulate that in order to achieve the concept of 'place making' then CBCC has the responsibility for assessing development and considering who will benefit and who will suffer impacts from the proposals. The points raised in chapters 2 and 3 of the policy have not been fully met in the application.

The proposed development is not in-keeping with the surrounding area in that there are no apartments near the site and its design does not reflect the neighbouring properties.

The residential development will give rise to overlooking and loss of privacy issues.

LACK OF JUSTIFICATION

There is no justification for retail units and affordable accommodation on the site and is contrary to the advice of the Chief Executive of the Council to provide future opportunities for residents and requests that Team Caerphilly develop the land to be more in keeping with the local area.

There are already numerous retail units within a 1-2 mile radius of the proposed site and there is no viable reason for establishing another.

Competition with existing local and independent businesses and would impact upon businesses run by members of the black and ethnic minority and would force them to close.

Cites Manual for Streets and walkable neighbourhoods with existing commercial establishments within an 800 metre walk of the site and there is no need for further establishments.

THE NEED FOR AFFORDABLE HOUSING

Affordable housing is being provided on adjacent residential developments and questions the need, suggests that luxury accommodation would be more in keeping.

DEVALUATION OF NEIGHBOURING PROPERTIES

It is morally irresponsible to develop the site in the proposed manner and will negatively impact upon house prices, the existing housing stock and families.

HIGHWAY SAFETY IMPACTS

There is no infrastructure to support the proposed uses on the site.

Developing the site as proposed would lead to congestion, pollution and longer journey times.

The proposed development is likely to increase accidents, injuries and fatalities. There are too many junctions within a 50 metre radius of the site.

The main road next to the site leading into Blackwood is the second most dangerous road in the county borough.

The Traffic Management Analysis should be considered redundant in that it was conducted during the Covid 19 pandemic and therefore the data should be real time and not based on supposition. Requests for the traffic surveys to be repeated.

The site is not capable of accepting a large number of vehicle movements on a daily basis in that Trem-Y-Goron is also served by residential properties.

Trem-Y-Goron is narrow in width and will not be able to accommodate large heavy duty vehicles.

Queries how the additional traffic flows to/from Trem-Y-Goron onto Bryn Road will be managed without having a negative impact on traffic emerging onto Bryn Road from the Bryn and Crown Estates via Crown Lane?

States that the traffic survey conducted on 14/08/2022 did not take into account the traffic emerging onto Bryn Road from Crown Lane, or the impact of additional traffic from the proposed retail or residential units on the ability of this traffic to gain access to Bryn Road.

Questions whether an assessment been made of the safety of crossing Bryn Road and the proposed tactile paving.

Question what the expected pedestrian traffic route into the site will be.

Raises concerns that users of the site will park in the designated spaces and opt to park on the road leaving neighbouring residents blocked in or having their existing driveways used as turning facilities causing wear and tear.

The proposals do not accord with national and local policy in being well located, accessible by sustainable means of travel, and having no significant traffic impacts.

Trem-Y-Goron is also the link to a bicycle and footpath and increased vehicles pose a greater risk to cyclists and pedestrians who use the footpath.

The proposed development will increase pedestrian activity to and from the site with no safe crossing provision and there is a lack of pedestrian footpaths.

There are existing on-street parking issues along Trem-Y-Goron at present and the development would displace car parking and there are no other opportunities to park.

The swept analysis of a 10m long vehicle clearly shows the vehicle not being able to stay on its side of the road when leaving or entering Trem-Y-Goron and questions why no swept analysis has been provided of the said vehicle leaving/entering the retail site access.

ENVIRONMENTAL CONCERNS

The proposed development would lead to a loss of even more green space in the county borough and should be protected.

It is not accepted that the proposed development does not require an Air Quality Assessment and it is not for a third party to decide what can help or hinder personal health.

The increased vehicles entering Trem-Y-Goron will impact air quality in the area.

Concerns with construction mess.

Concerns with increase in litter.

HEALTH AND WELLBEING CONCERNS

It is not accepted that the proposed development does not require an Air Quality Assessment and it is not for a third party to decide what can help or hinder personal health.

The proposed development will disrupt homeworkers.

CONFLICT

The proposed development will lead to unneighbourly parking habits which will cause increased tension for existing and proposed residents.

Concerns of anti-social behaviour gathering outside.

PUBLIC RIGHT OF WAY

The Public Right of Way is not indicated on the Site Layout Plan.

The new junction obstructs the Public Right of Way.

Lack of parking provision will obstruct the Public Right of Way.

PUBLIC SAFETY CONCERNS

The daily ingress of petrol tankers to and from the Petrol Service Station directly opposite the site will give rise to an increased risk of petrol explosions in that the petrol and tank stores are underground.

NOISE CONCERNS

Concerns with operational hours and deliveries.

CONFLICT WITH RETAILING POLICIES

Queries the location of the retail use outside of the Council's retail boundary and suggest that it would be better suited in Blackwood Town Centre where there are vacant buildings and would help save the High Street.

COMPENSATORY MEASURES REQUIRED

Queries whether money from the S106 contribution could be provided in the form of compensatory measures to contribute towards building a wall for neighbouring residents to stop people entering and turning onto their private driveways.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? 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 a Landscape/ Ecology Strategy has been submitted for the commercial element of the scheme and includes biodiversity enhancements. In that the residential element of the scheme is seeking outline approval, additional biodiversity gain can be achieved through the submission of a reserved matters application should planning permission be granted.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development is CIL liable. The retail element of the scheme is charged at a rate of £100 per square metre of new floor space. The residential element of the scheme is also CIL liable in that the site falls within the mid viability charging area for which new residential floor space is charged at a rate of £25 per square metre plus indexation, however this would be addressed at any subsequent reserved matters stage.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. This is a hybrid planning application seeking full planning

permission to erect a retail building on the eastern side of the site with access, parking and landscaping together with outline planning permission sought to erect up to 14 residential units with all matters reserved except access on the western side of the site. In that regard the main issues in the determination of this application are:

The principle of development on the site;

Whether the proposed development will impact upon the ecological and landscape value of green wedge SI 1.16 (Maesycwmmer, Pontllanfraith and Fleur de Lys);

Whether the proposed development would generate an increased level of highway traffic that would result in a detrimental impact on highway safety;

The suitability of the site for retail development;

The visual impact of the convenience store; and

The suitability of the site for residential development.

These issues will be discussed in turn.

The application site is a vacant brownfield site located in the Northern Connection Corridor. Policy SP5 (Settlement Boundaries) is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. Importantly it promotes the full and effective use of urban land and concentrates development within existing settlements. The policy also seeks to prevent coalescence and inappropriate development in the countryside. The application site falls within the defined settlement boundary for Pontllanfraith and is immediately adjacent to green wedge SI 1.16 (Maesycwmmer, Pontllanfraith and Fleur de Lys). In policy terms re-development of the site would be consistent with Policy SP5 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010 (LDP) in that it promotes the full and effective use of urban land and serves to concentrate new development within the existing settlement.

Policy SP2 (Development Strategy in the Northern Connections Corridor (NCC) requires development proposals within the NCC to promote sustainable development.

Specifically proposals in this area should be targeted to both greenfield and brownfield sites having regard to the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; and protect the natural heritage from inappropriate forms of development.

Policy SP4 (Settlement Strategy) defines the settlement hierarchy for towns and villages across the county borough and identifies those areas where development would be supported and enhanced based on the specified role and function of a particular area.

The Strategy seeks to concentrate new development to respond appropriately to the economic, social and environmental needs of individual settlements and thus settlement boundaries are identified accordingly to indicate the potential areas where development is likely to be permitted. Pontllanfraith is identified as a residential area and the application site meets the definition of previously developed land (also referred to as brownfield) as set out in Planning Policy Wales (PPW).

In settlements, brownfield land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. Policy SP2 also requires that new proposals reduce car borne trips by promoting sustainable modes of travel and make the most efficient use of existing infrastructure. Chapter 4 of PPW covers the theme of active and social places. With respect to transport the planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport.

The site is within walking distance of a number of local facilities including community, education, convenience stores and recreational spaces together with the wider catchment area of the Pontllanfraith ward providing health services, formal leisure provision and a large supermarket which are all easily accessible by public transport. There is an eastbound bus stop directly opposite the site on Bryn Road, and a westbound bus stop located on Bryn Road, approximately 75 metres to the south-east of the site. The bus stops provide access to Blackwood, Ystrad Mynach rail station, Ystrad Mynach, Cardiff via Caerphilly, Pontypridd, Ystrad Mynach, Nelson, Gelligaer and Cefn Hengoed. Hengoed rail station is also located circa 1.8km (8 minutes cycle) to the west of the site.

Criterion D of Policy SP2 seeks to protect the natural heritage from inappropriate development. The application proposes a combination of commercial retail and residential development on previously developed land within the settlement boundary, however the development site is bounded along the western boundary by green wedge SI 1.16 (Maesycwmmmer, Pontllanfraith and Fleur de Lys) by established native deciduous planting and provides an important role in defining the edge of the settlement boundary with the A4049 and importantly prevents coalescence between the neighbouring settlements of Maesycwmmmer and Fleur de Lys in that all three individual settlements have very distinctive identities with a strong sense of place. The proposed development does not seek to extend into the green wedge and will not harm or interfere with its land use designation.

In tandem with criterion D of Policy SP2, Policy SP10 (Conservation of Natural Heritage) is of relevance and indicates that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. The native trees and planting within the green wedge make a positive contribution to both the natural and built environment and enhances the character and diversity of the landscape together with offering substantial environmental benefits. Policy CW6 (Trees, Woodland and Hedgerow Protection) therefore requires proposals to ensure that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. It is noted that many of the juvenile Ash trees within the adjacent green wedge are suffering from Ash dieback and a Landscape/Ecology Strategy has been submitted to accompany the development proposals for consideration. This indicative strategy includes a mixture of retained landscape buffer planting with enhanced tree and hedge planting within the green wedge as well as within the development site itself.

The comments of the Council's Landscape Architect are outlined earlier in the report and no objection is raised to the proposed development subject to conditions in order to improve and enhance the urban landscape together with minimising any new built form in the green wedge. Additionally no objection has been raised by the Council's Ecologist. The proposed development therefore complies with policy CW6.

In line with national planning policy, SP6 (Place Making) requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. Policy SP6 requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and where appropriate through the use of Sustainable Urban Drainage Systems (SUDS). In that the proposed development exceeds more than 100 square metres of floor space the development will require SUDs approval. Those technical details will require consideration from the Sustainable Drainage Approval Body (SAB) and is an independent approval process outside of planning legislation.

Policy, SP6 also requires mitigation measures that improve and maintain air quality. The nearest air quality management area within Caerphilly County Borough Council (CCBC) is Hafodyrynys with Blackwood High Street also designated as an automatic monitoring site in the County Borough. The Caerphilly 2021 Air Quality Progress Report dated February 2022 states that the CCBC confirms that there are no new or newly identified local developments which may have an impact on air quality within the Local Authority area. Given the distance away from Blackwood High Street and notably Hafodyrynys, which is located much further away from the site together with the limited scale of the development, it is not considered that the proposed development will give rise to any detrimental impact on the nearest air quality management area or monitoring sites and no objection has been raised by the Council's Environmental Health department. Furthermore, the modal shift in travel patterns is an essential part of reducing the growing concerns related to air quality.

THE IMPACT UPON THE HIGHWAY NETWORK

Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion) requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling and that appropriate infrastructure is included in the layout to facilitate short trips on foot. In that regard, the proposed development will require a pedestrian footway from outside of the site at Bryn Road to connect the development to the existing highway network and the development is served by convenient and frequent access to public transport. Therefore the range of accessible and sustainable travel choices to and from the development site will reduce the need to travel by private motor vehicles. The retail phase of the proposed development seeking full planning permission also provides 15 x car parking spaces, 2 x mobility impaired spaces, 2 x separate areas for bicycle storage and 1 x motorcycle

bay, 2 x separate areas for bicycle storage are also provided. The residential element seeking outline planning permission would also be expected to provide off-street car parking provision in line with the car parking standards set out in Supplementary Planning Guidance LDP5: Car Parking Standards.

Policy CW3 (Design Considerations - Highways) requires development proposals to have regard for the safe, effective and efficient use of the transportation network. A Transport Statement, Transport Technical Addendum and Covid 19 Transport Statistics accompany the planning application submission details and in combination provides a comprehensive assessment of the transport implications associated with the proposed development. The submitted documents consider the likely peak hour traffic generation for each of the proposed retail and residential developments and provides a comparison with the previous vehicle trip generation associated with its former use as a public house with the total vehicle trip generation of the proposed development calculated by adding together the combined number of predicted convenience store and residential trips. The proposed development is forecast to generate 53 trips during the morning peak hour, and 69 trips during the afternoon peak hour, with the overall predicted net impact of vehicle trip generation to the site increasing by 53 and 43 vehicles during the morning and evening network peak hours respectively compared to the previous use of the site.

It is accepted that the proposed development will generate additional vehicle movements to and from the site, however the overall increase is less than one vehicle per minute. Furthermore, it should be noted that any vehicle trips to the proposed store are likely to predominantly consist of pass-by and diverted trips from other existing stores, or be part of a linked trip e.g. work-shop-home given the location, size of store and limited range of products for sale.

Swept path analysis drawings to accompany the site layout plan also demonstrates servicing and delivery arrangements to allow for a 10 metre rigid vehicle to safely access and egress from the junction of Bryn Road and Trem-Y-Goron in forward gear. These vehicle arrangements would include deliveries and waste collections to and from the convenience store together with delivery and refuse vehicles to serve the proposed apartment block.

The Council's Transportation Engineering Manager has reviewed the supporting information in full and it is not considered that the increased level of traffic generated by the proposed development would be significant enough in highway safety terms to warrant a refusal of planning permission. Subject to the imposition of several highways conditions to secure highway improvements in the form of pedestrian accessibility, the application is considered to be acceptable in highway safety terms and therefore compliant with Policy CW3.

THE SUITABILITY OF THE SITE FOR RETAIL DEVELOPMENT

In policy terms re-development of the site for commercial retailing purposes would be consistent with Policy SP5 of the LDP in that it promotes the full and effective use of urban land and serves to concentrate new development within the existing settlement.

Policy CW16 (Locational Constraints - Retailing) states that outside of the defined Principal Town Centres proposals for new retail stores or for additional retail floor space will only be permitted where:

A The vitality and viability of nearby Principal Town Centres will not be undermined, taking into account the cumulative effects of other approved retail developments, recently completed developments and Plan commitments, and

B The proposal would not undermine the Council's retail strategy, a Town Centre Action Plan or any regeneration plans that the Council has formally approved, or

C The proposal is:

- (i) A new retailing unit of 1000m² or less in size, or the change of use of such a size, and
- (ii) To serve neighbourhood needs, or is ancillary to another commercial use.

The proposed convenience store will comprise an area of 375 square metres of floor space and therefore by virtue of its scale and location, is intended to serve the local community to provide a basket shopping service to meet the day to day needs of those living within close proximity to the site or travelling past the site. It is therefore considered that the proposed convenience store would not have a detrimental impact on the vitality and viability of the nearest Principal Town Centre and therefore complies with policy CW16. Additionally, in the same vein the proposed development does not undermine Future Wales' 'Town Centre First' policy, which concerns development of a significant scale.

It should also be noted that the submitted details indicate that the proposed convenience store would be occupied by the 'Spar' retailer. Whilst this information may be of interest to members and the wider public, it must be stressed that the intended occupant of the store is not a material consideration in the determination of this application and cannot be secured through any planning permission granted. It is the use of the land and buildings for consideration in the determination of this application and not the potential occupant.

The main issues for consideration would be the visual impacts concerning the design, scale and massing of the convenience store along with the impact upon residential amenity.

Policy SP6 sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement and realise the efficient use of land. The development proposal offers the opportunity to provide an A1 convenience food store with vehicular access off the junction with Bryn Road and

along Trem-Y-Goron. In terms of its siting the rear of the proposed development would be sited towards the north-eastern boundary but sufficiently set in away from the boundary adjoining Bryn Road with an intervening area of soft landscaping, with the side elevation of the building adjacent to the south-eastern boundary of Trem-Y-Goron, directly opposite the front curtilages of No.1 and 2 Crown Cottages, with the principal elevation inwardly facing in a south-westerly direction to maximise lighting and solar gain opportunities. The design of the proposed convenience store is of a larger scale and footprint to that of the nearby petrol filling station and its design would appear to be far more contemporary in comparison. However, the design and materials are typical of new build convenience stores and it is not considered that the design, scale and massing and external materials of the proposed building would cause any harm to the character and visual amenity of the wider area.

Policy CW2 (Amenity) states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. In that regard the proposed convenience store demonstrates that adequate parking and turning for deliveries can be provided within the site together with providing areas of soft landscaping and new footpath links to the site to improve pedestrian safety. The proposal is not considered to be over-development and is compatible with surrounding land uses.

In terms of its impact upon residential amenity the nearest occupiers to the convenience store are No.1 and 2 Crown Cottages however the principal elevation of these properties are some 40 metres away from the side elevation of the building, with outbuildings much closer to the site boundary measuring circa 22 metres away. Given the separation distances involved, overbearing, overshadowing and overlooking are not considered to be an issue in this instance.

A noise report has been submitted in support of the application to consider the impacts of road traffic noise for the residential element of the scheme however noise disturbance can also be generated from external plant equipment and the receiving and unloading of delivery vehicles late into the evening or during the early hours of the morning. At this stage the precise details of all the proposed external plant equipment is yet to be determined and whilst the Council's Environmental Health department has raised no objection to the proposed development, they have recommended a series of conditions imposed to any consent to ensure that details of any associated plant equipment are agreed prior to their installation together with controlling the hours of operation for the store and the hours in which deliveries are received including the unloading process along with external lighting levels to safeguard neighbouring residential amenity. The proposed development is therefore considered compliant with Policy CW2.

THE SUITABILITY OF THE SITE FOR RESIDENTIAL DEVELOPMENT

In policy terms re-development of the site for residential purposes would be consistent with Policy SP5 of the LDP in that it promotes the full and effective use of urban land and serves to concentrate new development within the existing settlement.

In that highway matters have previously been considered as 'in principle' matters, the main issues for consideration would be the scale and massing of the development and the impact upon residential amenity.

In terms of placemaking (Policy SP6) the proposed development offers the opportunity to provide an apartment block comprising of up to 14 units in a residential area within the NCC. The submitted layout suggests an indicative vehicular access point off the junction with Bryn Road along Trem-Y-Goron. In terms of the design of the proposed apartment block its visual appearance has been reserved for future consideration however the scale parameters details indicate that the building would be approximately 1.0 metre higher than the ridge heights of No. 1-4 Trem-Y-Goron and have the potential to be between 2-2.5 storeys in height. It is therefore considered that the proposed development is compliant with Policy SP6.

With regards to the impact upon amenity (Policy CW2) whilst it is acknowledged that the submission details for the residential element of the scheme are only indicative, the scale parameters and site layout plan demonstrate that the proposed apartment block can be accommodated within the site comfortably together with providing a level of outdoor amenity space for its future occupiers along with demonstrating off-street car parking provision within the site.

Having regard to the neighbouring residential properties, there is no reason to indicate that the proposed development would have any unacceptable overbearing or overshadowing impacts on the amenity of neighbouring properties given that the principal elevation of the neighbouring properties of No. 1-4 Trem-Y-Goron are in excess of 25 metres away from the site boundary, therefore issues such as potential privacy distances and overlooking between the proposed and neighbouring dwellings are matters that can be adequately controlled at reserved matters stage whereby the full details of the development's layout, scale, appearance and landscaping will be fully considered. On that basis it is considered that residential development in this location is considered to be achievable and meets the requirements of Policy CW2.

Policy SP7 (Planning Obligations) recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effects of that development. In the context of this application, the Council will be seeking to secure the residential development to provide 25% of the residential units as affordable housing.

With regards to housing need, Policy SP14 (Total Housing Requirements) 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 up to 14 apartments all of which are proposed to be affordable. Whilst the amount of housing proposed would not make a significant contribution to the overall provision to the supply of new housing, it would indeed make a much needed positive contribution, particularly in terms affordable housing. Accordingly, the proposal would meet the requirements of Policies SP14 and SP15.

Policy CW11 (Affordable Housing Obligations) seeks to negotiate the inclusion of an appropriate element of affordable housing on housing developments of five or more dwellings. Policy CW11 states:

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

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

Where there is evidence of need, the Council will seek to negotiate the following affordable housing target of up to 25% in the Northern Connections Corridor (excluding Newbridge) subject to viability.

The site falls within the Pontllanfraith ward, which attracts an affordable housing target of up to 25%. The agent on behalf of their client has provided a statement confirming that all of the residential units will be provided as affordable housing, however the Council's Housing Enabling Officer has confirmed that only 4 of the 14 apartments need to be provided as affordable to meet the policy requirements and this would need to be secured by way of the developer entering into a Section 106 agreement.

In conclusion Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision on this proposal to be made in accordance with the development plan unless material considerations indicate otherwise. The Adopted Caerphilly County Borough

Local Development Plan up to 2021 is the development plan for purpose of Section 38(6).

The site is previously developed land within the defined settlement boundary of Pontllanfraith. The proposed development complies with both local and national planning policies, would make a positive contribution to addressing the affordable housing targets for the County Borough and the surrounding highway network is considered to have sufficient capacity to accommodate the modest increase in vehicular movements without having a detrimental impact on highway safety. The concerns of statutory consultees can be addressed by way of planning conditions and a legal agreement. This application offers an opportunity to provide a sustainable hybrid development comprising of retail and residential development without causing any significant harmful effects which cannot be successfully mitigated.

A Section 106 Agreement will be required to secure affordable housing provision on the site. The applicants have agreed to enter into such an agreement.

The recommendation is to require the applicant to enter into a Section 106 Agreement in respect of affordable housing provision. In that regard there are tests for Section 106 Agreements which have to be met.

These are as follows:-

- (a) The financial contribution, arrangements and works contained in the obligation are required;
- (b) They are directly related to the development, and;
- (c) They are fairly related in scale and kind to the development.

With regard to criterion (a) there is a need to secure affordable housing provision on-site to comply with national and local policy.

With regard to criterion (b) the development is located within an area of housing need and pressure. The proposal will provide a small number of affordable homes within the local community.

With regard to criterion (c) in view of the scale of the development and the proximity to the existing community the applicants have offered to provide 25% affordable housing. This accords with the affordable housing target in the Northern Connections Corridor and is therefore considered reasonable to the outline residential development proposed. Comments from Consultees: No objection subject to conditions and advice. Whilst some consultees have recommended the imposition of conditions at outline stage, such conditions are not considered to be reasonable or necessary and the merits of the suggested conditions should be re-assessed by the relevant consultees upon receipt of any future reserved matters application submitted for consideration.

Comments from public: The following objections were raised:-

CONCERNS WITH THE STATUTORY PRE-APPLICATION CONSULTATION PROCESS

Significant concerns over the way in which the developer has shared information with the public and should have undertaken in transparent and open manner.

Discussions with the developer's solicitors were met with reluctance in that a copy of the developer's Equal Opportunities Policy was requested.

Concerns that the developer or an associated subsidiary group is not registered with Companies House.

Concerns raised that neighbouring commercial businesses were not informed at the pre-planning stage.

LPA RESPONSE: The Pre-Application Consultation Process is a separate process for the developer to comply with and the Local Planning Authority has no involvement in the process and therefore any concerns relating to the Pre-Application Consultation process cannot be taken into consideration as part of the determination of this application. The developer has demonstrated that the statutory requirements of the Pre-Application Consultation Process have been duly met.

DESIGN CONCERNS

The proposed development fails to accord chapters 2 and 3 of Planning Policy Wales and Technical Advice Note 12: Design.

Chapters 2 and 3 of Planning Policy Wales stipulate that in order to achieve the concept of 'place making' then CBCC has the responsibility for assessing development and considering who will benefit and who will suffer impacts from the proposals. The points raised in chapters 2 and 3 of the policy have not been fully met in the application.

The proposed development is not in-keeping with the surrounding area in that there are no apartments near the site and its design does not reflect the neighbouring properties. The residential development will give rise to overlooking and loss of privacy issues.

LPA RESPONSE: The residential element of the scheme is seeking outline planning permission with approval of access. All other elements including the visual appearance of the building including the positioning of windows are reserved for future consideration.

LACK OF JUSTIFICATION

There is no justification for retail units and affordable accommodation on the site and is contrary to the advice of the Chief Executive of the Council to provide future

opportunities for residents and requests that Team Caerphilly develop the land to be more in keeping with the local area.

There are already numerous retail units within a 1-2 mile radius of the proposed site and there is no viable reason for establishing another.

Competition with existing local and independent businesses and would impact upon businesses run by members of the black and ethnic minority and would force them to close.

Cites Manual for Streets and walkable neighbourhoods with existing commercial establishments within an 800 metre walk of the site and there is no need for further establishments.

LPA RESPONSE: The proposed development accords with both national and local planning policies. The principle of residential development and small scale retail development on the site is considered acceptable in planning terms and is reflective of neighbouring land uses immediately adjacent to the site and within the wider area. The site is located within a sustainable location and competition is not a material planning consideration, issues in respect of consumer loyalty is for the market to determine. Furthermore, there are no retail planning policies that would prohibit limiting the number of local convenience stores in a community catchment area.

THE NEED FOR AFFORDABLE HOUSING

Affordable housing is being provided on adjacent residential developments and questions the need, suggests that luxury accommodation would be more in keeping.

LPA RESPONSE: The Joint Housing Land Availability Study (JHLAS) confirms that there is a significant shortfall of market and affordable housing within the county borough and the Local Planning Authority can only consider the application details submitted for consideration. The provision of affordable housing will provide a positive contribution to affordable housing provision within the Pontllanfraith ward.

DEVALUATION OF NEIGHBOURING PROPERTIES

It is morally irresponsible to develop the site in the proposed manner and will negatively impact upon house prices, the existing housing stock and families.

LPA RESPONSE: Devaluation of property is not a material planning consideration.

HIGHWAY SAFETY IMPACTS

There is no infrastructure to support the proposed uses on the site. Developing the site as proposed would lead to congestion, pollution and longer journey times.

The proposed development is likely to increase accidents, injuries and fatalities.

There are too many junctions within a 50 metre radius of the site.

The main road next to the site leading into Blackwood is the second most dangerous road in the county borough.

The Traffic Management Analysis should be considered redundant in that it was conducted during the Covid 19 pandemic and therefore the data should be real time and not based on supposition. Requests for the traffic surveys to be repeated.

The site is not capable of accepting a large number of vehicle movements on a daily basis in that it Trem-Y-Goron is also served by residential properties.

Trem-Y-Goron is narrow in width and will not be able to accommodate large heavy duty vehicles.

Queries how the additional traffic flows to/from Trem-Y-Goron onto Bryn Road will be managed without having a negative impact on traffic emerging onto Bryn Road from the Bryn and Crown Estates via Crown Lane?

States that the traffic survey conducted on 14/08/2022 did not take into account the traffic emerging onto Bryn Road from Crown Lane, or the impact of additional traffic from the proposed retail or residential units on the ability of this traffic to gain access to Bryn Road.

Questions whether an assessment been made of the safety of crossing Bryn Road and the proposed tactile paving.

Question what the expected pedestrian traffic route into the site will be.

Raises concerns that users of the site will park in the designated spaces and opt to park on the road leaving neighbouring residents blocked in or having their existing driveways used as turning facilities causing wear and tear.

The proposals do not accord with national and local policy in being well located, accessible by sustainable means of travel, and having no significant traffic impacts.

Trem-Y-Goron is also the link to a bicycle and footpath and increased vehicles pose a greater risk to cyclists and pedestrians who use the footpath.

The proposed development will increase pedestrian activity to and from the site with no safe crossing provision and there is a lack of pedestrian footpaths.

There are existing on-street parking issues along Trem-Y-Goron at present and the development would displace car parking and there are no other opportunities to park.

The swept analysis of a 10m long vehicle clearly shows the vehicle not being able to stay on its side of the road when leaving or entering Trem-Y-Goron and questions why no swept analysis been provided of the said vehicle leaving/entering the retail site access.

LPA RESPONSE: With regards to the highway safety impacts there are a number of issues raised above, not all of the points raised will be addressed individually in that highway safety is fully considered by this Council's Transportation Engineering Manager. However, a summary of the key themes are addressed as follows and will be addressed in turn:-

1. The sustainability of the site - The site is located in a highly sustainable location and the sustainable modes of transport available include walking, cycling and public transport. The variety of sustainable modes of transport will minimise the number and length of private car journeys to and from the site.

2. The impact upon the highway network - The proposed development will not result in a material impact on the operation of the local highway network. The Bryn Road/Trem-Y-Goron junction operates with significant spare capacity with and without the development proposals. Beyond this immediate junction the impact will be imperceptible as the traffic disperses through the highway network.

In terms of delivery vehicle movements to and from the site will be far less in comparison to car movements at the junction. The design of local roads should accommodate service vehicles without allowing their requirements to dominate the layout. It is not unusual for a larger rigid vehicle to require the use of the opposing lane to exit a junction in urban areas. The highway code 221 also states that road users need to be aware that larger vehicles require additional space to turn etc.

Paragraphs 9.4.10 and 9.4.11 of Manual for Streets 2 regarding junction radii and larger vehicles at priority junctions state:-

"As noted in Sections 6.3 and 6.4 of MFS1, tight corner radii help pedestrians and cyclists to travel across and through junctions by reducing the speed of turning vehicles. Advice contained in TD42/95, that minimum corner radii should be 6m in urban areas, should therefore not be taken as representing best practice when the needs of vulnerable road users are to be prioritised."

"Larger vehicles can still negotiate junctions where minimal (1m or less) corner radii are used, depending on the width of the junction arms they are turning to and from. In many cases it will be better to have slightly greater carriageway widths at the junction, rather than generous corner radii, or accept that larger vehicles occasionally cross into the opposing lane."

It is therefore accepted that the larger infrequent vehicle movements turning left at the junction will cross into the opposing lane and a swept path analysis has been reviewed by the Transportation Engineering Manager.

3. The traffic survey undertaken during the Covid 19 pandemic - The traffic survey at the Trem-Y-Goron / Bryn Road junction was undertaken post the Covid 19 pandemic and a further traffic survey was undertaken at the existing junction on Thursday 14 July 2022. The turning count data was collected in 15-minute intervals for the morning and afternoon weekday peak periods (07:00-10:00 and 16:00-19:00).

The traffic survey identified the following peak hours:

The morning peak hour 07:45-08:45; and

The evening peak hour 16:15-17:15.

The results of the traffic survey indicated that Trem-Y-Goron is very lightly trafficked throughout the period surveyed.

The capacity of the Trem-Y-Goron priority junction was tested using Junctions 10 (industry standard computer programme for capacity analysis of priority junctions) for the following scenarios:

2022 Observed - weekday morning and afternoon peak hours

2022 Observed + Proposed Development - weekday morning and afternoon peak hour.

The results of the Junctions 10 assessment for the priority junction provides a ratio of flow to capacity (RFC) figure and a Queue (Q) length (number of vehicles). The RFC determines how the arm of the junction is operating and if the RFC is 0.85 or less the relevant arm of the junctions is within its design capacity with minimal queues. An RFC greater than 0.85 and less than 1.0 shows that the junction is operating close to its design capacity and as such some queues and Delays may start to occur. When an RFC is greater than 1.0 the arm of the junction is operating at or exceeding its design capacity and as a result longer delays / queues will start to form. On this basis a maximum RFC of 1 will be used as the absolute capacity of a junction. Should the level of traffic at a junction exceed this threshold then mitigation may be required. Queue results represent an average queue length, so will not always be whole numbers of vehicles.

It is proposed to extend the existing no waiting at any time (double yellow lines) on Trem-Y-Goron to cover the site access. This will keep the route between the site access and junction with Bryn Road clear of parked vehicles. A swept path analysis has been extended to include all turning movements at the Bryn Road / Trem-Y-Goron priority junction. The swept path analysis demonstrates that a 10 metre HGV vehicle can be accommodated at the Bryn Road / Trem-Y-Goron junction.

It should also be noted that working from home is now an established practice with the Welsh Government target published in September 2020 aiming for 30% of Welsh

workforce to work remotely on a regular basis in a post pandemic society following on from Covid 19 lessons.

4. Pedestrian safety - The Transportation and Engineering Manager has reviewed the details submitted for consideration, pedestrian improvements in the form of a tactile dropped crossing and footpath will be secured to improve pedestrian safety and will be subject to further design consideration.

5. Displacement of existing on-street car parking and obstruction for neighbouring residents - The proposed development will provide the appropriate levels of off-street car parking. The existing neighbouring residents who may currently enjoy on-street car parking along Trem-Y-Goron as opposed to off-street car parking within their own driveways or garages may be affected if the number of vehicles serving each property exceed their own off-street car parking provision however on-street car parking cannot be perceived as a right in perpetuity and planning permission cannot be refused on this basis. Any obstruction of neighbouring driveways would be a matter for the police to enforce.

ENVIRONMENTAL CONCERNS

The proposed development would lead to a loss of even more green space in the county borough and should be protected.

It is not accepted that the proposed development does not require an Air Quality Assessment and it is not for a third party to decide what can help or hinder personal health.

The increased vehicles entering Trem-Y-Goron will impact air quality in the area.

Concerns with construction mess.

Concerns with increase in litter.

LPA RESPONSE: The development is previously developed land and is not removing greenfield land. Given the relatively small scale nature of development proposed it was not considered reasonable or necessary to request the developer to submit an Air Quality Assessment in that the site does not fall within or immediately adjacent to an Air Quality Management Area. Matters in relation to construction mess such as dirt and debris can be adequately controlled through the suggested Construction Method Statement condition.

Litter is a material planning consideration but it would be unreasonable to refuse permission on that basis alone in that the site is located within the settlement boundary where the use of a convenience store is considered to be acceptable. Furthermore, litter enforcement can be carried out by the relevant agencies.

HEALTH AND WELLBEING CONCERNS

The proposed development will disrupt homeworkers.

LPA RESPONSE: As with any development there will always be some limited short term disruption impacts however it is not considered that any noise levels during the construction phase of the development would completely disrupt the ability for any neighbouring occupier to work in an agile manner.

CONFLICT

The proposed development will lead to unneighbourly parking habits which will cause increased tension for existing and proposed residents.

Concerns of anti-social behaviour gathering outside.

LPA RESPONSE: This is not a material planning consideration, obstruction of the highway and anti-social behaviour is a matter for the police to enforce.

PUBLIC RIGHT OF WAY

The Public Right of Way is not indicated on the Site Layout Plan.

The new junction obstructs the Public Right of Way.

Lack of parking provision will obstruct the Public Right of Way.

LPA RESPONSE: The Public Rights of Way Officer has raised no objection to the proposed development. Informative advice has also been provided and any obstruction of the Public Right of Way can be enforced under separate legislation.

PUBLIC SAFETY CONCERNS

The daily ingress of petrol tankers to and from the Petrol Service Station directly opposite the site will give rise to an increased risk of petrol explosions in that the petrol and tank stores are underground.

LPA RESPONSE: This is not a material planning consideration.

NOISE CONCERNS

Concerns with operational hours and deliveries.

Concerns with increased levels of noise within the area associated with the apartments and plant and machinery associated with the retail store.

LPA RESPONSE: Conditions are suggested to control hours of operation, deliveries to and from the site and plant and machinery to protect residential amenity. With regards to noise from the proposed apartments, there is no evidence to indicate that current levels of neighbouring amenity would be adversely affected. Furthermore the design and layout of the residential apartments are reserved for future consideration.

CONFLICT WITH RETAILING POLICIES

Queries the location of the retail use outside of the Council's retail boundary and suggest that it would be better suited in Blackwood Town Centre where there are vacant buildings and would help save the High Street.

LPA RESPONSE: Policy CW16 (Locational Constraints - Retailing) of the LDP states that outside of the defined Principal Town Centres proposals for new retail stores or for additional retail floor space will only be permitted where the proposal is 'a new retailing unit of 1000 sq. metres or less in size'. The floor space of the retail store measures 375 square metres.

COMPENSATORY MEASURES REQUIRED

Queries whether money from the S106 contribution could be provided in the form of compensatory measures to contribute towards building a wall for neighbouring residents to stop people entering and turning onto their private driveways.

LPA RESPONSE: A Section 106 Agreement to require compensatory measures for personal gain would not be necessary to make the development acceptable in planning terms. It would also not be directly related to the development nor would it be fairly and reasonably related in scale and kind to the development and on that basis would fail the three tests.

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

1. 25% 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 full planning consent, namely the retail building on the eastern side of the site with access, parking and landscaping, 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:
Report JAH02896-REPT-01-R1 Noise Impact Assessment received on 12.05.2022;
Report JNY11299-01a Transport Statement received on 12.05.2022;
Transport Statement Appendices received on 12.05.2022;
Dwg No.101 Rev B Landscape / Ecology Strategy received on 12.05.2022 (this does not extend to the soft and hard landscaping details proposed);
Dwg No. PL 450 Proposed Boundary Treatments received on 12.05.2022;
Dwg No. PL 950 Proposed Material Finishes - Retail received on 12.05.2022;
Report JNY11299-02a Technical Addendum Highway Note received on 02.08.2022;
Covid 19 Transport Statistics received on 05.10.2022;
Dwg No. 200A Proposed Site Masterplan received on 07.10.2022;
Dwg No. 210A Proposed Ground Floor Plan received on 07.10.2022;
Dwg No. 213A Proposed Roof Plan received on 07.10.2022;
Dwg No. 300A Proposed South East Elevations received on 07.10.2022;
Dwg No. 301A Proposed South West Elevations received on 07.10.2022; and
Dwg No. 302A Proposed North West Elevations received on 07.10.2022;
Dwg No. 303A Proposed North East Elevations received on 07.10.2022.

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

- 03) No development shall commence on site until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Construction Method Statement shall include details of:
hours of working;
the on-site parking of vehicles of site operatives and visitors;
loading and unloading of plant and materials;
storage of plant and materials used during construction works;
wheel washing facilities;
the erection and maintenance of security hoardings;
measures to control noise during construction works;
measures to control pollution from plant and runoff;
measures to control the emission of dust and dirt during construction works; and
details of a scheme for the recycling/disposing of waste resulting from construction works.
Thereafter the construction of the development shall be undertaken in accordance with the approved 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.
- 04) The retail store hereby permitted shall not be open to customers outside of the following times:
(a) 07.00 hours to 23.00 hours Monday to Saturday, and
(b) 08.00 hours to 22.00 hours Sunday.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) No deliveries shall be taken at or dispatched from the retail store outside of the following times:
(a) 08.00 hours to 19.00 hours Monday to Saturday, and
(b) 09.00 hours to 18.00 hours Sunday.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of the development phase hereby permitted full planning consent, a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
REASON: In the interest of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the commencement of the development phase hereby permitted full planning consent, details of all external and roof mounted plant/machinery

associated with the retail store shall be submitted to and agreed in writing with the Local Planning authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.

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

- 08) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the development phase hereby permitted full planning consent, arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.

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

- 09) Prior to the commencement of the development phase hereby permitted full planning consent, a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:
- (a) All paving, hard standing areas / parking areas shall be submitted in the form of a suitably scaled plan and shall be accompanied with the relevant information relating to the appearance and finish of the surfacing materials;
 - (b) A scheme for the existing perimeter vegetation around the site to be improved with additional native trees and native shrub planting;
 - (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes, numbers/densities where appropriate, cultivation and means of mulching;
 - (d) Tree pit details; showing tree support and rooting volume; and
 - (e) Details of a 5 year landscape management plan including maintenance schedule and defects replacement for all landscaped areas within and adjacent to the site.

The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 10) No development or any other operations shall commence on site until a scheme for the protection of the existing trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used. The approved protective fencing must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.
REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The development phase permitted full planning consent, shall be served by a new vehicle crossover in accordance with the approved plans prior to occupation of the retail store hereby approved.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The development phase permitted in full shall not be occupied until a pedestrian crossing on Bryn Road has been provided in accordance with a design and specification to be approved in writing by the Local Planning Authority and shall thereafter be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) The development phase permitted in full shall not be occupied until a minimum 2 metre footway has been provided along the site frontage in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) Beneficial use of the retail store hereby approved shall not commence until the areas indicated for the parking and turning of vehicles to serve that element of the development have been laid out in accordance with the approved plans to the satisfaction of the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than for the parking of vehicles associated with the development permitted.
REASON: To ensure that adequate off-street parking facilities are provided within the curtilage of the site in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.

- 15) Approval of the details of the appearance, landscaping, layout and scale of the development phase hereby permitted outline planning consent, (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 16) Plans and particulars of the reserved matters referred to in Condition 15) above, relating to the appearance, landscaping, layout and scale of the residential development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 17) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 18) The development hereby permitted outline planning consent, namely the residential element, shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 19) Parking associated with the development phase hereby permitted outline planning consent, shall be provided in line with the Local Planning Authority's adopted standard set out in LDP5 Car Parking Standards.
REASON: To ensure that adequate parking facilities are provided within the curtilage of the site in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) The development phase hereby permitted outline planning consent shall make provision for gigabit capable broadband infrastructure to serve the approved residential development. The necessary infrastructure required shall be installed prior to the occupation of each unit of accommodation.
REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.

Advisory Note(s)

Please refer to Public Access on the Council's website to view the comments of the consultees that are brought to the applicant's attention that inform any future details reserved by condition and subsequent reserved matters application. Informative information is also provided.

NOTE

The applicant should be made aware that the proposed scheme includes off site highway works and as such they will need to enter into a legal agreement / licence with the Highway Authority to undertake such works. No works shall be undertaken on or adjacent to the highway until the said agreement/ licence has been completed. The applicant is therefore advised to contact the Highway Development Control as soon as possible once planning permission is granted.

The applicant should be made aware that there is a requirement to undertake a TRO (Traffic Regulation Order) to extend the double yellow lines along Trem-Y-Goron, the costs of this order will be borne by the developer and should be completed prior to occupation of the development.

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

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

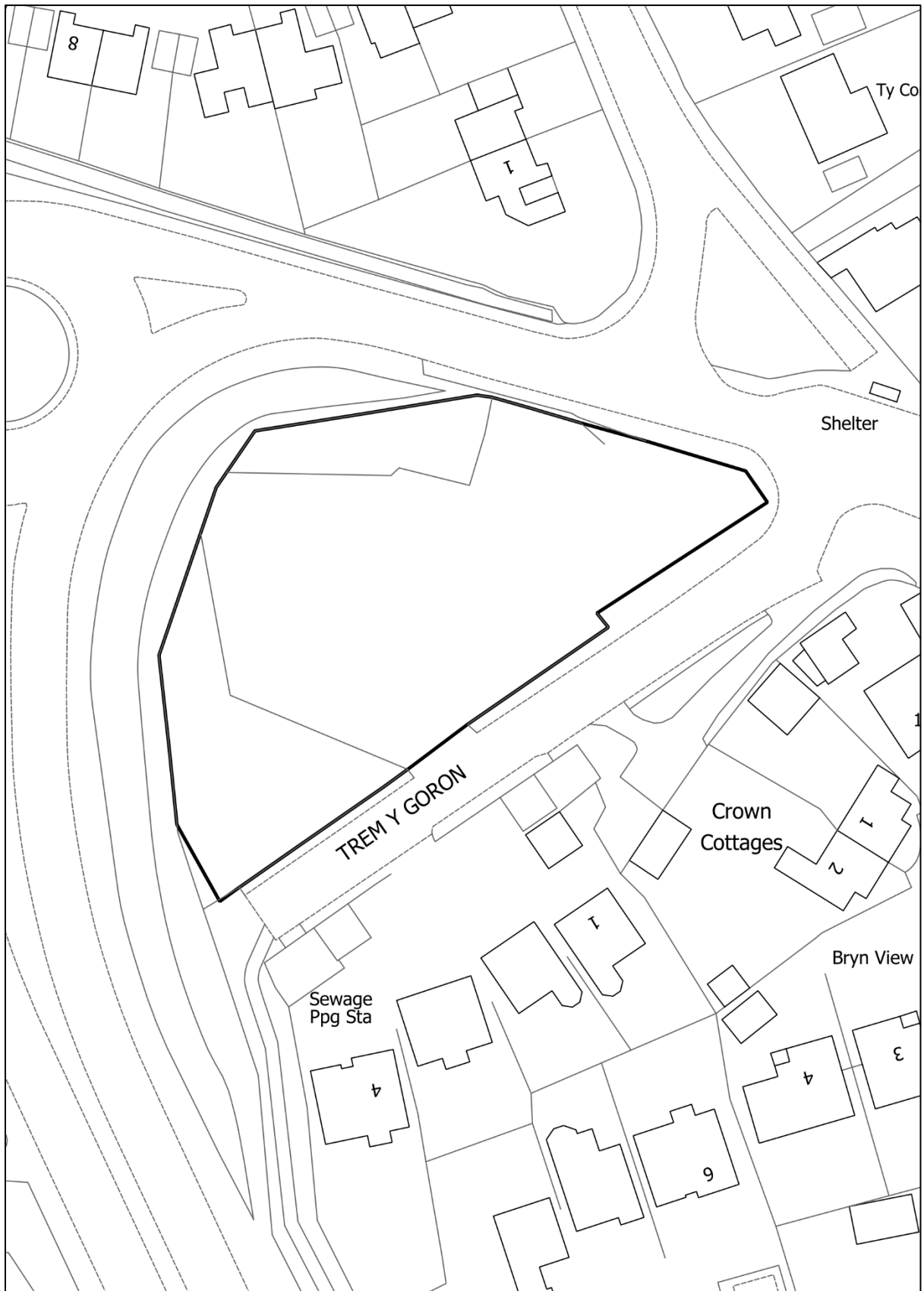
The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in

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.

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