

# Public Document Pack

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

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



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Sharon Hughes  
(Rhif Ffôn: 01443 864281 Ebst: [hughesj@caerphilly.gov.uk](mailto:hughesj@caerphilly.gov.uk))

**Dyddiad: 31 Hydref 2023**

I bwy bynnag a fynno wybod,

Bydd cyfarfod aml-leoliado'r **Pwyllgor Cynllunio** yn cael ei gynnal yn y Siambr, Tŷ Penallta a thrwy Microsoft Teams ar **Dydd Mercher, 8fed Tachwedd, 2023** am **5.00 pm** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd gwasanaeth cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Gall aelodau'r Cyhoedd neu'r Wasg fynychu'n bersonol yn Nhŷ Penallta neu gallant weld y cyfarfod yn fyw drwy'r ddolen ganlynol: <https://civico.net/caerphilly>.

Bydd y cyfarfod hwn yn cael ei ffrydio'n fyw ac yn cael ei recordio a bydd ar gael i'w weld ar wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd y delweddau/sain o'r unigolion sy'n bresennol a/neu'n siarad yn y Pwyllgor Cynllunio ar gael i'r cyhoedd drwy'r recordiad ar wefan [y Cyngor](#)

Gall partïon â diddordeb wneud cais i siarad am unrhyw eitem ar yr agenda hon. I gael rhagor o fanylion am y broses hon, cysylltwch â Chlerc y Pwyllgor [hughesj@caerffili.gov.uk](mailto:hughesj@caerffili.gov.uk).

Yr eiddoch yn gywir,

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

**Christina Harrhy**  
PRIF WEITHREDWR

## AGENDA

Tudalennau

A greener place Man gwyrdach

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



1 I dderbyn ymddiheuriadau am absenoldeb.

2 Datganiadau o Ddiddordeb.

Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

3 Cynhaliwyd y Pwyllgor Cynllunio ar 11eg Hydref 2023. 1 - 6

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

4 Rhif cais: 22/0567/FULL - Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed CF82 8FY. 7 - 28

5 Rhif cais: 23/0503/FULL - Tir i'r de o Abingdon Flooring Ltd., Uned 1, Parcfordd, Ystad Ddiwydiannol Pen-y-fan, Pen-y-fan, Casnewydd NP11 3XG 29 - 40

6 Rhif cais: 23/0606/COU - 17 Broomfield Street, Caerffili CF83 1FY. 41 - 56

### **Cylchrediad:**

Cynghorwyr M.A. Adams, Mrs E.M. Aldworth (Is Gadeirydd), A. Angel, R. Chapman, N. Dix, G. Ead, J.E. Fussell, A. Hussey, B. Miles, M. Powell, R. Saralis (Cadeirydd), J. Simmonds, J. Taylor, S. Williams, A. Whitcombe a K. Woodland

A Swyddogion Priodol

### **SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH**

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar [www.caerffili.gov.uk](http://www.caerffili.gov.uk) ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r [Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn](#) ar ein gwefan neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio [griffd2@caerffili.gov.uk](mailto:griffd2@caerffili.gov.uk) neu ffoniwch 01443 863028.



## PLANNING COMMITTEE

### MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 11<sup>TH</sup> OCTOBER 2023 AT 5:00 PM

#### PRESENT:

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

#### Councillors:

M. A. Adams, A. Angel, R. Chapman, N. Dix, G. Ead, J. Fussell, A. Hussey, B. Miles, M. Powell, J. Simmonds, J. Taylor, 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), E. Rowley (Principal Planner), H. Winsall (Principal Planner), J. Hobbs (Principal Engineer), M. Godfrey (Team Leader - Pollution Control), L. Thomas (Sustainable Communities for Learning Principal Officer), J. Harding (Client Manager), C. Young (Lead Designer) 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

Apologies for absence were received from Councillor A. Whitcombe, together with R. Kyte (Head of Regeneration and Planning).

### 2. DECLARATIONS OF INTEREST

Councillor B. Miles declared a personal interest in [Agenda Item 6 – Application No. 23/0452/LA - Llanfabon Infant School, Bryncelyn, Nelson, Treharris, CF46 6HL](#), as she has a relative who has a child at Llanfabon Infant School and is an LA appointed Governor at Llancaeath Junior School. As these were personal interests only, there was no requirement for her to leave the meeting and she could take a full part in the debate and vote. Details are also minuted with the respective item.

**3. PLANNING COMMITTEE HELD ON 13TH SEPTEMBER 2023**

It was moved and seconded that the minutes of the Planning Committee meeting held on the 13<sup>th</sup> September 2023 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 11 for, 0 against and 3 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee meeting held on 13<sup>th</sup> September 2023 (minute nos. 1-4) be approved as a correct record.

**4. APPLICATION NO. 23/0360/RM - TY DARREN HOME FOR THE ELDERLY, CROMWELL ROAD, RISCA, NEWPORT, NP11 6HF**

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

Following consideration of the application it was moved and seconded that, subject to the conditions contained in the Officer's report, the recommendation be approved. By way of Microsoft Forms (and in noting there were 15 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report, the application be GRANTED.
- (ii) The applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the [Coal Authority Website](#).

**5. APPLICATION NO. 23/0441/RM - LAND AT GRID REF 318082 197935, CENTRAL AVENUE TO GROVESIDE ROAD, OAKDALE, BLACKWOOD**

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

Following consideration of the application it was moved and seconded that, subject to the conditions contained in the Officer's report, the recommendation be approved. By way of Microsoft Forms (and in noting there were 15 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report, the application be GRANTED.
- (ii) The applicant be advised:  
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.

- (iii) The applicant be advised:

WARNING:

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

Please note from the 7<sup>th</sup> January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

Phone: 01443 866511

Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)

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

- (iv) The applicant/developer be advised that they if they require a new electricity connection or a service alteration, they will need to make a separate application to National Grid.

6. **APPLICATION NO. 23/0452/LA - LLANFABON INFANT SCHOOL, BRYNCELYN, NELSON, TREHARRIS, CF46 6HL**

Councillor B. Miles declared a personal interest as she has a relative who has a child at Llanfabon Infant School and is an LA appointed Governor at Llancaeath Junior School. As these were personal interests only, there was no requirement for her to leave the meeting and she could take a full part in the debate and vote.

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

Following consideration of the application it was moved and seconded that, subject to the conditions contained in the Officer's report, the recommendation be approved. By way of Microsoft Forms (and in noting there were 14 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report, the application be GRANTED.
- (ii) The applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the [Coal Authority Website](#).
- (iii) The applicant be advised to refer to Public Access on the Council's website to view the comments of the consultees that are brought to the applicant's attention. Informative advice is also provided.
- (iv) The applicant be advised that the off-site works will require highway licences/agreement and no work shall be undertaken on or adjacent to the adopted highway until such have been agreed in writing. It is therefore advised that the applicant enter into discussions with the highway authority as soon as possible.

The applicant also be advised that they will need to enter into discussions with the highway authority to progress the stopping up of the highway.

- (v) The applicant be advised:  
WARNING:  
SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7<sup>th</sup> January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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Phone: 01443 866511  
Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)  
Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

- (vi) The applicant be advised:  
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 meeting closed at 6.10 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 8<sup>th</sup> November 2023, they were signed by the Chair.

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CHAIR

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**Application Number:** 22/0567/FULL

**Date Received:** 27.06.2022

**Applicant:** Bryn Recycling Ltd

**Description and Location of Development:** Conduct engineering works to provide site drainage, an enhanced landscape bund and areas of hardstanding along with landscaping and associated works for the more efficient storage of recyclable waste - Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY.

Site description: Land to the west/south of Gelliargwellt Uchaf Farm which slopes down away from the existing built development.

Development: Conduct engineering works to provide site drainage, an enhanced landscape bund and areas of hardstanding along with landscaping and associated works for the more efficient storage of recyclable waste.

Dimensions:

The submitted sections show a maximum raising of ground level of 15.2m above natural ground level reducing along the length of the reprofiled slope.

Materials: Concrete to hard standing.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY 2010 TO PRESENT

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused 08.12.2011.

11/0226/FULL - Provide permanent operation of materials recycling facility and erection of new building - Refused 08.12.2011.

14/0422/NCC - Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00 - Granted 12.02.2015.

14/0226/FULL - Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) - Granted 14.07.2014.

15/0031/FULL - Install 250kWp roof mounted solar PV system to be sited on a total of 4 existing shed roofs - Granted 27.05.2015.

15/0333/FULL - Erect an agricultural building to be used as a dry calving shed - Granted 25.08.2015.

15/0488/RET - Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility - Granted 10.12.2015.

16/0069/COND - Discharge Condition 12 (external lighting), Condition 13 (wheel and road washing), Condition 14 (surface water drainage), Condition 15 (slurry pipeline), Condition 16 (landscaping), Condition 18 (construction method statement) and Condition 20 (odour management) of planning permission 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) - Decided 25.04.2016.

18/0085/NCC - Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) - Granted 19.04.2018.

18/0087/NCC - Remove condition 12 of planning consent 14/0422/NCC (Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00) to enable the continuation of restricted Saturday and Bank Holiday hours - Granted 19.04.2018.

18/0843/NCC - Vary condition 08 of planning consent 18/0085/NCC (Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change

the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) to enable collections to take place on Sundays - Granted 06.12.2018.

18/1082/FULL - Provide demountable building to be used for teaching and welfare facilities and associated works - Granted 21.02.2019.

19/0011/FULL - Provide additional fire prevention measures including structures, storage tanks, engineering and associated works - Granted 21.02.2019.

19/0275/NCC - Vary Condition 08 (Hours of operation) of planning consent  
14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers - Refused 12.09.2019.

20/0140/COND - Discharge conditions 03 (Drainage), 04 (Trees) of planning consent  
19/0011/FULL (Provide additional fire prevention measures including structures, storage tanks, engineering and associated works) - Decided 09.04.2020.

20/0171/COND - Discharge conditions 6 (Resurfacing of access road) and 7 (Site Management Plan) of planning consent 19/0275/NCC granted on appeal reference number APP/K6920/A/19/3240193 (Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers) - Decided 09.04.2020.

20/0592/CLPU - Obtain a Lawful Development Certificate for proposed development to increase flue stack height on CHP units - Granted 15.09.2020.

20/0645/FULL - Erect extension of buildings to provide additional drying space and associated works to support increased recycling quality and recycling rates - Granted 21.01.2021.

20/0702/FULL - Enable the retention of, and proposed extension to, quarry operations including new drainage systems and settlement ponds, landscape bunds and associated works and a site restoration scheme - Refused 15.11.2021.

21/0476/NCC - Vary condition 3 and remove condition 12 of planning consent  
18/0087/NCC (Remove condition 12 of planning consent 14/0422/NCC (Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00) to enable the continuation of restricted Saturday and Bank Holiday hours) to enable the continuation of hours of operation - Pending Consideration.

22/0175/NCC - Vary condition 02 of planning consent 19/0276/NCC (Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers) to extend the period of extraction and restoration works at the site for a further two years (in each case) so that extraction of minerals shall now cease by 31 December 2024 and restoration shall be completed by 31 December 2032 - Pending Consideration.

## POLICY

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

Site Allocation: The site is not allocated for any purpose in the adopted LDP.

Policies: CW2 (Amenity), CW4 (Natural Heritage Protection), CW6 (Tree, Woodland and Hedgerow Protection), CW15 (General Locational Constraints), CW22 (Mineral Safeguarding Areas).

NATIONAL POLICY Planning Policy Wales 11 (PPW), Technical Advice Note 5: Nature Conservation and Planning, Technical Advice Note 6: Planning for Sustainable Communities, Technical Advice Note 21: Waste.

## 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 within the coalfield and the Coal Authority has been consulted.

## CONSULTATION

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

Ecologist - No comments.

Natural Resources Wales - We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition 1: long term monitoring plan.

Condition 2: construction environmental management plan.

CADW - No comments received.

Transportation Engineering Manager - CCBC - No comments received.

Environmental Health Manager - - Environmental Health have no objections in principle to the above application recommend planning conditions on noise, dust and soil importation.

Heritage And Placemaking Officer – No comments received.

Rights Of Way Officer - No public rights of way are directly impacted and raise no objections to the development. Provide advisory notes for applicant.

Landscape Architect - CCBC - The site is located within the Local Development Plan designated Mynydd Eglwysilan Special Landscape Area (SLA) the impact on landscape character and visual amenity are therefore important considerations.

The proposed extension to the yard area adjacent to the operational material recycling facility, proposed storage yard would be located on an existing relatively level platform below the recently constructed retaining walls. As a result, changes in ground level will be increase in the region of 20m of fill which given the SLA context is a significant change in ground level. It's appreciated that native woodland mitigation planting is proposed as part of this application.

Having visited the locality, and reviewed the LVA, although the proposals will be acceptable in principle in terms of landscape and visual, the application and LVA both heavily rely on the proposed mitigation woodland. Unfortunately, little information other than this being native woodland and its intended footprint has been submitted, which is very limited and insufficient given the importance of this mitigation.

In addition, no mention is made of the existing tree groups, on site which I would consider highly likely to be worthy of retention, in that they provided important integration and screening of the part of the existing approved infrastructure on this extensive site.

Furthermore, no information on the intended construction programme - detailing construction periods has been given. This is a concern, as works are likely to take a several years until completion and resultant visual and landscape impact until the establishment of the woodland.

Therefore, due to this lack of detail, as outlined above, I would not advise approval from a landscape and visual perspective without further information being submitted.

However, should you be minded to approve the application, I would strongly recommend that detailed robust conditions are included to ensure that the woodland mix is appropriate, establishes and matures as intended, as well as on site trees

retained and protected in accordance with Supplementary Planning Guidance note LDP4 and BS5837:2012.

The Coal Authority - The Coal Authority's Planning & Development Team considers that the Coal Mining Risk Assessment report and the professional opinions contained therein are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Dwr Cymru - We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

Chief Fire Officer - Provide comments in relation to climate change, flood risk and wildfires. Advises that a fire strategy should be provided.

Glamorgan-Gwent Archaeological Trust - Raise no objections to the positive determination of this application. The [archaeological] record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

Llanbradach & Pwllpant Community Council - No comments received.

Merthyr Tydfil County Borough Council - No objections.

Welsh Government Network Management Division Welsh Government - I refer to your consultation of 20/04/2023 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

Gelligaer Community Council - Gelligaer Community Council unanimously object to the proposed planning on the grounds of:

(i) No suitable drainage plan - NRW are concerned with discharging surface water into the water course, which will dangerously pollute the water course. Silt from the storage unit will block up water courses.

(ii) Intensification of the use of the Bryn Quarry site will have a detrimental effect on the residents of Penybryn and Gelligaer with increased heavy traffic through the villages.

(iii) Environmental Impact - the proposed site is in close proximity to a SINC, woodland and the Nelson Bog SSSI with 13 other SINC's present within a 2m radius so that any detrimental effects could be felt over a wide area.

## ADVERTISEMENT

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

Response: 114 representations have been received in respect of the application.

### Summary of observations:

100 Negative comments received are summarised as:

- Intensification of activity on site leading to detrimental effects on the lives and health of residents of Gelligaer and Penybryn who have been subject to a great deal of odours, noise, vermin and dust nuisance over a number of years. Impacts on residents (particularly on the old and young) including people's physical and mental health. Unable to use gardens due to smells and dust.
- Contamination of the surrounding fields.
- Welsh government's objectives to be carbon neutral by 2030 will not be achieved.
- A risk to public health which goes against your well-being objectives as a local authority.
- Reduced Proximity to residents.
- Impact on the environment and sustainability including peat.
- Incremental planning applications on site.
- Can it be guaranteed that there will be no increase in the site processing materials.
- Drainage issues including impacts on water table increasing risk of land and water pollution, surface water run-off will enter a stream at the western boundary of the site, albeit that it will first enter an attenuation lagoon. No water from industrial processes should be allowed to enter water-courses where it could cause considerable damage to wildlife.
- It is premature to consider granting planning permission before SAB approval is obtained.
- The site is situated in close proximity to a SINC, woodland and the Nelson Bog SSSI with 13 other SINCS present within a 2m radius so that any detrimental effects could be felt over a wide area. The ecological report has been commissioned by the applicant and is not therefore independent. It has the potential of being biased in the applicant's favour, raise concerns over timing of report. Caerphilly County Borough Council should commission its own report into the possible effects on woodland, plant growth and wildlife.
- Loss of trees.
- Adverse visual impact of the increased size and height of the bund.
- Site is an unwelcome eyesore.
- Loss of view.
- Impact on highway network, traffic delays and adverse impact of HGV's. Debris/litter all over the road. This has resulted in puncture to a car tyre.
- Damage to bridge in Nelson.
- Impact on air quality.
- Health and Safety for existing workers on site and walking to work.

- Work already undertaken.
- Previous conduct of Bryn Group, complaints regarding the planning, enforcement and appeals system and enforcement action of NRW.
- Provide recycling services to local Council's.
- Impact on Penallta Park and its green flag status.
- Property devaluation.
- Impacts from Quarrying.
- Impact on wildlife, biodiversity and habitats.
- Risk from Coal Mining and ground stability/subsidence.
- Increase in flooding and contamination.
- Wildfire risk.
- Visual impact on right of way.
- Impact on Conservation area.

1 Neutral comment received are summarised as:

- Positive role in recycling waste.

13 Supportive comments received are summarised as:

- Benefits of Bryn Group to local job creation and support community projects and local sports clubs.
- Recycling our waste to avoid landfill.
- Drainage updating is a good thing.

#### SECTION 17 CRIME AND DISORDER ACT

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

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

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Not liable.

#### 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 seeks planning permission to increase the area of storage to enable improvements to the way in which recycled material is stored which will increase the quality and recovery rate of sorted and recovered recycling materials. A landscaping bund is included within the application to provide screening for the area and has been designed to tie into existing established planting near the existing Material Recycling Facilities building. Drainage is incorporated within the scheme of works.

The covering letter supplied with the application advises that proposals do not result in the processing of more material than presently received at the site as regulated by the relevant Environmental Permits, but rather enables it to be sorted, recycled and reused more efficiently. It states that there will be no increase in vehicle movements and this application does not seek any extension to the hours of operation.

#### Principal of the development

The application site is located outside of any defined settlement boundaries, and within the open countryside but notably partially within and immediately adjacent to the existing operations at Gelliargwelt Uchaf Farm. The proposed development is considered to be associated with and will support the operation of the consented recycling/waste management facilities at the site and therefore conforms to Criterion C(iv) of Policy CW15 (General Locational Constraints) being an acceptable use under this policy. It is however noted that the majority of the site area will be dedicated to woodland landscaping (on reprofiled land) together with at the bottom of the regraded slope, three water lagoons which are required to ensure water quality is acceptable prior to leaving the site.

The site area is partly comprised of land within the existing Bryn Group area along with sloping land broadly to the south and west which is either classified as very poor quality, poor quality or moderate quality agricultural land. The application site therefore does not include any agricultural land classified within grades 1, 2 or 3a (considered in Technical Advice Note 6: Planning for Sustainable Rural Communities, as the best and most versatile land or flexible, productive and efficient agricultural land). Therefore having considered the quality of the agricultural land involved it is not considered that the development would have a material impact on the best quality agricultural land in the area.

Development proposals that may impact mineral safeguarding areas will be considered against the criteria set out in policy CW22 (Mineral Safeguarding Areas) to ensure that the minerals that society may need in the future are not unnecessarily sterilised.

The site is within sandstone and coal safeguarding areas and is close to the existing Quarry. Since the Local Development Plan was adopted there has been a change in national policy in Planning Policy Wales in that local planning authorities are no longer required to safeguard coal resources. In Planning Policy Wales it specifically states that proposals for opencast, deep-mine development or colliery spoil disposal should not be

permitted (PPW, paragraph 5.10.14). National policy takes precedence and, therefore, the coal safeguarding area is not an issue in this case.

In relation to the sandstone safeguarding area, future development of the resource is already constrained in this area due to existing built development associated with recycling and anaerobic digestion operations. Furthermore separate proposals to expand the quarrying activities of the existing quarry have been refused planning permission and are currently subject to a planning appeal. The proposed development is not considered to add any additional material constraint and there is considered to be no conflict with policy CW22.

### Visual Impact

The site is within NH1.3 Mynyddislwyn Special Landscape Area. Policy CW4 states that development proposals will be permitted where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area. A Landscape and Visual Assessment was submitted with the application and following comments from the Council's Landscape Architect was updated by the applicant. The Council's Landscape Architect has advised that whilst there are some differences of opinion in relation to the assessment their overall conclusion is that whilst local impacts on topography will be significant, once completed and native woodland is established and matures, the development should sit acceptable and adequately assimilate into the wider landscape. The Landscape Architect further advises that robust planning conditions in relation to the landscaping details would be attached to any decision if approving the application.

It is noted that at present works undertaken ahead of the consideration of this application have negatively impacted the visual appearance of the site particularly from the south and west which is considered to be unfortunate. Whilst it is noted that the proposals would resolve this current situation, members however are advised that the proposal has been considered from a point of view of the baseline prior to those unauthorised works being undertaken.

In respect of the proposal it is noted that it would introduce a significant amount of tree screening to the western portion of the site having an anticipated tree planting area of over 200m in length which would effectively wrap around a significant portion of the existing site. At the south-eastern corner it would (from many vantage points) visually link to the existing established planting surrounding the Materials Recycling Facility, providing, in time, an improved degree of screening to the new development proposed within this application and as the new woodland matures improve the screening to much of the existing built development (buildings, walls etc..) within the existing operation.

Subject to the imposition of conditions based on the advice of the Landscape Officer it is considered that the long term visual impact of the development within the Special Landscape Area would be acceptable in accordance with adopted Local Development Plan policies CW4 (Natural Heritage Protection), SP6 (Placemaking) and NH1 (Special

Landscape Areas). On this basis the development is considered to be acceptable in terms of its visual impact subject to the imposition of the aforementioned conditions.

### Neighbour Amenity

The nearest residential properties unconnected to the Bryn Group operation would be at least 150m away from the nearest part of the application site with other dwellings in excess of 500m from the development. It is considered, therefore, that there would be no unacceptable impact on neighbour amenity and the development would accord with adopted Local Development Plan Policy CW2 (Amenity).

### Listed Buildings

The development would be screened from the existing Listed Buildings (Farmhouse and Beeholes) by the existing large buildings such as the Materials Recycling Facility building and as a result it is considered that there would no material impacts on the Listed Buildings or their setting.

### Environment and Drainage matters

The proposed works are approximately 500m from Nelson Bog Site of Special Scientific Interest (SSSI), and as advised by Natural Resources Wales it appears that there is hydrological connectivity between the site and the SSSI. Following extensive consultations with Natural Resources Wales the applicant has provided additional details and revised the proposal to include measures to prevent micro plastics entering watercourses and on the specialist advice from Natural Resources Wales a condition for a long term monitoring plan for water quality is recommended, should Members be minded to grant permission. It is noted that Natural Resources Wales have also advised that should water quality not be maintained then it would require a Water Discharge consent from Natural Resources Wales. It is therefore considered that the requirement for details to be provided on water quality by planning condition, with any contingency and/or remedial actions to address any issues regarding water quality discharge from the proposed final lagoon, along with separate regulation from Natural Resources Wales will provide adequate mechanisms to have independent oversight of the applicant's activities in this respect. The applicant will also be advised by way of an informative note of the requirement to obtain separate Sustainable Drainage (SAB approval) for the development.

### Comments from Consultees:

It is noted that the Chief Fire Officer has advised that a Fire Strategy should be provided along with details of means of the escape of persons from building. However, noting the scale of the existing operation and that the proposed development does not include new enclosed buildings it is considered appropriate to provide the comments of the Fire Officer to the applicant within an informative note recommending they review their existing on site fire strategies against the advice provided from the Chief Fire Officer.

### Comments from public:

- Intensification of activity on site leading to detrimental effects on the lives and health of residents of Gelligaer and Penybryn who have been subject to a great deal of odours, noise, vermin and dust nuisance over a number of years. Impacts on residents (particularly on the old and young) including people's physical and mental health. Unable to use gardens due to smells and dust.
- Welsh Government's objectives to be carbon neutral by 2030 will not be achieved.
- A risk to public health which goes against your well-being objectives as a local authority.
- Reduced Proximity to residents.
- Impact on highway network, traffic delays and adverse impact of HGV's. Debris/litter all over the road. This has resulted in puncture to a car tyre.
- Damage to bridge in Nelson.
- Impact on air quality.
- Health and safety for existing workers on site and walking to work.

In respect of this application the majority of the proposal is landscaping/drainage works and the area of additional hard standing has been described as supporting the existing recycling operation rather than an increase in intensity of work at the site. There are no proposed changes to hours or operation or vehicular movements. The site area and position of the development is sufficiently separated from existing residential receptors to avoid any unacceptable impacts on amenity. In planning terms the application is considered acceptable.

- Contamination of the surrounding fields.
- Increase in flooding and contamination.
- Impact on the environment and sustainability including peat.

Amendments to the scheme have been made following advice from Natural Resources Wales and water quality monitoring is required under the proposed planning conditions. The site is outside of any designated flood risk areas (as defined within Technical Advice Note 15: Flood Risk and Development), is well separated from any sensitive receptors (residential properties) and Natural Resources Wales have raised no concerns from a flood risk perspective.

- Incremental planning applications on site.

This is a matter for the applicant, the Local Planning Authority is duty bound to consider all applications lodged with them and applications for the site are regularly reported to Planning Committee where requested by Members.

- Can it be guaranteed that there will be no increase in the site processing materials?
- Drainage issues including impacts on water table increasing risk of land and water pollution, surface water run-off will enter a stream at the western boundary of the site,

albeit that it will first enter an attenuation lagoon. No water from industrial processes should be allowed to enter water-courses where it could cause considerable damage to wildlife.

Water Quality monitoring is required under condition in accordance with advice received from Natural Resources Wales.

- It is premature to consider granting planning permission before SAB approval is obtained.

Sustainable Drainage Approval (SAB) is a separate regulatory process and it is proposed to advise the applicant of the need for this via the imposition of an informative note.

- The site is situated in close proximity to a SINC, woodland and the Nelson Bog SSSI with 13 other SINCs present within a 2m radius so that any detrimental effects could be felt over a wide area. The ecological report has been commissioned by the applicant and is not therefore independent. It has the potential of being biased in the applicant's favour, raise concerns over timing of report. Caerphilly County Borough Council should commission its own report into the possible effects on woodland, plant growth and wildlife.

- Loss of trees.
- Impact on wildlife, biodiversity and habitats.

The Council's Ecologist has offered no objection to the proposals having considered the reports submitted. Planning conditions are imposed requiring details to safeguard the SINC and woodland areas. The proposals include significant new woodland planting with no significant loss of trees.

- Adverse visual impact of the increased size and height of the bund.
- Site is an unwelcome eyesore.
- Loss of view.

It is noted that a previous application for reprofiling and a new lagoon was approved by Members in an adjacent area to this application which will also benefit from additional screening within this application. The proposed changes to slope profile and associated works have been assessed and with the proposed woodland planting the overall visual impact is considered acceptable and will over time provide a degree of additional screening to the existing buildings on site. The loss of view is not a material consideration and general outlook will not be unacceptably impacted by the works.

- Work already undertaken.

This is addressed in the report and the proposed development will regularise the existing unconsented works in the application site area.

- Previous conduct of Bryn Group, complaints regarding the planning, enforcement and appeals system and enforcement action of NRW.
- Provide recycling services to local Council's.

The Planning and Enforcement Section have liaised with Natural Resources Wales and the operator where specific issues have been raised and continue to do so where necessary. The provision of services to local councils (including Caerphilly County Borough Council) is not in itself a material consideration for this application.

- Impact on Penallta Park and its green flag status.

Penallta Park is not considered to be materially impacted by the development proposed.

- Property devaluation.

This is not a material planning consideration.

- Impacts from Quarrying.
- Risk from Coal Mining and ground stability/subsidence.
- Wildfire risk.

The wildfire risk is not considered to be materially increased through the proposed development when considered against the lawful operations at the site. The comments of the Fire Officer are to be highlighted to the applicant along with an informative note advising these comments to be considered by the applicant and update existing fire strategies accordingly.

- Visual impact on right of way.

The Rights of Way Officer has been consulted and has confirmed no public rights of way are directly impacted by the development. The impact on a footpath in the vicinity (Footpath 166 Gelligaer) has been considered by the Rights of Way Officer who advises that the visual amenity is not of high quality at present and raises no objection to the development. The application will result in additional planting in the area and no unacceptable impacts on the right of way will occur as a result of the development.

- Impact on Conservation Area.

The site is sufficiently separated from the Conservation Area to avoid any direct impacts on it.

- Positive role in recycling waste.
- Benefits of Bryn Group to local job creation and support community projects and local sports clubs.
- Recycling our waste to avoid landfill.
- Drainage updating is a good thing.

This are the opinions of the respondents.

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 shall be carried out in accordance with the following approved plans and documents:  
Proposed Plan, drawing reference BRL-MRFYD-2023-011RevA, Revision A dated 07.06.2023;  
Proposed sections, drawing reference BRL-MRFYD-2021-004REVD;  
Microplastic Management at Bryn Recycling, document reference v1, dated 17.07.2023.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) Prior to the operation of the development (either the concrete surface yard being brought into use or any offsite discharge from the Lagoons whichever is the earlier) a long term monitoring plan for water quality shall have first been submitted to and approved in writing by the Local Planning Authority. The long term monitoring plan should include:
  - 1) Details of the methods and triggers for action to be undertaken including water quality sampling parameters.
  - 2) Timescales for the long term monitoring.
  - 3) Timescales for submission of monitoring reports to the Local Planning Authority (e.g. annually).

4) Details of any necessary contingency and remedial actions and timescales for actions.

5) Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

REASON: To ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on protected sites "Nelson Bog" SSSI, habitats and water quality in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

03) Prior to any works (including inter alia excavations, construction activities, storage of materials) occurring within 10 metres of the root protection areas of any existing tree (either on or off site) a Tree Protection Plan shall have first been submitted to and approved in writing by the Local Planning Authority.

This scheme shall, where the Local Planning Authority consider appropriate, include:

a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,

b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,

c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,

d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,

e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),

f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,

g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),

h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),



- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing),
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc.) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837),
- q) the timing of the various phases of the works or development in the context of the tree protection measures,
- r) details of site supervision undertaken by a Project Arborist from start to completion of the development,

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

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

- 04) Notwithstanding the submitted details, prior to any further development commencing or within three months of the date of this decision (whichever is the earlier) a revised Construction Environmental Management Plan (CEMP) shall be submitted for the written approval of the Local Planning Authority. The CEMP shall include the following:

Dust Mitigation scheme to address any dust arising from the construction works;  
 Noise Mitigation scheme to address any noise arising from the construction works;

Measures to address NRW comments (response dated 17.08.23) in respect of appropriate measures to remove plastics from the surface water flow at source.

REASON: In the interests of the amenity of the area and to manage any potential adverse impacts as a result of development on protected sites "Nelson Bog" SSSI, habitats and water quality in accordance with policies CW2 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 05) 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.
- 06) Notwithstanding the submitted details, prior to either the development being brought into beneficial use (for the avoidance of doubt this is the area annotated as "concrete surface yard" on the approved site plan) or landscaping works being undertaken (whichever is the earlier) details for planting and management of the woodland area shall be submitted and approved in writing by the Local Planning Authority.  
These details shall include:  
Programme detailing construction periods, including sub soil and topsoil laying, seeding and planting operations, 5 years maintenance and defects.  
Suitably scaled detailed planting plans, soft landscape specification and sections, detailing all proposed soft landscaping including:  
a) The proposed native woodland mix species, sizes, cultivation and tree pits, amelioration, mulch materials, watering, and protection, guards and stockproof fencing.  
b) Attenuation lagoons, native species rich grass mix, sowing rates and establishment maintenance details.  
c) Attenuation lagoons native marginal mixes, sizes, numbers / density proposed for the lagoon edges.  
d) BS 3882: 2015 Specification for Topsoil Test results submitted for soils intended to be used for the woodland planting, to ensure soils comply with BS soil testing results for general purpose soils. Including detail topsoil plans and confirming suitability of soils for planting, detail on subsoil and topsoil depth.  
e) Detail submitting on 5 year maintenance operations and maintenance schedule for approval.  
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.
- 07) Within 5 years of the date of this decision or within 5 years of the date of the discharge of condition 6 of this permission (whichever is the later) a Woodland Management plan shall be submitted for the written approval of the Local Planning Authority:  
The Woodland Management Plan shall include:  
A management survey of the approved woodland area undertaken by a qualified Arboriculturalist at year 5.

Extended maintenance details of the woodland for a further 5 years taking into account the aforementioned survey.

The Woodland Management Plan shall thereafter be implemented in accordance with the approved details.

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

- 08) Notwithstanding the submitted details prior to the construction of the Lagoons (at the toe of the bank hereby approved) full details of their location and constructional details 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: To ensure the lagoons are sited, screened and designed appropriately in the interests of visual amenity, protection of the adjacent SINC and woodland and impact on drainage in accordance with policies CW2, CW4, CW5 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

The applicant is advised that Natural Resources Wales have confirmed that in the event a pollution incident occurs to the receiving watercourse, a water discharge consent will be required.

#### WARNING:

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

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

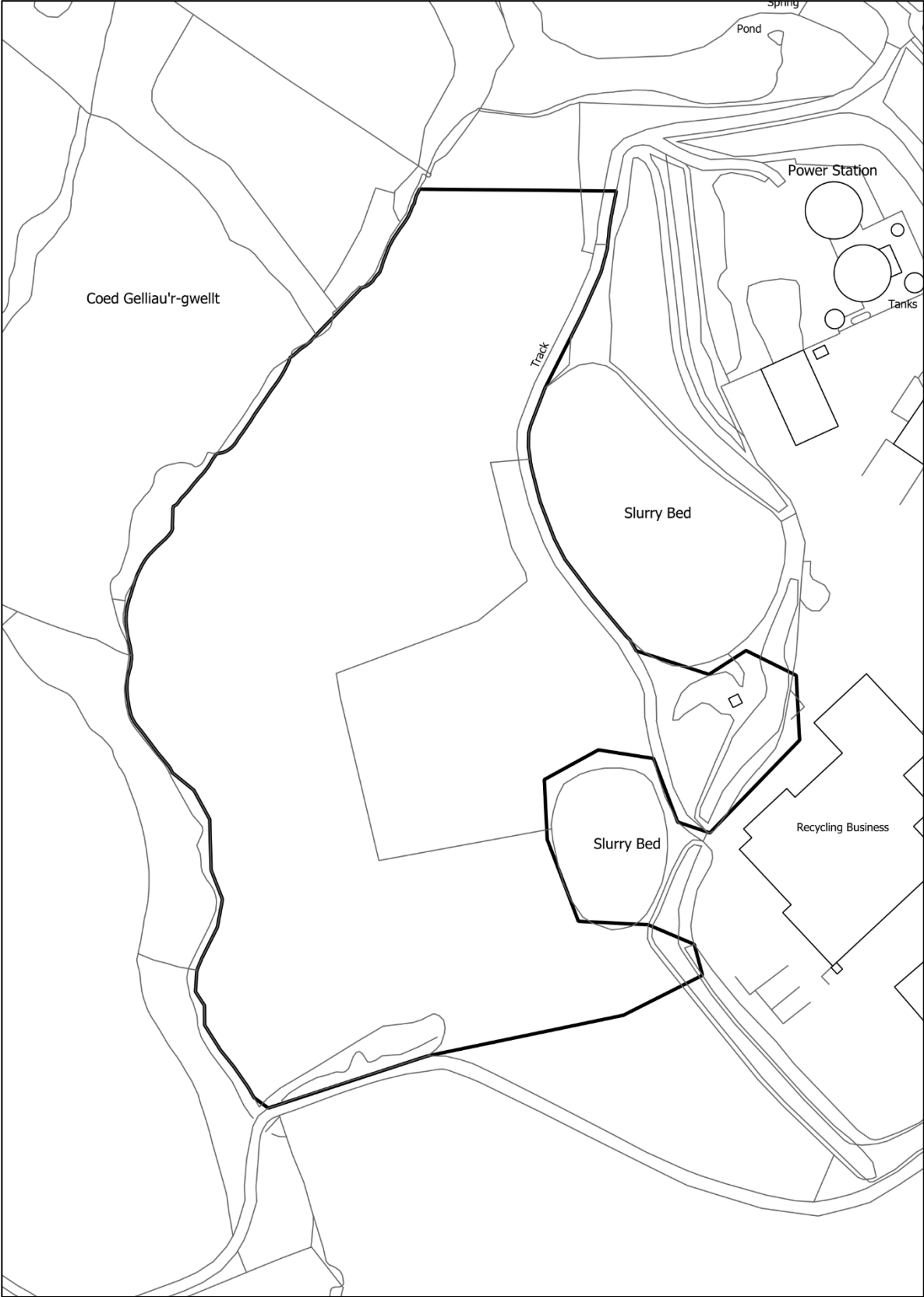
Phone: 01443 866511

Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)

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

Please find attached the comments of Natural Resources Wales, Senior Engineer (Drainage), Rights of Way Officer, Chief Fire Officer and Glamorgan Gwent Archaeological Trust. that are brought to the applicant's attention.

The applicant is advised to consider the comments of the Chief Fire Officer and update your existing fire strategies as appropriate.



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**Application Number:** 23/0503/FULL

**Date Received:** 31.07.2023

**Applicant:** Formaction Ltd

**Description and Location of Development:** Erect 11 units for Class B1/B2/B8 Use together with associated parking and proposed new vehicular access onto Parkway - Land South Of Abingdon Flooring Ltd Unit 1 Parkway Pen-y-fan Industrial Estate Pen-y-fan

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The site is on Parkway, Pen y Fan Industrial Estate.

Site description: The site is currently an undeveloped greenfield site of 1.28 hectares in size.

Development: A building is proposed to accommodate Class B1, B2 and B8 units. The proposed building is designed to be flexible with 11 bays proposed which could provide up to 11 units, depending on clients' need for space. A new access into the site is proposed from Parkway.

Ground levels across the site are proposed to be altered with cutting and filling proposed to create a level access and development plateau.

Dimensions: The proposed building measures 22.9 metres x 82.6 metres in footprint will provide 1839 square metres of employment floor space. It is proposed to be 8.5 metres high to the ridge.

Materials: The building is proposed to be a metal clad "shed" type building.

Ancillary development, e.g. parking: 27 car parking spaces, 2 motorcycle parking spaces and cycle storage for 6 bicycles are proposed.

PLANNING HISTORY 2010 TO PRESENT None.

## POLICY

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

Site Allocation: The site is part of a protected employment site (EM2.10- Penyfan, Croespenmaen).

Policies: SP2- Development in the Northern Connections Corridor,  
SP4- Settlement Strategy,  
SP5- Settlement Boundaries,  
SP6- Place Making,  
SP10- Conservation of Natural Heritage,  
SP16- Managing Employment Growth,  
SP21- Parking Standards,  
CW1- Sustainable Transport, Accessibility and Social Inclusion,  
CW2- Amenity,  
CW3- Design Considerations- Highways,  
CW6- Trees, Woodland and Hedgerow Protection,  
CW13- Use Class Restrictions- Business and Industry.

NATIONAL POLICY Future Wales:

Policy 2- Shaping Urban Growth and Regeneration- Strategic Placemaking.  
Policy 9- Resilient Ecological Networks and Green Infrastructure.  
Policy 12- Regional Connectivity.  
Policy 13- Supporting Digital Communications.

Planning Policy Wales (Edition 11, February 2021).

Technical Advice Notes:

TAN 5- Nature Conservation and Planning (2005).  
TAN 12- Design (2016).  
TAN 18- Transport (2007).  
TAN 23- Economic Development (2014).

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 in a low risk area for risk from past coal mining activities.

CONSULTATION

Environmental Health Manager - Suggests conditions in respect of contamination.

Senior Engineer (Drainage) - Requires SAB approval, request further information to provide more substantive comments and a condition to provide a scheme of land and surface water drainage.



Placemaking Officer - Douglas McGlyn - No response received.

Strategic & Development Plans - No response received.

Dwr Cymru - Surface water flows are proposed to be disposed of via the public sewerage system. Request a condition preventing this and advisory notes.

Heritage Officer - Peter Thomas - No response received.

Senior Arboricultural Officer (Trees) - No response received.

Waste Strategy And Operations Manager - No turning head is proposed. Each premises would need to have suitable off highway storage for wheeled bins.

Police Architectural Liaison Officer - No response received.

Chief Fire Officer - No objection to the proposed development.

National Grid - If the applicant requires a new connection or service alteration, they will need to make a separate application to National Grid.

Ecologist - Have no comments to make on this application.

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

### ADVERTISEMENT

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

Response: None.

Summary of observations: Not Applicable.

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?  
None.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

## ANALYSIS

Policies: The site is within an existing primary employment site (EM2.10 Penyfan, Croespenmaen), which is protected for employment uses in the Local Development Plan. The proposed B1, B2 and B8 uses are therefore permitted in principle under Policy CW13 (Use Class Restrictions- Business and Industry) of the Local Development Plan.

The site has been identified as amenity green space. However its lack of prominence in the street scene, its location on an industrial estate between large industrial buildings and a lack of formal public access to the site results in it having little value as a recreational resource or as an area of visual amenity. Therefore the development of the site is acceptable in respect of Policy CW7 (Protection of Open Space) of the Local Development Plan.

In respect of Policy SP6 (Placemaking) of the Local Development Plan, the design and materials chosen for the building are considered acceptable given it is on an industrial estate containing buildings of similar character.

The proposed new access, parking and turning provision is considered acceptable and in accordance with Policy CW3 (Design Considerations- Highways) of the Local Development Plan, subject to the recommended highways conditions. Due to the relatively large size of the building and its location on an industrial estate with limited public transport options, a Travel Plan is recommended to be provided through a condition to comply with Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion) of the Local Development Plan.

In respect of Policy CW6 (Trees, Woodland and Hedgerow Protection) of the Local Development Plan, the site is currently a greenfield site and its development will result in the clearance of some trees and scrub within the site. The trees and scrub to be lost are not considered to be of wider amenity value and it is noted that the Council Ecologist has not raised any concerns regarding ecological matters on the site. As such, the loss of the trees and scrub is considered acceptable, subject to the provision of a landscaping scheme, which is recommended as a condition. There is sufficient space within the site to plant trees as part of that landscaping scheme to mitigate the loss of vegetation on the site.

Comments from Consultees: In respect of the comments from Senior Engineer (Drainage) and Dwr Cymru/Welsh Water, a separate SAB application will be required for this proposal and as such it is not considered that any further information or conditions are required in respect of drainage.

The conditions suggested by the Transportation Engineering Manager have been recommended, with the exception of the one requiring rain water not to discharge into

the highway surface water drainage system as it is considered that surface water drainage matters should be addressed through the SAB process.

The conditions suggested by Environmental Health have been recommended.

In respect of the comments from Waste Strategy and Operations, there is considered to be sufficient space for large vehicles to turn within the site. The requirements for waste storage will depend on the companies occupying the building. However, there is considered to be sufficient space on the site to store waste without adversely impacting on the amenity of the local area.

Comments from public: Not Applicable.

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 in respect of the proposals is in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be GRANTED

- 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:
  - 221180/1 Rev B Proposed Site Layout.
  - 221180/2 Proposed Sections.
  - 221180/3 Proposed Plans and Elevations.
  - 221180/5 Site Location Plan.
  - 221180/6 Standard Details of Cycle and Bin Stores.
  - P01 Rev B Potential Access Arrangement.
  - P02 Proposed Access Vertical Alignment.

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

- 03) 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.

- 04) 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.

- 05) 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.

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

The scheme shall include:

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

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

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

- 07) Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the proposed junction works onto Parkway have been submitted to and agreed in writing with the Local Planning Authority. The junction shall be constructed in accordance with the agreed details prior to beneficial use of the development commencing.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Before any of the development hereby approved is occupied, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.  
REASON: To encourage the use of a variety of transport options in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) The proposed means of access shall be laid-out, constructed and maintained thereafter with vision splays of 2.4m x 120m. No obstruction or planting when mature exceeding 0.9m in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) The units shall not be occupied until the area for the parking and turning of vehicles has been laid out in accordance with the approved plans, and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The proposed cycle storage facilities shall be provided prior to beneficial use of the units commencing, and shall be maintained in perpetuity for the storage of staff and visitors' cycles.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The proposed access, parking and turning areas shall be surfaced in bound materials prior to the beneficial use of the units commencing.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) The electric vehicle parking spaces shown on the approved layout plan shall be provided with charging points which shall be fully operational prior to the commencement of the beneficial use of the building.  
REASON: To provide appropriate electric vehicle infrastructure to comply with Policy 12 of Future Wales: The National Plan 2040.

- 14) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.  
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve the building. The necessary infrastructure required shall be installed prior to the first occupation of the building.  
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)

##### 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.

**WARNING:**

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

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

Phone: 01443 866511

Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)

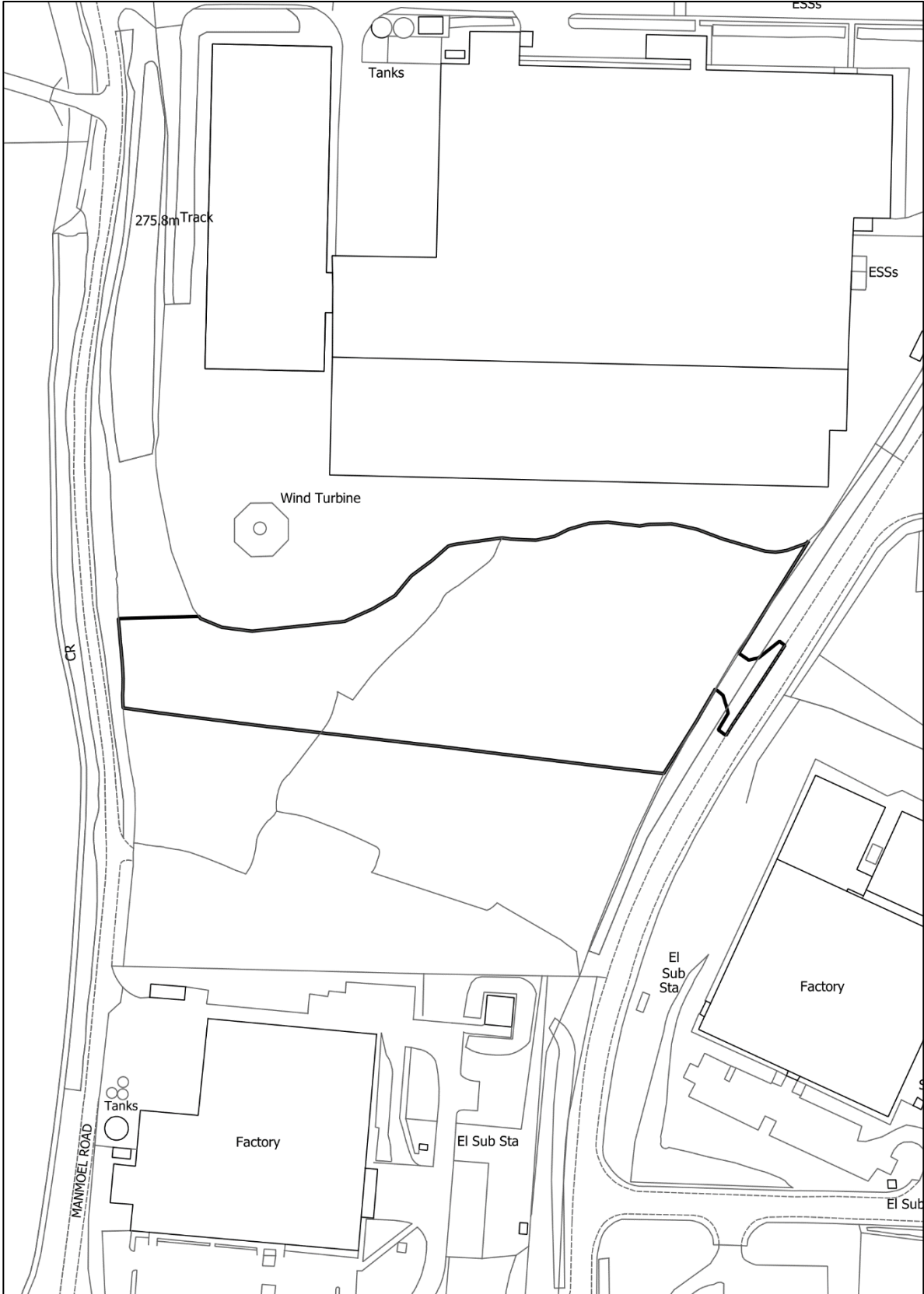
Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

The first 1m in width of the grass verge area, which will need to be crossed in order to form the proposed junction, forms part of the adopted highway. It should be noted that there is a requirement for the junction works to be undertaken under an appropriate highway agreement.

If the applicant requires a new electricity connection or service alteration, they will need to make a separate application to National Grid.

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**Application Number:** 23/0606/COU

**Date Received:** 30.08.2023

**Applicant:** D2 PropCo Ltd

**Description and Location of Development:** Change the use from Residential to HMO C4 - 17 Broomfield Street Caerphilly CF83 1FY

**APPLICATION TYPE:** Change of Use

## SITE AND DEVELOPMENT

Location: No. 17 Broomfield Street Caerphilly is set on the eastern side of the highway with direct access to the high street (Cardiff Road) and other services within the Town Centre.

Site description: The application property is a traditional end-of-terrace dwelling set within a residential area along a one-way street. The immediate terrace comprises of residential dwellings which benefit from residents only permit parking along both sides of Broomfield Street. The application property benefits from a small rear courtyard providing secluded, outdoor amenity space with a detached garage accessed from a rear service lane. The property is set off the street with an enclosed front amenity area that is currently used for bin storage.

Development: Planning permission is sought for the change of use of the property from C3 Residential Dwelling to a C4 House in Multiple Occupation (HMO).

Dimensions: No external alterations.

Materials: Not applicable.

Ancillary development, e.g. parking: None is proposed.

PLANNING HISTORY 2010 TO PRESENT None.

## POLICY

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

Site Allocation: The application site is within settlement limits.

Policies: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place

Making), CW2 (Amenity), CW3 (Design Considerations: Highways), and CW15 (General Locational Constraints).

SUPPLEMENTARY PLANNING GUIDANCE The following pieces of Supplementary Planning Guidance (SPG) have been formally adopted, following public consultation, and are material considerations that will be considered when considering this proposal:

LDP5: Car Parking Standards, Revision No. 2 (adopted January 2017);  
LDP6: Building Better Places to Live, Revision No. 3 (adopted January 2017); and  
LDP7: Householder Developments, Revision No. 3 (adopted January 2017).

NATIONAL POLICY Future Wales: The National Plan 2040 (February 2021) and Planning Policy Wales (PPW), Edition 11 (February 2021).

Welsh Government - Houses in Multiple Occupation: Practice Guidance (March 2017):

This guidance is a companion document to Houses In Multiple Occupation: Review and Evidence Gathering, a report setting out the findings of a study commissioned by the Welsh Government into the impact of houses in multiple occupation (HMOs) concentrations on local communities in certain areas in Wales. The purpose of this guidance is to promote good practice that has been adopted in Wales, which has had positive results regarding the management and control of HMOs, to enable local authorities in Wales to make informed decisions on what is best suited to their area taking into account local circumstances. This guidance also provides a summary of the legal framework relating to HMOs and associated issues.

PPW is supported by Technical Advice Notes (TANs) which provide detailed planning advice. The following TANs are of relevance:

Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009); and  
Technical Advice Note (TAN) 12: Design (2016).

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

#### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is located within a Coal Mining Development Referral Area (2023) - Development Low Risk Area. Informative advice notes advising of coal mining conditions in this area will be provided to the applicant, and should any issues arise, these would be dealt with as part of the building regulations approval process.

## CONSULTATION

Environmental Health Manager - Provides advice to be conveyed to the developer.

Transportation Engineering Manager - CCBC - No objection.

As a 3 bedroom property in a sustainable location, the dwelling as it stands would have a hypothetical requirement of 2 off-street car parking spaces. The same would apply for a 4-bed dwelling. No objection is raised from a highway safety perspective. The residents of the HMO as a whole would only be entitled to apply for 2 residents parking permits overall, which would also apply to the existing 3-bed dwelling.

Caerphilly Town Council - Caerphilly Town Council has resolved to object to this application as the property is considered unsuitable for a HMO and will have an adverse impact on the residential amenity of the area which is characterised by terrace houses occupied by single households.

## ADVERTISEMENT

Extent of advertisement: The application was advertised via neighbour notification letters issued on 06/09/2023 and display of a site notice on 20/09/2023.

Response: At the time of finalising the officer report 20 No. representations have been received, 17 of which OBJECT to the planning proposal.

Summary of observations: The key points raised are summarised below:

1. Neighbouring residents with small children should not have to live next door to this housing, with hostel rooms for ex-convicted criminals.
2. The HMO/COU will impact the local housing market and devalue surrounding properties.
3. The application was not widely advertised.
4. HMO with potentially 4 No. extra cars will add to the parking problem along Broomfield Street.
5. An HMO is not justified on this street - is there a need for an HMO in this area?
6. Occupants of this property can look directly into the living rooms and gardens of those next door and on the opposite side of the street with vulnerable, elderly, and young child occupants.
7. These street and surrounding back lanes are poorly lit at night which will encourage antisocial behaviour and criminal activity at this HMO.
8. The HMO presents a safety issue to local children and there will not be enough policing.
9. This is an ideal family home in the town centre and will be lost to an HMO. The open housing market in this area is already limited.
10. Residents gathering outside will intimidate locals walking along this street and trying to enjoy their own properties.

11. Occupants pose a threat to security levels of property in this area - Criminals and offenders can directly trespass into surrounding properties.
12. Increased levels of noise and disturbance as a result of many occupants within one property.
13. Drug and alcohol use will be welcomed into a residential area.
14. Idea of living next door to HMO is causing mental distress to occupants.
15. Vandalism will be a problem.
16. Saturation of HMOs within the immediate surrounding area.

## 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? In this instance there are unlikely to be any significant ecological impacts. Under the Section 6 duty of the Environment (Wales) Act 2016, the Council must seek to maintain and enhance biodiversity and promote ecosystem resilience.

If appropriate planning conditions may be applied to request biodiversity enhancement measures at this site. The provision of enhancement features will be proportionate to the scale, location and nature of the development and will respond to any information provided in Ecological Reports and Surveys regarding the potential negative effects of the development and opportunities for the enhancement of biodiversity that the proposed development affords.

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

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

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

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

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is CIL Liable.

#### ANALYSIS

Policies: The main issues for consideration regarding this application relate to the compatibility of the proposed use in this context, whether there are any adverse impacts upon the current levels of highway safety along Broomfield Street and the impacts of the proposal upon residential amenities in respect of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 (Adopted November 2010), the Future Wales document, Planning Policy Wales (PPW) and the above referenced Supplementary Planning Guidance (SPG) documents. There are in this case considered to be no additional issues arising from the provisions of the Human Rights Act.

The proposal comprises the change of use of 17 Broomfield Street, from use as a single dwelling (C3) to a House in Multiple Occupation (C4). The application site is within the defined settlement boundary and the proposal is acceptable in principle, conforming to the requirements of Policies CW15 (General Locational Constraints) and SP5 (Settlement Boundaries).

Conversion of the property to a 4 No. bedroomed HMO is facilitated by internal subdivision of a larger open plan living space at ground floor into a smaller living room with bedroom No. 1 at the front of the property. There are no proposed external works,

such that the character of the host dwelling is wholly preserved. All 4 No. bedrooms are of a suitable size and benefit from an open outlook with adequate levels of natural light via large openings. Occupants will benefit from communal/social living with a shared kitchen, living room and shower room. The HMO has been identified for use as temporary accommodation for young adults (16 - 18 years) within the Caerphilly Borough and is a contribution of private housing for the Councils Housing Solutions Team.

The property will be managed by D2 Prop Co. Ltd. In a statement prepared by this party, dated 27/09/23 the following is stipulated: "The management structure is set out such that the property and tenants are visited daily (Mon-Fri) by the dedicated house manager to check on their welfare and the condition of the property. Any issues are reported to the housing team and any maintenance issues are reported to our dedicated maintenance team. There will be CCTV cameras covering all communal parts of the property, each morning these cameras are checked, and a full report is sent to the housing team." In addition, Tenants placed by CCBC Housing Services are not on occupation contracts but licences and therefore if breaches of rules occur then these issues are promptly dealt with, and placements can be terminated, and tenants placed elsewhere. D2 advises they operates a 24/7 on-call system for both tenants and neighbours and this number will be made available.

A number of planning objections relate to the end-user of this accommodation. Proposals (notably HMO's) which threaten 'amenity' by the introduction of increased numbers of people, possibly with different social characteristics, invariably attract vociferous objection from local vested interests. Section 1.3 of Welsh Governments, Houses in Multiple Occupation (March 201) advises: "HMOs provide a source of accommodation for certain groups, including students temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. Concerns can arise with the management of HMOs because of the transient nature of many tenancies, with many residents on low incomes and/or from vulnerable groups, the intensive use of shared facilities and lack of interaction between residents who may be complete strangers to each other. Consequently, HMO use of a house will generally be more intensive than single household use. This may have an impact not just on the residents in an HMO but on the wider neighbourhood and the likelihood of this increases where there are high concentrations of such properties."

This factor has been taken into account, however, the bulk of these concerns are not material planning considerations. The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on amenity and existing use of land and buildings in the public interest.

Advice contained within paragraph 5.83 of Welsh Government Circular: The use of Planning Conditions for Development Management (WGC 016/2014) stipulates, "since planning controls are concerned with the use of land rather than the identity of the user, the question of who is to occupy the premises for which permission is to be granted will



normally be irrelevant. Conditions restricting occupancy to a particular occupier or class of occupier should only be used when sound planning grounds can be demonstrated, and where the alternative would normally be refusal of permission. A local planning authority who imposes such conditions may run the risk of contravening its duties under the Equality Act 2010 and care should be taken to avoid such conflict. Conditions should not be imposed which provide for a system of vetting by the local planning authority or the use of a vague test such as "needing to be located in the area".

Strategic housing policy objectives at all levels seek to create sustainable, inclusive, mixed communities in all areas. Local policies are informed by a robust evidence base with regard to housing need and demand. Furthermore, sustainable development has become a primary focus of national guidance which has significant implications for all aspects of new development but particularly housing supply, accessibility and parking provision and the effective and efficient use of land. Guidance is clear that the conversion of existing housing can provide an important source of new housing.

In the case of this proposal the property is of a size, whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers. In addition the property is located less than 0.60km from Cardiff Road within the Principal Town Centre (Caerphilly), such that occupants have direct access to a range of services, facilities and transport links. The property is a 4-minute walk to Caerphilly Train Station. This is a highly favourable location for a property of this nature offering accommodation to those otherwise unable to afford or have the means to reside in a town centre locality.

In respect of housing delivery, the national planning guidance document Planning Policy Wales (PPW) acknowledges that there must be "sufficient sites suitable for the full range of housing types to address the identified needs of communities" (paragraph 4.2.12). Caerphilly County Borough currently has a severe shortage of this type of property and heavily relies on bed and breakfast accommodation to meet the shortfall. It is therefore considered that the proposal will assist with the provision of accommodation and contribute to meeting the needs of the community in line with Planning Policy Wales.

As with any proposal there should be no material harm to the amenity of existing, nearby residents by virtue of general disturbance, noise, or overlooking and the cumulative impact of such conversions must not adversely affect the amenity and/or character of the area. Within WGs practice guidance it is stated that issues can arise when there are concentrations of HMO's in a particular area. The research document suggested that 10% is a general 'tipping point' beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community.

This tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households. It is estimated

there are around 200 licensed and unlicensed HMO's in the Caerphilly County Borough and that these are spread throughout the area. However, it is noted that Caerphilly CBC has no precise number of HMO's operating in CCBC, given that some are not required to be registered and many do not require the benefit of planning consent. Thus, it is prudent to regulate these uses through the planning system whilst there is opportunity. In that context, the Local Planning Authority is not able to argue that there is a 'high concentration' of Houses of Multiple Occupation in the immediate vicinity of the application site or within Caerphilly County Borough as a whole.

Taking into consideration the cumulative impacts of such HMOs within the Caerphilly County Borough and their widely dispersed placement, it is not considered that the proposed change of use in itself would significantly change the immediate character of Caerphilly or impact the current levels of amenity received by the neighbouring occupiers. Given there are no external alterations, and preservation of an attractive building frontage, this conversion has a lower visual impact on the street scene and sustains the character of the traditional terrace and established building lines. Therefore the proposal complies with the objectives of LDP Policy CW2.

Lastly, the Local Planning Authority must consider whether there are any adverse effects on local parking provision. The proposed change of use would reconfigure the internal layout and increase the capacity of the building to 4 No. bedrooms. The addition of 1 No. bedroom could lead to an increase in activities at the property over and above that which could occur with the lawful use of the building. However, it is conceivable that up to six residents, living as a single household, could live in the 3-bed property at present without the need for planning consent (if all bedrooms were doubles and occupied). Furthermore, a household with 2 adults and 2 adult siblings could also require 4 parking spaces and this is conceivable in a three bedroom property.

Policy CW3 states that development proposals should have regard for the safe, effective, and efficient use of the transportation network with parking provision provided in accordance with the CSS Wales Parking Standards 2014. The property has no off-street parking within its rear curtilage and therefore, occupants will rely on on-street provisions. Currently there are no separate parking standards for HMOs within SPG LDP5, such that the LPA takes a pragmatic approach in applying those for an equivalent bedroomed dwelling. The Councils Transportation and Engineering Manager (TEM) advises, "as a 3-bedroom property in a sustainable location, the dwelling would have a hypothetical requirement of 2 off-street car parking spaces. The same would apply for a 4-bed dwelling." Parking off-sets (points system) are applied as per the sustainability criteria outlined within schedule 6 of LDP5.

The TEM states "on this occasion we would raise no objection from a highway safety perspective. The residents of the HMO would only be entitled to apply for 2 residents parking permits overall, which would also apply to the existing 3-bed dwelling." The proposed occupants lie within the 16-18 year of range are unlikely to be car owners or have needs for private vehicle given the possibility for active modes of travel and access to frequent bus and train services. Given the above, and with further valuation of

parking demand along Broomfield Street, with regard to LDP Policy CW3 there are no grounds for a refusal.

In conclusion the proposal complies with LDP Policies CW2, Policy CW3 and Policy CW15 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010, as such it is considered to be acceptable in planning terms. The application is recommended for APPROVAL, subject to standard planning conditions.

Comments from Consultees: Comments are addressed in the body of this report.

Comments from public: Matters raised by the objectors as summarised in the section entitled 'summary of observations' are addressed in turn below:

1. Neighbouring residents with small children should not have to live next door to this housing, with hostel rooms for ex-convicted criminals.

This matter is addressed within the main body of the officer report. There is no prejudice given to any specific group of occupant/end-user as this is not a material planning consideration, although a degree of attention is awarded to these matters. The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on amenity and existing use of land and buildings in the public interest.

2. The HMO/COU will impact the local housing market and devalue surrounding properties.

This is not a material planning consideration.

3. The application was not widely advertised.

The application was advertised in accordance with Part 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 via neighbour notification letters issued on 06/09/2023 and display of a site notice on 20/09/2023 affixed to post directly outside 17 Broomfield Street. In addition, the application is published on the Councils Weekly List which is circulated to Local Ward Councillors and other members and is also available via the Council website.

4. HMO with potentially 4 No. extra cars will add to the parking problem along Broomfield Street.

This matter is discussed within the main body of the report.

5. An HMO is not justified on this street - is there a need for an HMO in this area?

In respect of housing delivery, the national planning guidance document Planning Policy Wales (PPW) acknowledges that there must be "sufficient sites suitable for the full

range of housing types to address the identified needs of communities" (paragraph 4.2.12). Caerphilly County Borough currently has a severe shortage of this type of property and heavily relies on bed and breakfast accommodation to meet the shortfall. The proposal will assist with the provision of accommodation and contribute to meeting the needs of the community in line with PPW.

6. Occupants of this property can look directly into the living rooms and gardens of those next door and on the opposite side of the street with vulnerable, elderly, and young child occupants.

There are no external alterations, inclusive of extensions or new windows proposed in this property, with no new high-level vantage points. Therefore the degree of possibility to overlook adjacent properties remains unchanged. In this context, where properties are in a terraced building line, there is a mutual degree of overlooking between adjoining neighbours. Where properties front onto a public realm or are organised in opposing building lines separated by a highway, there is the possibility for the public to look into habitable room openings. It would be up to the occupant to ensure they have suitable means to secure privacy at ground level e.g. curtains, blinds/nets, or frosted vinyl's etc. The use of the application property for HMO purposes would have no different impact in that regard.

7. These street and surrounding back lanes are poorly lit at night which will encourage antisocial behaviour and criminal activity at this HMO.

It is accepted that a greater level of lighting in more private areas of the public realm can deter crime, although it is never entirely prevented.

The Local Planning Authority has a duty to consider crime and disorder implications under Section 17 of the Crime and Disorder Act 1998. Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area; and (d) serious violence in its area. With respect to this application, there are no specific crime and disorder implications material to the determination of this application. Should crime occur, it would be the responsibility of the witness or those subject to criminal activity to alert the Police.

8. The HMO presents a safety issue to local children and there will not be enough policing.

There should be no adverse impacts to the safety of surrounding occupants, although due regard has been given to this matter (Section 17 of the Crime and Disorder Act 1998), this is not a material planning consideration in the determination of this

application. Police and Local Government hold joint leadership for community safety; however everyone has a civic duty to help the Police prevent crime and report crime.

9. This is an ideal family home in the town centre and will be lost to an HMO. The open housing market in this area is already limited.

The low concentration of HMOs as a total of the existing housing stock of the area means that the loss of one dwelling is not considered likely to have a material impact on housing stock or availability within this ward.

10. Residents gathering outside will intimidate locals walking along this street and trying to enjoy their own properties.

Please refer to the acknowledgements provided for points 7, 8 and 9.

11. Occupants pose a threat to security levels of property in this area - Criminals and offenders can directly trespass into surrounding properties.

Occupants are responsible for securing their own homes and can discuss this matter with the Police Architectural Liaison Officer (advice on Secured by Design principles). Please also refer to the responses given to points 7, 8 and 9.

12. Increased levels of noise and disturbance as a result of many occupants within one property.

Should this dwelling be occupied as a 3-bedroomed property, the maximum capacity could be six individuals. The no. of bedrooms is increased by 1 and as stipulated by D2 Prop Co. Ltd, single occupants are likely to be the prevalent end-user. It is acknowledged that HMOs are often different to other housing stock in regard to the transient nature of many tenancies, however as Welsh Government Planning Policy Wales cites there should be "sufficient sites suitable for the full range of housing types to address the identified needs of communities" (paragraph 4.2.12) and the proposal is deemed acceptable.

The addition of a bedroom to the property is not considered to have a material impact on surrounding residents. It is acknowledged that those living within an HMO are typically not previously known to each other and this may result in an intensification of use and related possibility of noise disturbance. The Environmental Health Officer (EVH) has reviewed the proposal and offers no objection to the development. The EVH department has separate powers to address issues of noise nuisance as and when they arise. It is also noted that the level of occupation is similar to what the house could accommodate at present without requiring any change of use.

This is an application for the change of use of a dwelling to a dwelling for use by persons not living as a single household and as stated above it is not considered that the proposal would materially affect the character of the area. Crime prevention and fear

of crime are social considerations and regard has been had to the proposal and impact on the local area and residents. It is however considered that as there is not a high concentration (i.e. 10% or more of properties in the area) of the existing housing stock being HMOs then the proposal will not have an unacceptable impact on the character of the area. Where anti-social behaviour does occur, responsibility for dealing with such anti-social behaviour is shared between a number of agencies, particularly the Police, local authorities and landlords. It is considered that existing legislative powers exist and can be enforced, should specific issues arise as is the case with other dwellings (including HMOs) in Caerphilly.

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 Existing & Proposed Plans, Drawing No. 2953C; as received on 30/08/2023.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) 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.

Advisory Note(s)

Please find attached the comments of the Council's Environmental Health Manager that are brought to the applicant's attention.

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

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

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