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**Date: 3rd April 2024**

To Whom It May Concern,

A multi-locational meeting of the **Planning Committee** will be held in the Council Chamber, Penallta House, and via Microsoft Teams on **Wednesday, 10th April, 2024 at 5.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided on request.

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

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

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

Yours faithfully,

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

**Christina HARRY**  
CHIEF EXECUTIVE

## AGENDA

A greener place Man gwyrddach

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



1 To receive apologies for absence.

2 Declarations of Interest.

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

To approve and sign the following minutes: -

3 Planning Committee held on 6th March 2024.

1 - 4

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

4 Application No: 23/0347/COU - Change the Use From Office Building to Residential for 8 No. Flats - Crumlin Institute Buildings, Crumlin Square, Crumlin.

5 - 14

**Circulation:**

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

And Appropriate Officers

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## PLANNING COMMITTEE

### MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 6<sup>TH</sup> MARCH 2024 AT 5:00 PM

#### PRESENT:

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

#### Councillors:

A. Angel, R. Chapman, 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:

V. Julian (Senior Lawyer), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Powell (Team Leader Development Management), H. Winsall (Principal Planner), M. Tanner (Principal Engineer) 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 Councillors M.A. Adams, N. Dix, G. Ead and A. Whitcombe.

#### 2. DECLARATIONS OF INTEREST

There were no declarations of interest received.

### 3. **PLANNING COMMITTEE HELD ON 7TH FEBRUARY 2024**

It was moved and seconded that the minutes of the Planning Committee meeting held on 7<sup>th</sup> February 2024 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 12 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee meeting held on 7<sup>th</sup> February 2024 (minute nos. 1-5) be approved as a correct record.

### 4. **APPLICATION NO: 23/0885/NCC - LAND AT GRID REF 318082 197935, CENTRAL AVENUE TO GROVESIDE ROAD, OAKDALE**

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 12.

Following consideration of the application it was moved and seconded that subject to an amendment to Condition (18) and the conditions contained in the Officer's report, the recommendation be approved. By way of Microsoft Forms (and in noting there were 12 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that: -

- (i) Subject to the amendment of Condition (18) and the conditions contained in the Officer's report, the application be GRANTED.

#### **Amended Condition (18)**

An acoustic barrier system shall be erected before first occupation of the dwellings hereby approved in accordance with drawing numbers TDA.2656.06 Rev E (Outline Soft Landscape Proposals) and TDA.2656.13 Detail 5 (Acoustic Fence) and the additional details of the acoustic barrier system submitted 20<sup>th</sup> February 2024.

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

- (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 a revised and updated Aboricultural Impact Assessment, Tree Protection Plan and Aboricultural Method Statement will need to be submitted with the reserved matters application.
- (v) The applicant/developer be advised that the ground gas monitoring undertaken (frequency/duration) does not comply with Table 5.5a and 5.5b within Ciria 665 2007. As such, further monitoring will be required as part of further site investigation works.
- (vi) The applicant/developer be advised that a Materials Management Plan in accordance with the current CL:AIRE protocol will need to be submitted as part of a remediation strategy to ensure that any site won material intended to be utilised from areas of potential asbestos contamination is appropriately managed and dealt with accordingly.
- (vii) The applicant/developer be advised that biodiversity conservation and enhancement measures should be considered at reserved matters stage including the following:

the use of native species and local provenance in the landscaping scheme; diverse species mixes for open/amenity areas of grassland, with an appropriate management plan;

landscaping to include rich-in-diversity boundaries such as hedgerows or tree lines; refugia/nesting site for birds, bats and hedgehog throughout the development (minimum 25 bird boxes; to incorporate at least 3 No. 3-chamber sparrow terrace boxes, note that a 3-chamber box will count as 3 boxes in the total count);

provision of refugia such as deadwood/log piles etc; and 100mm high continuous gaps under all fence panels.

The meeting closed at 5.17 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 10<sup>th</sup> April 2024, they were signed by the Chair.

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CHAIR

**Application Number:** 23/0347/COU

**Date Received:** 06.06.2023

**Applicant:** Llanover Estate

**Description and Location of Development:** Change the use from office building to residential for 8 no. flats - Crumlin Institute Buildings Crumlin Square Crumlin

**APPLICATION TYPE:** Change of Use

## SITE AND DEVELOPMENT

Location: Crumlin Institute Buildings, Crumlin Square, Crumlin

Site description: Three storey building located on Crumlin square to the east of Main Street.

Development: Change the use from office building to residential for 8 No. flats

Dimensions: The building measures approximately 29m wide by 28m deep at its maximum extent, however it tapers significantly from back to front with the rounded front being approximately 5m in width. The height of the building is approximately 12.5 metres.

Materials: A brick and stone fronted building with areas of render to the rear elevation.

Ancillary development, e.g. parking: Addition of two windows on the north elevation and one window in the west elevation.

## PLANNING HISTORY 2010 TO PRESENT

No relevant planning history.

## POLICY

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

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

Policies: CW2 (Amenity), CW3 (Highways), CW8 (Protection of Community and Leisure Facilities), CW11 (Affordable Housing Obligations), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Future Wales: the National Plan 2040, Planning Policy Wales (Edition 11), Technical Advice Note 12: Design.

### SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 6 (Better Places to Live).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is a Low Risk area and it is recommended that informative note about mining conditions be attached to any decision notice.

### CONSULTATION

CCBC Housing Enabling Officer - The building is located in the Crumlin Ward, which for the purposes of the Affordable Housing Supplementary Planning Guidance, falls within the Rest of Caerphilly housing viability area. This area has an affordable housing target of 10%.

The 2018 based LHMA shows a requirement for 1 bed accommodation in the Crumlin Ward.

In terms of an affordable housing contribution the development would provide 8 units of 1 bed accommodation. 10% of 8 units equates to 1 unit of affordable housing when rounded.

Since the Grenfell Tower fire, social landlords have been reluctant to accept affordable housing contributions in flats in converted buildings because of issues relating to fire safety. In such instances the approach has been to seek an off-site contribution. The contribution can be made by way of land, a commuted sum or a mix of the two.

If a commuted sum were to be provided it would be worked out as follows:

ACG £ per unit x % SHG x N = £ financial contribution  
£107,200 x 58% x 1 = £62,176

The affordable housing contribution would be paid to the Council and would need to be secured by a S106 agreement.



Should viability be an issue then paragraphs 5.4-5.7 will apply.

Senior Engineer (Drainage) - Request that a planning condition be attached to require drainage details.

Dwr Cymru - The proposed development site is crossed by a public sewer. Advice is provided for the applicant.

Transportation Engineering Manager - CCBC - No objection. Whilst the development has no dedicated off-street parking within its curtilage the existing building floorspace subject to the proposed change of use would have a higher requirement in terms of parking for the existing use (49 parking spaces) versus the proposed use (9 parking spaces).

Environmental Health Manager - No response received.

Estates Manager - Property Division - There are no comments from Property Services.

Heritage Officer - Peter Thomas - Visually, the most prominent change is the introduction of new windows to the upper floor. Whilst the plans indicate that these are to match the existing there is no detail to support this.

The existing windows are largely of modern materials, however, they sit within Ashlar surrounds. It is essential that this is replicated if the proposal is to preserve the character and appearance of the building and wider area.

It is advised that these details are controlled by condition.

### ADVERTISEMENT

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

Response: Representations have been received from a member of the public and a local councillor who has requested the application be reported to planning committee for decision.

### Summary of observations:

- Concerns in relation to parking problems in the area.
- Concerns in respect of bin storage and highway implications.

### 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?  
Planning Committee -10.04.2024

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

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The site is within the medium viability area for CIL purposes attracting a CIL charge of £25/sqm.

### ANALYSIS

#### Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main issues to take into account as part of the determination of this application are the impact on neighbour amenity and the visual appearance of the development and its impact on the character of the area.

The Crumlin Institute is a prominent brick and stone fronted three storey building within Crumlin located on Crumlin Square. Due to the topography the building appears as two storey from the west where there is an entrance from Main Street which is set above the level of Crumlin Square. The building as existing has 7 business units (some vacant) on the lower ground floor level which will remain as part of the proposals. The proposal would, therefore, involve the conversion of the ground and first floors above to provide eight self contained one bedroom flats with the layout accommodating four flats on each of the floors.

Minor works are proposed to the facade of the building to facilitate the proposed change of use of the upper floors to residential and these would include the provision of two additional windows on the north facing elevation and one additional window on the west facing facade. The proposed changes would have an acceptable visual impact on the building and the character of the area according with adopted Local Development Plan Policy SP6 (Placemaking).

The impact on neighbour amenity has been considered. The building is relatively well separated from surrounding residential properties with a distance of at least 21 metres between existing (and proposed) habitable room windows in the Institute building and the existing habitable room windows in surrounding properties in residential use. An exception to this is the Railway Hotel which has living quarters located approximately 13.5m from the Institute building. This public house building has its public front facing windows looking over the square and towards the application property, which in turn,

has a number of windows already looking towards the Railway Hotel meaning that this property is currently subject to a degree of overlooking. It is considered, therefore, that the proposed conversion would not have an unacceptable impact on the existing levels of privacy presently enjoyed by the occupiers of the living quarters of the Railway Hotel nor to any other surrounding property. The development would, therefore, accord with Policy CW2 (Amenity) of the adopted Local Development Plan, having an acceptable impact on the amenity of surrounding residential properties.

The building does not have any parking provision, however, noting that this is the conversion of an existing building with no additional floorspace created, it is not considered that the proposal for flats would lead to a greater demand for parking within the area than the existing floorspace, were to be used for office/community purposes. The location is also close to existing shops and community facilities and in easy walkable distance of bus stops. It is therefore considered that the location is sustainable in nature and noting the existing parking demand for the building there would be no unacceptable impact on the local parking situation as a result of the proposed change of use. The development would, therefore, accord with Policy CW3 (Highways) of the adopted Local Development Plan.

#### Comments from Consultees:

With regard affordable housing provision the developer has provided information on viability which having been reviewed by the Planning Policy Officer is considered to demonstrate that the scheme would be unviable with the affordable housing contribution requested by the housing officer. On this basis, therefore, it is not considered that the request for an off site contribution can be justified in this instance.

#### Comments from public:

- Concerns in relation to parking problems in the area

The Transportation Engineering Manager has reviewed the proposal and whilst the building has no off-street car parking the previous use of the floors for office/community use would have had a substantially higher demand for car parking than the proposal for 8 residential units. As such it is not considered that there would be any unacceptable impact on parking within the area.

- Concerns in respect of bin storage

The applicant has indicated that bin storage could be located on the lower ground floor of the building and it is proposed to require a scheme of bin storage to be agreed via a planning condition prior to the residential use being brought into beneficial use.

#### Other material considerations:

It is noted that the building has been partially used by Caerphilly County Borough Council youth/education services in the past. Consideration has therefore been given to

Policy CW8 (Community and Leisure Facilities) of the adopted Local Development Plan. Policy CW8 advises that

"Proposals that would result in the loss of a community and/or leisure facility will not be permitted except where:

- A) A comparable replacement facility can be provided by the developer either on or off site, and within easy and convenient access on foot or by bicycle, or
- B) It can be demonstrated that the facility is surplus to requirements"

The facility has been demonstrated as surplus to requirements as outlined in a report by the Corporate Director for Education and Corporate Services to cabinet (13th April 2022) which included the following statement in its reason for recommendations: "The Service has considered its requirements for service delivery and concluded that the building is no longer required". As such it is considered that the proposal accords with criterion B of Policy CW8.

The site falls partially within a designated Flood Zone B, however, flooding has not been identified as a localised problem and the change of use is restricted for areas of the building above the lowest floor. As such it is not considered that flood risk is an overriding material consideration for this particular proposal.

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 12 has also been published in February 2024. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 12 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 12.

**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.  
Planning Committee -10.04.2024

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

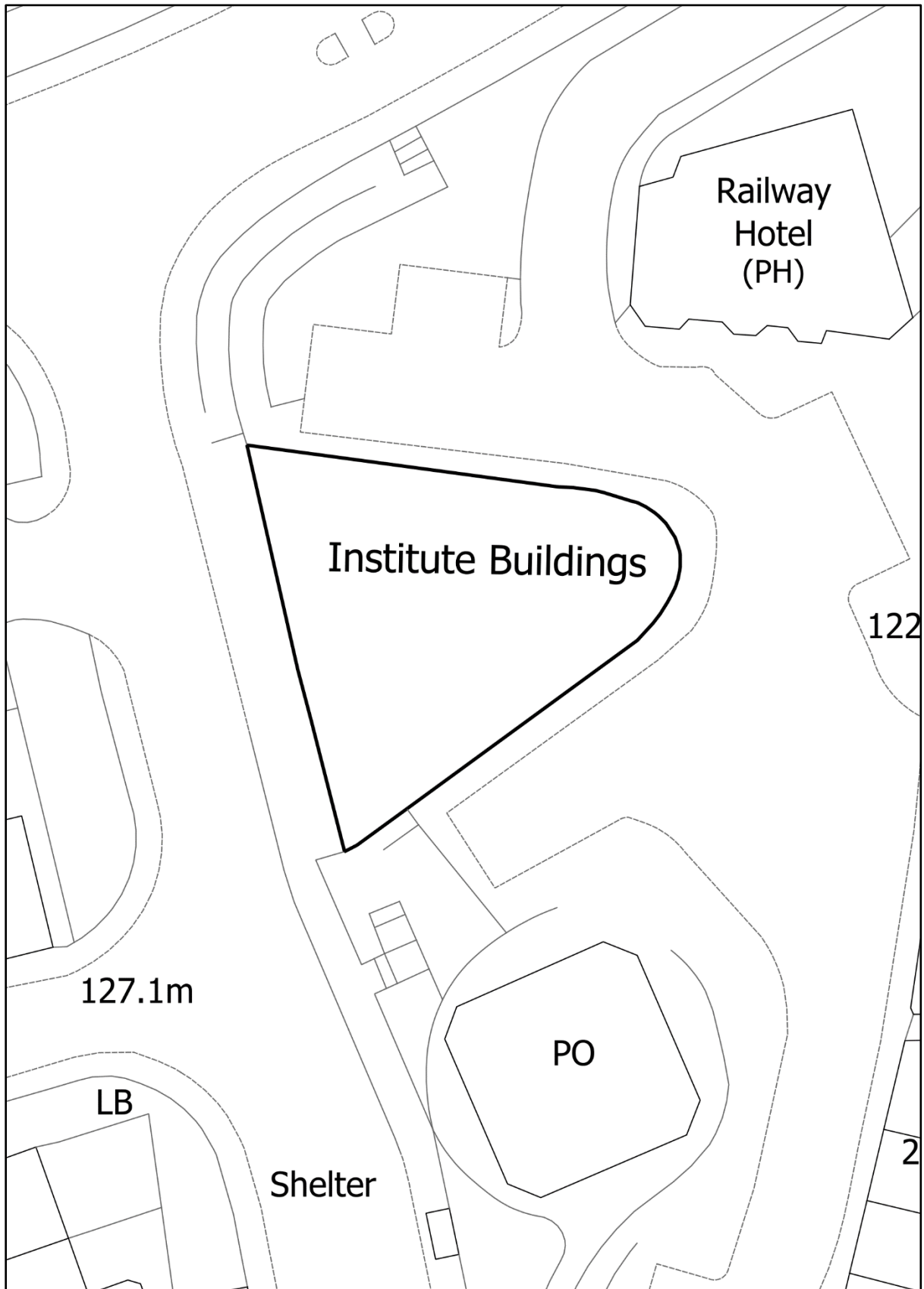
- 02) The development shall be carried out in accordance with the following approved plans and documents:
- Proposed Lower ground floor, drawing reference 01-23;
  - Proposed Ground Floor, drawing reference 03-23;
  - Proposed First Floor, drawing reference 02-23;
  - Site plan;
  - Proposed Elevations drawing reference 06-23;
- REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of the relevant works, full details of the proposed windows including their surrounds shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in full in accordance with such approved details and thereafter retained.  
Reason: To ensure an appropriate design and detail for the windows is agreed to protect the appearance of the building in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Notwithstanding the submitted plans prior to the residential occupation of the development a scheme for refuse storage shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the first occupation of the development.  
REASON: In the interests of public health and the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

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

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

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



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