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Date: 28th October 2015

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 4th November, 2015** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

	Pages
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 7th October 2015.	1 - 8

A greener place Man gwyrdach

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



4 To receive any requests for a site visit.

To receive and consider the following reports: -

5	Site Visit Code No. 15/0252/OUT - Land at Cwmgelli, Blackwood, NP12 1BZ.	9 - 46
6	Site Visit Code No. 15/0433/FULL - Pen-y-Fan Farm, Pen-y-Fan Farm Lane, Manmoel, Blackwood, NP12 0HZ.	47 - 70
7	Site Visit Code No. 15/0451/FULL - Land at Pen-yr-Heol-Las, Manmoel Road, Manmoel, NP12 0RQ.	71 - 98
8	Site Visit Code No. 14/0836/FULL - The Surgery, Oakfield Street, Ystrad Mynach, Hengoed, CF82 7WX.	99 - 110
9	Site Visit Code No. 14/0855/FULL - Land at Watford Road, Caerphilly.	111 - 132

Planning Applications Under The Town And Country Planning Act - North Area: -

10	Code No. 15/0597/FULL - Pen-yr-Heol Farm, Commin Road, Hollybush, Blackwood.	133 - 146
11	Code No. 15/0601/FULL - Land at Nine Mile Point Industrial Estate, Cwmfelinfach, Newport.	147 - 166
12	Code No. 15/0978/FULL - Land at Ogilvie Terrace, Deri, Bargoed.	167 - 182

Planning Applications Under The Town And Country Planning Act - South Area: -

13	Preface Item Code No. 15/0023/COU - Manchester House, 1 Clifton Street, Caerphilly, CF83 1HA.	183 - 196
14	Code No. 15/0422/RET - White Hart Inn, 19 Church Street, Bedwas, Caerphilly.	197 - 204
15	Code No. 15/0471/LBC - White Hart Inn, 19 Church Street, Bedwas, Caerphilly.	205 - 212
16	Code No. 15/0488/RET - Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed.	213 - 228
17	Code No. 15/0670/FULL - Former Saron Congregational Church, Pandy Road, Bedwas, Caerphilly.	229 - 242
18	Code No. 15/0764/COU - Unit 18 Castle Court, Caerphilly.	243 - 250
19	Code No. 15/0775/COU - Bank Chambers, 2 Pandy Road, Bedwas, Caerphilly.	

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20	Code No. 15/0914/FULL - Craig Bach, Penrhiw Lane, Machen, Caerphilly.	259 - 274
21	Member's Planning Site Visits.	275 - 282
22	Proposals Relating to Strategic Planning Panel Regulations: Composition and Financial Matters.	283 - 290
23	Charging for Pre-Application Planning Advice: Review.	291 - 298
24	Welsh Government Annual Performance Review.	299 - 324
To receive and note the following information items: -		
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Circulation:

Councillors M.A. Adams, Mrs E.M. Aldworth, J. Bevan, D. Bolter, D.G. Carter (Chair), Mrs P. Cook, W. David (Vice Chair), J.E. Fussell, Ms J. Gale, L. Gardiner, R.W. Gough, A.G. Higgs, A. Lewis, K. Lloyd, Mrs G.D. Oliver, D. Rees, Mrs E. Stenner, J. Simmonds, Mrs J. Summers and J. Taylor

And Appropriate Officers

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PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH
(CHAMBER)
ON WEDNESDAY, 7TH OCTOBER 2015 AT 5:00PM

PRESENT:

Councillor D.G. Carter - Chair
Councillor W. David - Vice-Chair

Councillors:

M. Adams, D. Bolter, Mrs P. Cook, Miss J. Gale, L. Gardiner, R.W. Gough, A. Lewis,
K. Lloyd, , D. Rees, J. Simmonds and J. Taylor.

Together with:

P. Elliott (Head of Regeneration and Planning), T. Stephens (Development Control Manager),
R. Crane (Solicitor), M. Noakes (Senior Engineer, Highway Planning), G. Mumford (Senior
Environmental Health Officer), C. Boardman (Planner), M. Davies (Principal Planner),
C. Powell (Principal Planner), G. Lewis (Principal Planner) and E. Sullivan (Democratic
Services Officer)

APOLOGIES

Apologies for absence had been received from Councillors Mrs E. M. Aldworth, J. Bevan, J. E.
Fussell, A.G. Higgs, K. Lloyd, Mrs G. Oliver, Mrs E. Stenner and Mrs J. Summers.

1. DECLARATIONS OF INTEREST

Declarations of interest were received as follows:- 14/0836/FULL and 15/0023/COU –
Councillor W. David, 14/0836/FULL – Councillor D. Bolter and 15/0669/FULL – Councillor
Miss J. Gale and 15/0038/OUT – R. Crane (Solicitor) details are minuted with the respective
item.

2. MINUTES

RESOLVED that the minutes of the Planning Committee held on 9th September 2015 (minute
nos. 1-19) be approved and signed as a correct record.

3. TO RECEIVE ANY REQUESTS FOR A SITE VISIT

Requests for site visits were received and accepted by Members of the Planning Committee, as follows:

- (1) 15/0252/OUT – Land at Cwmgelli, Blackwood NP12 1BZ.
- (2) 14/0836/FULL – The Surgery, Oakfield Street, Ystrad Mynach.
- (3) 14/0855/FULL – Land at Watford Road, Caerphilly.
- (4) 15/0433/FULL – Pen-y-Fan Farm, Pen-y-Fan Farm Lance, Manmoel.
- (5) 15/0451/FULL – Land at Pen-yr-Heol-Las, Manmoel.

4. SITE VISIT CODE NO. 15/0023/COU – MANCHESTER HOUSE, 1 CLIFTON STREET, CAERPHILLY, CF83 1HA

Councillor W. David declared a prejudicial interest in that the speaker in objection to the application is a close friend of his son and left the Chamber when the application was discussed.

Mr T. Graham and Councillor C. Elsbury spoke on behalf of local residents in objection to the application. The applicant who had been informed decided not to speak.

Following consideration of the application it was moved and seconded that the application be deferred for a further report with reasons for refusal based on highway safety, lack of associated parking and by a show of hands this was unanimously agreed

RESOLVED that the application be deferred for a further report with reasons for refusal based on highway safety and the lack of associated parking.

5. SITE VISIT CODE NO. 15/0360/FULL – 13 RISING SUN CLOSE, OAKDALE, BLACKWOOD, NP12 0JB

Mr C. Brewster on behalf of local residents spoke in objection to the application and Mr L. Hall the applicant spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands (and in noting there was 1 against) this was agreed by the majority present.

In accordance with rule of procedure 15.5 Councillor L. Gardiner wished it recorded that he had voted against the application.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) subject to the conditions contained in the Officer's report this application be granted;
- (iii) the applicant be advised of the comments of Welsh Water;
- (iv) the applicant be advised that the following policies of the Caerphilly County Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW3.

6. SITE VISIT CODE NO. 15/0423/FULL – MCDONALDS RESTAURANT’S LTD, UNIT C, CROSSWAYS PARK, PARC PONTYPANDY, CAERPHILLY, CF83 3NL

Councillor M. Prew spoke on behalf of local residents in objection to the application and the applicant who had been advised was not present.

Councillor W. David wished it noted that as he had not been present for the whole of the debate he had not taken part in the vote.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer’s report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) subject to the conditions contained in the Officer’s report with the removal of condition (08) this application be granted;
- (iii) the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW3;
- (iv) public footpath FP56 in the Community of Caerphilly abuts the site and must be protected and available through the duration of the works;
- (v) the applicant be advised of the comments of Dwr Cymru/Welsh Water and the Council’s Senior Engineer (Land Drainage).

7. SITE VISIT CODE NO. 15/0424/ADV – RECONFIGURE EXISTING SIGNAGE SUITE, MCDONALD’S RESTAURANTS LTD, CROSSWAYS PARK, PARC PONTYPANDY, CAERPHILLY

Councillor M. Prew spoke on behalf of local residents in objection to the application, the applicant who had been advised was not present.

Councillor W. David, wished it noted that as he had not been present for the whole of the debate he had not taken part in the vote.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer’s report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) subject to the conditions contained in the Officer’s report this application be granted.

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - NORTH AREA

8. CODE NO. 15/0252/OUT – LAND AT CWMGELLI, BLACKWOOD, NP12 1BZ

Having regard to the impact of the proposed development on highway safety in terms of its access it was moved and seconded that the application be deferred for a site visit by the Planning Committee (All Members) and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit.

9. CODE NO. 15/0463/OUT – LAND ADJACENT TO VICTORIA HOUSE, ASHFIELD ROAD, NEWBRIDGE, NEWPORT, NP11 4RA

Following consideration of the application is moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 210 are relevant to the conditions of this permission: CW2 and CW3;
- (iii) the applicant be advised of the comments of the Senior Engineer (Land Drainage), Dwr Cymru/Welsh Water, Wales and West Utilities and Transportation Engineering Manager;
- (iv) the applicant be advised that many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

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

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way

Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

10. CODE NO. 15/0433/FULL – PEN-Y-FAN FARM, PEN-Y-FAN FARM LANE, MANMOEL, BLACKWOOD, NP12 0HZ

Having regard to the visual impact of the proposed development it was moved and seconded that the application be deferred for a site visit by the Planning Committee (all Members) and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit.

11. CODE NO. 15/0451/FULL – LAND AT PEN-YR-HEOL-LAS, MANMOEL ROAD, MANMOEL, NP12 0RQ

Having regard to the visual impact of the proposed development it was moved and seconded that the application be deferred for a site visit by the Planning Committee (all Members) and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit.

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - SOUTH AREA

12. PREFACE ITEM CODE NO. 15/0038/OUT – LAND NORTH OF PANDY ROAD, BEDWAS, CAERPHILLY

R. Crane (Solicitor) declared an interest in that a family members owns land adjacent to the proposed development and left the chamber when the application was discussed

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's preface report be approved and by a show of hands (and in noting there was 1 abstention) this was agreed by the majority present.

RESOLVED that: -

- (i) the preface report be noted;
- (ii) for the reasons given in the Officer's preface report this application be refused.

Reason 1

The development is contrary to the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 in that the site lies beyond the identified settlement boundary as specified by Policy SP5.

Reason 2

The proposal is contrary to the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 in that the development of the site would result in the unacceptable erosion of the Special Landscape Area contrary to the provisions of Policy SP10.

13. CODE NO. 14/0836/FULL – THE SURGERY, OAKFIELD STREET, YSTRAD MYNACH, HENGOED, CF82 7WX

Councillor W. David and D. Bolter declared a prejudicial interest in that they are both patients at the surgery, as the item was deferred without discussion for a site visit, there was no requirement for them to leave the chamber.

Having regard to the impact of the development on highway safety it was moved and seconded that the application be deferred for a site visit by the Planning Committee (all Members) and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit.

14. CODE NO. 14/0855/FULL – LAND AT WATFORD ROAD, CAERPHILLY

Having regard to the impact of the development on residential amenity and which would introduce an overbearing aspect it was moved and seconded that the application be deferred for a site visit by the Planning Committee (all Members) and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit.

15. CODE NO. 15/0472/FULL – 16 GRIFFITHS STREET, YSTRAD MYNACH, HENGOED, CF82 7AW

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised of the comments of Dwr Cymru/Welsh Water;
- (iii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2 and SP6
- (iv) many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

16. CODE NO. 15/0526/LA – BRODAWEL HOUSE, COURT ROAD, ENERGLYN, CAERPHILLY, CF83 2QW

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2, CW3 and CW18.

17. CODE NO. 15/0669/FULL – FWRRWM ISHTA HOUSE, 68 COMMERCIAL ROAD, MACHEN, CAERPHILLY, CF83 8PG

Councillor Miss J. Gale declared a prejudicial interest in that she lives in close proximity to the proposed development and as such would be directly affected by it and left the chamber when the application was discussed.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that for the reasons given in the Officer's report and the following amended reason this application be refused.

Amended Reason (05)

It is not possible to accommodate the proposed building together with providing adequate parking, turning and servicing areas as well as amenity space for the apartments and as such the proposal represents over development of the site contrary to Criterion B of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

18. CONSULTATION FROM WELSH GOVERNMENT ABOUT SECONDARY LEGISLATION FOR DEVELOPMENT MANAGEMENT

The Development Control Manager introduced the report which advised Members of a consultation from Welsh Government in relation to secondary legislation for development management in relation to Statutory Consultees, Design and Access Statements and Houses in Multiple Occupation.

The proposals were summarised and Officer's responses to the questions raised were detailed.

Having fully considered the consultation questions and the responses of Officers it was moved and seconded that Welsh Government be advised of the answers as set out in the Officer's report as part of the consultation process and by a show of hands this was unanimously agreed.

RESOLVED that Welsh Government be advised of the answers as set out in the Officer's report as Caerphilly County Borough Planning Authority's response to the consultation process.

19. TOWN AND COUNTRY PLANNING ACT 1990 – OBJECTION TO CAERPHILLY COUNTY BOROUGH COUNCIL TREE PRESERVATION ORDER 78 OF 2015 – LAND SOUTH OF YNYS FIELD RECREATION GROUND, PENGAM

Following consideration of the Officer's report it was moved and seconded that Tree Preservation Order 78 of 2015 be confirmed without modification and by a show of hands this was unanimously agreed.

RESOLVED that Caerphilly County Borough Council Tree Preservation Order 78 of 2015 be confirmed.

20. ITEMS FOR INFORMATION

The following items were received and noted: -

- (1) Applications determined by delegated powers;
- (2) Applications which are out of time/not dealt with within 8 weeks of date of registration;
- (3) Applications awaiting completion of a Section 106 Agreement;
- (4) Appeals outstanding and decided.

The meeting closed at 18.40 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 4th November 2015, they were signed by the Chair.

CHAIR



PLANNING COMMITTEE – 4TH NOVEMBER 2015

SUBJECT: SITE VISIT - CODE NO. 15/0252/OUT – LAND AT CWMGELLI, BLACKWOOD, NP12 1BZ.

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

PRESENT:

Councillor D.G. Carter – Chair

Councillors M. Adams, Mrs E. M. Aldworth, Mrs P. Cook, N. Dix, Ms. J. Gale, L. Gardiner, A. Lewis and Mrs J. Summers

1. Apologies for absence were received from Councillors J. Bevan, D. Bolter, W. David, J.E. Fussell, D. Rees and J. Simmonds.
2. The Planning Committee deferred consideration of this application on 7th October 2015 for a site visit. Members and Officers met on site on Monday, 26th October 2015.
3. Details of the application to erect a residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except access on Land at Cwmgelli, Blackwood were noted.
4. Those present viewed the site from various vantage points, walked the boundary, roadway and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note the application site is adjacent to the settlement boundary of Blackwood on a 'Greenfield site' comprising of a number of agricultural fields and adjacent to two Grade II listed residential properties to the south, with the Grade II listed Maes Manor Hotel and Historic Gardens to the north of the site. The site is bounded by residential properties to the west at Cwm Gelli Villas, Cwm Gelli and Coed Gelli Parc. Outline planning permission is sought at this stage for up to 115 new homes with all other matters apart from access reserved for subsequent approval. An indicative master plan has been submitted which illustrated a range of sizes, types and tenures of properties in order to meet local need. The Officer confirmed that the finishes of the proposed development would be reflective of the character and culture of the Blackwood area and the density profile of the development would give it a 'rural feel' with 30 dwellings designated per hectare. The development would also require outdoor play provision based upon the number of dwellings proposed. In this respect a Locally Equipped Area of Play (LEAP) and Local Area of Play (LAP) is indicated on the masterplan. The officer advised that the developer has following discussion indicated finishes of the LEAP would have a rural/rustic feel. The Officer acknowledged that the site is outside the settlement boundary and within an identified green wedge. However, this may be balanced against consideration of residential land supply and is a material consideration. Members attention was also drawn to Policy SP2 of the LDP, which promotes sustainable

development in the Northern Connections Corridor, which amongst other things focuses development on both brownfield and greenfield sites.

6. Members raised concerns with regard to access to the proposed development in terms of highway safety and increased traffic movements on to an already busy section of road. The Senior Highways Engineer confirmed that a 'ghost island' would be introduced in order to facilitate a safe right-hand turn into the development and its position on the current roadway was indicated using existing road markings as a guide. It was accepted that this would narrow the road somewhat, however the Officer was confident that the proposed layout would provide safe and adequate access and egress for the development and that visibility splay requirements had been met, giving a 120m splay in both directions.

Concerns were also expressed at the loss of the 'green wedge' and the impact of the development on the ecology of the area. The Officer confirmed that the application was supported by an extended habitat survey, tree survey, landscape and visual appraisal, cultural heritage assessment and advised that there had been no objections from statutory consultees or from the Councils' Ecologist.

7. Officers confirmed that following advertisement to 32 neighbouring properties, advertisement in the press and a site notice being posted, 13 letters of objection and a petition of 27 signatures had been received. Details of the objections are within the Officer's original report.
8. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
9. A copy of the report submitted to the Planning Committee on 7th October 2015 is attached. Members are now invited to determine the application.

Author:	E. Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	M. Davies	Principal Planner
	M. Noakes	Senior Engineer (Highway Development Control)

Appendices:
Appendix 1 Report submitted to Planning Committee on 7th October 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0252/OUT 16.04.2015	Gwent Investments Ltd C/o Maes Manor Hotel Maesruddud Lane Blackwood NP12 0AG	Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access Land At Cwmgelli Blackwood NP12 1BZ

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: Land at Cwmgelli, Blackwood, NP12 1BZ

Site description: This application site is located to the north of the A4048, immediately adjacent to the settlement boundary of Blackwood. The site is Greenfield and is approximately 5.89 ha comprising a number of agricultural fields and two residential properties, both of which are Grade II listed buildings.

The site is bounded to the south/south east by the A4048 and residential properties that front onto the A4048, to the south west by boundary hedgerows and trees and residential properties in Cwm Gelli Villas, with more residential properties in Cwmgelli further beyond, including a more recent housing development within Coed Gelli Parc. To the north the site is bounded by open fields, the northern extent of which lie within the setting of the Grade II listed Maes Manor Hotel and its Historic Park and Garden.

Development: Outline planning permission is sought in respect of the residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access.

The application is supported by a Planning Statement, Design and Access Statement (DAS), Landscape and Visual Appraisal, Cultural Heritage Assessment, Transport Statement (Transport Planning Associates), Extended Phase 1 Habitat Survey and Ecological Update Letter (Soltys Brewster), Tree Survey, Categorisation and Constraints Report (Soltys Brewster), Proposed Drainage Strategy (Mayer Brown) and proposed Drainage Strategy Addendum (Transport Planning Associates), Archaeological Assessment (EDP Partnership).

Cont....

Application No. 15/0252/OUT Continued

Use: The application proposes a housing scheme with capacity to accommodate up to 115 new homes. The DAS prepared in support of the application sets out the evolution of Indicative Masterplan, considering the opportunities and constraints that the site presents to deliver a scheme and density that is appropriate and reflects its surroundings.

The applicant indicates that the "proposed housing will reflect a wide range of size, types and tenures in order to cater for the needs and demands of the local population and market place. The final mix of housing (in terms of type and tenure) is to be determined through reserved matters applications and in consultation with the Council."

The description of the development also includes reference to associated open space, landscaping, and highways and service infrastructure.

The amount of development proposed for each use: up to 115 houses.

Indicative layout: The DAS submitted with the application seeks to set out the evolution of the Indicative Masterplan which forms part of that document. It attempts to show how it has considered the opportunities and constraints that the site presents to deliver a scheme and density that is appropriate and reflects its surroundings. It also indicates the provision of public areas of open space.

Indicative access points: The development is accompanied by a preliminary design showing a priority junction from Blackwood Road at the eastern boundary of the site.

Dimensions: The site amounts to 5.89 hectares. The indicative housing layout shows 115 properties which gives an overall density of development of 30 dwellings per hectare (30 dph).

Dimensions (upper and lower limits for height, width and length of each building):

The proposed development will be a maximum of 2.5 storeys and will be a mix of detached, semi-detached and short rows of terraced houses at a density of 30dph.

Type 1 - 4m - 7m x 7.5m - 10.5m x 8m - 11m.

Type 2 - 8m - 11m x 6m - 9m x 8m x 10m.

Type 3 - 9m - 12m x 8.5m x 11.5m x 8m x 10m.

Cont....

Application No. 15/0252/OUT Continued

Materials: Reserved for subsequent approval but the following external materials are proposed.

Walls - render, natural stone and some brick.

Roofs - plain tile, slate, either smooth man made thin profile slate or natural stone.

Boundary walls - render and buff brick. Natural stone walls to natural stone properties.

Windows - white upvc or white composite aluminium.

Doors - grey and soft heritage coloured front doors.

Ancillary development, e.g. parking: the indicative site layout plan submitted with the application indicates on-plot parking provision in respect of each dwelling.

PLANNING HISTORY

2/12718 - Erection of replacement farm house and garage - Granted 29.11.96.

P/05/1287 - Convert redundant agricultural building for residential use - Granted 08.12.05.

P/05/1155 - Convert redundant agricultural building for residential use - Granted 09.05.06.

P/04/1447 - Erect portal framed fodder and implement store - Prior Approval Required - 12.10.07.

09/0170/FULL - Erect garage - Granted 30.04.09.

07/1569/LBC - Carry out general refurbishment and front extension - Granted 30.07.08.

14/0312/FULL - Erect stable extension to existing garage - Granted 07.07.14.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Outside of any settlement boundary and within the Blackwood, Oakdale and Penmaen Green Wedge as identified by Policy SI1.9 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010. The application site is a greenfield parcel of land in the Northern Connections Corridor (NCC) located to the north of Blackwood Town Centre.

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Application No. 15/0252/OUT Continued

The site lies beyond the existing settlement boundary for the town and forms a part of the wider designated green wedge. The development of the site for residential use would therefore constitute a departure from the plan.

Policies:

Strategic Policies

SP2 - Development Strategy in the Northern Connections Corridor, SP4 - Settlement Strategy , SP5 - settlement boundaries, SP6 - Place making, SP7 - Planning Obligations, SP8 - Minerals Safeguarding, SP10 - Conservation of Natural Heritage, SP14 - Total Housing Requirements, SP15 - Affordable Housing Target, SP21 - Parking Standards,

Countywide Policies

CW1 - Sustainable Transport, Accessibility and Social Inclusion, CW2 - Amenity, CW3 - Design considerations - Highways, CW4 - Natural Heritage Protection, CW5 - Protection of Water Environment, CW6 - Trees, Woodland and Hedgerow protection, CW10 - Leisure and Open space provision, CW11 - Affordable Housing Planning obligation, CW15 - General locational constraints, CW22 - Locational constraints - Minerals, supplementary planning guidance contained in LDP1 - Affordable Housing Obligations, LDP4 - Trees and Development, LDP 5 - Parking standards, LDP6 - Building Better Places to Live,

NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014.

PPPW at paragraph 3.1.2

3.1.2 In line with the presumption in favour of sustainable development (see 4.2) applications for planning permission, or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government and the UK Government. All applications should be considered in relation to up to date policies (see 2.7 and 4.2).

3.1.3 Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability (see 4.2).

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3.1.5 The local planning authority should have good reasons if it approves a development which is a departure from the approved or adopted development plan, or is contrary to the Welsh Government's stated planning policies, the advice of a statutory consultee or the written advice of its officers, and those reasons should be recorded in the Committee's minutes. Where planning permission is refused, the local planning authority must state clearly the reasons for the refusal.

3.7.2 The Community Infrastructure Levy Regulations 2010 (CIL) came into force in April 2010 and are non-devolved. The regulations allow local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money raised from the levy (CIL) must be used to fund infrastructure to support the development of the local authority's area. "Infrastructure" includes roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities and open spaces.

3.7.3 The CIL is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site specific impact mitigation requirements without which a development should not be granted planning permission. Some of these needs may be provided for through the CIL but others may not, particularly if they are very local in their impact. There is therefore still a legitimate role for development-specific planning obligations to enable a local planning authority to be confident that the specific consequences of development can be mitigated.

4.7.8 Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

4.8.1 Around towns and cities there is often the need to protect open land. Local planning authorities need to consider establishing Green Belts and making local designations, such as green wedges. Both Green Belts and green wedges must be soundly based on a formal assessment of their contribution to urban form and the location of new development and can take on a variety of spatial forms.

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The essential difference between them is the issue of permanence. Land within a Green Belt should be protected for a longer period than the current development plan period, whereas green wedge policies should be reviewed as part of the development plan review process.

Inappropriate development

4.8.14 When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply.

Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge.

4.8.15 Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.

4.8.16 The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;
- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

9.2.10 In determining the order in which sites identified in accordance with paragraph 9.2.8 above should be allocated, the presumption will be that previously developed sites or buildings for re-use or conversion should be allocated before greenfield sites. The exception to this principle will be where previously developed sites perform so poorly in relation to the criteria listed in paragraph 9.2.9 as to preclude their use for housing (within the relevant plan period or phase) before a particular greenfield site.

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Application No. 15/0252/OUT Continued

TAN 1: Joint Housing Land Availability Studies (2015), TAN 2 - Planning and Affordable Housing (2006), TAN 5 - Nature Conservation and Planning (2009), TAN 11 - Noise (1997) TAN 12 - Design (2014), TAN 18 - Transport (2007),

There are also other policy related matters which require to be considered in respect to this submission. Such matters could constitute material considerations in respect to the determination of this proposal. They are:

- The 5 year Housing Land Supply.
- The Annual Monitoring Report.
- The Local Development Plan Revision.
- The Community Infrastructure Levy (CIL).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes, the proposal exceeded the threshold of 0.5 hectares for such developments.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The development falls within the Development High Risk Area and as such the Coal Authority request appropriate conditions are attached to any consent requiring site investigations and appropriate remedial measures where necessary.

CONSULTATION

Principal Valuer - Is satisfied that the revised site boundary now excludes land in Council ownership and therefore has no adverse comments.

Transportation Engineering Manager - Has no objection to the development subject to conditions being attached to any consent requiring the proposed development to be served by a ghost island road junction, visibility splay of 2.4m x 120m and off-street parking provision to be provided in accordance with supplementary planning guidance contained in LDP5 - Parking Standards.

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Application No. 15/0252/OUT Continued

Head Of Public Protection - No objections subject to conditions being attached to any consent requiring secondary glazing systems in all habitable rooms facing the main road to be capable of achieving an internal Lmax level of 45 dB(A) together with a standard contamination conditions regarding the importation of any soils or materials.

Rights Of Way Officer - Footpath 109 in the community of Bedwellty crosses the site and must not be obstructed. An application to divert the path to an alternative location, which lies outside the application site has been made to the council and is pending determination. However, until such time as approval for any diversion is granted Footpath 109 must not be obstructed.

Head Of Public Services - No objections but provides advice to be conveyed to the developer regarding the need to provide adequate on-site kerbside collections.

CCBC - 21st Century Schools - The provision of schools is a matter being addressed by way of the Local Development Plan review. Also the financial contribution towards such education provision will come through the Community Infrastructure Levy (CIL) monies when the detailed application is determined.

Natural Resources Wales - No objection but provides advice to be conveyed to the developer in respect of ecology and pollution.

The Coal Authority - Concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to the development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends appropriate conditions are attached to any planning permission granted.

Senior Engineer (Land Drainage) - Has no objection to the development subject to a condition being attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer in respect of drainage matters.

Wales & West Utilities - Confirms the existence of their apparatus within the vicinity of the site and provide advice to be conveyed to the developer in respect of the same.

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Application No. 15/0252/OUT Continued

Glam/Gwent Archaeological Trust - The Archaeological Assessment, prepared by EDP Ltd. (report no EDP2976-01a, dated September 2015), meets current professional standards and has been considered. The Historic Environment Record curated by this Trust shows that the application area surrounds the listed farmstead at Cwm Gelli (Cadw record no's 18425 and 18426, farm house and agricultural range respectively, both Grade II) and lies within 500m of the range listed buildings at Maes Manor Hotel which is surrounded by a Registered Historic Park and Garden (Cadw ref GT54, Maes Manor Hotel) and its Essential Setting, and significant view. They have no objection to the positive determination of this application.

Senior Arboricultural Officer (Trees) - Has no objection to the development commenting that the overall layout appears reasonable in terms of the potential impact on the surrounding trees. In accordance with the recommendations of BS5837:2012, and the LDP, a Tree Protection Plan (TPP) should be submitted on the basis of the tree survey (already undertaken) and an Arboricultural Method Statement (AMS) included that will detail in full the successful implementation of the TPP and account for all working methods necessary on site with regard to the retained trees. Should the TPP highlight the need for any special measures - such as no-dig construction within the Root Protection Areas (RPAs) of retained trees, or ground protection measures should the RPAs need to be encroached upon for any phase of the development - then they must also be included in the AMS. The AMS will also fully detail those provisions on site for access - pedestrian and vehicular; storage of materials, plant and equipment; site prohibitions. A schedule of monitoring visits by the developer's appointed arboriculturist, to allow for tool-box briefings of all site staff, and arboricultural supervision on site at the most appropriate moments of the development should be incorporated within the AMS. This aspect of the development may be addressed by attaching a pre-commencement condition to any consent. The hedgerow trees and shrubs at the western boundary of the site should be impacted upon as minimally as possible, and if it is agreed that a turning head is required, then the landscaping scheme for this development would need to incorporate any tree or hedgerow loss mitigation planting to an appropriate extent.

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Application No. 15/0252/OUT Continued

CCBC Housing Enabling Officer - Based on a 115 unit scheme would require 29 Affordable housing units. These should be made of the following tenures and house types:-

Social rented

The units would need to be delivered in clusters of 6, be built to DQR and transferred to the Seren Group.

9 x 1 bed 2 person apartments £48,723 (separate walk up).

7 x 2 bed 4 person houses £67,391.

3 x 3 bed 5 person houses £67,722.

Assisted Home Ownership

The following units would need to be delivered to the developer's standard house types in clusters of no more than 6 units.

5 x 2 bed 4 person houses (£61,449.27).

5 x 3 bed 5 person houses (£65,513.93).

Outdoor Leisure Development Officer - The open spaces and play areas should be well designed, quality useable public spaces. It follows that these areas should benefit from good drainage and have open views. The indicative site layout submitted has incorporated adequately for leisure and recreation in that it provides for a suitably scaled equipped play facility; kick about area and local area of play (LAP). He provides advice to be conveyed to the developer.

Minerals Officer - The site is a parcel of land on the edge of the settlement within the mineral safeguarding area for sandstone. There are no existing quarries in close proximity to the site and no interest has been shown in exploiting the reserve in the area to date.

The Pennant Sandstone of the Coal Measures is highly valued as a mineral resource because it is one of a very limited number of geological formations in the UK that can supply high specification aggregate, suitable for motorway surfacing and other applications where a high degree of skid resistance is required.

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Application No. 15/0252/OUT Continued

Although such material is limited nationally, the Pennant Sandstone is extensive in the south Wales coalfield and the safeguarding area covers the majority of the County Borough north of Caerphilly and south of the Heads of the Valleys Road.

There are currently two quarries in the County Borough capable of producing HSA, Bryn Quarry, Gelligaer and Hafod Fach Quarry, Abercarn (currently mothballed).

Minerals are a finite resource that can only be worked where they occur and Mineral Planning Policy Wales and Mineral Technical Advice Note 1: Aggregates state that policies should protect potential mineral resources from other forms of permanent development that would sterilise them or hinder future extraction and state that the potential for future extraction should be considered.

Policy CW22 in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 translates this into the development plan. The proposed development would constrain the future extraction of the mineral by introducing permanent sensitive development in the safeguarding area. In terms of the criteria for permanent development, the proposal does not meet criterion iv and it is unlikely that the mineral could be extracted satisfactorily prior to the development taking place (criterion ii) due to the timescales involved, the availability of markets and proximity to existing sensitive development.

For the reasons set out above, it is also unlikely that the applicant could demonstrate that the mineral was no longer of any value, even taking into account that the quality of the mineral varies from location to location.

The application, therefore, needs to demonstrate that there is an overriding need for the development in this location, which outweighs the need to safeguard the sandstone resource, and that suitable sites cannot be found outside the safeguarding area.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press on site and 32 neighbouring properties have been consulted.

Response: 13 letters and Petition - 27 signatories.

Summary of observations:

1. Adequacy of infrastructure of the area.
2. Not in accordance with policy - Green wedge.

Cont....

Application No. 15/0252/OUT Continued

3. Adverse impact upon the environment in terms of context and the scale of development.
4. Loss of valuable green space in terms of landscape.
5. Impact upon ecology.
6. Uncontrolled dust, noise and mud on road.
7. Impact upon trees.
8. Light pollution during and after development.
9. Increase in traffic.
10. Highway safety considerations particularly in terms of the access. As above.
11. Rainwater run-off pollution during and after completion of the development.
12. Loss of light.
13. Stability of the ground it is believed that a fault runs across the site.
14. Concern regarding the impact of the development upon an existing culvert.
15. Will there be suitable surface water and land drainage or will the development exacerbate existing flooding problems.
16. Will harm the setting of the listed buildings in the area and historic gardens at the Maes Manor.
17. Does not constitute ribbon development and its suburban appearance and siting will be detrimental to both the character and amenity of the Cwmgelli settlement, creating a built up appearance from the road and adversely affecting the visual amenity of the area.
18. Risk of coalescence to the north.
19. Loss of view.

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 outline planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

The proposed site consists mostly of improved, grazed grassland with a stream and small flush on the northern boundary. An area of species-poor marshy grassland in the north east with boundary tree lines and hedgerows and an off-site pond on the northern boundary. The pond that was previously present within the proposed application site was recently filled in.

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Application No. 15/0252/OUT Continued

There are residential properties to the west and south and east of the site and farmland to the north and east.

The Extended Phase 1 Habitat Survey was undertaken by a competent ecologist (Soltys Brewster) and the methodology and findings of the survey report are considered satisfactory. During the site survey, no evidence of protected species, with the exception of birds, were recorded although the boundary trees/hedgerows are likely to be used by birds and foraging/commuting bats. None of the trees within the site had the potential to support bats. The marshy grassland could potentially be utilised by ground nesting birds such as skylark, although no evidence of this species was noted during the survey or from the desk study. Similarly, the off-site pond and recently filled in pond could be utilised by breeding amphibians. The usage of the site by bats needs to be confirmed through activity surveys and an amphibian survey of the pond should also be undertaken. The hedgerows around the boundary and within the site are to be protected and retained as part of the development, therefore a Hedgerow Regulations Assessment has not been carried out. The submitted site layout plan shows areas of green between the rear of the gardens and the retained hedgerows, as well as areas of amenity grassland. These areas will need to be managed to ensure that these areas are maintained as areas of grassland. Consequently, it is considered appropriate to attach conditions to any consent to prevent site/vegetation clearance during the bird breeding season, the submission of a light mitigation strategy, including measures to ensure that street lighting reduces light spillage into foraging bats, the carrying out and submission of an Amphibian survey, a pond habitat creation for Amphibians, a biodiversity, landscaping and management scheme, and bat roost provision and nesting bird provision as biodiversity enhancements. Such details to be submitted and agreed with the Local Planning Authority,

Is this development Community Infrastructure Levy liable? The application is for residential development and as such if granted it would be liable to pay the Community Infrastructure Levy. Pontllanfraith lies within the Mid Viability Area and as such general market housing is liable to pay £25 per square metre. In order for the development to benefit from any social housing relief, any exemptions need to be claimed strictly in line with the CIL Regulations.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

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Application No. 15/0252/OUT Continued

Development Strategy - As can be seen from the policy section above there are a range of policy considerations applicable to this site. In view of the location of the site, being outside the settlement limit, it is evident that there are policies which the application is clearly contrary to. However in a plan led system the legislation states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise" (Planning and Compulsory Purchase Act 2004, Section 38 (6)). As such this section will give an overview of the policy considerations and seek to provide a conclusion based on all the relevant considerations.

Strategy Policies, these are designed to deliver wider aims and objectives of the plan's Development Strategy.

The first of these policies is SP2 which addresses the development strategy in the Northern Connections Corridor (NCC). This policy requires development proposals within the NCC to focus significant development on both brownfield and greenfield sites that have regard for the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; protects the natural heritage from inappropriate forms of development and capitalises on the economic opportunities offered by Oakdale/Penyfan Plateau.

The application site is a greenfield parcel of land in the Northern Connections Corridor (NCC) located to the north of Blackwood Town Centre. The site lies beyond the existing settlement boundary for the town and forms a part of the wider designated green wedge. The development of the site for residential use would therefore constitute a departure from the plan.

Policy SP2 Development Strategy (NCC) requires development proposals within the NCC to promote sustainable development. Specifically proposals in this area should: be targeted to both greenfield and brownfield sites having regard to the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; and protect the natural heritage from inappropriate forms of development.

Within the NCC development can be permitted on both brownfield and greenfield sites, where it has regard to the social and economic function of the area. Policy SP4 Settlement Strategy identifies Blackwood as one of two Principal Towns that serves the NCC.

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The LDP seeks to enhance the role and function of existing Principal Towns in order to respond to the social, economic and environmental needs of individual settlements. Blackwood is the areas major retail centre and as a result of significant investment in recent years is increasingly recognised as a sub-regional shopping centre. The emphasis for Blackwood in the LDP is largely on strengthening the retail offer of the town whilst developing the area as an economic hub by exploiting opportunities for business, in particular office development. As a consequence there are very few residential land allocations identified in the LDP within Blackwood or the Greater Blackwood area.

Only one allocated housing site remains available for residential development within the town, namely HG1.26 Blackwood Ambulance Station and this remains in active use as an ambulance station. The other allocated site within the town is HG1.29 South of Thorncombe Road and this is currently under construction.

Within the Greater Blackwood Area a number of allocated housing sites remain available for development, most notably HG1.30 Land at Hawtin Park, Pontllanfraith, which has planning consent for 80 dwellings and Land at Gellideg Heights, Maesycwmmer which can accommodate 95 dwellings subject to the signing of a S106 Agreement. When developed these will contribute toward the social and economic functioning of the town.

Policy SP2 also requires that new proposals reduce car borne trips by promoting sustainable modes of travel and make the most efficient use of existing infrastructure. The site lies approximately 500m from the edge of the Principal Town Centre of Blackwood and has a bus stop immediately adjacent to it on the A4048. Whilst Blackwood is not on the main rail network, there is a regular bus service that runs cross-valley to Ystrad Mynach and a regular service to Newbridge, both of which are on the main rail network providing access to the wider region. The site is located in a highly sustainable location in close proximity to a wide range of services and facilities and would be capable of utilising existing infrastructure.

The site is greenfield and as such policy SP2 requires new proposals within the NCC to protect natural heritage features from inappropriate forms of development. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Criterion D of Policy SP2. The majority of such mitigation will be in the form of conditions requiring landscaping and tree protection schemes. These are however issues for the reserved matters application as landscaping is a detailed matter.

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Application No. 15/0252/OUT Continued

Consequently, the proposal would be acceptable in terms of Criteria A to E of Policy SP2 subject to detailed consideration and appropriate mitigation.

Policy SP5 Settlement Boundaries is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. Importantly it also promotes the full and effective use of urban land and concentrates development to within existing settlements. The whole of the application site is located outside the settlement boundary for Blackwood and is in the countryside. Criterion C of Policy SP5 also seeks to prevent the coalescence of settlements and in the context of this application SP5 is supplemented by Policy SI1.8 which defines a Green Wedges to the north of Blackwood to reinforce the Settlement Boundary and maintain the open space between Blackwood, Cwm Gelli and Cefn Fforest.

The development of the application site would amount to a significant extension of the urban settlement into a prominent stretch of countryside alongside the main northern approach into Blackwood and this would inevitably change the character and appearance of the immediate surroundings and serve to erode the open character of the green wedge at this location. The extension of Blackwood in a north easterly direction into the green wedge is therefore clearly contrary to Policy CW15. The development of the site for residential use is therefore also contrary to Policy SP5.

Notwithstanding the existing delineation of the settlement boundary the development of the site would constitute a logical rounding off of the existing settlement limit at this location, extending the built form in an easterly direction. It sits on the main road to Tredegar, very close to the newly constructed Chartist Bridge that has opened up the valley. It adjoins the settlement along the southern edge with Cwmgelli Villas. It is well related through this road, through cycle and pedestrian links to Blackwood. The development of the site provides the opportunity to provide a distinctive, high quality scheme that maximises the concept of sustainable, healthy living and providing a strong sense of place, drawing upon the context of Blackwood and its surroundings in terms of context and culture. Notwithstanding the masterplan submitted with the application is indicative only, with matters of layout, appearance, scale, and landscaping reserved for subsequent approval, it is considered the indicative layout provides a robust settlement boundary from Cwmgelli, creating an appropriate transition from the edge of residential development to the open countryside whilst respecting the character and setting of the listed buildings and historic gardens.

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Application No. 15/0252/OUT Continued

In line with national planning policy, SP6 Place Making requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features.

The application proposes the development of 115 dwellings in an area of acute housing pressure and in an area of considerable housing need. The proposal would increase the mix of housing available within the area to meet the needs of residents, and critically it would provide much needed affordable housing to meet local housing need.

The location of the development on the edge of Blackwood and close to the Principal Town of Blackwood will serve to minimise the demand for travel. The site is in a location that can be served by sustainable modes of transport, albeit that it is inevitable that some residents will still rely on the private car. The indicative master plan indicates that good permeability can be achieved to integrate the site with the existing development in the area providing safe pedestrian access into and from the site.

Policy SP6 requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and the where appropriate through the use of Suds. It is unclear from the DAS what consideration, if any, has been given to the need to ensure that the proposed layout of the site maximises the opportunities for passive solar gain but this is an outline application with such matters reserved for subsequent approval.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. This is particularly significant where a development proposal affects a listed building or its setting. The primary material consideration in such cases is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Further the potential effect of the proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may also be a material consideration in the determination of the planning application. In this respect this Council's Conservation Officer has considered the Heritage Assessment submitted with the proposal and has raised no objection to the development.

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Application No. 15/0252/OUT Continued

The proposed layout should be rigorously assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that the requirements of SP6 are fully met. This is particularly important in terms of the potential effect of the development on the setting of the listed buildings in this area and on Maes Manor and its registered historic landscape which also has its own essential setting (Grade II). It is noted that this is an outline application with matters in respect of appearance, landscaping, layout and scale reserved for subsequent approval.

Given the location of this site on the edge of settlement, it is suggested that the introduction of a comprehensive landscaping scheme which protects existing trees and natural features and which introduces new natural features into the scheme will serve to enhance the scheme and will integrate the development into the wider landscape in the long term.

Policy SP7 Planning Obligations recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effect of that development. In the context of this application, the Council will seek to secure (as a minimum) the provision of appropriate on site formal and informal open and leisure space, infrastructure improvements to facilitate walking and cycling and the provision of 25% affordable housing amounting to 29 units comprising both assisted home ownership and social rented housing.

The site lies within a minerals safeguarding area as identified by Policy SP8 Minerals Safeguarding. The view of the Minerals Officer in respect of the proposed development is raised above.

In line with the overarching Strategy requirements contained in Policy SP2, Policy SP10 Conservation of Natural Heritage seeks to protect, conserve, enhance and manage the natural heritage of the county borough in the consideration of all development proposals. Due to its scale and open nature, the site forms an integral part of the countryside fringe in North Blackwood; there is, in terms of their character and appearance, a clear contrast between this and the adjoining segment of the established built-up settlement and the division on the ground is accurately reflected in the Plan's delineation of the settlement boundary in the immediate vicinity. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Policy SP10. In this regard the comments of the Countryside and Landscape Section referred to above may be addressed by attaching appropriate conditions to any consent.

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Application No. 15/0252/OUT Continued

Policy SP14 Total Housing Requirements makes provision for 10,269 dwellings for the 15-year period 2006 to 2021. This represents 1,644 (19%) residential units more than the 8,625 units required to meet the dwelling housing requirement identified for the plan period. The 19% over-allocation allows for flexibility and choice in recognition of the fact that not all sites will be developed.

The Annual Monitoring Report (AMR) is the main mechanism for reviewing the relevance and success of the LDP and identifying any changes that might be necessary. The main principle of the monitoring process is to identify when the revision of the LDP should take place.

The Council has prepared three reports to date, the most recent of which was considered by Council in October 2014. Notably the AMR monitors Policy SP14 against the annual building rate and therefore against the housing land supply calculated by past building rates. Using these monitoring factors the trigger points for review have not been reached.

Notwithstanding this position, it is evident that new housing has not been delivered at the levels required in the first half of the plan period. Policy SP14 indicates that there is a housing requirement for 8625 new dwellings to be delivered to meet identified need over the plan period. In order to meet this need an average of 575 dwellings needs to be delivered per annum. The 3rd AMR indicated that 3287 units had been delivered (38% of the total housing requirement) up to March 2013.

When the 2014 JHLAS completion figures (i.e. an additional 351 units) are factored into the calculation, completions over the plan period increase to 3638 (42%). Therefore there is a need for a further 4987 (58%) dwellings to be developed over the remainder of the plan period i.e. by 2021 to meet the total housing requirement for the plan period.

National indicators are also included within the AMR for housing land supply and notably these require housing land supply to be monitored based on the residual method as outlined in Technical Advice Note 1: Joint Housing Land Availability Studies (2015). TAN 1 seeks to ensure that there is a genuine 5 year land supply available, and thus categorises sites to indicate those that can be included within the 5 year land supply. Using this method of calculation the 2014 JHLAS indicated that there was only 2.5 year supply available rising to 3.5 years if all of the S106 sites were included in the land supply.

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Application No. 15/0252/OUT Continued

It is acknowledged that the housing land supply figure is a material consideration in determining planning applications for housing. It is further acknowledged that where the current study shows a land supply below the 5-year requirement the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies (Para 6.2 TAN 1).

The development of the site is contrary to the provisions of the LDP in so far as the site lies outside of the settlement boundary for Blackwood Town and within a Green Wedge. However this needs to be balanced against the need to increase the housing land supply in both Blackwood and the County Borough as a whole.

Policy SP15 Affordable Housing Target seeks to deliver through the planning system at least 964 affordable dwellings over the plan period in order to contribute to balanced and sustainable communities. The application proposes 115 dwellings in an area of housing pressure and in an area with considerable housing need. Within the NCC the plan seeks to secure 25% affordable housing to meet the identified needs in the area. Consequently there is the potential for the proposal to deliver in the region of 29 affordable homes. In the interests of creating sustainable communities a variety of tenures should be considered. LDP 1 Affordable Housing Obligations (June 2014) provides supplementary planning guidance on the delivery of affordable housing through the planning system.

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling and that appropriate infrastructure is included in the layout to facilitate short trips on foot. The design process contained in the DAS, has made good provision for pedestrians. There is evidence to suggest that the requirements of Policy CW1 in terms of cycle provision have been taken into account. The Transport Engineering Manager has assessed the application and has raised no objection to the development subject to conditions being attached to any consent as discussed above.

Policy CW2 Amenity requires proposals to have regard for all relevant material planning considerations. Of specific relevance to this application is Criterion B, which seeks to ensure that the proposal would not result in the over-development of the site and its surroundings.

Cont....

Application No. 15/0252/OUT Continued

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning consideration. This is particularly significant in terms of this application as it has the potential to affect the setting of the listed buildings on site the Maes Manor complex to the north.

Notwithstanding the proposed site layout is indicative only; it has been rigorously assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that the requirements of CW2 are fully met. In this respect and following negotiations with the developer an amended indicative site layout plan has been submitted, which is considered to be acceptable in principle when assessed against criteria A - D of Policy CW2. However, the details of scale, appearance, site layout and landscaping are reserved for subsequent approval.

Policy CW3 Design Considerations Highways requires development proposals to have regard for the safe, effective and efficient use of the transportation network and in particular to observe the requirements of Criterion D in respect of restrictions on new development as it relates to County Roads (A4048). In particular, there should be no provision for on-street parking or direct frontage access along the County Road. The car parking standards that are required to be met are set out in supplementary planning guidance LDP5 Car Parking Standards. A Transport Statement has been submitted with the application which has been assessed by the Transportation Engineering Manager who has raised no objection to the development subject to conditions.

Policy CW6 Trees, Woodland and Hedgerow Protection requires development proposals on sites containing trees and hedgerows to take effective measures to protect those features and to sensitively integrate them into the development to enhance the quality of the development scheme and also safeguard as far as practical the biodiversity and heritage resource. In this respect, the development should be designed in line with the guidance in LDP4 Trees and Development in order to ensure that trees on site are retained where possible and space safeguarded to allow both existing and newly planted trees to flourish and mature to their full potential to ensure long-term retention, while avoiding undue future pressure for felling or excessive pruning. All design elements should be arranged to ensure a good spatial relationship is achieved between new development and trees that are to be retained and planted as part of a landscape scheme. It is noted that a tree survey has been undertaken for the site, which indicates those trees that should be retained and those that would be adversely impacted by the development of the site.

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Application No. 15/0252/OUT Continued

In this context the Council's Arboricultural Officer has considered the information submitted and responded to the effect that the development is acceptable subject to conditions relating to the submission of a Tree Protection Plan and a related Arboricultural Method Statement.

Policy CW10 Leisure and Open Space Provision requires all new housing sites capable of accommodating 10 or more dwellings to make provision of adequate well designed open space and children's' play facilities either on or off site. The site has made provision for an adequate provision of open space, which includes a Locally Equipped Area of Play (LEAP) and a Local Area of Play (LAP). The application is currently in outline, with all matters reserved. It is considered that this aspect of the development could be conditioned to ensure that formal play provision is required to be provided in the detailed application, thereby satisfying the policy.

Policy CW11 Affordable Housing Planning Obligations seeks appropriate levels of affordable housing in order to meet an identified housing need within the area. This site lies within the NCC and as such 25% of the units on the site should be provided in line with the requirements of the policy. In this respect the provision of 29 affordable homes is required as discussed above and will be subject to the applicant entering into a Section 106 Agreement designed to secure the same.

Policy CW15 General Locational Constraints indicates that proposals outside of defined settlement boundaries will only be permitted for specified uses that meet the provisions of the policy; housing is not such a use. The development of housing in these circumstances is only usually permitted where affordable housing is proposed in line with Policy CW12 Affordable Housing Exceptions Sites.

The development of the application site would amount to a significant extension of the urban settlement into a prominent stretch of countryside alongside the main northern approach into Blackwood and is therefore clearly contrary to Policy CW15. Policy CW15 General Locational Constraints specifies the type of development that will be permitted outside of the settlement boundary. The proposal is for housing and this type of development cannot meet the provisions of Policy CW15. This policy requirement must therefore be considered against other material considerations. These are discussed below.

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Application No. 15/0252/OUT Continued

Site Specific Considerations

The application site is a greenfield parcel of land in the Northern Connections Corridor (NCC) located to the north of Blackwood Town Centre. The site lies beyond the existing settlement boundary for the town and forms a part of the wider designated green wedge (SI1.8). The development of the site for residential use would therefore constitute a departure from the Adopted LDP.

Other Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan in question is the Caerphilly County Borough Local Development Plan Up to 2021 – Adopted November 2010. Material considerations include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government and the UK Government.

The proposal for housing is clearly contrary to certain provisions of the LDP (specifically the designation of the site as a Green Wedge beyond the Settlement Boundary). This needs to be balanced against other material planning considerations, in order to determine whether the proposal to develop the site for residential use would be acceptable given current circumstances.

5 year Land supply

PPW requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study (JHLAS). Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (TAN1) says that the results of the JHLAS should be treated as a material consideration in determining planning applications for housing.

The Caerphilly JHLAS for 2014 shows that there is 2.5 years land supply when calculated using the residual method as required by TAN 1. The Council recognises that where the current study shows a land supply below the 5-year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies.

Cont....

Application No. 15/0252/OUT Continued

The lack of a five-year housing land supply is a matter of serious concern that needs to be addressed if the overall housing requirement is to be met over the plan period. The monitoring evidence indicates that it is unlikely that this position will improve in the short term. Indeed it is likely that the JHLAS for 2015 will indicate a worsening position.

LDP Revision: The First Revision of the LDP is underway. As part of the preparation of the replacement plan, there is recognition that there is a need to identify new housing sites within the Greater Blackwood area. It should be noted that the settlement boundary and the green wedge designation at this location will also be subject to re-consideration through the revision process.

The Preferred Strategy has been subject of a public six-week consultation exercise and as part of this process north Blackwood was highlighted as an area for housing expansion. It is important to note however that the weight to be attached to the emerging replacement plan is limited, as it does not simply increase as the plan progresses towards adoption. Certainty regarding the content of the replacement plan will only be achieved when the Inspector publishes the binding report further to the examination stage. Consequently whilst the Preferred Strategy provides an indication that north Blackwood is a preferred area for growth this should not be used as a basis for approving this application at this stage.

Conclusions

The development of the site for residential use is clearly contrary to the development plan and if permitted would be a departure from the LDP.

The development of the application site would amount to a significant extension of the urban settlement into a prominent stretch of countryside alongside the main northern approach into Blackwood and this would inevitably change the character and appearance of the immediate surroundings and serve to erode the open character of the green wedge at this location contrary to the provisions of the LDP.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning consideration. This is particularly significant where a development proposal has the potential to affect a listed building or the setting, as in this application. The primary material consideration is the statutory requirement to have special regard to the desirability of preserving the buildings and their setting and also the setting of the Historic Garden at Maes Manor.

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Application No. 15/0252/OUT Continued

The proposed layout should therefore be rigorously assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that this statutory requirement can be met. Whilst the extension of Blackwood's urban area on to the site might be acceptable in principle, the urban design analysis that needs to be undertaken should examine whether the urban form of the development proposed is appropriate to the sensitive context of the application site.

Given its proximity to the Principal Town of Blackwood, the development of the land at Cwm Gelli for residential development could represent a sustainable extension to the town, providing much needed family and affordable housing for which there is an acknowledged need and an acknowledged shortfall.

The requirement to maintain a 5-year supply of readily developable housing land in each local planning authority across Wales remains a key planning policy requirement of the Welsh Government.

The housing land supply figure is a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement as in the case presently in Caerphilly i.e. 2.5 years (2014) the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.

The development of the site is contrary to the provisions of the LDP, in so far as the site lies outside of the settlement boundary for Blackwood Town and within a Green Wedge. However this needs to be balanced against the need to increase the housing land supply in both Blackwood and the County Borough as a whole.

If members are minded to permit development on the site, then in order to ensure that the site can genuinely contribute toward the 5 year housing land supply, it would be appropriate to specify that development should commence within three years from the date that outline consent is granted (as opposed to the usual five years), with reserved matters submission within one year instead of three.

Comments from Consultees: There have been no objections from consultees subject to appropriate conditions being attached to any consent/agreement to be entered into which will control the proposal to an acceptable level.

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Comments from public: The response to the points raised by the general public are as follows:-

1. Adequacy of infrastructure of the area. The infrastructure provision in Blackwood is a matter that will be assessed via the Local Development Plan review. If considered to be necessary sites for schools and health facilities will be identified. The Education Department and the area health board contribute to this process.
2. Not in accordance with policy - Green wedge. The policy implication regarding this development has been discussed at length above and the need for the provision of much needed housing, including affordable housing is a material planning consideration in the determination of this application.
3. Adverse impact upon the environment in terms of context and the scale of development. It is accepted that the development of this land for residential use will have an impact upon the rural character of the area. However, an indicative site layout masterplan submitted with the application has demonstrated that regard has been given to the rural character of the surrounding area and context in terms of the setting of the listed buildings and Historic landscape. However it should be noted that matters of layout, scale, and appearance are reserved for subsequent approval.
4. Loss of valuable green space in terms of landscape. This is private land and the applicant is entitled to apply for residential consent on this greenfield land. The application has been supported by a Landscape and Visual Assessment together with a Tree Survey, which has been considered by this Authority. The proposal is therefore assessed against policies and all relevant material considerations as discussed above.
5. Impact upon ecology. The application is supported by an Ecological survey, and the findings of the report are considered acceptable by this Authority. The proposed development will result in the loss of open fields however the Council's Ecologist and those of Natural Resources Wales consider that conditions can be imposed which would protect wildlife interests to an acceptable level including conditions to enhance biodiversity.
6. Uncontrolled dust, noise and mud on road. There will be a level of disturbance/disruption during the construction phase. This is common with all such developments. However conditions can be imposed at the detailed stage which would be designed to control matters such as noise, dust, odour, wheel-washing, working hours etc to acceptable limits during that phase.

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Application No. 15/0252/OUT Continued

7. Trees. The application is supported by a Tree Survey, which has been considered by this Authority and considered acceptable. It is noted that the indicative masterplan submitted with this application identifies the retention of the majority of trees and hedgerows along the boundary of the site. Any reserved matters application would however require the submission of a Tree protection Plan (TPP) together with an Arboricultural Method Statement (AMS) to detail in full the successful implementation of the TPP and account for all working methods necessary on site with regard to the protection of retained trees.
8. Light pollution during and after development. This is an outline application and specific details of lighting would be submitted as part of a reserved matters application.
9. Increase in traffic. The Transportation Engineering Manager has raised no objection to the development subject to conditions.
10. Highway safety considerations particularly in terms of the access. As above.
11. Rainwater run-off pollution during and after completion of the development. No objections have been received from this Council's Senior Engineer (Land Drainage) regarding the proposed development subject to appropriate drainage conditions being attached to any consent.
12. Loss of light. At this outline stage and based upon the indicative masterplan submitted, it is not considered the proposed development would have an adverse impact in terms of loss of light but it is evident that there is scope to develop the site without causing significant harm in this respect. It is at reserved matters stage that these detailed considerations can be considered in full.
13. Stability of the ground it is believed that a fault runs across the site. Appropriate conditions will be attached to any consent to ensure the stability of the ground through site investigation works and mitigation measures where necessary.
14. Concern regarding the impact of the development upon an existing culvert. The Council's Senior Engineer (Land Drainage) has raised no objection to the development subject to a condition being attached to any consent requiring details of land drainage to be submitted and agreed with the Local Planning Authority. .
15. Will there be suitable surface water and land drainage or will the development exacerbate existing flooding problems. The developer will be required to adhere to any planning conditions regarding land drainage matters as well as other legislation, rules and regulations in respect of the same.
16. Will harm the setting of the listed buildings in the area and historic gardens at the Maes Manor. The planning application has been supported by a cultural Heritage Assessment and an Archaeological Assessment which have been considered by this Council's Conservation Officer and GGAT. They have raised no objection to the development.

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Application No. 15/0252/OUT Continued

17. Does not constitute ribbon development and its suburban appearance and siting will be detrimental to both the character and amenity of the Cwmgelli settlement, creating a built up appearance from the road and adversely affecting the visual amenity of the area. The impact of the development in terms of visual amenity has been discussed above.
18. Risk of coalescence to the north. The application results in only a part of the Green Wedge being developed with the remaining area of Green Wedge considered sufficient to prevent coalescence between Blackwood, Cwm Gelli and Cefn Fforest.
19. Loss of view. This is not a planning matter.

Other material considerations: The recommendation is to require the applicant to enter into a S106 Agreement in respect of Affordable Housing provision. The applicant has agreed to enter into such an agreement on the terms outlined. However there are tests for S106s which have to be met.

These are as follows:-

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

With regard to the first of these the arrangements required in respect to affordable housing are to comply with Local and National policy.

In respect to the second point this is an area of housing pressure and affordable dwellings are required in the Blackwood area. It is considered essential that this proposal will provide a substantial allocation of such properties for the benefit of residents.

The third point relates to fairness of scale and kind. In this regard discussions with regard to site viability have resulted in an affordable provision of 25%, up to 115 houses. In view of the projected financial position for this site these levels were considered to be reasonable.

In the circumstances it is recommended that the application be deferred pending the signing of a Section 106 Agreement in respect of the provision of 25% affordable housing comprising social rented housing. The affordable units will need to be transferred at the values contained within the Council's current SPG dated July 2015.

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Application No. 15/0252/OUT Continued

The social rented units will be delivered to the Welsh Government's Design Quality Requirements (DQR) and transferred to the Seren Group. The developer will need to deliver the homes at the affordable values set out within the Council's current SPG on affordable housing.

Upon the completion of this agreement the application be approved on the basis of the conditions stated below.

RECOMMENDATION (A) that the application is DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out in this report. On completion of the Agreement (B) that Permission be GRANTED.

This permission is subject to the following condition(s)

- 01) Approval of the details of appearance, landscaping, layout and scale(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the appearance, landscaping, layout and scale, of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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Application No. 15/0252/OUT Continued

- 05) No development shall take place until an intrusive site investigation has been carried out. The results of the site investigation and methodology used shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.
REASON: To ensure the stability of the site and to protect the dwellings from the effects of previous mine workings.
- 06) If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition (5), additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme/inperpetuity).
REASON: To ensure the stability of the site and to protect the dwellings from the effects of previous mine workings.
- 07) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.
REASON: To ensure the development is served by an appropriate means of drainage.
- 08) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

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Application No. 15/0252/OUT Continued

- 09) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.
- 10) Prior to the commencement of any vegetation clearance, site clearance or development a detailed amphibian survey shall be carried out and the results of the survey, together with any proposed remedial measures (including methodologies) shall be submitted for the agreement of the Local Planning Authority. The measures shall be complied with as agreed.
REASON: To ensure adequate protection for protected species.
- 11) Prior to the commencement of the development hereby approved, a wetland (pond, bog or marshy grassland) habitat creation scheme within the development site shall be submitted to the Local Planning Authority for approval. That scheme shall be accompanied by a 5-year management plan for the wetland which shall include the timing of its implementation.
REASON: To provide habitat for amphibians in the interests of biodiversity.
- 12) Prior to the commencement of works associated with the development hereby approved, a landscaping and management scheme shall be submitted and approved in writing by the Local Planning Authority. Areas identified for native hedgerows, woodland or wild flower planting shall include a mix of approved species of which at least 75% shall be of local provenance. The agreed details shall be carried out in the first planting or seeding season following the completion of the development. Any trees or plants which within a period of five 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. The management proposals should also be included, along with timing of management, management requirements, who is responsible for management, etc.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Government's Planning policy Wales TAN 5 Nature Conservation and Planning.

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Application No. 15/0252/OUT Continued

- 13) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new development at Cwmgelli Farm, Blackwood shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 14) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow and Swift) in the new development at Cwmgelli Farm, Blackwood, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new development hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 15) The details submitted in respect to Condition 01 shall provide for open spaces and play areas to include the provision of a Locally Equipped Area of Play (LEAP) and Local Area of Play (LAP). These details shall be submitted and agreed in writing with the Local Planning Authority and thereafter implemented prior to the occupation of any dwellings that adjoin or overlook those areas of formal play equipment.
REASON: To ensure that the site is provided for in respect to formal play provision.
- 16) The details required in Condition 01 above shall include an Arboricultural Method Statement (AMS) which shall detail fully the implementation of the Tree Protection Plan and include all site instructions or prohibitions necessary to the success of the Tree Protection Plan, and shall include a programme for arboricultural supervision and monitoring, and a programme for any pre-development access facilitation works and the requirements for any contractors engaged to provide such services. This plan shall be agreed in writing with the Local Planning Authority and thereafter all works shall be undertaken in accordance with these agreed details.
REASON: To protect the trees on site during construction works.

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Application No. 15/0252/OUT Continued

- 17) Prior to commencement of development details of a scheme shall be submitted to and approved in writing by the Local Planning Authority to include secondary glazing systems in all windows to all habitable rooms facing the main road shall be capable of achieving an internal L_{max} level of 45 dB(A). Development shall be carried out in accordance with the approved details before first use of the dwellings hereby approved.
REASON: In the interests of residential amenity.
- 18) 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: To prevent contamination of the application site in the interests of public health.
- 19) Prior to the commencement of any works, a survey shall be carried out to establish the use of the site by commuting and feeding bats and the details of the survey together with any measures to minimise impact from lighting or from tree/hedge management works, shall be submitted to the Local Planning Authority for agreement. The development shall be carried out in accordance with the agreed details.
REASON: To ensure adequate protection to protected species.
- 20) As part of the development the retained hedgerows around the perimeter of the site should be excluded from the garden boundaries by a tall wooden fence and a small buffer strip so they are not included within the garden boundaries.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 21) The proposed development shall be served by a ghost island road junction.
REASON: In the interests of highway safety.

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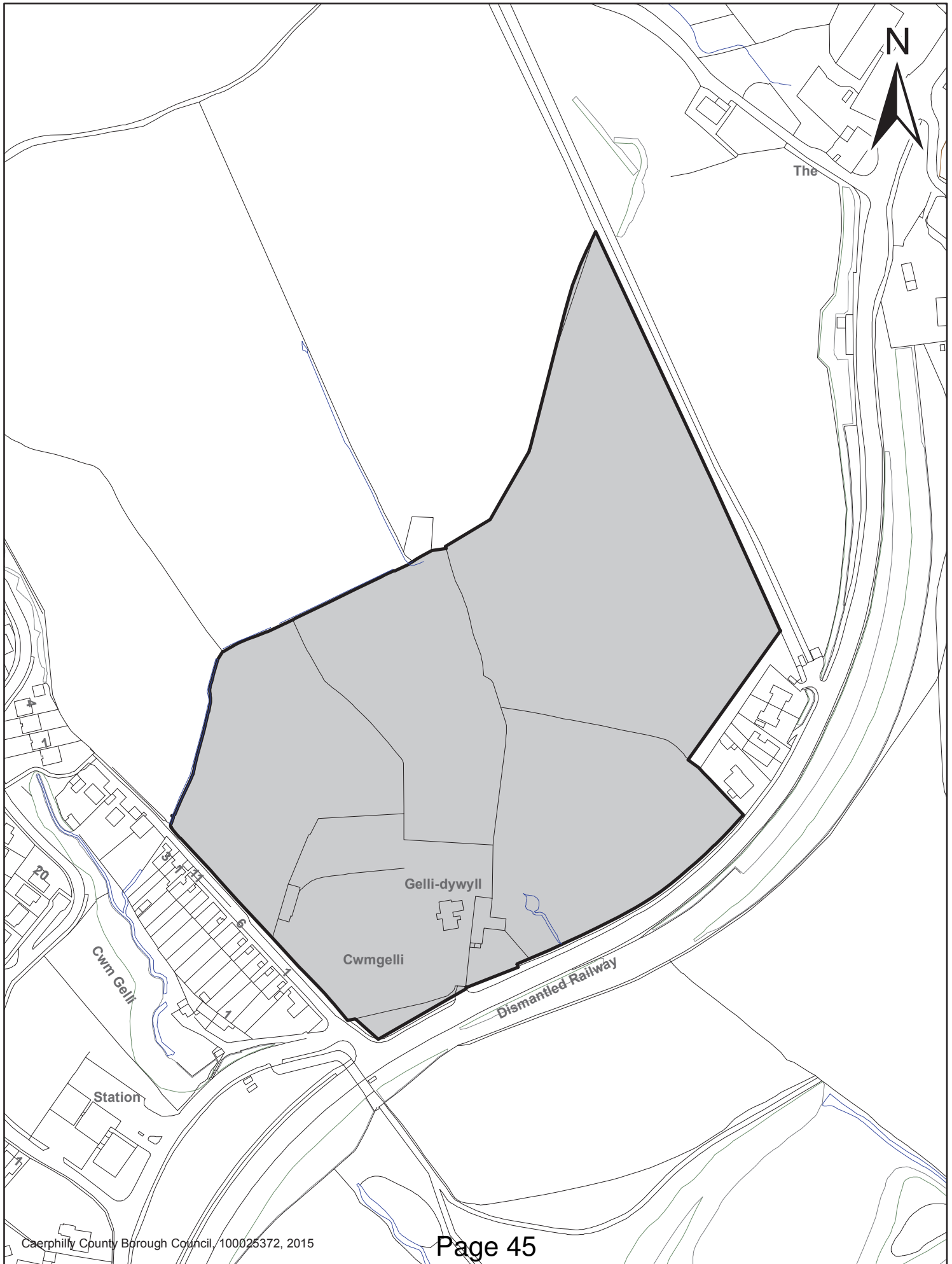
Application No. 15/0252/OUT Continued

- 22) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4m metres x 120m metres. No obstruction or planting when mature exceeding 0.9 metres 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.
- 23) Off street parking provision must be provided in accordance with LDP5 Car Parking Standards.
REASON: In the interests of highway safety.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: SP2, SP6, SP7, SP14, SP10, SP14, SP15, CW2, CW3, CW4, and CW5.

The applicant is advised of the comments of Wales and West Utilities, Senior Engineer (Land Drainage), Outdoor Leisure Development Officer, The Coal Authority, Rights of Way Officer, Natural Resources Wales, Head of Public Services, Council's Ecologist, Transportation Engineering Manager and Senior Arboricultural Officer (Trees).



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PLANNING COMMITTEE – 4TH NOVEMBER 2015

SUBJECT: SITE VISIT - CODE NO. 15/0433/FULL – PEN-Y-FAN FARM, PEN-Y-FAN FARM LANE, MANMOEL, BLACKWOOD, NP12 0HZ.

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

PRESENT:

Councillor D.G. Carter – Chair

Councillors M. Adams, Mrs E.M. Aldworth, Mrs P. Cook, Ms J. Gale, L. Gardiner, A. Lewis and K. Lloyd

1. Apologies for absence were received from Councillors J. Bevan, D. Bolter, W. David, A.G. Higgs, D. Rees, J. Simmonds and Mrs J. Summers.
2. The Planning Committee deferred consideration of this application on 7th October 2015 for a site visit. Members and Officers met on site on Monday, 26th October 2015.
3. Details of the application to erect a 4.1MW solar farm, consisting of around 15,796 solar modules – on-site access tracks, substations, under ground cables, perimeter fencing and CCTV cameras at Pen-y-Fan farm, Pen-y-Fan Farm Lane, Manmoel, Blackwood, NP12 0HZ were noted.
4. Those present viewed and walked the site and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that the proposed development will consist of rows of fixed solar photovoltaic panels with a maximum height of 2.18m above ground level, enclosed by a 1.8m high tensile street deer fence. The spacing, finish and position of the transformer, sub station and grid connects were confirmed. The site is located in open countryside with the south easternmost field of the site lying within the Pen-y-fan Pond and Meadows Site of Importance for Nature Conservation.
6. Members raised concerns with regard to its visual impact as well as its impact on the ecology of the conservation area. The Officer confirmed that the fields within the application site are agriculturally improved grassland which has recently been ploughed through so the impact on habitat would be minimal, the applicant has agreed to plant a wildflower meadow and wild bird cover strips, which if managed appropriately will provide a net benefit for biodiversity. The detrimental visual impact of the development on Pen-y-Fan Bungalows and the Pen-y-Fan Country Park were discussed at length and the objections of the Gwent Wildlife Trust were referenced. Concerns were expressed that taking into account the cumulative effective of existing wind turbines this further addition would constitute an unacceptable loss of much valued countryside.

Clarification was sought as to any 'Community Benefit' associated with the development, the Officer confirmed that this would be a matter for the developer and she was not aware that any obligation had been considered but would seek further information and advise the Planning Committee accordingly.

7. Concerns were expressed in relation to the construction process and the disruption caused during this period, as well as its impact on lane surface. Officers confirmed that a condition road survey assessment would be carried out before and after the construction process and the applicant would be obligated to put right any damage caused.
8. Officers confirmed that following advertisement to 31 neighbouring properties, advertisement in the press and a site notice being posted, 2 letters of objection and 8 letter of support had been received, details of which are within the Officer's original report.
9. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
10. A copy of the report submitted to the Planning Committee on 7th October 2015 is attached. Members are now invited to determine the application.

Author:	E. Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	M. Davies	Principal Planner
	M. Noakes	Senior Engineer (Highway Development Control)

Appendices:
Appendix 1 Report submitted to Planning Committee on 7th October 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0433/FULL 30.06.2015	Pearmat Solar 4 Limited Ms Y Qin 55 Baker Street London W1U 7EU	Create 4.1MW solar farm, consisting of around 15,796 solar modules, on-site access tracks, substation, three combined inverter/transformer stations, underground cables, perimeter fencing and CCTV cameras Pen-y-fan Farm Pen-y-fan Farm Lane Manmoel Blackwood NP12 0HZ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Pen-y-fan Farm, Pen-y-fan Lane, Manmoel, NP12 OHZ. The site of the development is situated approximately 350m south-east of Pen-y-fan Farm, Manmoel Road, Blackwood. It is 0.4km to the west of the settlement of Pentrapeod and approximately 0.4km north-west of the Oakdale Industrial Estate, which is beyond the Pen-y-fan Pond country Park.

Site description: The site is located on the eastern side of Manmoel Road and comprises seven agricultural fields. The fields are enclosed by fragmented hedgerows with mature hedgerow trees.

The site is gently sloping, rising up from approximately 305metres (m) above Ordnance Datum (AOD) in the south-eastern corner to 330m in the north-western corner.

Pen-y-fan Pond Country Park lies adjacent to the south-eastern boundary of the site and the area is traversed by a number of Public Rights of Way (PROW) that run alongside and to the east of the proposed development. There are no PROW within the site.

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Pen-y-fan Caravan and Leisure Park is located approximately 220m to the north of the site on the opposite side of Manmoel Road.

The proposed development would be accessed from the north-west of the site via a turning off Manmoel road through an existing gate which would require widening.

Development: Full planning permission is sought in respect of a proposed 4.1MW solar farm. The scheme consists of around 15,796 solar modules, on-site access tracks, substation, three combined inverter/transformer stations, underground cables, perimeter fencing and CCTV cameras.

The proposals are for rows of fixed solar photovoltaic panels with a maximum height of 2.18m above ground level, enclosed by a 1.8m high tensile steel deer fence. Within the solar farm are other small structures, namely the Distribution Network Operator (DNO) sub-station and control building, and three inverter stations.

The application has been supported by a Planning Statement, Design and Access Statement, Flood Consequences Assessment, Ecology Report prepared by Soil Environment Services Ltd dated May 2015, Agricultural Land Classification, a Heritage Desk-Based Assessment prepared by Cotswold Archaeology dated May 2015, A Landscape and Visual Impact Assessment prepared by LDA Design dated June 2015, Traffic and Transport Plan dated June 2015

Dimensions: The site area is 10.6 hectares. The proposed 4.1MW solar park consists of approximately 15,796 solar PV 260 watt modules mounted on approximately 359 tables (44 modules per table). The modules will be mounted in landscape formation, four panels high on double pile table structures.

Materials: Each solar array comprises a series of black/blue glass/plastic panels supported on a metal frame to allow air to circulate and prevent overheating. The individual modules measure 1.66m x 0.99m x 0.04m in thickness. When assembled on the table structures, the panels will be orientated to measure 2.18m at the back (highest point) and 0.6m off the ground at the front (lowest point) set at an inclination of 20 degrees. The rows of panels will be spaced 3.5m between rows to avoid overshadowing. The table structures are supported by steel posts 50mm in diameter which are directly rammed approximately 1.8m into the ground. The rammed foundation posts will be spaced approximately 3m intervals.

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Application No. 15/0433/FULL Continued

Areas identified as archaeologically sensitive, where ramming is not suitable, will either avoid the placement of structures or will use concrete feet to mount the structures on top of the terrain. Conduits will run along the back of each row of panels linking each to an individual electrical connection box. Each connection box is mounted on the back of the panel structures. Each string of panels will then feed to the nearest of the three combined inverter/transformer housings.

Inverter/transformer station measures 6.1m x 2.6m x 2.9m in height.

DNO sub-station 12.3m x 7.3m x 6.4m constructed of red brick and slate roof.

A grid connection offer is in place to connect into the nearby 33kV grid.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: In the open countryside with the south easternmost field of the site lying within the Pen-y-fan Pond and Meadows Site of Importance for Nature Conservation (SINC) (Policy NH3.49 of the LDP).

Policies:

SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place making, SP8 - Minerals Safeguarding, SP10 - Conservation of Natural Heritage, SP21 - Parking standards.

Countywide Policies

CW2 - Amenity, CW3 - Design considerations - highways, CW4 - Natural Heritage Protection, CW5 - Protection of Water Environment, CW6 - Trees, Woodlands and Hedgerow Protection, CW15 - General locational constraints, CW19 - Rural Development and Diversification, CW22 - Minerals.

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NATIONAL POLICY

Planning Policy Wales, 7th Edition July 2014, TAN 5 - Nature Conservation and Planning (2011), TAN 6 - Planning for Sustainable Rural Communities (2010), TAN 8 - Renewable Energy (2005), TAN 12 - Design, Welsh Office Circulars 11/99 Environmental Impact Assessment, Circular 60/96 Planning and the Historic Environment: Archaeology, circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas. Welsh Assembly Practice Guidance Planning Implications of Renewable and Low Carbon Energy 2011.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this application.

CONSULTATION

Argoed Community Council - Object to the development, it is the perception of the Community Council that this area of natural beauty, bordering one of the Borough Council's Countryside Parks is become a 'dumping ground' for all the so-called green energy proposals.

Transportation Engineering Manager - No objection to the development subject to conditions being attached to any consent requiring the submission of a Construction Traffic Management Plan together with details

Head Of Public Protection - No objections subject to conditions being attached to any consent restricting hours of construction, operation, maintenance and decommissioning, together with the provision of a noise mitigation scheme, prior to the commencement of construction works.

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Application No. 15/0433/FULL Continued

Countryside And Landscape Services - Has no objection to the development but requests conditions are attached to any consent requiring details of the wearing course of all access tracks/vehicle routes through the site, finished colour of the proposed transformer and Inverter cabinets, the cladding of the substation in either stone or timber and the CCTV poles painted black together with an existing and proposed landscaping plan and a detailed Landscape and Ecology Management Plan. In addition in terms of ecology it is considered appropriate to attach a condition to any consent requiring a Construction Environment Management Plan together with a condition requiring a monitoring programme for grassland habitats, invertebrates and bats. A standard nesting bird condition should also be added as a condition.

Senior Engineer (Land Drainage) - Requests a condition is attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer in respect of land drainage matters.

Senior Arboricultural Officer (Trees) - Requests a condition is attached to any consent requiring a Tree Survey in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction - Recommendations) together with an Arboricultural Impact assessment to identify and evaluate the direct and indirect impacts on existing trees that may arise as a result of the implementation of the scheme. In addition an Arboricultural method statement is required to detail in full how the proposed works will be undertaken in relation to the retained trees on and off site.

Minerals Officer - The application site is within the sandstone safeguarding area, where development should be restricted to avoid sterilisation of the resource. However, the proposed development is temporary and there is no indication that the mineral resource is likely to be exploited within the next 25 years. Therefore, the proposal complies with policy CW22 B in the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.

Strategic & Development Plans – No response.

Natural Resources Wales - Has no objection to the development but provides advice to be conveyed to the developer regarding biodiversity and waste management.

Gwent Wildlife Trust - has expressed concern regarding the proximity of the panels to Pen-y-fan Pond and the potential impact on invertebrates and bats mistaking the panels for water disrupting their respective egg laying and drinking behaviour.

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Application No. 15/0433/FULL Continued

Dwr Cymru - Provides advice to be conveyed to the developer.

Glam/Gwent Archaeological Trust - Has no objection to the positive determination of this application. It provides advice to be conveyed to the developer in the event any archaeological remains are discovered during the ground works.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 31 neighbouring properties have been consulted.

Response: 10 comprising two objections and eight letters in support.

Summary of observations:

Objections - Adverse impact upon the visual amenity of the area particularly in close proximity to the Pen-y-fan Pond country Park and Pen-y-fan Caravan and leisure Park.

Support - Good opportunity to increase the level of renewable energy generation within the local area which aligns with UK and Welsh Assembly Government policy for the promotion of sustainable energy generation.

The environmental information submitted predicts the project will have a minimal impact on the visual receptors in the area and the habitat management measures will provide the opportunity for improved biodiversity gain across the site.

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 planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The south easternmost field of the application site lies within Pen-y-fan Pond and Meadows Site of Importance for Nature Conservation (SINC) (Policy NH3.49 of the Local Development Plan).

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This SINC has been designated for its marshy grassland and flush vegetation; its semi-improved neutral grassland, acid grassland and heath, standing open water body and lesser horseshoe bat roost. The SINC field within the application site supported a diverse semi-improved neutral grassland community, although it appears that this field has been ploughed in the last 12 months and possibly top soil removed so that only remnants of the habitat remained along the edges of the field. The remaining fields within the application site are agriculturally improved grassland with the field in the south west corner being the most diverse, although this has also been ploughed in the past. It is not clear whether this ploughing has been undertaken to facilitate the development of the solar farm or as part of a general programme of agricultural improvement. However due to the very recent loss of this habitat it is considered that this loss of biodiversity should be taken into account and mitigated for as part of this proposal. The applicant has proposed to manage the two fields described as poor semi-improved grassland to increase the species richness of the current swards. This is to be welcomed but details will be required on the proposed management and monitoring of these grasslands and this may be addressed by attaching appropriate conditions to any consent.

The applicant has also proposed to plant wildflower meadow and wild bird cover strips in the fields that are currently agriculturally improved which if managed appropriately will provide a net benefit for biodiversity. Details of the species composition, and subsequent management and monitoring of these new grasslands have not been provided to date and will need to be provided as a condition.

The Ecological report identified that the trees within the field boundaries have the potential to support roosting bats and breeding birds. The proposal will include the coppicing of two defunct hedges and removal of nine trees at the entrance of the site and one in the centre of the site. The impact of this on bats and birds has not been considered in the report, although during a site visit by this Council's Ecologist it appeared that these trees have the potential for nesting birds, and are unlikely to be suitable for roosting bats. However, to ensure that all species are protected during the construction period, the preparation a Construction Environmental Management Plan should be prepared and agreed with the local planning authority as a condition.

The Gwent Wildlife Trust has expressed concern regarding the proximity of the panels to Pen-y-fan Pond and the potential impact on invertebrates and bats mistaking the panels for water disrupting their respective egg laying and drinking behaviour.

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The applicants have provided a robust scientific response to the Gwent Wildlife Trust's concerns and in the absence of other scientific information, the additional information is acceptable. However it is considered appropriate to include some initial monitoring of invertebrates and bats during the first active season after the panels have been installed to confirm that there is no impact on these species. Again this may be addressed by condition.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The development has been considered in accordance with local plan policies and national planning guidance.

National Policy is contained within Planning Policy Wales Edition 7 (July 2014) and Technical Advice note (TAN) 8: Renewable Energy (2005). PPW reflects a UK target of 15% of energy from renewables by 2020, and here in Wales "we have set a 4TWh per annum renewable electricity production by 2010 and a 7TW target by 2020 as stepping-stones to our ambition of 60% carbon savings by 2050." In order to meet these targets Welsh Government has concluded that 800MW of additional installed capacity is required from onshore wind sources and a further 200MW of installed capacity is required from offshore wind and other renewable technologies. The provision of this solar farm falls under the heading of 'other renewable technologies' and will help to contribute to this target.

There are no specific policies in the LDP relevant to the provision of large solar farms. The application site lies in the countryside for purposes of the LDP. Policy CW15 - Locational Constraints is therefore relevant. Criterion C (iv) states that development in such locations will not be permitted unless the proposal is associated with the provision of public utilities and infrastructure that cannot be reasonably located elsewhere. Policy SP10 - Conservation of Natural Heritage sets out the overarching intention that the natural heritage of the Borough, including landscape, is to be protected. Policy CW4 - Natural Heritage Protection supports this and permits proposals, which conserve, and where appropriate, enhance the distinctive or characteristic features of the Special Landscape Area. Policy CW2 sets out specific aims with regard to development, namely development should not have an unacceptable impact on the amenity of adjacent properties or land, should not result in overdevelopment, and be compatible with surrounding land uses. Policy CW3 - Design considerations - Highways ensures that development satisfies and follows highway requirements.

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Application No. 15/0433/FULL Continued

The proposed development raises several key issues and these are addressed as follows:-

- Principle of development.
- Use of agricultural land.
- Landscape and visual impact.
- Impact upon the historic environment.
- Ecology.
- Highway safety and access.
- Drainage.
- Duration of permission.

PRINCIPLE OF THE DEVELOPMENT

Policy CW19 - Rural Development and Diversification. The applicant has cited Policy CW19 as a policy consideration. The reasoned justification to Policy CW19 states "Diversification is essentially changing an existing facility that is no longer suited to its original purpose to another use that will benefit the local community, economy and people". This policy is therefore aimed at conversions and more local considerations than this proposal which is for the production of sustainable energy that has much wider implications. It is the case though that Welsh Assembly Practice Guidance Planning Implications of Renewable and Low Carbon Energy 2011 part 8.4.16 does predict that a "significant proportion of proposals for solar PV arrays will be on agricultural land" and as such can support farm diversification (as per Planning Policy Wales 2012 part 7.3).

That practice guidance explains that whilst many solar proposals will be on agricultural land it is not expected that such land should be of a high grade. The application site is not high grade in accordance with that expectation.

In terms of the principle of the development, ideally large-scale solar PV arrays should be directed towards previously developed land or Brownfield sites. However, with relatively few sites of appropriate status and size within the Caerphilly County Borough, it is considered that, subject to other considerations set out below the principle of the proposed photovoltaic development on this undeveloped land in the countryside is endorsed by planning policy as a suitable source of obtaining renewable energy to meet the energy demands of the county. The applicant advises that an assessment of other land within the county borough was considered but solar PV is highly constrained by the requirement to be close to a suitable grid connection point.

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This site has the capacity to accept additional load on the overhead lines crossing the site and therefore fulfils this critical constraint. Other barriers to development such as site access and ecological impacts have been demonstrated to be manageable. The risk of disturbing buried features of archaeological interest has shown to be low. The applicant advises that finding alternative sites, which satisfy the above criteria where the landowner embraces the development, is even more difficult.

USE OF AGRICULTURAL LAND

Agricultural Land Classification (ALC) is a standardised method for classifying agricultural land according to its versatility, productivity and workability based upon interrelated parameters including climate, relief, soil characteristics and drainage. These factors form the basis for classifying agricultural land into one of five grades (with grade 3 land divided into sub grades 3a and 3b). Best and most versatile agricultural land is classified as grades 1, 2 or 3a; whereas moderate, poor and very poor quality land is designated sub grade 3b or grades 4 and 5 respectively. The ALC map for Wales shows that the site has an ALC of grade 4 across the site.

The proposal is for the temporary use of the land for the purposes of solar power generation. It is the intention of the landowner to use the land to graze sheep to prevent it from becoming overgrown and will assist eventual full restoration. The installation is capable of being decommissioned and removed from site at the end of its viable life or duration of planning permission if approved, whichever is the sooner, with the site returned to its original appearance; this would be enforced by planning condition.

LANDSCAPE AND VISUAL IMPACT

Objection has been received regarding the adverse visual impact the development will have in this countryside location as a result of the scale of the development and its cumulative impact with other development. The application site lies in the countryside for purposes of the LDP. Policy CW15: Locational Constraints, at criterion C, states that development in such locations will not be permitted unless the proposal is associated with the provision of public utilities and infrastructure that cannot be reasonably located elsewhere (criterion iv). Policy SP10: Conservation of Natural Heritage sets out the overarching intention that the natural heritage of the Borough, including landscape, is to be protected. Policy CW4 furthers this: Natural Heritage Protection permits proposals, which conserve, and where appropriate, enhance the distinctive or characteristic features of the Special Landscape Area. The site has no land use designations.

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Application No. 15/0433/FULL Continued

The main issue in respect of this application relates to the extent of impact the PV panels would have on the landscape character of the site and its adjacent landscape and the visual impact of the PV panels on people living, working enjoying or passing through the area. The applicant has submitted a Landscape and Visual Impact Assessment in respect of the proposed application, which is in accordance with what is currently regarded as best practice.

The methodology used to undertake the Appraisal of Landscape and Visual Effects is robust and in accordance with what is currently regarded as best practice. A series of matrices are used to guide the assessment of potential effects of the development upon Landscape Character and Visual receptors. This formulae approach is supplemented by professional judgement.

A study area of 4 kilometres from the centre of the application site and 7 no. representative photo viewpoints were selected following analysis of the Zone of Theoretical visibility mapping and discussions with the Council's Landscape Architect. It is considered that there is unlikely to be a significant effect upon Landscape Character and that whilst the potential effect upon users of several public rights of way, Manmoel Road and the western fringe of Pen-y-fan Country Park will be adverse in the early years of the development, the scale of these effects will be very localised and can be reduced significantly by the mitigation planting proposed for this development. It is not considered the cumulative visual effects upon landscape character to be significant and the potential cumulative visual effects can within a reasonable time period be reduced by mitigation planting.

Consequently, it is considered appropriate to attach conditions to any consent requiring details of existing and proposed landscaping (mitigation), a detailed landscape and ecology management plan and conditions requiring details of the colour of the transformer and inverter cabinets and CCTV poles, and an alternative design in respect of the sub-station.

IMPACT ON THE HISTORIC ENVIRONMENT

A detailed Archaeological assessment of the potential impacts on the historic environment of the proposal was undertaken on behalf of the applicant and submitted as part of this planning application. The assessment identified no overriding heritage constraints which are likely to prohibit the development. No adverse comments have been received in respect of the same from this Council's Conservation Officer or statutory consultees. It is therefore considered the proposed development would not be in conflict with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, or with national or local planning policy.

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Application No. 15/0433/FULL Continued

ECOLOGY

Policy SP10 - Conservation of Natural Heritage, Policy CW4 - Natural Heritage Protection and Policy CW6 - Trees Woodland and Hedgerow Protection of the LDP are relevant and aim to protect, conserve, enhance and manage the natural heritage of the county borough. The ecological assessment that accompanied the planning application concluded that the proposed development is not anticipated to result in any significant adverse impacts on designated sites; important habitats or protected species during the construction or operational phase and it also recommends opportunities for habitat creation. The ecological assessment has been considered by this Council's Ecologist and statutory consultees and is discussed above.

In terms of ecology and biodiversity it is considered that the proposed development does not conflict with policies CW4 and CW6 of the LDP and subject to the imposition of appropriate conditions is considered acceptable in planning terms.

HIGHWAY SAFETY AND ACCESS

Vehicular traffic, which is mainly in the construction phase of the development, is anticipated to last for approximately 3 months.

The Traffic and Transport Plan and Method Statement submitted considers the traffic impacts that could arise during construction of the proposed development and outlines the principles to manage site operations with the view to minimising any transport and traffic-related issues during the construction

The Council's Transportation Engineering Manager has considered the information submitted in support of the application and raised no objection to the development subject to the imposition of appropriate conditions as discussed above.

DRAINAGE

In this respect Policy CW5 of the LDP - Protection of the Water Environment is relevant. The flood risk assessment submitted as part of the planning application has identified that the development is not at risk of flooding. The applicant has also investigated the impact of run-off rates from the site. Existing grasses and vegetation will be maintained such that surface flows will be minimised and kept at current levels. It concludes the development's associated infrastructure will result in a very minor increase to the site's impermeable area at ground level.

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In accordance with Part H of the Building Regulations 2010 (as amended), and subject to percolation testing, it is proposed in the first instance that infiltration techniques are employed to drain this increase in impermeable areas. In this respect the design of such a scheme will be required by condition and will be considered by this Council's Senior Engineer (Land Drainage).

GLINT AND GLARE

Solar PV panels are specifically designed to absorb, not reflect, light from the sun. The PV panels are manufactured with anti-reflective coatings to be as absorbent as possible in order to maximise their efficiency in producing electricity. There have been no consultee objections in respect of this aspect of the development.

DURATION OF PERMISSION

The application seeks consent for a temporary period of 25 years and this can be conditioned within any planning permission. Once the life of the permission is reached, the recommended condition would require the site be decommissioned, all infrastructure removed and the site restored to its original state.

COMMUNITY ENGAGEMENT

TAN 8 encourages developers to take an active role in engaging with the local community on renewable energy proposals (Para. 2.15). The applicant has followed that advice and engaged with the local community in Manmoel. A community consultation meeting was held on the 9th June 2015 and in advance of the presentation 30 event letters were sent out to the community, LPA Councillors, two Community Councillors, seven local residents and two local publications. Sixteen people attended the presentation.

Comments from consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: See above.

Other material considerations: None.

In conclusion, it is considered the selected site is appropriate in that it can accommodate the proposed solar farm without significantly affecting the landscape character and appearance of the surrounding area, and potential archaeology or the amenities of residents in the vicinity.

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The temporary and reversible nature of the development, together with the measures that are to be taken to enhance and encourage ecological diversity of the site will ensure that, in the long term, the site can not only be restored to its current use, but will also have been improved. The proposed development does not conflict with local plan policies or national planning guidance and subject to the imposition of appropriate conditions is considered acceptable in planning terms.

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) At least 5 working days' notice in writing shall be given to the Local Planning Authority in respect of the commencement of works.
REASON: To enable the Local Planning Authority to ensure construction works take place in a timely manner and to minimise disturbance to neighbouring amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.
- 03) Notwithstanding the submitted plans, details of the colours of the external finishes of the Transformer and Invertor Cabinets together with the CCTV poles and associated attachments shall be submitted for consideration and approval in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the first use commencing.
REASON: In the interests of visual amenity.
- 04) This consent does not extend to the details submitted in respect of the external wall materials of the substation indicated on the approved drawing no. 506 Rev. A. Revised details shall be submitted for consideration and approval in writing with the Local Planning Authority, which provide for a pitched roof building with either a stone/timber clad or rendered finish to the external walls. The development shall be carried out in accordance with the agreed details prior to the first use commencing.
REASON: In the interests of visual amenity.

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- 05) 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. Those details shall include:
- (a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
 - (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
 - (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: In the interests of the visual amenity of the area.
- 06) Prior to the commencement of the development hereby approved a Construction Environmental Management Plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.
- REASON: To ensure adequate protection to protected species.
- 07) Prior to the commencement of the development hereby approved a nature conservation and landscape management plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.
- REASON: To ensure adequate protection to protected species.

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- 08) Within 6 months of the commencement of the development hereby approved, a monitoring programme for grassland habitats, invertebrates and bats shall be submitted to the Local Planning Authority for approval. The agreed management programme shall be implemented in accordance with the agreed details and copies of the monitoring reports submitted to the local authority in accordance with an agreed time frame.
REASON: In the interests of biodiversity.
- 09) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with 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),

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- 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.

REASON: In the interests of visual amenity.

- 10) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

REASON: To ensure the development is served by an appropriate means of drainage.

- 11) Construction, movement of materials and decommissioning works shall take place only between the hours of 0800 - 1800 Mondays to Fridays and 0800 - 1300 Saturdays and not at all on Sundays or Public Holidays.

REASON: In the interests of residential amenity and to minimise disturbance to foraging/commuting bats and other nocturnal animals.

Cont....

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- 12) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 13) No external lighting shall be installed or operated during the operation of the site.
REASON: In the interests of nearby amenity and to safeguard the ecological interests of the site in accordance with Policies CW2 and CW4 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Local Planning Authority, except for those works permitted by this consent.
REASON: To protect the landscape character of the area in accordance with Policies CW4 of the LDP.
- 15) Within 25 years and 6 months following completion of construction of development, or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, the solar PV panels, frames, foundations, inverter housings and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall be subsequently restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.
REASON: In the interest of visual amenity.

Cont....

Application No. 15/0433/FULL Continued

- 16) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 17) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: drawing nos. 501 Rev A, 502 Rev A, 503 Rev A, 504 Rev A, 505 Rev A, 506 Rev A and 507 Rev A (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 18) The development hereby approved shall not commence until after a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details on the proposed size/number/frequency of delivery vehicles associated with the construction of the solar park and any mitigation measures proposed to safely manage deliveries to and from the site. The works thereafter shall be carried out in accordance with the agreed plan.
REASON: In the interests of highway safety.
- 19) Prior to the commencement of works on site, a scheme to prevent mud and other debris being deposited on the public highway, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.
REASON: In the interests of highway safety.
- 20) The development shall not commence until a means of vehicular access has been constructed in accordance with details that shall have first been submitted to and agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.

Cont....

Application No. 15/0433/FULL Continued

21) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the solar farm. Written confirmation of the first export date shall be sent to the Local Planning Authority within one month of the first export date.

REASON: In order to retain effective control over the development.

22) Within 25 years from the date when electricity is first generated to the grid, or within six months of the cessation of electricity generation by the solar farm facility, whichever is sooner, the solar farm and all associated works/equipment shall be dismantled and removed from the site and the land restored to its former condition in line with a restoration scheme, details of which shall be submitted and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity.

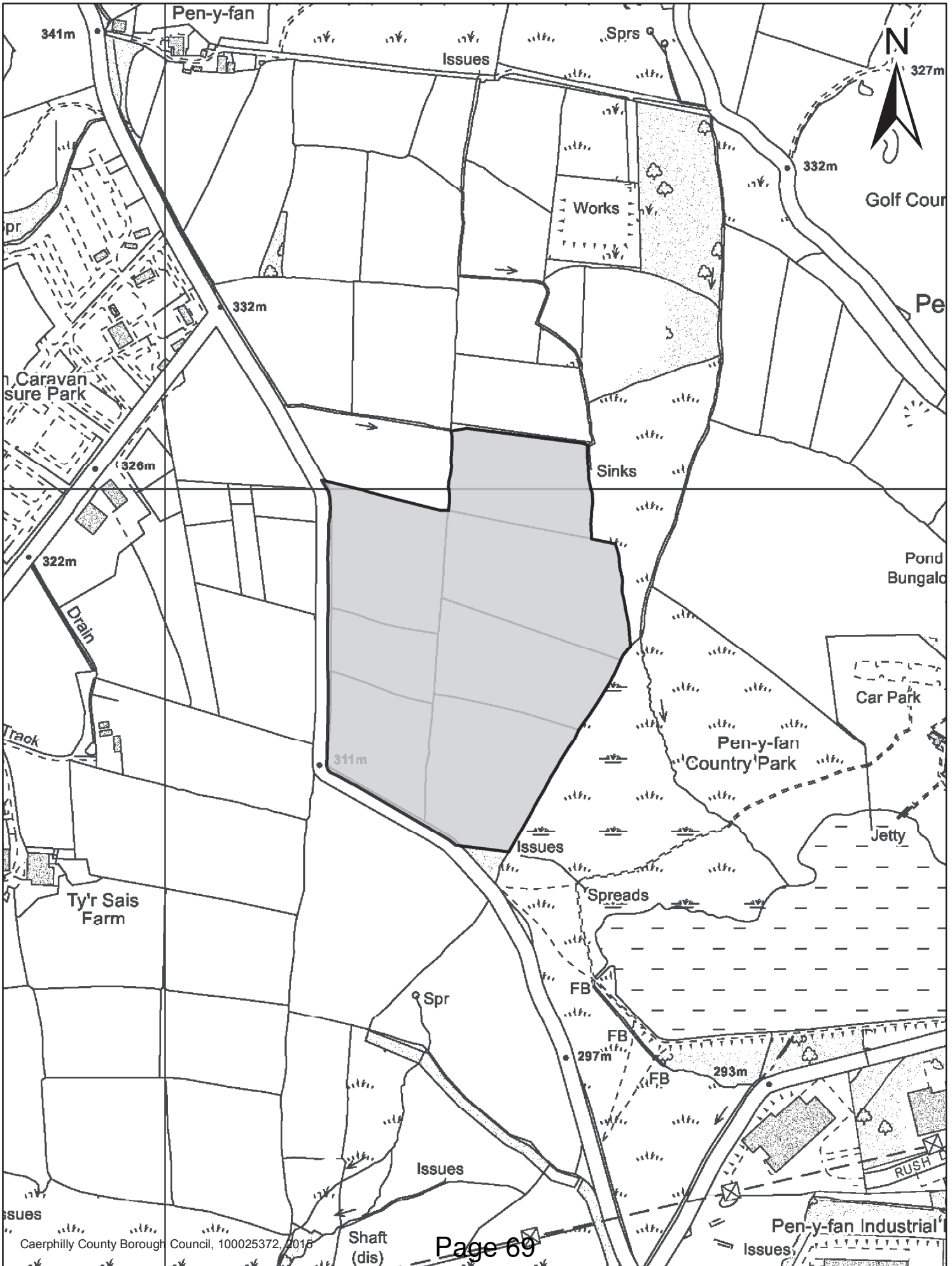
23) Within the year prior to decommissioning of the site, and during the appropriate survey period prior to decommissioning, a full ecological survey of the site shall be undertaken to inform decommissioning, as required by Condition 22). A survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during commissioning and beyond.

REASON: In the interests of visual amenity and biodiversity.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW4.

The applicant is advised of the comments of this Council's Ecologist, Countryside and Landscape Services, Senior Arboricultural Officer (Trees), Glamorgan Gwent Archaeological Trust, Natural Resources Wales, Gwent Wildlife Trust, Senior Engineer (Land Drainage) and Dwr Cymru/Welsh Water.



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PLANNING COMMITTEE – 4TH NOVEMBER 2015

SUBJECT: SITE VISIT - CODE NO. 15/0451/FULL – LAND AT PEN-YR HEOL-LAS, MANMOEL ROAD, MANMOEL, NP12 0RQ.

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

PRESENT:

Councillor D.G. Carter – Chair

Councillors M. Adams, Mrs E.M. Aldworth, Mrs P. Cook, Ms J. Gale, L. Gardiner, A. Lewis and K. Lloyd.

1. Apologies for absence were received from Councillors J. Bevan, D. Bolter, W. David, A.G. Higgs, D. Rees, J. Simmonds and Mrs J. Summers.
2. The Planning Committee deferred consideration of this application on 7th October 2015 for a site visit. Members and Officers met on site on Monday, 26th October 2015.
3. Details of the application to install ground mounted photovoltaic solar arrays with transformer stations, internal access tracks, biodiversity enhancement, landscaping, stock fencing, security measures, access gate and ancillary infrastructure on land at Pen-yr-Heol- Las, Manmoel Road, Manmoel, NP12 0RQ were noted.
4. Those present viewed and walked the site and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that the site extends across agricultural fields currently used for grazing, the site is currently screened by existing trees and hedgerows, but these will be enhanced as part of the development by the planting of a 1 metre width native hedgerow offset from the existing hedgerow. The PV panels will be set back 6metres from boundaries in order to provide access and ensure the continuing health of trees and shrubs. An instant hedgerow 3m high will be planted along the south-eastern boundary in order to screen views from a nearby residential property forward of an existing hedgerow comprising mature deciduous trees and conifers. New hedgerows will assist in screening views, whilst increasing the net tree and hedgerow resource of the site.

It was noted that the position of the sub station had been changed since the submission of the Officer's report. Construction vehicles would access the site from a section of new access track off Manmoel Road and the application has been supported by a number of independent assessments and appraisals including Ecological, Design and Access, Ecological and Landscape and Visual Impact Assessment.

6. Members raised concerns with regard to the safety of riders and pedestrians during the construction process. The Officer confirmed that a Traffic Management Plan would be agreed prior to the commencement of any works in order to ensure that disruption is kept to a minimum. A condition survey of the road would also be undertaken before and after the construction process and it would be the responsibility of the applicant to 'put right' any damage identified. Concerns were also expressed with regard to possible impact on existing overhead cables and the Officer confirmed that they would be unaffected by the development.
7. Concerns were expressed that taking into account the cumulative effective of existing wind turbines this further addition would constitute an unacceptable loss of much valued countryside.

Clarification was sought as to any 'Community Benefit' associated with the development, the Officer confirmed that the developer had expressed an interest in supporting a local allotment project but would seek further information and advise the Planning Committee accordingly.

8. Officers confirmed that following advertisement to 19 neighbouring properties, advertisement in the press and a site notice being posted, 6 responses had been received. Details of the responses are within the Officer's original report.
9. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
10. A copy of the report submitted to the Planning Committee on 7th October 2015 is attached. Members are now invited to determine the application.

Author:	E. Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	M. Davies	Principal Planner
	M. Noakes	Senior Engineer (Highway Development Control)

Appendices:
Appendix 1 Report submitted to Planning Committee on 7th October 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0451/FULL 09.07.2015	Tealing Solar Parks Ltd C/o Pegasus Planning Group Ltd Mr C Cox First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL	Install ground mounted photovoltaic solar arrays with transformer stations; internal access tracks; biodiversity enhancement; landscaping; stock fencing; security measures; access gate and ancillary infrastructure Land At Pen-Yr-Heol-Las Manmoel Road Manmoel NP12 0RQ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land at Pen-Yr-Heol-Las, Manmoel Road, Manmoel, NP12 0RQ. The site is located to the west of Manmoel Road, south of the settlement of Manmoel and directly north of Pen-y-Fan Caravan and Leisure Park. The site is bounded by agricultural land to the northeast and west.

Site description: The site extends across an area of approximately 11.1 hectares (27.4 hectares) and comprises eight agricultural fields (Grade 4 and 5) currently used for grazing. The site is screened by trees and hedgerows to the north, south and west. A hedge and trees along Manmoel Road provides screening to the east.

The site slopes down to the south towards the caravan park. A farmstead (Pen y Fan Cottage) is located to the east of the site on the opposite side of Manmoel road and Hafodriscladd Isaf Farm is located to the south of the site. Some isolated dwellings are located to the south west and west of the application site.

The site is accessed from Manmoel Road, which connects to the B4251.

Development: Full planning permission is sought in respect of the installation of ground mounted photovoltaic solar arrays with transformer stations; internal access tracks; biodiversity enhancement; landscaping; stock fencing; security measures, access gate; and ancillary infrastructure. The ground mounted solar park would have an operational lifespan of 25 years.

Cont....

Application No. 15/0451/FULL Continued

In terms of the site layout, the PV panels will be set back from the boundary of each field by at least 6m in order to provide for access around the edge of each field and to ensure the continuing health of existing trees and hedgerows. Any bare areas created during the construction period would be sown with species diverse grassland and meadow seed mix. Grassland around the field margins would be managed as tall tussocky grassland. To the northern, eastern and southern boundaries of the application site a 1m width native hedgerow would be planted, offset from the existing mature hedgerow trees. Along the western site boundary larger gaps in the existing vegetation would be infilled with proposed native hedgerow. This new hedgerow would assist in screening views, whilst increasing the net tree and hedgerow resource of the site. An instant hedgerow would be planted along the south-eastern boundary in order to screen views from a nearby residential property with a number of hedge trees.

Each array will be mounted on a supporting metal framework laid out in parallel arrays (rows) running east to west across the various field enclosures. The panels, would be tilted at 18 degrees from the horizontal, orientated to face due south towards the sun, would be some 0.85m above ground level, with the trailing top edge set at 2m above ground level.

The solar farm would use small inverters, mounted on the back/underside of the solar panels, thereby removing the need for visible inverter buildings.

There would be two power station building (L6.05m x W2.43m x H2.59m) and low voltage substation (L6.08m x W3.1m x H2.68m).

Connection to the local grid network would be via cables to an existing substation to the south-east of the application site.

The strings of solar panels would be connected together by underground cabling, with no new above ground cabling required.

In total the panels will cover only 30% of the total area of the site if viewed directly from above. Strips of grass between the panels will be retained and grazed by sheep during the life of the scheme. The distance between the rows of panels will vary depending on the ground levels but is generally 2.5m to avoid any overshadowing effect.

Construction vehicles would access the site from a short section of new access track off Manmoel Road, to the northeast of the application site. Internal access tracks will be provided, which will facilitate the installation of the solar arrays and post construction will be retained to allow for maintenance. The tracks will be constructed using locally sourced permeable aggregate.

Cont....

Application No. 15/0451/FULL Continued

A secure temporary compound will be used to store materials and ancillary welfare facilities during construction period. It is anticipated the construction phase will take up to three months, with mounting structures, fencing and modules being delivered first followed by inverters, substations, cabling and CCTV. It is estimated that an average of 1.5 HGV deliveries per day for six days.

Access to the solar park is restricted for security reasons. The development includes the erection of a 2m high deer fence, mounted on timber poles.

A CCTV system would be mounted on 4m high poles, 1m inside the deer fence close to the array. Cameras will be dotted around the application site.

The application has been supported by a Planning Statement, Design and Access Statement, a Heritage Desk-Based Assessment prepared by Cotswold Archaeology dated May 2015, A Glare Assessment prepared by IZEN International, An Agricultural Assessment prepared by Kernon Countryside Consultants Limited dated June 2015, Flood Consequences Assessment prepared by Clive Onions dated July 2015, an Ecological Survey prepared by Clarkson and Woods dated June 2015, an appraisal of Landscape and Visual Effects prepared by Pegasus Group dated July 2015, construction Traffic Management Plan, and a Statement of Community Engagement and an assessment for Protected species prepared by Ethos Environmental Planning.

Dimensions: The site extends across an area of approximately 11.1 hectares. The solar park will generate circa 4.89MW of renewable energy. This is sufficient to provide the annual power needs of approximately 1522 households. The power station with 2 invertors has maximum dimensions of 6.05m x 2.59m x 2.4m. The sub-station has maximum dimensions of 6.08m x 3.1m x 2.5m.

Materials: The power station and sub-station are proposed to be of pre-fabricated modular design.

The silicone PV panels will be coloured black or blue and faced with anti-reflective glass. They will be mounted on galvanised steel frames.

Ancillary development, e.g. parking: Parking within the compound and portable welfare facilities will be provided during the course of construction.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

Cont....

Application No. 15/0451/FULL Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Outside of settlement boundary.

Policies:

SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place making, SP8 - Minerals Safeguarding, SP10 - Conservation of Natural Heritage, SP21 - Parking standards.

Countywide Policies

CW2 - Amenity, CW3 - Design considerations - highways, CW4 - Natural Heritage Protection, CW5 - Protection of Water Environment, CW6 - Trees, Woodlands and Hedgerow Protection, CW15 - General locational constraints, CW19 - Rural Development and Diversification, CW22 - Minerals.

NATIONAL POLICY

Planning Policy Wales, 7th Edition July 2014, TAN 5 - Nature Conservation and Planning (2011), TAN 6 - Planning for Sustainable Rural Communities (2010), TAN 8 - Renewable Energy (2005), TAN 12 - Design, Welsh Office Circulars 11/99 Environmental Impact Assessment, Circular 60/96 Planning and the Historic Environment: Archaeology, circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas. Welsh Assembly Practice Guidance Planning Implications of Renewable and Low Carbon Energy 2011.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? Prior to the submission of the application a screening request was submitted and a screening opinion was issued on the 8th June 2015 which confirmed that an Environmental Impact assessment was not required.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this application.

Cont....

Application No. 15/0451/FULL Continued

CONSULTATION

Argoed Community Council - No response.

Transportation Engineering Manager - Has no objection to the development subject to conditions including that the development be carried out in accordance with the Construction Traffic Management Plan submitted with the application and the developer carrying out a highway condition survey along Manmoel Road. The agreed survey shall include a scheme and timetable for the repair of any damage caused to the highway by delivery vehicles associated with this development.

Head Of Public Protection - Have no objections to the development subject to conditions being attached to any consent restricting the hours worked during construction, operation and maintenance and decommissioning of the site, details of sound insulation proposals in respect of the substation being submitted and approved by the local planning authority and site control measures in respect of dust and noise suppression.

Senior Engineer (Land Drainage) - No objections.

Strategic & Development Plans - No response

Rights Of Way Officer - FP158 in the Community of Bedwellty abuts the site and must be protected at all times.

Dwr Cymru - Holding objection.

Western Power Distribution - No response.

Countryside And Landscape Services - Requests conditions are attached to any consent requiring existing and proposed Landscaping (mitigation) details, details of the route connection to the National Grid, details of the external colours of the transformer and inverter cabinets and CCTV poles, a detailed Landscape and Management Plan, a Construction Environmental Management Plan and a monitoring programme for grassland habitats together with revised design detail in respect of the proposed substation.

Senior Arboricultural Officer (Trees) - Requests conditions are attached to any consent requiring an Arboricultural Method Statement together with a Tree Protection Plan.

Cont....

Application No. 15/0451/FULL Continued

Natural Resources Wales - Do not object to the proposal as submitted. They advise the proposed development is taken forward in line with the recommendations set out in Section 7.5 of the Ecological Survey prepared by Clarkson and Woods, dated June 2015.

Glam/Gwent Archaeological Trust - Confirms that it is unlikely that any buried archaeological features encountered during construction would be of sufficient importance to prevent the positive determination of the current application. Nonetheless the impact of the development on any archaeological resource will require mitigation. It requests a condition is attached to any consent requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation in order to identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of works on the archaeological resource.

Civil Aviation Authority - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. They provide advice to be conveyed to the developer

Police Architectural Liaison Officer - The Gwent Police Designing Out Crime Unit have no objections to this application. Advice is provided to be conveyed to the developer.

Police Air Support Services - No response

Wales Air Ambulance - No response.

Chief Fire Officer - No response.

The Wildlife Trust Of South And West Wales - No response.

National Grid - No response.

Ramblers Cymru - No response.

Natural Environment & Agriculture Team - No response.

Minerals Officer - The site is within a sandstone safeguarding area identified in the LDP. Policy CW22 is relevant to the determination of the application.

Cont....

Application No. 15/0451/FULL Continued

This policy seeks to protect mineral resources that society may need in the future from development that would constrain exploitation of the resource. The pennant sandstone in the south Wales coalfield is a nationally important resource because it meets the specification for High Specification Aggregate, which is used for skid resistant road surfacing.

However, the development is temporary development and there is currently no indication that the resource near this site will be needed within the next 25 years. Therefore the proposal accords with policy CW22 B in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Council For The Protection Of Rural Wales - No response.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and nineteen neighbouring properties have been consulted.

Response: Six.

Summary of observations:

- adverse visual impact as a result of the scale of the development,
- adverse impact as a result of glint and glare,
- change in landscape character,
- cumulative impact,
- impact upon residential amenity,
- close proximity to two public rights of way,
- insufficient community engagement,
- unclear description of site location,
- noise pollution,
- close proximity to Hafodrisclawdd-isaf site of Importance for Nature conservation (SINC) identified by Policy NH3.34 of the LDP,
- drainage,
- adverse impact upon ecology,
- loss of privacy and crime target.

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 planning application.

Cont....

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

An ecological survey has been submitted undertaken by Clarkson and Woods dated June 2015 and a Protected Species Survey undertaken by Ethos Environmental Planning dated August 2015.

The site lies adjacent to the Hafodrisclawdd Site of Importance for nature Conservation (SINC) (Policy NH3.34). The stream that runs through this SINC will receive surface run off from the site. The potential impact of this run off is most likely to occur during the construction period when there is the potential for construction vehicles to create bare ground/mud, increasing the risk of sediment in the surface run off. The applicant has proposed to create a swale along the southern perimeter within the vicinity of the smallholding, which will encourage infiltration and reduce run off rates into the nearby SINC. These proposals are acceptable.

The site was found to support semi-improved neutral grassland that is a priority habitat in the UK Biodiversity Action Plan, and a habitat of principal importance in Wales. Construction may result in the damage to the grassland, if construction occurs during the winter months or during wet conditions. The ecological report recommends that damaged/ bare areas are reseeded with a locally sourced wild flower and grass seed mix. The current management is a mixture of cattle and sheep grazing with some fields cut for hay. Cattle are not considered suitable for solar farms, so sheep grazing is recommended for future management between the solar panels. Sheep grazing is less suitable to achieve species rich grassland beneficial to invertebrates and pollinators, so removal of grazing stock during the summer months will be necessary to achieve the increase in species diversity proposed as mitigation for the loss of habitat beneath the hard structures put on site. This can be achieved through the preparation and implementation of a Landscape and Ecological Management plan as a planning condition.

The site also supports a network of hedgerows and connected woodland. Several hedgerows were identified as being Important Hedgerows under the Hedgerow Regulations and all have the potential to provide commuting and foraging habitat for bats. The applicant is proposing to retain all the hedgerows, and this council's Arboriculturalist has recommended an Arboricultural Method statement is prepared incorporating a tree protection plan.

Cont...

Application No. 15/0451/FULL Continued

This will also serve to protect the habitat and species associated with the hedgerows and woodland and may be addressed by attaching appropriate conditions to any consent.

The assessment for protected species included a reptile survey, bat survey and bird survey. No evidence of reptiles were recorded on site.

With regard to bats, all trees were inspected for suitability as roosts for bats. The age of the beech trees meant that the majority of trees on site had high potential to support bats. A bat activity was also undertaken, and confirmed that 7 species of bat foraged and commuted around the site, with the highest level of activity being along the mid-west and south-west perimeters, and few records along the internal hedgerows. In view of these findings, and as all trees are proposed to be retained and protected during construction, there is unlikely to be an impact on bats and the three European tests do not need to be applied to this application. Research has indicated that bats have the potential to collide with panels, and as the site is 950metres from Pen-y-fan Pond, as a precautionary measure a bat monitoring programme during the first 12 months of operation should be conditioned.

A bird survey confirmed that twenty-one species of bird were present on site, with notable breeding birds associated with the hedgerows and trees included redstart, nuthatch and great tit, and tawny owls may also breed on site. The grassland provides foraging habitat for house martins and swallows, nesting nearby. No ground nesting birds were recorded. In view of the retention of all trees on site, there is unlikely to be an impact on breeding birds on site and the management changes that will be proposed through the Landscape and Ecological Management plan have the potential to increase the availability of invertebrates for foraging birds.

The enhancement measures proposed in section 7.4 of the ecological report are welcomed, the details of which should be included in a plan and their subsequent management in a Landscape and Ecological Management plan to be addressed by attaching an appropriate condition to any consent.

With regards to the ecological objections referred to, the comments above have addressed those objections.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No.

Cont

ANALYSIS

Policies:

The development has been considered in accordance with local plan policies and national planning guidance.

National Policy is contained within Planning Policy Wales Edition 7 (July 2014) and Technical Advice note (TAN) 8: Renewable Energy (2005). PPW reflects a UK target of 15% of energy from renewables by 2020, and here in Wales "we have set a 4TWh per annum renewable electricity production by 2010 and a 7TW target by 2020 as stepping-stones to our ambition of 60% carbon savings by 2050." In order to meet these targets Welsh Government has concluded that 800MW of additional installed capacity is required from onshore wind sources and a further 200MW of installed capacity is required from offshore wind and other renewable technologies. The provision of this solar farm falls under the heading of 'other renewable technologies' and will help to contribute to this target.

There are no specific policies in the LDP relevant to the provision of large solar farms. The application site lies in the countryside for purposes of the LDP. Policy CW15 - Locational Constraints is therefore relevant. Criterion C (iv) states that development in such locations will not be permitted unless the proposal is associated with the provision of public utilities and infrastructure that cannot be reasonably located elsewhere. Policy SP10 - Conservation of Natural Heritage sets out the overarching intention that the natural heritage of the Borough, including landscape, is to be protected. Policy CW4 - Natural Heritage Protection supports this and permits proposals, which conserve, and where appropriate, enhance the distinctive or characteristic features of the Special Landscape Area. Policy CW2 sets out specific aims with regard to development, namely development should not have an unacceptable impact on the amenity of adjacent properties or land, should not result in overdevelopment, and be compatible with surrounding land uses. Policy CW3 - Design considerations - Highways ensures that development satisfies and follows highway requirements.

The proposed development raises several key issues and these are addressed as follows:-

- Principle of development.
- Use of agricultural land.
- Landscape and visual impact.
- Impact upon the historic environment.

Cont....

Application No. 15/0451/FULL Continued

- Ecology.
- Highway safety and access.
- Drainage.
- Duration of permission.

PRINCIPLE OF THE DEVELOPMENT

Policy CW19 - Rural Development and Diversification. The applicant has cited Policy CW19 as a policy consideration. The reasoned justification to Policy CW19 states "Diversification is essentially changing an existing facility that is no longer suited to its original purpose to another use that will benefit the local community, economy and people". This policy is therefore aimed at conversions and more local considerations than this proposal which is for the production of sustainable energy that has much wider implications. It is the case though that Welsh Assembly Practice Guidance Planning Implications of Renewable and Low Carbon Energy 2011 part 8.4.16 does predict that a "significant proportion of proposals for solar PV arrays will be on agricultural land" and as such can support farm diversification (as per Planning Policy Wales 2012 part 7.3).

That practice guidance explains that whilst many solar proposals will be on agricultural land it is not expected that such land should be of a high grade. The application site is not high grade in accordance with that expectation.

In terms of the principle of the development, ideally large-scale solar PV arrays should be directed towards previously developed land or Brownfield sites. However, with relatively few sites of appropriate status and size within the Caerphilly County Borough, it is considered that, subject to other considerations set out below the principle of the proposed photovoltaic development on this undeveloped land in the countryside is endorsed by planning policy as a suitable source of obtaining renewable energy to meet the energy demands of the county. The applicant advises that an assessment of other land within the county borough was considered but solar PV is highly constrained by the requirement to be close to a suitable grid connection point. This site has the capacity to accept additional load on the overhead lines crossing the site and therefore fulfils this critical constraint. Other barriers to development such as site access and ecological impacts have been demonstrated to be manageable. The risk of disturbing buried features of archaeological interest has shown to be low. The applicant advises that finding alternative sites, which satisfy the above criteria where the landowner embraces the development, is even more difficult.

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USE OF AGRICULTURAL LAND

Agricultural Land Classification (ALC) is a standardised method for classifying agricultural land according to its versatility, productivity and workability based upon interrelated parameters including climate, relief, soil characteristics and drainage. These factors form the basis for classifying agricultural land into one of five grades (with grade 3 land divided into sub grades 3a and 3b). Best and most versatile agricultural land is classified as grades 1, 2 or 3a; whereas moderate, poor and very poor quality land is designated sub grade 3b or grades 4 and 5 respectively. The ALC map for Wales shows that the site has an ALC of grade 4.

The proposal is for the temporary use of the land for the purposes of solar power generation. It is the intention of the landowner to use the land to graze sheep to prevent it from becoming overgrown and will assist eventual full restoration. The installation is capable of being decommissioned and removed from site at the end of its viable life or duration of planning permission if approved, whichever is the sooner, with the site returned to its original appearance; this would be enforced by planning condition.

LANDSCAPE AND VISUAL IMPACT

Objection has been received regarding the adverse visual impact the development will have in this countryside location as a result of the scale of the development, the change in landscape character and its cumulative impact with other development. The application site lies in the countryside for purposes of the LDP. Policy CW15: Locational Constraints, at criterion C, states that development in such locations will not be permitted unless the proposal is associated with the provision of public utilities and infrastructure that cannot be reasonably located elsewhere (criterion iv). Policy SP10: Conservation of Natural Heritage sets out the overarching intention that the natural heritage of the Borough, including landscape, is to be protected. Policy CW4 furthers this: Natural Heritage Protection permits proposals, which conserve, and where appropriate, enhance the distinctive or characteristic features of the Special Landscape Area. The site has no land use designations. The main issue in respect of this application relates to the extent of impact the PV panels would have on the landscape character of the site and its adjacent landscape and the visual impact of the PV panels on people living, working enjoying or passing through the area. The applicant has submitted a Landscape and Visual Impact Assessment in respect of the proposed application, which is in accordance with what is currently regarded as best practice.

Cont....

Application No. 15/0451/FULL Continued

The methodology used to undertake the Appraisal of Landscape and Visual Effects is robust and in accordance with what is currently regarded as best practice. A series of matrices are used to guide the assessment of potential effects of the development upon Landscape Character and Visual receptors. This formulae approach is supplemented by professional judgement.

A study area of 5 kilometres from the centre of the application site and 13 representative photo viewpoints were selected following analysis of the Zone of Theoretical visibility mapping and discussions with the Council's Landscape Architect. It is considered that there is unlikely to be any significant effect upon Landscape Character or visual receptors. The proposed development is visually well contained within the existing field structure and distant views of the proposal are likely to be extremely limited. Some local views into the site will be possible where existing hedgerow boundaries are fragmented. However this can be addressed by management and additional planting, which will within a reasonable timeframe provide a suitable vegetation screen and a benefit to the local landscape in the long term. In this respect it is considered appropriate to attach conditions to any consent requiring details of existing and proposed landscaping, a detailed landscape and ecology management plan, details of the route and method of connection to the National Grid, and conditions relating the colour of the transformer cabinets, substation and CCTV poles.

IMPACT ON THE HISTORIC ENVIRONMENT

A detailed Archaeological assessment of the potential impacts on the historic environment of the proposal was undertaken on behalf of the applicant and submitted as part of this planning application and included a desk based assessment, a site walkover and geophysical analysis.

ECOLOGY

Objection has been raised regarding the adverse impact the proposed solar farm will have upon ecology and particularly given its close proximity to Hafodrisclawdd-isaf Site of Importance of Nature Conservation. Policy SP10 - Conservation of Natural Heritage, Policy CW4 - Natural Heritage Protection and Policy CW6 - Trees Woodland and Hedgerow Protection of the LDP are relevant and aim to protect, conserve, enhance and manage the natural heritage of the county borough. The ecological assessment that accompanied the planning application comprised a desk study, a site survey and a report. The assessment concluded that the proposed development is not anticipated to result in any significant adverse impacts on designated sites; important habitats or protected species during the construction or operational phase and it also recommends opportunities for habitat creation. This Council's Ecologist has addressed the issues raised by the objector above.

Cont....

Application No. 15/0451/FULL Continued

In terms of ecology and biodiversity it is considered that the proposed development does not conflict with policies CW4 and CW6 of the LDP and subject to the imposition of appropriate conditions is considered acceptable in planning terms.

HIGHWAY SAFETY AND ACCESS

Objection has been raised regarding the close proximity of the development to two Public Rights of Way. This Council's Rights of Way Officer has considered the proposed development and has not raised objection to the development subject to Footpath 158 in the Community of Bedwellty, which abuts the site being protected at all times. There are a number of Public Rights of Way that are located within the vicinity of the application site and the visual impact of the development upon users of these footpaths has been considered in the Appraisal of Landscape and Visual Effects submitted with the application. As discussed above this Council's Landscape Planner has concluded that if approved there is unlikely to be any significant effect upon Landscape Character or visual receptors.

Vehicular traffic, which is mainly in the construction phase of the development, is anticipated to last for approximately 3 months. A construction compound would be provided within the site boundary. Following construction, the installation would be monitored remotely and not require permanent staff to be located on-site. Servicing of equipment on the site would only need to be undertaken every 2 - 3 months by a maintenance engineer using a small van/truck. As such, the level of traffic generated by the proposed development is considered to be minimal.

The Construction and Traffic Management Plan and Method Statement submitted considers the traffic impacts that could arise during construction of the proposed development and outlines the principles to manage site operations with the view to minimising any transport and traffic-related issues during the construction

The Council's Transportation Engineering Manager has considered the information submitted in support of the application and raised no objection to the development subject to the imposition of appropriate conditions.

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DRAINAGE

Objection has been raised regarding the impact the proposed solar farm will have upon drainage. In this respect Policy CW5 of the LDP - Protection of the Water Environment is relevant. The flood risk assessment submitted as part of the planning application has identified that the development is not at risk of flooding. The applicant has also investigated the impact of run-off rates from the site. As the photovoltaic power plant's substructure allows for flexible installation, no changes to drainage are anticipated. Specifically, the steel substructure will follow the contours of the land, eliminating the need for any cut or fill of the topography. Existing grasses and vegetation will be maintained such that surface flows will be minimised and kept at current levels.

GLINT AND GLARE

Objection has been raised in this respect. A Glint and Glare Report has been submitted with the application and discusses the potential for glare from the PV panels on the surrounding roads, residential properties and settlements.

Solar PV panels are specifically designed to absorb, not reflect, light from the sun. The PV panels are manufactured with anti-reflective coatings to be as absorbent as possible in order to maximise their efficiency in producing electricity. The report, which concludes the predicted impact of glare from the solar park on surrounding roads, residential properties and settlements, is considered negligible. There have been no consultee objections in respect of this aspect of the development.

DURATION OF PERMISSION

The application seeks consent for a temporary period of 25 years and this can be conditioned within any planning permission. Once the life of the permission is reached, the recommended condition would require the site be decommissioned, all infrastructure removed and the site restored to its original state.

COMMUNITY ENGAGEMENT

Objection has been raised that the developer has not extended their public consultation wide enough given the size of the development and its location in an unspoilt area well used for recreational purposes. TAN 8 encourages developers to take an active role in engaging with the local community on renewable energy proposals (Para. 2.15). The applicant has followed that advice and engaged with the local community in Gelligaer. The applicant has submitted a Statement of Community Engagement and confirmed that it sent out 16 consultation letters distributed to local business and residents. Notwithstanding this the Council has advertised this planning application on site, in the press and nineteen neighbouring properties were consulted.

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CRIME

An objection has been raised concerned that the proposed solar park will generate theft and vandalism, with solar parks being targeted specifically. In response, the DAS submitted with the application addresses potential crime issues. A secure compound will be used to store materials and ancillary welfare facilities will be provided during the construction period and possibly a night watchman. The period of construction is indicated to be around 3 months. Post construction the development will be secured by a 2m high stock fence which will encompass a gated entrance, cameras with external perimeter intruder detection (PID) will also be erected and finally additional native hedgerow planting along the site perimeter will increase the site's privacy and security.

An objection has been raised suggesting the description of the site has not been made clear particularly as he lives in the adjacent Hafodrisclawddd-isaf farm to the application site. It is considered that the plans and supporting documents submitted with the application are sufficient in terms of the processing of the application and the site plan submitted with the application at a scale of 1:5000 clearly identifies the surrounding area including neighbouring farmsteads and other dwellings.

CONCLUSION

In conclusion it is considered the selected site is appropriate in that it can accommodate the proposed solar farm without significantly affecting the landscape character and appearance of the surrounding area, and potential archaeology or the amenities of residents in the vicinity. The temporary and reversible nature of the development, together with the measures that are to be taken to enhance and encourage ecological diversity of the site will ensure that, in the long term, the site can not only be restored to its current use, but will also have been improved.

Comments from Consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: See above.

Other material considerations: None.

The proposals are consistent with national, regional and local plan policy and subject to the imposition of appropriate conditions referred to above are considered acceptable in planning terms.

Cont....

Application No. 15/0451/FULL Continued

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) At least 5 working days, notice in writing shall be given to the Local Planning Authority in respect of the commencement of works.
REASON: To enable the Local Planning Authority to ensure construction works take place in a timely manner and to minimise disturbance to neighbouring amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.
- 03) The development shall be carried out in strict accordance with the approved Construction Traffic Management Plan prepared by TPA dated June 2015.
REASON: In the interests of highway safety.
- 04) Prior to the commencement of works on site, a scheme to prevent mud and other debris being deposited on the public highway, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.
REASON: In the interests of highway safety.
- 05) The development shall not commence until a means of vehicular access has been constructed in accordance with details that shall have first been submitted to and agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
- 06) The development shall not commence until vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

Cont....

Application No. 15/0451/FULL Continued

- 07) Prior to the delivery of any components a highway condition survey along Manmoel Road shall be carried out and agreed in writing with the Local Planning Authority. The agreed survey shall include a scheme and timetable for the repair of any damage caused to the highway by delivery vehicles associated with this development. The development shall thereafter be carried out in accordance with those agreed details.
REASON: In the interests of highway safety.
- 08) Prior to the commencement of the development a programme of archaeological work in accordance with a written scheme of investigation, including a timetable and extent of work, shall be submitted by the applicant and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
REASON: In the interests of the archaeological and historical heritage of the Borough.
- 09) Notwithstanding the submitted plans, details of the colours of the external finishes of the Transformer and Invertor Cabinets together with the CCTV poles and associated attachments shall be submitted for consideration and approval in writing with the Local Planning Authority. the development shall be carried out in accordance with the agreed details.
REASON: In the interests of visual amenity.
- 10) Notwithstanding the submitted plans, revised details shall be submitted for consideration and approval in writing with the Local Planning Authority, in respect of the location of the substation together with the design of the substation, which shall include a pitched roof building with either a stone/timber clad or rendered finish to the external walls. The development shall be carried out in accordance with the agreed details.
REASON: In the interests of visual amenity.
- 11) 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. Those details shall include:
(a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
(b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and

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c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

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

REASON: In the interests of the visual amenity of the area.

- 12) Prior to the commencement of the development hereby approved an Ecology and Landscape Management plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.

REASON: To ensure adequate protection to protected species.

- 13) Construction, movement of materials and decommissioning works shall take place only between the hours of 0800 - 1800 Mondays to Fridays and 0800 - 1300 Saturdays and not at all on Sundays or Public Holidays.

REASON: In the interests of residential amenity to minimise disturbance to foraging/commuting bats and other nocturnal animals.

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Local Planning Authority, except for those works permitted by this consent.

REASON: To protect the landscape character of the area in accordance with Policies CW4 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.

Cont....

Application No. 15/0451/FULL Continued

- 15) Within 25 years and 6 months following completion of construction of development, or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, the solar PV panels, frames, foundations, inverter housings and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall be subsequently restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.
REASON: In the interest of visual amenity.
- 16) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.
- 17) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 18) The details of the Substation referred to in condition (10) above shall include details of sound insulation materials. The agreed details shall be implemented before the first use of the Substation commences.
REASON: In the interests of the amenities of the area.
- 19) Prior to the commencement of the development hereby approved a Construction Environmental Management Plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.
REASON: To ensure adequate protection to protected species.

Cont....

Application No. 15/0451/FULL Continued

- 20) Within 6 months of the commencement of the development a monitoring programme for grassland habitats, and bats shall be submitted for consideration and approval in writing by the Local Planning Authority. The agreed management programme shall be implemented in accordance with the agreed details and copies of the monitoring reports submitted to the Local Planning Authority in accordance with an agreed timeframe.
REASON: In the interests of biodiversity.
- 21) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: drawing no: 20141008132049 dated 10.3.15 and CCTV Security post dated 10.3.15 and Frame structure dated 10.3.15 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 22) The wearing course of all access tracks/vehicle routes through the site hereby approved shall be constructed of locally occurring sandstone.
REASON: To reflect the underlying geology of the site.
- 23) Details of the route and method of connection to the National Grid within the site hereby approved shall be submitted for consideration and approval in writing with the Local Planning Authority. the development shall be carried out in accordance with the approved details.
REASON: In the interests of visual amenity and biodiversity.
- 24) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with 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,

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- 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,

Cont....

Application No. 15/0451/FULL Continued

- 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.

REASON: In the interests of visual amenity.

- 25) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the solar farm. Written confirmation of the first export date shall be sent to the Local Planning Authority within one month of the first export date.

REASON: In order to retain effective control over the development.

- 26) Within 25 years from the date when electricity is first generated to the grid, or within six months of the cessation of electricity generation by the solar farm facility, whichever is sooner, the solar farm and all associated works/equipment shall be dismantled and removed from the site and the land restored to its former condition in line with a restoration scheme, details of which shall be submitted and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity.

- 27) Within the year prior to decommissioning of the site, and during the appropriate survey period prior to decommissioning, a full ecological survey of the site shall be undertaken to inform decommissioning, as required by Condition 26). A survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during commissioning and beyond.

REASON: In the interests of visual amenity and biodiversity.

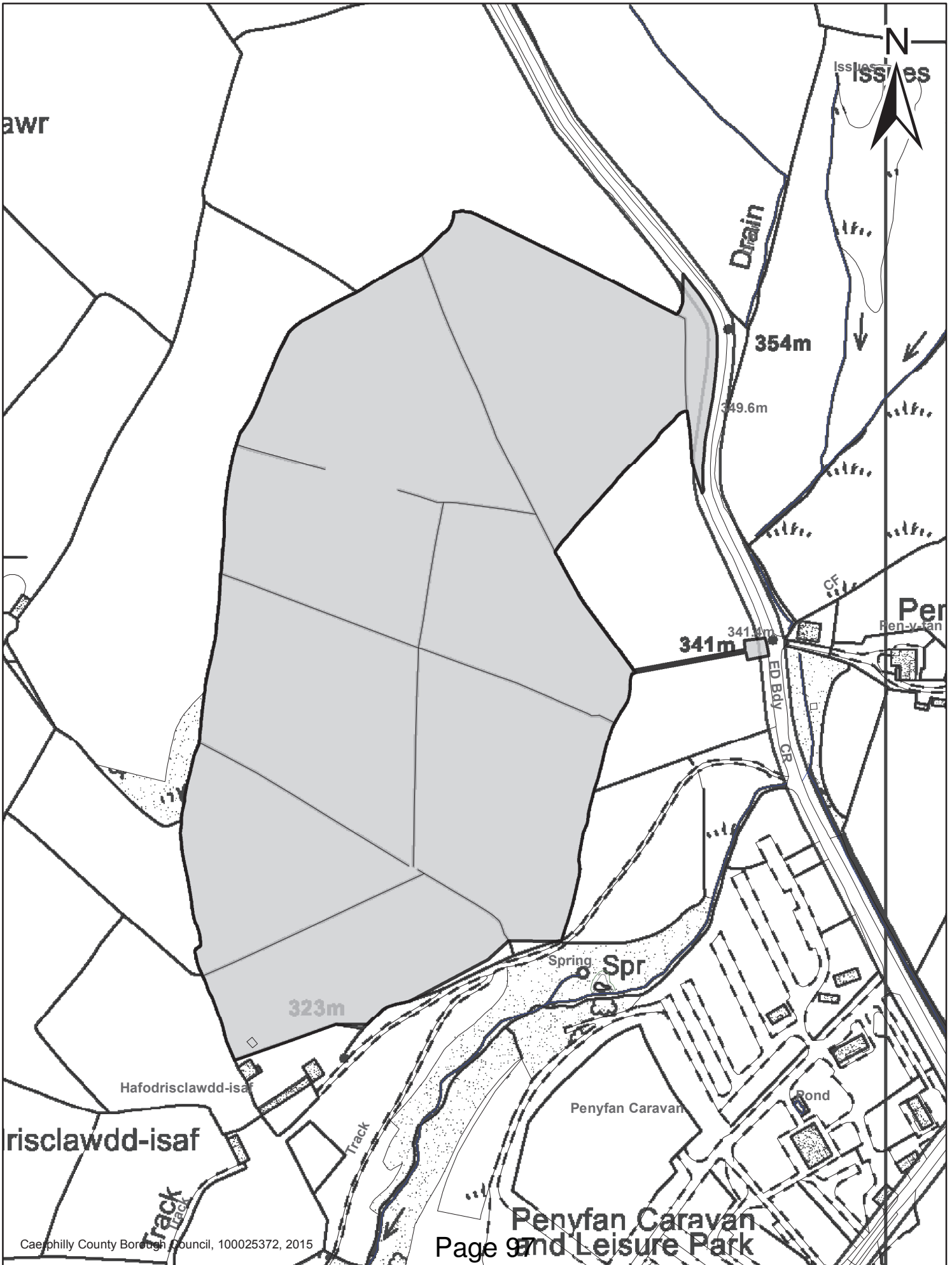
Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

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Application No. 15/0451/FULL Continued

The applicant is advised of the comments of Natural Resources Wales, Glamorgan Gwent Archaeological Trust, Heddlu Gwent Police, Rights of Way Officer, Nats, Council's Ecologist, Senior Arboricultural Officer (Trees) and Countryside and Landscape Services.



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PLANNING COMMITTEE – 4TH NOVEMBER 2015

SUBJECT: SITE VISIT - CODE NO. 14/0836/FULL – THE SURGERY, OAKFIELD STREET, YSTRAD MYNACH, HENGOED, CF82 7WX

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

PRESENT:

Councillor D.G. Carter – Chair

Councillors M. Adams, A. Angel, Mrs E.M. Aldworth and Ms J. Gale

1. Apologies for absence were received from Councillors J. Bevan, D. Bolter, P. Cook, L. Gardiner, A.G. Higgs, D. Rees, J. Summers and J. Simmonds.
2. Councillors D. Bolter and W. David having previously declared a prejudicial interest in that there are both patients at this Surgery were not present at the site visit.
3. The Planning Committee deferred consideration of this application on 7th October 2015 for a site visit. Members and Officers met on site on Monday, 26th October 2015.
4. Details of the application to create new pedestrian access onto The Surgery, Oakfield Street Ystrad Mynach, Hengoed, CF82 7WX were noted.
5. Those present viewed the site and examined the plans submitted with the application to fully appreciate the proposals.
6. Members were asked to note the position of the proposed access at the north-west corner of the Surgery's main forecourt and the alteration to the car park and new pedestrian path, it was noted that a Builder's Merchant also has access onto the lane.
7. Members raised concerns with regard to the close proximity of the proposed pedestrian gate to the neighbouring Builder's Merchants particular when this area is continually used by large delivery vehicles/lorries accessing the yard, this coupled with the volume of traffic utilising the lane as a short cut from the school and leisure centre would make it unsafe for pedestrian use. The Local Ward Member suggested that the proposed access be moved to the eastern edge of the surgery forecourt from the public car park area, which was felt to be a quieter and safer location. Officers agreed that the access gate could be accommodated in this area, but advised that there was no facility to provide pedestrian segregation. Members viewed the change of position and were of the opinion that it offered an acceptable alternative.

The Planning Officer agreed to enter into further discussions with the applicant with regard to the proposed change of position as this would require an amendment to the submitted plans and provide an update to the Planning Committee.

Members recommended that subject to the agreement of the applicant, and providing there were no objections raised by Highways Engineering that the Planning Committee authorise Officer's to deal with the matter under delegated powers.

8. Officers confirmed that following advertisement to 18 neighbouring properties, a site notice and a re-consultation process on amended plan, on which the consultation period has not yet expired, a letter of objection and an email response had been received. Details of the responses are within the Officer's original report.
9. A copy of the report submitted to the Planning Committee on 7th October 2015 is attached. Members are now invited to determine the application.

Author: E. Sullivan Democratic Services Officer, Ext. 4420
Consultees: A. Pyne Planning Officer
L. Cooper Engineer (Highway Development Control)

Appendices:
Appendix 1 Report submitted to Planning Committee on 8th October 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0836/FULL 22.01.2015	Oakfield Street Surgery Ms S Emery Oakfield Street Ystrad Mynach Hengoed CF82 7WX	Create new pedestrian access onto site The Surgery Oakfield Street Ystrad Mynach Hengoed CF82 7WX

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The Surgery, Oakfield Street, Ystrad Mynach.

Development Description: This application seeks permission for a new pedestrian entrance to Oakfield Surgery at the north-west corner of the surgery's rear forecourt. To the northwest of the application site is a lane providing access to a number of business, community and residential properties which front Bedwlwyn Road, Pengam Road or Oakfield Street. A builder's merchant yard has an access onto the lane. The lane also provides the surgery's northern boundary and an access lane with Pengam Road at a higher level. To the east is a public car park and to the South is Oakfield Street.

Dimensions: 1 metre wide and 2 metre high new steel access gate

Materials: Steel access gate.

Ancillary development, e.g. parking: Alterations to Surgery car park layout to incorporate a new pedestrian path.

PLANNING HISTORY

5/5/92/0607 - Construct entrance porch and minor changes to existing elevations.-
Granted 06.11.92.

P/96/0737 - Construct access road and extension to existing car park - Granted
19.12.96.

P/97/0342 - Extend surgery car park into public car park - Granted 24.07.97.

Cont....

Application No. 14/0836/FULL Continued

09/0640/FULL - Erect extensions on upper and lower ground floor levels - Refused 12.11.09.

10/0024/FULL - Erect two-storey rear extension - Granted 04.03.10.

12/0342/FULL - Erect two storey and single storey extensions in cavity (masonry construction under a pitched tiled roof) to provide additional clinical and administration space - Granted 06.07.12.

POLICY

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

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

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints, SP6 (Placemaking).

NATIONAL POLICY Planning Policy Wales (2014), Technical Advice Note 12: Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, attach advisory note.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions and informatives.

Head Of Public Protection - No objections to the development, requests advisory note.

Cont....

Application No. 14/0836/FULL Continued

Senior Engineer (Land Drainage) - No comments.

Gelligaer Community Council - Objection on the grounds of loss of parking.

Principal Valuer – No comments.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and 18 notification letters sent to surrounding residential properties and businesses. A re-consultation exercise on amended plans has been undertaken and at the time of writing this report the consultation period has yet to elapse.

Response: Two letters were received relative to the original consultation exercise. One letter is an objection to the application and the other is an email which identifies that it is not an objection but seeks to raise concerns. Any further representations received in relation to the re-consultation will be reported to members at Planning Committee.

Summary of observations:

The objection letter received raised the following matters:-

- Concerns in relation to the Design and Access Statement that it has underestimated the usage of the access lane. Highlights that the access lane is used to access four properties. The white line on the lane was used to act as a pavement, rather than a raised kerb as the use of a kerb would mean there would be insufficient room for Vehicle access.
- Heavy Good Vehicles (including refuse vehicles) have to reverse up/down the lane as there is insufficient room to manoeuvre into Oakfield Street. The lane is also used as a "short cut" to access the surgery and nearby Girls School. Highlights congestion on Oakfield Street.
- Proximity of the proposed access to the bend in the lane.
- Considers the proposal is extremely hazardous and an "accident waiting to happen."
- Suggests a proposal for a relocated entrance to the eastern edge of the surgery forecourt.

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Application No. 14/0836/FULL Continued

The email raises the following concerns:-

- Considers the lane is used as a "rat run" between Pengam Road, the car park and Oakfield street.
- Expresses a view that the lane was originally envisaged for the sole purpose of allowing deliveries by commercial vehicles to the Builder's Merchant in the lane. The lane was to be for "access only" but this has never been enforced (or rescinded).
- Cites observations of cars using excess speed around the corner and often when their view is obscured by vehicles collecting from the Builder's Merchant.
- Requests if application be granted that actions be taken to make area safer. There needs to be restricted speed limit and/or enforcement of the access only condition..
- Due to the current situation the author states they can no longer exit their garage onto the lane without another person standing in the lane to stop traffic to prevent a collision.
- Volume of traffic in lane is greater than implied in photographs included in the design and access statement. Particularly when parents of pupils at Lewis Girls School are using the lane as a short cut.
- Concern that there are very considerable dangers that would be posed to patients, particularly mothers and children when accessing the clinic from this new entry point.

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

Is this development Community Infrastructure Levy liable? The development is not chargeable as no floor space is created.

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ANALYSIS

Policies:

The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main planning consideration in relation to the application is deemed to be the impact of the proposed development on highway safety. This application seeks permission to install a new pedestrian access gate into the rear car park forecourt area of the surgery to provide an alternative additional means of pedestrian access to the surgery.

The relevant Local Development Plan Policy is Criterion A of Policy CW3 (Highways) requires that development must have regard "for the safe, effective, and efficient use of the transportation network." The representations made to the application have raised concerns in relation to Highway Safety issues within the rear lane however the existing circumstances in the lane is an important consideration. It is highlighted that currently the lane includes a white lined area for pedestrians to use on part of the lane and whilst this would be extended to accommodate the route to the new pedestrian access gate it is not introducing a new circumstance with vehicles and pedestrians using the lane.

In addition it is noted that there is an existing set of steps providing pedestrian access to and from Pengam Road which accesses onto the rear lane at a point some 15 metres from the location of the proposed new pedestrian access gate. It is therefore considered that for some pedestrians currently utilising these existing steps to access the surgery the new access gate may significantly shorten their current route to accessing the surgery via the lane.

It is acknowledged that the provision of the new gated access will in all likelihood increase pedestrian use of the existing demarked area on the lane but the Highway Authority have considered the application and have offered no objections to the development. The concerns raised in relation to the lane are noted but subject to the proposed lining works in the carriageway recommended by the Highway Authority it is considered that the development is acceptable in all regards.

Comments from consultees: The Highway Authority were involved in discussions with the applicant's which led to an amendment in the positioning of the proposed gate to avoid loss of parking provision.

Cont....

Comments from public:

It is noted that various safety concerns have been raised by the representations received. The Highway Authority has offered no objection to the development and the current portion of the lane has an existing white lined area to demark a zone for pedestrians to use. The amended location for the access gate has been submitted following consultation by the applicant with the Highway Authority. It has been clarified in discussions with the Highway Authority there is no prohibition on vehicular access to the lane contrary to this being inferred in the representations received.

Other material considerations: None

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 proposed gate shall be fitted so as not to open out over the highway.
REASON: In the interests of highway safety.
- 03) Use of the new entrance gate shall not commence until the proposed extension to the existing white line as shown (and indicated for identification purposes with a dashed line) on drawing number: AL-C-04-Rev A has been laid out in accordance with the submitted plans to the satisfaction of the Local Planning Authority.
REASON: In the interests of highway safety.
- 04) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
- Existing and Proposed Site Layouts AL-C-04 revision A.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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Application No. 14/0836/FULL Continued

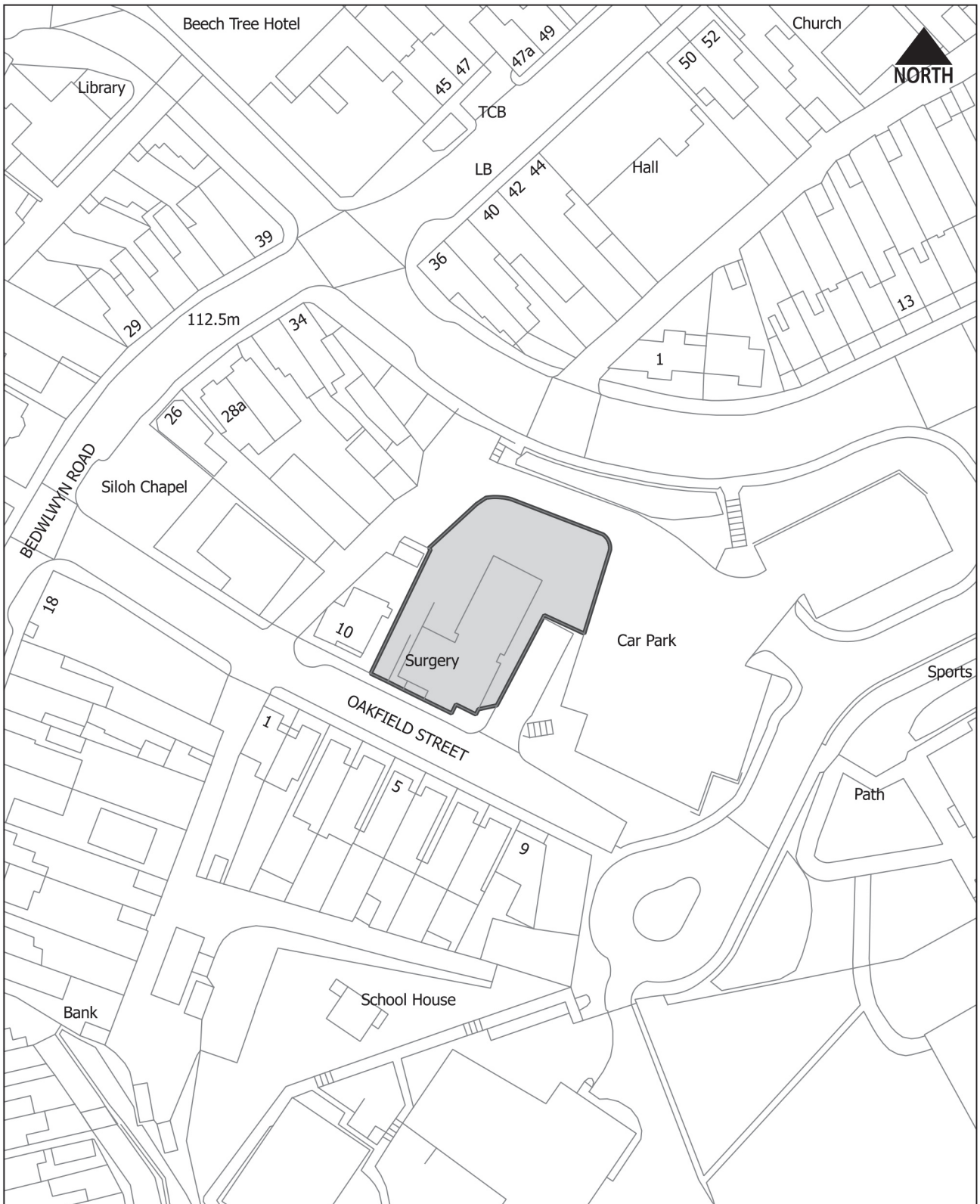
Advisory Note(s)

The proposed white lining works shall be undertaken using a competent white lining contractor with both the appropriate licenses to work within the highway, along with an adequate level of public liability insurance. For the avoidance of doubt, the applicant should be advised to contact the Highways Operations Group on (01495) 235323 in this respect. Any unlicensed work in, or disturbance of, the highway will be considered to be causing damage to the highway which is an offence under the Highways Act 1980, and may result in legal action being taken in order to rectify matters.

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

The applicant is advised to contact the Environmental Health Officer on 01495 235028 to discuss management of pedestrian access within the site.

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PLANNING COMMITTEE – 4TH NOVEMBER 2015

SUBJECT: SITE VISIT - CODE NO. 14/0855/FULL – LAND AT WATFORD ROAD, CAERPHILLY.

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

PRESENT:

Councillor D.G. Carter – Chair

Councillors M. Adams, Mrs E.M. Aldworth, Miss J. Gale and S. Kent.

1. Apologies for absence were received from Councillors J. Bevan, D. Bolter, Mrs P. Cook, W. David, C. Elsbury, J.E. Fussell, D. Rees, L. Gardiner, A. Lewis, K. Lloyd, J. Simmonds and Mrs J. Summers.
2. The Planning Committee deferred consideration of this application on 7th October 2015 for a site visit. Members and Officers met on site on Monday, 26th October 2015.
3. Details of the application to erect a residential development and associated works on land at Watford Road, Caerphilly were noted.
4. Those present viewed the site and examined the plans submitted with the application to fully appreciate the proposals. It was confirmed that the land owned by Caerphilly County Borough Council and is located south of the former Caerphilly Miner's Hospital site. It is within the defined settlement limits and is identified as part of the housing allocation for residential development within the LDP.
5. Members were asked to note that the application is for a total of 34 dwellings which would be a mixture of 2, 3 and 4 bed houses and one three storey block of flats and would comprise of private sales units, social units and intermediate properties.
6. Concerns were raised with regard to on going issues arising from the adjacent Caerphilly Miner's housing development with regard to anti-social behavior and noise nuisance and the Local Ward Member confirmed that the proposed development area has acted as a 'buffer zone' between the estate and neighbouring residential homes, was one of the few remaining green wedges in the area and was well used by local people as a 'right of way'. He expressed concern that this addition would constitute an overdevelopment of the area to the detriment of residential amenity and that the introduction of a further junction onto Watford Road would have a detrimental impact on highway safety.

The Highways Officer confirmed that full consideration had been given to highway safety and the proposed access to the development would afford adequate visibility, meeting the relevant criteria and as such no objection had been raised subject to conditions as detailed in the

Officer's report. It was noted that a 'speed survey' had been undertaken on Watford Road and clarification was sought as to its findings, the Officer advised that although he did not have the findings available on site he would be able to provide further information to the Planning Committee.

The Principal Planner confirmed that there was no enshrined public right of way through the site and the development forms part of land which was specifically identified as a housing site in the Adopted Local Development Plan 2010. As to the anti-social behavior issues this would be a management matter for United Welsh Housing.

7. Officers confirmed that following advertisement to 55 neighbouring properties, advertisement in the press and a site notice being posted, 13 letters of objection and a petition by 17 residents had been received. Details of the objections are within the Officer's original report.
8. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
9. A copy of the report submitted to the Planning Committee on 7th October 2015 is attached. Members are now invited to determine the application.

Author:	E. Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	G. Lewis	Principal Planner
	M. Noakes	Senior Engineer (Highway Development Control)

Appendices:

Appendix 1 Report submitted to Planning Committee on 7th October 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0855/FULL 14.01.2015	United Welsh Housing Association Mr P Seaborne C/o Asbri Planning Ltd Mr B Davies Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS	Erect residential development and associated works Land At Watford Road Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is located to the south of the former Caerphilly Miner's Hospital site which is on the lower slopes of Caerphilly Mountain. It is on the west side of the junction of Watford Road, Lon y Llyn and St. Martin's Road. It is approximately 1 kilometer from the town centre.

Site description: The site is an undeveloped area of land roughly rectangular in shape, which has a limited frontage onto Watford Road with the remainder of the site running westwards towards the existing housing on the Castle View development. The site has a gradient which falls down the mountainside from south to north. The extent of the fall is approximately 10 metres over a width of 70 metres.

The land is enclosed by existing hedges and dense undergrowth, whilst the main area of land is generically "rough-grassland."

The site is bounded to the north by the Caerphilly Miner's housing development (i.e. Beech Tree View). To the south and east there is also established residential estates, whilst to the east it borders the public highway, on the opposite of which is further residential development.

There are a limited number of trees on site which are generally located on the boundaries.

Development: The application is for a total of 34 dwellings, as with the Caerphilly Miner's development these will be a mixture of (i) private sale units (ii) social units and (iii) intermediate properties.

Cont....

Application No. 14/0855/FULL Continued

The numbers and house types of each of these categories is as follows:-

- (i) 16 units, of which 12 are 3 bed and 4 are 4 bed houses.
- (ii) 12 units, of which 6 are 1 bed flats, and 6 are 2 bed houses.
- (iii) 6 units, of which 1 is 2 bed and 5 are three bed houses.

Categories (ii) and (iii) comprise affordable homes and total 18 units (i.e.53%) whilst category (i) relates to the private sales and total 16 (i.e.47%).

The properties are mainly two-storey houses of detached, semi-detached and small linked arrangements comprising three houses. There is also one three-storey block of flats incorporated into the scheme.

Dimensions: The site measures 1.1 hectares, which is a density of approximately 34 to the hectare and would be considered a medium density development.

The block of flats measures 11 metres to the apex and has a floor area of 140 square metres. Whilst the houses are all approximately 8.5 metres high they range from 48.5 square metres floor area (2 bed house) to 68 square metres floor area (4 bed houses).

Materials: The dwellings are to be finished in a red facing brick, whilst the roofs are to be covered in grey tiles. All windows and rainwater goods are to be PVCu. All roads and footpaths are to be in tarmacadam.

Ancillary development, e.g. parking: Parking at the site is in accordance with the Authority's adopted parking guidelines. The detached 4 bed dwellings are all provided with a garage as well as on-site parking places.

PLANNING HISTORY

P/02/1279 - Provide car park facilities. - Granted 06.12.02.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site located within the defined settlement limit and is identified as part of a housing allocation (HG1. 67). This allocation was formally named the Caerphilly Miner's Hospital site and had an area measuring 3.26 hectares, 2.16 of which have already been developed by the Beeches View site.

Cont....

Application No. 14/0855/FULL Continued

Policies: The main policies of relevance in the Adopted Local Development Plan are as follows:-

Strategy policies

SP3 - Development strategy in the Southern Connections Corridor, SP4 - Settlement strategy, SP5 - Settlement boundaries, SP6 - Place making, SP10 - Conservation of natural heritage, SP14 - Total housing requirements and SP15 - Affordable housing targets.

Countywide policies

CW2 - Amenity, CW3 - Design considerations: highways, CW6 - Trees, woodland and hedgerow protection, CW10 - Leisure and open space provision, CW11 - Affordable housing and CW15 - General locational constraints.

NATIONAL POLICY: Planning Policy Wales (Ed 7. 2014), TAN2 (Planning and affordable housing), TAN5 (Nature conservation and planning), TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes. The proposal exceeded the threshold of a development area over 0.5 hectares.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

Rights Of Way Officer - confirmed that no public rights of way affect this site.

Senior Arboricultural Officer (Trees) - has made no formal response to the application but has made verbal comment on the matter of tree protection which have been actioned by the applicant by way of amended plans. As such the information submitted addresses the points raised regarding tree retention and protection matters.

Principal Valuer - has confirmed that the right of access claimed by a local resident onto the land does not exist, and that the person claiming it had signed a declaration to this effect in March 2013.

Cont....

Application No. 14/0855/FULL Continued

Head Of Public Protection - raises no objection to the application subject to the imposition of conditions relating to dust and noise mitigation schemes and an imported soil condition.

Reference is also made to the Air Quality Impact Assessment that has been submitted, in that this information adequately addresses this issue.

CCBC Housing Enabling Officer - has confirmed that the affordable element is acceptable. Further comment is made on the transfer prices of the affordable units and the need for them to be built to the relevant standard and to be delivered by the Housing Association. This will be secured by way of a S106 Agreement.

Senior Engineer (Land Drainage) - makes a range of comments on drainage matters at the site some can be conditioned whilst others need to be passed on as written advice.

Outdoor Leisure Development Officer - comments that the open recreational space that has been provided to the west of the site is a good improvement to the scheme. Notwithstanding this an element of play equipment is required to be installed in this space. This should be secured by way of condition.

Head Of Public Services - raise no objection to the application but makes a number of comments on kerbside collection points which need to be passed on to the applicant/developer.

Transportation Engineering Manager - does not raise objection to the application subject to the imposition of conditions regarding vision splays, parking provision availability, surfacing materials etc.

Dwr Cymru - requires conditions to be imposed regarding the need for comprehensive drainage arrangements to be submitted and approved and for the protection of the existing public drainage system.

Police Architectural Liaison Officer - welcomed the fact that the development is to be carried out in accordance the "Secured by Design Standards."
Specific crime prevention advice is given which needs to be forwarded to the applicant/developer as written advice.

Wales & West Utilities - comments that it may have apparatus close to/within the site which may be affected by the proposal. As such they should be contacted prior to any work commencing on site.

Cont....

Application No. 14/0855/FULL Continued

Caerphilly Town Council - has commented that it has objections to the application on the basis of "overdevelopment and lack of residential amenities in the area."

ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site and press notices and direct letters with 55 neighbouring properties.

Response: In response to this consultation exercise 13 letters of objection and one petition, signed by 17 residents were submitted.

Summary of observations: The basis of the objections received were as follows:-

1. Residents were assured that this land would be offered to local people as allotments.
2. The land is one of the few remaining "green areas" left as the majority of land has been built upon.
3. The land is used for recreational and amenity purposes by residents and their children.
4. The highway situation is already dangerous on Watford Road and it will be worsened by this proposal. It is a road often used by school children.
5. The new dwellings will adversely impact on the residential amenities of existing residents as they will be built too close to them and affect privacy and view.
6. Inadequate advertising of the application.
7. A right of way is affected by the scheme.
8. All the dwellings will be Housing Association properties.
9. Loss of privacy specifically to properties specifically at a lower level to the north.
10. Disruption during construction.
11. Devaluation of existing properties.
12. Insufficient landscaping is to be provided.
13. The site to the north has been troubled by incidents of anti-social behaviour.
14. Where are the children to be educated.
15. What new roads are planned to deal with the additional traffic generated from such sites.
16. Residents should be invited to the meeting to make a short presentation.
17. The utilities/infrastructure in the area is already substandard.

Cont....

Application No. 14/0855/FULL Continued

18. The Council should not have closed the hospital in favour of housing development on the land.
19. There are "Brownfield" sites to develop instead of this land. It would be preferable to use this land as a community garden or allotments rather than provide housing for people who have "little historic sympathy" with the local 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? It is not considered that the determination of the housing layout submitted will adversely impact on the issues of crime and disorder in this area. Gwent Police have been consulted on the application. Their comments are discussed further in the report.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes. The development is CIL liable, albeit an exemption can be claimed in respect to the affordable element.

ANALYSIS

Policies: With regard to the Strategic Policies of relevance it is evident that the proposal accords with them as it involves the development of an identified housing site for that purpose. The Adopted Local Development Plan promoted this site as an integral part of its housing strategy. In a plan lead system the relevant legislation (i.e. The Planning and Compulsory Purchase Act 2004, Section 38 (6)), specifies how development should be assessed. The Adopted Local Development Plan is the Council's land-use document against which the determination of applications should be made unless material considerations indicate otherwise.

Consequently this application accords with those policies relating to settlement boundaries and development strategy (i.e. SP3, SP4, SP5, and SP6).

Cont....

Application No. 14/0855 Continued

With regard to SP10 the application was accompanied by a wildlife survey and a tree report. These contained recommendations regarding the ecology and its protection, at the site. In this regard conditions will be imposed which relate to the protection of both wildlife interests and certain trees and hedgerows on the boundary of the site.

SP14 relates to the provision of a defined number of new dwellings in the County Borough, whilst SP15 seeks to ensure the delivery of a prescribed amount of affordable properties as part of the overall provision. The current proposal would comply with both policy requirements.

In the circumstances the proposal complies with all the relevant Strategic Policies.

With regard to Countrywide policies CW2 is particularly relevant as it relates to the impact of the proposal on the amenities of the surrounding properties. In this respect it is evident that the rectangular nature of the site allows for a standard cul de sac arrangement with a relatively straight road through the site, which runs along the contour line of the mountainside. This highway is capped by a turning head. The two storey dwellings and the small block of flats are located on either side of the road. This means that to both north and south it borders onto existing residential development.

To the north it looks onto Beech Tree View. The new houses range from a distance of 30 metres to the existing properties down to a distance of 22 metres between these dwellings.

To the south the development looks towards Plas Grug, which forms part of the established Watford Park Estate. The distance between the new and the existing dwellings on this side is between 25 metres and 30 metres. These distances are such as to ensure that the impact on the privacy of the adjoining properties will not be so significant as to sustain a refusal of permission.

The development is of a density (i.e. 34 dwellings to the hectare) that is considered to be medium in character, which is acceptable. Also a residential use next to other similar uses is considered to be compatible in nature.

As such Policy CW2 is complied with.

Cont....

Application No. 14/0855/FULL Continued

The next policy of relevance is CW3 - Design Considerations: Highways. This deals with highway safety, pedestrian and cycle links, adequate parking provision and the access road's linkages with the public highway system. In this respect the Highways Division considers that the solution proposed is acceptable. The requirements of CW3 are therefore considered to be satisfied.

As indicated above the applicant submitted a tree survey, including an impact assessment and a Method Statement, which have been considered by the Council's Arboriculturist, who has raised no objection to its contents. This therefore addresses the hedgerow and tree protection issues at the site and can be secured by way of condition attached to any permission granted.

Policy CW10 (Leisure and Open Space Provision). Discussions have been undertaken with the developer to provide a more useable play provision on site. This has resulted in a LAP being sited towards the western side of the development which will provide formal play space. This space has been endorsed by the Leisure Services Officer as a good recreational facility. There are also two other areas of open space incorporated into the layout. This is considered to comply with the requirements of policy CW10.

A condition will also be imposed regarding the provision of play equipment within the relevant leisure space.

The policy on affordable housing is one that refers to the provision of 40% of the development being "affordable". As can be seen from the description contained earlier in this report the proposal offers over 50% of the development as affordable. The Housing Strategy Officer has confirmed his acceptance of the proposal on the basis of the transfer prices contained in an email on this matter. United Welsh Housing Association confirms that the transfer prices given are acceptable to them. This position will be secured by way of a Section 106 Agreement attached to any permission granted.

The final Local Development Plan policy of relevance refers to general locational constraints (i.e. policy CW15). This requires developments to accord with the role and function of the settlement they are within and also do not prejudice wider comprehensive development.

In this regard the proposal seeks to gain permission for residential development on a site identified as a residential allocation in the Adopted Local Development Plan. This site is surrounded by existing residential development therefore it accords with the built form and its use.

Cont....

Application No. 14/0855/FULL Continued

With regard to its impact on any wider redevelopment, it would be accurate to state that this scheme completes a previously planned residential allocation. As such it accords with the requirements of the policy.

Therefore there are no policy objections to this application contained in the Local development Plan.

With regard to national guidance and legislation it has been stated above that the Planning and Compulsory Purchase Act 2004 requires decisions on applications for development to be taken in regard to the policies contained in an Adopted Plan unless material considerations dictate otherwise. In view of the current Five Year Land Supply position it is evident that residential land in the County Borough area is unacceptably low and housing sites are required to be identified. As such there are not considered to be any material considerations which mitigate against the approval of this identified housing site.

The TAN's of relevance follow on from the policies contained in the Local Development Plan policies, and do not raise any issues which could sustain a refusal of this proposal.

Comments from Consultees: As can be seen from the above responses none of the standard consultees have raised objection to the development. A number have expressed concerns which require the imposition of conditions attached to any permission granted such conditions which will adequately control the development to an acceptable standard.

Comments from public: The responses to the comments of the general public are as follows:-

1. Any such assurances given to residents are not Council policy. The Adopted Local Development Plan is the land-use policy document for this Authority. In this latter plan the site is clearly identified for residential development.
- 2 and 3. This land is not amenity land for the public's use. It is not a Council park or playground and has no official leisure designation. In visual terms the site is located on the lower slopes of Caerphilly Mountain which is a large area of countryside outside the urban settlement limit identified in the Adopted Local Plan. As such there are "green areas" close at hand.
4. The Highway Division have considered the matter of highway safety and have concluded that the access arrangements to serve the development are acceptable.

Cont....

5 and 9. The consideration of the policy position indicated above looks at the issues of privacy and residential amenity between the new and existing housing developments. It concluded that the distances between the housing was adequate in protecting a reasonable level of residential amenity/privacy. In a valley context there is usually an accepted degree of overlooking which is unavoidable given the terrain.

6. The application was advertised by way of site and press notices along with 55 individual letters to local residents. This is considered to represent a proportionate consultation level in respect to this development. As such this criticism is refuted.

7. The Public Rights of Way Officer has confirmed that no public right of way is affected by the scheme. As the land is Council owned the Property Section have confirmed that there are no private rights of access granted onto this land. if individuals have created such accesses they are unauthorised.

8. This is not correct almost half of the dwellings will be for sale on the open market.

10. There will no doubt be a certain level of disturbance during the construction phase. Conditions relating to noise and dust mitigation can be imposed to seek to control the unacceptable levels of such disturbance.

11. Devaluation of property is not a material planning consideration.

12. Landscaping can be required by condition attached to any permission granted.

13. Issues of anti-social behaviour relating to a development are matters to be addressed by the landlord and in certain cases by the Police. A residential development, which is acceptable in all other respects, cannot be refused on the basis of the potential for anti-social elements subsequently occupying some of the dwellings.

14. As this site is an allocated one in the Local Development Plan the educational implications would have been allowed for in that plan. Also any CIL payments liable from this scheme will include an element which will potentially be available for education improvements in this area.

15. Once again, this site as an identified residential allocation in the Local Development Plan, would have been considered in the context of the highway capacity to accommodate it, prior to it being formally identified for that purpose.

16. The residents can attend the Planning Committee meeting, and with the Chairman's permission, can allocate a speaker to address Members with their objections, in accordance with the standing protocol.

This advice has been given to a residents group who have been told to contact the Committee Section in this regard.

17. This opinion is not accepted as a statement of fact.

Cont....

18. The Council did not close the hospital in favour of residential development. The Area Health Authority and Welsh Government took that decision. It should be recognised that the Miner's hospital was not fit for purpose due to the passage of time. Also a state of the art replacement for much of its services was provided in Ystrad Mynach. This objection is considered to be wholly inaccurate.

19. The brownfield sites in the Caerphilly Basin area all have complex issues relating to them (i.e the Tar Plant, Bedwas Colliery, Cray valley). This site has none of these issues present at those sites and has been allocated for residential purposes due to its good relationship with the existing built environment.

The allocation of the land as a community garden or an allotments is not the question that the Committee is currently being asked to assess and as such no further comment, in that regard, is required.

Other material considerations: As Members will be aware there is currently a review of the Local Development Plan being undertaken. It is perhaps necessary to clarify the current position relating to this review. The statutory six-week public consultation period for the Deposit Replacement Plan is scheduled to commence in February 2016, during which time those sites recommended to be allocated for various uses will be made public and representations invited. Work is presently ongoing regarding the assessment of potential site allocations for housing and other uses. It must be stressed that until such time as the adopted LDP is superseded by the Replacement Plan (not scheduled to occur until 2017), the adopted LDP remains in force.

A number of residents have indicated that they thought the existing Local Development Plan had been replaced and any allocation was therefore no longer valid. As can be seen from the above paragraph this is not the case.

The affordable housing referred to above can only be secured through a Section 106 Obligation. In view of the Community Infrastructure Levy legislation to justify a S106 Agreement three tests must now be considered before such an obligation can be imposed, and these are considered below.

(a) The Obligation is necessary to make the development acceptable in planning terms.

The Adopted Local Development Plan contains a policy(CW11) which requires the securing of 40% affordable housing on sites of this size.

Cont....

Application No. 14/0855/FULL Continued

This requirement is based on need, which is greatest in the Caerphilly Basin area of the Authority. This element of the scheme is therefore essential for the affordable housing numbers required in the County Borough to be achieved through the planning process.

The Agreement is required to ensure that the transfer prices are set at an acceptable rate for the social units and the numbers of social and intermediate units are secured for future availability.

(b) It is directly related to the development.

The dwellings required are to be part of the approved development and are an integral element of it.

(c) It is fairly and reasonably related in scale and kind to the development.

The Adopted Local Development Plan clearly states why the level of affordable development in this area is at 40%. As indicated above it is based on need. In this part of the Borough it is proving difficult for many residents to access the housing market. The current applicant is instrumental in providing good quality accommodation which is, in part designed, to specifically assist people in this process.

The scale of this affordable requirement has been endorsed by Welsh Government in the Local Development Plan adoption process and as such it is considered to be reasonably related to the development being considered.

Recommendation (A) That a decision is DEFERRED to allow the applicant's to enter into a Section 106 Agreement to comply with the requirements set out in this report. On completion of the Agreement (B) that planning permission is GRANTED subject to the following conditions:-

- 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) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.

Cont....

Application No. 14/0855/FULL Continued

- 03) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 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: To prevent contamination of the application site in the interests of public health.
- 05) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 70 metres metres. No obstruction or planting when mature exceeding 0.9 metres 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.
- 06) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.
REASON: In the interests of highway safety.
- 07) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 08) The use of the garage hereby approved shall be limited to that ancillary and incidental to the enjoyment of the dwelling for the parking of vehicles only and for no other purpose.
REASON: In the interests of highway safety.

Cont....

Application No. 14/0855/FULL Continued

- 09) The proposed parking areas shall be completed in permanent materials as approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
- 10) No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure that reptiles are protected.
- 11) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 12) Prior to the commencement of work on site details of hedgerow enhancement planting and management, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up existing hedgerows, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the hedgerow planting shall be carried out within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 13) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.

Cont....

Application No. 14/0855/FULL Continued

- 14) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new development shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 15) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swift, Swallow) shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 16) The development shall be undertaken in accordance with the Aborigicultural Impact Assessment and Method Statement submitted with the application on the 23rd December 2014.
REASON: To protect the retained trees on site during construction work.
- 17) Prior to the commencement of works on site a scheme of land drainage 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 they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 18) Before works commence on site a scheme for on-site refuse storage and collection of waste material awaiting disposal, including any details of open air storage facilities and it's screening, 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 and thereafter permanently retained unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of public health and the amenity of the area.

Cont....

Application No. 14/0855/FULL Continued

- 19) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 20) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.
- 21) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected, and a timetable for its implementation. The boundary treatment shall be completed in accordance with the approved details and timetable.
REASON: In the interests of the visual amenity of the area.
- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwellings hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 23) The construction of the foundations of the dwellings hereby approved shall not begin until details showing the finished floor levels of those dwellings in relation to a fixed datum point off site, including cross-sections and details of screen fencing, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and any screen fencing erected prior to the occupation of the dwellings to which it relates.
REASON: In the interests of the residential amenity of the area.

Cont....

Application No. 14/0855/FULL Continued

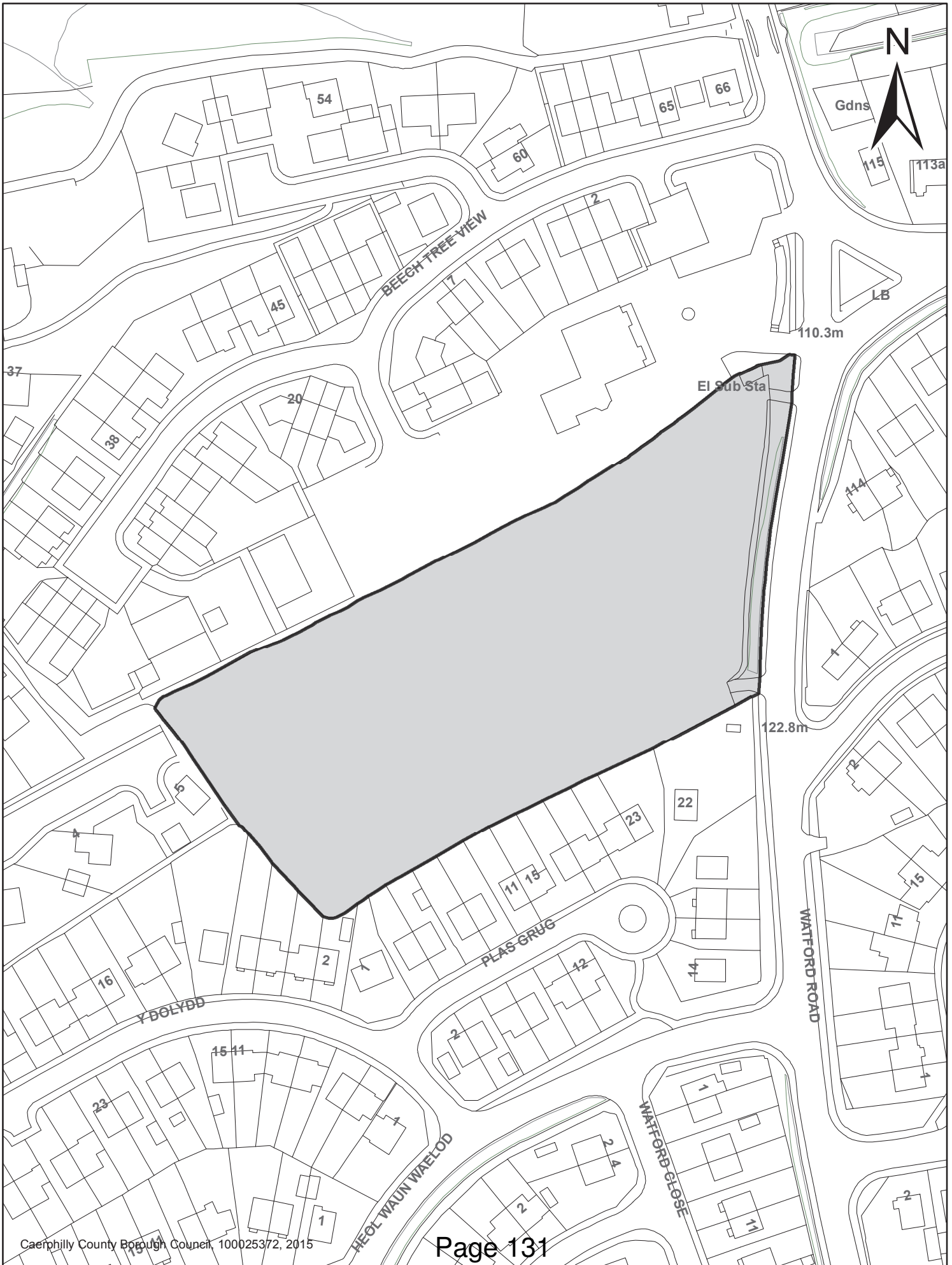
- 24) Notwithstanding the information submitted in respect to the on-site leisure provision within one month of the date of this permission, details of additional playground equipment shall be submitted and agreed in writing with the Local Planning Authority. These agreed details shall thereafter be implemented concurrently with the development.
REASON: In the interests of residential amenity.

Advisory Note(s)

Please find attached the comments of Wales & West Utilities, Senior Engineer (Land Drainage), Gwent Police, Council's Ecologist, Dwr Cymru/Welsh Water and Head of Public Services that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW6.

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Agenda Item 10

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0597/FULL 13.08.2015	Mr R Evans Pen-yr-heol Farm Commin Road Hollybush Blackwood	Install a single medium scale turbine measuring 50m to hub and 77.9m to blade tip with associated infrastructure and access Pen-yr-heol Farm Commin Road Hollybush Blackwood

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Penyrheol Farm is at an elevation of approximately 410-430m above sea level, and approximately 700m to the east of Phillipstown.

Site description: The proposed site for the turbine is in a field parcel on agricultural land on the eastern slopes of the Rhymney Valley. The area is characterised by scattered farmsteads, occasional tree clusters and other vertical structures, which include wind turbine developments, with the nearest being to the south at Gelliwen Farm and to the east at Penrhiwgwaith. A further approval has been granted for a wind turbine to the north at Bedwlyn Farm.

Development: Full planning permission is sought in respect of the installation of a single, medium scale turbine measuring 50m to hub and 77.9m to blade tip. The associated infrastructure will comprise of a small transformer hut measuring 2m x 3m. Consent is sought for a period of 25 years from the first generation of electricity on site, after which time the turbine will be removed and the site restored to its natural state.

The proposal will generate in excess of 2.518 MWh per annum based upon a wind speed of 8.4 meters per second and make a contribution to both national and local renewable generation targets equating to enough power to supply 629 residential properties.

The grid connection from the turbine to the existing electricity lines will be via underground and will not impact or change any of the grazing rights currently enjoyed by the community on common land. The development will be accessed through an existing entrance and reinforce an old track which is already in place.

Cont....

Planning application 15/0597/FULL Continued

The application has been supported by a Design and Access Statement, a Planning Statement, a Noise Impact Assessment, a Landscape and Visual Impact Assessment, a Preliminary Ecological Appraisal, a Bat and Bird Survey Report, a Cultural Heritage Impact Assessment, an Abnormal Indivisible Load Route Study, A Shadow Flicker Assessment.

Pre-application consultation with the local community has been undertaken by the applicant, including New Tredegar Community Council, Phillipstown Residents Association, Councillor Mrs Eluned Stenner and MP Gerald Jones. The proposed turbine model has a rated output of 500kW, the expected lifespan is 20 years and in this respect Vox energy - the operators have offered to pledge £50,000 to a local charitable cause as part of the community benefit fund.

Dimensions:

A single three-bladed wind turbine with a 50m hub, 54m blade diameter and blade tip height of 77.9m. The total site area amounts to 0.36 hectares, the vast majority of which will be reinstated after construction leaving the turbine and sub-station. The operational turbine will occupy an area of 5m x 3.6m with an adjacent transformer hut unit approximately 2.5m x 4.94m x 3.4m.

Materials: The turbine will be an off-white to grey colour to blend in with the sky.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: No land use allocation - open countryside, but a Site of Importance for Nature Conservation (NH3.13) lies to the east of the site.

Policies:

Strategic Policies

Policies SP1 - Development Strategy- Development in the Heads of the Valleys Regeneration Area, SP5 - Settlement Boundaries, SP8 - Minerals Safeguarding, SP10 - Conservation and Natural Heritage.

Cont....

Planning application 15/0597/FULL Continued

Countywide Policies

CW4 - Natural Heritage Protection, CW3 -Design Considerations - Highways, CW4 - Natural Heritage Protection, CW15 - General locational constraints, CW 19 - Locational constraints - rural Development and Diversification, CW22 - Locational Constraints - Minerals, of the LDP.

NATIONAL POLICY

National planning guidance contained in Technical Advice Note 8: Planning for Renewable energy, July 2005 together with Planning Policy Wales 7th Edition July 2014.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this application.

CONSULTATION

Transportation Engineering Manager - Has no objection to the development subject to conditions being attached to any consent requiring a revised Traffic Management Plan to be submitted which provides a detailed report on the proposed route to be taken to the application site, a highway condition survey along Cwm Road, which includes a scheme and timetable for the repair of any damage caused by abnormal roads associated with the development. In addition a condition is requested requiring confirmation of the hauler's indemnity insurance. The applicant is advised that he will be required to fund and implement a suitable Temporary Traffic Regulation Order to allow the movement of the abnormal loads and prevent car parking at key locations along the route.

Head Of Public Protection - Have no objection to the development subject to conditions being attached to any consent to protect noise sensitive receptors as well as a conditions to protect the amenity during construction.

Countryside And Landscape Services - Landscape planner objects to the development on the grounds of cumulative impact.

Cont....

Planning application 15/0597/FULL Continued

This Council's Arboriculturalist has confirmed that the impact upon the trees in the vicinity of this proposed development is negligible to almost non-existent and therefore has no arboricultural objections to the development.

This Council's Ecologist has no objection to the development subject to the imposition of appropriate conditions, as discussed in the report.

Minerals Officer - The application site is within the sandstone safeguarding area, where development should be restricted to avoid sterilisation of the resource. However, the development is temporary and there is no indication that the mineral resource is likely to be exploited within the next 25 years. Therefore, the proposal complies with policy CW22 B in the Caerphilly County Borough Local Development Plan up to 2021, adopted November 2010.

National Air Traffic Services - Have no objections to the development based upon the information provided. They provide advice to be conveyed to the developer.

Glam/Gwent Archaeological Trust - Have no objection to the positive determination of the application. They provide advice to be conveyed to the developer in the event any buried archaeological resource is discovered.

Joint Radio Company Limited - In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

Blaenau Gwent County Borough Council - Whilst no objections are raised to the proposal the applicant has not considered the impact on receptor properties in Blaenau Gwent. This is not unreasonable given the separation distances involved and the fact that there are sensitive receptors within the Caerphilly area which are closer to the proposed development. However, to ensure there are no adverse impacts on receptors in Blaenau Gwent they suggest conditions are attached to any consent to mitigate any potential impacts arising from shadow flicker and noise nuisance. They have included a letter from Tredegar Town Council who comments that the turbine will have a major visual impact on the naturally beautiful drive through the Sirhowy Valley towards Tredegar. They also consider that Tredegar Town Council should benefit from any community benefit fund associated with the development.

Cont....

Planning application 15/0597/FULL Continued

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and ninety three neighbouring properties have been consulted.

Response:

A petition in support of the application signed by 162 people. A letter of support from the landowner and one from the local ward member.

Summary of observations: The installation of the wind turbine will reduce the farm's carbon footprint and will provide a sustainable source of renewable energy to benefit the farm and benefit the wider community by exporting any surplus to the National Grid. The UK has signed up to challenging EU Renewable Energy and Carbon Emission Targets and it is imperative that support is given to local projects in securing a sustainable electricity supply for future generations.

The landowner confirms that he and his family are currently living in a caravan and their electricity supply is via a generator, which is not capable of powering many household appliances, which means they have to rely on family members' houses for basic facilities. The farm is 3rd generation in respect of sheep and beef farming but the farming activity has suffered financially in recent years. The turbine will dramatically improve their personal circumstances and the farming business, enabling them to build a house, have an electricity supply and the income will also mean that the farming business can withstand fluctuations in prices and vulnerabilities within the farming industry. The local ward member supports the landowner and also draws attention to the fact that the turbine also comes with a community benefit fund that will also benefit the local community.

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 planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The applicant has undertaken a preliminary ecological appraisal, which has identified that the wind turbine would be located on an area of improved grassland of low nature conservation value. The access track however lies within Cwm Syfiog Woodland Site of Importance for Nature Conservation which includes acid grassland and heath and extensive upland semi-natural habitat of Mynydd Bedwellte Common.

Cont....

Planning application 15/0597/FULL Continued

The proposal will require the widening of an existing track that runs from the improved grassland to the common road, and will result a small loss of acid grassland and heath habitat on either side of the existing track. The loss of this grassland is not considered to be significant, but remaining habitat on the common should be protected from damage from activities associated with the construction process, which may be conditioned.

The site was also assessed for its impact on protected species. The access track where it crosses the common was considered to be suitable for reptiles together with a dry stone wall in the adjacent field where the access track meets the common. A reptile mitigation strategy will be required to minimise impact of the proposal on reptiles will be required prior to the commencement works on site.

The applicant has also submitted a separate bat and bird survey report.

The bat survey confirmed that trees on the perimeter of the site were unlikely to support bats. Bat activity surveys also found that activity was largely confined to the lower parts of the field where there were trees along the boundary, and little activity on the higher parts of the field. The proposal is therefore unlikely to affect bats, and the three European tests are not required to be applied to this application.

With regards to birds, vantage point surveys identified 15 species that flew across the upper half of the turbine field at rotor height. Of these 5 were considered to be sensitive to wind turbines due to collision risk. Four pairs of lapwings were found to be breeding on Mynydd Bedwellte Common, about 150m from the proposed turbine site. One pair of curlew also were probably nesting on the common, and curlew flew across the turbine site. The applicant's ecologist considered the risk of collision to be low, due to the relatively small number of birds flew across the turbine field. However in view of the relatively high number of breeding lapwing in the vicinity of the turbines and their rarity in the South Wales Valleys, a monitoring programme should be undertaken in the first 12 months of the operation of the turbine during the breeding bird season to confirm that birds are not affected by the turbine.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies:

The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance.

Cont....

This application is for a renewable energy development; the applicant states that the scheme will provide benefits, through the provision of renewable energy. The Welsh Government in its guidance is committed to delivering sustainable development in Wales, this includes the sustainable use of resources (Para 4.1.5) and ensuring Wales uses only its fair share of the Earth's resources. PPW recognises that an adequate and efficient supply of infrastructure, including electricity is crucial for the "economic, social and environmental sustainability of Wales." Wind turbines contribute to this agenda, as such the sustainability aspect of the proposal accords with PPW. The proposal also assists the Welsh Government's renewable energy target, which is currently 7TWh by 2020, including 800MW from on shore wind sources. Similarly Technical Advice Note 8 Planning for Renewable Energy (TAN 8) recognises that in order to try and meet the renewable targets set by the Welsh Government "on-shore wind power offers the greatest potential for an increase in the generation of electricity from renewable energy in the short to long term" (Para 2.2).

The landowner has put forward his case that the development of the wind turbine will generate income to help him build a new farmhouse for his family and improve the farm holding economically.

It is now reasonably well established that the planning system does not protect purely private interests, unless there is a planning purpose or other special consideration involved. PPW 3.1.7 should be referred to, when considering private interests and states:

"3.1.7 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 the amenity and existing use of land and buildings in the public interest. The Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties. However, such consideration should be based on general principles, reflecting the wider public interest (for example a standard of 'good neighbourliness'), rather than the concerns of the individual."

Members are advised specifically that they should consider economic advantages of the proposal outside the context of the individual applicant and the purported personal benefits of the proposal. It is suggested that consideration should focus within the context of farm diversification. Research of planning decisions has shown that farm diversification is a reasonable consideration when considering wind turbine development has been supported by the Planning Inspectorate in determining planning appeals for a single turbine. However, the aspiration of the landowner to build a new farmhouse would require the submission of a separate planning application and would be subject to local plan policy and national planning guidance in respect of the same.

Cont....

Planning application 15/0597/FULL Continued

LANDSCAPE AND VISUAL IMPACTS ASSESSMENT

In this respect this Council's Landscape Planner has considered the Landscape and Visual Impact Assessment (LVIA) prepared by Amalgam Landscape Limited (July 2015) submitted with the application and whether or not the proposed development would have a significant detrimental effect in terms of cumulative visual impact and also in terms of impact upon landscape character.

A study area within 8km of the site was used to assess the impact of the turbine. The maps indicate that the proposed turbine may be visible from the upper valley sides and valley tops over most of the 8km study area and from large parts of the settlements of Bargoed, Aberbargoed, Markham, Gelligaer, Blackwood, Oakdale to the south of the application site. The LVIA calculates that the proposed turbine may be visible to hub height over 29% of the study area and to blade tip over 36% of the study area. Zone of Theoretical View (ZTV) maps have been used to aid the selection of photo-viewpoints, which informs the assessment of potential visual effects and to refine the LANDMAP analysis of the potential effects upon landscape character. The significance of "effect" of the proposed turbine upon Landscape Character and Visual receptors has been assessed with all possible mitigation measures in place.

In 2013 Gillespies LLP were commissioned by Caerphilly County Borough Council and the other Heads of the Valleys Authorities to produce a "Landscape Sensitivity and Capacity Study" in relation to potential Smaller Scale Wind Turbine Development within the Heads of the Valleys Area, which includes the northern half of the county borough. Following consultation this study was finalised and published in April 2015.

The study places the site of the proposed turbine in Landscape character Unit 16 (Rhymney Valley from Rhymney to Bargoed). This large landscape character unit is assessed as having 'medium' sensitivity to wind turbines of between 50-80m in height to blade tip. The study notes that the valley landscape is varied with a densely settled valley floor and large numbers of sensitive visual receptors within the unit. The study notes that the Rhymney Valley Ridgeway Walk has views down into and across the valley. The study also provides some guidance on the siting of individual turbines within this landscape unit, much of which has been followed by this application.

The LVIA has assessed the proposed turbine as having at worst, a 'moderate adverse' effect upon Landscape Character and designated landscapes. The assessment for the majority of the study area is considered acceptable, but there is potential for the significance of effect to increase to 'major-moderate adverse' in respects of some parts of the Gelligaer Common Cultural aspect area and that part of the Mynydd Bedwellte Visual and Sensory aspect area in close proximity to the application site.

Cont....

Planning application 15/0597/FULL Continued

The LVIA assessed that the significance of effect of the proposed turbine upon visual receptors within approximately 1000m of the site, including residents of Phillipstown as 'major-moderate adverse' whilst for all other visual receptors the significance of effect would be no greater than 'moderate adverse' and this Council's Landscape Planner agrees with this assessment.

It is agreed that cumulatively the proposed turbine will be often be viewed as part of a small cluster of turbines. This is particularly true in respect of local views and the potential effect upon local Landscape Character. The LVIA has not assessed the 'significance of effect' of the development in relation to cumulative impact. The LVIA recognises that the introduction of the proposed turbine will increase the perception of wind energy on the adjacent landscape character areas, but asserts that the landscape has the capacity to absorb the proposed turbine in combination with other operational, consented and in planning turbines without creating a wind farm landscape.

In relation to the potential cumulative effects upon visual receptors the LVIA considers that the proposed turbine will add to the perception of wind turbines but will not create views dominated by wind turbines or create a 'wind farm' dominated journey. However, this Council's Landscape Planner considers the concentration of wind energy developments within the core of the study area already exerts a significant effect upon the Landscape Character of this area which would be added to if this application is approved and considers the cumulative effect of this proposal upon residents of Philipstown, and recreational users of the upland areas within the core of the study area are significant.

It is considered the core of the study area has already reached its capacity to absorb wind energy development and that contrary to the objective of TAN 8 a 'Wind Farm Landscape' as opposed to 'a Landscape with occasional wind turbine developments', already exists. Whilst this application if approved would not extend the boundaries of area already influenced by wind energy development, it would infill an area of open space, adding to and expanding an existing cluster of turbines, thereby strengthening the cumulative impact of wind energy developments on this landscape. It is therefore concluded the application should be considered for refusal on grounds of cumulative impact.

NOISE IMPACTS

As part of the submission with this application a noise assessment was provided in accordance with ETSU-R97 for the Assessment and Rating of Wind Turbine Noise (a document produced on behalf of the former Department of Trade and Industry). The information submitted has been assessed in accordance with the above guidance and having regard for local noise conditions and accepted noise levels set out within the guidance.

Cont....

Planning application 15/0597/FULL Continued

This submission has been assessed by the Council's Head of Public Protection and it is considered that the predicted noise levels from the proposed turbine are within accepted levels. Whilst there are many variables that can affect turbine noise it is considered that the submission was carried out in accordance with the relevant guidance and as such its findings are a relevant material planning consideration. Conditions would also be attached to any consent granted controlling the levels of noise that can be produced by the turbine and requiring it to be modified, limited or shut down in order to comply with the guidance.

With respect to noise from construction and decommissioning activities it is considered that given the small scale of the project and short period of construction and decommissioning activities (estimated to be 3 months), noisy activities are unlikely for prolonged periods. The adoption of standard construction working practices and hours of working would ensure that these temporary phases would not give rise to adverse disturbance.

HIGHWAYS/TRANSPORTATION IMPACTS

An Abnormal Indivisible Load Route Study has been submitted with the application and the Transportation Engineering Manager has assessed this. The study identifies the delivery route for the turbine and carries out a swept path analysis of any turns which have the potential to disrupt the public highway. It has been established by Vox Energy that the existing access to the field which is proposed to house the turbine is sufficiently wide enough to accommodate the vehicles. Similar developments within the proximity to this proposal at Gelliwen and Penrhiwgwaith demonstrate that the site is accessible from the public highway. Nevertheless, the Transportation Engineering Manager has requested conditions are attached to any consent requiring a revised Traffic Management Plan which provides a detailed report on the proposed route to be taken to the application site together with a highway condition survey along Cwm road to the application site and details of the hauler's indemnity insurance.

It should also be noted that as the delivery of the equipment would involve abnormal indivisible loads (AIL), the consent of the Welsh Government Transport Division would be required in addition to any consent from the Local Highway Authority in relation to the use of the Trunk Highway Network. In terms of a trial run to assess the physical impacts of the transportation of the turbine components on the highway network within the County Borough, the entire length of the proposed AIL route has recently been used during the construction of the nearby Penrhiwgwaith Farm Turbine. Both the proposed and constructed turbines are identical and therefore a further trial run was not considered necessary.

Cont....

Planning application 15/0597/FULL Continued

The applicant will be required to promote a Temporary Traffic Regulation Order prior to the delivery of any turbine components of abnormal loads to allow the safe passage of vehicles.

SHADOW FLICKER

The application has been supported by a Shadow Flicker Assessment, which concluded that no impacts of shadow flicker were found to occur as a result of this proposal. This assessment has been considered by this Council's Head of Public Protection who has requested conditions are attached to any consent that the wind turbine be fitted with a control system that automatically shuts down the turbines in the event of shadow flicker occurring.

HERITAGE IMPACT

The key impacts of wind turbines, either individually or as larger groups, on features of cultural heritage (such as scheduled ancient monuments; listed buildings; conservation areas; registered historic landscapes; and parks and gardens of special historic interest) include:

- Loss or direct impact on identified features of historic interest, including undiscovered archaeology.
- Indirect impacts on the character or appearance and setting of features of historic interest.

To ensure that the impacts of the proposal upon cultural heritage assets have been appropriately assessed, the applicant has submitted a Cultural Heritage Assessment. This document has been considered by this Authority and the relevant statutory Consultees have been consulted. No adverse comments have been received in respect of the assessment.

ECOLOGICAL IMPACT

The main ecological impacts resulting from wind turbines are associated with the site infrastructure i.e. construction compounds, the turbines themselves and cable trenches. These impacts may occur both during construction and during the operation of the turbines. The key potential ecological impacts include:

- Direct and indirect impacts of wind turbine construction on ecological receptors e.g. habitat loss and/or loss of plant or animal species, disturbance and fragmentation.

Cont....

Planning application 15/0597/FULL Continued

- Direct and indirect impacts of wind turbine operation on ecological receptors e.g. the disturbance of habitats and birds/bats colliding with the turbine blades during operation (known as 'bird strike'). The application has been supported by a Bat and Bird Survey and a Preliminary Ecological survey, which have been considered by this Authority together with the relevant statutory consultees. Conditions may be attached to any consent to address concerns raised in respect of the same.

Comments from consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

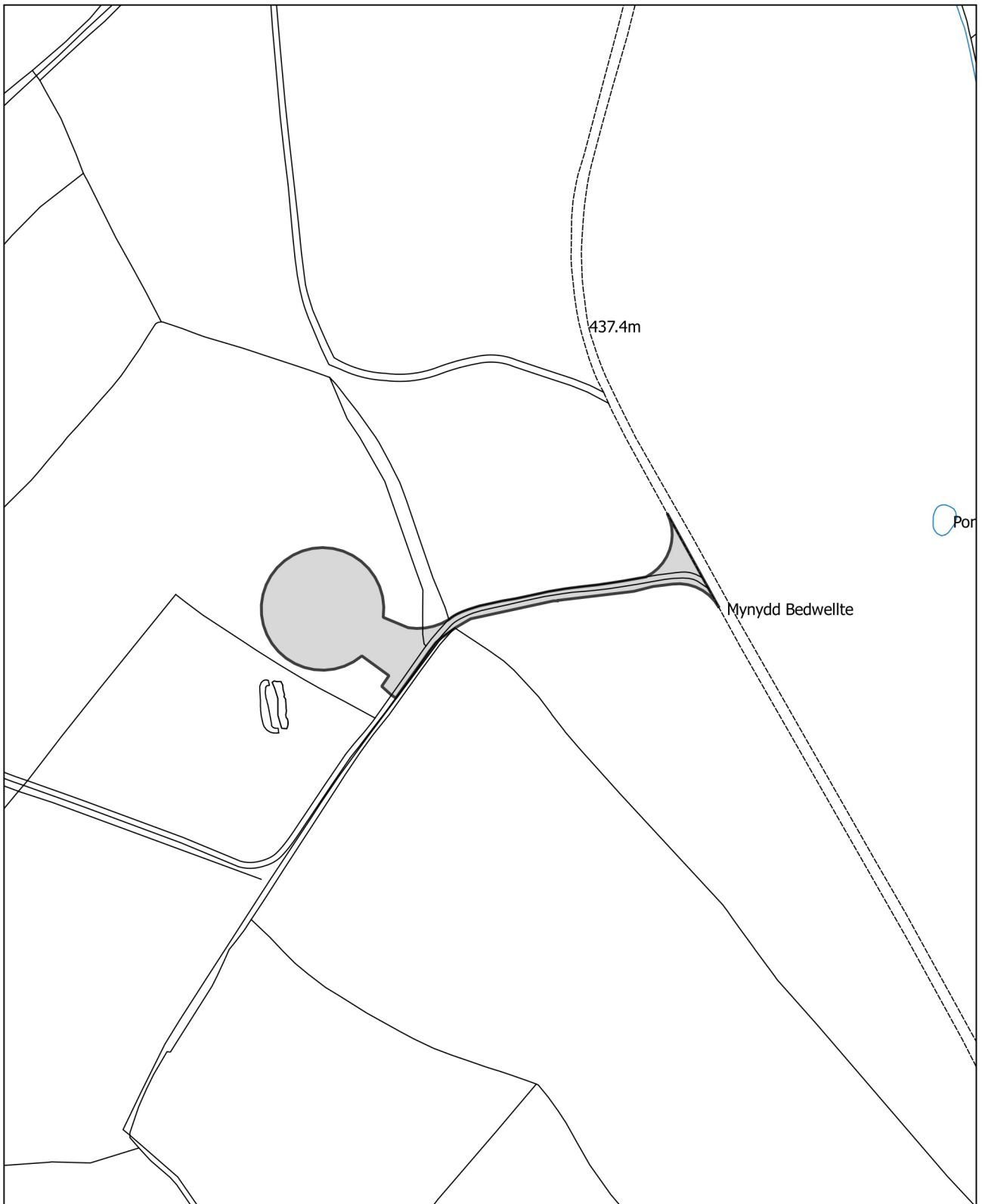
Comments from public: The applicant has indicated that they are prepared to contribute £50,000 to the local community if the application for the wind turbine is approved. TAN 8 confirms that it is perfectly acceptable for a business to enter into a legally binding agreement with third parties to deliver particular and agreed benefits to the community. However, it should be made clear that the provision of such benefits is on a purely voluntary basis with no connection to the planning application process.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The area within which the wind turbine is proposed has already reached its capacity to absorb wind energy development and that contrary to the objective of TAN 8 a 'Wind Farm Landscape' as opposed to 'a Landscape with occasional wind turbine developments', already exists. Whilst this application if approved would not extend the boundaries of the area already influenced by wind energy development, it would infill an area of open space, adding to and expanding an existing cluster of turbines, thereby strengthening the cumulative impact of wind energy developments on this landscape to the detriment of the landscape character of the area in conflict with Policy CW2 (a) of the Caerphilly County Borough Local Development Plan, up to 2021 – Adopted November 2010.
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Agenda Item 11

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0601/FULL 18.09.2015	Hazrem Environmental Ltd Mr P Goddard Fern Close Pen-y-fan Industrial Estate Newport NP11 3EH	Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility Land At Nine Mile Point Industrial Estate Cwmfelinfach Newport

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Nine Mile Point Industrial Estate, Cwmfelinfach. The site occupies 1.06 hectares of land within the Nine Mile Point Industrial Estate. The industrial estate was built in the 1970s by the Welsh Development Agency, and provides some 35 industrial units ranging in size, supporting a variety of activities including manufacturing, workshops, administration offices and distribution warehouses.

Planning approval (reference P/05/0155) in respect of industrial and distribution offices (B1, B2 and B8) on the land subject of this current application was originally approved in June 2005, in respect of the construction of eight units amounting to 3280 square metre of floor space. A subsequent planning application (reference 07/0439) seeking an increase in height and other layout and elevational modifications was approved in June 2007 allowing ten units for B1, B2 and B8 industrial uses, amounting to 3315 square metres in floor space.

Those applications were not implemented and are now expired.

Site description: The current site is undeveloped and has a number of trees and vegetation within and around it. The western edge is raised upon a bank, and the rest of the site is relatively flat with small undulations. The site is bordered by an industrial unit to the east and roads to the south and west. Across the road to the west there are a number of industrial units and an area used for car parking. To the north and south of the site - across the adjacent road - is an area of woodland. The Sirhowy River runs parallel to the southern edge of the site beyond the woodland.

The closest residential property to the proposed site is approximately 460 metres to the west in the village of Cwmfelinfach.

Cont....

Planning application 15/0601/FULL Continued

Access to the site, is currently via Greenmeadow Road off the B4251 New Road and has been positioned to the south of the site away from the adjacent factory entrances. There are no public rights of way, access routes to or across the proposed site.

Development: Full planning permission is sought in respect of an up to 100,000 tonnes per annum (tpa) Solid Recovered Fuel (SRF)/Refuse Derived Fuel(RDF) production facility.

The SRF/RDF production plant would sort, shred and dry non-hazardous commercial, industrial and household waste to produce SRF/RDF bales. The resulting bales would be wrapped and stored before being transported offsite to facilities which would utilise the product to generate energy. Waste would be delivered to the site off Greenmeadow Road, via the 'in' weighbridge and tipped into the tipping bay within the fully enclosed building. Vehicles will drive up the eastern edge of the site and over the weighbridge close to the northern exit.

All vehicles must be weighed when they enter and exit the site. Therefore the weighbridge has been positioned to allow for this and to ensure HGVs do not have to wait on the external roads. Spaces have been incorporated in to the site for HGVs to wait. A dedicated vehicle entrance/exit for staff has been provided to the south of the site to ensure staff safety.

Vehicles are required to enter the main building in order to tip waste and collect materials. However due to space constraints vehicles are not able to drive through the building. Therefore vehicles have sufficient space to manoeuvre and reverse into the building and then drive back out and around the edge. Sufficient space has been incorporated into the design to allow safe manoeuvring of 25 tonne vehicles.

The materials would pass through a series of shredders, screens, and magnets. Inert materials, recyclable plastics and metals would be extracted as appropriate leaving a mix of mainly non-recyclable paper, card, wood, textiles and plastics. For SRF output, the material would pass through a rotating drum drier to reduce the moisture content, thereby increasing the materials calorific value. There will be an option in the process to produce output material loose, however, if this is a requirement the finished product would be held within the building prior to collection. The resulting bales would be transported by fork lift trucks to the bale storage building onto roll on/roll off vehicles and bulkers to offsite facilities which would utilise the product to generate energy.

Cont....

Planning application 15/0601/FULL Continued

The majority of the facility would be enclosed within an industrial building, and the delivery of waste would take place within the enclosed building and the recyclable skips are within the enclosed building. Roller shutter doors will be located at either end of the building. Once baled and wrapped, the bales would be stored within a covered bay within the site. A drier stack and other machinery associated with the process would be situated to the east outside of the main building.

The proposed development would include the following components situated on sealed, concrete hardstanding: -

- the main building including a tipping bay, recycling bays and the SRF/RDF line;
- external machinery;
- bale storage area;
- Admin office;
- 2 weighbridges;
- Staff/visitor parking (12 spaces including 2 disabled spaces).

SRF is a quality alternative to fossil fuel produced from waste including paper, card, wood, textiles and plastic. With a moisture content of less than 15%, SRF has a high calorific value and can be used in facilities such as cement kilns.

RDF is made of waste, which includes biodegradable material as well as plastics. It has a lower calorific value than SRF and is used in combined heat and power facilities.

The development will provide eighteen jobs. The SRF facility is proposed to operate over two 12 hour shifts, with 4 operational staff per shift. The facility will be operating 24 hours per day, 7 days per week, although direct waste deliveries to the building will be restricted to Monday to Friday - 7:30 to 18:00; Saturday - 7:30 - 13:00 and no vehicle movements on Sundays or Bank Holidays.

Import of materials would be via refuse collection vehicles (RCV with a bulk load of 10 tonnes) or bulk container transport from waste transfer stations but it is reasonable to assume that the greatest proportion of material would be delivered to the site by large bulk HGVs (with a bulk load of 25 tonnes) from a number of source locations.

Cont....

Planning application 15/0601/FULL Continued

The export of materials from the facility is seen to consist of three components; firstly the manufactured RDF/SRF bales which largely destined for Newport Docks; secondly the recyclable material, which would be transported to the appropriate recycling plant for each type of material; and thirdly the residue, which will be sent to landfill. The average tonnage per vehicle leaving the site is 25 tonnes. Whilst the transfer of material off-site in terms of residues or RDF/SRF bales will largely be transported into shipping containers on 44 tonne (16.5m) articulated vehicles.

The Transport Statement submitted with the application provides a predicted level of traffic generated by the SRF facility taking into account operational and non-operational traffic of the facility, staff and visitor travel and construction traffic. A Delivery Management Plan will be introduced that will prevent HGV arrival and departure movements to and from the site during the AM and PM highway network peak hour periods. This will reduce the impact of the development on the operation of the local highway network. In assuming most deliveries are concentrated over a seven hour weekday period (09:00 - 16:00) and an assumption of 3 hours on a Saturday in avoiding peak hours, this would equate to 38 hour assumed non-peak hour delivery period each week. This would equate to no more than three vehicle trips per non-highway peak hour. This is seen to create only a negligible traffic impact in terms of scale and significance to Greenmeadow Road in accessing the local highway network itself.

Dimensions: The site has an area of 1.06 hectares.

The main building measures 80m (length), 45m (width) and 14m (height)

The external machinery has a footprint of approximately 65m (length) 15m (width) 15m (Height) and is situated to the west of the main building including the Drier Stack, which is 1.2m in diameter and 19m (height)

The bale storage bay is 28.5m (length) 11.4m (width) 3m (height) and is positioned to the north of the building.

The Administrative Office is 10m (length) 6m (width) 4m (height).

Materials:

Roof and building will comprise steel cladding sheets. Vehicle access doors will be galvanised roller shutters and personnel access doors and windows will be coated aluminium. However, no details of colours to be used has been provided.

The boundary fencing will be steel palisade.

Ancillary development, e.g. parking: 10 car parking spaces, 1 motorcycle space, 2 disability spaces and 8 cycle spaces.

Cont....

Planning application 15/0601/FULL Continued

PLANNING HISTORY 2005 TO PRESENT

P/05/0155 - Create industrial, distribution and associated offices (B1, B2 and B8)
- Granted 02.06.05.

07/0439/FULL - Erect buildings for industrial, distribution and associated offices within B1, B2 and B8 Use (generally as approved under Planning Application P/05/0155, but with increased height and other layout and elevational modifications) - Granted 21.06.07.

06/0839/FULL - Erect new storage warehouse and car parking - Finally disposed of 30.05.08.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Policy EM2.28 protects Nine Mile Point as a Secondary employment Site.

Policies:

SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place Making, SP9 - Waste Management, 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: Business and industry and CW15 - General locational constraints,

NATIONAL POLICY

European Policy sets out requirements that member states must comply with in terms of waste management. The following Directive is relevant to the proposed application:

The Waste Framework Directive (2008/98/EC) marks a shift in how we see waste, and identifies that it should be regarded as a valuable resource rather than an unwanted burden. The Directive Places emphasis on preventing waste from arising and preparing waste for reuse. The Directive also sets out more ambitious recycling goals.

National and Regional Planning Policy.

'Towards Zero Waste' (2010) sets out Wales overarching waste strategy to achieving zero waste by 2050, and sets out a long term framework for resource efficiency and waste management. Achieving the aims of this document relies upon a suite of waste sector plans.

Cont....

Planning application 15/0601/FULL Continued

The 2007 Consultation Draft Regional Waste Plan 1st Review updates. The South East Regional Waste Plan (2004), which is intended to facilitate planning and control the development of a network of facilities to treat and dispose of waste in South East Wales. Section B of the review considers a range of technologies that would enable the region to meet or exceed legislative waste management targets, this includes RDF. Key principles include minimising the amount of waste produced; maximising the reuse of waste; and recovering energy from waste.

The 2014 Planning Policy Wales document sets out the land use planning policies of the Welsh Government. Chapter 4 focuses on Planning for sustainability, and sets out the main outcomes that the country wants to deliver. 'Climate Change Strategy for Wales' (2010) sets out the Welsh Government's strategy on tackling climate change, including achieving at least 40% reduction in all emissions in Wales by 2020 against the 1990 baseline.

Technical Advice Note 21 (Waste) (2014) provides advice on how the land use planning system should contribute towards sustainable waste management and resource efficiency, reflecting the new waste management drivers at a European Union and Wales Level. The document sets out the framework for facilitating the delivery of sustainable waste management infrastructure through the planning process; and the Industrial and Commercial Sector Plan (2013) sets out the agenda for the management of industrial and commercial waste, building upon the principles of 'Towards Zero Waste'.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. There is a mine shaft present on site which has been completely filled in and capped. The development has been designed to ensure that there are no buildings or roads within 15 metres of the centre of the mineshaft.

Cont....

Planning application 15/0601/FULL Continued

CONSULTATION

Transportation Engineering Manager - Has no objection to the development subject to conditions being attached to any consent requiring 22 car parking spaces to be provided within the curtilage of the site, visibility splays, and the submission of a Delivery Management Plan which sets out the delivery strategy for the development and mitigates the impact on the highway network at peak times. He also confirms that the applicant will be required to obtain the necessary licence from the Highway Authority in order to construct the junctions onto Greenmeadow Road.

Senior Engineer (Land Drainage) - Requests a standard condition is attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer.

The Coal Authority - Concurs with the recommendations of the Geo-environmental Report (May 2015, prepared by Enzygo Ltd); that a single mine entry (shaft) poses a risk to the stability of the proposed development. Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation regarding it. The Coal Authority is therefore able to recommend that the Local Planning Authority impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development. In the event that the site investigations confirm that the mine shaft cap is within the influence zone of the proposed building, this should be conditioned to ensure that the site layout is amended to avoid it. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Minerals Officer - There is no objection on mineral safeguarding grounds. The site is within settlement boundaries and the Mineral Safeguarding Areas only apply outside settlements.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 3 neighbouring properties have been consulted.

Cont....

Planning application 15/0601/FULL Continued

Response: Twenty eight objections have been received on the following grounds:

- unacceptable increase in HGV vehicles through the villages leading to the industrial estate;
- there is a weight restriction on Islwyn Road;
- already parking congestion on Nine Mile Point Industrial Estate;
- highway danger, particularly in respect of children playing and going to school;
- damage to health and the environment;
- detrimental effect on wildlife;
- noise, smell pollution;
- unsightly appearance of such places;
- suggests the old Rowecord site in Risca as a more appropriate alternative;
- devaluation of property.

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 planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

A Preliminary Ecological Assessment has been submitted with the application. A desk-based study identified no nationally or internationally important sites within 2km of the site. However, it did identify two Local Nature Reserves, one approximately 0.7km from the site boundary and one approximately 1.45km from the site boundary. Eleven Sites of Importance for Nature Conservation (SINCS) were found within 2km of the site boundary. Records also indicated the presence of notable amphibians, badgers, bats, reptiles and birds within 2km of the site.

The majority of the site is comprised of semi-improved neutral grassland consisting of a range of common species. However, there are patches which have a more diverse herb presence. The site also consists of mixed scattered trees, short perennial habitat, marshy grassland, tall ruderal vegetation and standing water.

Cont....

Planning application 15/0601/FULL Continued

The habitat assessment concludes that due to the nature of the proposed development and the distance between the development and significant sites, the proposed development is likely to have no significant adverse impacts on these habitats.

A number of recommendations have been made in order to ensure any potential impacts are reduced to an acceptable level, which include landscape enhancement and biodiversity enhancements.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The proposed development is a B2 General Industrial Use which is not liable for CIL.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

When considering the planning implications of the proposed SRF / RDF production facility the key issues are: -

- Plant/Facility Siting;
- Traffic;
- Air Emissions /Health effects;
- Dust /Odour;
- Flies, Vermin and Birds;
- Noise;
- Litter;
- Design Principles and visible intrusion;
- Drainage
- Public concern.

PLANT / FACILITY SITING

Most waste management activities are now suitable for industrial locations, with many falling within the general industrial class, B2 in the Use Classes Order (as amended) and the move towards facilities and processes being enclosed within purpose designed buildings rather than in the open air, has accentuated this trend. It should be noted that the application site is within the protected Nine Mile Point, Secondary Employment Site, identified by Policy EM2.28 of the LDP.

Cont....

Planning application 15/0601/FULL Continued

Policy CW13 (C) of the LDP states:

“

On sites allocated or identified as Secondary Employment Sites, development will only be permitted if it is:

- i within use classes B1(light industrial), B2 (General industrial) or B8 (Storage or Distribution);
- ii an appropriate sui generis use;
- iii to provide an ancillary facility or service to the primary employment use;
- iv an acceptable commercial service unrelated to class B uses.”

The justification in respect of the above confirms that "every industrial site that is allocated or protected for use class B2 is considered suitable, in principle, for the location of in-building waste management facilities. This commitment is also referred to in Policy SP9, and both policies fulfil the requirements of the National Waste Strategy and The Regional Waste Plan (RWP).

It is considered the proposed development of this site falls within the Use Class B2 and is therefore acceptable in principle, in planning terms. It should also be noted that planning approval has previously been granted in respect of the development of the site for B1, B2 and B8 as referred to above.

TRAFFIC

The SRF/RDF Production facility will be served by both HGV and LGV vehicles with a potential impact on local roads and the amenity of local residents. Objections have been received in this respect. The applicant has submitted a Transport Statement, which provides a predicted level of traffic generated by the SRF facility taking into account operational and non-operational traffic of the facility, staff and visitor travel and construction traffic. A Delivery Management Plan will be introduced that will prevent HGV arrival and departure movements to and from the site during the AM and PM highway network peak hour periods. This will reduce the impact of the development on the operation of the local highway network and will be a condition of any consent.

This Council's Transportation Engineering Manager has considered the Transport Statement and has raised no objection to the development on the basis that the site is located within an allocated industrial employment site subject to conditions being attached to any consent, which require visibility splays onto Greenmeadow Road, twenty two car parking spaces within the site together with a Delivery Management Plan as referred to above.

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AIR EMISSIONS / HEALTH EFFECTS

Objections have been raised in relation to this aspect of the development. The application has been supported by an Odour and Air Quality Assessment, which describes the potential for air quality and odour impacts associated with the operation of the proposed SRF/RDF facility. The report has been considered by this Council's Head of Public Protection. It should be noted that the SRF/RDF facility will require a Permit before the site can be operational under the provisions of Environmental Permitting (England and Wales) Regulations 2010. The regulation of the Permit will be carried out by Natural Resources Wales and will cover issues such as emissions.

DUST / ODOUR

Because the SRF/RDF production facility is located within an enclosed building, potential odour emissions can normally be controlled through the building ventilation system. The assessment of odour contained in the Odour and Air Quality Assessment has been carried out to identify base line conditions, and consider the impact of the proposed development on the baseline conditions. The assessment concludes, in terms of odour, the overall risk of odour release from all potential sources is considered to be 'small'. Therefore providing the proposed odour abatement - including the use of negative pressure within the main building; emissions being treated by a regenerative thermal oxidiser prior to release; and the use of fast-acting roller shutter doors, is put in place, the overall source of odour potential of the facility is judged to be 'small'. Also the likely odour effects on all receptors - including residential and commercial properties is considered to be 'negligible' and overall, provided the proposed mitigation is put in place, there are no reason from an odour or air quality point of view as to why the proposed development should not go ahead. This Council's Head of Public Protection has considered the contents of the assessment and has raised no objection to the development subject to conditions being attached to any consent reinforcing the mitigation measures outlined in the report.

FLIES, VERMIN AND BIRDS

The enclosed nature of the operations will limit the potential to attract vermin and birds. Nevertheless, it is considered appropriate to attach conditions to any consent which require the storage of non-conforming waste in suitable covered impervious containers prior to removal, with no external preparation, mixing or screening of waste operations, commercial vehicles leaving and entering the site to be either fully enclosed or provided with sheets to cover all loads, and finally a scheme of Pest Control for the premises.

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NOISE

A Noise Assessment was carried out to establish the existing background noise levels at sensitive receptors close to the site, and consider the noise impacts of the proposed development on these receptors. The assessment identifies that during typical daytime operations of the proposed facility, the noise generated is considered to be acceptable, and rated as '...having a low impact.' During a typical overnight operational scenario, the facility would generate noise considered as having 'a low likelihood of having an adverse impact' to 'having a low impact.' Overall, the noise assessment concludes that the operations of the proposed facility, as defined within the scope of the noise report, would not be significantly detrimental to the noise climate of the area, and there are no reasons from a noise point of view as to why the proposed development should not go ahead. The Head of Public Protection concurs with the result of the Noise Assessment.

LITTER

If good working practices are adhered to, i.e. vehicles are either enclosed or covered, and reception and processing are undertaken indoors then litter problems should not exist. Conditions may be attached to any consent in this respect.

DESIGN PRINCIPLES AND VISUAL INTRUSION

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application to consider the likely effects of the proposed development upon landscape character and visual amenity. Overall the LVIA concludes the development will not result in any significant adverse landscape or visual effects, particularly given the industrial context of the site. The LVIA has been considered by this Council's Landscape Planner who agrees with the findings of the report and offers no objection on landscape grounds. In addition the application is supported by a Proposed Landscape Strategy, the contents of which are considered acceptable in principle. However, specific details of hard and soft landscaping may be required by attaching a condition to any consent.

In terms of design the proposed industrial design of the building reflects the context of the site as an industrial estate. The scale and form of the building is considered acceptable in planning terms. However in the absence of details being provided it is considered appropriate to attach a condition to any consent requiring details of the colours of the finishes to be used. Also, it is considered that the use of palisade fencing as the proposed boundary treatment can be improved by the use of a higher quality specification particularly given the sites location at the entrance to the estate. This may be addressed by attaching a condition to any consent.

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DRAINAGE

There is a soakaway within the north eastern quadrant of the site. In order to allow the soakaway to remain active, buildings cannot be constructed over it. However roads can be built over it providing that a geogrid is positioned between the soakaway and the road surface. Therefore the development has been designed to ensure that there are no buildings over the soakaway. This Council's Senior Engineer (Land Drainage) has raised no objection to the development subject to a standard condition being attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with.

PUBLIC CONCERN

Public concern founded upon valid planning reasons (known as material considerations) can be taken into account when considering a planning application. It is noted that the application was supported by a Statement of Community Involvement which confirmed that two neighbouring properties were consulted but no response received. However, in response to consultations carried out, objections to the development have been received from the public as referred to above. Most of the objections have been addressed in the analysis of the report but a summary of the concerns is provided as follows: -

- unacceptable increase in HGV vehicles through the villages leading to the industrial estate. See TRAFFIC above.
- there is a weight restriction on Islwyn Road. There is a weight restriction on Islwyn Road but it is 'except for access' which allows deliveries to the industrial estate.
- already parking congestion on Nine Mile Point Industrial Estate. The Highways Engineer has raised no objection to the development.
- highway danger, particularly in respect of children playing and going to school. The Highways Engineer has raised no objection to the development but conditions are requested which require a Delivery Management Plan as discussed under Traffic above.
- damage to health and the environment. This Council's Environmental Health Officers have raised no objection to the development subject to conditions as discussed above.
- detrimental effect on wildlife. There will be no significant detrimental impact upon wildlife.
- noise, smell pollution. This aspect of the development has been addressed above.

Cont....

Planning application 15/0601/FULL Continued

- unsightly appearance of such places. The development is in respect of an industrial use which is to be carried out within the confines of an industrial building on an existing industrial estate. The only external operation will be the storage of bales, which are wrapped prior to their removal off site.
- suggests the old Rowecord site in Risca as a more appropriate alternative. The location of the development applied for is a matter for the applicant and not the Local Planning Authority.
- devaluation of property. This is not a material consideration in terms of the assessment of the planning application.

Comments from Consultees: The concerns of the statutory Consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: See above.

Other material considerations: None.

In conclusion, it is considered the proposed development does not conflict with local plan policies or national planning guidance and subject to the imposition of appropriate conditions is considered acceptable in planning terms.

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) Good housekeeping practices and a closed door management strategy shall be maintained on the SRF/RDF buildings; hereby approved at all times including fast closing access doors, which shall be interlocked to ensure two doors cannot open at once during operation, all in accordance with a scheme to be submitted and agreed with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved.
REASON: Prevent odour/air pollution in the interests of public health.

Cont....

Planning application 15/0601/FULL Continued

- 03) There shall be no external preparation, mixing and screening of waste at the site.
REASON: To prevent odour/air pollution in the interests of public health.
- 04) There shall be no Heavy Goods Vehicle deliveries to or from the site outside the following times: 07:30 - 18:00hrs Monday to Friday, 07:30 - 13:00hrs Saturdays; and no such deliveries on Sunday or Bank Holidays.
REASON: To protect the local residential amenity from traffic noise.
- 05) All odours generated in the SRF/RDF building hereby approved, shall be captured and maintained under negative pressure and treated in the odour treatment system (RTO), all in accordance with a scheme to be submitted and agreed with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved. This system must be monitored to ensure the fugitive release of odours from the building is prevented.
REASON: In the interests of public health.
- 06) Storage of non-conforming waste shall be in suitable covered impervious containers prior to removal, details of which shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved.
REASON: To prevent odour/air pollution in the interests of public health.
- 07) Wheel cleaning of all commercial waste vehicles leaving the site hereby approved shall be carried out, details of which shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved.
REASON: To prevent any contamination leaving the site in the interests of public health.
- 08) Prior to the use of the buildings and plant hereby approved commencing, a scheme for Pest Control for the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be adhered to thereafter.
REASON: To prevent pests being attracted to the area in the interests of public health.

Cont....

Planning application 15/0601/FULL Continued

- 09) 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.
- 10) 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.
- 11) Notwithstanding the submitted plans no works shall commence on site until after revised parking details have been submitted to and approved in writing by the Local Planning Authority, which indicate a minimum of 22 off- street parking spaces within the curtilage of the site. Such provision shall be laid out and constructed in accordance with the approved plan prior to beneficial occupation of the buildings hereby approved first commencing and maintained free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety.
- 12) The proposed entrance and exit points onto Greenmeadow Road shall provide for visibility splays of 2.4m x 43m in both directions which shall be provided prior to the commencement of the use of the access. No obstruction or planting above 900mm shall be placed or allowed to grow in the required visibility splays.
REASON: In the interests of highway safety.
- 13) The proposed site gates shall be located clear of the highway as indicated on the approved plan.
REASON: In the interests of highway safety.
- 14) Prior to beneficial occupation of the buildings hereby approved first commencing a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority which sets out the delivery strategy for the development and mitigates the impact on the highway network at peak times. Deliveries to and from the site shall accord with the agreed strategy at all times.
REASON: In the interests of highway safety.

Cont....

Planning application 15/0601/FULL Continued

- 15) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.
REASON: To ensure the development is served by an appropriate means of drainage.
- 16) No development shall take place until an intrusive site investigation has been carried out. The results of the site investigation and methodology used shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.
REASON: To ensure the stability of the site
- 17) If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition (16), additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme / inperpetuity)
REASON: To ensure the stability of the site
- 18) Details of the colours of the external finishes of the main building, external machinery and administrative office shall be submitted for consideration and approval in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to beneficial occupation.
REASON: In the interests of visual amenity.
- 19) Notwithstanding the submitted plans, details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to beneficial occupation of the buildings hereby approved.
REASON: In the interests of visual amenity.

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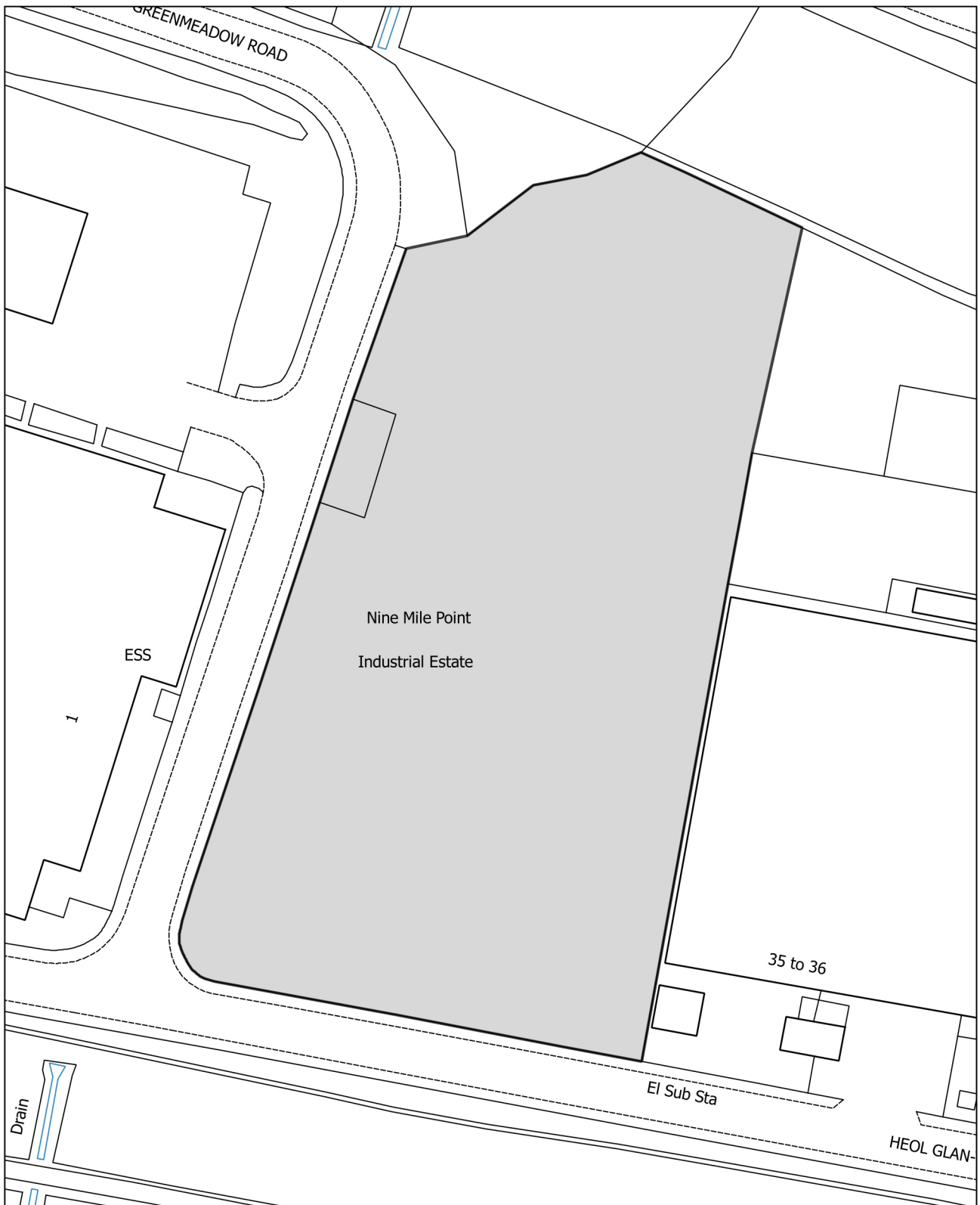
Planning application 15/0601/FULL Continued

- 20) 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.
- 21) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
CRM.083.001.P.D.003.B, D.001, and D005.B (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3.

The applicant is advised of the comments of the Transportation Engineering Manager, Senior Engineer (Land Drainage), The Coal Authority and Wales and West Utilities



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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0978/FULL 05.10.2015	Mr M Toms C/o SLP The Studio Beaufort Yard Devauden Chepstow NP16 6NT	Erect one dwelling Land At Ogilvie Terrace Deri Bargoed

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land at Ogilvie Terrace, Deri, CF81 9JD

Site description: The site comprises undeveloped vacant land surrounded by residential properties to the eastern and western boundaries. There is a small triangular area of open space including trees, shrubs and an electricity substation to the south east of the site, which is outside of the application site.

There is an existing public footpath, lane and steps surrounding the site which provide connectivity to the existing adopted highway, which abuts the western boundary of the site.

The topography of the site is sloping with a cross fall of some 10 metres from west to the east.

The application has been supported by a Reptile Mitigation Strategy and Method Statement together with a Design and Access Statement.

Development: Full planning approval is sought in respect of the erection of one, two-storey, dormer style, four-bedroom, dwelling and detached double garage. The site layout proposes the dwelling to be located in the southern half of the site with the detached garage to the northern half of the site. Vehicular access is proposed off the rear lane serving 1 - 4 Ogilvie Terrace and Oaklands. A new footpath is proposed across the site frontage.

Dimensions: The footprint of the proposed dwelling has maximum dimensions of 12.2m (depth) 24.8m (width) 7m (height).

Cont....

Planning application 15/0978/FULL Continued

Materials: External walls comprise cream render with brick plinth, slate tile roof, upvc windows and doors, boundary fencing to north and western boundaries.

Ancillary development, e.g. parking: Proposed six off-street parking spaces, two within a detached garage.

PLANNING HISTORY 2005 TO PRESENT

P/01/0440 – Erect residential development - Refused 07.02.02.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - within the settlement boundary.

Policies:

Policy SP1 - Development Strategy in the Heads of the Valleys Regeneration Area, SP6 - Place Making, SP21 - Car Parking Standards.
CW2 - Amenity, CW3 - Design considerations - highways, CW4 - National Heritage Protection, CW7 - Protection of Open Space, CW15 - General locational constraints, supplementary planning guidance contained in LDP5 - Parking Standards, LDP6 - Building Better Places to Live, LDP7 - Householder Developments. LDP8 - Protection of Open Space.

NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014, TAN 12 - Design, TAN 16 - Sport, Recreation and Open Space, Manual for Streets.

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? Not an issue in respect of this planning application.

Cont....

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions being attached to any consent in respect of access and parking provision. The applicant will also be required to enter into a formal highway agreement with the Authority, which is supported by a bond, in order to undertake the highway improvement works.

Head Of Public Protection - Have no objections to the development subject to standard conditions being attached to any consent in respect of any contamination of the site together with site control measures.

Senior Engineer (Land Drainage) - Has no objection to the development subject to a standard condition being attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer in respect of land drainage matters.

Dwr Cymru - Provide advice to be conveyed to the developer.

Countryside And Landscape Services - There are no objections in relation to landscaping issues, however it is considered appropriate to attach a condition to any consent requiring details of any boundary treatment to be agreed with the Local Planning Authority.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and twenty-nine neighbouring properties have been consulted.

Response: Thirteen objections and one letter of support.

Summary of observations:

- driveway and parking over sewer;
- loss of view/outlook;
- irregularities in submitted plans but does not explain what they are;
- will cause subsidence to existing houses;
- highway considerations;
- a right of way on the land needs to be preserved;
- erection of a fence has already caused problems to residents;
- prevent access for emergency vehicles;
- removal of a green area;

Cont....

Planning application 15/0978/FULL Continued

- refuse vehicle not able to collect bins;
- concern about the geology of the area/subsidence;
- not been consulted about the proposed development;
- scale and design is inappropriate;
- allegations of bribery in respect of Council officers in order to facilitate the positive determination of the planning application.

Letter of support

- will remove an eyesore which devalues property;
- questions the concerns raised regarding the loss of use of a footpath when there are steps with handrails and lighting around the site providing a safer route.

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 planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The site supports semi-improved grassland and low lying scrub, the grassland supporting a small number of neutral (5) and acidic (5) indicator species. The habitats have been evaluated as being of local value for wildlife and this assessment is agreed.

The development of the site will result in the loss of this local habitat and no mitigation measures or compensation measures have been proposed to mitigate the loss of this habitat. Therefore the provision of alternative wildlife features within the new property, as compensation for loss of this habitat will be required.

The reptile survey undertaken in May and June 2015 confirmed the presence of a medium population of common lizards and a small population of slow worm within the application site. The submitted Reptile Mitigation Strategy set out how the applicant proposed to capture and remove the reptiles from the site and translocate them to a receptor site in the nearby Parc Cwm Darran. This mitigation strategy is acceptable, and with the exception of final site clearance set out in section 3.8 and 3.9 has already been carried out in advance of the submission of the planning application.

Cont....

Planning application 15/0978/FULL Continued

The submitted Reptile Translocation Records Report confirms that a total of 24 common lizards have been captured from the site and removed to two receptor sites in Parc Cwm Darran during a total of 32 visits to the site, and 6 clear trapping days. No slow worms were caught, but the amount of trapping effort is considered to be acceptable. However in view of the small possibility of some reptiles remaining, a condition should be added to any consent to ensure that ecological supervision is provided during the final site clearance. In the event that any remaining reptiles are discovered and are found to be in hibernation, these will need to be temporarily retaining in captivity before being released in spring.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes, however the development is proposed within the lower viability charging zone in respect of CIL, which is set at £0 per square metre and as such CIL will not be payable.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The main issues to be considered in the determination of this planning application are considered to be the compatibility of the use with surrounding land uses, design, amenity and highway implications.

Outline planning consent, for residential development of the site for two houses, was previously refused in February 2002 (reference P/01/0440). The application was refused on two grounds, namely the development would be detrimental to the open nature of the street scene and spoil the character of the existing residential area and also that the highway network to serve the site is inadequate.

The first reason for refusal was based on Policy H2 (B) of the then Caerphilly Unitary Development Plan (UDP) and the second reason for refusal was based upon policy DC1(E) of the UDP.

Policy H2 stated - Proposals for housing development on windfall and small sites within the settlement boundaries will be permitted provided that:

B. The development will not result in the insensitive or inappropriate infilling which would spoil the character of an existing residential area.

Cont....

Planning application 15/0978/FULL Continued

The UDP has since been replaced by the Caerphilly County Borough Local Development Plan (LDP) adopted November 2010. Policy SP6 of LDP requires development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through amongst other things an efficient use of land, a high standard of design, a sustainable location and the incorporation of existing natural heritage features. The Council's Adopted Development Design Guide LDP6: Building Better Places to Live provides general guidance as to the design of residential developments, addressing such issues as natural heritage, accessibility, legibility, character and context. Policy CW2 of the LDP considers amenity issues and Policy CW3 of the LDP considers highway issues.

The site comprises an undeveloped area of land situated between semi-detached residential dwellings, on higher ground to the west and lower ground to the east. A detached dwelling is located to the north of the site. The site has no formal land use allocation within the LDP. The surrounding area is characterised by a mix of house types ranging from traditional terraced housing to post war semis and more contemporary modern housing. Again the use of external materials is mixed. The previous refusal was for two dwellings but at that time there were no details of the house types only an indicative site layout plan. This application is for one dwelling. Notwithstanding the footprint of the dwelling is large it sits comfortably in what is considered to be an appropriate infill plot. In addition, the site lies in a sustainable location within the settlement boundary and as such the residential development of the site is acceptable in principle and is in accordance with Policy SP6, subject to compliance with other policies of the LDP relating to issues such as density, scale, massing, detailed design and parking provision.

Policy CW2 considers amenity and in this respect it is considered the proposed residential development of the site is compatible with surrounding residential uses and would not have an adverse impact upon the privacy or amenity of neighbouring residential dwellings. The proposed development would not have an overbearing or overshadowing impact upon neighbouring properties. However, given the location of the site, it is considered appropriate to attach a condition to any consent removing permitted development rights in respect of any extensions or outbuildings in order that the amenity of occupiers of neighbouring residential properties are not adversely impacted upon. In addition, it is considered important that boundary treatment are in keeping with the character of the surrounding street scene and do not impact upon the amenity of neighbouring properties and in this respect it is considered appropriate to attach a condition to any consent requiring boundary details to be submitted to the Local Planning Authority for consideration.

Cont....

Planning application 15/0978/FULL Continued

At the nearest point, the new house will be 10.7m from the existing houses to the west. However, the ground level of the development will be some 5.2m lower than the existing, so that the rear windows will face the retained land, and there will only be two rooflights in the roof serving bedrooms.

Policy CW7 of the LDP aims to protect areas of open space and development will only be permitted where the amount of open space remaining in the neighbourhood would still be adequate to serve local needs, and that the site has no significant value as recreational resource or an area of visual amenity. The site has no formal land use allocation and amounts to an area of steeply sloping wasteland (cross fall of around 10 metres across the site) within an established residential area. There are a network of permissive footpaths around the edge of the site and a recently claimed right of way across the site. The claimed right of way is subject of separate investigation and will be reported as a separate matter. The Supplementary Planning Guidance LDP8 Protection of Open spaces seeks to protect land within the settlement boundaries that are not designated for leisure or recreation and requires applications for development on such open space to be accompanied by an Open Space Assessment. The applicant has submitted such an assessment, which identifies 0.335ha of usable space within the required 0.5km buffer zone, which exceeds the 0.29hectare requirement (as calculated in accordance with the formula contained in LDP8).

In addition to the open space provision within the settlement boundary there are vast tracts of open countryside surrounding the area of northern Deri and in particular Parc Cwm Darren (LDP Policy LE3.2) which is within 50 metres of the site and provides large scale, less formal facilities for recreational activity in a rural setting.

Policy CW7 criterion (b) also seeks to assess a site in terms of its visual and recreational contribution to the surrounding area. It is not considered the loss of this open space would cause undue detriment to either visual amenity of recreational amenity.

Policy CW3 of the LDP considers highway implications and replaces policy DC1 of the former UDP. In this respect the Group Manager (Highways and Transportation) has raised no objection to the development subject to conditions being attached to any consent in respect of access and parking provision.

Comments from Consultees: The concerns of the statutory consultees referred to above maybe addressed by attaching appropriate conditions to any consent.

Cont....

Comments from public:

- driveway and parking over sewer. Dwr Cymru/Welsh Water have confirmed and identified the existence of their apparatus within the vicinity of the application site, which includes a combined sewer. No operational development will be permitted within 3 metres of the centre line of the public sewer and this has been taken into account in the submitted site layout.
- loss of view/outlook. There is no right to a view in planning terms. The layout, scale and massing of the development, is constrained by site topography and in this respect the design which utilises the roof space ensures that the ridge height of the dwelling is reduced to protect the amenities of those properties to the west. In addition, the slab level of the proposed dwelling is set 5.2m below the slab level of those existing houses. This together with the design and siting of the proposed dwelling will not significantly harm the amenity of privacy of residents of existing dwellings as a result of overlooking. The siting of the proposed dwelling within the southern half of the site also means there is no overlooking of those existing properties at 1 - 4 Ogilvie Terrace located on the lower ground to the north east of the site. Consequently, it is considered the proposed development will not significantly harm the privacy or amenity of occupiers of neighbouring properties as a result of overlooking, and as such is acceptable in planning terms.
- irregularities in submitted plans are mentioned but there is no explanation as to what they are.
- will cause subsidence to existing houses. Any development is the responsibility of the developer who will be required to comply with Building Regulations in terms of the detail of construction.
- highway considerations. This Council's Transportation Engineering Manager has raised no objection to the development subject to the imposition of appropriate conditions as discussed above.
- a right of way on the land needs to be preserved. There is no formal right of way across the land but a claimed right of way application is being considered by the Authority. From a planning point of view there are alternatives around the site that are acceptable.
- erection of a fence has already caused problems to residents. The path through the site is not a dedicated right of way. An application has subsequently been received, under the Wildlife and Countryside Act 1981, to add the footpath to the Definitive Map and Statement. Although evidence user forms were completed a number of years ago no formal application had been submitted until recently. As a planning application has been submitted investigation into the application will be given priority. The formal complaint is being dealt with by the Council Legal Department.

Cont....

Planning application 15/0978/FULL Continued

- prevent access for emergency vehicles. It is not explained how emergency vehicles would be prevented from attending Ogilvie Terrace. The existing adopted highway network serving Ogilvie Terrace will not be compromised by the proposed development.
- removal of a green area. The applicant has submitted an 'Open Space Assessment' as required by Policy CW7 of the LDP and has followed the criteria set out in supplementary planning guidance LDP8 - Protection of Open Space, the details of which are considered satisfactory as discussed above.
- refuse vehicle not able to collect bins. This Council's Head of Public Services has confirmed that his crews have not had any problems collecting bins at Ogilvie Terrace. The only problem has been residents parking their vehicles in a manner which could cause problems for refuse vehicles.
- not been consulted about the proposed development. The application has been advertised in the press, on site, and 29 neighbouring properties have been consulted.
- scale and design is inappropriate. The character of the surrounding area comprises a mix of two-storey, semi-detached, detached and traditional terraced properties with external materials comprising a mixture of render, stone and face brick in walls, both concrete and tile roofs and a mix of upvc and wooden windows. The site is constrained in terms of its topography and relationship with surrounding residential properties. Consequently, the design of the dwelling aims to ensure the privacy and amenity of neighbouring properties is not compromised whilst drawing on design elements in terms of fenestration and materials used in the surrounding houses.
- works have already commenced on site. The site has been secured with fencing. Translocation of reptiles to Parc Cwm Darren has been undertaken in accordance with a Reptile and Mitigation Strategy and Method Statement submitted and overseen by this Council's Ecologist.
- allegations of bribery in respect of Council Officers. Such allegations are derogatory and unfounded.

Other material considerations: None.

In conclusion it is considered the proposed development does not conflict with local plan policies or national planning guidance and as such is acceptable in planning terms.

Cont....

Planning application 15/0978/FULL Continued

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) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.
REASON: To ensure the development is served by an appropriate means of drainage.
- 03) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the beneficial occupation of the development hereby approved.
REASON: In the interests of the visual amenities of the area.
- 04) No development shall commence, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
- REASON: In the interests of residential amenity.

Cont....

Planning application 15/0978/FULL Continued

- 05) 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.
- 06) 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.
- 07) 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: To prevent contamination of the application site in the interests of public health.
- 08) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety.
- 09) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.

Cont....

Planning application 15/0978/FULL Continued

- 10) Ogilvie Terrace and the side lane serving the site shall be improved in accordance with submitted drawing jw694 - 105 B, and in a manner to be firstly submitted to and approved in writing with the Local Planning Authority. Those improvements shall be completed in accordance with the agreed details prior to the first occupation of the proposed dwelling.
REASON: In the interests of highway safety.
- 11) The proposed driveway and parking area shall be completed in permanent materials as approved by the Local Planning Authority before beneficial occupation of the dwelling and shall be constructed with a maximum gradient of 1 in 8.
REASON: In the interests of highway safety.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 14) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: jw694-101 rev K, jw694-102 rev C, jw694 - 105 rev B, (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 15) Prior to construction works starting on site, any remaining vegetation and topsoil shall be removed from site and shall be undertaken under the supervision of an ecologist. Any reptiles found shall be either released to a receptor site or retained temporarily in captivity depending on the season when clearance works occurs, as advised by the applicant's ecologist.
REASON: To ensure adequate protection to protected species.

Cont....

Planning application 15/0978/FULL Continued

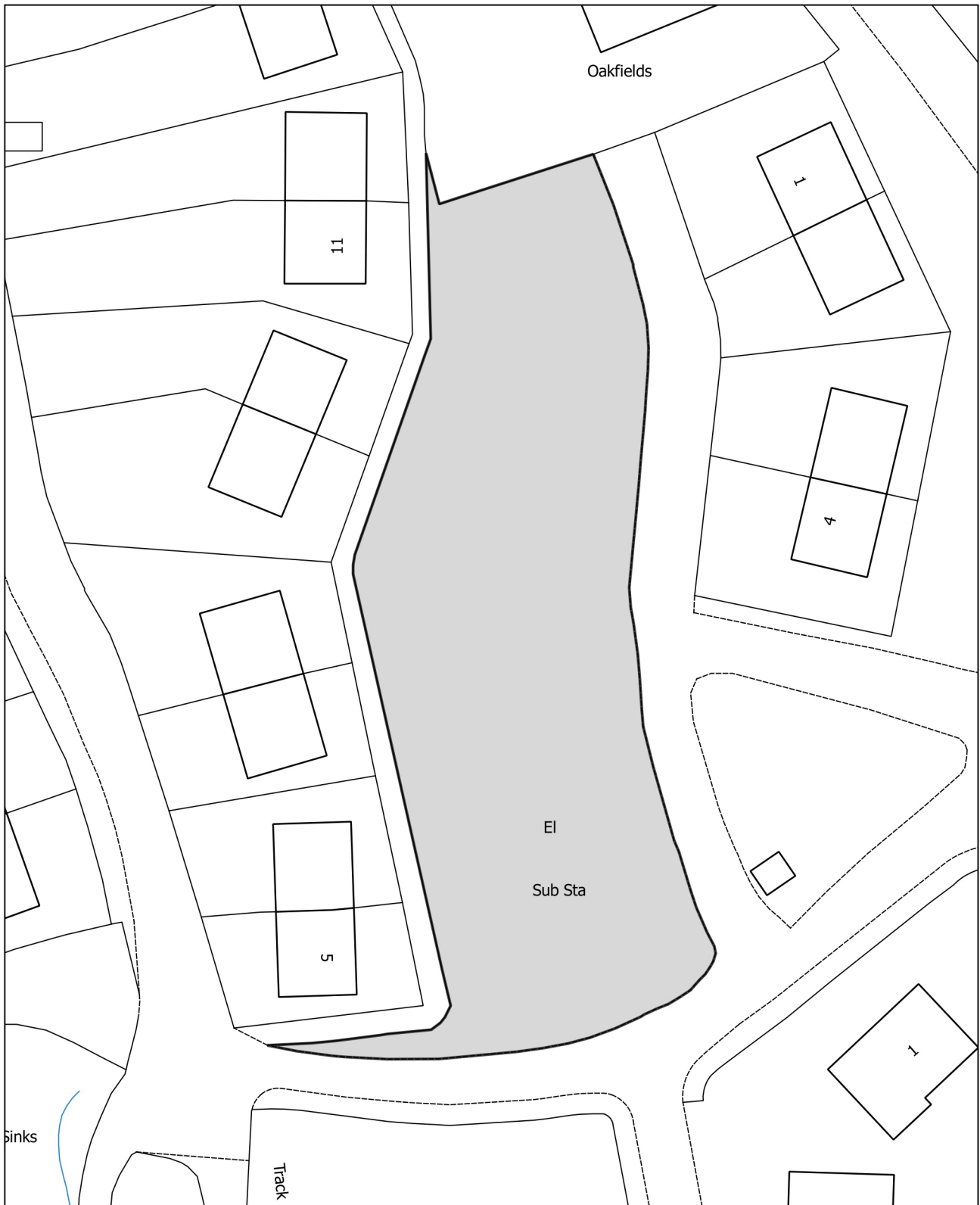
- 16) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species on the new property shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.
REASON: To provide nesting provision for birds as compensation for the loss of wildlife habitat on site.
- 17) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new property at land at Ogilvie Terrace, Deri shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

The applicant is advised of the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), and the Council's Ecologist.

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PREFACE ITEM

APPLICATION NO. 15/0023/COU

APPLICANT(S) NAME: Mr M Williams

PROPOSAL: Retain A1 use part ground floor and convert upper floors to residential.

LOCATION: Manchester House, 1 Clifton Street, Caerphilly

At the last meeting of the Planning Committee on 7th October 2015 members resolved to defer consideration of this application to enable a further report to be prepared to consider possible reasons to refuse the application. Members requested that Officers give consideration to the refusal of the application in respect of the lack of off-street car parking.

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

The view of Members is that the traffic associated with a residential use would be different to that of the previous retail use in that residential parking would be more prevalent during the evenings and weekends whereas retail parking would be more prevalent during weekdays, The Council's own adopted design guidance does not make this distinction. Indeed, the design guide suggests that a comparison should be made between the two uses when assessing the required parking levels.

In this instance the existing use requires a higher level of off-street parking than the proposed use and as such it is not felt that a refusal can be justified on this basis.

It should also be noted that the application property is a prominent building which is in a poor state of repair and given its location on the edge of the town centre is not attractive from a retail perspective. In that regard it would be of benefit to the amenity of the area to bring the building back into beneficial use and to improve the appearance of the building.

RECOMMENDATION: that planning permission is granted in accordance with the attached report. However, if members are minded to refuse permission, the following reason is suggested.

1. The proposed residential use of the first floor would aggravate on-street parking problems, particularly in the evening, and therefore the proposal would be contrary to Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0023/COU 27.01.2015	Mr J Khehra 192 Bedwas Road Caerphilly CF83 3AU	Retain A1 use part ground floor and convert upper floors to residential Manchester House 1 Clifton Street Caerphilly CF83 1HA

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application property is situated on the junction of Clifton Street with Van Road.

Site description: The application property is a large and imposing corner property that is currently vacant but has most recently been used as a furniture shop. The building is largely two storeys with some accommodation in the roof space of part of the building. It is finished in render with a part tiled roof, with part of the roof being flat.

The part of the building on the very corner has the accommodation in the roof space and has an apex roof with a chamfered corner feature in keeping with many Victorian or Edwardian corner buildings. To the left of this and facing onto Van Road is a further two storey element that has a flat roof whilst to the right and facing onto Clifton Street is a single storey element.

As stated above the building is currently vacant but it is a long established retail premises with retail to the majority of the ground and first floors. There is a small area of storage to the ground floor with living accommodation to approximately one third of the first floor and in the roof space.

The property is located on the edge of Caerphilly Town Centre with a public house to the north and on the opposite side of Van Road, the new Caerphilly Library to the west and on the opposite side of Clifton Street, and residential property to the east and south along Van Road and Clifton Street.

Cont'd.....

Application No. 15/0023/COU Continued.

Development: The application seeks full planning consent for the change of use of the building to a mixed use of retail and residential. The use will encompass the retention of a retail use to the majority of the ground floor together with the provision of staff facilities, a store room, bin stores for the retail unit and the flats, a cycle store and stair access. There will then be 6 flats to the first floor (with the living room of one of the flats being on the second floor) including five two-bedroom flats and one one-bedroom flat. The flats will be accessed via the stairwell from the ground floor with a doorway off Clifton Street. Each flat will then have a separate access within the building off a shared corridor.

Some alterations to the exterior of the building are also proposed including the erection of an extension to the first floor of the single storey element on Clifton Street, the addition of three new windows and two new doors into the Clifton Street elevation, two new windows into the south elevation (facing the side of number 2 Clifton Street) and five new windows into the east elevation (facing the side of number 1 Van Road).

Materials: All windows and doors are to be repaired in matching materials with the exterior render being repaired. The extension will have a flat membrane roof.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

No previous planning history.

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP14 (Total Housing Requirements), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Cont'd.....

Application No. 15/0023/COU Continued.

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for Householder Development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for Householder Development gives advice on extensions and conservatories.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2014) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design.

CONSULTATION

Dwr Cymru - Provides advice to be conveyed to the developer.

Transportation Engineering Manager - No objection is raised given the less intensive demand in parking terms of the proposed uses against the existing uses of the premises, when measured against LDP 5 Car Parking Standards.

CCBC Housing Enabling Officer - The developer will need to provide 40% affordable housing on this site.

Head Of Public Protection - No objection subject to conditions.

ADVERTISEMENT

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

Response: 12 letters of objection were received.

Cont'd.....

Application No. 15/0023/COU Continued.

Summary of observations:

- 1 Loss of privacy;
- 2 Lack of off street car parking;
- 3 Increased noise pollution;
- 4 This town centre property should be put to better use;
- 5 Detrimental impact on the character of the area;
- 6 Additional danger to pedestrians;
- 7 This type of accommodation is not required in this area;
- 8 The proposal would increase pollution in the area;
- 9 Concerns that the applicant will be unable to manage and maintain the property correctly;
- 10 The proposal will affect bats;
- 11 The building is not fit for purpose.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on the bat survey submitted with the application it is possible that Pipistrelle bats may roost in the building. In that regard the developer will need to apply for a Development Licence prior to any works commencing on site.

Is this development Community Infrastructure Levy liable? Yes. Based on an increased residential floor area of 242.33 square metres an amount £9,693.20 is payable. However, the developer may be eligible for relief for the affordable housing element.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application property is situated within settlement limits and on the edge of the defined town centre with residential properties nearby. In that regard it is considered that the principle of a mixed use retail and residential use in this area is acceptable in planning terms. Indeed from an economic development perspective, the mixed use (and bringing this currently vacant property back into beneficial use) would have a positive impact on the area and would help to maintain the vitality and viability of the town centre.

Cont'd.....

Application No. 15/0023/COU Continued.

Notwithstanding the above comments the main points to consider in the determination of this application are the objections raised by members of the public and they will be considered in turn below.

1 It is accepted that the application proposes the introduction of new windows into the eastern and southern elevations of the building, which would face the properties at 1 Van Road and 2 Clifton Street respectively. However, it should also be noted that the application proposes to fit obscure glazing to the bottom half of those windows up to a height of 1.5m from ground level. It is considered that this would give an adequate degree of privacy to the neighbouring properties as any views into the rear gardens of those dwellings would be restricted and would result more in looking over rather than overlooking. It should also be noted that the windows in the southern elevation would face the pine end of the dwelling at number Clifton Street and as such there would be no direct overlooking in any event.

2 In terms of off street parking the Transportation Engineering Manager has offered the following comments: -

'No objection is raised given the less intensive demand in parking terms of the proposed uses against the existing uses of the premises, when measured against LDP 5 Car Parking Standards.'

It is calculated that the existing uses at the property require a total of 13.5 parking spaces whilst the proposed uses require 11 spaces which results in a net reduction in spaces. The central and sustainable location of the property also has to be taken into account with the building being located on the edge of the town centre with local amenities nearby and regular public transport services in the area. In that regard it is not felt that the lack of off street parking would be unacceptable in planning terms or that it would justify the refusal of the application.

3 The application property is an established retail premises within a defined town centre and it is on this basis that the noise impacts of the development have to be judged. The proposed use would lead to a reduction in the scale of the retail use in the building which should be beneficial in terms of noise nuisance whilst residential development is unlikely to have a detrimental impact on the amenity of neighbouring residential uses. In that regard it is not felt that the proposal would have a detrimental impact as a result of noise nuisance. It should also be noted that The Head of Public Protection has suggested conditions restricting the operational hours of the retail unit in order to protect the amenities of the occupiers of the flats and this should have a positive impact in terms of the amenity of neighbouring dwellings also.

Cont'd.....

Application No. 15/0023/COU Continued.

4 Whilst it may be considered that an alternative retail or commercial use of the application property would be preferred the Local Planning Authority has a duty to determine the application as submitted and considered it on its own planning merits.

5 It is considered that a mixed use of residential and retail at this edge of town centre location would be in keeping with the mixed use character of the area.

6 The application has been considered by the Transportation Engineering Manager in terms of highway safety and no objection has been raised. It is not considered that a mixed use would result in any increased dangers to pedestrians than the existing use.

7 Whilst it is not for the Local Planning Authority to consider whether this type of accommodation is required in this area, it is considered that this assumption is incorrect. The Council's Local Housing Market Assessment produced in April 2015 identifies a need for 1-and 2- bedroom units in the Caerphilly area and this development meets that need.

8 The application has been assessed by the Head of Public Protection and no objections have been raised. Whilst the proposed extension may increase the canyon effect alluded to by the objector it is not felt that this would lead to a marked increase in pollution. Moreover, it is considered that the lack of off street car parking in this development would be of benefit in terms of air pollution as it would result in less vehicular movements in the area.

9 The applicant's inability to manage and maintain the premises is not a valid reason to refuse the application.

10 A bat survey has been submitted with the application and this has been assessed by the Council's Ecologist. It is considered that there may be potential impacts on bat roosts but that this can be adequately covered by condition.

11 The objector has not stated why it is considered that the building is not fit for purpose. In any event it is not for the Local Planning Authority to consider this in this instance.

Comments from consultees: No objections raised. With regard to the conditions requested by Head of Public Protection and the Council's Ecologist it is considered that these are reasonable and necessary to make the application acceptable in planning terms.

Comments from public: Addressed above.

Cont'd.....

Application No. 15/0023/COU Continued.

Other material considerations: In conclusion it is considered that the proposed development would be acceptable in planning terms. The re-introduction of a retail use into this vacant premises together with the introduction of the residential use to the first floor would have a beneficial impact on the vitality and viability of the town centre and as such the proposal has economic benefits to the wider area. It is not felt that there would be any detrimental impacts on highway safety, amenity or privacy as a result of the proposal and the housing provision would meet an identified need in the area.

RECOMMENDATION that (A) the application is DEFERRED to allow the applicant to enter into a Section 106 Agreement in order to secure affordable housing as set out above. On completion of the Agreement (B) 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) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
REASON: To ensure adequate protection to protected species.
- 03) The development hereby approved shall be carried out fully in accordance with the recommendations made in Section 10 The outline Method Statement of the Bat Survey Report dated December 2014, prepared by Richard Watkins unless otherwise agreed in writing by the Local Planning Authority. The details shall be implemented before the development hereby approved is first occupied.
REASON: To ensure adequate protection for protected species.
- 04) Bat activity surveys to monitor the new bat roosts within the development hereby approved shall be carried out by a competent ecologist between May to August for a minimum of 2 years post-completion of the development and the results submitted to the Local Planning Authority annually together with any recommendations of the ecologist for amendments to the approved scheme arising from the survey results. The approved amendments shall be implemented in full.
REASON: To provide information on the success of the bat roost mitigation, in the interests of biodiversity.

Cont'd.....

Application No. 15/0023/COU Continued.

- 05) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 06) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow and Swift) in the property at 1 Clifton Street, Caerphilly, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 07) The use hereby permitted shall not be open to customers outside the following times 08.00hrs to 18.00hrs Monday to Saturday 10.00hrs to 16.00hrs on Sundays.
REASON: In the interests of residential amenity.
- 08) No deliveries shall be taken at or dispatched from the site outside the hours of 08.00hrs to 18.00hrs Monday to Saturday with No deliveries on Sundays.
REASON: In the interests of residential amenity.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: .

Please find attached information in relation to bat and bird boxes.

DEFERRED SITE VISIT



PLANNING COMMITTEE – 7TH OCTOBER 2015

SUBJECT: SITE VISIT - CODE NO. 15/0023/COU – MANCHESTER HOUSE, 1 CLIFTON STREET, CAERPHILLY, CF83 1HA.

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

PRESENT:

Councillor D.G. Carter – Chair
Councillor W.H. David - Vice Chair

Councillors Mrs E.M. Aldworth, Mrs P. Cook, C. Elsbury, Ms. J. Gale, S. Kent and Mrs J. Summers

1. Apologies for absence were received from Councillors J. Bevan, J.E. Fussell, L. Gardiner, Mrs G. Oliver and J. Simmonds.
2. The Planning Committee deferred consideration of this application on 9th September 2015 for a site visit. Members and Officers met on site on Tuesday, 22nd September 2015.
3. Details of the application to retain A1 use part ground floor and convert upper floors to residential at Manchester House, 1 Clifton Street, Caerphilly, CG83 1HA were noted.
4. Those present viewed the site and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that the proposed development sought to provide 6 flats comprising five two-bedroom flats and one one-bedroom flat to the first and second floors and retain retail unit, store room and bin stores to the ground floor. Some alterations to the exterior of the building are also proposed which included the addition of new windows and doors.
6. Members noted that the proposed development had no associated car parking facility and expressed concern in relation to the additional traffic movements and parking problems that the introduction of 6 additional flats would have in an already heavily congested area. Local Ward Members referred to existing parking, air quality and highway safety issues and the impact an additional 12 possibly 13 cars would have. Concern was also expressed that this would cause major issues for residents on neighbouring streets and for Caerphilly town centre which is already gridlocked.

Highways Officers confirmed that given the less intensive demand in parking terms of the proposed uses, when measured against LDP 5 Car Parking Standards the application was acceptable in planning terms. It was noted that there was only a 46% subscription to resident parking-permits on Van Road and a twilight survey on Van Road at 7.00pm had shown some parking to be available. However Members felt that the short term parking associated with retail use where customers would access pay and display facilities for a limited period of time

throughout the day could not be compared to long term parking requirements and additional traffic movements that would be associated with a residential development of this size.

7. Officers advised that the proposed mixed retail and residential was acceptable in planning terms and would have a positive impact on the area, bringing an empty unit back into use and increasing footfall to the town centre.

Members expressed reservation that the tenants of the residential units would increase town centre footfall to any extent, but would inevitably have car parking needs that could not be met and increase traffic movements around an already heavily congested area.

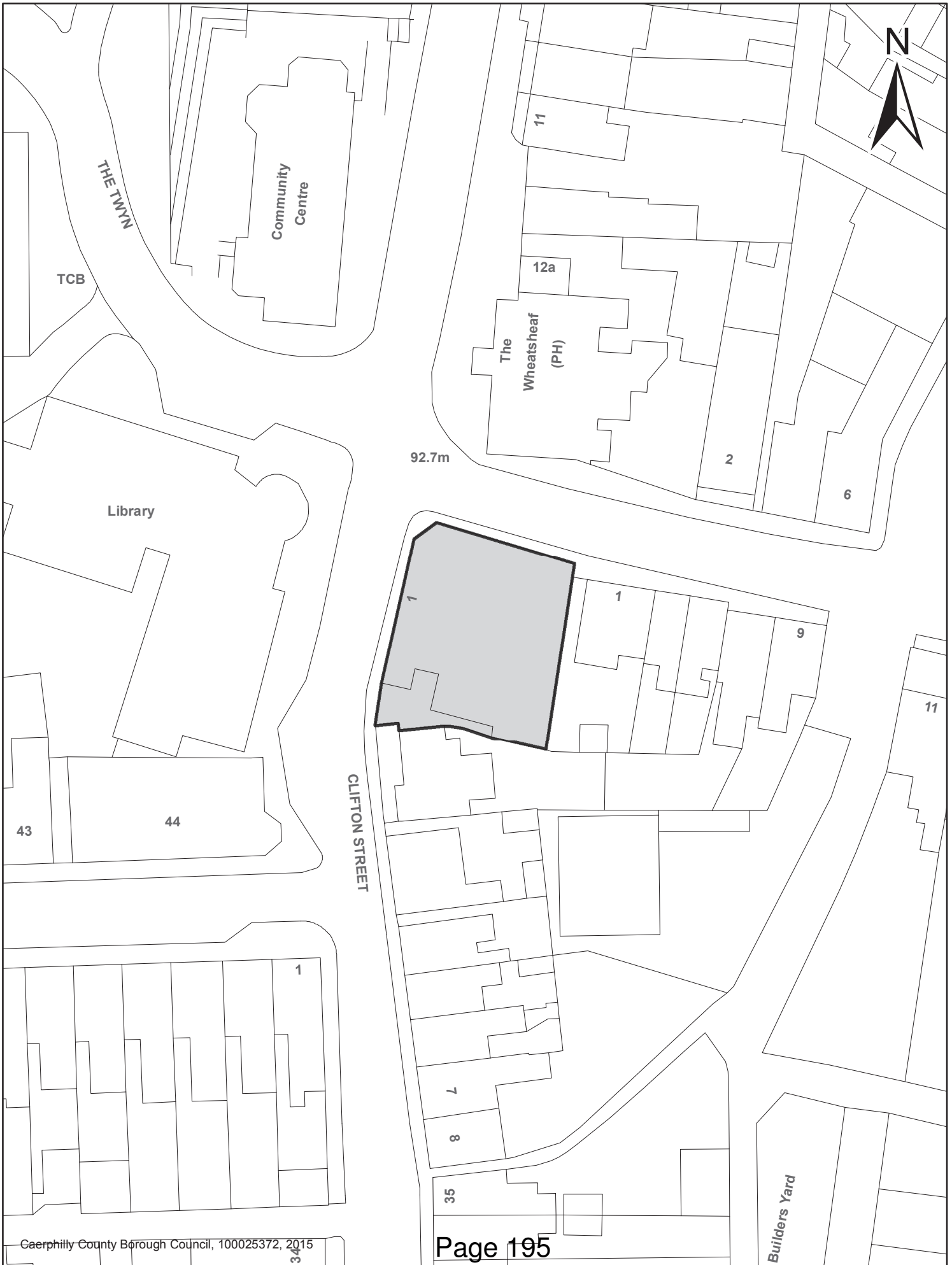
8. Officers confirmed that following advertisement to neighbouring properties and a site notice being posted, 12 letters of objection had been received. Details of the objections are within the Officer's original report.
9. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
10. A copy of the report submitted to the Planning Committee on 9th September 2015 is attached. Members are now invited to determine the application.

Author:	E.Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	C. Powell	Senior Planner
	M. Noakes	Senior Engineer (Highway Development Control)
	L. Cooper	Engineer (Highway Development Control)
	M. Godfrey	Environmental Health Officer

Appendices:

Appendix 1 Report submitted to Planning Committee on 9th September 2015

DEFERRED FOR REASONS FOR REFUSAL



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Agenda Item 14

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0422/RET 16.07.2015	Ms B Anderson White Hart Inn 19 Church Street Bedwas Caerphilly CF83 8EA	Retain the extension to the rear flat roof annex and the addition of a pitched roof to the annex White Hart Inn 19 Church Street Bedwas Caerphilly CF83 8EA

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The Former White Hart Inn (19 Church Street) located adjacent to the junction of Church Street and Golwg yr Eglwys in Bedwas.

Site description: A Grade 2 Listed former public house which has been converted to a single dwelling. The property fronts east onto Church Street. To the north is Golwyg yr Eglwys an access road with a small car park and dwellings. To the south beyond a small private alley is number 17 Church Street (The Wonky Bar) and behind to the west is a St John's Ambulance Hall which fronts Pandy Road.

Development: Planning Permission is sought to retain and complete partially instigated works to alter and extend a rear ground floor single storey projection identified as a toilet/cellar to create a sunroom. The works include provision of a new roof over part of the existing rear projection and the new extension changing the roof profile from a flat roof to a hipped roof.

Dimensions:

The new hipped roof has approximate dimensions of 4.5m by 5.5m and a height of 3.6m. The extension (which is also covered by the hipped roof) measures approximately 1m wide by 4.5m long.

Materials: Rendered Walls, slate roof, timber double glazed doors.

Ancillary development, e.g. parking: None.

Cont....

Planning application 15/0422/RET Continued

PLANNING HISTORY 2005 TO PRESENT

14/0093/COU - Change the use from public house to private dwelling - Granted 08.04.14.

15/0471/LBC - Retain the extension to the rear flat roof annexe and the addition of a pitched roof to the annexe- Decision pending.

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: SP6 (Place Making), CW2 (Amenity), CW15 (General Locational Constraints).

NATIONAL POLICY Technical Advice Note 12: Design. Welsh Office Circulars 61/96 Planning and the Historic Environment, and 1/98 Planning and the Historic Environment.

Planning Policy Wales (Edition 7, July 2014) including the following within Chapter 6 Conserving the Historic Environment:

Paragraph 6.5.9 Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

Paragraph 6.5.10 Applicants for listed building consent must be able to justify their proposals, show why alteration or demolition of a listed building is desirable or necessary. It is generally preferable for both the applicant and the planning authority if related applications for planning permission and listed building consent are considered concurrently. Consideration of proposals for a listed building should be made on the basis of a full, rather than an outline planning consent. Planning permission alone is insufficient to authorise works to a listed building.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

Cont....

Planning application 15/0422/RET Continued

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is a householder development and such matters will be addressed through the Building Regulations.

CONSULTATION

Conservation & Design Officer - No objections to the proposal in principal. Recommends conditions be attached to the permission in relation of materials.

ADVERTISEMENT

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

Response: One letter of Objection was received to the application.

Summary of observations:

The Grade 2 building is of special interest warranting every effort to preserve it in its original character, any removal of this status would impinge on the architectural interest on the community of Bedwas. Notes the Conservation Officer has previously drawn attention to the importance of the design, decoration and craftsmanship of the property. Considers the building has historic interest illustrating importance aspects of the area's social and economic importance and any attempt to change the character should not find favour with the Council or CADW. Assumes the Council will take all historical factors into account when considering this retrospective application which clearly would damage the status of the property and its relevance to the Community of Bedwas.

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.

Cont....

Planning application 15/0422/RET Continued

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The development is not chargeable as the additional internal floorspace created is below 100sqm.

ANALYSIS

Policies:

This application has been considered in tandem with a partner Listed Building Consent application (15/0471) as advocated by advice contained within Planning Policy Wales and Listed Building Circular 61/96.

The impact of the proposed development on the character of the Grade II Listed Building has been considered and the advice sought from the Council's Conservation and Design Officer. The Listing Description indicates the property was constructed around 1914 in an Arts and Crafts style with late Gothic door surrounds. The development which has been partially instigated and permission is sought to retain works carried out and complete the development is on the rear of the building. It relates to a single storey element which from photographic records is shown to have had a flat roof.

The development is considered to have an acceptable impact on the visual amenity and character of the area as the works are restricted to part of the rear of the building largely screened from views outside of the immediate curtilage of the dwelling. The single storey nature of the extension, its small scale and the limited architectural merit of this part of the building whose flat roof profile did not enhance the Listed Building have been taken into account.

The impact on the amenity of neighbouring properties is considered acceptable, the roof alterations will result in a small increase of roof height and the adjacent building (number 17) is located a short distance away from the development however it is not considered that there will be a material impact on amenity for this or any other property. The unfenestrated rear wall of the St John's Ambulance Hall and existing screening to the site boundary restricts views of the extension. The extension will be partially visible from the access road to the north and its appearance is considered to be acceptable. It is considered that the development accords with adopted Local Development Plan Policies CW2 (Amenity) and SP6 (Placemaking). The development will help preserve the building and its setting as it is an improvement on what was there before.

Cont....

Planning application 15/0422/RET Continued

Comments from consultees:

The Council's Conservation Officer has offered no objection to the proposal subject to the agreement of materials in relation to roof tiles, ridge tiles, patio doors and rainwater goods. It is considered that suitable conditions can be imposed to require submission of details to be agreed in relation to these.

Comments from public:

The objection received in relation to the application expresses concern in relation to the loss of the special interest in the building and the original character. It does not however appear that the flat roofed portion formed part of the original public house and may have been a later addition. It is not considered that the proposed works will harm the character of the Listed Building.

Other material considerations: None

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Notwithstanding the details on the approved plans within two months of the date of this permission full details of the finish to the external elevations of the sunroom hereby approved shall be submitted for the written approval of the Local Planning Authority. The agreed finish shall be applied to the external elevations of the sunroom prior to it being brought into beneficial use.
REASON: To preserve the character of the Listed Building.
- 02) Prior to the installation of the patio doors to the sunroom hereby approved details of the doors and their external finish 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 preserve the character of the Listed Building.
- 03) No new or replacement external rainwater, drainage and ventilation goods shall be installed at the building subject of this consent unless further details of their design, materials and colour have been 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 protect and preserve the character of the Listed Building.

Cont....

Planning application 15/0422/RET Continued

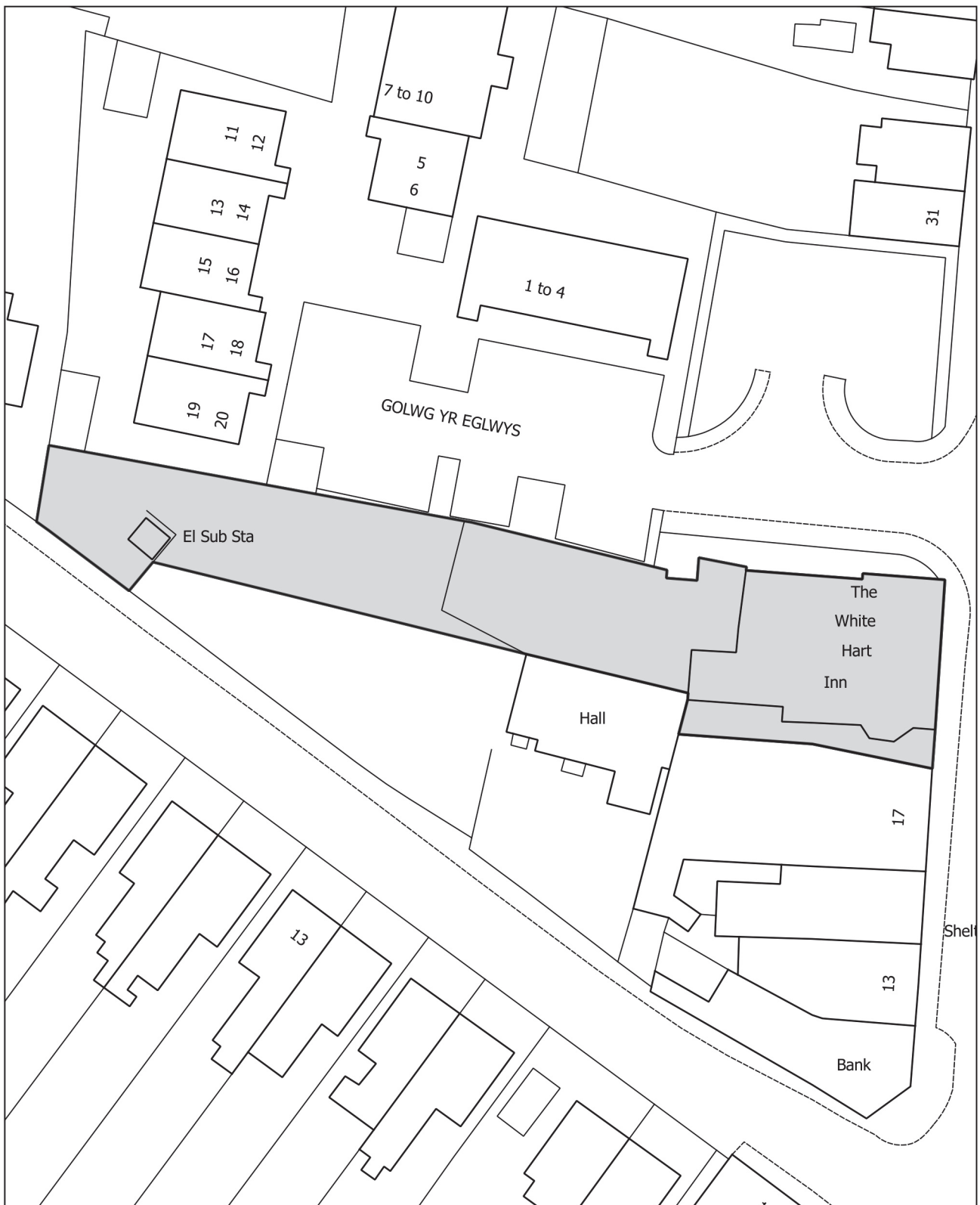
- 04) Prior to the installation of the roof covering to the sunroom a sample of the roof tile and ridge tile to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved tiles.

REASON: To ensure an acceptable impact on the character of the Listed Building and on the visual amenity of the area.

Advisory Note(s)

Please find attached the comments of the Conservation and Design Officer that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW15 and SP6.



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Agenda Item 15

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0471/LBC 05.08.2015	Ms B Anderson White Hart Inn 19 Church Street Bedwas Caerphilly CF83 8EA	Retain the 1.0m extension to existing flat roof rear annexe and the addition of a pitched roof to the annexe White Hart Inn 19 Church Street Bedwas Caerphilly CF83 8EA

APPLICATION TYPE: Listed Building Consent

SITE AND DEVELOPMENT

Location: The Former White Hart Inn (19 Church Street) is located adjacent to the junction of Church Street and Golwg yr Eglwys in Bedwas.

Site description: A Grade 2 Listed former public house which has been converted to a single dwelling. The property fronts east onto Church Street. To the north is Golwyg yr Eglwys an access road with a small car park and dwellings. To the south beyond a small private alley is number 17 Church Street (The Wonky Bar) and behind to the west is a St John's Ambulance Hall which fronts Pandy Road.

Development: Listed Building Consent is sought to retain and complete partially instigated works to alter and extend a rear ground floor single storey projection identified as a toilet/cellar to create a sunroom. The works include provision of a new roof over part of the existing rear projection and the new extension changing the roof profile from a flat roof to a hipped roof.

Dimensions:

The new hipped roof has approximate dimensions of 4.5m by 5.5m and a height of 3.6m. The extension (which is also covered by the hipped roof) measures approximately 1m wide by 4.5m long.

Materials: Rendered Walls, slate roof, timber double glazed doors.

Ancillary development, e.g. parking: None

Cont....

Planning application 15/0471/LBC Continued

PLANNING HISTORY 2005 TO PRESENT

14/0093/COU - Change the use from public house to private dwelling - Granted 08.04.14.

15/0422/RET - Retain the extension to the rear flat roof annexe and the addition of a pitched roof to the annexe- Decision pending.

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: SP6 (Place Making), CW2 (Amenity), CW15 (General Locational Constraints).

NATIONAL POLICY Technical Advice Note 12: Design. Welsh Office Circulars 61/96 Planning and the Historic Environment, and 1/98 Planning and the Historic Environment.

Planning Policy Wales (Edition 7, July 2014) including the following within Chapter 6 Conserving the Historic Environment:

Paragraph 6.5.9 Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

Paragraph 6.5.10 Applicants for listed building consent must be able to justify their proposals, show why alteration or demolition of a listed building is desirable or necessary. It is generally preferable for both the applicant and the planning authority if related applications for planning permission and listed building consent are considered concurrently. Consideration of proposals for a listed building should be made on the basis of a full, rather than an outline planning consent. Planning permission alone is insufficient to authorise works to a listed building.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

Cont....

Planning application 15/0471/LBC Continued

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is not a material consideration for a listed building application.

CONSULTATION

Conservation & Design Officer - No objections to the proposal in principal. Recommends conditions be attached to the permission in relation of materials.

Ancient Monuments Society - No response received.

The Georgian Group - The date of the structure falls outside of their remit therefore they defer to the Victorian Society.

Royal Commission On Ancient & Historic Monuments in Wales - No response received.

The Victorian Society - No response received.

Society For The Protection Of Ancient Buildings - No response received.

Council For British Archaeology - No response received.

ADVERTISEMENT

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

Response: One letter of Objection was received to the application.

Summary of observations:

The Grade 2 building is of special interest warranting every effort to preserve it in its original character, any removal of this status would impinge on the architectural interest on the community of Bedwas. The objector notes the Conservation Officer has previously drawn attention to the importance of the design, decoration and craftsmanship of the property. Considers the building has historic interest illustrating importance aspects of the area's social and economic importance and any attempt to change the character should not find favour with the Council or CADW. Assumes the Council will take all historical factors into account when considering this retrospective application which clearly would damage the status of the property and its relevance to the Community of Bedwas.

Cont....

Planning application 15/0471/LBC Continued

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

Is this development Community Infrastructure Levy liable? The development is not chargeable as the additional internal floorspace created is below 100sqm.

ANALYSIS

Policies:

This application has been considered in tandem with a partner planning application (15/0422) as advocated by advice contained within Planning Policy Wales and Listed Building Circular 61/96. In considering an application for Listed Building Consent the main point to consider in the determination of this application is whether the proposal would have a detrimental impact on the building, or any features of special architectural or historic interest that it possesses.

The impact of the proposed development on the character of the Grade II Listed Building has been considered and the advice sought from the Council's Conservation and Design Officer. The Listing Description indicates the property was constructed around 1914 in an Arts and Crafts style with late Gothic door surrounds.

This application for Listed Building Consent has been assessed against the General Criteria contained within section 70 of the Listed Building circular 61/96 and its annexes. This requires Local Planning Authorities to consider the importance of the building, the particular physical features contributing to the building's Listing, its setting and contribution to the local scene and the extent to which the proposed works would bring benefits for the community.

Cont....

Planning application 15/0471/LBC Continued

The specific proposals are to alter the roof profile of a small part of a rear extension to the main building from a flat roof to a hipped roof arrangement. It is also proposed to widen this rear element by approximately 1m along the length (circa 4.5m) to provide a small additional amount of living space. The insertion of patio doors in the rear facing elevation would provide natural light to this rear extension.

The justification given by the applicant for the works are that the new roof structure is intended to improve the aesthetic of the rear elevation to be more in keeping with the main building. It is also stated that the roof will provide improved weather proofing to the building as it was stated that the previous flat roof was subject to water penetration.

It is considered on balance that the works proposed are acceptable, they are restricted to part of the rear of the building which is largely screened from views outside of the immediate curtilage of the dwelling. The single storey nature of the extension and the alterations to the roof profile over part of the existing building are considered appropriate. It is considered that the works are restricted to a structure whose existing flat roof profile did not enhance the Listed Building or its setting. The modest extension to this rear projection is considered acceptable and the new roof profile will harmonise with the other single storey elements on the rear of the building. Subject to the imposition of conditions to allow for agreement of finishes and materials in keeping with the main building it is considered that the development will preserve the character of the Listed Building.

Comments from consultees:

The Council's Conservation Officer has offered no objection to the proposal subject to the agreement of materials in relation to roof tiles, ridge tiles, patio doors and rainwater goods. It is considered that suitable conditions can be imposed to require submission of details to be agreed in relation to these items.

Comments from public:

The objection received in relation to the application expresses concern in relation to the loss of the special interest in the building and the original character. It does not however appear that the flat roofed portion formed part of the original public house and may have been a later addition. It is not considered that the proposed works will harm the character of the Listed Building.

Cont....

Planning application 15/0471/LBC Continued

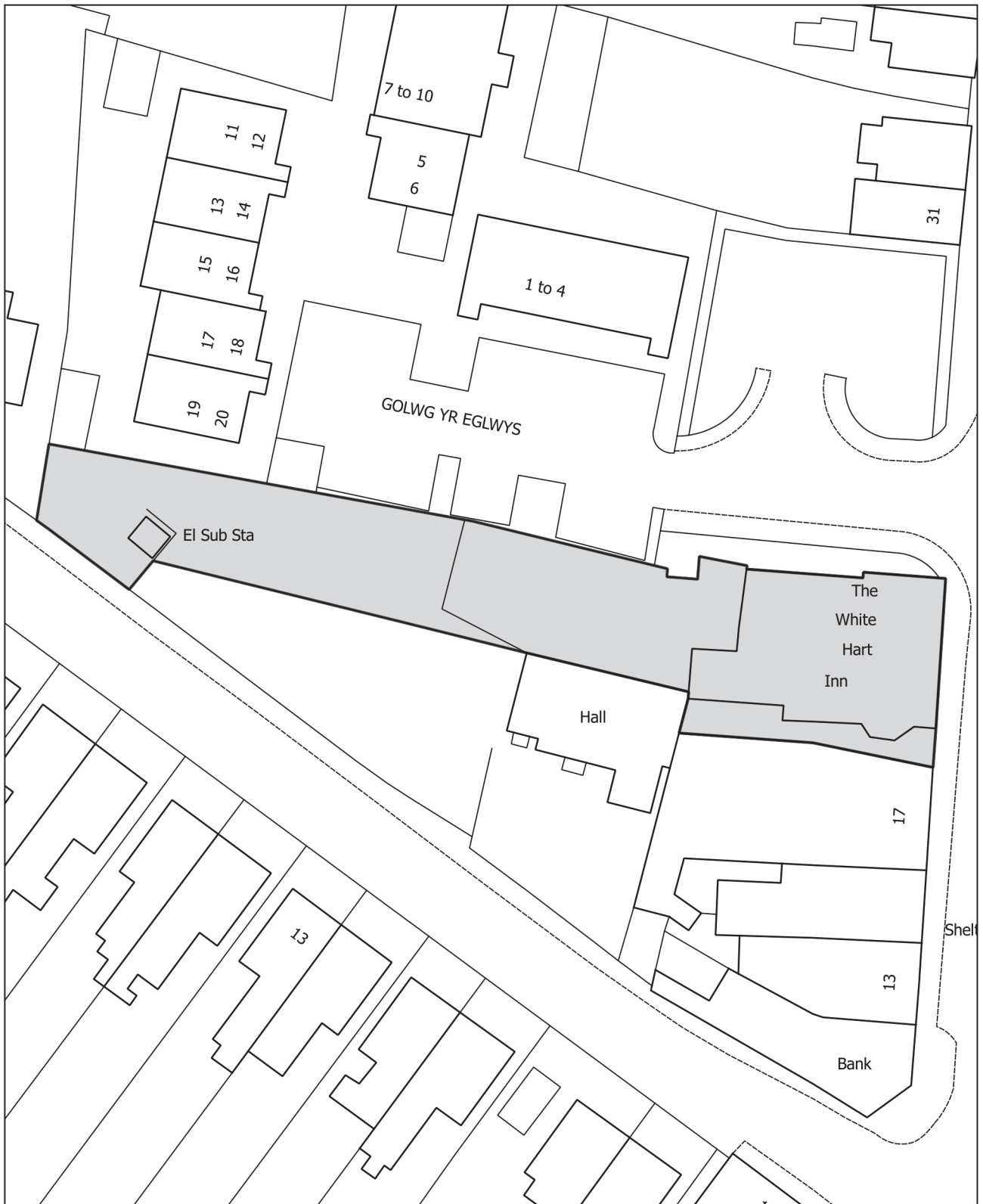
RECOMMENDATION: That the application is DEFERRED to allow it to be referred to CADW for its consideration. In the event that CADW does not raise any objections to the scheme, Listed Building consent is GRANTED subject to the following conditions:

- 01) Notwithstanding the details on the approved plans within two months of the date of this permission full details of the finish to the external elevations of the sunroom hereby approved shall be submitted for the written approval of the Local Planning Authority. The agreed finish shall be applied to the external elevations of the sunroom prior to it being brought into beneficial use.
REASON: To preserve the character of the Listed Building.
- 02) Prior to the installation of the patio doors to the sunroom hereby approved details of the doors and their external finish 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 preserve the character of the Listed Building.
- 03) No new or replacement external rainwater, drainage and ventilation goods shall be installed at the building subject of this consent unless further details of their design, materials and colour have been 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 protect and preserve the character of the Listed Building.
- 04) Prior to the installation of the roof covering to the sunroom a sample of the roof tile and ridge tile to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved tiles.
REASON: To ensure an acceptable impact on the character of the Listed Building and on the visual amenity of the area.

Advisory Note(s)

Please find attached the comments of Conservation and Design Officer that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW15 and SP6.



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Agenda Item 16

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0488/RET 11.08.2015	Bryn Power C/o Barton Willmore Mr B Stephenson Greyfriars House Greyfriars Road Cardiff CF10 3AL	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 Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf farm is a 500 head dairy farm located in countryside 1.5km north east of Nelson and 1km south west of Gelligaer. Access is via a track leading from the B4254 Nelson to Gelligaer road. As well as the working farm, Gelliargwellt Uchaf is also the operational base of the Bryn Group Ltd, which operates a sandstone quarry to the east of the farm complex, an in vessel composting facility (IVCF), a green waste facility and a materials recovery facility / waste transfer station (MRF).

Cont....

Planning application 15/0488/RET Continued

Site description: The farm complex contains an extensive range of modern cattle barns and other buildings and storage areas, in addition to two houses, one of which is a grade II listed building. The IVCF is located adjacent to the farm complex and processes green waste and food waste to produce compost. The MRF is located on a hard surfaced man-made plateau to the south of the application site and processes wood, plastics, construction and demolition waste and green waste within a large new building.

The farm complex, IVCF and MRF occupy a hillside position and collectively form a substantial element of development in the landscape, although perimeter bunds planted with trees soften the visual impact and the screening effect will increase as the trees mature. The site is within open countryside and within a Special Landscape Area. Penallta Country Park lies to the east of the farm.

Development: The proposal relates to the retention of development in connection with an anaerobic digestion facility (ADF) comprising four digestion tanks, two smaller buffer tanks, a flare, a feeder, a silage clamp and a dry digestate building. In addition, an existing covered farm slurry lagoon would be used to store liquid digestate from the process. An existing disused lagoon has been filled in. Approximately 1.3MW electricity would be produced annually.

A similar development was approved on appeal in 2013. The main differences between the approved and proposed schemes are that the previously approved waste reception building (measuring 33.2m by 22.1m) is omitted and the existing IVCF would be used to receive and sort both food waste and comingled green waste. The existing building would be upgraded with the addition of fast closing automatic doors and biofilters and two of the six existing IVC clamps would be reduced in size by approximately half. The digestion tanks are the same size as previously approved but have been repositioned slightly within the site due to geo-technical requirements. The tanks would also be positioned two metres lower than approved previously. A new building housing a solid digestate separator and drying unit is proposed, measuring 33m by 33m by 7.5m high.

Dimensions: Site area is 5.3ha. Total floorspace is 2,105m²

Materials: IVC building is as existing, AD tanks clad in dark green plastic coated metal sheets.

Ancillary development, e.g. parking: Circulation space on hard surfaced area around tanks and buildings.

Cont....

Planning application 15/0488/RET Continued

PLANNING HISTORY 2005 TO PRESENT

09/0968/FULL - Erect building to incorporate anaerobic digestion facility with associated engineering and landscaping works - Refused - 02.11.10.

10/0429/RET - Retain and complete earthworks - Granted - 04.11.10.

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused - 08.12.11.

13/0393/FULL - Erect nutrient storage lagoon to supply storage capacity for compliance with SSAFO Regulations - Granted - 20.02.14.

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 - 12.02.15.

15/0031/FULL - Install 250kWp roof mounted solar PV system to be sited on a total of 4 existing shed roofs - Granted - 27.05.15.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside the settlement within a special landscape area (SLA), and with coal and sandstone safeguarding areas.

Policies: SP9 Waste management, SP10 and CW4 Natural Heritage protection, CW15 locational constraints, CW19 Rural diversification, CW2 amenity and CW3 highways.

NATIONAL POLICY EU Waste Framework Directive, Towards Zero Waste (2010), Planning Policy Wales (2015), Technical Advice Note 21: Waste (2014) TAN8 Renewable Energy.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

Cont....

Planning application 15/0488/RET Continued

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. The applicant has submitted a coal mining risk assessment and the Coal Authority has been consulted and has no objection subject to site investigations being carried out to establish the exact nature of the coal mining legacy issues.

CONSULTATION

Gelligaer Community Council - No objection.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection on the basis that the previous conditions still apply.

Senior Engineer (Land Drainage) - Prior to the commencement of any development on site the applicant must submit to the authority and receive written approval of comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with as required by the Flood and Water Management Act 2010.

Countryside And Landscape Services - No objection to the proposal. The Landscaping Proposals shown on the "Detailed Planting Plan", Anthony Jellard Associates drawing No AJA/Revised AD/01 dated 25.06.2015, are acceptable.

Dwr Cymru/Welsh Water - No comments.

Natural Resources Wales - On the basis of the information provided the conditions on permission reference 11/0224/FULL are still valid and should remain. Advice is provided for the applicant on pollution prevention and waste management.

Merthyr Tydfil County Borough Council - No objection.

Glam/Gwent Archaeological Trust - It is unlikely that significant archaeological features will be disturbed by the proposed development. As the archaeological advisors to your council we have no objection to the application.

Blaenau Gwent County Borough Council - No objection.

Torfaen County Borough Council - No observations.

Cont....

Planning application 15/0488/RET Continued

Rights Of Way Officer - Footpaths 166 and 262 in the community of Gelligaer cross the site and must be protected at all times. Should the line of the path be affected by the development, a legal order must be sought and confirmed before any work affects the line of the path.

Public Health Wales - Based on the information within the application, they have no significant concerns regarding risk to physical health of the local population providing the applicant takes appropriate measures to control and prevent pollution in line with best practice.

The Coal Authority - The application site falls within the defined Development High Risk Area and the application is supported by a Coal Mining Risk Assessment report informed by an appropriate range of information sources. The proposed mitigation strategy recommends a site investigation programme to establish the ground conditions. It is recommended that a condition be imposed to secure site investigation works prior to the development taking place.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of a press notice, a site notice posted in five locations in the local area and letters to 51 houses near the site.

Response: Approximately 71 pro forma letters of objection have been received.

Summary of observations:

The grounds for objection can be summarised as follows:

- 1 Odour, including not being able to open windows throughout the summer and washing having to be re-washed;
- 2 Dust on windows and cars;
- 3 General health is worse since the plant opened;
- 4 Flies;
- 5 Any expansion of the site would have physical and mental effects on local residents;
- 6 Residents should be permitted to express their worries, concerns and personal stories of how the site has affected their lives.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? Crime and disorder are not significant issues in this case.

Cont....

Planning application 15/0488/RET Continued

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

A survey was carried out and no evidence was found, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes, the new development comprises more than 100m² of floorspace but is charged at £0.

ANALYSIS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination, the decision must be made in accordance with the plan unless there are material planning considerations that indicate otherwise. Such considerations may include current circumstances, policies in an emerging development plan and policies of the Welsh government and the UK government.

The appeal decision in 2013 established that the AD facility is acceptable in principle. The main issues in this case are the environmental and amenity impacts of the proposed revised scheme compared to the approved scheme and taking into account any new policies or guidance issued since the appeal decision.

Policies:

EU Waste Framework Directive and Towards Zero Waste

The revised Waste Framework Directive marks a shift in thinking about waste as a valued resource rather than a burden. This is supported in Wales by the overarching waste strategy document "Towards Zero Waste" which sets out a long term framework for resource efficiency and waste management. National waste policy in this document and Planning Policy Wales encourage a more sustainable approach to waste seeking to move it up through the waste hierarchy and minimising the waste sent to landfill or other forms of final disposal. The 2015 progress report states that Wales leads the UK in recycling municipal waste and is in fourth place in terms of EU member state performance.

The proposed development is consistent with EU and national policy in that it treats waste in a process that provides renewable energy as well as a liquid digestate for use on the farm unit and PAS110 accredited soil improver.

Cont....

Planning application 15/0488/RET Continued

Planning Policy Wales and TAN 21:Waste

TAN 21 revised in 2014 sets out the Welsh Government's land use policies in relation to waste management and provides advice on the siting and need for infrastructure. Anaerobic Digestion is the Welsh Government's preferred technology for treating food waste. The facility would treat up to 20,000 tonnes a year of food waste, 7,500 tonnes a year of farm slurry and between 2,000t/yr and 8,000t/yr of silage crops grown on the farm. The resulting digestate would be PAS 110 standard and can be considered a product rather than a waste. Therefore the development would contribute to moving waste up the waste hierarchy and to meeting targets for reduction of waste sent to landfill.

TAN 8: Renewable Energy

TAN 8 Renewable Energy supports the development of infrastructure, including anaerobic digestion, for renewable energy. The proposed development is consistent with this policy and would contribute towards meeting the government's targets for renewable and low carbon energy. The facility would have the capacity to generate circa 1.4megawatts of electricity each year, which would be used on site and exported to the national grid. In addition, excess heat would be used in space heating on site.

Local Development Plan

SP 9 Waste Management designates all allocated and protected class B2 industrial sites as potentially suitable locations for new in building waste management facilities. CW15 Locational Constraints seeks to restrict development outside settlement boundaries to certain types of development including waste development that cannot reasonably be located elsewhere. These policies were taken into account in the 2013 appeal when the inspector decided that the proposed AD facility could not reasonably be located elsewhere on industrial land.

SP10 and CW4 state that development proposals in locally designated heritage sites, including SLAs should conserve and, where appropriate, enhance the distinctive features of the SLA. No objection has been received in terms of the effect on the SLA. Furthermore, the previous scheme was allowed on appeal in the SLA and this proposal does have a more significant layout.

CW 19 supports rural diversification schemes that are of an appropriate scale and are complementary to the existing business. The proposed development does not conflict with this policy.

Cont....

Planning application 15/0488/RET Continued

Comments from Consultees: No adverse comments received.

Comments from public:

1. The anaerobic digestion process, the subject of this application, has not yet commenced although building work has commenced on the structures. The AD process takes place within sealed tanks and waste would be received and prepared within an existing building under negative pressure and with fast action automatic doors and new air filters fitted. The process is different to the In Vessel Composting that has taken place at the site to date which treats co-mingled food and green waste. It is proposed that the ADF would treat the "pure" food waste received at the site, together with farm slurry and silage crops, while the IVCF would process a reduced amount (14,000 tonnes a year) of commingled green waste.

Farm slurry would also be treated in the ADF instead of being stored in the slurry lagoon and spread on the fields and this would remove an existing source of odour. The digestate fertiliser is a better fertiliser with a lower odour signature. The digestate lagoon is covered and sealed, although the digestate does not have a significant odour after being treated in the AD process.

The process requires an environmental permit containing conditions on odour and NRW has raised no objection subject to the re-imposition of the previous conditions.

2. The AD process itself is not one that would cause dust and vehicle unloading would take place within the existing IVC building. The site area is hard surfaced. However, dust may be raised by vehicles travelling along the unsurfaced access track to the site. This can be controlled by good site management and any consent granted should include a condition requiring the implementation of the mitigation measures proposed in the applicant's dust management scheme.

3. Public Health Wales, the statutory advisor in this matter, has advised that it has no significant concerns regarding the risk to health providing the appropriate precautionary measures are taken.

4. This is a matter for the environmental permit.

5. No expansion of the site is proposed. The built development would not be significantly greater than the approved scheme. Throughput of waste would remain within the existing capacity limit.

Cont....

Planning application 15/0488/RET Continued

6. The application has been advertised widely as evidenced by the number of letters received. In addition, the liaison committee for the site meets regularly and members of the public are represented on the committee.

Other material considerations: If the proposed development is not permitted, the fall back position is that the consent granted on appeal in 2013 is still valid. However, the development that has taken place already has not been carried out in accordance with that permission and it may no longer be possible to implement the consent. However, the principle of the development was considered at the inquiry and the inspector, having considered the alternative sites assessment submitted by the applicant and the council's preference for waste management facilities to be located on B2 industrial sites, concluded that the ADF could not reasonably be located elsewhere and that the proposal was in accord with the locational requirements of LDP policy CW15.

The inspector also found that there were benefits in terms of efficiency in the operational interrelationships between the ADF, the MRF, the quarry, green composting facility, IVCF and agricultural activities at the site and that, given his conclusion with regard to sites on industrial estates, it would be inconsistent to regard the ADF as being inappropriate development in the countryside in terms of policies SP5 and CW15.

At the appeal, the council advanced the argument that the proposed development of the ADF and MRF was unacceptable because of the scale of development and its impact on the rural character of the area. However, the inspector's view was that the visual presence of the ADF could be satisfactorily mitigated by a peripheral bund and tree/hedgerow planting, which would screen the development. He concluded that there was no evidence that the distinctive or characteristic features of the SLA would be harmed and that the proposal was acceptable in the context of policies CW4 and CW19.

Conclusions

The AD process proposed in this application is the same as permitted previously. It involves treating organic waste in sealed tanks and is the Welsh Government's favoured waste treatment method for organic waste. The process is "tried and tested" having been used for many years to treat waste water in the UK and it has the benefit of producing a soil improver and a liquid fertiliser, which is classed as a product when it meets the appropriate protocol. Renewable energy is also generated by the process.

Cont....

Planning application 15/0488/RET Continued

The capacity of the proposed development is no greater than the approved scheme and the scale of the built development is similar. The environmental and amenity impacts would be no greater than the approved scheme. The main potential impacts are noise from the mechanical processes involved in the reception and treatment of wastes, odour arising at the pre treatment stage and from venting of biogas from stored digestate, bioaerosols release at reception of waste, access and transport of waste. The application is accompanied by a noise assessment and an odour assessment, which have been independently assessed and found to be robust. Mechanical processes will take place within the reception building and the dedicated reception area will be maintained under negative pressure with air vented via filters. The potential for bioaerosols can be controlled by the receipt of waste within a building and the access and manoeuvring space is considered to be adequate.

Since the appeal decision TAN 21 has been revised, but the main thrust of the guidance is the same, emphasising the need to treat waste in a more sustainable manner. A best practice guidance document has also been issued. The new guidance does not affect the conclusions reached previously in respect of the principle of the development or the consideration of the potential impacts of the development.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development to which this application relates shall be begun not later than 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 hereby approved shall be carried out in accordance with the following plans: BPL-AD-RPA-2015-003 Rev A, 004 Rev A, 005 Rev A, 006 Rev A, 008, 009 Rev A, 010, 011, 012, and AJA/Revised AD/01.
REASON: To define the extent of this consent.
- 03) The site shall be used as an anaerobic digestion facility and In Vessel composting facility and for no other purpose whatsoever.
REASON: To adequately control the development at the site.
- 04) The sorting, screening and shredding of waste material on the site shall take place solely within the IVC/AD waste reception building.
REASON: On the interests of the amenity of the area.

Cont....

Planning application 15/0488/RET Continued

- 05) The waste types deposited, stored and treated at the site shall be limited to wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing.
REASON: Waste materials other than those specified raise environmental and amenity issues that would require consideration afresh.
- 06) Any material not included within the description in condition 5 above received at the site or any material otherwise unsuitable for treatment shall be stored in impervious covered containers and removed from the site within 24 hours of its receipt.
REASON: To safeguard the amenity interests of the local area.
- 07) No waste material shall be stored outside the buildings and the tanks.
REASON: To safeguard the amenity interests of the area.
- 08) No delivery of waste to the site and export of digestate from the site shall take place outside the hours of 07.30 to 18.00 Monday to Friday, 07.30 to 13.00 Saturday and no such deliveries or exports shall take place on Sundays, Bank Holidays or Public holidays.
REASON: To safeguard the amenity interests of local residents.
- 09) The development shall be carried out in full accordance with the provisions contained in the JPCE dust management scheme document reference BQAD-2013-DMS.
REASON: In the interests of safeguarding the amenity of local residents and the local area.
- 10) Between the hours of 07.00 and 19.00 the noise levels arising from the development shall not exceed 46 dB (LAeq) (1 hour) freefield at any of the noise sensitive properties identified on the plan 3781/SP1 - Noise Sensitive Properties in the Hunter Acoustics report dated 20 July 2015.
REASON: In the interests of safeguarding residential amenity.
- 11) Between the hours of 19.00 and 07.00 the noise levels arising from the development shall not exceed 33 dB (LAeq) (1 hour) freefield at any of the noise sensitive properties identified on the plan 3781/SP1 - Noise Sensitive Properties in the Hunter Acoustics report dated 20 July 2015.
REASON: In the interests of safeguarding residential amenity.

Cont....

Planning application 15/0488/RET Continued

- 12) Details of the location, height, design, sensors and luminance of external lighting (which shall be designed to minimise the potential nuisance of light spillage on adjoining property and highways), shall be submitted for the approval of the local planning authority within two months of the date of this permission. Once approved, the provision of external lighting at the site shall be solely in accordance with the approved details.
REASON: In the interests of the amenity of the local area.
- 13) A scheme indicating the facilities and or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway and any remedial measures to be put in place to clear the highway of any such material shall be submitted for the approval of the local planning authority within two months of the date of this permission. Once approved, the scheme shall be implemented throughout the duration of the development.
REASON: In the interests of highway safety and the amenity of the local area.
- 14) The AD facility hereby approved shall not be beneficially operated until a scheme for the management of surface water has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to first use of the development and the development shall thereafter be operated in accordance with the approved scheme.
REASON: To ensure satisfactory surface water management for the development.
- 15) The ADF shall not be beneficially operated until details of the construction of the slurry pipeline have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
REASON: To ensure satisfactory drainage.
- 16) The AD facility shall not be beneficially operated until full details of the bunding and soft landscape works carried out and proposed at the site have been submitted to and approved by the local planning authority. Any remaining works shall be carried out as approved. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.
REASON: To safeguard amenity interests.

Cont....

Planning application 15/0488/RET Continued

- 17) Trees, shrubs and hedges planted in accordance with the approved planting scheme shall be maintained and any plants which ,within five years, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.
REASON: In the interests of the amenity of the local area.
- 18) Prior to the commencement of development a working method statement to cover all construction works shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of timing of works, methods used for all channels and bankside works, location and storage of plant, machinery, fuels, storage, access routes, protection of areas of ecological sensitivity and importance and site supervision. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of amenity.
- 19) Measures shall be taken in carrying out the development for the protection of trees and hedgerows from damage including measures to prevent disturbance to soil levels within the root spread of the tree or hedgerow and protective fencing around the trunk. The means of protection shall be retained until all plant, equipment and surplus materials have been removed from the site. Nothing shall be stored or placed within any area protected and ground levels shall not be altered within these areas.
REASON: To safeguard amenity interests.
- 20) The AD facility hereby approved shall not be beneficially operated until an odour management strategy incorporating good housekeeping measures to prevent odour emissions has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include inter alia:-
-a closed door management strategy within the waste reception building. Fast closing doors shall be installed and interlocked so that both doors cannot open at the same time;
-the building shall be completely sealed and smoke and pressure tests shall be carried out prior to its use to ensure adequate containment;
-the facility shall be operated in a manner that prevents the build up of debris in gullies, drainage channels and under equipment;
-all odours generated within the building shall be captured and treated in the odour treatment system and the building shall be maintained under negative pressure to prevent the fugitive release of odours. This system shall be monitored by means of static pressure sensors;

Cont....

Planning application 15/0488/RET Continued

-the anaerobic digester plant shall incorporate a two stage chemical scrubber with secondary treatment using a covered bio-filter with a stack, - the bio-filtration system shall be maintained to ensure adequate and equal air distribution, material shall only be transferred between the anaerobic digester facility and the in vessel composting facility using enclosed containers or conveyors;

-the buildings shall have adequate arrangements to prevent birds and small mammals from entering the reception area.

Thereafter, the development shall be operated in accordance with the approved management scheme.

REASON: In the interests of residential amenity in the local area.

- 21) Prior to the first beneficial operation of the AD facility, the applicant shall submit to the Local Planning Authority, and receive written approval of, comprehensive proposals showing how surface water, foul and land drainage flows from the site will be dealt with. The approved proposals shall be carried out in full prior to the first beneficial operation of the anaerobic digester hereby approved.

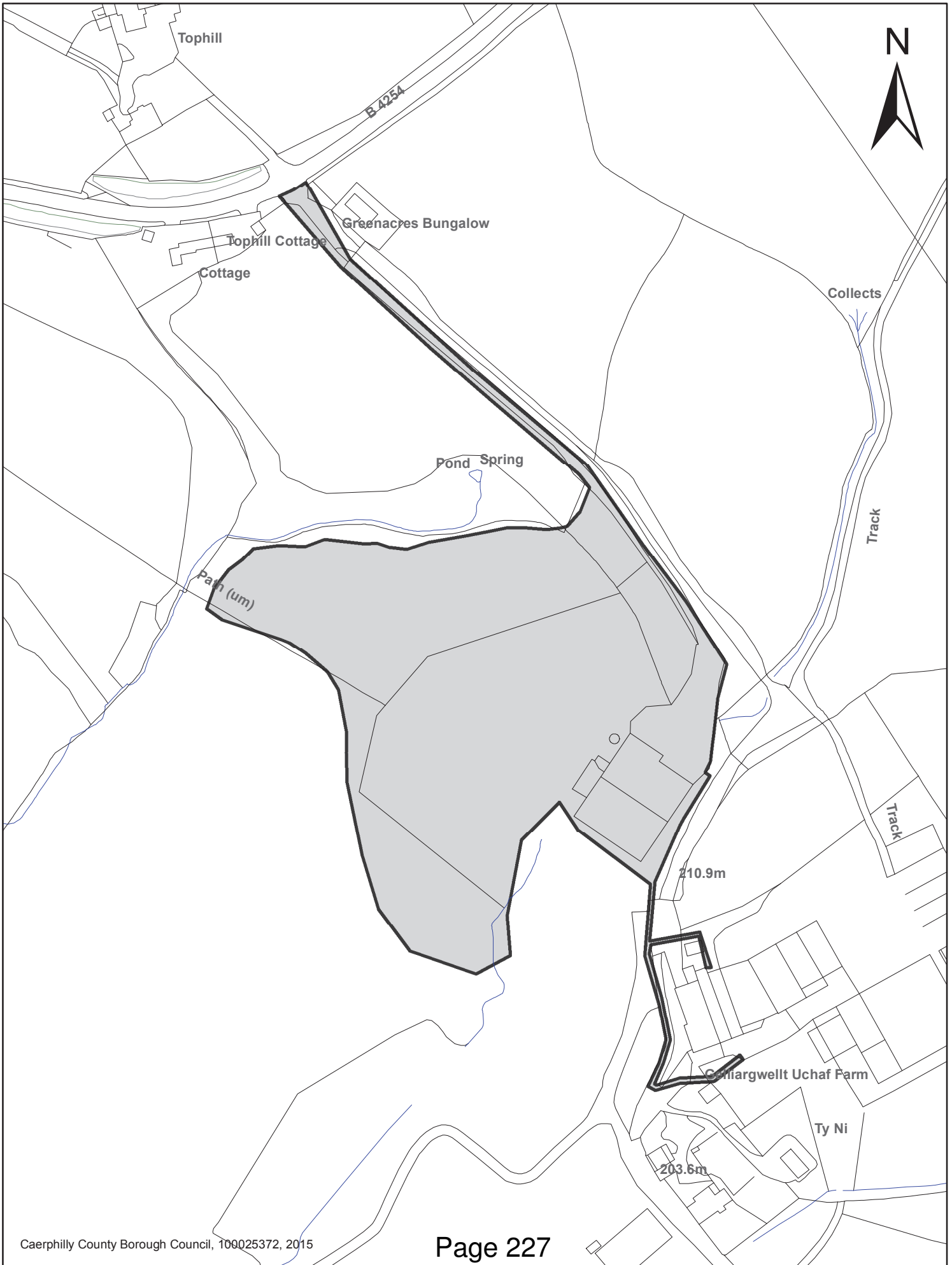
REASON: To ensure satisfactory drainage.

- 22) Prior to the first beneficial operation of the AD facility hereby approved the AD tanks and external pipework shall be painted dark green and the reflective external steel pipework on the In Vessel Composting building shall be painted in a colour to be first agreed in writing with the local planning authority.

REASON: In the interests of the visual amenity of the area.

Advisory Note(s)

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions imposed on this consent: CW2 and CW3.



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Agenda Item 17

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0670/FULL 24.08.2015	Mr K McCole 29 Brynfedw Bedwas Caerphilly CF83 8AP	Demolish former church and erect two dwellings Former Saron Congregational Church Pandy Road Bedwas Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the uncton of Pandy Road with Clos Pandy.

Site description: The application site is the site of a now vacant chapel building and associated garden area. The chapel is a single storey stone building with a tiled roof. There is a small extension to the rear of the building that is finished in profile sheeting with a profile sheeting roof. The site is within a residential area with dwellings on all sides. The site is currently accessed via a pedestrian gateway onto Pandy Road with no vehicular access to the site. The site is flat with the garden area to the side of the building having a number of mature trees and plants.

Development: The application seeks full planning consent for the demolition of the chapel and the erection of two detached dwellings. Each of the dwellings would be two storeys with accommodation in the roof comprising an integral garage, living room, kitchen/diner, w.c and utility on the ground floor, four bedrooms and a bathroom on the first floor and two bedrooms and a bathroom in the roof space. The dwellings would be accessed via new drives off Clos Pandy with parking for three vehicles being provided either in the garage or on the drive. The existing trees on the site are to be retained in what will now become the rear garden of the dwellings.

Dimensions: The application site measures 25m by 29m whilst each dwelling measures 8.5m by 10m by 8m high.

Materials: The dwellings are to be finished in face brickwork with a tiled roof.

Ancillary development, e.g. parking: None.

Cont....

Planning application 15/0670/FULL Continued

PLANNING HISTORY 2005 TO PRESENT

13/0364/COU - Change use from church to residential dwelling - Granted 23.10.14.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodlands and Hedgerow Protection) and CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design.

CONSULTATION

Bedwas, Trethomas & Machen Community Council - Raises objection to the application on highway safety grounds.

Transportation Engineering Manager - No objection subject to conditions.

Countryside And Landscape Services - No objection subject to conditions.

Cont....

Planning application 15/0670/FULL Continued

Royal Commission on Ancient and Historic Monuments in Wales - No objection subject to the imposition of a condition requiring the submission of a photographic record of the chapel.

Head Of Public Protection - No objections subject to conditions concerning dust, noise, means of demolition and the importation of materials.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Dwr Cymru/Welsh Water - No objections subject to conditions concerning sewerage.

ADVERTISEMENT

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

Response: 13 letters of objection together with a petition containing 251 signatures has been received.

Summary of observations:

1. The existing chapel should be retained for its historic value.
2. Development of the site would lead to the loss of existing on street parking spaces on Clos Pandy thereby causing parking issues elsewhere in the area.
3. The previous consent to convert the chapel into one dwelling should be implemented.
4. The large dwellings are out of keeping with the character of the area.
5. The chapel should be retained as a community resource.
6. The dwellings would have an overbearing impact on the adjacent dwellings.
7. The proposal will cause a loss of light to neighbouring properties.
8. Bats would be disturbed during the development.
9. There would be a loss of privacy to neighbouring dwellings.

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.

Cont....

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? An ecological survey was submitted with the application that sets out mitigation measures to deal with protected species and it is considered that this can be adequately addressed by the imposition of suitably worded conditions.

Is this development Community Infrastructure Levy liable? Yes, based on an additional floor area of 194.2 square metres at £40 per square metre a CIL amount of £7768 is payable.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is located within a mainly residential area where the principle of residential development is considered to be acceptable. As such the main points to consider in the determination of this application are the objections raised by local residents and each of these will be dealt with in turn below:

1. The Royal Commission on the Ancient and Historic Monuments in Wales have been consulted on this application and have commented that this is a plain and modest chapel and that there would be no objection to its loss subject to a photographic survey being taken of the building. The Chapel is also not listed and has no historic importance that would justify its retention in planning terms. In that regard it would not be reasonable to refuse the application on the basis that the chapel should be retained.
2. Whilst there are a number of parking spaces to the side of the existing building on Clos Pandy and some of these would be lost as a result of this development it would not be reasonable to refuse this application on that basis. Existing users of these parking spaces have no control over them as they form part of the adopted highway and as such there would be nothing to stop users of the chapel at present from parking in this area. Indeed, if the chapel were to be converted to a dwelling (as approved by consent 13/0364/COU) a new drive could be created in this location which would also lead to the loss of these spaces. Moreover, adequate off street parking is provided as part of the scheme and as such it would be difficult to justify refusal of this application on parking grounds.
3. Whilst residents would prefer to see the existing chapel converted into a single dwelling the Local Planning Authority has to consider the application before it on its own merits.

Cont....

Planning application 15/0670/FULL Continued

4. Given that there is a mixture of house styles and sizes in the area, including a number of detached dwellings on Clos Pandy, it is not felt that the proposed dwellings are out of keeping with the character of the area.
5. The chapel is now in private ownership and there is no prospect of it being brought back into community use. Moreover, there is no legislation or planning policy that would support such a decision and as such refusal would not be justified in that respect.
6. The application dwellings are 7.9m tall with the nearest adjacent dwelling being to the north and some 4m away. The pine end of the application property would face the pine end of the nearest dwelling and there are no habitable room windows in either elevation. In that regard it is not felt that there would be any overbearing impact on that dwelling. With regard to the dwellings on the opposite side of Closs Pandy and Pandy Road they are a minimum of 20m away from the proposed dwellings and as such there would be no overbearing impact.
7. Again, given the distances between the existing properties and the proposed dwellings it is not considered that there would be any loss of light as a result of this proposal.
8. A bat survey has been submitted with the application and it is considered that the impact on protected species can be adequately mitigated and controlled by suitably worded conditions.
9. The habitable room windows in the application properties have been sited a minimum of 21m away from the habitable room windows in the adjacent dwellings and as such it is not felt that there would be any loss of privacy as a result of this development.

In conclusion it is considered that the application is acceptable in planning terms subject to the imposition of suitably worded conditions.

Comments from consultees: No objections raised.

Comments from public: These are considered above.

Other material considerations: None.

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.

Cont....

Planning application 15/0670/FULL Continued

- 02) Prior to the commencement of works on site a scheme of land drainage 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 they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 03) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.
- 04) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 05) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.
REASON: To ensure that the demolition is carried out in an appropriate manner.
- 06) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Design and Access Statement, KM03/02 (Site Plan), KM03/03 (House Type1), KM03/03 (House Type2), KM03/03A (Block Plan), Protected Species Survey Report and Supplementary Bat Report (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Cont....

Planning application 15/0670/FULL Continued

- 07) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 08) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new dwellings at former Saron Church, Bedwas, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning policy Wales and Tan 5 Nature Conservation and Planning.
- 09) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow and Swift) in the new dwellings at former Saron Church, Bedwas, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 10) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.

Cont....

Planning application 15/0670/FULL Continued

- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety.
- 12) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with 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),

Cont....

Planning application 15/0670/FULL Continued

- 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.

REASON: In the interests of visual amenity.

- 13) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
 - b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity.

Cont....

Planning application 15/0670/FULL Continued

- 14) Prior to the commencement of work on site details of the replacement hedgerow, including its species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the replacement hedgerow shall be planted within 12 months of the completion of the development or its occupation, whichever is the sooner.
REASON In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 15) Prior to the commencement of work on site details of the replacement hedgerow, including its species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the replacement hedgerow shall be planted within 12 months of the completion of the development or its occupation whichever is the sooner.
REASON In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW4.

Please find attached information in relation to bat and bird boxes.

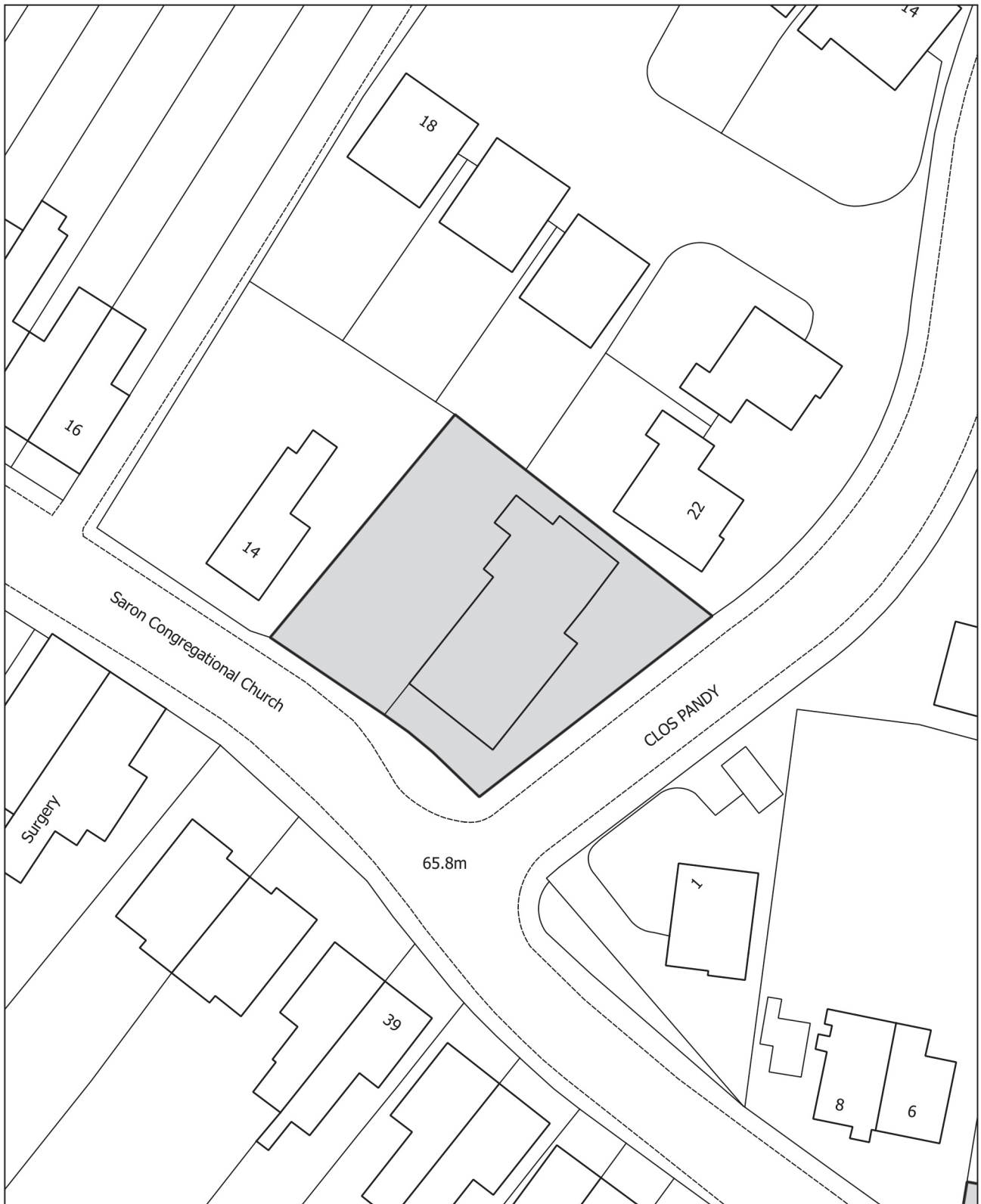
Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily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

Cont....

Planning application 15/0670/FULL Continued

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

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Agenda Item 18

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0764/COU 15.09.2015	CPL Foods Ltd Mr L Reddy C/o Agent	Change the use from Class A1 to Class A3 Unit 18 Castle Court Caerphilly CF83 1NU

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application property is situated on the south east side of the Castle Court shopping precinct.

Site description: The application property is an established retail premises within a defined primary retail area within the retail core of Caerphilly. There are retail premises to the north, east and west of the site with residential properties situated on the southern side of North View Terrace which is to the rear of the site.

Development: The application seeks full planning consent for the change of use of the property to an A3 hot food take away. The occupant according to the agents will be Burger King. There will be no change to the external fabric of the building but new signage will be required which will be the subject of a separate application.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history from 2005 to the present.

POLICY

Local Development Plan: Within settlement limits, within a Principal Town Centre and a Primary Retail Area.

Cont....

Application No. 15/0764/COU continued

Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), SP17 (Promoting Commercial Development), CW2 (Amenity), CW14 (Use Class Restrictions - Retail) and CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

Paragraph 7.6.1 encourages a positive approach to applications for economic development, whilst paragraph 10.2.4 encourages diversity in town centres.

National Planning Guidance contained in Technical Advice Notes 4 - Retailing and Town Centres, 12 - Design, and 23 - Economic Development.

CONSULTATION

Strategic & Development Plans - No objection.

Dwr Cymru/Welsh Water – No objection subject to conditions concerning sewerage.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to conditions.

ADVERTISEMENT

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

Response: At the time of writing the report no objections had been received. Any comments received prior to the matter being considered at committee will be conveyed orally to members.

Summary of observations: None.

Cont....

Application No. 15/0764/COU continued

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? A3 uses are frequently considered to increase anti social behaviour. However, as this property is located within a defined town centre it is not felt that this would be a significant issue in this instance.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? Yes it is at a rate of £25 per square metre, but it is not payable in this case because the premises have been in use for 6 months in the last three years.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The proposed development is within the Principal Town Centre of Caerphilly and a Primary Retail Area and as such the application has to be considered against Policy CW14 which states: -

CW14 Use Class Restrictions - Retail

Development proposals incorporating a change of use from class A1 retail premises to another use will be subject to the following restrictions:

- A Within identified Principal Town Centres, changes of use of the ground floors of class A1 retail premises to other use will only be permitted where:
 - i. The commercial vacancy rate of the centre has been over 10% for over a year and
 - ii For a change to residential use the property is located on the edge of centre
- B Within identified Primary Retail Areas, the change of use of the ground floors of class A1 retail premises to residential use will not be permitted
- C Within identified Primary Retail Areas, proposals for new, or the change of use of the ground floors of class A1 retail premises to other class A uses will only be permitted where the total cumulative number of such units would not exceed 10% of the total number of commercial units within the Primary Retail Area.

Cont....

Application No. 15/0764/COU continued

The commercial vacancy rate of the town centre is currently 9% (based on the 2014 survey) and has not been over 10% for a year. The proposal is also within a Primary Retail Area where the cumulative number of ground floor retail uses that are non A1, should not exceed 10% of the total number of units. The position currently within Castle Court is that there are 30 retail units, 4 of which are A3 (Greggs, Cadwalders, Costa and Glanmors), equating to 13% of the total number of units and if this application was approved, this would rise to 16%.

Principal Town Centres are the main shopping centres but also commercial service centres, community service centres and centres for commercial leisure activity, and as such they are also major employers. In this context, the proposed development is likely to create a greater number of employment opportunities than the unit's current use as a charity shop.

The proposal is also located within Castle Court which is a Primary Retail Area for the Principal Town Centre of Caerphilly. Primary Retail Areas are intended to protect the retail function, in order to ensure the maintenance of shopping interest and vitality. The purpose of such areas is to avoid a 'dead frontage' with the concentration of service outlets (A2 uses) such as banks and building societies and estate agents, and food and drink establishments (A3 uses) in the heart of shopping centres. Whilst the proposal could ultimately result in a dead frontage, the proposal would have the benefit of encouraging footfall to Castle Court.

The Council's Adopted Supplementary Planning Guidance - Caerphilly Town Centre Action Plan, in its 'swat' analysis, identifies Caerphilly Town Centre as a popular tourism destination attracting over 100,000 tourists per annum to Caerphilly Castle. The Castle is immediately adjacent to the retail offer in Castle Court and there is the opportunity to exploit the presence of the castle to encourage tourism related development in the town centre.

The development proposal is located within the Primary Retail Area of Caerphilly Town Centre and is contrary to policy CW14 and the provisions of CM3.2 and should be considered for refusal unless material considerations indicate otherwise. However, whilst the current percentage of non-A1 Use units is currently 13% of the total number of units and will rise to 16% if this application is approved, the proposal should be considered in the context of the economic benefits that it is likely to bring; the proposed development will provide increased employment opportunities in comparison to the unit's current use as a charity shop, is likely to encourage both tourist spend and footfall from the adjacent Castle and provides a greater offer for visitors to the town centre.

Cont....

Application No. 15/0764/COU continued

In conclusion, the beneficial occupation of the unit, increased footfall and tourism related spend is considered to outweigh the potential adverse impact that may occur as a result of an increase in the number of A3 uses. Further it is considered that this proposal is a means of promoting footfall and patronage to Castle Court, making the area more attractive to potential retailers and improving the vitality and viability of the town centre as a retail and tourism hub. As such the application is acceptable in planning terms subject to the imposition of conditions regarding hours of opening, noise attenuation and odour control.

Comments from consultees: No objections raised.

Comments from public: None.

Other material considerations: The application has not stated any hours of opening for the premises but does state that it will be open in the evenings. As the application property is situated in a defined primary retail area the Local Planning Authority would normally restrict these hours to 07.00 hours to midnight Monday to Saturday and 07.00 hours to 23.00 hours Sunday. The proposed use is unlikely to have an impact on the amenity of neighbouring land users and in that regard it is considered that it would be reasonable in this instance to impose the standard opening hours condition.

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 use hereby permitted shall not be open to customers outside the following times:(a) 07.00 hours to midnight Monday to Saturday, and (b) 07.00 hours to 23.00 hours Sunday.
REASON: In the interests of residential amenity.
- 03) If there is to be any external plant, details of all external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.
REASON: In the interests of residential amenity.

Cont....

Application No. 15/0764/COU continued

- 04) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.
REASON: In the interests of the amenity of the area.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2.

Please find attached the comments of Dwr Cymru/Welsh Water.



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Agenda Item 19

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0775/COU 24.09.2015	Mr F Benvenuti 102 St Cenydd Road Caerphilly CF83 2TE	Change the use of the ground floor and first floor from A2 to A3 Food and drink (fish and chip shop) at the ground floor and add two C3 Dwelling houses (flats) at the first floor Bank Chambers 2 Pandy Road Bedwas Caerphilly CF83 8EH

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application property is situated on the junction of Pandy Road and Church Street.

Site description: The application property is a corner property within the main retail area of Bedwas and is a former bank/office premises on the ground floor with offices to the first floor and a flat to the second floor. The property is in a mixed use area with largely retail to the ground floor of the surrounding properties with residential above, whilst there is a Primary School on the opposite side of Church Street.

Development: The application seeks full planning consent for the change of use of the property to a mixed use of A3 hot food takeaway at ground floor with three flats above. There would be a servery area at the front of the ground floor with kitchens and food preparation areas to the rear, with one one-bedroom flat and a bedsit on the first floor, and a two-bedroom flat to the second floor. The takeaway proposes to open from 11.30 to 22.30 Monday to Saturday and not at all on Sundays.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

Cont....

Planning application 15/0775/COU Continued

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), SP17 (Promoting Commercial Development), CW2 (Amenity), CW14 (Use Class Restrictions - Retail) and CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

Paragraph 7.6.1 states that Councils should adopt a positive approach to applications for economic development. Paragraph 10.2.4 encourages a diversity of uses in village centres.

National Planning Guidance contained in Technical Advice Notes 4 - Retailing and Town Centres, 12 - Design and 23 - Economic Development.

CONSULTATION

Bedwas, Trethomas & Machen Community Council - Raises objection to the proposal.

Transportation Engineering Manager - No objection subject to condition.

Head Of Public Protection - No objection subject to conditions.

Dwr Cymru - Provides advice to be conveyed to the developer.

ADVERTISEMENT

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

Cont....

Planning application 15/0775/COU Continued

Response: At the time of writing the report no objections had been received. Any comments received prior to the matter being considered at committee will be conveyed orally to members.

Summary of observations: None.

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? A3 uses are frequently considered to increase anti social behaviour. However, as this property is located within a defined town centre it is not felt that this would be a significant issue in this instance.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? Yes, at a rate of £25 per square metre, but as the building has been in use for at least 6 months in the last three years it is not payable in this case.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are whether the proposed uses are acceptable in this area and whether there is sufficient parking to serve the development.

With regard to the first point there are a number of issues to be considered. Firstly the application property is situated in a mixed use area that is mainly commercial in nature. Church Street is the main retail hub for the village of Bedwas and there are a number of retail properties both adjacent to the application site and further afield including a number of hot food takeaways and in that regard it is considered that the proposal is acceptable in principle. It is noted that there is a primary school directly opposite the site, but as stated above there are also a number of other hot food takeaways in the near vicinity.

The residential uses above the hot food takeaway are also considered to be in keeping with the mixed use character of the area and subject to the imposition of a noise attenuation scheme between the different levels of the building, it is not felt that the hot food takeaway use would have any detrimental impact on the amenity of the occupiers of the flats.

Cont....

Planning application 15/0775/COU Continued

With regard to parking it should be noted that there is a one hour limited waiting time area directly to the front of the premises that provides for approximately five parking spaces. There are also similar parking zones further along Church Street and these are intended to provide short term waiting for users of the retail premises in the area. As such it is felt that the retail use is well served by existing on street parking in the area and that there would be no undue issue with regard to on-street parking as a result of this development.

With regard to the parking for the flats it is acknowledged that none is proposed as part of the development. However it should be noted that the Council's adopted design guidance advises that a comparison should be made between the existing parking requirements at the premises and that for the proposed use. In that regard members are advised that there is currently an office use in the first floor of the building with a flat to the second floor. The proposed conversion of this into three flats would actually lead to a reduction in the number of off-street parking spaces required by the development. There is also scope to provide off-street parking to the rear of the building and as such it is not felt that refusal of the application would be justified on highway safety grounds.

In conclusion it is considered that the application is acceptable in planning terms subject to the imposition of conditions regarding car parking, hours of opening, odour control and noise attenuation.

Comments from consultees: No objections raised.

Comments from public: None.

Other material considerations: The application states that the premises will be open to the public from 11.30 to 22.30 Monday to Saturday and not at all on Sundays. As the application property is situated in a mixed use area which is mainly commercial in character the Local Planning Authority would normally restrict these hours to 07.00 hours to 23.00 hours Monday to Saturday, and 07.00 hours to 22.00 hours Sunday. It is considered that this strikes a balance between protecting the amenity of neighbouring properties whilst allowing the business to operate competitively and provide a service to the public. In that regard it is considered that it would be reasonable in this instance to impose the standard opening hours condition.

Cont....

Planning application 15/0775/COU Continued

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 use hereby permitted shall not be open to customers outside the following times:(a) 07.00 hours to 23.00 hours Monday to Saturday, and (b) 07.00 hours to 22.00 hours Sunday.
REASON: In the interests of residential amenity.
- 03) Notwithstanding the submitted plans, no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority showing a scheme for the parking of vehicles within the curtilage of the site. Such provision shall be compelled in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety
- 04) Prior to the commencement of the development hereby approved details of a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority to mitigate the impact of the noise from the proposed A3 use on the residential use of the property. Development shall be carried out in accordance with the approved details before first use of the premises hereby approved.
REASON: In the interests of residential amenity.
- 05) If there is to be any external plant, details of all external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.
REASON: In the interests of residential amenity.

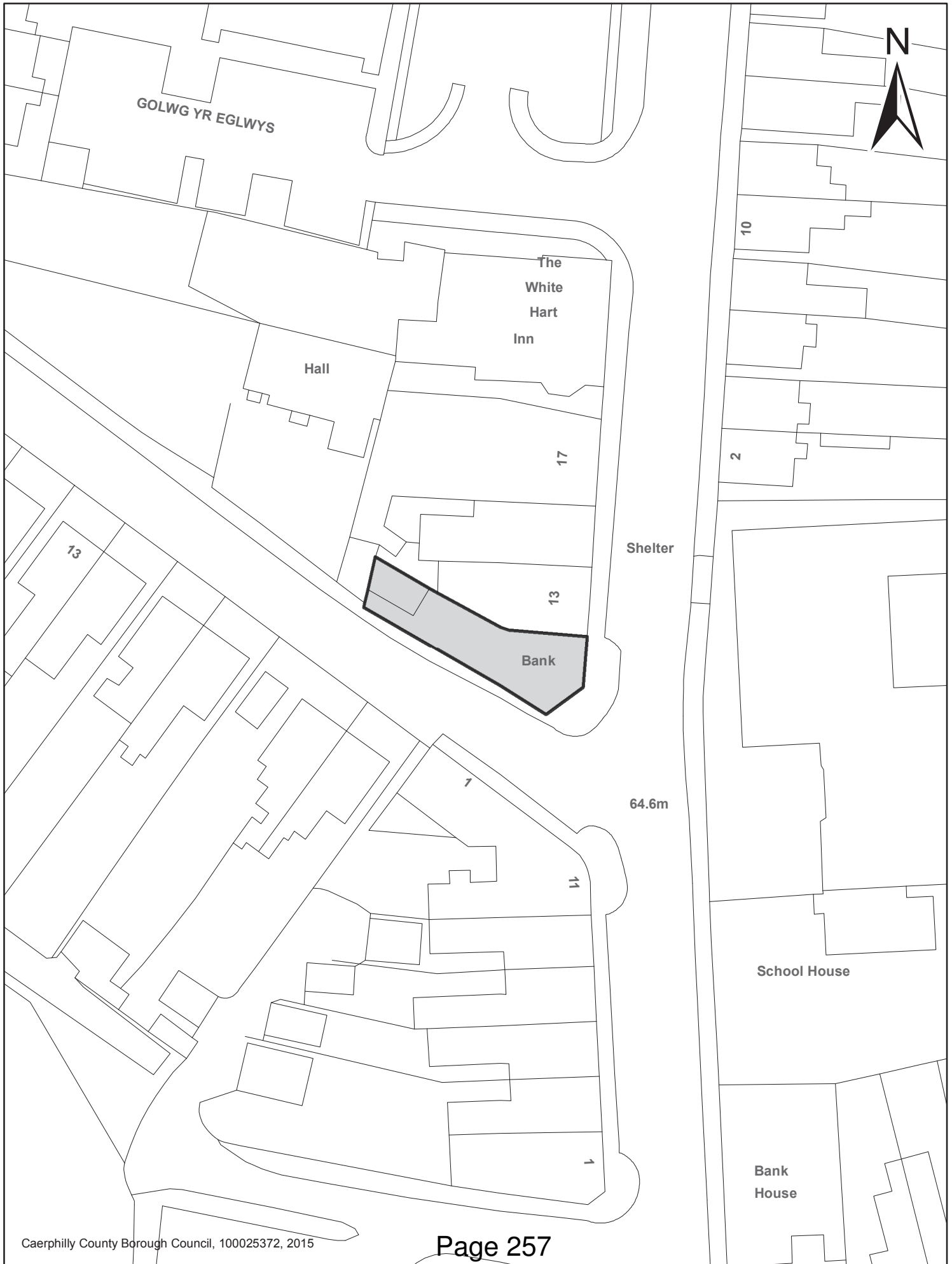
Cont....

Planning application 15/0775/COU Continued

- 06) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.
REASON: In the interests of the amenity of the area.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.



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Agenda Item 20

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0914/FULL 24.09.2015	Mr J Walton Craig Bach Penrhiw Lane Machen Caerphilly CF83 8PX	Erect 3 no. three bedroom houses Craig Bach Penrhiw Lane Machen Caerphilly CF83 8PX

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: This application relates to an irregularly shaped area of land located within the garden area of an existing dwelling on land off Penrhiw Lane, Machen. This site is in an area of the village, which climbs steeply from the valley floor up the mountainside to the north. As such the site has a gradient of approximately 6 metres, over its developable area.

Site description: The developable area is comprised of sloping ground, which has been used as gardens for many years. The area has become overgrown and has some evidence of rubble deposits within its boundary. The site gradient, which falls to the south-east, involves an overall drop of roughly 9 metres over a distance of approximately 54 metres.

The site is bordered to the south, north and west by existing residential properties. To the east it is bounded by established woodlands.

Development: The proposal is for three dwellings of a split level design with each providing five bedrooms. To make use of the site gradient the dwellings are two and a half storey where they face south-eastwards (i.e. towards the valley bottom). From the front elevation the dwellings have the appearance of dormer bungalows, with the dormer windows breaking through the eaves to allow development in the roof space. This space caters for three bedrooms.

The remaining floors are laid out as follows: The basement area allows for a kitchen, as well as a dining and living/garden room. The ground floor accommodates a further living room, a hallway and a study.

Cont....

Planning application 15/0914/FULL Continued

Access to the site is from the highway to the west (i.e. Penrhiw Lane). The houses will be served off an expanded private drive which currently only serves "Craig Bach" and "Crestway". This will permit five dwellings off this private access.

Dimensions: The dwellings each have a footprint of 8.1m x 8.3m approximately, giving a total of 67.2 square metres. The maximum height to the apex of the roof is 8.7m, whilst the height to the eaves measures 4m on the front elevation and 6.5m on the rear elevation.

The site area measures 0.25 hectares, of which 0.15 hectares is developable. The density of the development is approximately 10 dwellings to the acre.

Materials: The finishes illustrated on the submitted drawing shows a mixture of smooth render and facing brick. The roofs are to be covered in a slate/composite slate.

Ancillary development, e.g. parking: Each of the dwellings is provided with three car-parking spaces to serve it.

PLANNING HISTORY 2005 TO PRESENT

14/0387/FULL - Erect three houses - Refused 11.06.15.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement limit identified in the Adopted Local Development Plan. It is not however specifically committed to a particular use within that plan.

Policies: The policies of particular relevance to this application contained within the Adopted Local Development Plan are as follows;
CW2 - Amenity, CW3 - Design Considerations: Highways, CW6 - Trees, Woodlands and Hedgerow Protection, CW11 - Affordable housing Planning Obligation and CW15 - General Locational Constraints.

NATIONAL POLICY The national policies of relevance are as follows;
Planning Policy Wales (Ed. 7, July 2014).
TAN 12 - Design.

Cont....

Planning application 15/0914/FULL Continued

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? Yes. As such a Coal Mining Risk Assessment was submitted in support of the proposal.

CONSULTATION

The Coal Authority - comment that they concur with the recommendations contained in the submitted Mining Risk Assessment and raise no objection subject to the imposition of a condition relating to the treatment of shallow mineworkings, should they be confirmed as present at the site.

Dwr Cymru/Welsh Water - make a number of comments which need to be passed to the applicant/developer by way of written advice.

Senior Engineer (Land Drainage) - raises no objection to the application but requires the imposition of a condition in respect to dealing with land drainage flows from site.

Head Of Public Protection - has no objection to the application on the basis that conditions relating to noise, dust and the importation of material are imposed on any permission granted.

Transportation Engineering Manager - confirms that no objection is now raised in the light of the recent appeal decision in the Machen area. Consequently conditions relating to vision splays and car-parking etc. are requested.

Countryside And Landscape Services - is satisfied with the level of ecological information submitted and on this basis recommends the imposition of conditions relating to hedgerow management and protection, reptile translocation, Knotweed control measures, and bat and breeding bird provision.

Cont....

Planning application 15/0914/FULL Continued

ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of a site notice and direct consultation with 12 neighbouring properties.

Response: At the time of writing the report 3 letters of objection had been received. Also a request for a site meeting has been submitted by a local ward member, although no specific reasons have been provided.

Summary of observations: The basis of the objections contained in this correspondence is as follows;

1. The site is not suitable for an "expansion of three cramped properties"
2. The site's location and geography make the development wholly inappropriate.
3. The proposal is out of character with the area.
4. The existing transportation system is inadequate to support this increase in demand.
5. The existing highway serving the site is via a narrow single carriageway bridge. This bridge is "twisting and is blind for most of its route" and an increase in its use is detrimental to highway safety.
6. The "scope and scale" of the proposal is unacceptable in respect to the amenity and of the area.
7. The site is not "brownfield" land as previously claimed. It is an overgrown area frequented by wildlife and one which forms a buffer between urban and rural development in the village.
8. The dwellings overlook existing properties and are over-bearing to those properties.
9. The design of the dwellings do not fit in with the current development in the area.
10. The submitted plans are confusing and inaccurate with regard to their scaling and titling.
11. The dwellings should be split level bungalows, with a single storey aspect to the north. This would protect the amenities of the existing dwellings located in that direction.
12. Information contained on the Design and Access Statement is inaccurate with regard to the site's history.
13. Waste disposal arrangements, which will need to be at the entrance to the site will already reduce visibility and manoeuvring ability at the access.

Cont....

Planning application 15/0914/FULL Continued

14. There is currently a telegraph pole which obstructs the access point.
15. If the bridge were to be damaged by construction vehicles seeking to get to the site this area of Machen would be cut off from emergency vehicles getting to the properties north of the bridge.
16. The development would affect the views of existing dwellings in the area.
17. The construction works could affect existing trees from the nearby wooded area. The applicant has already felled an oak and a silver birch tree that had grown on site.

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. The construction of three new dwellings is not considered to be a development that would adversely impact on the issues of crime and disorder in the area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The application was accompanied by a reptile survey, which addressed the translocation issues for any slow-worms etc. which occupied the site. No additional surveys were required.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The gross internal floor area measures a total of 479.25 square metres. The cost per square metre of CIL in this part of the Authority's area, is £40.00. As such the CIL contribution payable totals £19,170.

ANALYSIS

Policies: Policy CW2 contains four criteria, these are as follows;

- A. There is no unacceptable impact on the amenity of adjacent properties or land.
- B. The proposal would not result in overdevelopment of the site and / or its surroundings.

Cont....

Planning application 15/0914/FULL Continued

- C. The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use.
- D. Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential.

With regard to the assessment of impact on adjacent properties, this revised scheme, shows a reduction of the number of bedrooms of each property from 5 to 3. This has been achieved by removing the upper storey of that earlier proposal and reducing the overall roof height by 1.5 metres.

Also the earlier layout did potentially adversely impact on the residential amenities of certain properties. Also to ensure that the new development does not adversely impact on Craig Bach the applicant proposes to "hand" Plot 1 to ensure that privacy between that plot and Craig Bach is retained. This has addressed any privacy infringement between the new and existing dwellings.

It has to be acknowledged that the site is located on land with a fall of roughly 6 metres, north to south, across its developable area. Such a gradient is not altogether a rare occurrence in valley settlements. This consequently often results in a split level solution being employed to utilise the slope rather than seek to regrade the site to provide a flat construction area. In this instance the applicant has chosen to construct a dwelling design which has a dormer bungalow appearance from the front and a two and a half storey appearance from the rear elevation.

The applicant has sought to protect amenity interests of adjoining properties by the orientation of the new buildings, the arrangement of internal rooms to preserve privacy distances, and the reduction in the height of the new buildings from the previously submitted scheme.

The dwellings are arranged so that there is a distance of 21 metres between habitable rooms of surrounding dwellings. There is an element of the overlooking of gardens, however this is not uncommon in the majority of layouts, particularly in valley settlements where gradients are a constant consideration.

Based on the above it is not considered that the proposal conflicts with criterion A.

Cont....

Planning application 15/0914/FULL Continued

With regard to the second criterion the construction of three dwellings on a developable area of over a quarter of an acre is an acceptable density. Whilst appreciating the site is steep it is considered that scheme does not represent overdevelopment and generally accords with the pattern of urban form in the surrounding area.

In respect to the compatibility of the use with its surroundings, it is evident that the area is almost homogenously residential in regard to its development type. As such the current scheme fits into this category. In view of its location in regard to the remainder of the settlement it is not considered to constrain the development of adjoining land.

The final criterion relates to the impact on the viability of existing land uses if this proposal goes ahead. In view of the residential nature of the scheme is likely impact on the viability of other dwellings is considered to be limited.

The proposal is therefore considered to accord with the requirements of policy CW2.

The second policy of relevance in the Adopted plan is CW3, which refers to the consideration of the proposal in respect to highways requirements. The first criterion of this policy states as follows;

A The proposal has regard for the safe, effective, and efficient use of the transportation network.

The previous application (i.e 14/0387) was refused on the basis of the inadequacy of the access to the site. The Transportation Engineering Manager at that time commented that "the highway network leading to the site is substandard in terms of its width, horizontal and vertical alignments and lack of pedestrian footways. The proposed additional use of this substandard access will create hazards to the detriment of highway safety. This view is consistent with previous refusals and appeal decisions in the same vicinity as this site".

Since that time there has been an appeal decision in the Machen area, which had similarities to the current application site in respect to highways concerns. The subsequent decision from Welsh Government was that the Council's highway reasons were not considered to be sufficient to sustain a refusal of consent which would prevent the development from taking place and, as such the Planning Inspector dealing with the matter allowed the appeal.

Cont....

Planning application 15/0914/FULL Continued

Whilst each application is considered on its merits this appeal decision is considered to be a material consideration in assessing similar proposals in the general area. Consequently when the current applicant became aware of it contact was made with the Planning Department to discuss a re-submission of this proposal.

The Transport Engineering Manager, whilst disappointed with the Inspector's decision, considered the reasoning contained in the appeal letter is applicable to the current site and concluded that a further recommendation for refusal could not be sustained.

In the circumstances the proposal is considered to comply with Policy CW3.

With regard to the remaining policies in the Local Development Plan, CW6 (trees, woodland and hedgerow protection) is one that can be dealt with by condition in respect to the hedgerows on site. Policy CW11 relates to Affordable Housing provision. As the site is for less than 5 houses, and as the gross developable area does not exceed 0.15 hectares the policy is discharged. Lastly Policy CW15 (General Locational Constraints) is complied with as the proposal will not unreasonably prejudice or constrain the surrounding land uses, nor will it be out of accord with the role and function of the surrounding settlement.

With regard to the Adopted Local Development Plan it is considered that there are no policy objections to this proposal.

The national policy considerations are, by their very nature, general in character. The TAN on Design talks of respecting site context and paying due regard to the setting of the development. It is considered that the proposal has paid regard to these requirements.

Comments from Consultees: The responses received from the standard consultees raise no objections which could sustain a refusal of permission. A number of them do however require the imposition of conditions attached to any permission granted which would control the development to an acceptable position.

Comments from public: The response to the objections raised by members of the public are as follows;

1. The developable site area of 0.15 hectares allows for a density of 10 houses to the acre/25 to the hectare. This would be considered to be a relatively low density development in general terms. In the Local Development Plan medium density is put at 35 dwellings to the hectare. Consequently it is not accepted that the dwellings would be "cramped".

Cont....

Planning application 15/0914/FULL Continued

2. The location and topography of the site do not make the development inappropriate. It is evident that the site is surrounded on three sides by existing residential properties. These are not considered to be inappropriately located.
3. The character of the area is almost homogeneously residential in nature, as such a housing scheme accords with this form of built development.
- 4 and 5. The transport infrastructure in this area is well established and allows limited scope for improvement. However as discussed above recent decision of a Welsh Government Planning Inspector has convinced the Transport Engineering Manager to accept that a reason for refusal on highway safety grounds can no longer be successfully argued. No objection has therefore been raised in this regard by the Highway Division.
6. The revised application shows a reduced scheme with each of the dwellings being 3-bed as opposed to 5-bed units. This has allowed the overall roof heights of the properties to be dropped by approximately 1.5 metres each thereby reducing the overall visual impact of the proposal on their surroundings.
7. The issue of "Brownfield vs Greenfield" is not strictly relevant in this instance. The site is within the settlement boundary in the Adopted Local Development Plan, and consequently so long as there are no detailed matters precluding it the development should be approved. In this instance it is considered that no such matters are present.
8. The impact of the development on the amenity of its surroundings was considered in the assessment of policy CW2 above. It was concluded there that the scheme did not have an over-bearing impact on the properties to the south.
9. An inspection of the surrounding area will reveal an eclectic mixture of dwelling designs. There is no vernacular design which is specific to this area against which the proposal could be assessed. As such it is not accepted that a split level design on a relatively steeply sloping site is unacceptable.
10. The plans are scaled and sufficiently detailed to allow an assessment to be made of this proposal.
11. The further reduction of the scheme to split level bungalows is not an option here. The applicant is requesting that the submitted scheme is considered by Committee. There is no planning reason to request such a further reduction.
12. Whilst information contained in the Design and Access Statement is disputed by residents it is not considered that this area of dispute materially affects the consideration of this scheme.
13. With regard to bin storage arrangements it is considered that a condition could be imposed to require the submission of suitable details to address this concern.
14. The telegraph pole will be re-positioned. The movement of this type of equipment is standard in such circumstances.
15. The issue of possible damage to the bridge could not be used as a reason to refuse this development. An objection based on this premise would have no foundation in planning terms.
16. Loss of view is not a material planning consideration.

Cont....

Planning application 15/0914/FULL Continued

17. The trees referred to are off site and should not be under threat from this proposal. The hedgerows are on the boundary and will need to be protected by condition.

Other material considerations: None.

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) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.

REASON: In the interests of the amenity of the area.

03) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.

REASON: In the interests of the amenity of the area.

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: To prevent contamination of the application site in the interests of public health.

05) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.

REASON: In the interests of highway safety.

Cont....

Planning application 15/0914/FULL Continued

- 06) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 23 metres. No obstruction or planting when mature exceeding 0.9 metres 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.
- 07) The development shall not be occupied. until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 08) Notwithstanding the submitted plans the development shall not commence, until details of permanent materials for the construction of the proposed means of access have been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be completed in accordance with the agreed details prior to occupied..
REASON: In the interests of highway safety.
- 09) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.
REASON: In the interests of highway safety.
- 10) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new properties at Craig Bach, Machen shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 11) No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist (including a methodology for the capture and translocation of reptiles with details of the receptor site) and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure that reptiles are protected.

Cont....

Planning application 15/0914/FULL Continued

- 12) Prior to the commencement of works measures to manage the perimeter trees and hedgerows in accordance with the submitted hedgerow management strategy, shall be implemented.
REASON: To safeguard protected species.
- 13) Prior to the commencement of works measures to protect perimeter trees , hedgerows and their roots in accordance with the submitted BS5837 "Trees in relation to design, demolition and construction - recommendations", shall be implemented.
REASON: To safeguard the vegetation that is considered to be worthy of retention in the interests of protected species.
- 14) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed on site. The treatment of Japanese Knotweed shall be carried out in accordance with the approved details.
REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection act 1990 and the Environmental Protection act Duty of Care regulations 1991.
- 15) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow and Swift) in the new properties at land adjacent to Craig Bach, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 16) Prior to the commencement of development details of an on-site bin storage area shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter these arrangements shall be completed prior to the occupation of any of the dwellings hereby approved.
REASON: In the interest of visual amenity and highway safety.

Cont....

Planning application 15/0914/FULL Continued

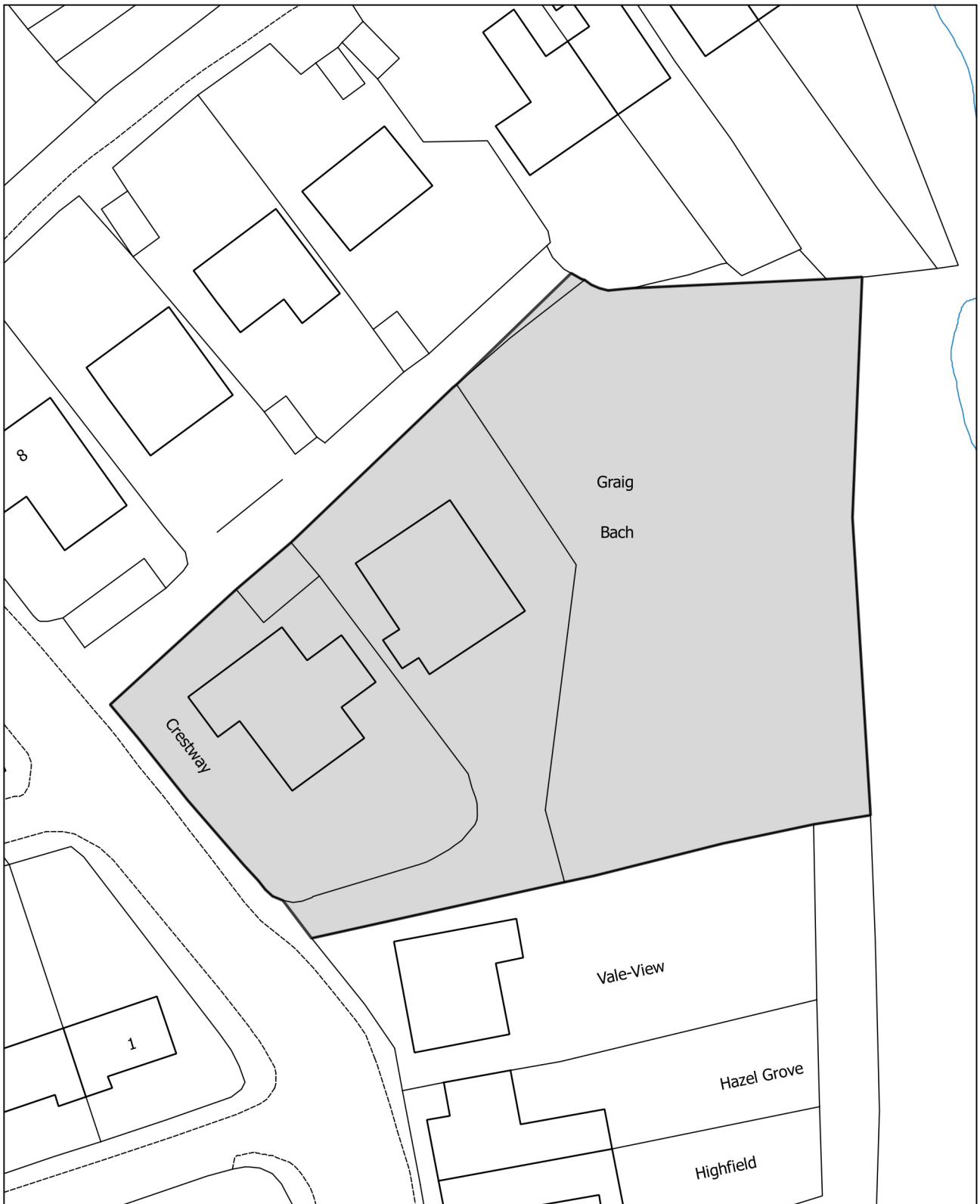
- 17) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 18) Prior to the commencement of development a scheme of intrusive site investigations shall be submitted for approval in writing from the Local planning Authority. Thereafter that scheme shall be undertaken and a report of its findings shall be submitted along with a scheme for the remedial works required to be addressed which arise from the results of the intrusive site investigation. This scheme of remedial works shall again be agreed in writing with the Local Planning Authority and thereafter these remedial works shall be implemented concurrently with the development.
REASON: To ensure that the coal mining legacy issues affecting this site are adequately dealt with in regard to the residential development hereby approved.
- 19) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the occupation of each of the dwellings hereby approved.
REASON: In the interests of the visual amenities of the area.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Transportation Engineering Manager, Council's Ecologist and The Coal Authority that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

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PLANNING COMMITTEE - 4TH NOVEMBER 2015

SUBJECT: MEMBERS' PLANNING SITE VISITS

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To advise Members of the Royal Town Planning Institute research in relation to the operation of Planning Committees in Wales and their recommendations in relation to site visits. In order to meet the requirements of the Planning Wales Act 2016, the views of the Committee are sought on the suggested changes to the current site visit process prior to the report being presented to Council for consideration.

2. SUMMARY

- 2.1 In support of the Planning (Wales) Act 2015, the Royal Town Planning Institute (RTPI) undertook research into the operation of Planning Committees in Wales and made a number of recommendations in relation to site visits which impacts on this Planning Authorities current site visit practice as outlined in the Constitution.

3. LINKS TO STRATEGY

- 3.1 Planning is a statutory tool which helps deliver the Council's regeneration objectives.

4. THE REPORT

- 4.1 In support of the Planning (Wales) Act 2015 the Royal Town Planning Institute (RTPI) undertook research into the operation of planning committees in Wales to provide evidence on their efficiency and effectiveness. In recent consultations Welsh Government has proposed that submissions for planning permission should be made directly to them where LPAs are considered to be failing to determine applications within a reasonable timescale. In addition, as of October 2015 failure to determine 'householder' applications within 16 weeks, and all other applications within 24 weeks, will result in the return of the planning application fee. The determination of applications is often 'held up' because proposals have to be reported to Planning Committee first before a site visit is authorised and held. There is therefore an urgent need to consider an alternative. Once the Planning Committee have approved the recommended changes to the Protocol they will have to be referred to Council for final approval to amend the Council's Constitution.
- 4.2 The recommendations of the Royal Town Planning Institute are as follows and the report addresses how these can be achieved. Site visits should:
- Be held on an exceptional basis for major applications. Where required they should be identified by officers in consultation with the Chair, and based on clear published criteria;

- There should be provision for members to ask for a committee site visit but this should be done early, in advance of the committee meeting at which the application is being discussed;
- They should only be allowed where the benefit is expected to be substantial;
- They should take place prior to the first committee meeting at which the application is to be determined;
- Public speaking should not be allowed;
- Site visits should occur no more than a week prior to the committee meeting at which the application is being discussed;
- The full committee need not attend site visits, and all members attending the committee meeting at which the application is reported should be able to vote whether or not they attended the site visit.

4.3 To enable the introduction of a procedure compliant with those recommendations, the following changes are proposed:

- If members wish an application to be reported to Planning Committee, and be the subject of a site visit, they should advise the case officer, or in his/her absence, any other officer of the Development Management team, in writing (including email) within 21 days of receiving the weekly list of planning applications.
- At this time this will apply to all applications, not just major ones (the definition of major applications is detailed in paragraph 4.5) although that restriction may be imposed on the Council in due course if the RTPi recommendations are embodied in secondary legislation. A further Report will be presented to members regarding the progress of the RTPi recommendations in the future. The clear intention of the amended proposals is to reduce the number of formal site visits. Members will be encouraged to go to the sites themselves, discuss proposals with officers, and look at the presentations that officers now e-mail to Planning Committee members before committee.
- Any request for a formal site visit will have to comply with the following criteria:
 - Illustrative material is insufficient to convey the issues
 - A judgment is required on visual impact
 - The setting and surroundings are relevant to the determination of the application
 - The site has not been visited recently by the Planning Committee in relation to another planning application
- All site visits will take place on the Monday before Planning Committee for applications being reported to that committee.
- All members (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.
- Applicants, their agents and members of the public will not be allowed to speak at the site visits, apart from providing matters of information or clarification; the informal meeting with the public that has become part of the custom and practice of this Council will end so that the site visits are undertaken in a more formal manner.
- Committee Services will arrange the site visits but will not attend to take minutes. A briefing note will be prepared by planning officers and will be presented to the Planning Committee confirming that a site visit has taken place, and providing a summary of any additional information received or matters arising from the site visit.
- Requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances, e.g. where a councillor was incapable of notifying officers of the need for a site visit when the application for planning permission was first publicised. For reasons stated above, it is hoped that the current numbers of site visits will reduce significantly.
- The Planning Code of Practice, which was adopted on 31 July 2007, will still apply except where it is modified by the procedure set out above. An extract showing the changes is attached as an appendix.

4.4 These recommended changes will have to be agreed by Full Council. Site Visit protocol is part of the Planning Code of Practice and the guidelines for site visits is attached to the Planning Committee Terms of Reference at Article 8 of the Constitution.

4.5 Members are asked to note the definition of major development, as referred to on paragraph 4.3 above is:

- (a) The mining and working of minerals or the use of land for mineral-working deposits;
- (b) Waste development;
- (c) The provision of dwelling houses where –
 - (i) The number of dwelling houses to be provided is 10 or more; or
 - (ii) The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c) (i);
- (d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) Development carried out on a site having an area of 1 hectare or more

5. EQUALITIES IMPLICATIONS

5.1 As far as is possible, consideration will be given to the communication and physical access requirements to the site being visited, for elected members and members of the public. It must be recognised however that the site being visited may currently be physically inaccessible but be subject to a planning application that would make that site accessible.

6. FINANCIAL IMPLICATIONS

6.1 None.

7. PERSONNEL IMPLICATIONS

7.1 None.

8. CONSULTATIONS

8.1 The report reflects the views of the consultees.

9. RECOMMENDATIONS

9.1 Members are asked to consider the proposed changes to the site visit protocol as outlined in paragraph 4.3 and make their recommendation to Council.

9.2 To recommend to Council that the Council's Monitoring Officer be authorised to make the relevant changes to the Council's Constitution.

10. REASONS FOR THE RECOMMENDATIONS

10.1 As set out in the report.

11. STATUTORY POWER

11.1 Town and Country Planning Act 1990 (as amended), Planning Wales Act 2015.

Author: Pauline Elliott – Head of Regeneration and Planning
Consultees: Tim Stephens – Development Services Manager

Councillor Ken James – Cabinet Member, (Regeneration, Planning & Sustainable Development)
Councillor David Carter – Chair of Planning
Councillor Wynne David – Vice-chair of Planning
Christina Harray – Corporate Director, Communities
Emma Sullivan – Committee Services Officer
Helen Morgan – Senior Committee Services Officer
Gail Williams – Interim Head of Legal Services & Monitoring Officer
Richard Crane – Senior Solicitor
Ceri Edwards – Environmental Health Manager
Clive Campbell – Transportation Engineering Manager
David Thomas – Senior Policy Officer, Equalities
Ian MacVicar – Group Manager, Operations

Appendix

Revised Draft Site Visit Protocol

10. SITE INSPECTIONS

Purpose of site inspections

- 10.1 Site inspections are fact-finding exercises to allow members to make a more informed decision than would be possible from reading the officer's report and considering the views expressed at the Planning Committee meeting.
- 10.2 The sole purpose of site inspections is to allow the chairperson and vice chairperson and other members to look at the site and its surroundings. In conducting the site visit, the members will not formally debate the application, express a prior opinion, lobby for any particular decision or come to any decision.

Requests for Committee site inspections

- 10.3 If members wish an application to be reported to Planning Committee, and be the subject of a site visit, they should advise the case officer, or in his/her absence, any other officer of the Development Management team, in writing (including email) within 21 days of receiving the weekly list of planning applications.

~~Requests by members for site inspections in respect of committee cases should wherever possible be made to the chairperson of the Planning Committee or the Chief Planning Officer, in writing at least 48 hours before the committee to which the application is being reported. Such a request should indicate why a site visit is necessary. Early notification allows the clerk of the committee to advise members of the public who may otherwise have attended the committee not to do so. The Chief Planning Officer will consult with the chairperson before deciding whether to agree to the member's request. Similarly, if the chairperson receives a request, he should consult with the Chief Planning Officer. Members may also request a site visit at the Planning Committee and should indicate why a site visit is necessary.~~

- 10.4 ~~Site visits should only be allowed on the basis of a request from either the chairperson or vice-chairperson, or from any local member or any member of an adjoining ward councillor whether or not a member of the committee. It is expected that local members will already be familiar with the site. Members are encouraged to go to the sites themselves, discuss proposals with officers, and look at the presentations that officers now e-mail to Planning Committee members before committee.~~
- 10.5 ~~Site visits may also be arranged, at the behest of the Chief Planning Officer~~ Head of Planning and Regeneration or Development Control Manager when they consider that there are particular site issues that members should be aware of prior to the determination of the application.

Criteria for agreeing to hold site inspections

- 10.6 Any request for a formal site visit will have to comply with the following criteria:
- Illustrative material is insufficient to convey the issues
 - A judgment is required on visual impact
 - The setting and surroundings are relevant to the determination of the application
 - The site has not been visited recently by the Planning Committee in relation to another planning application

~~10.75~~ Requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances, e.g. where a councillor was incapable of notifying officers of the need for a site visit when the application for planning permission was first publicised. Site visits requested after the application appears on the committee report delay determining the application. While the decision whether or not to undertake an inspection in such circumstances is a matter for the Planning Committee, members shall only make such visits where the Planning Committee cannot otherwise make an appropriately informed decision and the inspection would have substantial benefit. Examples where a site visit would not normally be appropriate include where:

- The member simply disagrees with the conclusion reached in the report.
- The member wishes to consider boundary or neighbour disputes.
- Loss of property values
- Any issues that are not material planning considerations.
- Where councillors have already visited the site within the last 12 months, except in exceptional circumstances.

Notification of site visits

~~10.8~~ All site visits will take place on the Monday before Planning Committee for applications being reported to that committee. All members (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.

Committee Services will arrange the site visits but will not attend to take minutes. A briefing note will be prepared by planning officers and will be presented to the Planning Committee confirming that a site visit has taken place, and providing a summary of any additional information received or matters arising from the site visit.

Attendance at site inspections

~~10.96~~ Site visits will normally be attended by the chairperson and vice-chairperson of Planning Committee, ward members and appropriate officers. ~~Where appropriate adjoining ward members will be invited and in exceptional circumstances the whole of the committee.~~ All members (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.

~~10.107~~ Members may through the chairperson ask questions of officers to clarify factual matters relevant to the site inspection.

~~10.118~~ If a request is received from a third party to inspect the site from a different location, the members, as a group, should take the view whether to do so. Unless there are good reasons not to do so, such a request should normally be acceded to but only if all participants at the site inspection are extended the same invitation.

Attendance at site inspections

~~10.129~~ Members may only enter onto the site with the permission of the site owner who has the right of attendance at the site inspection.

~~10.130~~ The public do not have a right of access to a site but may attend and view the site by way of public vantage points or on site with the consent of the owner.

~~10.144~~ Applicants, their agents and members of the public will not be allowed to speak at the site visits, apart from providing matters of information or clarification; the informal meeting with the public that has become part of the custom and practice of this Council will end so that the site visits are undertaken in a more formal manner.

~~The public cannot address the meeting.~~

~~10.152~~ If a member finds it necessary to visit a site alone, he or she shall view it from public vantage points only, seek to avoid discussion with interested parties and, if dialogue occurs, make it clear that a decision will be taken when the Planning Committee has discussed it after the site inspection.

~~10.163~~ **Members are reminded that the rules of declarations of interest apply to site visits, and that if a member has an interest that would require the member to withdraw from a Planning Committee, the member is not entitled to attend the site meeting.**

Conduct at site inspections

~~10.174~~ The inspection will be chaired by the chairperson or vice chair of the Planning Committee who will ensure that it is conducted as a single meeting and in an orderly fashion.

~~10.185~~ The planning officer will give a brief summary of the application and the site inspection issues at the beginning of each site visit.

~~10.196~~ Members of the Planning Committee attending the site inspection shall not make comments that would create an impression that they have already formed a view on the merits of the application.

~~10.1720~~ Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.

~~10.1821~~ Non-Committee members may address their colleagues on issues of fact pertaining to the site context.

~~10.19~~ ~~The applicant or members of the public will not be permitted to address members during the site inspection, but may be asked to clarify issues of fact by the chairperson.~~

~~10.20~~ ~~Once the formal site meeting is concluded at the chairperson's discretion, and depending on the time available, an informal discussion may be held with the applicant, any agent, and any members of the public. In such a situation members and officers should continue to abide by this code.~~

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PLANNING COMMITTEE – 4TH NOVEMBER 2015

SUBJECT: PROPOSALS RELATING TO STRATEGIC PLANNING PANEL REGULATIONS: COMPOSITION AND FINANCIAL MATTERS

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To consider and approve the Council's response to the Welsh Government's consultation in respect of proposals relating to Strategic Planning Panel Regulations in terms of their Composition and Financial Matters.

2. SUMMARY

- 4.1 Welsh Government (WG) is currently running a number of consultations concerning changes to the planning system with a view to making it more positive. The changes are in respect of not only the development management system but also the development plan system in Wales.
- 4.2 The current consultation is in respect of proposals relating to Strategic Planning Panel Regulations in terms of their Composition and Financial Matters. The deadline for the submission of comments is 2 November 2015.

3. LINKS TO STRATEGY

- 3.1 The Council has a statutory duty to prepare a Local Development Plan for its area to provide a policy framework for the development and use of land in the County Borough. In future, the Strategic Development Plan will be part of the development plan framework for the county borough. This consultation seeks views on the composition and financial matters associated with Strategic Planning Panels, which will be the body responsible for the preparation of the Strategic Development Plan.

4. THE REPORT

Introduction

- 4.3 Welsh Government (WG) is currently running a number of consultations concerning changes to the planning system with a view to making it more positive. The changes are in respect of not only the development management system but also the development plan system in Wales.
- 4.4 The current consultation is in respect of proposals relating to Strategic Planning Panel Regulations in terms of their Composition and Financial Matters. The deadline for the submission of comments is 2 November 2015.
- 4.5 A summary of the proposals is provided below, along with comments from officers. Should members agree with the officers' comments, they will then be adapted for completing the standard consultation form for WG.

Context

- 4.6 The Planning (Wales) Act 2015 (the Act) amends Part 6 of the Planning and Compulsory Purchase Act 2004 to introduce Strategic Development Plans (SDPs) into the Development Plan Framework in Wales.
- 4.7 In future, the SDP will be prepared by a Strategic Planning Panel (Panel), which will be a public body and have one function: that is plan making. It will have corporate body status and will be formed of both local planning authority (LPA) members and nominated members from social, economic and environmental groups. Only the local planning authority members will have voting rights.
- 4.8 The Panel will be a plan making body only and will not make decisions on planning applications. The Panel will be required to make decisions on governance arrangements of the Panel, such as nominating members, agreeing standing orders, finance, appointment of technical staff etc. The Panel will also be required to make decisions on the production of the SDP, including whether a SDP is ready for independent examination. Importantly the Panel does not require agreement from the constituent LPAs.
- 4.9 Schedule 1 of the Planning (Wales) Act 2015, sets out the powers to make regulations in relation to: the gender composition; and financial matters that affect Strategic Planning Panels.
- 4.10 The current consultation paper is split into two main sections. The first deals with the proposed composition of Panels and the second concerns financial matters relating to those Panels.

Strategic Planning Panel Composition

- 4.11 Local planning authorities and public bodies are all under the duty in the Equality Act 2010 to have due regard to the need to promote equality of opportunity. There is ongoing research into improving diversity within local authorities, which includes looking at measures to increase gender balance. These tools, such as mentoring schemes, look to increase the number of females who would be eligible for appointment to the Panel from within LPAs and social, economic and environmental bodies.
- 4.12 It is recognised that public bodies do not currently reflect the proportion of men and women in society and that achieving diversity on public bodies increases the credibility and public confidence in them as they reflect the people that they serve. The WG is committed to increasing equality and diversity on public bodies and is progressing a number of strategies and policies to deliver this agenda.
- 4.13 One of the WG's policies, taking forward the broadening participation agenda includes the White paper - Reforming Local Government: Power to local people (2015) that looks at proposals to achieve diversity to ensure Councils are places where an open culture thrives and people are made to feel welcome and respected whatever their background. This work includes an action plan to achieve 40% female candidates for political parties. The WG is also delivering on an Action Plan to increase the diversity in public appointments. This is also reflected in the Programme for Government 2011 which includes provision to 'identify steps to deliver a more representative pool of decision makers' and the Labour Party Manifesto 2011, which include commitments to seek to introduce *'Norwegian style gender quotas for appointments to public bodies in Wales ensuring at least 40% of appointments are women'*.
- 4.14 In terms of Strategic Planning Panels there are no known equivalent Panels in Wales and therefore the potential make-up of members is unknown. However historically it is recognised that there has been difficulty in achieving gender balance in local government. Women have been entitled to be councillors since 1907; however, following the 2012 local government elections only 26% of local council seats in Wales were held by women, and in 2014 this only increased slightly to 27%.

Questions

Q1 Are you aware of any further evidence that would support the approach proposed, in particular evidence on appointments from local authorities to similar public bodies?

No Comment

Q2. Do you know of further evidence around the number of female local planning authority appointments to public bodies?

No Comment

Q3 Do you support the inclusion of a minimum percentage for both women and men on the Panels?

The Council welcomes the commitment to deliver equality in the public sector and recognises the role of quotas in achieving greater equality. It should be noted that whilst the Council would aim to achieve 40%, there is no guarantee that the target could be met.

Q4. Do you agree with the percentage being set at 40%, if not why not? Do you consider an alternative percentage to be more appropriate and if so why?

The target should be challenging in order to achieve the step change required but given the current percentage of women councillors in local authorities 40% could be too ambitious.

Q5. Do you consider LPAs can work together collaboratively to identify an appropriate balance of members or should a more prescriptive approach be used?

LPAs can work collaboratively and there are past examples of local authorities doing so to achieve political balance. It is noted that these Panels will not be politically balanced.

Q6. If the gender balance requirement was not complied with how could this be addressed?

The powers of the Welsh Ministers to issue a direction are noted, however this should be a last resort after all avenues of support and assistance to LPAs have failed.

Q7. Do you think the Welsh Ministers should be able to intervene on failure to comply by making member appointments to panels?

No. It is not appropriate for Welsh Ministers to make member appointments. Panels will be more effective if they are made up of LPA members with an interest in planning rather than those that have being pressured into being part of the SPP merely to make up a quota.

Q8. Are there mechanisms to secure compliance with a gender balance requirement? If so, how would that operate?

Having a greater pool of women in local government will increase the likelihood of compliance with a quota for SPPs.

Q9. Do you consider that gender balance could be achieved in a timely fashion without a quota requirement?

The Council welcomes the commitment to deliver equality in the public sector and recognises the role of quotas in achieving greater equality. It is unlikely that gender balance would be achieved without a quota requirement.

Q10. What are the reasons, in your view, for under-representation by women in public bodies such as National Park Authorities and similar bodies.

No comment

Financial Matters relating to Strategic Planning Panel

4.13 Part 3, Schedule 1 of the Planning (Wales) Act 2015 sets out the legislative requirements for the financial arrangements of Strategic Planning Panels. This sets out the procedures including:

- qualifying expenditure details;
- setting an annual work programme;
- the dates by which payments are to be made;
- payments by the Welsh Ministers including grants and loans (where appropriate);
- accounts and auditing requirements;
- annual reporting requirements; and
- defining a financial year.

4.14 The majority of the financial matters for a Strategic Planning Panel are set out in Schedule 1 of the Planning (Wales) Act 2015, details of which are set out in Appendix 1 of this report). This current consultation is only seeking views on the definition of qualifying expenditure and adjustment of payments that are to be set out in the regulations that will apply to all Strategic Planning Panels.

Qualifying Expenditure Definition

4.15 Welsh Government propose that that the costs relating to the following functions of the Strategic Planning Panel should be met in future by the constituent local authorities:

- Staff costs including salary, pension, redundancy, HR, professional fees, travel and subsistence etc.;
- Auditing and Accounts;
- Remuneration of staff and nominated members;
- Leases/rental and running of office space and spaces for consultation, engagement events and examination;
- Equipment including furniture, reprographics, IT and stationary;
- Examination costs including Programme Officer and Inspector costs and associated resources;
- Printing, design and cartography;
- Procurement of technical work;
- Legal Advice;
- Training for Staff and Members;
- Translation;
- Servicing and maintenance;
- Website; and
- Insurance.

4.16 WG consider that the following functions should not to be regarded as qualifying expenditure under the definition:

- Remuneration of local authority members;

- Salaries for Chair and deputy chair;
- Staff costs of nominated members (excluding expenses); and
- Co-opted members remuneration.

4.17 In addition WG indicates that there may be unforeseen aspects of the Panels activities that would require funding in the future and therefore the regulations should provide flexibility to allow all functions of the Panel to be funded as long as the payments can be justified, in order to ensure that the Panel can function effectively.

Questions

Q11 Do you agree with the proposals relating to what might constitute qualifying expenditure?

The Welsh Government intends to provide start-up funding for the establishment of a Panel and they also have the power to make grants, loans or other payments to the Panel within set conditions. The Panel cannot borrow money unless it is from the Welsh Ministers

The Act specifies that the qualifying expenditure of Panels be funded and determined by the constituent LPAs on a proportional basis between the constituent LPAs. Within SE Wales the Panel would therefore be funded on a proportional basis by the ten local authorities (including Caerphilly) subject to that being the area that the Strategic Development Plan would cover in future. Specifically, Welsh Government expects local authorities to divert scarce, diminishing resources to fund this process.

This consultation is not seeking the Council's views on how the Panels should be resourced as this is set out in the face of the Act. However, officers' remain firmly of the view that for Strategic Planning to be successful in Wales, Panels have to be adequately resourced and that Panels should be awarded sufficient funding by Welsh Government to enable them to undertake this work, which they acknowledge is critical to the future economic fortunes of the area.

Notwithstanding the above, the definition of qualifying expenditure, which is the subject of this current consultation, needs further consideration as follows:

- 1) Staff costs should include National Insurance and Employment Benefits in Kind but should exclude professional fees (if this is taken to mean individual officer's membership fees of professional bodies e.g. Royal Town Planning Institute);
- 2) Support services for the process (Auditing, Accounts, Legal, Insurance, Procurement, Translation etc) should fall with the lead responsible body that is directed to prepare the SDP. The costs associated with these support services should properly be charged to the Panel on a basis to be agreed and thus should be included in the definition.
- 3) Costs associated with Social Media and Communications should also be included in the definition.

It is agreed that the regulations should provide flexibility to allow all functions of the Panel to be funded as long as the payments can be justified.

Q12 Do you support the approach proposed in relation to adjustment to payments?

Although the Welsh Ministers have powers to set adjustments to the payments that are to be made by the constituent LPAs through regulations, they do not intend at this stage to use this power. However Welsh Government has indicated that this will be kept under review.

Q13 Do you have any comments on the draft Equalities Impact Assessment that supports this consultation paper?

No comment.

5. EQUALITIES IMPLICATIONS

5.1 There are no direct implications associated with this report. However the Consultation document recognises that public bodies do not currently reflect the proportion of men and women in society and that achieving diversity on public bodies increases the credibility and

public confidence in them as they reflect the people that they serve. The WG is committed to increasing equality and diversity on Strategic Planning Panels in the future and this is to be welcomed.

6. FINANCIAL IMPLICATIONS

- 6.1 This consultation is not seeking the Council's views on how the Panels should be resourced as this is set out in the face of the Planning (Wales) Act. However, officers' remain firmly of the view that for Strategic Planning to be successful in Wales, Panels have to be adequately resourced and that Panels should be awarded sufficient funding by Welsh Government to enable them to undertake this work, which they acknowledge is critical to the future economic fortunes of the area

7. PERSONNEL IMPLICATIONS

- 7.1 There are no direct personnel implications as a consequence of this report.

8. CONSULTATIONS

- 8.1 All responses received are reflected in the report.

9. RECOMMENDATIONS

- 9.1 To consider and approve the Council's response to the Welsh Government's consultation in respect of proposals relating to Strategic Planning Panel Regulations in terms of their Composition and Financial Matters.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 In order to provide Welsh Government with the Council's views on the consultation document.

11. STATUTORY POWER

- 11.1 Planning and Compulsory Purchase Act 2004

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Consultees: Cllr K James, Cabinet Member for Regeneration, Planning & Sustainable Development.
Tim Stephens, Development Manager, stepht@Caerphilly.gov.uk
David Thomas, Senior Policy Officer (Equalities) thomada@caerphilly.gov.uk

Appendices:
Appendix 1 Financial procedures

Financial procedures

The current consultation is **not** seeking views in respect of the financial matters set out in Schedule 1 of the Planning (Wales) Act 2015, details of which are set out below.

Qualifying expenditure is the expenditure required to fund a Panel, which is to be met by the constituent LPAs. This is to enable all aspects of the production of an SDP and to ensure that the Panel can run efficiently and effectively.

The qualifying expenditure of Strategic Planning Panels (Panels) is to be funded and determined by the constituent LPAs on a proportional basis between the constituent LPAs. It will be based on an annual work programme which must set out the activities for the Panel for that year; produced by 31 December before the start of each financial year and must be consulted upon with the constituent LPAs and the Welsh Ministers.

Following the consultation, the agreed figure for qualifying expenditure and the final work programme are to be published and sent to the constituent LPAs and the Welsh Ministers no later than 15 February before the relevant financial year.

It may be that unforeseen work is required to be undertaken by the Panel, therefore it is proposed that at any point within a financial year a Panel may need to revise their work programme and the amount of qualifying expenditure and must notify the constituent LPAs and the Welsh Ministers if revision is required. Once the final figure is set the LPAs must meet these costs and the work programme must be published.

The Welsh Government will provide start-up funding for the establishment of a Panel and have the power to make grants, loans or other payments to the Panel within set conditions. The Panel cannot borrow money unless it is from the Welsh Ministers.

The Panel is required to keep proper accounts and a statement of these accounts for each financial year and these must be submitted to the Auditor General for Wales, the constituent LPAs and the Welsh Ministers no later than 30 November after the end of each financial year. The Auditor General will then consider the statement of accounts and report on it no later than four months after submission of the documents.

The Panel will be within the remit of the Independent Remuneration Panel for Wales; this means that they will determine the range and level of allowances payable by the Panel and constituent local planning authorities to their members.

The majority of the financial matters for a Panel are set out on the face of the Act and it is only the definition of qualifying expenditure and adjustment of payments that are to be set in regulations that will apply to all Panels. This approach enables flexibility and gives the Welsh Ministers the ability to respond to changes in functions and procedures within local government.

Although the Welsh Ministers have powers to set adjustments to the payments that are to be made by the constituent LPAs through regulations, it is not intended at this stage to use this power but this will be kept under review. Regulations may include a provision that could be used in the future, if it is deemed necessary.

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PLANNING COMMITTEE – 4TH NOVEMBER 2015

SUBJECT: CHARGING FOR PRE-APPLICATION PLANNING ADVICE: REVIEW

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To review charges for advice given by Development Management planners to the public and professional developers prior to the submission of planning applications, and for various other development management related services, and to consider alterations to the current scale of charges

2. SUMMARY

- 2.1 The majority of local planning authorities now charge for advice given at pre-application discussions and on other development management related matters. Caerphilly County Borough Council as local planning authority introduced similar charges on 1 April 2014. A scale of charges is contained in appendix 1. A total of £22,510 was collected in the 2014/15 financial year, £2,510 above the expected budget. The budget target for 2015/16 is £25,000.

3. LINKS TO STRATEGY

- 3.1 This report is linked to the Council's strategy for the living environment, and sustainable development, in that through the adoption of a charging scheme with the accompanying protocols in respect of the standard of service given, the quality of submissions for planning permission will improve as will the subsequent development if approved. There will be similar links to the visions of a more prosperous, safer and greener Caerphilly found in the Single Integrated Plan.

4. THE REPORT

4.1 INTRODUCTION

Charges for planning advice were introduced on 1 April 2014, and after one year of operation it is appropriate to review the procedure and consider whether it should be amended in any manner. There have been very few objections to the scheme, but its operation has identified areas where it needs to be clarified, amended, and extended.

4.2 CLARIFICATION

The following matters require clarification.

- 4.2.1 Charitable groups - At present we don't distinguish between charities and other developers and that should still be the case. If charities are in a position to carry out development, the pre-application charge is going to be relatively small part of the overall cost.

4.2.2 Work for disabled people - Planning applications for such work are exempt from fees on the following basis.

- where it relates solely to—
 - the carrying out of operations for the alteration or extension of an existing dwellinghouse; or
 - the carrying out of operations (other than the erection of a dwellinghouse) in the curtilage of an existing dwellinghouse,

for the purpose, in either case, of providing means of access to or within the dwellinghouse for a disabled person who is resident in, or is proposing to take up residence in, that dwellinghouse, or of providing facilities designed to secure his greater safety, health or comfort.

- where it relates solely to the carrying out of operations for the purpose of providing means of access for disabled persons to or within a building or premises to which members of the public are admitted (whether on payment or otherwise).

A 'disabled person' means a person who is within any of the descriptions of persons to whom section 29 of the National Assistance Act 1948 applies.

That exemption applies to works that improve access or help secure the safety, health and comfort of a disabled person. However, it does not apply solely because the applicant is a disabled person, or where more extensive work that does not fall into the above categories is proposed. The same exemption that applies to planning applications should apply to pre-application charges.

4.2.3 Advice about development in other boroughs - This happens very rarely, but officers should be assured that they would be justified in refusing to give such advice because we charge for the service in this borough, and we would be undermining the charging procedure of other councils.

4.2.4 Renewable energy schemes - It has been suggested that these should be subject to a reduced charge. These are currently amongst the most complex schemes being considered by the local planning authority and so there is no justification in reducing the charge.

4.2.5 Freedom of Information Act - Under FoI the public has the right to information from planning files, but we usually say in such cases that they can come in themselves to view the files. The same could be said of the following categories for which we currently charge £120:

- Providing the planning history of a site
- Advising whether a particular development has had its permitted development rights removed by condition
- Advice on whether conditions have been discharged

Our charging schedule should include the advice that for those categories, those requesting information could come in to our offices to research the planning history and view the files, otherwise they have to pay.

4.3 AMENDMENT AND ADDITIONAL CHARGES

The following categories of charges have caused some confusion and may also appear unreasonable in some cases.

Providing the planning history of a site.	£100 plus VAT (total fee £120)
Advising whether a particular development has had its permitted development rights removed by condition.	
Advice on whether conditions have been discharged	
Query as to whether development requires planning permission	£40 plus VAT (total fee £48)

As stated above, customers should be encouraged to come and view the files and locate the information themselves but that is often not practical for a number of reasons. A charge of £120 seems excessive for some enquiries, e.g. providing a site history or checking to see if PD rights have been removed for a single house.

- 4.4 The second category above is very similar to the fourth category; much depends on how the question is phrased. PD rights to extend a house are sometimes removed because, for instance, there is limited room at the site. A developer asking for confirmation as to whether those rights had been removed (and therefore would need planning permission for development) would pay £120 for that advice, whereas if he had merely asked whether permission was needed for a specific type of development, he would have been charged £48.
- 4.5 Furthermore, a householder asking whether permitted development rights have been removed would be charged £120, but one asking for advice about the acceptability of a particular development would at present be charged nothing.
- 4.6 Queries about the planning merits of householder developments such as extensions do not attract a charge at present. However, each case involves the time of administrative staff in registering the query, and planning officers must make a site visit as well as prepare a written reply. Therefore a charge would be reasonable, and it is suggested that this should, for the time being be at the lowest rate of £48.
- 4.7 The local planning authority is often asked whether existing development is lawful or whether a proposed development would require planning permission. There is already a procedure under sections 191 and 192 respectively of the Town and Country Planning Act 1990 to answer those questions. For clarification, existing development is regarded as lawful if it has been granted planning permission, or is immune from enforcement action because it has existed for a certain period of time. Proposed development is lawful if planning permission is not needed from the Council because, for instance, permission has already been granted by a statutory order. Applications for such certificates attract fees at the following rates:

Lawful Development Certificate	
For a land-use or development that has already been carried out	Same as full application for planning permission for that development
To establish that it was lawful not to comply with a condition	£166
For a proposed use or development	Half the normal planning fee.

Since a statutory procedure exists, it is unnecessary and potentially confusing to duplicate it with an informal procedure.

4.8 It is proposed to amend the charges in the following manner to overcome the issues set out above.

Providing the planning history of a site: Householder (involving no more than one dwelling) Other development	£40 plus VAT (total fee £48) £100 plus VAT (total fee £120)
Advice on whether conditions have been discharged: Householder (involving no more than one dwelling) Other development	£40 plus VAT (total fee £48) £100 plus VAT (total fee £120)
Advising whether a particular development has had its permitted development rights removed by condition.	£40 plus VAT (total fee £48)
Query as to whether development requires planning permission or whether development is lawful	Direct the applicant to the Certificate of Lawfulness procedure
Pre-application discussions about householder development	£40 plus VAT (total fee £48)

(For clarification - 'householder' in the above table is limited to queries that involve a single house. If a query relating to a single house involved checking the planning history or the discharge of conditions of a number of houses or an estate, the higher fee category would apply.)

4.9 **TIMESCALES**

At present our timescales for dealing with pre-application queries is as follows.

- Major development - 20 working days
- Minor development - 15 working days
- Domestic/Miscellaneous Development - 10 working days

Both the officers of the Development Management group and those groups that are consulted as part of the process are finding it difficult to achieve those targets, particularly if the applicants want a meeting as well as written advice. The process often involves as much work as dealing with planning applications, and the statutory period for dealing with those is eight weeks, approximately 40 working days. The work involved in giving pre-application advice includes the following:

- Researching planning history, planning policy, and case law
- Visiting the site
- Consulting with colleagues in other services such as highways and environmental health who understandably have their own workload
- Preparing a written reply.

However, extending the reply period for the pre-application process by a significant amount may put applicants off using it. The following proposed timescales may help strike a balance in that respect:

- Major development (written advice only) - 20 working days
(with meeting) - 30 working days
- Minor development - 20 working days

- Domestic/Miscellaneous Development - 15 working days

4.10 Welsh Government has consulted about the introduction of a statutory charge for pre-application advice. A report was presented to Planning Committee about that in September. Any statutory provisions will in due course supplant the fees and timescales suggested above, but it is not clear when they will be introduced, and so it is reasonable for the local planning authority to adopt its own arrangements in the meantime.

5. EQUALITIES IMPLICATIONS

5.1 The equalities implications of the new policy have been considered and have identified the need to exempt from charges certain development required to enable access by people with a disability. Also, the setting out of clear protocols and standards of service will assist in providing planning advice to all groups, particularly if that information is provided in a variety of formats and languages.

6. FINANCIAL IMPLICATIONS

6.1 As set out in report.

7. PERSONNEL IMPLICATIONS

7.1 None

8. CONSULTATIONS

8.1 Pauline Elliott - Planning
Mike Eedy – Finance
Tim Stephens - Planning

9. RECOMMENDATIONS

9.1 That the amendments to the scale of fees set out in the report above and shown in the attached appendix are adopted from 1 December 2015.

10. REASONS FOR THE RECOMMENDATIONS

10.1 As set out in the report.

11. STATUTORY POWER

11.1 Section 93 of the Local Government Act 2003 which was enacted in Wales in 2006 provides power for authorities, as defined in the Local Government Act 1999, to charge for discretionary services. Discretionary services are those services that an authority has the power but not a duty to provide. An authority may charge where the person who received the service has agreed to its provision.

Author: Pauline Elliott – Head of Regeneration and Planning

Consultees: Pauline Elliott - Head of Regeneration and Planning
Mike Eedy – Finance Manager
Richard Crane – Principal Solicitor
Gail Williams – Monitoring Officer/Principal Solicitor

Appendix 1

Proposed scale of charges

Major development A

50 or more dwellings 2000m ² or more floorspace Site area of 1 hectare or more	£250 plus VAT (total fee £300) or 1% of the appropriate fee under the Fees Regulations, whichever is the greater, for written advice only. Additional advice may be required and will be charged at the same rate; £500 plus VAT (total fee £600) or 1.5% of the appropriate fee under the Fees Regulations, whichever is the greater for a meeting plus written confirmation, additional meetings may be required and these will be charged at the same rate.
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Major development B

10 - 49 dwellings 1000m ² - less than 2000m ² floorspace Site area of between 0.5 hectare and less than 1 hectare	£150 plus VAT (total fee £180) for written advice only. Additional advice may be required and will be charged at the same rate; £250 plus VAT (total fee £300) for a meeting plus written confirmation, additional meetings may be required and these will be charged at the same rate.
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Minor development

Fewer than 10 dwellings Less than 1000m ² floorspace Site area of less than 0.5 hectare	£50 plus VAT (total fee £60) for written advice only. Additional advice may be required and will be charged at the same rate; £150 plus VAT (total fee £180) for a meeting plus written confirmation, additional meetings may be required and these will be charged at the same rate.
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Other advice

Providing the planning history of a site: Householder (involving no more than one dwelling) Other development	£40 plus VAT (total fee £48) £100 plus VAT (total fee £120)
Advice on whether conditions have been discharged: Householder (involving no more than one dwelling) Other development	£40 plus VAT (total fee £48) £100 plus VAT (total fee £120)

Advising whether a particular development has had its permitted development rights removed by condition.	£40 plus VAT (total fee £48)
Query as to whether development requires planning permission or whether development is lawful	Direct the applicant to the Certificate of Lawfulness procedure
Pre-application discussions about householder development	£40 plus VAT (total fee £48)

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PLANNING COMMITTEE – 4TH NOVEMBER 2015

SUBJECT: WELSH GOVERNMENT ANNUAL PERFORMANCE REVIEW

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To advise members of the Planning Committee of the content of the Annual Performance Report (APR) which is to be sent to Welsh Government, and outlines the performance of the Planning service over the financial year 2014-15.

2. SUMMARY

- 2.1 Welsh Government has introduced the annual performance report as a result of the “Positive Planning” consultation it carried out in December 2013. They consulted on a series of proposals for measuring the performance of key stakeholders in the planning service, including local planning authorities, and proposed that stakeholders should prepare an annual report, discussing how their organisation had performed against the indicators, identifying what it had done well so that this can be shared with others, and what steps might be taken to address areas of performance in need of improvement. The first reports are due in November 2015.

3. LINKS TO STRATEGY

- 3.1 This report is linked to the Council’s strategy for the living environment, and sustainable development, and the provision of an efficient and effective Planning service will help secure the visions of a more prosperous, safer and greener Caerphilly found in the Single Integrated Plan.

4. THE REPORT

- 4.1 The APR is attached as an appendix to this report.

5. EQUALITIES IMPLICATIONS

- 5.1 The equalities implications of this report in itself are limited, but the provision of an efficient and effective Planning service includes taking account of the needs of all stakeholders, and is an ongoing consideration.

6. FINANCIAL IMPLICATIONS

- 6.1 None

7. PERSONNEL IMPLICATIONS

- 7.1 None.

8. CONSULTATIONS

Pauline Elliott - Planning
Tim Stephens - Planning
Rhian Kyte - Planning.

9. RECOMMENDATIONS

9.1 That the attached report is forwarded to Welsh Government.

10. REASONS FOR THE RECOMMENDATIONS

10.1 As set out in the report.

11. STATUTORY POWER

Town and Country Planning Act 1990 as amended, and the Planning (Wales) Act 2015.

Author: Tim Stephens – Development Control Manager

Consultees: Pauline Elliott - Head of Regeneration and Planning
Rhian Kyte - Team Leader Strategic Development and Planning

Appendices:
Appendix 1

Caerphilly Local Planning Authority (LPA)**PLANNING ANNUAL PERFORMANCE REPORT (APR) – 2015-2016****PREFACE**

This will be an introduction to the report by the Cabinet Member responsible for the planning service.

1. CONTEXT

- 1.1 The Single Integrated Plan (SIP) Caerphilly Delivers is the overarching policy framework for the Council and its partners. It was prepared by the Local Service Board and replaces a number of existing plans that were previously required, such as the Community Strategy, the Health, Social Care and Well-Being Strategy, Children and Young People's Plan, and the Community Safety Plan, it represents a determined commitment by all partners to accelerate change, strengthen partnership working, multi-agency collaboration, and accountability for delivery
- 1.2 The Caerphilly County Borough Local Development Plan up to 2021 was adopted in November 2010 and is the key mechanism for delivering the land use elements of the SIP. The LDP is presently under review and the Replacement LDP up to 2031 has an anticipated adoption date of 2017.
- 1.3 Towards the end of the 20th Century the population of the County Borough remained relatively stable. The Census indicated that there had been remarkably little variation in population between the 1981 Census at 171,700 and the 2001 Census at 169,500. However the 2011 Census indicated that the population of Caerphilly was considerably higher than had previously been estimated, at 178,806 people. This was over 5,400 higher than the LDP projections had assumed for 2011 and nearly 5,000 higher than the Welsh Government 2008 based projections indicated for 2011. Notably Caerphilly had one of the highest differences in Wales in the anticipated population (as per the MYE) and the actual Census figures.
- 1.4 The 2011 Census also indicated that there has been significant change in the distribution of the population within the County Borough, and significantly, the population decline in the Heads of the Valleys Regeneration Area has generally been halted, with a slight increase in the population from 30,626 in 2001 to 31,087 in 2011.
- 1.5 12 of the 110 statistical areas in Caerphilly County Borough are in the top 10% of the most deprived areas in Wales (Welsh Index of Multiple Deprivation 2014).
- 1.6 St. James 3, Caerphilly is the most deprived small area in Wales (it was previously ranked 2 in WIMD 2011) (Welsh Index of Multiple Deprivation 2014).
- 1.7 The highest overall concentration of deprivation in the County Borough is located in the Upper Rhymney Valley and the Upper Sirhowy Valley areas (Heads of the Valleys Regeneration area), although there are pockets of deprivation in the Mid Valleys

Corridor and Southern Connection Corridor (Welsh Index of Multiple Deprivation, 2014).

- 1.8 Despite seeing large declines, the manufacturing sector remains the largest employment sector in the county borough. The sector remains overrepresented when compared to Wales and the UK, so increasing the significance of these declines to the Caerphilly economy. The sector is in long-term decline in the UK and its significance to the Caerphilly economy in terms of employment is likely to gradually decrease over the coming years. The structure of the manufacturing sector in Caerphilly has been changing. Those in decline have been the traditional/basic manufacturing activities, whilst more high-value activities have been growing, particularly small and medium size operations. It should be noted that a significant proportion of jobs are not located on industrial estates, but in for example the retail sector.
- 1.9 Only 70% of working age men (16 to 64) and 59.9% of working age women (16 to 59) are economically active in the county borough (Census 2011). 38.3 % of the economically active population are in full-time work whilst, 13.2% are in part-time work. Notably 5% of the workforce is unemployed (Census 2011). Over 9% of the population of Caerphilly were unemployed in 2012 (higher than the 8.3% figure for Wales). Male unemployment was 9.5% and female unemployment was 8.5%. Unemployment figures for both Caerphilly and Wales were higher than the UK average (7.9%) (NOMIS 2013).
- 1.10 Nearly 80% of the borough is countryside that forms an important visual and recreational resource for both residents and visitors. Caerphilly has one European designated Special Area of Conservation (SAC), namely Aberbargoed Grasslands. This grassland area is of importance for the Molinea Meadows and Marsh Fritillary Butterfly. The borough has 11 nationally important SSSIs, four Local Nature Reserves (LNR) and 190 Sites of Importance for Nature Conservation (SINC). Furthermore, six Special Landscape Areas (SLA) have been designated in order to protect those areas considered to be important to the overall landscape, history, culture, biodiversity and geology of the borough, along with four Visually Important Local Landscapes (VILLs), designated to protect the visual and sensory landscape. There are 14 Conservation Areas, 411 listed buildings, 47 scheduled ancient monuments and 4 historic parks and gardens.

2. PLANNING SERVICE

- 2.1 The planning service (i.e. development management and the preparation of the LDP and associated documents) is within the Council's Regeneration and Planning division, within the Communities directorate. The Council has three directorates: Education, Social Services, Communities, and the department of the Chief Executive.
- 2.2 Development management and forward planning are located in the same building, and their respective managers report to the Head of Planning and Regeneration, who is part of the directorate senior management team.

- 2.3 Budget constraints have had a significant impact on the planning service in the past few years, the main response being the reduction in staff numbers with leavers not being replaced, and senior posts being replaced by junior ones on a lower salary. At present there are twelve professional members of staff in the development management team (four of whom are enforcement officers), and eight in the forward planning team including the team leader. They are supported by the divisions' administration team. The manager of the development management team is also responsible for the Building Control team which consists of four officers.
- 2.4 The expenditure of the development management team over the past three years has been as follows:

	Budget
2014/15	£1,028,639
2013/14	£1,052,923
2012/13	£932,439

The expenditure of the forward planning team over the past three years has been as follows:

	Budget
2014/15	£468,577
2013/14	£548,789
2012/13	£514,530

- 2.5 The income of the development management team over the past three years has been as follows:

	Income
2014/15	£457,297
2013/14	£455,681
2012/13	£527,459

First two years is based on planning application fees alone, but the last year includes fees received for pre-application advice. This income is retained by the service. The income of the forward planning team over the past three years has been as follows:

	Income
2014/15	£4,059
2013/14	£4,928
2012/13	£6,723

- 2.6 The constraints imposed by the need to find budget savings has had an impact on the efficiency of the development management service, and measures are being considered to overcome that problem. As set out below, this LPA has always had a good record of dealing with householder applications, but it is now turning its attention to improving its performance in dealing with minor applications. The emphasis will be on having early meetings with its internal consultees to allow issues

to be identified and discussed at an early stage, quick wins identified, and targets for determination (including committee dates) identified.

- 2.7 The local planning authority has always provided a pre-application advice, but as of April 2014, it now charges for the service, as do many other LPAs in Wales. There were 397 such queries in the financial year 2014/15.
- 2.8 Dealing with information submitted in respect of conditions on planning permissions has always formed a significant part of the workload, but the introduction of the statutory fees for the service, and the potential for the return of fees means that the local planning authority has to ensure that the appropriate resources are dedicated to this work.

3. THE LOCAL STORY

3.1 Development management

During the financial year 2014/15, the team received 805 planning applications, and decided 995. The LDP is adopted but is currently under review (see below and the attached AMR). One of the triggers for the review was the limited five-year housing land supply in the borough, and that has led to a number of applications being received that are contrary to policy. Other major applications received and determined over the past year include an open cast mine for 6 million tonnes of coal at Nant Llesg in the northern part of the borough, and numerous applications for wind turbines.

- 3.2 The enforcement arm of the team has seen a reduction in the number of staff over the past five years, from a maximum of six to the current four officers, one of whom is on a temporary contract and is offered as an MTFP saving for 2016/17. A review of procedures is planned in the coming year to identify which type of complaint should be prioritised and pursued, and which should be less of a priority, taking account of the interests of any complainant, and material planning considerations.
- 3.4 During 2014/15, six enforcement notices, two section 215 notices, and 15 planning contravention notices were served. The ethos of the service has always been to try to find acceptable solutions where a contravention has taken place, often through the submission of a planning application. That takes time and may require reconsideration as part of the review.

3.4 Strategic Planning

It is a statutory requirement that the Council submits an Annual Monitoring Report (AMR) for the Caerphilly County Borough Local Development Plan up to 2021 to the Welsh Government by the 31st October each year. The AMR monitors whether or not the Adopted LDP is being implemented successfully. The overall purpose of the AMR is to identify whether the LDP Strategy, or any Strategy Policies are not being implemented and if they are not identify steps to rectify this.

- 3.5 During this review period, i.e. 2014/15 the Council has prepared the fourth AMR to be prepared for the Adopted LDP. This monitors the period from 1st April 2014 to 31st March 2015. The 2015 AMR is currently being taken through the committee reporting process in readiness for submission to WG. A copy of the 2015 AMR is attached.
- 3.6 In tandem, the team are in the process of preparing a Deposit Replacement Local Development Plan that will supersede the Adopted LDP and cover the plan period up to 2031.
- 3.7 The work on the Deposit Replacement LDP is well advanced, however the process is highly reliant on other service areas for their input and the reducing resources across the board has impacted on the ability of other service areas to feed into this work in a timely manner.
- 3.8 The input of Strategic Planning is also extremely important in respect of planning applications that are contrary to policy. In this context the policy advice on such sites can be critical and additional pressure has been placed on the Policy Team as a consequence.

4. WHAT SERVICE USERS THINK

- 4.1 In 2014-15 Data Unit Wales conducted two customer satisfaction surveys aimed at assessing the views of people that had received a planning application decision during the period. The first covered the period April 2014 - September 2014 and the second covered the period October 2014 - March 2015. The following feedback is based on the combined results of both surveys.
- 4.2 The surveys were sent to 328 people, 56 of whom submitted a whole or partial response. The majority of responses (51%) were from local agents. 38% were from members of the public. 13% of respondents had their most recent planning application refused. Respondents were asked whether they agreed or disagreed with a series of statements about the planning service. They were given the following answer options:
- Strongly agree;
 - Tend to agree;
 - Neither agree nor disagree;
 - Tend to disagree; and
 - Strongly disagree.

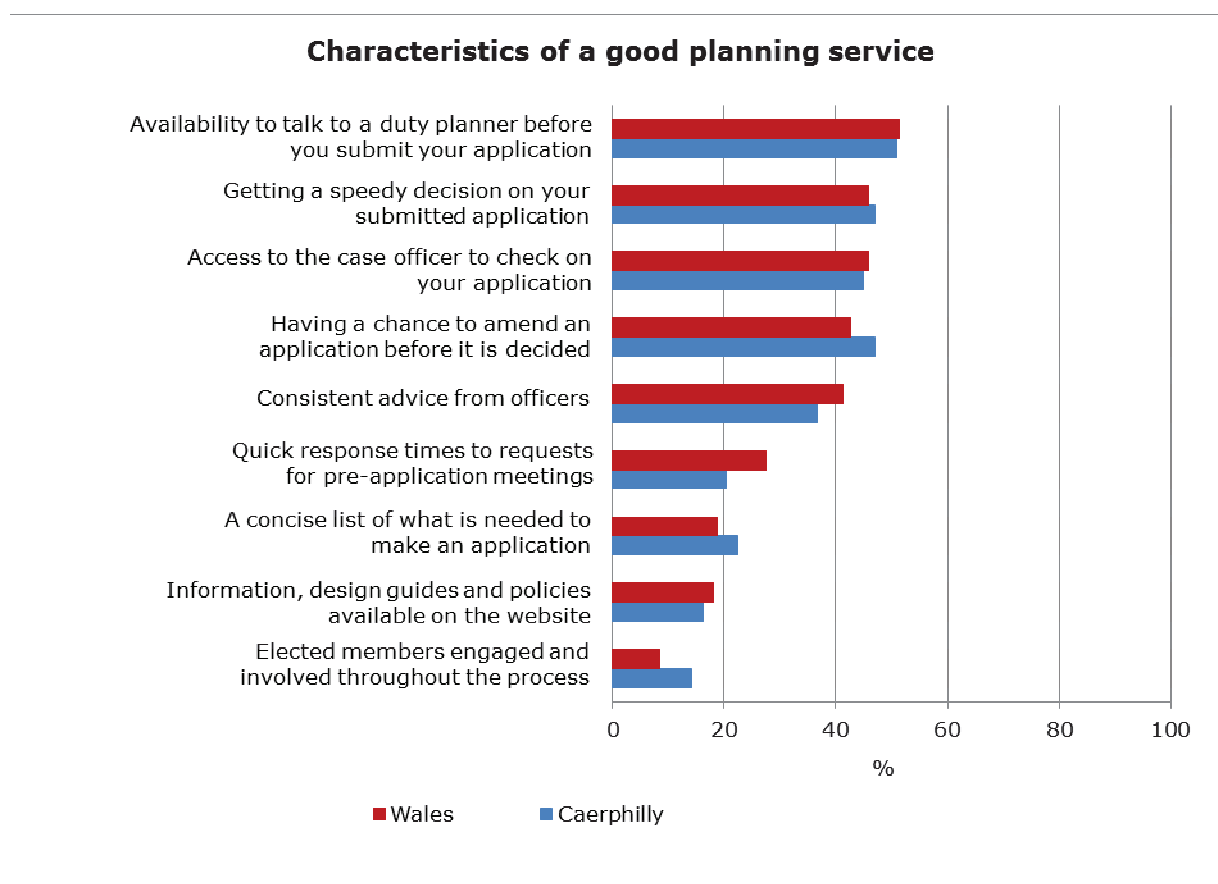
Table 1 shows the percentage of respondents that selected either 'tend to agree' or 'strongly agree' for each statement for both our planning authority and Wales. Whilst the statistical significance of the results is questionable in view of the number of replies received (56), clearly measures need to be considered to improve the response of service users, particularly in respect of keeping them informed about their applications.

Table 1 : The percentage of respondents who agreed with each statement, 2014-15

Percentage of respondents who agreed that:	%	
	Caerphilly LPA	Wales
The LPA enforces its planning rules fairly and consistently	51	45
The LPA gave good advice to help them make a successful application	52	57
The LPA gives help throughout, including with conditions	48	48
The LPA responded promptly when they had questions	54	55
They were listened to about their application	54	56
They were kept informed about their application	39	46
They were satisfied overall with how the LPA handled their application	51	57

4.3 The Data Unit also asked respondents to select three characteristics of a local planning authority that they thought would most help them achieve successful developments. Figure 1 shows how often each characteristic was selected as a percentage of the total number of selections (i.e. the elements of greatest importance to our customers). For Caerphilly County Borough local planning authority, 'the availability to talk to a duty planner before submitting an application' was the most popular choice, which is a service that we provide.

Figure 1 Characteristics of a good planning service, Caerphilly LPA, 2014-15



4.4 There were some positive comments received including the following:

"One of the best LPAs to deal with ... if not the best."

"Very helpful advice and explanations."

5. PERFORMANCE 2014-15

5.1 This section details our performance in 2014-15. It considers both the Planning Performance Framework indicators and other available data to help paint a comprehensive picture of performance. Where appropriate we make comparisons between our performance and the all Wales picture. Performance is analysed across the five key aspects of planning service delivery as set out in the Planning Performance Framework:

- Plan making;
- Efficiency;
- Quality;
- Engagement; and
- Enforcement.

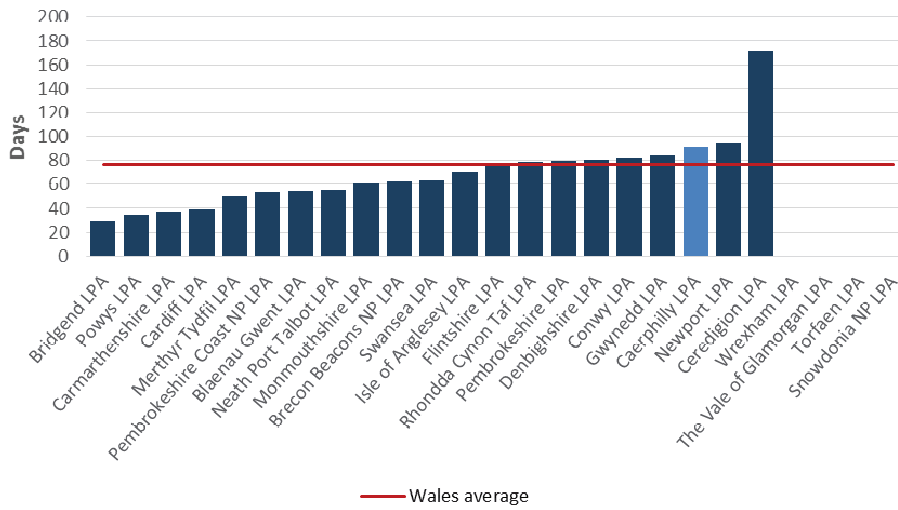
5.2 Plan making

As at 31 March 2015, we were one of 21 LPAs that had a current development plan in place. We are required to submit an Annual Monitoring Report in October 2015. This document has been prepared. During the APR period we had 2.5 years of housing land supply identified, making us one of 18 Welsh LPAs without the required 5 years supply.

5.3 Efficiency

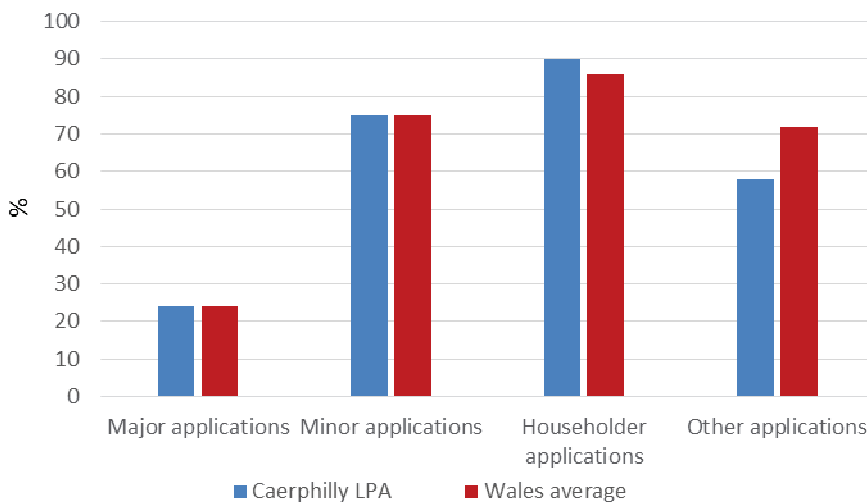
In 2014-15 we determined 995 planning applications, each taking, on average, 92 days (13 weeks) to determine. This compares to an average of 76 days (11 weeks) across Wales. This figure is influenced by the backlog of older applications that the LPA has to determine, i.e. the majority of applications are being determined in a more timely fashion, but one or two older applications can skew the overall figure. The LPA is intending to reduce the backlog, which will in the short term continue to skew the figures. Figure 2 shows the average time taken by each LPA to determine an application during the year.

Figure 2: Average time taken (days) to determine applications, 2014-15



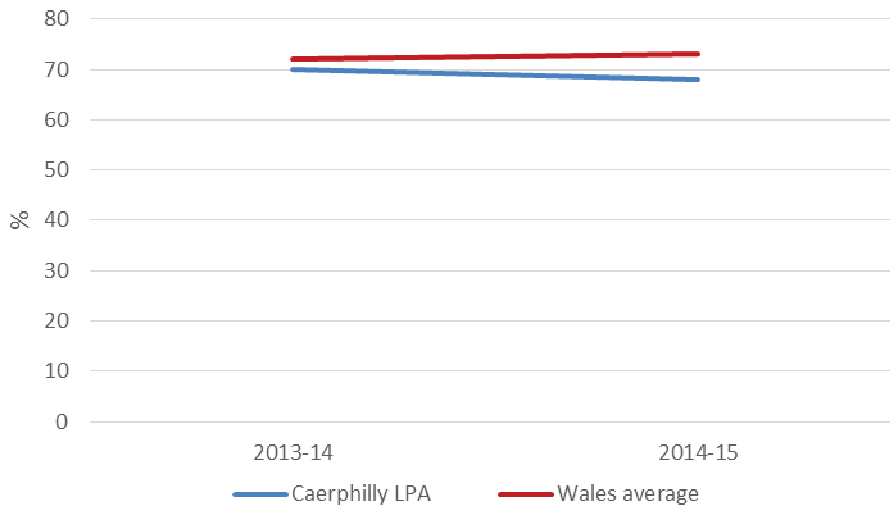
5.4 68% of all planning applications were determined within the required timescales. This compared to 73% across Wales and was below the 80% target. Only 5 out of 25 LPAs met the 80% target. Figure 3 shows the percentage of planning applications determined within the required timescales across the four main types of application for our LPA and Wales. It shows that we determined 90% of householder applications within the required timescales. The measures discussed in paragraph 2.6 are a recognition that the LPA needs to improve its efficiency in determining minor development applications, and other proposals in order to improve the overall figure.

Figure 3: Percentage of planning applications determined within the required timescales, by type, 2014-15



5.5 Between 2013-14 and 2014-15, as Figure 4 shows, the percentage of planning applications we determined within the required timescales decreased from 70%. Wales saw an increase this year.

Figure 4: Percentage of planning applications determined within the required timescales



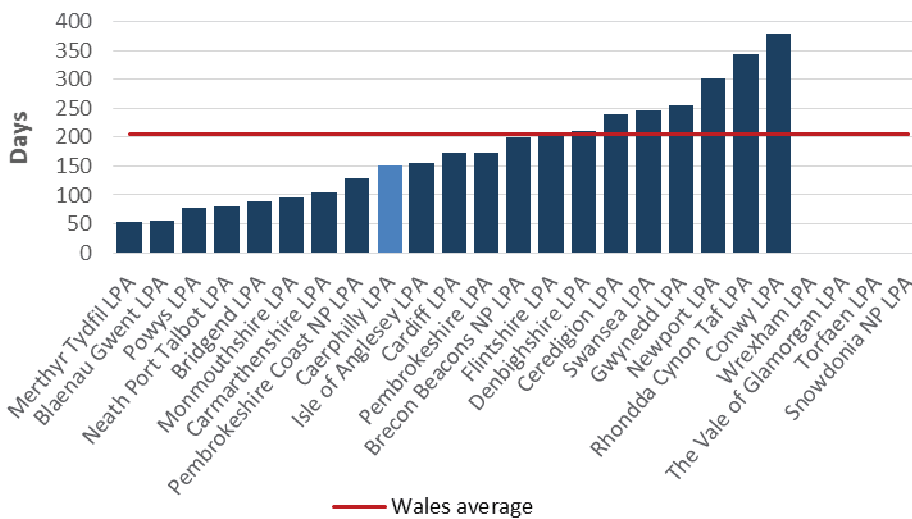
Over the same period:

- The number of applications we received decreased;
- The number of applications we determined increased; and
- The percentage of applications we approved increased.

5.6 Major applications

We determined 33 major planning applications in 2014-15, 6% (2 applications) of which were subject to an EIA. Each application (including those subject to an EIA) took, on average, 150 days (21 weeks) to determine. As Figure 5 shows, this was shorter than the Wales average of 206 days (29 weeks).

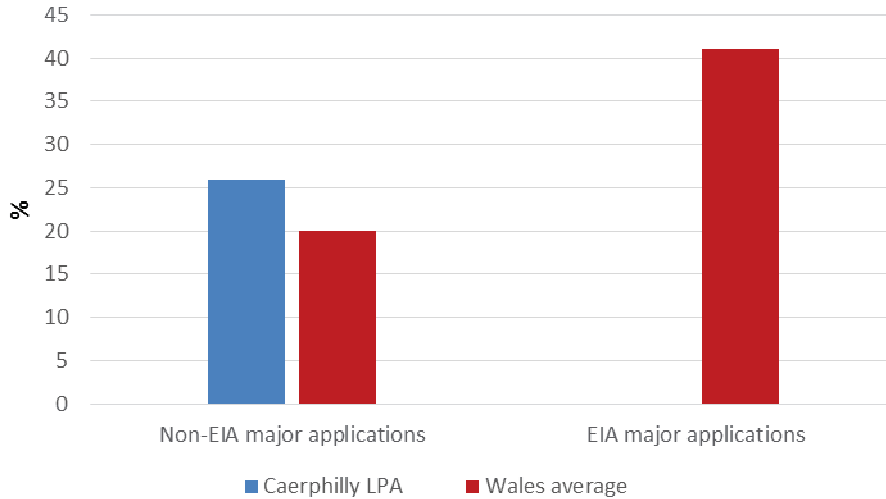
Figure 5: Average time (days) taken to determine a major application, 2014-15



24% of these major applications were determined within the required timescales, compared to 24% across Wales.

5.7 Figure 6 shows the percentage of major applications determined within the required timescales by the type of major application. 26% of our ‘standard’ major applications i.e. those not requiring an EIA, were determined within the required timescales during the year.

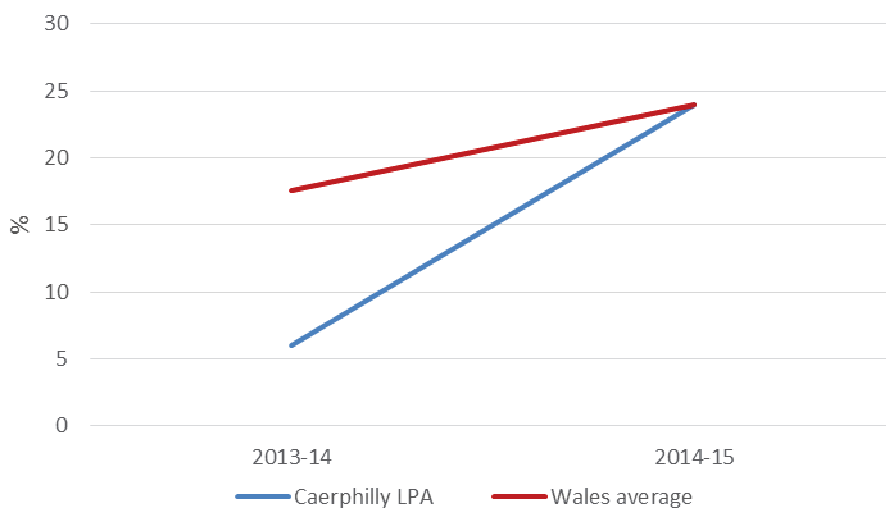
Figure 6: Percentage of major applications determined within the required timescales during the year, by type, 2014-15



Since 2013-14 the percentage of major applications determined within the required timescales had increased from 6%. Similarly, the number of major applications determined increased as had the number of applications subject to an EIA determined during the year.

5.8 Figure 7 shows the trend in the percentage of major planning applications determined within the required timescales in recent years and how this compares to Wales.

Figure 7: Percentage of major planning applications determined within the required timescales



Over the same period:

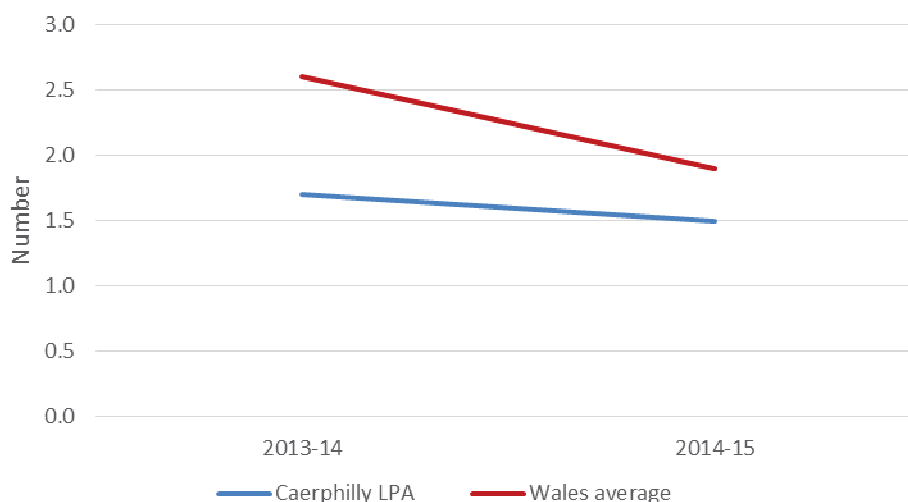
- The percentage of minor applications determined within the required timescales decreased from 78% to 75%;
- The percentage of householder applications determined within the required timescales increased from 87% to 90%; and
- The percentage of other applications determined within the required timescales stayed the same at 58%.

5.9 Quality

In the last two quarters of 2014-15 (October 2014 – March 2015) our Planning Committee made 43 planning application decisions, which equated to 10% of all planning applications determined. Across Wales 7% of all planning application decisions were made by planning committee over the same period. 2% of these member-made decisions went against officer advice. This compared to 11% of member-made decisions across Wales. This equated to 0.2% of all planning application decisions going against officer advice; 0.7% across Wales.

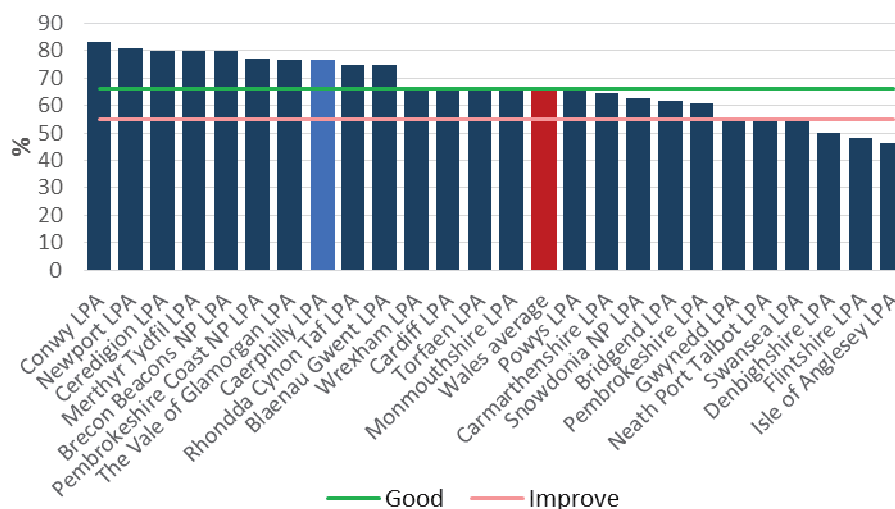
- 5.10 In 2014-15 we received 17 appeals against our planning decisions, which equated to 1.5 appeals for every 100 applications received. Across Wales 1.9 appeals were received for every 100 applications. Figure 8 shows how the volume of appeals received has changed since 2013-14 and how this compares to Wales.

Figure 8: Number of appeals received per 100 planning applications



Over the same period the percentage of planning applications approved decreased from 93% to 91%. Of the 17 appeals that were decided during the year, 76% were dismissed. As Figure 9 shows, this was higher than the percentage of appeals dismissed across Wales as a whole and we were one of 14 LPAs that reached the 66% target.

Figure 9: Percentage of appeals dismissed, 2014-15



During 2014-15 we had no applications for costs at a section 78 appeal upheld.

5.11 Engagement

We are:

- one of 22 LPAs that allowed members of the public to address the Planning Committee; and
- one of 20 LPAs that had an online register of planning applications, which members of the public can access, track their progress (and view their content).

5.11 As Table 2 shows, 52% of respondents to our 2014-15 customer satisfaction survey agreed that the LPA gave good advice to help them make a successful application.

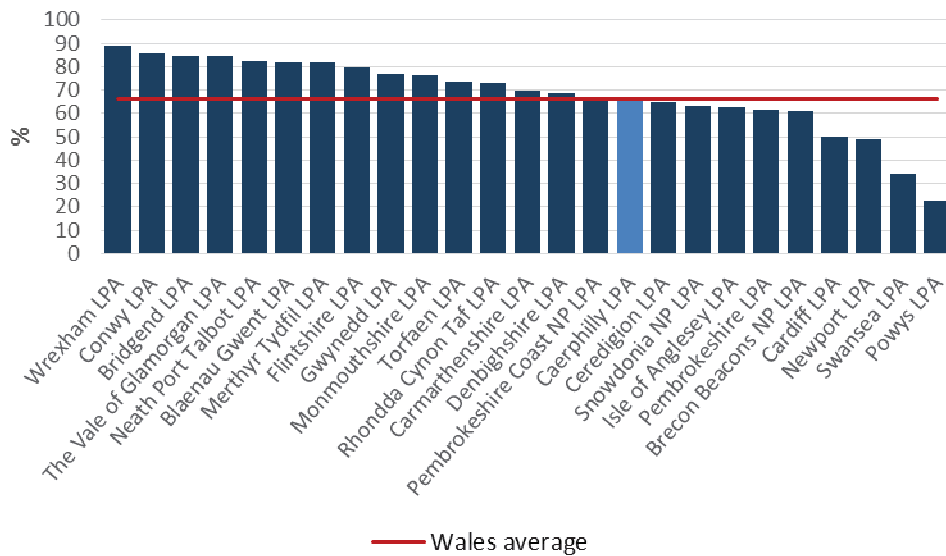
Table 2: Feedback from our 2014-15 customer satisfaction survey

	%	
Percentage of respondents who agreed that:	Caerphilly LPA	Wales
The LPA gave good advice to help them make a successful application	52	57
They were listened to about their application	54	56

5.12 Enforcement

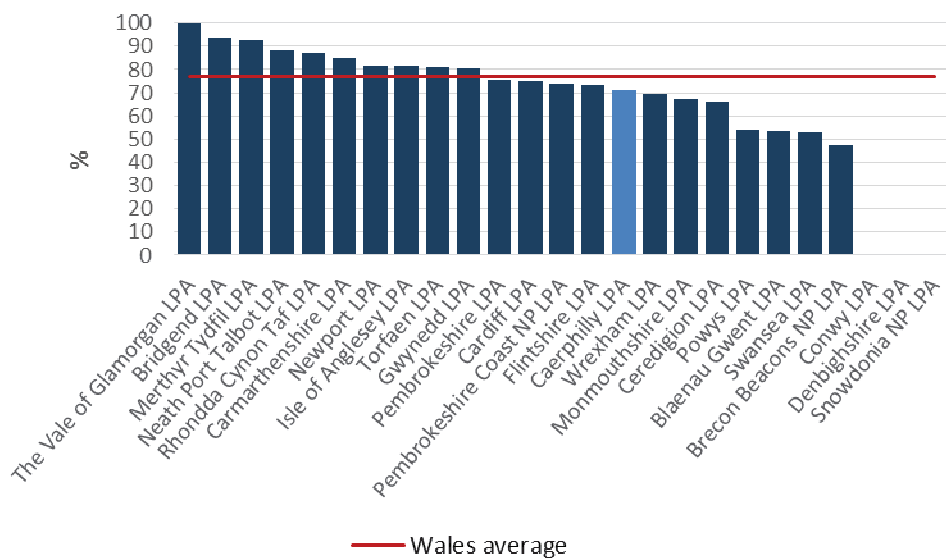
In 2014-15 we investigated 430 enforcement cases, which equated to 2.4 per 1,000 population. This compared to 2 enforcement cases investigated per 1,000 population across Wales. We took, on average, 32 days to investigate each enforcement case. We investigated 66% of these enforcement cases within 84 days. Across Wales 66% were investigated within 84 days. Figure 10 shows the percentage of enforcement cases that were investigated within 84 days across all Welsh LPAs.

Figure 10: Percentage of enforcement cases investigated within 84 days, 2014-15



Over the same period, we resolved 180 enforcement cases, taking, on average, 182 days to resolve each case. 71% of this enforcement action was taken within 180 days from the start of the case. As Figure 11 shows this compared to 77% of enforcement cases resolved within 180 days across Wales.

Figure 11: Percentage of enforcement cases resolved in 180 days, 2014-15



APPENDIX

ANNEX A - PERFORMANCE FRAMEWORK

OVERVIEW

MEASURE	GOOD	FAIR	IMPROVE
Plan making			
Is there a current Development Plan in place that is within the plan period?	Yes		No
LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	<12	13-17	18+
Annual Monitoring Reports produced following LDP adoption	Yes		No
The local planning authority's current housing land supply in years	>5	4-4.9	<4
Efficiency			
Percentage of "major" applications determined within time periods required	Not set	Not set	Not set
Average time taken to determine "major" applications in days	Not set	Not set	Not set
Percentage of all applications determined within time periods required	>80	60.1-79.9	<60
Average time taken to determine all applications in days	Not set	Not set	Not set
Quality			
Percentage of Member made decisions against officer advice	Not set	Not set	Not set
Percentage of appeals dismissed	>66	55.1-65.9	<55
Applications for costs at Section 78 appeal upheld in the reporting period	0	1	2
Engagement			
Does the local planning authority allow members of the public to address the Planning Committee?	Yes		No
Does the local planning authority have an officer on duty to provide advice to members of the public?	Yes		No

WALES AVERAGE	Caerphilly LPA LAST YEAR	Caerphilly LPA THIS YEAR
Yes	Yes	Yes
60	N/A	N/A
Yes	Yes	Yes
4.2	3.5	2.5
24	6	24
206	No Data	150
73	70	68
76	No Data	92
11	0.1	2
66	60	76
0	0	0
Yes	Yes	Yes
Yes	Yes	Yes

APPENDIX

MEASURE	GOOD	FAIR	IMPROVE
Does the local planning authority's web site have an online register of planning applications, which members of the public can access, track their progress (and view their content)?	Yes	Partial	No
Enforcement			
Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	Not set	Not set	Not set
Average time taken to investigate enforcement cases	Not set	Not set	Not set
Percentage of enforcement cases where enforcement action is taken or a retrospective application received within 180 days from the start of the case (in those cases where it was expedient to enforce)?	Not set	Not set	Not set
Average time taken to take enforcement action	Not set	Not set	Not set

WALES AVERAGE	Caerphilly LPA LAST YEAR	Caerphilly LPA THIS YEAR
Yes	Yes	Yes
Enforcement		
66	No Data	66
71	No Data	31.5
77	No Data	71
175	No Data	182

SECTION 1 – PLAN MAKING

Indicator	01. Is there a current Development Plan in place that is within the plan period?	
“Good”	“Fair”	“Improvement needed”
A development plan (LDP or UDP) is in place and within the plan period	N/A	No development plan is in place (including where the plan has expired)

Authority’s performance	Yes
Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010	

Indicator	02. LDP preparation deviation from the dates specified in the original Delivery Agreement, in months	
“Good”	“Fair”	“Improvement needed”
The LDP is being progressed within 12 months of the dates specified in the original Delivery Agreement	The LDP is being progressed within between 12 and 18 months of the dates specified in the original Delivery Agreement	The LDP is being progressed more than 18 months later than the dates specified in the original Delivery Agreement

Authority’s performance	N/A
Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010	
The LDP was progressed within 12 months of the dates specified in the original Delivery Agreement	

Indicator	03. Annual Monitoring Reports produced following LDP adoption	
“Good”		“Improvement needed”
An AMR is due, and has been prepared		An AMR is due, and has not been prepared

Authority’s performance	Yes
During this review period, i.e. 2014/15 the Council has prepared the fourth AMR to be prepared for the Adopted LDP. This monitors the period from 1 st April 2014 to 31 st March 2015. The 2015 AMR is currently being taken through the committee reporting process in readiness for submission to WG. A copy of the 2015 AMR is attached.	

Indicator	04. The local planning authority's current housing land supply in years	
"Good"	"Fair"	"Improvement needed"
The authority has a housing land supply of more than 5 years	The authority has a housing land supply of between 4 and 5 years	The authority has a housing land supply of less than 4 years

Authority's performance	2.5
The Council is actively working to increase the supply of housing land through a number of measures including: The early review of the Adopted LDP; the release of Council owned land for development; the development of a unique delivery model to facilitate the development of challenging sites; and a pragmatic approach to development management where appropriate.	

SECTION 2 - EFFICIENCY

Indicator	05. Percentage of "major" applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	24
<p>The LPA is seeking to improve this figure by setting up development team meetings on a weekly basis consisting of case officers and Council based consultees. The purpose of the meetings are to review the applications on the previous week's weekly list with the emphasis on non-householder applications with a view to:</p> <ol style="list-style-type: none"> a) Review validation based on <ul style="list-style-type: none"> • 1 app forms • Local list to see whether we should invalidate any applications and ask for more information b) Identify a minimum of 80% of applications to be determined within 8 weeks and set targets for their determination c) Identify the applications that should be a straight refusal, d) Identify likely committee cases, and the committee to which they will be reported d) Identify the additional information required to assist the determination of the applications bearing in mind the 80% target e) Review all applications that become over 8 weeks old as of that week and decide on a course of action 	

Indicator	06. Average time taken to determine "major" applications in days	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	150
See above	

Indicator	07. Percentage of all applications determined within time periods required	
"Good"	"Fair"	"Improvement needed"
More than 80% of applications are determined within the statutory time period	Between 60% and 80% of applications are determined within the statutory time period	Less than 60% of applications are determined within the statutory time period

Authority's performance	68
See above	

Indicator	08. Average time taken to determine all applications in days	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	92
The LPA is satisfied with its performance in respect of this indicator, but as set out above, is seeking to improve its performance in respect of other types of planning application.	

SECTION 3 - QUALITY

Indicator	09. Percentage of Member made decisions against officer advice	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	2
The LPA considers that there must be reasonable scope for members to disagree with officer recommendations.	

Indicator	10. Percentage of appeals dismissed	
“Good”	“Fair”	“Improvement needed”
More than 66% (two thirds) of planning decisions are successfully defended at appeal	Between 55% and 66% of planning decisions are successfully defended at appeal	Less than 55% of planning decisions are successfully defended at appeal

Authority’s performance	76
The LPA considers this figure to be good.	

Indicator	11. Applications for costs at Section 78 appeal upheld in the reporting period	
“Good”	“Fair”	“Improvement needed”
The authority has not had costs awarded against it at appeal	The authority has had costs awarded against it in one appeal case	The authority has had costs awarded against it in two or more appeal cases

Authority’s performance	0
The LPA considers this figure to be good.	

SECTION 4 – ENGAGEMENT

Indicator	12. Does the local planning authority allow members of the public to address the Planning Committee?	
“Good”		“Improvement needed”
Members of the public are able to address the Planning Committee		Members of the public are not able to address the Planning Committee

Authority’s performance	Yes

Indicator	13. Does the local planning authority have an officer on duty to provide advice to members of the public?	
“Good”		“Improvement needed”
Members of the public can seek advice from a duty planning officer		There is no duty planning officer available

Authority’s performance	Yes

Indicator	14. Does the local planning authority's web site have an online register of planning applications, which members of the public can access track their progress (and view their content)?	
"Good"	"Fair"	"Improvement needed"
All documents are available online	Only the planning application details are available online, and access to other documents must be sought directly	No planning application information is published online

Authority's performance	Yes

SECTION 5 – ENFORCEMENT

Indicator	15. Percentage of enforcement cases investigated (determined whether a breach of planning control has occurred and, if so, resolved whether or not enforcement action is expedient) within 84 days	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	66
The LPA is seeking to improve this figure by setting up weekly meetings to review cases received and decide promptly what action if any will be taken.	

Indicator	16. Average time taken to investigate enforcement cases	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	31.5
See above	

Indicator	17. Percentage of enforcement cases where enforcement action is taken or a retrospective application received within 180 days from the start of the case (in those cases where it was expedient to enforce)	
"Good"	"Fair"	"Improvement needed"
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority's performance	71
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See above

Indicator	18. Average time taken to take enforcement action	
“Good”	“Fair”	“Improvement needed”
Target to be benchmarked	Target to be benchmarked	Target to be benchmarked

Authority’s performance	182
See above	

SECTION 6 – SUSTAINABLE DEVELOPMENT INDICATORS

The purpose of the Sustainable Development Indicators is to measure the contribution the planning system makes to sustainable development in Wales.

The Sustainable Development Indicators will be used to measure the progress against national planning sustainability objectives, set out in Planning Policy Wales, and can be used to demonstrate to our stakeholders the role and scope of the planning system in delivering wider objectives. The information will also be useful to local planning authorities to understand more about the outcomes of the planning system and help inform future decisions.

Indicator	SD1. The floorspace (square metres) granted and refused planning permission for new economic development on allocated employment sites during the year.
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Granted (square metres)	
Authority’s data	729

Refused (square metres)	
Authority’s data	0

The two influences the LPA can have on this indicator are the allocation of land through the LDP, and determination of subsequent planning applications. It is evident that the LPA has not been minded to refuse such applications, and where possible, will seek through negotiation to improve a submitted scheme rather than refuse permission.

Indicator	SD2. Planning permission granted for renewable and low carbon energy development during the year.
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Granted permission (number of applications)	
Authority’s data	4

Granted permission (MW energy generation)	
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Authority's data	33
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The LPA has granted a number of permissions for wind turbines and solar farms over the past year.

Indicator	SD3. The number of dwellings granted planning permission during the year.
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Market housing (number of units)	
Authority's data	165

Affordable housing (number of units)	
Authority's data	34

The two influences the LPA can have on this indicator are the allocation of land through the LDP, and determination of subsequent planning applications. The LPA is not minded to refuse sustainable schemes, and where possible, will seek through negotiation to improve a submitted scheme rather than refuse permission.

Indicator	SD4. Planning permission granted and refused for development in C1 and C2 floodplain areas during the year.
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Number of residential units (and also hectares of non-residential units) that DID NOT meet all TAN 15 tests which were GRANTED permission	
Authority's data	6

Number of residential units (and also hectares of non-residential units) that did not meet all TAN 15 tests which were REFUSED permission on flood risk grounds	
Authority's data	16

Number of residential units (and also hectares of non-residential units) that MET all TAN 15 tests which were GRANTED permission	
Authority's data	11

The LPA applies the TAN15 tests where appropriate.

Indicator	SD5. The area of land (ha) granted planning permission for new development on previously developed land and greenfield land during the year.
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Previously developed land (hectares)	
Authority's data	38

Greenfield land (hectares)	
Authority's data	61

There will always be a mix of brownfield and greenfield land in order to ensure a steady supply of land for sustainable development including housing.

Indicator	SD6. The area of public open space (ha) that would be lost and gained as a result of development granted planning permission during the quarter.
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Open space lost (hectares)	
Authority's data	1

Open space gained (hectares)	
Authority's data	0

Policy CW7 of the adopted LDP protects open space and includes criteria for the consideration of any application on such land.

Indicator	SD7. The total financial contributions (£) agreed from new development granted planning permission during the quarter for the provision of community infrastructure.
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Gained via Section 106 agreements (£)	
Authority's data	539,403

Gained via Community Infrastructure Levy (£)	
Authority's data	0

The LPA introduced CIL in July 2014. The amount received will depend on the number and type of developments that gain planning permission and are implemented.

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APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
15/0370/FULL 02.06.2015	Miss E Kemp 3 The Paddocks Trelewis CF46 6DQ	Erect two dwellings with associated groundwork and access 53 High Street Fleur-de-lis Blackwood NP12 3UE	Granted 28.09.2015
15/0509/FULL 20.07.2015	Mr N Lloyd Meek 20 Heol Graig Wen Penyrheol Caerphilly CF83 2JP	Construct rear dormer and internal alterations 20 Heol Graig Wen Penyrheol Caerphilly CF83 2JP	Granted 28.09.2015
15/0511/FULL 21.07.2015	Mr B Singh Tresguthan Farm Draethen Newport NP10 8GB	Erect a single-storey side extension Tresguthan Farm Draethen Newport NP10 8GB	Granted 28.09.2015
15/0608/FULL 04.08.2015	Mrs J Larsen 4 Bronrhiw Avenue Caerphilly CF83 1HF	Erect a single-storey extension to the side of the property and a first floor extension over existing rear extension 4 Bronrhiw Avenue Caerphilly CF83 1HF	Granted 28.09.2015
15/0700/FULL 01.09.2015	Premier Forest Products West Way Road Alexander Dock Newport NP20 2PQ	Install a 250kW roof mount photovoltaic system Units A-B, C & D Croespenmaen Industrial Estate Croespenmaen Newport	Granted 29.09.2015
15/0029/FULL 15.01.2015	Endurance Wind Power Mr S Barber Unit 314 Hartlebury Trading Estate Hartlebury Worcestershire DY10 4JB	Erect (and operate) a single wind turbine up to 36.6m tip height with electrical control cabinet and formation of temporary access trackway Cefn-y-brithdir Farm Mountain Road Cefn-Y-Brithdir To Tirphil Brithdir New Tredegar	Granted 30.09.2015

15/0493/FULL 13.07.2015	Ms J Aitkenhead 21 Heol Celyn Hengoed Caerphilly CF82 7NS	Erect single-storey rear extension with roof windows, provide new access to existing hard standing and erect a timber pergola over 21 Heol Celyn Hengoed CF82 7NS	Granted 30.09.2015
15/0623/RET 05.08.2015	Miss L Greenhouse 14 Trosnant Crescent Penybryn Hengoed CF82 7FU	Retain garden shed extension 14 Trosnant Crescent Penybryn Hengoed CF82 7FU	Granted 30.09.2015
15/0418/FULL 22.06.2015	KS SPV51 Ltd C/o Laurence Associates Mr J Lee Lander House May Court Threemilestone Business Park Truro Cornwall TR4 9LD	Provide an access track for the construction of a solar park with attendant infrastructure being determined by Merthyr Tydfil County Borough Council Access Track On Land At Cwm Bargoed West Of Fochriw Merthyr Tydfil	Granted 01.10.2015
15/0540/FULL 17.08.2015	Mr D Davies 71 Bedwlwyn Road Ystrad Mynach Hengoed CF82 7AB	Provide store at rear of hall Scouts And Guides' Hall Central Street Ystrad Mynach Hengoed	Granted 01.10.2015
15/0139/FULL 02.03.2015	Mr & Mrs P Morgan The Ranch New Row Machen Caerphilly CF83 8NX	Demolish dwelling and construct one replacement and three new dwellings The Ranch New Row Machen Caerphilly	Granted 02.10.2015
15/0494/FULL 13.07.2015	Mr S Morgan 10 Pond Row Cwmcarn Newport NP11 7LX	Erect detached garage 10 Pond Row Cwmcarn Newport NP11 7LX	Granted 02.10.2015
15/0532/FULL 07.08.2015	Mrs Watts Church House Hafod-Yr-Ynys Road Crumlin Newport NP11 3PE	Remove existing front porch and construct slightly larger porch in stone with white UPVC fenestration and a slate roof Church House Hafod-Yr-Ynys Road Crumlin Newport	Granted 02.10.2015

15/0525/FULL 27.07.2015	Mrs A Dirar 21 Heol Rhos Caerphilly CF83 2BE	Convert loft with associated roof extension and velux windows 21 Heol Rhos Caerphilly CF83 2BE	Granted 05.10.2015
15/0491/FULL 28.07.2015	Mr A F Morris 15 Crown Lane Pontllanfraith Blackwood NP12 2GD	Erect extension to porch 15 Crown Lane Pontllanfraith Blackwood NP12 2GD	Granted 05.10.2015
15/0660/FULL 10.08.2015	Mr S Pace 2 Gellideg Heights Maesycwmmmer Hengoed CF82 7RL	Demolish existing garage and carport, build a new single-storey extension to the side and rear to create a new utility room and garage and erect a new car port to the side 2 Gellideg Heights Maesycwmmmer Hengoed CF82 7RL	Granted 05.10.2015
15/0571/NMA 07.09.2015	Mr M Bowden 4 Ty Nant Penyrheol Caerphilly CF83 2RA	Seek a non-material amendment to planning consent 15/0312/FULL (Construct a single-storey side extension and over-clad the existing dwelling with facing brickwork including associated external works) to change the proposed roof covering from existing metrotile to slate 4 Ty Nant Penyrheol Caerphilly CF83 2RA	Granted 05.10.2015
14/0129/NCC 06.03.2014	Gryphonn Concrete Products C/o Harmers Limited Mr A Muir 39 Lambourne Crescent Cardiff Business Park Llanishen Cardiff CF14 5GG	Vary conditions 3 & 4 of Planning Permission 07/1477/OUT to extend the period of time within which to submit reserved matters and commence development Gryphonn Concrete Products Viaduct Works New Road Hengoed	Granted 06.10.2015
15/0436/NCC 26.06.2015	Miss E Pask & Mr J Lloyd 3 Oak Tree Rise Homeleigh Newbridge NP11 4RH	Vary Condition 13 of planning consent 07/0618/FULL (Erect detached house and garage) to allow the condition to be discharged retrospectively 3 Oak Tree Rise Homeleigh Newbridge Newport	Granted 06.10.2015

15/0519/FULL 24.07.2015	Mrs Y Gingell The Maples Cwmtorlais Road Newbridge Newport NP11 4LY	Enlarge existing garage The Maples Cwmtorlais Road Newbridge Newport	Granted 06.10.2015
15/0382/COU 05.06.2015	Tilley Beddoe Mrs R Duggan 185 High Street Blackwood NP12 1AA	Change use of premises to provide a coffee shop to the ground and first floor and retain retail space to basement level 185 High Street Blackwood NP12 1AA	Granted 07.10.2015
15/0513/ADV 22.07.2015	Bestway Group 1 Angel Square Manchester M60 0AG	Erect two internally illuminated fascia signs Co-op Pharmacy The Bryn Trethomas Caerphilly	Granted 07.10.2015
15/0600/FULL 04.08.2015	Mr N Thomas 3 Bristol Terrace Brithdir New Tredegar NP24 6JG	Erect a two-storey rear extension with internal alterations 3 Bristol Terrace Brithdir New Tredegar NP24 6JG	Granted 07.10.2015
15/0648/ADV 06.08.2015	Miss E Ferreira 1 Cardiff Road Treharris Merthyr Tydfil CF46 5EY	Display a fascia sign showing the name and logo of the business in white, black and red The Icing On Top West End House 225 High Street Blackwood	Granted 07.10.2015
15/0546/FULL 18.08.2015	Mr R Burge 70 St David's Way Watford Caerphilly CF83 1EZ	Erect a porch to the front of the property 70 St David's Way Watford Caerphilly CF83 1EZ	Granted 07.10.2015
15/0360/FULL 25.05.2015	Mr L Hall 11 Cefn Road Blackwood NP12 1QA	Erect dormer extension with internal alterations 13 Rising Sun Close Oakdale Blackwood NP12 0JB	Granted 08.10.2015
15/0424/ADV 24.06.2015	McDonald's Restaurants Ltd 11-59 High Road East Finchley London N2 8AW	Reconfigure existing signage suite Crossways Park Parc Pontypandy Caerphilly	Granted 08.10.2015
15/0472/FULL 17.07.2015	Mr J Lovell 16 Griffiths Street Ystrad Mynach Hengoed CF82 7AW	Erect ground floor porch to front elevation and two-storey rear extension including basement 16 Griffiths Street Ystrad Mynach Hengoed CF82 7AW	Granted 08.10.2015

15/0667/CLEU 13.08.2015	Mrs E Edmonds 32 Glyn Derwen Llanbradach Caerphilly CF83 3PQ	Obtain a Lawful Development Certificate for the existing extension 32 Glyn Derwen Llanbradach Caerphilly CF83 3PQ	Granted 08.10.2015
15/0668/FULL 14.08.2015	Mr & Mrs G Carter 9 Warn's Terrace Abertysswg Tredegar NP22 5AG	Erect a two-storey extension to the rear of the dwelling 9 Warn's Terrace Abertysswg Tredegar NP22 5AG	Refused 09.10.2015
15/0545/FULL 17.08.2015	Mr D Richards 47 Woodbine Road Blackwood NP12 1QF	Erect a single and double storey extension to create utility room, living room and bedroom 47 Woodbine Road Blackwood NP12 1QF	Granted 09.10.2015
15/0522/FULL 24.07.2015	Mr A Panes Duffryn Tawel Rudry Caerphilly CF83 3EB	Erect a single storey extension Duffryn Tawel Rudry Caerphilly CF83 3EB	Granted 12.10.2015
15/0658/LA 07.08.2015	Caerphilly County Borough Council Assistant Director Of Education Mr B Hopkins Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG	Erect modular building for Flying Start provision Blackwood Primary School Apollo Way Blackwood NP12 1WA	Granted 12.10.2015
15/0541/FULL 17.08.2015	Mr G Spillar 19 Brynheulog Street Penybryn Hengoed CF82 7GD	Convert existing single-storey extension into a two-storey extension to create additional bedroom, together with a new workshop 19 Brynheulog Street Penybryn Hengoed CF82 7GD	Granted 12.10.2015

15/0591/NMA 16.09.2015	Natural Resources Wales C/o Ove Arup Partners Limited Ms N Queffurus Arup 4 Pierhead Street Cardiff CF10 4QP	Seek approval of a non-material amendment to the wording and plans as stated in Condition 04 of planning consent 14/0611/FULL (Construct flood defences, improve and maintain existing flood defences along the River Ebbw as part of the Risca Flood Risk Management Scheme plus associated engineering operations and landscape works) Land On The Northern Bank Of The River Ebbw Between Crosskeys And Pontymister Risca Newport	Granted 12.10.2015
15/0479/RET 21.07.2015	Mr S Gledhill 157 Bedwellty Road Aberbargoed Bargoed CF81 9DN	Retain boundary wall and drop kerb to provide vehicle entrance to new parking at front of property 157 Bedwellty Road Aberbargoed Bargoed CF81 9DN	Granted 14.10.2015
15/0547/FULL 30.07.2015	Mr M Taylor 4 Ivy Bush Cottages Oakdale Blackwood NP12 0DY	Erect a double-storey rear extension 4 Ivy Bush Cottages Oakdale Blackwood NP12 0DY	Granted 14.10.2015
15/0549/FULL 06.08.2015	Mr B Price 64 Bailey Street Deri Bargoed CF81 9HU	Erect a new dwelling Land Adjacent To 64 Bailey Street Deri Bargoed	Granted 14.10.2015
15/0671/FULL 19.08.2015	Ms J Woosnam Ty Berllan Navigation Street Trethomas Caerphilly CF83 8FR	Erect a first floor side extension Ty Berllan Navigation Street Trethomas Caerphilly	Granted 14.10.2015
15/0552/FULL 20.08.2015	Mr Adamson 22 Central Avenue Oakdale Blackwood NP12 0JT	Erect a conservatory to the rear elevation 22 Central Avenue Oakdale Blackwood NP12 0JT	Granted 14.10.2015

15/0325/COU 11.05.2015	GWALIA Properties White Acre Glasllwch Lane Newport NP20 3PS	Convert existing first floor storage into two apartments, and sub-divide existing ground floor retail area into two independent shops 127 - 129 Commercial Street Pontymister Risca Newport	Granted 15.10.2015
15/0500/FULL 13.07.2015	Mrs J Heywood Tai-Yr-Ynys Off Bedwellty Road Aberbargoed Bargoed CF81 9AF	Erect one residential dwelling with a detached double garage Land Rear Of 1, 2 & 3 Bedwellty Road Aberbargoed Bargoed	Granted 15.10.2015
15/0662/FULL 11.08.2015	AMS Heating & Plumbing Ltd Mr A Maggs Unit 24 Penmaen Business Centre Pontllanfraith Blackwood NP12 2DZ	Construct one new dwelling Land Adjacent To Ty Ffynnon Park Terrace Woodfieldside Blackwood	Granted 15.10.2015
15/0550/FULL 20.08.2015	Mr R Brain Premier Alterstart 4-5 Lower Brook Street Abercarn Newport NP11 5JA	Erect five no. three bedroom town houses Premier Alterstart 4-5 Lower Brook Street Abercarn Newport	Refused 15.10.2015
15/0553/FULL 20.08.2015	Mr J Morgan 9 Ynys Bery Close Caerphilly CF83 2AZ	Erect a first floor extension 9 Ynys Bery Close Caerphilly CF83 2AZ	Refused 15.10.2015
15/0673/FULL 20.08.2015	Mr Halligan 9 Llanfedw Close Porset Caerphilly CF83 3NP	Erect first floor extension 9 Llanfedw Close Porset Caerphilly CF83 3NP	Granted 15.10.2015
15/0246/FULL 18.03.2015	Mr S Sharma C/o JDW Architects Mr T Knowles Ground Floor 126 Caerleon Road Newport NP19 7GS	Erect a new building consisting of four apartments and associated car parking and a private and communal amenity space 5A Commercial Road Abercarn Newport NP11 5AH	Granted 16.10.2015

15/0663/FULL 11.08.2015	Mr & Mrs J Lacey 14 Brambling Crescent Penallta Hengoed CF82 6BF	Erect a conservatory at the back of the property 14 Brambling Crescent Penallta Hengoed CF82 6BF	Granted 16.10.2015
15/0665/RET 11.08.2015	Mr S Reed 12 Woodland Drive Trinant Newport NP11 3LP	Retain existing decking 12 Woodland Drive Trinant Newport NP11 3LP	Granted 16.10.2015
15/0538/RET 12.08.2015	Mr R M Poole 19 Stonerwood View Pantside Newport NP11 5DF	Retain and extend hardstanding within front curtilage and provide an extension to the bin area 19 Stonerwood View Pantside Newport NP11 5DF	Granted 19.10.2015
15/0672/COU 19.08.2015	Screwfix Direct Ltd Trade House Mead Avenue Houndstone Business Park Yeovil BA22 8RT	Change the use from Class B2 (General Industrial) to Class B8 (Storage or Distribution) together with minor external alterations Unit A3 Pinewood Court (Block A) St Davids Industrial Estate Pengam	Granted 19.10.2015
15/0588/NMA 21.09.2015	Mr C Hagen Highfield Bungalow The Graig Cwmcarn Newport NP11 7FA	Seek approval of a non- material amendment to planning permission 12/0786/FULL (Carry out loft extension to provide one bedroom and one study) to change to one large flat roof dormer Highfield Bungalow The Graig Cwmcarn Newport	Granted 19.10.2015
15/0594/NMA 21.09.2015	Mr L Hemms 19 Montclair Avenue Blackwood NP12 1EE	Seek approval of a non- material amendment to planning permission 15/0341/FULL (Erect single- storey extension to rear of property) to remove sensory room 19 Montclair Avenue Blackwood NP12 1EE	Granted 19.10.2015
15/0633/COND 12.10.2015	Mr J Hinder Jax#1 55 Cardiff Road Bargoed CF81 8PA	Discharge condition 2 (sound insulation) of Planning Consent 15/0226/COU Jax#1 55 Cardiff Road Bargoed CF81 8PA	Decided 19.10.2015

15/0556/FULL 24.08.2015	Saltown Ltd Unit 5 - Lawrence Court Greenway Bedwas House Industrial Estate Bedwas Caerphilly CF83 8DW	Erect office and two industrial units, together with change of use of land to B2 industrial Unit 5 - Lawrence Court Greenway Bedwas House Industrial Estate Bedwas	Granted 20.10.2015
15/0681/FULL 25.08.2015	Mr J Hyde 11 Pentwyn Avenue Blackwood NP12 1HS	Replace three existing outbuildings with a domestic garage with storage area above Tirfilkins Farm Tir-Philkins Woodfieldside Blackwood	Granted 20.10.2015
15/0657/ADV 07.08.2015	Bestway Group Merchants Warehouse Castle Street Manchester M3 4LZ	Erect one internally illuminated fascia, one internally illuminated projector sign and two window vinyl graphics The Co-operative Pharmacy Unit 22 Rhymney Integrated Health And Social Care Centre The Lawns Industrial Estate	Granted 21.10.2015
15/0536/FULL 12.08.2015	Mrs R Resteghini 2 Hollybush Drive Sketty Swansea SA2 9JD	Demolish existing single-storey lean-to rear extension, erect a new lean-to extension to the rear of the ground floor and renew existing timber shop front and doors with UPVC shop front and doors with new brickwork infill panel at low level to match other adjacent shop-fronted premises 227 High Street Blackwood NP12 1AL	Granted 21.10.2015
15/0676/FULL 23.08.2015	Mr T Mehmood 34 Cefn Coed Road Cardiff CF23 6AR	Provide alterations to retail unit to create ancillary use to part of ground floor and create 3 apartments to a new first floor area (C3 use) 100 Pontygwindy Road Caerphilly CF83 3HF	Refused 21.10.2015
15/0407/FULL 17.06.2015	Mrs C Evans 99 The Meadows Marshfield Cardiff CF3 2DY	Replace two interconnected dilapidated dwellings with two separate dwellings Bridge Farm Gwern-Y-Goytre To Michaelston Bridge Michaelston-y-fedw Cardiff	Granted 22.10.2015

15/0534/FULL 10.08.2015	Mr D Crook 20 Waunfawr Terrace Crosskeys Newport NP11 7PE	Erect a pre-cast concrete garage 20 Waunfawr Terrace Crosskeys Newport NP11 7PE	Refused 22.10.2015
15/0575/FULL 08.09.2015	Mr D Block 12 Claremont Drive Quakers Yard Treharris CF46 5LJ	Erect rear and side single-storey extension and relocate garage 3 Heol Morien Nelson Treharris CF46 6JA	Granted 22.10.2015
15/0576/NMA 08.09.2015	Mr J Morris 18 Carn-y-Tyla Abertysswg Rhymney Tredegar NP22 5AF	Seek approval of non-material amendments to planning consent 14/0350/FULL (Demolish existing hospital building plus associated outbuildings and erect three two-storey terraced houses, two semi-detached houses and one dormer bungalow) to relocate front doors, remove bathroom windows to the front elevations and add bathroom windows to the side elevations Former Redwood Memorial Hospital The Terrace Rhymney Tredegar	Granted 22.10.2015

15/0765/NCC 09.09.2015	Natural Resources Wales C/o Ove Arup And Partners Limited Ms N Queffurus Arup 4 Pierhead Street Cardiff CF10 4QP	Vary condition 4 of planning consent 15/0335/FULL (Construct two new flood defences, together with the improvement and modification of one existing flood defence, along the River Ebbw as part of the Risca Flood Risk Management Scheme, plus associated engineering operations and landscape works) to change the working hours to between 8.00 a.m. and 6.00 p.m. on Monday to Friday and 9.00 a.m. and 1.00 p.m. on Saturdays until June 2016 with no works being carried out on Sundays or Bank Holidays Land On The Northern Bank Of The River Ebbw Between Crosskeys And Pontymister Risca Newport	Granted 22.10.2015
15/0590/FULL 18.09.2015	Mr J Van Ek 40 Griffiths Street Ystrad Mynach Hengoed CF82 7AW	Erect replacement garage 40 Griffiths Street Ystrad Mynach Hengoed CF82 7AW	Granted 22.10.2015
15/0605/NCC 25.09.2015	Mrs K Harry 64 Ty'n Y Parc Abertridwr Caerphilly CF83 4ED	Convert integral garage into living room/study 64 Ty'n Y Parc Abertridwr Caerphilly CF83 4ED	Granted 22.10.2015
15/0770/NCC 14.09.2015	Lightsource SPV 121 Limited Level 7 33 Holborn London EC1N 2HT	Vary Condition 02 of planning permission 14/0276/FULL (Provide photovoltaic solar park and ancillary infrastructure) in order to allow for a 5 year extension to the lifetime of the solar farm (to replace the '25 years' stated in the condition with '30 years') Cwmcaesingrug Farm Mynyddislwyn Mountain Road Mynyddislwyn Blackwood	Granted 23.10.2015

<p>15/0771/NCC 14.09.2015</p>	<p>Lightsource SPV 121 Limited Level 7 33 Holborn London EC1N 2HT</p>	<p>Vary Condition 02 of planning permission 14/0775/FULL (Erect a communications building ancillary to approved solar farm - planning reference number 14/0276/FULL) in order to allow for a 5 year extension to the lifetime of the solar farm (to replace the '25 years' stated in the condition with '30 years') Cwmcaesingrug Farm Mynyddislwyn Mountain Road Mynyddislwyn Blackwood</p>	<p>Granted 23.10.2015</p>
<p>15/0604/NOTA 25.09.2015</p>	<p>Mr D Terence Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly CF83 2TT</p>	<p>Erect lean-to structure to existing agricultural building Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly</p>	<p>Prior Approval Not Required 23.10.2015</p>

LIST OF PLANNING APPLICATIONS WHICH ARE OUT OF TIME/NOT DEALT WITH WITHIN 8 WEEKS OF DATE OF REGISTRATION

APPLICATION NUMBER DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/02/0265 13.03.02	First periodic review of planning conditions (Environment Act 1995) at Cae Glas Small Mine, Fochriw.	Seeking clarification about the status of the application.
13/0667/NCC 13.09.13	Vary Condition 1 of planning consent 07/1524/FULL (Construct 87 dwellings with associated garaging and car parking) to extend the period within which the development can commence at Suflex Estate Newport Road Pontymister Risca	Awaiting information about flooding.
13/0799/CLEU 08.11.13	Obtain a Lawful Development Certificate for the existing use of storing and servicing company vehicles, plant and mining machinery and as a heavy goods vehicle operating licensing centre at Caeglas Colliery Fochriw Road Fochriw Bargoed	Awaiting additional information.
13/0809/CLEU 19.11.13	Obtain Lawful Development Certificate for the commencement of works to implement planning consent for 87 houses with associated garaging and car parking (reference 07/1524/FULL) at Former Suflex Estate Newport Road Pontymister Risca	Subject to further discussion and consideration.
14/0328/FULL 19.05.14	Erect a detached six bedroom dwelling on Land Adjacent To Brook House Pandy-Mawr Road Bedwas Caerphilly	Awaiting amended plans.
14/0455/FULL 25.06.14	Construct a ground-mounted solar PV generation project and associated works at Darran Farm Argoed Blackwood	Awaiting archaeological assessment etc
14/0560/RET 22.08.14	Retain the extension of the domestic curtilage and the erection of a changing room and hot tub at 14 Cwm Darran Place Deri Bargoed	Subject to further consideration.
14/0678/OUT 14.10.14	Erect residential development of 3 no. detached dwellings with upgraded site access at Fair Oak Farm Woodland Terrace Argoed Blackwood	Subject to further discussions and consideration.

14/0745/LBC 20.10.14	Convert existing barn into habitable dwelling at Rhyd-y-gwern Farm Rhyd Y Gwern Lane Draethen Newport	Subject to further discussion and consideration.
14/0802/OUT 26.11.14	Erect residential development with associated public open space, landscaping and highways infrastructure including a new highway access from the A4049 and footpaths and the installation of new services and infrastructure, ecological mitigation and enhancement works and other ancillary works and activities at Land At Hawtin Park Gelli-haf Pontllanfraith Blackwood	Subject to further discussion and consideration.
15/0053/RET 20.01.2015	Retain the change of use from agricultural land to an educational based resource centre and retain the existing buildings on site at Lylac Ridge, Dan Y Graig Stables Dan Y Graig Road, Risca, Newport	Subject to further discussion and consideration.
15/0054/COU 20.01.15	Erect cattery at Llanbradach Fawr Farm Llanbradach Farm Lane Llanbradach Caerphilly	Awaiting highway information.
15/0060/COU 22.01.15	Convert first and second floors to 6 No. one bedroom flats at 1 Pentrebane Street Caerphilly	Awaiting additional information.
15/0139/FULL 02.03.2015	Demolish dwelling and construct one replacement and three new dwellings at The Ranch, New Row, Machen, Caerphilly	Awaiting views of consultees.
15/0148/LA 05.03.15	Provide public realm improvement works including hard and soft landscape works to the 'Village Green', footpath and the creation of a viewing platform with associated interpretation and artwork at Land At Bute Town Rhymney Tredegar	Subject to further discussion and consideration.
15/0163/FULL 06.03.15	Erect an extension to existing cafe to provide additional seating area at 24 Penallta Road Ystrad Mynach Hengoed	Awaiting additional information.
15/0177/OUT 08.03.15	Erect a detached dwelling at 66 Bryn Road Markham Blackwood	Awaiting appropriate certification.

15/0197/LA 10.03.15	Carry out re-roofing and associated roof repairs including taking down and rebuilding of all the chimney stacks, the provision of new regularised roof lights to rear elevation, the replacement of fascia and soffit, the replacement of rainwater goods and repairs and reinstatement works to the side and rear masonry boundary walls at 1 - 13 Middle Row & Windsor Arms, 14 - 28 Lower Row, 1-14 Collins Row & St Aidan's Church Bute Town Rhymney Tredegar	Subject to further discussion and consideration.
15/0198/LBC 09.03.15	Carry out re-roofing and associated roof repairs, replace fascias, soffits and rainwater goods and provide repairs and reinstatement works to the side and rear masonry boundary walls at 1 - 13 Middle Row & Windsor Arms, 14 - 28 Lower Row, 1-14 Collins Row & St Aidan's Church Bute Town Rhymney Tredegar	Subject to further discussion and consideration.
15/0202/FULL 15.04.15	Erect single-storey shower room extension to rear of house at 62 St Christopher's Drive, Caerphilly CF83 1DD	Subject to further consideration.
15/0218/FULL 22.05.15	Erect a residential development of four units at Land At Old Brewery Lane Rhymney Tredegar	Awaiting views of consultees.
15/0251/FULL 19.03.15	Demolish the existing chapel hall and erect two dormer bungalows at Former Tabernacle Chapel Hall 9 Chapel Street Deri Bargoed	Awaiting further information.
15/0278/RET 10.04.2015	Retain metal recycling centre at Unit 15 Darren Drive, Prince Of Wales Industrial Estate, Abercarn	Awaiting additional information about parking space.
15/0279/FULL 09.04.15	Erect two industrial units at Knight Court (Block A) St Davids Industrial Estate Pengam Blackwood	Awaiting contamination information.
15/0308/FULL 15.05.15	Erect a first floor to the rear ground floor at 5 Greenmeadow Machen Caerphilly	Subject to further consideration.
15/0310/COU 14.05.15	Change the use of derelict land to garden use including the filling to new levels and boundary enclosures at Land To The Rear Of 13 - 17 Glyn Derwen Llanbradach Caerphilly	Subject to further consideration.

15/0311/FULL 05.05.15	Erect a new dwelling at Brynhyfryd 6 Old Parish Road, Hengoed CF82 7HU	Subject to further discussion and consideration.
15/0330/FULL 26.05.15	Demolish existing dwelling (Honeysuckle), erect two-storey extension to existing dwelling (Hillside) and erect a three-storey structure to house a double garage, domestic office space, storage and glasshouse served by new entrance driveway at Hillside And Honeysuckle The Graig Cwmcarn	Subject to further consideration
15/0331/RET 14.05.15	Retain the change of use to a horse riding school at Gelligoediog Farm Gelligoediog Farm Lane, Manmoel Blackwood, NP12 0RH	Awaiting further highway details.
15/0348/COU 20.05.15	Change the use of part of ground floor and first floor to add three flats to existing A1 use at 101 - 103 Commercial Street Pontymister, Risca NP11 6AZ	Subject to further consideration.
15/0365/FULL 29.05.15	Erect residential development of 6 no. walk-up flats and associated works on Land Adjacent To 79 Penallta Road Ystrad Mynach, Hengoed	Subject to further discussion and consideration.
15/0389/FULL 08.06.2015	Provide alterations and adaptations to increase the useable floor space of the existing building and extend the building to provide a new blacksmith and saddling enclosure, stalls and storage on the ground floor, a saddle and tack room, a visitors seating/viewing gallery and eleven hostel bed spaces and ancillary accommodation facilities on the first floor and the erection of a waterproof enclosure to provide all-year training facilities over the existing menage and ancillary external works at Lisvane Riding School Ltd, Forest View, Rudry Road Lisvane	Awaiting views of consultees.
15/0405/RM 17.06.2015	Seek approval of the reserved matters regarding access, appearance, landscaping, layout and scale in regard to planning application 14/0795/NCC (Erect two detached dwellings) on Land Adjacent 12 Mountain Road Caerphilly	Awaiting additional information.

15/0412/OUT 19.06.2015	Erect residential development of up to 260 dwellings with open space on Land North Of Hendredenny Drive Hendredenny, Caerphilly	Subject to further discussion and consideration.
15/0440/CON 30.06.15	Demolish former health centre building at 1st Oakdale Scout Group Oakdale Scout Hall, Kincoed Road Oakdale, Blackwood NP12 0LP	Subject to further consideration.
15/0459/RET 07.07.15	Retain the installation of a biomass unit incorporating flues and railway container housing kiln at Chris Howell Timber And Landscaping Supplies Nantgarw Road North UI, Caerphilly CF83 1AQ	Awaiting views of consultees.
15/0466/FULL 10.07.15	Erect single-storey lounge/dining extension plus two-storey extension, rebuilding garage with ground floor study and first floor bedroom at 10 Cwrt Pantycelyn, Pontllanfraith, Blackwood NP12 2LT	Awaiting further information from applicant.
15/0499/FULL 13.07.15	Erect a single wind turbine of max 77m to tip, along with associated infrastructure including an access track and electrical housing at Castell Llwyd Farm Heol Las, Nelson, Treharris CF46 6PW	Subject to further discussion.
15/0502/COU 13.07.15	Change of use of the first and second floors from offices to 6 residential flats at Caerphilly Indoor Market 5 Pentrebane Street, Caerphilly CF83 1FR	Re-consulting on amended plans
15/0518/FULL 24.07.15	Construct one dwelling house and one bungalow with associated site works at Llwynon House, Llwyn-On Crescent Oakdale, Blackwood NP12 0ND	Subject to further consideration.
15/0563/OUT 31.07.15	Erect up to 50 no. dwellings and access with all other matters reserved at Land At Ty-Mawr Ty-Mawr Farm Lane Croespenmaen Newport	Awaiting noise assessment.
15/0567/OUT 03.08.15	Erect residential development of up to 175 units including open space provision, access and parking arrangements at Land At Oakdale Golf Course Oakdale Golf Course Lane Oakdale Blackwood	Awaiting highway information.

15/0619/RM 05.08.15	Construct 14 no. two bedroom apartments at Gledyr Bungalow - Selway Gardens Nantgarw Road Caerphilly CF83 1BW	Subject to further discussion and consideration.
15/0659/FULL 09.08.15	Erect a single-storey extension accommodating extended laundry room plus a store room at Highfield Nursing Home Highfields Lane Blackwood NP12 1SG	Awaiting Tree Survey.
15/0666/FULL 12.08.15	Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid at One Pentref-y-groes Farm Pentref-Y-Groes Farm Lane East Croespenmaen Newport	Awaiting Air Quality information.

APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT

APPLICATION NUMBER & DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/06/0037 13.01.06	Redevelop site incorporating 545 residential units and 2.5 acres for a primary school at Waterloo Works, Machen.	Planning in discussions with developers over new terms; waiting to hear from Planning. Meeting has been planned. No further update.
09/0243/OUT 31.03.09	Erect residential development and associated recreation space on Land At Former Windsor Colliery, Ty'n Y Parc, Abertridwr, Caerphilly.	On hold pending outcome of meeting with Housing Association. File closed due to no progress.
11/0191/OUT 11.03.11	Demolish existing farmhouse and farm buildings and construct new two-storey residential units at Gelli Pystyll Farm, Elm Drive, Ty Sign, Risca.	Position being reviewed because of lack of response from Applicants about the S106.
13/0212/NCC 25.03.13	Vary Condition 11 of planning permission P/04/1500 to amend the internal layout at Glan Y Nant Draethen, Newport.	In discussions as to how best to proceed in light of CIL. Still in discussions with Solicitors. Other side asked for meeting. Asked for instructions from Planning.
13/0479/FULL 02.04.13	Erect new house at Former Holly House Nursing Home, Victoria Road Fleur-de-lis, Blackwood.	Waiting advice from Ecologist. Told works have been undertaken. Planning said to hold file in abeyance while they investigate. Told may be a while due to issues. Planning waiting for ecological report. Planning will contact applicant again.
13/0805/NCC 12.11.13	Remove reference to the electricity substation in Condition 26 of planning consent 07/1524/FULL (Construct 87 dwellings with associated garaging and car parking) at Suflex Estate, Newport Road, Pontymister, Risca.	Considering amendments to S106 agreement in view of introduction of CIL. Waiting for advice from Planning. Chased.
14/0239/NCC 16.04.14	Vary condition 3 of 09/0688/OUT (Erect residential development) to extend the time period for the approval of reserved matters on Land At Albertina Road Treowen Newport	In discussions regarding draft internally.
14/0411/OUT 21.06.14	Erect residential development and associated works on Land At Ton Y Felin Croespenmaen Newport.	Documents and fees just received so should be soon.

14/0674/OUT 10.10.14	Erect residential development at GLJ Recycling Ltd, Newtown Industrial Estate, Crosskeys, Newport, NP11 7PZ.	Agreement in process of being drafted. Documents agreed. Waiting for the signed documents to be returned.
15/0156/NCC 12.03.15	Vary condition 3 of planning consent 10/0215/OUT (Erect residential development with alterations to existing access) to extend the period of time to submit reserved matters by a further three years at Quarry Court North Road, Newbridge, Newport	Sent draft internally for comments.
15/0408/FULL 18.06.15	Demolish former derelict buildings and erect 29 residential units and associated works at Crumlin Mining School Site Mining School Hill Crumlin Newport	New matter.
15/0528/NCC 28.07.2015	Vary Conditions 3 and 4 of planning consent 07/1011/OUT (Construct residential development of 57 units) to extend the period within which to submit reserved matters and commence development at Land At Maerdy Rhymney Tredegar	Waiting for signed documents.

OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
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NONE

APPEALS DECIDED

APPEALS DECIDED APPEAL REF/ PLANNING APP NO.	PROPOSAL & LOCATION APPEAL	DECISION/ DATE	COMM/ DEL
15/0010/REF 14/0689/RET	Retain conservatory to the front of the house at 76 Abernant Road Markham Blackwood NP12 0QJ	Dismissed 22/10/15	DEL