

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0208/OUT 16.03.2016	MC295 Ltd C/O Asbri Planning Ltd Mr M Gray Unit 9 Oak Tree Court Mulberry Drive Cardiff Gate Business Park Cardiff CF23 8RS	Erect 176 dwellings and access with all other matters reserved Catnic Pontypandy Industrial Estate Caerphilly CF83 3GL

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is located on a private road on the eastern side of Pontygwindy Road approximately 150m from Pwll Y Pant Roundabout.

Site description: The application site is the site of the existing Catnic factory which encompasses an office building at the western end of the site together with a large yard area and manufacturing and storage occupying the remainder of the site. The office building is a modern two storey structure clad in metal and glass panels with a flat roof. The other buildings are typical portal frame steel clad buildings used for the manufacture and the storage of the products created by the company.

The site is accessed via an unmade access road that serves the application site and the recently built development at Kings Mead. Kings Mead is a development of 200 units that is now nearing completion comprising of two storey dwellings with a mixture of two, three and four bedrooms. To the north of the application site is the A468 link road towards Bedwas Bridge, to the west is Pontygwindy Road with a small number of dwellings on the eastern side of the road and an industrial estate to the western side. To the south of the site is the Kings Mead development and to the east is the Gallagher Retail Park.

Development: The application seeks outline planning consent for the development of the site for up to 176 dwellings with all matters other than access reserved for future consideration. The application is supported by an indicative site layout plan that shows the provision of the dwellings with the principal access being off the existing unmade road with three separate access points into the site itself. The layout also shows the provision of public open space, a Multi Use Games Area, and parking and turning for all of the dwellings. An indicative housing mix is shown of 10 one bed flats, 52 two bed dwellings, 104 three bed dwellings, 8 four bed dwellings and 2 two bed bungalows.

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The application is supported by a Planning Statement, a Design and Access Statement, a Transport Assessment, a Drainage Strategy, a Flood Consequence Analysis, an Ecology Report, a Noise Report and a Site Investigation.

Dimensions: The site has an area of 4.77 hectares and maximum dimensions of 390m by 175m.

The suggested scale parameters are as follows:-

1 bed flats - 8-9m high by 8-9m wide by 8-10m deep,
2 bed houses - 8-9.5m high by 4-5.5m wide by 8-10m deep,
3 bed houses - 8-9.5m high by 4-6m wide by 8-10m deep,
4 bed houses - 8-9.5m high by 9-11m wide by 7-10m deep and
2 bed bungalows - 6-7m high by 9-10.5m wide by 9-10m deep.

Ancillary development, e.g. parking:

PLANNING HISTORY 2005 TO PRESENT

EIASCR/16/0002 - EIA Screening opinion for a proposed residential development of up to 200 dwellings.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP3 (Development Strategy in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP15 (Affordable Housing Target), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: The Proposal should be considered in line with National Planning Policy and Guidance and in particular the requirements of:-

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Planning Policy Wales (Edition 8, January 2016);

Technical Advice Note 1: Joint Housing Land Availability Studies (2015).

Technical Advice Note 2: Planning & Affordable Housing (2006).

Technical Advice Note 5: Nature Conservation and Planning (2009).

Technical Advice Note 12: Design (2014).

Technical Advice Note 18: Transport (2007).

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. The developer has provided a coal mining risk assessment that is considered satisfactory by The Coal Authority.

CONSULTATION

CCBC - 21st Century Schools - No objection.

Senior Engineer (Land Drainage) - No objection subject to the imposition of a drainage condition.

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

Police Architectural Liaison Officer - No objection.

Wales & West Utilities - Provides advice to be conveyed to the developer.

Parks And Open Spaces - No objection subject to the provision of a suitably equipped play facility together with a multi use games area on the application site.

The Coal Authority - No objection subject to the imposition of a condition requiring the submission of a scheme of intrusive site investigations to establish the mining legacy at the site.

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Countryside And Landscape Services - No objection subject to the provision of a comprehensive landscaping scheme at reserved matters stage. Concern is also raised with regard to the lack of pedestrian facilities within the site and the preponderance of car parking on plot frontages. Conditions should be imposed on any consent in the interests of the protection of protected species.

Rights Of Way Officer - Footpaths 54 and 56 in the Community of Caerphilly abut the site and must be kept open at all times unless an order is made to temporarily close them.

CCBC Housing Enabling Officer - Expresses disappointment that the development will only generate 5% affordable housing but accepts that this is justified by a viability assessment. Requires that the affordable housing is constructed to Development Quality Requirements and that the mix be agreed at the reserved matters stage.

ADVERTISEMENT

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

Response: One letter of objection was received.

Summary of observations: 1. The development will cause traffic congestion on Pontygwindy Road.
2. What provision will be made for new facilities within the area?
3. Residents will not use public transport as suggested in the Transport Statement.
4. Additional cars will lead to additional pollution.

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? Yes

European protected species have been identified by a survey.

The Local Authority must apply the following three tests to the planning application:

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(i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

(ii) There is no satisfactory alternative.

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied and answered as follows:

(i) Caerphilly County Borough Council is currently undertaking a review of its Local Development Plan as there is a shortfall in the housing provision within the plan. At present there is only a 1.5 year supply of housing land and the Council is required by the Welsh Government to provide a minimum of 10 years. In that regard there is an overriding need to demolish the existing building in order to open up the land for development. This is in keeping with national planning guidance and local plan policy.

(ii) There is no satisfactory alternative in terms of redeveloping this site. As stated above the existing building needs to be demolished in order to provide the new dwellings and to not carry out the development would not assist with the Councils need to improve its housing land supply. There would be no way of demolishing the buildings without affecting the roost and adequate mitigation will be provided in the proposed development.

(iii) Common Pipistrelle bats emerged from the building during the bat survey carried out by a competent ecologist with proven expertise in bat surveying at an appropriate time of year. The survey report concludes that the building is a non-breeding roost for Common Pipistrelle bats. The proposed demolition will therefore result in disturbance to bats, however, adequate mitigation, compensation and monitoring recommendations have been put forward in the method statement and conditions can be placed on the applicant to ensure that the mitigation will be implemented. The favourable conservation status of the species is therefore unlikely to be affected by this development, as the mitigation measures will ensure that new bat lofts will be created within the development.

Is this development Community Infrastructure Levy liable? As this is an outline application a CIL levy is not payable. However, a payment would have to be made in respect of any subsequent reserved matters or full application.

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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 the defined settlement limits and on land that is not allocated or protected for any purpose in the Local Development Plan. Whilst the site is currently used for industrial purposes it is in an area where residential development has been constructed to the south and with dwellings fronting onto Pontygwindy Road to the west and in that regard it is considered that residential development of the site is acceptable in principle.

The main points to consider in the determination of this application are the loss of the industrial land and the highways impact of the development. With regard to the first point it should be noted that at the outset of the application, Catnic (who are the tenants on the site) raised an objection to the application. However, it should be noted that the site is not allocated or protected for industrial use in the Local Development Plan and as such the Local Planning Authority could not justify objecting to the loss of the use in planning terms. Moreover, the redevelopment of the site is part of a relocation package between the owners and TATA Steel to move the use to Duffryn Industrial Estate. As the site at Duffryn Industrial Estate is on a protected industrial estate that is sited away from existing residential development and with excellent transport links to the A469 it is considered that that is a better site for the use. It should also be noted that the site is bounded on two sides by residential development and as such it is considered that residential use of the site would be more in keeping with the area.

With regard to the second issue it should be noted that the application is supported by a Transport Statement which identifies that the traffic generated by the proposed use would be a reduction to that created by the existing use. Whilst the peak flows of the traffic would be at different times of the day having regard for the existing shift pattern at Catnic, it should be noted that there is no control over that shift pattern or the user of the site. In that regard it is not considered that the traffic flows from the proposed development would justify the refusal of this application.

With regard to the need for Affordable Housing it should be noted that the developers have gone through an exhaustive viability appraisal that has also been assessed by the District Valuer. The appraisal confirms that, given the abnormal costs that would be associated with the redevelopment of an industrial site and the costs of relocation to a new site, affordable housing is not viable on this site. Nevertheless, the applicants are offering to provide 5% of the dwellings as affordable units.

The indicative layout shows the provision of adequate leisure facilities within the site (as required by Policy), the relationship between the dwellings and the right of way to the east of the site is addressed and a number of access points off the existing unmade access road together with a network of footpaths are proposed making movement through the site easier for pedestrians as well as vehicles.

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Comments from consultees: No objections raised.

Comments from public: 1 The traffic impact of the development has been addressed above.

2. The development will be expected to pay a Community Infrastructure Levy at the reserved matters stage which will contribute to the provision of facilities in the area. Moreover, the perceived lack of medical and educational facilities in the area has been addressed through the Local Development Plan process and it is for the relevant bodies to hi-light their concerns at that time. In response to the concerns raised the Local Development Plan makes provision for sites to provide such facilities. No such allocations have been made in the vicinity of this site.

3. The Welsh Government is seeking to create a modal shift from private transport to public transport. In that regard whilst it is acknowledged that the majority of movements are made using private transport, government guidance supports the provision of fewer parking spaces etc as a means of encouraging the use of public transport.

4. No objection has been raised by the Council's Head of Public Protection in respect of pollution and as such it is considered that the proposal is acceptable in that regard.

Other material considerations: None.

In conclusion it is considered that the development of the site for housing is acceptable in principle subject to the imposition of suitably worded conditions.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that (A) The application is Deferred to allow the completion of a Section 106 Agreement for the provision of 5% Affordable Housing and Open Space Provision as set out in the report. On completion of the Agreement (B) that Permission be GRANTED.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (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.

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- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 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 five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) 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.
- 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.

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- 08) 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.
- 09) 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.
- 10) 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).
- 11) The existing access shall be improved, in a manner to be agreed in writing with the Local Planning Authority before any works commence and be completed in materials as approved by the Local Planning Authority in accordance with a timetable which shall be firstly agreed in writing prior to works commencing on site.
REASON: In the interests of highway safety.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other order replacing or re-enacting that order, no vehicular or pedestrian accesses shall be created directly onto the A468 or to Footpath 54 in the Community of Caerphilly.
REASON: In the interests of highway safety.
- 13) 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.

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- 14) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. 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.
- 15) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
- REASON: In the interests of the visual amenity of the area.
- 16) 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.
- 17) Prior to the commencement of the development hereby approved a notice shall be given to the Local Planning Authority.
- (a) stating the date on which the development is to begin;
 - (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").

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Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it. That decision notice shall be in the form specified by, and must be displayed in accordance with, Schedule 5B of the Order.

REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

- 18) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.
The scheme shall include:
- (i) control of noise,
 - (ii) control of dust, smell and other effluvia,
 - (iii) control of surface water run off,
 - (iv) site security arrangements including hoardings,
 - (v) proposed method of piling for foundations,
 - (vi) construction and demolition working hours,
 - (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.
- The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenity of the area.
- 19) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority, to accommodate:
- (a) Parking of vehicles of site personnel, operatives and visitors,
 - (b) Loading and unloading of plant and vehicles,
 - (c) Storage of plant and materials used in constructing the development,
 - (d) Wheel cleaning facilities
- and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (d) above without the prior written agreement of the Local Planning Authority.
REASON: In the interests of amenity and highway safety.
- 20) 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.

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- 21) The plans and particulars submitted in accordance with Condition 2) shall include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 5.2.2 of BS5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.
 - b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
 - c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
 - d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.
 - e) the details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
 - f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
 - g) No 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. In this condition a "retained tree" means an existing tree that is to be retained in accordance with the plan referred to at paragraph (a) above.

REASON: To safeguard the vegetation that is considered to be worthy of retention in the interests of visual amenity of the area.

- 22) The development hereby permitted shall not exceed a density of 176 dwelling in total.

REASON: The indicative layout demonstrates that the site is only capable of accommodating 176 dwellings together with open space, car parking etc.

- 23) 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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- 24) Where any species listed under Schedules 2, 4 or 5 of the Conservation of Habitats and Species regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted and a Welsh Government European Protected Species licence is required, no works or site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted by the Welsh Government in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
REASON: To ensure that plant and animal species which come within the terms of the Conservation of Habitats and Species Regulations 2010 are effectively protected and that a copy of the WG licence is submitted to the LPA.
- 25) Prior to commencement of development details of a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority including an openable glazing system which is to be fitted to all windows of habitable rooms. The glazing system shall be capable of achieving an internal LAeq level of 30 dB(A) measured over an 8 hour period (2300 - 0700) in bedrooms and 35 dB(A) in all other habitable rooms measured over 16hour LAeq (0700 - 2300). Development shall be carried out in accordance with the approved details before first use of the dwellings hereby approved.
REASON: To protect the residential amenity from road traffic noise.
- 26) Prior to commencement of development details of the acoustic fence on the northern boundary of the site proposed in MC295 Technical Report, shall be submitted to the Local Planning Authority to ensure external amenity noise levels are met as stated.
REASON: To protect the residential amenity from road traffic noise.

Advisory Note(s)

Please find attached comments from Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), The Council's Ecologist, The Coal Authority and Wales and West Utilities.

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.

