

AGENDA ITEM NO. 4 (d)

PLANNING COMMITTEE

31ST OCTOBER 2012

PLANNING APPLICATIONS UNDER THE
TOWN AND COUNTRY PLANNING ACT 1990
AND ASSOCIATED LEGISLATION

**APPLICATION
NUMBER****LOCATION**

Preface 11/0519/FULL	Llechwaun Hall Hotel Graig-Evan-Leyshon Common Road Nelson
Preface 12/0057/FULL	102 Fairview Cefn Fforest Blackwood
11/0191/OUT	Gelli Pistyll Farm, Risca
11/0575/FULL	Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly
11/0581/COU	3 Pentrebane Street Caerphilly
11/0953/FULL	Newbridge Hotel High Street Newbridge
12/0296/FULL	Land adjacent to Old Station House Old Station Yard Bedwas Caerphilly
12/0397/FULL	Land off Virginia Close Caerphilly
12/0398/FULL	Land at The Grove Navigation Street Trethomas
12/0579/FULL	23 Chepstow Close Grove Park Blackwood
12/0587/FULL	Land west of Lewis Drive Caerphilly
12/0635/RET	77 Ridgeway Graig Y Rhacca Caerphilly
12/0654/RET	16 Fields Park Road Newbridge
12/0659/COU	Unit 7 Bryn Lane The Bryn Pontllanfraith Blackwood
12/0661/LA	CCBC The Cube Pontllanfraith House Blackwood Road Pontllanfraith
12/0686/FULL	Whysom's Wharf Darran Road Risca

PREFACE ITEM

APPLICATION NO. 11/0519/FULL

APPLICANT(S) NAME: Llechwen Hall Hotel

PROPOSAL: Erect extension and alterations to hotel

LOCATION: Llechwen Hall Hotel Craig-Evan-Leyshon
Common Road Nelson Treharris

Planning Committee deferred the determination of this application on 3rd October 2012 to allow Officers to draft conditions associated with the approval of the scheme. A copy of the original report is attached. The suggested conditions are set out below.

In addition, the Transportation Engineering Manager and his equivalent at Rhondda Cynon Taff Borough Council mentions their objections to the scheme, but should permission be granted, conditions are recommended (also set out below) that require the provision of a parking area, minor improvements to the lane leading to the site before the development starts, and repairs to the lane after construction works if necessary.

RECOMMENDATION: That planning permission is REFUSED in accordance with the attached report, but if Members are minded to approve the application, the following conditions are suggested:-

- 1) 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.

- 2) The development shall be carried out in accordance with the revised site layout plan received 3rd October 2012, drawing no: 12/2011/PL/008A.
REASON: For the avoidance of doubt as to the details hereby approved.

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- 3) If mature trees originally identified to be retained require felling or tree management work as part of the development hereby approved, a climbing inspection for bats shall be carried out before such works take place, and the results of the survey, together with details of any proposed mitigation measures shall be submitted for the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.
 - 4) 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.
 - 5) The development hereby approved shall not be occupied until the area indicated for the parking of vehicles on the approved plans has been laid out in a manner to be agreed with the Local Planning Authority. That area shall thereafter only be used for the parking of vehicles.
REASON: In the interests of highway safety.
 - 6) Prior to the commencement of the development hereby approved the lane leading to the application site shall be improved in accordance with a schedule of works that shall be first agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
 - 7) Prior to the commencement of the development hereby approved a condition survey of the lane leading to the application site shall be undertaken and the details submitted to and agreed in writing with the Local Planning Authority. Within one month of the completion of the development a further condition survey of the lane shall be undertaken and the details including proposed remedial works submitted to and agreed in writing with the Local Planning Authority. The agreed remedial works shall be carried out within six months of the date of that agreement.
REASON: In the interests of highway safety.
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PREFACE ITEM

APPLICATION NO. 12/0057/FULL

APPLICANT(S) NAME: Mr J Dhesi

PROPOSAL: Reposition existing shop with small store and convert existing shop into a lounge

LOCATION: 102 Fair View Cefn Fforest Blackwood NP12 3NL

The Planning Committee deferred this application on the 21st June 2012 in order to request amended plans from the developer. The scheme under consideration did not allow for the provision of three off-street parking spaces and this represented a reduction in the number of parking spaces at the property.

Amended plans have now been submitted with the footprint of the extension being reduced to allow for the provision of three off-street parking spaces in accordance with Supplementary Planning Guidance LDP5. This also acknowledges that whilst there is an increase in the size of the net trade floor area of the shop premises is within 200m² gross floor area allowed within the SPG. This, together with the controls the Local Planning Authority will have to prevent the remainder of the property from being converted back into a shop is considered to be sufficient to overcome any highway concerns in respect of the development.

Officers have also had the opportunity to reconsider the original conditions in light of the amended details submitted and it is felt that minor alterations should be made to them. Also, in order to ensure that the development is carried out in accordance with the amended details, additional conditions should be attached to any consent granted. In that regard the full suite of conditions that are considered necessary are set out below:-

- The proposed shop area hereby approved shall not come into beneficial use until the existing shop area has been converted into a lounge as shown in the submitted plans and the lounge area shall not thereafter be used for any other purpose.
REASON: In order to retain control over the future use of the property in the interests of highway safety and residential amenity.

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- The development hereby approved shall be carried out in accordance with the amended plans received on 9th July 2012.
REASON: In order to ensure that the development is carried out in accordance with the correct plans.
- Prior to the installation of any external or roof mounted plant/machinery associated with the development, details of such plant and machinery shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a revised location for the plant and machinery and predicted noise levels (measured as Laeg 1 hour) as measured on the boundary of the application site. The plant and machinery shall be installed in accordance with the approved details prior to being brought into operational use.
REASON: In the interests of public amenity.
- The area indicated for the parking of vehicles shall be kept free of obstruction and shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- Notwithstanding the submitted plans or the provisions of the Town and County Planning (General Permitted Development) Order 1995 as amended the site boundary wall fronting Elgar Close shall not be removed without the prior written consent of the Local Planning Authority.
REASON: In the interests of highway safety.

RECOMMENDATION: That planning permission is GRANTED subject to the additional conditions and those set out in the attached report.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0191/OUT 21.06.2011	Mr R Williams Gelli Pystyll Farm Elm Drive Ty Sign Risca Newport NP11 6HN	Demolish existing farmhouse and farm buildings and construct new two-storey residential units Gelli Pystyll Farm Elm Drive Ty Sign Risca Newport NP11 6HN

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is located on Elm Drive, Risca, with the access to the site located between the junctions for Rosemont Avenue and Birch Grove.

Site description: Vacant farm buildings and associated land.

Development: Outline permission is sought for the erection of nine detached dwellings sited around a single access road and turning head. Main vehicular and pedestrian access is shown at mid frontage onto Thistle Way. Apart from access, all other matters are reserved for subsequent approval.

Dimensions: The 9 dwellings are all detached the scale parameters for each proposed dwelling are Width: 7 - 11 metres; Depth: 8 - 12 metres and Height: 7 - 10.5 metres.

Materials: To be approved.

Ancillary development, e.g. parking: Each dwelling would have a parking space and integral garage with front and rear gardens.

PLANNING HISTORY

None for the whole site.

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Application No. 11/0191/OUT Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement boundary.

Policies: CW2 (Amenity). CW3 (Design Considerations - Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW10 (Leisure and Open Space) and CW11 (Affordable Housing).

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

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

CONSULTATION

Head Of Public Protection - No objection subject to condition.

Transportation Engineering Manager - No objection subject to conditions

Senior Engineer (Land Drainage) - Provides advice to the developer regarding the drainage of the site.

Dwr Cymru - Provide advice to the developer regarding the drainage of the site.

Housing Enabling Officer - Requires 1 affordable unit by way of Section 106 Agreement.

Police Architectural Liaison Officer - No objection but provides advice to the developer.

Countryside And Landscape Services - No objection based on submitted bat and barn owl survey. Provides advice to the developer.

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Application No. 11/0191/OUT Continued

Glam/Gwent Archaeological Trust - No objection based on submitted archaeological survey.

Gwent Wildlife Trust - No objection subject to condition.

ADVERTISEMENT

Extent of advertisement: Forty-one neighbouring properties were consulted and a site notice was displayed at the access to the site.

Response: Two letters of objection was received.

Summary of observations:

- Loss of privacy;
- Noise during construction;
- Fear that if permission granted for 9 dwellings, future developer will seek permission for more than 9;
- Historical importance of existing farm buildings;
- Loss of bat habitat;
- Loss of trees;
- Highway safety hazard from proposed access opposite school.

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 considered to be an issue for this application.

EU HABITATS DIRECTIVE

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

ANALYSIS

Policies: The application site is located within the Settlement Boundary, and therefore the principle of residential development is considered acceptable providing materials planning considerations do not indicate otherwise.

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Application No. 11/0191/OUT Continued

Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. It is considered that subject to a layout showing appropriate privacy distances between the proposed dwellings and existing dwellings adjoining the site, the proposal will not have an unacceptable impact on the amenity of the surrounding properties. A detailed layout showing the exact position of the proposed houses will be a requirement of the reserved matters application.

However, the indicative layout submitted with the application shows that the site can largely accommodate the development without harming privacy. That layout will have to be modified at the reserved matters stage to ensure that a minimum distance of 21 metres between habitable rooms.

It is not considered that 9 dwellings represent an over development of a site measuring approximately 0.43 hectares. Furthermore, as the application site is adjoined to the north, south and west by existing residential development, it is considered to be compatible with surrounding land uses.

Policy CW3 of the Local Development Plan relates to Highway considerations and states that development proposals should have regard for the safe, effective and efficient use of the transportation network. The Transportation Engineering Manager raises no objection to the proposed development subject to conditions relating to visibility splays for vehicles exiting the site, parking provision within the site, as well as replacement parking provision for No. 7 Elm Drive. Therefore it is considered that the proposed development satisfies Policy CW3.

Policy CW6 (Trees, Woodland and Hedgerow Protection) of the Local Development Plan states that development proposals on sites containing trees and hedgerows should make reasonable efforts to retain, protect and integrate trees and hedgerows within the development site. In their consultation response, Gwent Wildlife Trust request a condition be attached to any permission requiring the retention and maintenance of relevant hedgerows bordering the site. This will be controlled by way of condition. In terms of trees on site, the only mature trees of note are large conifer trees within the site that are not protected by a Tree Preservation Order, and not considered worthy of retention. It is also noted that the application site is located over 20 metres from the TPO along the Brecon and Monmouthshire Canal, and therefore will not impact on the existing TPO.

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Application No. 11/0191/OUT Continued

Policy CW10 (Leisure and Open Space) states that on sites exceeding 0.3 hectares in gross site area (the application site measures approximately 0.43 hectares), the developer is required to make adequate provision for well designed, useable open space as an integral part of the development. In terms of the proposal, given the indicative layout this is not a realistic expectation as the applicant proposes 9 detached dwellings each within a relatively generous plot. Therefore it is considered that each property will enjoy adequate amenity space. Policy CW10 also requires appropriate formal children's play facilities and adequate outdoor sports provision either on or off site. Again, given the size constraints of the site, this is not considered to be feasible on site, and therefore an off site contribution towards these facilities at a rate of £900 per dwelling will be a requirement of the Section 106 Agreement.

Policy CW11 states that on sites accommodating 5 or more dwellings, or exceeding 0.15 hectares in gross site area, an element of affordable housing will be required. For the Risca area, the target for affordable housing is 10%. Therefore of the nine proposed dwellings, one unit will need to be an affordable unit. This will be controlled by way of the Section 106 Agreement.

A Section 106 Agreement will be required to secure the requirements of the Leisure and Housing Officers, and that must meet the following tests:

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

A Section 106 Agreement will be sought because this development will add additional pressure on existing leisure facilities serving the area. In light of this a contribution of £900 x per dwelling x 9 dwellings will be sought. This figure equates to £8,100.

Policy CW11 requires the provision of affordable housing.

(b) It is directly related to the development.

The occupants will place demands on local leisure facilities and the affordable housing can only be secured as part of a housing development.

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

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Application No. 11/0191/OUT Continued

The unit sum - at present £900 per dwelling is reasonable when compared to the costs of construction and the value of one house. The total contribution is based on the number of dwellings, which means that the larger the development, the greater the impact on the capacity of existing leisure facilities. In view of the need for affordable housing and the policy commitment to securing such provision, one house out of nine is considered reasonable.

Comments from Consultees: No objection is raised by consultees subject to advice and conditions.

Comments from public:

- Loss of privacy - A condition will be attached to the permission required a detailed layout showing the exact position of the proposed dwellings. Privacy distances will then be assessed at the reserved matters stage.
- Noise during construction - A condition will be attached to the permission to address this concern. There will of course be a degree of noise disturbance during construction.
- Fear that if permission granted for 9 dwellings, future developer will seek permission for more than 9 - A new planning application would be required for additional dwellings. Such a proposal would be considered in accordance with relevant local and national policies, and nearby residents would be consulted on such an application.
- Historical importance of existing farm buildings - The existing farm building are not listed buildings.
- Loss of bat habitat - A bat survey was undertaken that found no evidence of bats.
- Loss of trees - The mature trees within the site are conifer trees that are not protected by a TPO. Therefore they are not considered worthy of retention.
- Highway safety hazard from proposed access opposite school - The Transportation Engineering Manager raises no objection to the proposed development on highway safety ground subject to conditions.

Other material considerations: None.

RECOMMENDATION: That (A) the decision be DEFERRED to enable the completion of a Section 106 Agreement that will require the Affordable Housing and Leisure contributions set out above.

(B) Upon completion of the legal agreement, Officers be authorised to APPROVE the application subject to the following conditions:

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Application No. 11/0191/OUT Continued

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of 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.
- 02) 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.
- 03) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping 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.
- 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) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

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Application No. 11/0191/OUT Continued

- 06) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 07) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water 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.
- 08) Before any soils or hardcore are brought on to site a scheme for its 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.
- 09) Prior to the commencement of the development hereby approved a scheme for the control of dust arising from development shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be implemented at all times to control dust at the site.
REASON: To prevent pollution.
- 10) Prior to the commencement of development, a scheme for noise mitigation shall be submitted to and agreed in writing by the Local Planning Authority. This scheme should include the extent of operational hours at the site and noise levels between these hours. These specified noise levels are required to be measured over one-hour intervals and not the working day. Thereafter the agreed scheme shall be implemented at all times to control noise at the site during construction.
REASON: In the interests of public amenity.

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Application No. 11/0191/OUT Continued

- 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 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.
- 13) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted 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).
- 14) Prior to the construction of the foundations of the development hereby approved details showing the finished slab 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 of the area.

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Application No. 11/0191/OUT Continued

- 15) 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.
- 16) Prior to its first use the proposed means of access shall be laid out, constructed and maintained thereafter with vision splays of 2.4m x 59m. No obstruction of planting when mature exceeding 900mm in height above the adjacent footway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interests of highway safety.
- 17) The details submitted as reserved matters shall show the level of car parking provision throughout the residential development in accordance with the requirement of the Local Planning Authority's Adopted Supplementary Planning Guidance LDP5 Car Parking Standards.
REASON: In the interests of highway safety.
- 18) Prior to the commencement of development the existing parking provision for No. 7 Elm Drive shall be re-located and accessed from the new internal estate road, in a scheme to be firstly agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.

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Application No. 11/0191/OUT Continued

- 19) 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 part) in respect of which this permission is hereby granted, and a Welsh Assembly Government European Protected Species licence is required, 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 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 WAG development licence is submitted to the Local Planning Authority.
- 20) The demolition of the farm buildings and 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.
- 21) 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 into the new buildings shall be submitted to the local 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 of the Natural Environment and Rural Communities Act 2006, paragraph 5.2.8 of Planning Policy Wales (2010) and paragraph 1.4.3 of TAN 5 (2009).
- 22) Prior to the commencement of any works on site, details of the provision of nest sites for House sparrow, House martin or Swift within or on the new buildings 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 sites for birds as a biodiversity enhancement in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, paragraph 5.2.8 of Planning Policy Wales (2010) and paragraph 1.4.3 of TAN 5 (2009).

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Application No. 11/0191/OUT Continued

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), Head of Public Protection and Transportation Engineering Manager 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: Policy CW2, CW3, CW10 and CW11.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0575/FULL 01.09.2011	Mr D T Jones Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly CF83 2TT	Replace planning permission 09/0043/FULL for a 5 kwhr wind turbine with an application for a 500 kwhr turbine (the existing planning permission is for a turbine with a 12m tower, this application is for a turbine with a 50m tower) Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly CF83 2TT

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: This application is for the erection of a wind turbine on land located approximately 150 metres to the north of Pen Yr Heol Las Farm, Caerphilly. The site is on a parcel of land running along the ridgeline of the mountain above Llanbradach and Penyrheol. The site is to the north of Caerphilly, the centre of which is approximately one mile to the south.

Site description: The field, within which the turbine is to be located, is pasture land which is regularly grazed by sheep. It forms part of the applicant's agricultural operation. The surrounding area is elevated open countryside in every direction.

Development: The proposal is for a single wind turbine.

Dimensions: The turbine measures 40 metres to its hub (i.e. to the top of the fixed tower). To this is attached a standard three legged rotor blade which has a diameter of 48 metres.

Materials: The turbines are normally constructed of steel and carbon fibre.

Ancillary development, e.g. parking: Access to the site is from Heol Las which runs up onto the mountain from a junction with Court Road to the south.

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Application No. 11/0575/FULL Continued

PLANNING HISTORY

5/5/82/0120 - Golf Course - Refused 21.07.82.

P/04/0191 - Carry out earthworks to cut out and fill farmyard to facilitate safe use of farming equipment and form a tree lined bund to create a windbreak - Refused 08.06.04.

P/04/1124 - Construct additional barn and extend farmyard with associated engineering & landscaping works - Allowed on appeal 11.03.05.

P/04/1125 - Retain and complete earthworks & landscaping wind break/wind shield hybrid and cut and fill to farmyard - Refused 07.10.04.

P/04/1650 - Erect barn/sheep building - Prior approval not required - 15.011.04.

P/06/0381 - Retain and landscape existing earthworks - Refused 01.06.06.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located outside of the settlement limits identified in the plan. It does fall within the Special Landscape Area of Mynydd Eglwysilan (NH1.3) and is directly adjacent to a Site of Importance for Nature Conservation- NH 3.120.

Policies: The LDP does not contain any policies relating to renewable energy, rather it relies upon national policy. There are however a number of generic policies relating to development which relate to this proposal. In this respect the following are considered to be relevant:-

SP10. Conservation of Natural Heritage.

CW4. Natural Heritage Protection.

CW15. General Locational Constraints.

NATIONAL POLICY Policy documents of relevance are Planning Policy Wales, Technical Advice Note 8: Planning for Sustainable Energy and Welsh Government Transportation Guidance: Wind Farm Developments, Requirement for a Traffic Management Plan at Planning Stage.

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Application No. 11/0575/FULL Continued

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes. Although there is only one turbine the height exceeds the stated threshold of 15 metres to the hub.

Was an EIA required? No. The development was not considered to be of more than local importance, not in a "sensitive area" or to have unusually complex or hazardous effects.

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager - undertook a considerable level of discussion on the highway safety aspects of this development, particularly those relating to the requirement for a Traffic Management Plan (TMP). Unfortunately the applicant would not undertake the necessary work to complete the TMP and as such an objection was raised, as this Welsh Government requirement was not complied with.

Head Of Public Protection - commented that the proposal was acceptable subject to a range of conditions being imposed. The majority of these related to noise mitigation measures.

Senior Engineer (Land Drainage) - stated that in view of the nature of the proposal he had no formal comments to make.

Countryside And Landscape Services - objected to the application on policy grounds regarding the impact of the turbine on the natural heritage of the site, particularly the Special Landscape Area in which it is located.

Minerals Officer - commented that any permission granted should only be given on a temporary basis, not exceeding 25 years, in order to review the need for the mineral, located under the site, at a later date.

Rhondda Cynon Taf Council - raised no objection to the application.

Glam/Gwent Archaeological Trust - raised no objection to the development.

Police Architectural Liaison Officer - did not wish to oppose the proposal, but did offer guidance on security measures at the site.

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Application No. 11/0575/FULL Continued

Police Air Support Services - raise no objection to the tower but requests that consideration be given to the level of illumination of the structure. Whilst Air-Ambulances fly at higher levels than this tower, bad weather/emergencies can force them to fly at lower levels and visibility via illumination may be crucial.

Aber Valley Community Council - object to the application on the basis of the visual impact on the area.

Western Power Distribution - comment that they have no apparatus within the vicinity of the site.

National Air Traffic Services - raise no safeguarding objection to this application.

Civil Aviation Authority - have provided a general response but give no specific information in respect to this application.

Environment Agency (Wales) - raised no objection on the basis that this form of development is a lower risk proposal, in respect to their remit.

Countryside Council For Wales - raise no objection provided any impact on bats are mitigated.

ADVERTISEMENT

Extent of advertisement: The application was advertised by press and site notices, along with direct notification to 39 neighbouring properties.

Response: The response to this consultation exercise was the submission of four letters of objection. The following points form the basis of the objections received:-

1. The tower will adversely impact on the quality of the local landscape, and probably be the beginning of a "full scale" wind farm.
2. It would harm wildlife on the common (e.g. bats and birds of prey) and also affect walkers who use this general area.
3. If the road were improved to facilitate this development it would allow motorcycles to use the lane onto the common and cause even more nuisance than is currently being experienced.
4. The turbine is out of scale with its surroundings.
5. It will have a negative effect on the nearby SINC.
6. The noise from the turbine will cause nuisance in the area.

Cont..

Application No. 11/0575/FULL Continued

7. The area should be preserved as it is, for this, and subsequent generations, to enjoy.
8. The turbine will be visible from Caerphilly Castle and will therefore impact on the image of the town.

Summary of observations:

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 proposal will have an adverse impact on issues of crime and disorder in the area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes, the ornithological report submitted by the applicant refers to the presence of Peregrine Falcons, in the nearby quarry. The birds are protected under The Wildlife and Countryside Act 1981. However the "Three Tests" applied to European species are not applicable in this regard.

ANALYSIS

Policies: The analysis of the policies of relevance are as follows. SP10 requires this Authority to protect, conserve, enhance and manage the natural heritage of the County Borough in the consideration of all development proposals within both the rural and built environment. In this instance the Countryside Section consider that the scale and location of this turbine is such as to adversely impact on the natural heritage to an unacceptable degree. As such the development is considered to fail in respect to this policy.

Allied to the above policy is CW4. This requires that proposals which affect the designated natural heritage feature will only be permitted where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA).

The applicant submitted a detailed Landscape and Visual Assessment Report, which was designed to assess the impacts of the turbine on the character of the area. The conclusions of this report stated that the proposed location has "the potential to cause significant landscape and visual impacts to the locality".

Cont..

Application No. 11/0575/FULL Continued

The report goes on to argue however that the history of the site, in respect to man made elements and the "wild and windswept" nature of the mountainside, mean that in overall terms the turbine is not generally out of scale with its setting. The report does acknowledge that this upland area is designated as a Special Landscape Area.

The Council's Landscape Architect does not agree with this conclusion and considers that the proposal does not conserve the features of the SLA, but has an adverse impact on these features. As such the development is contrary to this policy.

Policy CW15 relates to General Locational Constraints. Criteria C addresses development outside the settlement boundary. Reference is made under this criterion to the provision of infrastructure outside such boundaries, however no assessment has been made as to whether the turbine can be reasonably, located elsewhere, even on other land within the applicant's ownership.

The development is therefore also considered to fail in respect to Policy CW15, Criterion C (iv).

National Policy, in the form of Planning Policy Wales and TAN 8 are generally supportive of renewable energy generation, albeit subject to all material planning considerations being satisfied. In this instance such considerations are not all satisfied.

With regard to the Welsh Governments guidance on Traffic Management Plans for wind farm developments, the applicant submitted a level of information in this regard, however this was considered to be inadequate to address all relevant matters regarding getting the turbine onto the site. The applicant has confirmed that he is not willing to provide any further information in this regard and as such the Transport Engineering Manager has advised that he has insufficient information to positively consider this matter, and therefore raises objection on the basis of the absence of an acceptable Traffic Management Plan, which is required by The Welsh Government prior to the determination of such applications.

In respect to the policy position objection is raised to the proposal for the above reasons.

Cont..

Application No. 11/0575/FULL Continued

Comments from Consultees: The main consultation responses of relevance in this regard are those of the Transport Engineering Manager and The Countryside and Landscape Manager. Both have raised objections to the turbine on policy grounds, the former on the basis of inadequate information and the latter on issues relating to the adverse impact of the turbine on the natural heritage of the area, particularly its visual effect on the SLA.

The Countryside Council for Wales did comment on the issue of the impact of the development on bats in the area, however the County Ecologist is satisfied that this is not an issue in this instance.

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

1. It is accepted that the turbine will adversely affect the local landscape.
2. There is no evidence that bats will be affected by the development, however if consent were to be recommended this would only be done on the basis of further survey work relating to the impact of the turbine on peregrine falcons, who are known to nest in a local quarry.
3. The issue of access onto the common, and nuisance arising from such access is not a matter that can be addressed via consideration of this application.
4. The scale of the turbine and its impact on its surroundings (i.e. the SLA) is accepted.
5. This may be correct in a visual sense.
6. The issue of noise nuisance is not supported by the Head of Public Protection. He does however require a range of conditions to be imposed which are designed to mitigate any noise nuisance and deal with issues such as flicker and deliveries to the site.
7. This is a general statement, which is not specifically relevant to this application.
8. The turbine would be visible from the town centre and the response to this is reflected in the officer recommendation.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

Cont..

Application No. 11/0575/FULL Continued

- 01) The application has not been accompanied by an acceptable Traffic Management Plan, which is required to be submitted prior to its determination, in accordance with The Welsh Government recommendation for "Wind Farm Developments", 24th April 2012. As such an insufficient level of information has been provided to fully consider the traffic issues relating to this proposal.
 - 02) The application is contrary to Policy SP10 of the Caerphilly County Borough Council Local Development Plan up to 2021 - Adopted November 2010 in that the proposed wind turbine is considered to adversely effect the natural heritage of this area by virtue of its visual impact.
 - 03) The turbine is considered to be contrary to the requirements of Criterion A of Policy CW4 of the Caerphilly County Borough Council Local Development Plan up to 2021 - Adopted November 2010 in that it does not conserve or enhance the character of the Special Landscape Area in which it is sited, by virtue of its scale and visual impact.
 - 04) The development is considered to be contrary to Policy CW15, Criterion C (iv) of the Caerphilly County Borough Council Local Development Plan up to 2021 - Adopted November 2012, in that it has not been demonstrated that the wind turbine could be reasonably located elsewhere on a site with lesser impact on the character of its surroundings.
-

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0581/COU 18.10.2011	Mr C Williams Stable Cottage St Hilary Cowbridge CF71 7DP	Change of use from mixed use retail/nightclub to public house/nightclub (A1 to A3) 3 Pentrebane Street Caerphilly CF83 1FR

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site at 3 Pentrebane Street is located on the south side of a side street, to the west of the primary shopping area in Cardiff Road, Caerphilly.

Site description: The premises are occupied by an existing A1 retail use on the ground floor, and a nightclub on first and second floors. It is a three-storey commercial built property, in a group of smaller retail outlets, and extends into the space which at one time would have been the rear garden/yards of properties in Clive Street. It is surrounded on all sides by other commercial uses, and there are first floor flats above the properties to the south in Clive Street.

Development: The proposal is to change the use from a mixed use as A1 retail and nightclub at first and second floors, to a mixed use as an A3 public house, and nightclub as defined by the Town and Country Planning (Use Classes) Order 1987. Following discussions with the applicant an amended scheme, including details of smoking shelters and an increase to the site boundary were received on the 27th April 2012.

Dimensions: The size and shape of each floor of the building differs, but the ground floor 'footprint' is generally 32m in length and 15m wide. The site has overall maximum dimensions of 37.5m x 17m.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

06/0665/FULL - Create a new mixed development containing town centre retail units, offices, residential apartments with a related health club and a public library facility - Granted 20.08.07.

Cont..

Application No. 11/0581/COU Continued

P/01/0264 - Obtain certificate of lawfulness for an existing use as a nightclub A3 use - Granted 04.05.01.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation

Local Development Plan: Land within the settlement boundary and a principal town centre.

Policies

Local Development Plan: Policies CW2 (Amenity); CW3 (Design Considerations - Highways); CW15 (General locational Constraints), Planning Policy Wales and Technical Advice Note 4: Retail and Town Centres.

ENVIRONMENTAL IMPACT ASSESSMENT

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

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not a material consideration in this case.

CONSULTATION

Police Architectural Liaison Officer - Gwent Police formally object to this 'Change of Use' application on the grounds of Section 17 Crime and Disorder Act 1988 and the prevention of crime & disorder and public safety in an area which already suffers greatly with high levels of violence, crime and anti-social behaviour.

Head Of Public Protection - The proposal would have an unacceptable impact upon residential amenity of nearby properties by virtue of noise and disturbance, and refusal of permission is recommended.

Trading Standards - If the smoking shelter has no roof, there would be no objection to that aspect of the development.

Transportation Engineering Manager - No objection subject to condition.

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Application No. 11/0581/COU Continued

Caerphilly Town Council - Objection on the grounds of the adverse impact upon nearby residential properties.

ADVERTISEMENT

Extent of advertisement: Twenty-three neighbours notified by letter and a site notice erected.

Response: Seventeen letters or emails of objection from nearby residential neighbours, along with a one hundred and twenty-two signature petition, objecting to the proposals have been received .

Summary of observations: The objections may be summarised as follows:-

1. Due to the increase in the number of days that the night club would be open, and the intensification of these uses within the building, the proposal would lead to an increase in anti-social behaviour, violence, noise and detriment to residential amenity over a wide area.
2. Late night disturbance over 6 days instead of only the weekend as at present.
3. The proposal would have an adverse impact on highway safety through the additional traffic and on-street parking.

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 reasonable can to prevent crime and disorder in its area? Gwent Police have raised objection on the grounds of 'Section 17 Crime and Disorder Act 1988', and the prevention of crime & disorder and public safety in an area which already suffers greatly with high levels of violence, crime and anti-social behaviour.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? This is not an issue in this case.

ANALYSIS

Policies: Policy CW2 is of relevance and states that 'Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

Cont..

Application No. 11/0581/COU Continued

- a. There is no unacceptable impact on the amenity of adjacent properties or land.
- b. The proposal would not result in over-development of the site and / or its surroundings.
- 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 development.

With regard to criterion A, this is a town centre site, but it is at the edge of the commercial area. There are residential properties immediately to the rear of the application site, and others within relatively short distances to the west (approximately 30 metres). The premises, as existing, generate complaints from the noise and disturbance during the early hours of the morning, and an unacceptable impact upon residential amenity could not be ruled out through the increased use of the premises. As this application is for a change of use, criterion B is not significant in this case. Even though the second floor enjoys an existing use as a nightclub, there has been a number of complaints about the noise levels from loud music, and the noise and behaviour of clientele leaving the premises. This proposal has the potential to exacerbate this situation, as it would bring into use all three floors, possibly resulting in greater numbers of customers, and extend throughout the week, instead of just the one night as at present. It is argued that the intensification of the premises as a public house and nightclub would result in even greater noise and disturbance to nearby residential properties and is therefore incompatible with other uses in the area. Thus, criterion C is not satisfied. Criterion D is not applicable.

The Design and Access Statement indicates that "the property is in need of complete refurbishment, and the proposal will afford the opportunity to create a sustainable building." Whilst it is understood that the refurbishment of the building would include some soundproofing measures, the submitted plans do not indicate where and to what extent these measures would be applied to the building. As such, there is insufficient information to properly assess the scheme and a determination should not be made on the basis of assumptions that the building could be soundproofed.

Cont..

Application No. 11/0581/COU Continued

Gwent Police formally object to the proposal on the basis that there is already a high level of violent crime and serious disorder as well as high levels of anti-social behaviour linked to 3 Pentrebane Street, Caerphilly as a result of the licensed activity at Pulsar Nightclub. This is even more problematic when you consider that the premises are only open one night per week. The provision of additional licensed premises directly below the nightclub will result in a likely increase in the already high levels of crime and disorder incidents occurring in the locality.

Comments from Consultees: Head of Public Protection has indicated that the proposals would adversely affect residential amenity. There are a number of noise concerns in respect of the proposals, namely, noise from the ground floor smoking shelter, noise from additional patrons using the premises, noise from music emanating from the premises and noise from vehicles to and from the premises collecting patrons.

The Head of Public Protection already receives complaints in relation to the existing nightclub and it is understood that it only operates one night per week at the moment. If the premises were to be granted a change of use from mixed commercial use to public house and nightclub, there is concern that the intensification of use of the building would create a statutory noise nuisance to surrounding residential properties.

The fabric of the building on the second floor was very poor during the officer's site visit where parts of the suspended ceiling internally had collapsed and part of the roof had previously collapsed. As existing, the roof has been 'patched up', but in terms of acoustic properties, the building would not currently help a great deal in terms of attenuation of noise.

With all this in mind, Head of Public Protection is currently unable to support a planning application of this nature and would recommend refusal of the application.

Gwent Police Architectural Liaison Officer undertook a search of incidents up to May 2012, and has provided a record of violent incidents, crime and anti-social behaviour that have taken place within a 1.5km radius of Pentrebane Street, and comments as follows:-

Cont..

Application No. 11/0581/COU Continued

"It is significant that there are high levels of serious violent crime, 50 incidents, and anti-social behaviour, 426 incidents, recorded in the vicinity of post code CF83 1FR (which includes 3, Pentrebanne Street, Caerphilly), for the 6 month period up to and including March 2012. Even though this shows a reduction from the previous 6 months (April-September 2011) this is still a high level of violent crime and anti social behaviour and when taken into account alongside the levels of crime and disorder incidents linked to Pulsars Night Club since 1st January 2010, the addition of a further public house in this area, let alone directly underneath Pulsars Night Club would have the potential to have a major impact upon the levels of crime, disorder and anti-social behaviour already being suffered in this area."

"Since the date of the last report there have been 5 occasions that the police have had to attend Pulsars night club as a result of incidents reported. These incidents include 4 reports of assault/fighting at the club and one reported theft of a handbag. All of these incidents occurred in the early hours of the morning. There have also been four occasions where police have had to attend Pentrebanne Street to deal with reported incidents. These include an assault at 02.59 hrs on 27th December 2011 outside Pulsars Night Club, where a female was arrested for the offence. There have also been two cases of anti-social behaviour and one incident of criminal damage in Pentrebanne Street since 17th November 2011."

"Any increase in crime and anti-social behaviour would not only be a drain on police resources but would adversely affect residents' quality of life living close to the premises. There are flats above the shops in Pentrebanne Street and a terraced row of over 50 houses in Bradford Street which is less than 100 metres from Pulsars Night Club. The majority of violent incidents, crime and anti-social behaviour connected with 'Pulsars' occurred between mid-night and 03.00 a.m. The potential for an increase in crime and anti-social behaviour in the early hours of the morning 7 days a week would be a real blight on local residents' quality of life. This again has the potential to impact on police resources by increasing the number of complaints to the police from residents, concerned with noise and anti- social behaviour in the early hours of the morning."

"May I draw the Council's Planning Committees attention to Section 17 of the Crime and Disorder Act 1998, which clearly states:-

Cont..

Application No. 11/0581/COU Continued

“Without prejudice to any other obligation on it, it shall be the duty of each authority to which this section applies to exercise its functions with due regard to the likely effects of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area.”

“The Home Office have issued guidance on Section 17 Crime and Disorder act which says:-

“Section 17 means that each Local Authority should take account of the community safety dimension in all of its work. All policies, strategies, plans and budgets will need to be considered from the standpoint of their potential contribution to the reduction of crime and disorder.”

Gwent Police formally object to this change of use as follows:-

“Gwent Police formally object to this 'Change of Use' application on the grounds of Section 17 Crime and Disorder Act 1988 and the prevention of crime and disorder and public safety in an area which already suffers greatly with high levels of Violence, crime and anti-social behaviour.”

Comments from public: The comments of the residents, and the 122 signature petition, reflect the strength of feeling locally, and further support the comments made by the Police, and the Head of Public Protection.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

- 01) The proposed increase of the use to daily opening would be detrimental to the amenities of the neighbouring residential occupiers by virtue of late night noise and disturbance and would therefore be contrary to the provisions of Policy CW2(A) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 02) The proposed change of use of the building to be used wholly as a mixed use as public house/night club would be detrimental to the amenities of the neighbouring residential occupiers by virtue of the potential increase for late night noise and disturbance and would therefore be contrary to the provisions of Policy CW2(A) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Cont..

Application No. 11/0581/COU Continued

- 03) The proposed change of use of the building to be used wholly as a mixed use as public house/night club and the increase of the use to daily opening would have the potential to increase crime and disorder in an area which already suffers with high levels of violence, crime and anti-social behaviour to the detriment of public safety and residential amenity.
-

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0953/FULL 22.12.2011	Mr K Walker 39A, Cefn Coed Road Cyncoed Cardiff CF23 6AP	Erect extension to the existing hotel/public house to provide 6 No. additional guest bedrooms, a dining room and all associated access and groundworks etc. Newbridge Hotel High Street Newbridge Newport NP11 4FH

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located in the centre of Newbridge located on the junction of High Street and Tynewydd Terrace.

Site description: Three storey public house and associated curtilage.

Development: It is proposed to extend the existing hotel/public house to provide 6 additional guest bedrooms at first and second floor level, as well as a dining room at ground floor level.

Dimensions: The proposed dining room/guest room annex extension measures 11.5 metres in width fronting onto High Street, 8 metres in depth, with a height of 10 metres to ridge level. The proposed parking area measures approximately 16 metres x 17 metres, and will provide 9 off-street parking spaces.

Materials: Red and buff brickwork and grey slate to match existing building.

Ancillary development, e.g. parking: Two retractable awnings to front elevation. Amenity area to rear of public house. Bin storage area. Internal re-arrangement of ground floor pub/lounge area layout.

Cont..

Application No. 11/0953/FULL Continued

PLANNING HISTORY

10/0072/FULL - Convert first and second floors of hotel and associated accommodation to four flats; extend and alter existing public house at ground floor; construct annexe to accommodate three flats; erect canopies; carry out access and site enclosure works together with parking and associated ground works Refused 22.04.10.

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy CW2 (Amenity) and CW3 (Design Considerations - Highways).

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - Raises no objection subject to condition.

Senior Engineer (Land Drainage) - Provides advice to the developer regarding the drainage of the site.

Dwr Cymru - Provide advice to the developer regarding the drainage of the site.

Countryside And Landscape Services - Provides advice to developer.

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Extent of advertisement: Thirty-five neighbouring properties were consulted and a site notice was placed on-site.

Response: One letter of objection was received.

Summary of observations: Lack of parking facilities and resultant increased on-street parking pressure.

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 considered to be an issue for this application.

EU HABITATS DIRECTIVE

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

ANALYSIS

Policies: It is considered that the proposed guest room/dining room three-storey annex is acceptable in terms of its setting, scale and layout, and will form a sympathetic extension to the public house that will remain the dominant element. Given the differing floor to ceiling heights between the existing building and the proposed annex, the fenestration of the proposed annex will not follow the same lines as the host building, but appropriately designed windows have been proposed to allow the proposal to integrate as best as possible. A condition will also be attached to the permission requiring materials to match the host dwelling in the interests of the visual amenity of the area.

As well as the proposed 6 guest rooms in the annex extension, the applicant also proposes to create 5 guest bedrooms at second floor level within the existing public house. As part of the application 9 off-street parking spaces are proposed within the rear curtilage of the public house, with access gained from Tynewydd Terrace. This is considered to be an improvement of the existing parking provision, and conditions will be attached to the permission in the interests of highway safety, i.e. visibility splays when exiting the car park and maximum gradients for the proposed access.

Cont..

Application No. 11/0953/FULL Continued

The proposed retractable awnings to the front of the premises are considered to be acceptable in terms of their scale and setting, and will provide a more attractive sheltering option than individual umbrellas within the front curtilage, especially given the prominence of the front elevation facing the Newbridge regeneration works that are currently being undertaken.

Comments from consultees: The comments of consultees can be accommodated by condition.

Comments from public: Increased on-street parking pressure - No objection is raised by the Transportation Engineering Manager based on the level of off-street parking proposed.

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 construction of the external surfaces of the development hereby approved details of the materials to be used 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.
- 03) Notwithstanding the submitted plans, prior to the commencement of work on site amended details shall be submitted to and agreed in writing by the Local Planning Authority showing a bin storage area for the public house and associated guest rooms. The agreed details shall be implemented prior to first use of the approved annex.
REASON: In the interests of visual amenity.
- 04) The hotel/guest rooms hereby approved shall be for short term let only, i.e. for no more than one calendar month at a time.
REASON: To retain effective control over the development.

Cont..

Application No. 11/0953/FULL Continued

- 05) Prior to its first use, the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4m x 43m. No obstruction or planting when mature exceeding 0.6m metres in height above the footway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interests of highway safety.
- 06) The access to serve the proposed development shall be not less than 4.8m wide, have a maximum gradient not exceeding 1 in 8, and shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority. The access shall be completed prior to beneficial occupation of the development first commencing.
REASON: In the interests of highway safety.
- 07) Any gates shall be located and fitted so as not to open out over the highway.
REASON: In the interests of highway safety.
- 08) The approved guestrooms 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.

Advisory Note(s)

Please find attached the comments of Transportation Engineering Manager, Head of Public Protection, Dwr Cymru/Welsh Water and Senior Engineer (Land Drainage) 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: Policies CW2 & CW3.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0296/FULL 01.06.2012	Mr W Powell Station House Bedwas Caerphilly CF83 8QZ	Erect a pair of semi-detached houses Land Adjacent To Old Station House Old Station Yard Bedwas Caerphilly CF83 8QZ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land adjacent to Old Station House, Old Station Yard, Bedwas.

Site description: The application site is former railway land adjacent to Old Station House, Old Station Yard, Bedwas. The site is situated to the north east of Buffers End, to the north of Brynhyfyrd and to the south of Bryn-Gwyn Street, Bedwas.

Development: Erection of a pair of semi-detached houses.

Dimensions: The overall site area is 705 square metres. Whilst the proposal is for a pair of semi-detached houses there is a slight difference between the two therefore the dimensions of each dwelling are as follows:

Western dwelling - 6.7 metres in depth at its deepest point including the bay window, by 9.35 metres in width at its widest point including the two-storey side projection, with a height of 7.3 metres high to ridge level at its highest point.

Eastern dwelling - 6.7 metres in depth at its deepest point including the bay window, by 8.35 metres in width at its widest point including the two-storey side projection, with a height of 7.3 metres high to ridge level at its highest point.

Materials: External finishes of the proposed dwellings would be smooth rendered walls, interlocking slate roof tiles, upvc windows, hardwood/upvc doors, timber and wire mesh fences and tarmac.

Ancillary development, e.g. parking: Provision of three off-street parking spaces per dwelling, plus three off-street parking spaces for the existing dwelling.

Cont..

Application 12/0296/FULL Continued

PLANNING HISTORY

08/0678/FULL - Erect extension and alter existing dwelling to provide additional master bedroom and accommodation for applicant's elderly/disabled parents - Granted 31.07.08.

08/0035/FULL - Alter and extend existing building to provide additional accommodation for applicant and elderly/disabled parents - Refused 06.03.08.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: SP6 (Place Making), SP7 (Planning Obligations), CW2 (Amenity), CW3 (Design Considerations - Highways), CW15 (General Locational Constraints), TR1 (Cycle Routes), Supplementary Planning Guidance LDP6: Building Better Places to Live and Supplementary Planning Guidance LDP5: Car Parking Standards.

NATIONAL POLICY:

Planning Policy Wales (2011).
Technical Advice Note 12: Design (2009).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager - raises no objection subject to conditions regarding the widening of the lane, materials and parking provision.

Cont..

Application 12/0296/FULL Continued

Gwent Wildlife Trust - raises no objection subject to a condition regarding a linear garden feature.

Bedwas, Trethomas & Machen Community Council - raises objection on the grounds that there are existing structural issues with the retaining wall between the site and Bryn Gwyn Street, and whilst the proposal would interfere with the skyline and block light to neighbouring properties. The proposal would contribute to the overdevelopment of the Bedwas area and would prejudice the future reopening of the railway link and cycle track.

Senior Engineer (Land Drainage) - raises no objection subject to a condition regarding surface water and land drainage.

Head Of Public Protection - raises no objection subject to conditions regarding contamination and soil importation.

Dwr Cymru - raises no objection subject to conditions regarding foul, surface water and land drainage.

ADVERTISEMENT

Extent of advertisement: Thirty-six neighbours notified, site notice posted. A further site notice and press notice were posted relating to the departure from the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

Response: Forty letters have been received.

Summary of observations: The local residents' comments are as follows:

1. The proposal would result in the loss of land for the provision of a cycle route as identified in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
2. The proposal would have a detrimental impact on the visual amenity of the properties on Bryn Gwyn Street.
3. The proposal would worsen the existing problems relating to highway safety at the junction of Brynhyfryd Terrace with Church Street.
4. Any relocation of the cycle route on to the highway to accommodate the proposed development would lead to residents and cyclists being put at risk of collisions.

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Application 12/0296/FULL Continued

5. The proposal would block the railway line from any future sustainable transport options. The old railway line presents opportunity for the development of the Sustrans footpath system. To place houses here would detract from the approach and potential ambience of any such scheme.
6. The proposed 1.8m closed board fencing would compromise the amount of natural light received by the ground floor windows of the properties on Bryn Gwyn Street. The proposed fencing would not be in keeping with the existing fencing that was erected by Sustrans.
7. Old Station Yard is a private road that requires permission to be sought from all road owners to gain access.
8. The proposed dwellings would add to the existing issues relating to parking and access onto Brynhyfryd.
9. There are currently 5 individually designed detached properties on Old Station Yard, a pair of semis is an inappropriate addition for this location.
10. The map accompanying the planning application is misleading, as it appears to show the private car park of the Church House Inn as a part of the road system at this point. This implies that this area can be used when entering/leaving Brynhyfryd Terrace.
11. Emergency services vehicles would have a very difficult task reaching this already congested space without the proposed extra housing and vehicles.
12. Now the land has been sold who will be responsible for the maintenance of the retaining wall abutting Bryn Gwyn Street?
13. Any disturbance/excavation of land during any building process on this narrow section of disused railway line could cause catastrophic problems to an already fractured retaining wall which is holding up the road in Bryn Gwyn Street. Any disturbance could undermine the stability of the houses on Bryn Gwyn Street.
14. As the land has now been sold there is no alternative but to hold CCBC responsible for any such re-occurrence of problems involving the road at Bryn Gwyn Street.
15. The development will not be in keeping with the historical aspect of the area. On the north side of the railway siding are 130-year old mining cottages and to the east a 1,000 year old Norman church. The proposed site also contains the original platforms from the Bedwas station.
16. Old Station Yard is a narrow private lane with restricted access which currently experiences problems relating to refuse collection. Allowing two further houses will have a significant adverse effect on the access enjoyed by the existing 5 houses.

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Application 12/0296/FULL Continued

17. Part of the current vehicular access is at the end of a private driveway. Access to and from Old Station Yard would be restricted should the neighbouring property choose to erect a barrier along their driveway boundary.
18. The existing access is in a poor state of repair without the increased traffic should permission be granted.
19. The proposed houses will lie directly behind the neighbouring property and will overlook its garden.
20. The design and access statement (DAS) suggests that the neighbouring boundary treatment is 2 metres tall when it measures only 1.7 metres.
21. The DAS also refers to an existing derelict building on the site that is not in situ.
22. The sewerage system at Old Station Yard was designed for the use of the existing dwellings. The system would not be able to cope with the additional properties. To connect in to the system would result in the digging up of the lane which would prevent access to three properties.
23. An application on a neighbouring site was refused, as there were no more than three houses allowed off a private drive. Has this policy changed?
24. The residents of three of the properties along Old Station Yard were not informed of the application by letter. Why were they treated differently?
25. It is requested that more time is given to local residents to respond due to the short time scale in which to object and the limited number of properties advised of the development.
26. A similar application was turned down by the Council on disused railway land and this sets a precedent.
27. There would be further environmental noise and upheaval in the area that has seen 6 separate building projects within the last 3 years.

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 issues in this instance.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No European protected species implications but the site and the surrounding landscape still have some wildlife habitat potential.

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Application 12/0296/FULL Continued

The site lies on the line of a disused railway line that has already become fragmented from several properties nearby that have cleared parts of the railway line to create hard standings and car parking areas at intervals along the track. The additional clearing of the track in connection with this proposal is not likely to significantly change the current situation, particularly as the current application will provide amenity space/gardens over much of the track area which has the potential to provide an element of continuity for wildlife habitat over time. In addition, the railway line is very close to the open countryside at this point, with only a single row of properties to the north, and directly abuts the open countryside to the east and west of this location, giving wildlife the opportunity to use an alternative means of travel via the hedgerows and fields of the open countryside north of the railway line.

SEWBRcC records indicate that bat roosts have been recorded in three properties in Garth Villas, to the west of the application site, but the open nature of the residential developments at this location and proximity to open countryside immediately north of the street also means that the fragmentation of the railway line at this location is unlikely to have a significant impact on any foraging or commuting activities of these bats, as bats will still be able to access feeding habitat along the railway line through the gardens of the proposed properties, and there are plenty of alternative foraging routes in the vicinity.

The railway line at this location is dominated by scrub, with few opportunities for reptiles to bask, and although there are numerous places where reptiles could hide, particularly within the retaining wall at the rear of the proposed development, the dense nature of the vegetation makes the site sub-optimal for reptiles. However, as a precautionary measure it is recommended that an advisory note is placed on any approval.

There is the potential however for the site to be used for nesting birds, in the scrub and retaining wall within the application site. As a result a condition should be placed on any approval to control the timing of vegetation removal to protect nesting birds.

Council's Ecologist also requests the attachment of a condition relating to biodiversity enhancements.

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ANALYSIS

Policies: The application seeks permission to construct two semi-detached houses on land adjacent to Old Station House, Old Station Yard, Bedwas, including a section of former railway line. Although the site is not specifically allocated for residential development in the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010, it is located within the defined Settlement Boundary, and therefore the presumption is in favour of development providing material planning considerations do not constrain such development.

Policy CW2 of the Plan states that on such windfall sites within the settlement boundary, neighbouring land uses should not detract from the residential amenity of the proposed development, and the development should not result in an insensitive infilling which would spoil the character of the area. The submitted layout provided illustrates that the dwellings can be accommodated within the site, when considering the differing levels, with adequate privacy distances and separation from the existing dwellings providing a condition is attached restricting the insertion of any new windows. It is considered that the adjoining land uses would not detract from the residential amenity of the proposed properties, as existing residential development is located to the north, south, east and west of the application site. It is considered that given the size of the application site, a development comprising two semi-detached houses does not represent an overdevelopment of the site, with each property having a moderate amount of private amenity space and appropriate levels of off-street parking. Each property also incorporates 3 off-street parking spaces as well as maintaining 3 off-street parking spaces for the existing dwelling. Furthermore, a condition will be attached to any permission restricting householder permitted development rights in relation to extensions and domestic outbuildings.

In terms of the potential impact of the development on properties adjoining the application site, the development is surrounded by residential dwellings on all sides, albeit at varying distances and levels from the site. Buffers End and Old Station House are dwellings in the immediate vicinity of the application site whilst Brynhyfryd is located at a lower level to the south. Bryn Gwyn Street is located at a higher level to the north. When considering the difference in levels between the application site and Brynhyfryd and Bryn Gwyn Street, as well as the position of Buffers End and Old Station House in relation to the proposed dwellings, it is felt that the development will not result in any overshadowing impact.

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Application 12/0296/FULL Continued

When considering the distance of the proposed dwellings in excess of 21 metres from the fronts of the properties on both Brynhyfryd and Bryn Gwyn Street, despite the difference in levels between the sites it is also felt that the proposed development would not result in an overbearing impact on adjoining properties to a degree to warrant a refusal of planning permission.

In terms of neighbouring privacy, a condition has been attached restricting the insertion of any new windows. In relation to the other surrounding properties it is considered that the development would not detract from existing levels of privacy, as the privacy distances are far in excess of the guidance.

Policy CW3 states that development should have regard for the safe, effective, and efficient use of the transportation network. The applicant proposes to access the development off the existing private drive on Old Station Yard to the southern boundary of the site. The Transportation Engineering Manager has assessed the proposal with regard to highway safety and found it to be acceptable subject to conditions regarding the widening of the lane, materials and parking provision and a S106 agreement in order to secure the Standard Planning Obligation of £5,500 per property.

Policy TR1 states that land will be safeguarded to facilitate improvements to the cycle route network. Whilst the application site forms part of the Rhymney Valley Linear Cycle Route it should be noted that the alignment of cycle route proposal TR1.13 in the vicinity of Bryn Gwyn Street, Bedwas, as shown on the LDP proposals map is an indicative one. These routes predominantly follow former railway lines as they provide a continuous, undeveloped route and as such their protection is often vital to project delivery. To date, no scheme development work has been undertaken on the proposed cycle route and the specific route alignment, including access points and specific site constraints have yet to be considered in detail. Following discussions with Sustrans and other parties, it is considered that a future cycle route at this location (to the west of Church Street) could be implemented along Bryn Gwyn Street itself and rejoin the former railway line beyond this and other existing route blockages in the vicinity of Old Station Yard. Therefore this specific application is unlikely to prejudice the future development of the scheme and as such it would be considered an acceptable departure from the plan.

In terms of the proposed properties, it is considered that they have been well designed in terms of their scale, siting and materials, and will integrate with the surrounding area. It is not considered that they will detract from the residential amenity of neighbouring properties or the visual amenity of the area generally. Appropriate parking, access and amenity will be provided for the development, and it is considered that the proposal represents an appropriate development of the site.

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Application 12/0296/FULL Continued

Therefore the proposal is compliant with policies in the Local Development Plan, Supplementary Planning Guidance LDP5 and LDP6, Planning Policy Wales (2011) and TAN 12: Design.

Comments from consultees: No comments were received from Sustrans.

The views of the consultees can be addressed by condition. The comments of Bedwas, Trethomas and Machen Community Council have been considered above.

Comments from public: The Council's response to the local residents' comments is as follows:

1. The alignment of cycle route is considered above.
2. Firstly it should be noted that the right to a view is not a material planning consideration. Secondly, when considering the distance between the rear of the proposed dwellings and the front of the properties on Bryn Gwyn Street, as well as the significant difference in levels, there would be little or no detrimental impact on the visual amenity of the aforementioned properties to warrant refusal.
- 3 & 4. Transportation Engineering Manager has assessed the proposal with regard to highway safety and has raised no objection.
5. In respect of protection of the line for future rail transport use, Planning Policy Wales seeks to either protect former rail lines where either their reuse for transport purposes is realistic (paragraph 8.5.4) or to prevent development that would preclude their future use for transport purposes where it is a possibility (paragraph 8.6.2). The LDP has not sought to protect this line for future rail use and the recent SEWTA Rail Strategy Review did not consider this line in its assessment of future rail links. Given this position, the protection of the line does not accord with Planning Policy Wales and, as such, would be unlikely to be successful. Therefore there is no compelling justification for protecting this line at this point.

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Application 12/0296/FULL Continued

6. The height of the proposed fencing would not have a significant impact on the light received by the properties on Bryn Gwyn Street. When considering the distance of the properties in question from the proposed fencing and the level of the properties above the highway it is felt that the proposal would have little or no impact on the light received. With regard to the character of the proposed fencing a condition has been attached requesting the submission of details to be agreed with the Council with regard to the type of boundary treatment to be erected.
7. Land ownership issues are not a material planning consideration. Nonetheless the applicant has been made aware of this issue and they have maintained their stance that all land subject of the application, including any access up to the adopted highway, is under their ownership.
8. Transportation Engineering Manager has assessed the proposal with regard to highway safety and has raised no objection.
9. The Council would disagree with the assumption that a pair of semi-detached dwellings would be inappropriate for this location. While Old Station Yard contains properties of a detached nature the site is surrounded by a mixture of terraced houses to the north and semi-detached houses to the south. As such when considering the context of the site it is felt that the proposal would be in keeping with the surrounding development.
10. The plan accompanying the planning application replicates the Council's own GIS mapping system and is a plan issued by the OS Maps. The applicant is not held responsible for errors of this regard but only for errors relating to the application site itself. The land in question does not relate to the application site, however, please note that the Council's Planning and Transportation Engineering Officers have visited the site and are aware of the extent of the road network.
11. Transportation Engineering Manager has assessed the proposal with regard to highway safety and has raised no objection.
12. The responsibility for the retaining wall goes with the ownership of the land. The Council has been informed that this obligation is clearly set out in the title to the land.

Cont..

Application 12/0296/FULL Continued

13. It should be noted that the submitted drawings indicate that the proposed dwellings would be located a considerable distance from the existing retaining wall. Despite this fact any works carried out that may impact upon the retaining structure would be governed by the Building Regulations legislation and are not a material planning consideration. It should also be noted that as owner of the land the applicant has a duty of care with regard to the retaining wall and would need to ensure that any works would maintain its structural integrity.
14. As the Council is not the owner of the land in question it would have no case to answer.
15. When considering the wider context of the site it is evident that the surrounding properties are of varying ages, detachments and styles and are finished with a mixture of stone, brick, render and timber cladding. As such the proposal would not be out of character with the historical aspect of the area. The area is obviously varied in character and house type therefore the proposed bay-fronted semi-detached houses, with a smooth rendered finish would be in keeping with the neighbouring properties such as the semi-detached houses on Brynhyfryd Terrace.
- 16 & 17. Transportation Engineering Manager has assessed the proposal with regard to highway safety and has raised no objection.
18. The state of the existing access has been taken into account but would not preclude the proposal.
19. When considering the distance of the proposed dwellings from the neighbouring properties, as well as the difference in levels, it is felt that the proposal would be compliant with the Council's design guidance relating to privacy distances. As such there would be no unacceptable impact on the privacy of the neighbouring properties.
20. Whilst there may be a discrepancy in the height stated in the submitted DAS it should be noted that this is of little relevance as the proposal would be compliant with the Council's design guidance relating to privacy distances even if the boundary treatment was non-existent.

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Application 12/0296/FULL Continued

21. The reference to a derelict building would appear to have been due to a clerical error in which the DAS submitted contained a section of another DAS. This has since been corrected and a new DAS submitted. Nonetheless this would have little relevance to the Council's assessment of the proposed dwellings and their impact on their surroundings.
22. It should be noted that neither Dwr Cymru/Welsh Water or the Council's Senior Engineer (Land Drainage) raised objection to the proposal subject to conditions relating to the submission of satisfactory information detailing how the site would be adequately drained.
23. The Council no longer has a policy that restricts the number of dwellings off of a private drive to three.
24. Council records would indicate that two out of the four properties on Old Station Yard were consulted. It is the Council's standard procedure that properties within 4 metres of the site boundary, excluding any highway, would receive neighbour consultation letters. No's 1 and 2 Old Station Yard would fall outside these parameters. Nonetheless a site notice was posted in close proximity to the access to Old Station Yard therefore it is felt that the Council met the requirements of application publicity.
25. This application was received in April, so there has been adequate time for local residents to comment.
26. Firstly each application is assessed on its own merits and individual set of circumstances. In this instance the LDP has not sought to protect this line for future rail use and the recent SEWTA Rail Strategy Review did not consider this line in its assessment of future rail links. Given this position, the protection of the line does not accord with Planning Policy Wales and, as such, would be unlikely to be successful. Therefore there is no compelling justification for protecting this line at this point. Please note that these comments relate solely to the possible use of the land for rail-based transport.
27. As has been highlighted above this specific application is unlikely to prejudice the future development of the scheme and as such it would be considered an acceptable departure from the plan.
28. It should be noted that some noise and disruption is to be expected during the construction phase of a development, however, this would not be sufficient to warrant refusal of this application.

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Application 12/0296/FULL Continued

Other material considerations: The development is considered acceptable in all other aspects.

The applicant has agreed to sign a Section 106 Agreement in respect of the Caerphilly Basin Strategic Highway Network Obligation.

A planning obligation must meet all of the following tests.

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

A Section 106 Agreement will be sought because this development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods. Following public consultation, which included house builders, the Council has adopted Supplementary Planning Guidance LDP3, Caerphilly Basin Strategic Highway Network Obligation, which requires a financial contribution, currently £5,500.00, for each new dwelling constructed within the defined Caerphilly Basin area as a reasonable means of addressing this capacity problem. The money contributed by this development will be used with other similarly collected monies to finance the necessary improvements to the strategic highway network.

(b) It is directly related to the development.

This development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods, thereby aggravating existing congestion problems.

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

The unit sum - at present £5,500.00 - is reasonable when compared to the costs of construction and the value of one house. The total contribution is based on the number of dwellings, which means that the larger the development, the greater the impact on the road network, and therefore the higher contribution.

RECOMMENDATION that (A) the application is DEFERRED to allow the completion of a Section 106 Obligation requiring the payment of £5,500.00 (index linked) for each dwelling for highway improvements in the Caerphilly Basin area.

(B) Upon completion of the legal agreement permission be GRANTED in accordance with the following conditions:

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Application 12/0296/FULL Continued

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 construction of the external surfaces of the development hereby approved details of the materials to be used 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.
- 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 development is beneficially occupied.
REASON: In the interests of the visual amenities of the area.
- 04) 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.
- 05) 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.
- 06) 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 windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.

Cont..

Application 12/0296/FULL Continued

- 07) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water 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.
- 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.
- 09) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision for nesting birds and roosting 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 (2010) and TAN 5 Nature Conservation and Planning (2009).
- 10) Prior to the commencement of work on site details of the a linear garden feature such as a native hedgerow, or line of native trees, 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 scheme shall be planted 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 private lane access shall be widened in accordance with the approved plan and completed in permanent materials prior to beneficial occupation of the development hereby approved first commencing.
REASON In the interests of highway safety.

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Application 12/0296/FULL Continued

- 12) The development shall not be beneficially 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.
- 13) The parking provision for Old Station House shall be laid out in accordance with the submitted plans, prior to any other works commencing, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 14) 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.
- 15) 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.
- 16) 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.
- 17) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

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Application 12/0296/FULL Continued

- 18) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work an 'Interim Certificate' carried out in relation to each dwelling by an accredited body, certifying that each dwelling shall achieve Code for Sustainable Homes (Version 3) Level 3 and one credit under 'Ene1 1 - Dwelling Emission Rate', shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 19) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), Council's Ecologist and Transportation Engineering Manager that are brought to the applicant's attention.

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

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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 SP10.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0397/FULL 05.07.2012	United Welsh Housing Association Mrs H Galsworthy Y Borth 13 Beddau Way Caerphilly CF83 2AX	Substitute 9 x 2 bed affordable apartments with 9 x 1 bed affordable apartments with associated works Land Off Virginia Close Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is the former Jupiter Furniture Warehouse site, which is to the rear of houses on the eastern side of Pontywindy Road, Caerphilly, and is between Virginia Close and Small Meadow Court.

Site description: The site was vacant for many months, and following the issue of permission for a scheme for 28 dwellings, works have commenced on site. The former warehouse building was demolished approximately two years ago and cleared from the site. The site is flat and more or less level. It was previously accessed from Virginia Close, but the proposed new development would be accessed from Small Meadow Court.

Development: This application proposes an amendment to that earlier scheme in the form of the substitution of the block of nine 2-bed flats with a block of nine 1-bed flats. The applicant wishes to change the specifications and seeks permission for a slightly smaller building to contain nine 1-bed flats. In addition, the applicant seeks to amend the details relating to the means of enclosure along the western boundary of the site. The earlier scheme was approved with the retention of an existing concrete block wall, but since works have commenced on site, the wall was been re-assessed and was found to be unsafe. Consequently, revised details were received on the 15th October 2012 indicating a 1.8m high timber fence with 0.6m high trellis sitting on top.

Dimensions: The site is roughly rectangular, and has 72 metre long boundary adjacent to the access lane at the rear of houses in Pontywindy Road, an 80 metre long boundary, adjacent to the retail unit to the north, a 48 metre long boundary where the site meets Small Meadow Court and a 63 metre long boundary adjacent to Virginia Close. The site has an area of 0.538 hectare.

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Application No. 12/0397/FULL Continued

Materials: The block of flats would have external finishes of facing brick walls, and concrete tiled roofs. Doors and windows would be upvc. The fence would be of close board timber.

Ancillary development, e.g. parking: The flats would have a communal bin store and cycle store near the entrance to the communal car park.

PLANNING HISTORY

09/0988/FULL - Construct 28 affordable houses and flats along with associated car parking, highway and drainage - Granted 22.02.12.

06/0272/OUT - Erect Social Housing development - Withdrawn 21.07.07.

P/02/0415 - Erect a 12.73m sector column to support 3 GSM antennae and 3 UMTS antennae, and 1 large Elliott UMTS equipment cabin at ground level - Refused 24.05.02

P/01/0627 - Erect two-storey extension to furniture warehouse - Granted 03.08.01.

5/5/89/0596 - Erect 20 No. flats - Refused 28.09.89.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: CW2 (Amenity), CW3 (Design Considerations - Highways), CW15 (General Locational Constraints) and Supplementary Planning Guidance LDP6, "Building Better Places to Live."

NATIONAL POLICY: Planning Policy Wales (2011) and Technical Advice Note 12: Design (2009).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

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Application No. 12/0397/FULL Continued

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site falls within a Category 3 area, and a mining risk assessment is not necessary.

CONSULTATION

Transportation Engineering Manager – Has no objection subject to conditions.

Head Of Public Protection - No objection subject to conditions and makes comments of which the applicant should be advised.

Senior Engineer (Land Drainage) - No objection subject to conditions and makes comments of which the applicant should be advised.

Dwr Cymru - No objection subject to conditions and makes comments of which the applicant should be advised.

Police Architectural Liaison Officer - The site is being developed in accordance with the Secured By Design standards, and are therefore happy with the alterations.

CCBC Housing Enabling Officer - The development is being supported by the Housing Department and Welsh Government. The application meets the strategic housing requirements of the local authority.

Environment Agency (Wales) - No objection subject to a condition and makes comments of which the applicant should be advised.

ADVERTISEMENT

Extent of advertisement: Thirty-six neighbours notified by letter, and a site notice erected on a telegraph pole adjacent to the site.

Response: Seven letters of objection have been received from nearby residents.

Summary of observations: The proposals have been objected to on the following grounds:-

- 1) The lack of information about intended tenure.
- 2) The procedure of processing the application.
- 3) Lack of privacy to rear gardens in Pontygwindy Road.
- 4) Loss of property value.

Cont..

Application No. 12/0397/FULL Continued

- 5) Loss of natural sun-light and overshadowing.
- 6) Probable increase in crime and vandalism.
- 7) Inadequate infrastructure.
- 8) Density of development (too many houses) resulting in overcrowding.
- 9) Increase in traffic.
- 10) Increase in noise.
- 11) Design - out of character with properties in Pontygwindy Road.
- 12) The block of flats would be too tall - overshadowing, and infringement of privacy.

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 issues in this instance.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? These matters were examined in the earlier application for this development, and were found not to be an issue.

ANALYSIS

Policies: This application, in simple terms, is an amendment to development which already benefits from planning permission. The development of 28 affordable dwellings was granted planning permission in February 2012, and included a block of nine 2-bed flats. The current application seeks an amendment in the form of change to a block of nine 1-bed flats, contained in a building slightly reduced in size.

Whilst the principle of development has been established (the block of nine 2-bed flats could be constructed if necessary), there are minor differences between the two schemes, i.e. the overall size, fenestration, and access, this application must assess the current proposal against national and Council policies, and national and Council supplementary planning guidance.

Cont..

Application No. 12/0397/FULL Continued

There are two general policies which are applicable to this site. The first of these is CW2 (Amenity). This contains the following criteria:-

- a. There is no unacceptable impact on the amenity of adjacent properties or land.
- b. The proposal would not result in over-development of the site and/or its surroundings.
- 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 development.

In response to Criterion A, the scheme that included the larger build, nine 2-bed flats was considered to be acceptable, thus this reduced scheme would have less amenity implications on the adjoining dwellings than the previously approved block of flats would have. The design of the buildings proposed is such as to generally conform in height with those around them. The alterations to the fenestration does not introduce any privacy infringements between this building and any neighbours. The scheme is also served off a new access into the Virginia Park development, and not directly onto the busy Pontygwindy Road. On this basis it is considered that the criterion is complied with.

With regard to the issue of over-development (i.e. Criterion B), the housing element of the proposal is considered to represent an acceptable level. The proposed development arrangement is that of standard housing. The layout provides a reasonable level of external amenity space/parking provision/bin storage/drying areas/bicycle storage for each dwelling.

It is considered that the proposal does not constitute over-development.

Criterion C seeks to ensure that the proposal does not constrain the authorised neighbouring land uses. In this regard the new use conforms to its surroundings and it is unlikely to adversely impact on these activities. The requirements of this criterion would not appear to be compromised.

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Application No. 12/0397/FULL Continued

The final Criterion D is linked to the previous one in that it expands the wording to include not only the constraining of neighbouring activities but also their viability to continue due to their impact on the residential amenity of the new properties. Bearing in mind the nature of the surrounding development it is not considered that this will be the case in this instance. The Criterion is therefore considered to be satisfied.

In respect of Policy CW3 (Design Considerations - Highways) states:
Development proposals must satisfy the following highways requirements:

- a. The proposal has regard for the safe, effective, and efficient use of the transportation network
- b. The proposal ensures that new access roads within development proposals are designed to a standard that:
 - i Promotes the interests of pedestrians, cyclists and public transport before that of the private car, and
 - ii Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve.
- c. Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008
- d. Where access onto a highway is required the proposal takes account of the restrictions relevant to the class of road as designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity

Transportation Engineering Manager is satisfied with the access to the site and individual properties, and internal movement within the site, and due to the location, which is quite close to the town centre, an allowance is acknowledged in respect of the 'sustainability criteria' contained in the supplementary planning guidance, and there is an appropriate reduction in the car parking requirements for the site. Moreover, the reduction in the accommodation within this block of flats would accordingly reduce the potential for traffic generation at this site.

The final Local Development Plan policy of relevance (Policy CW15) refers to general locational constraints. This seeks to ensure that (i) the scheme does not prevent the implementation of a wider scheme, and (ii) the development accords with the function of the settlement in which it is located. With regard to the former, the development forms an additional area of residential land to an existing housing site, where there is already a mixed tenure, and which has been completed. Secondly, the development provides for much needed new affordable housing accommodation in the Caerphilly area.

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Application No. 12/0397/FULL Continued

The provision of the latter in the area currently falls below Assembly Government standards and there is an established urgent need for this type of accommodation.

It is considered therefore that the proposal accords with the policies contained in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

With regard to the general thrust of the advice contained in Planning Policy Wales relating to sustainable development going beyond design to include the social, environmental and economic aspects of the development. It is considered that this proposal puts the needs of people it is to serve at the heart of the process, and seeks to provide for an inclusive design and physically integrate development. This also brings it in line with the advice contained in TAN12: Design.

The application therefore complies with the relevant policy framework.

The development within this site conforms to the Council's guidance in respect of minimum standards. There is little scope for any expansion of these flats, but in any event, flats do not enjoy permitted development rights in the same way as single dwellings, thus there is adequate control in place for the future.

The second aspect of this proposal is the substitution of the concrete block wall along the western boundary of the site with a close board fence and trellis, to a maximum height of 2.4m. This minor alteration to the scheme would not adversely affect the residential amenity of any neighbouring properties nor the visual amenity of the surroundings. The applicant has asked for this change because the wall was subsequently identified as an unsafe structure, and bearing this in mind, the erection of a close board fence in its place is considered to be acceptable.

Comments from Consultees: None of the consultees raise objection to the application, but it is necessary to attach planning conditions to the grant of any permission in this instance, in order to maintain adequate control over the development.

Environment Agency (Wales) requires the inclusion of a condition stating a minimum height Above Ordnance Datum (AOD) at which finished floor levels would be set.

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Application No. 12/0397/FULL Continued

Comments from public: The response to the points raised by members of the public are either addressed in the analysis above or responded to below:-

- A mix of tenure is often promoted on modern developments, and the value of neighbouring property in the area is not a material consideration to the process.
- The procedures for processing planning applications are set down in legislation and this application has been processed appropriately and correctly.
- Loss of property value is not a planning matter in this process.
- Gwent Police do not raise any concerns about an increase in crime or vandalism as a result of this proposal.
- The proposals would not result in inadequate infrastructure in the area.
- The density of the scheme is considered to be satisfactory, and would not lead to overcrowding.
- Transportation Engineering Manager is satisfied that any increase in traffic generated by the development would not have an adverse impact upon the immediately local highway network, but provision is made for a contribution to the overall network.
- The site includes adequate car parking within each plot.
- The density of this proposal is considered to be comparable with the surrounding area, and it is considered that this proposal would not result in overcrowding of the area.
- Any disturbance to the existing residential area during the construction phase would be temporary in nature. However, if existing residents experience disturbance that they feel is unreasonable, they should bring it to the attention of the Council's Head of Public Protection.
- The proposed use is more appropriate to the surrounding residential uses than the former retail warehouse, thus there should be an improvement in residential amenity.

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Application No. 12/0397/FULL Continued

- The design of the building is appropriate to the surroundings and is an adequate distance from the rear gardens of properties in Pontygwindy Road to avoid any significant overlooking or overshadowing.

Other material considerations: The applicant has entered into a Section 106 Agreement in respect of (1) the Caerphilly Basin Strategic Highway Network Obligation, (2) the Education Obligation, and (3) the Leisure Obligation for the original scheme. This application deals only with the block of flats, but in order that the Planning Obligations in relation to this aspect of the development are appropriately administered, it is necessary for the applicant to agree to a Deed of Variation.

In respect of the Strategic Highway Network Obligation, a planning obligation must meet all of the following tests.

(a) It is necessary to make the development acceptable in planning terms

A Section 106 Agreement will be sought because this development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods. Following public consultation, which included house builders, the Council has adopted Supplementary Planning Guidance LDP3 Caerphilly Basin Strategic Highway Network Obligation, which requires a financial contribution, currently £5,500.00, for each new dwelling constructed within the defined Caerphilly Basin area as a reasonable means of addressing this capacity problem. The money contributed by this development will be used with other similarly collected monies to finance the necessary improvements to the strategic highway network.

(b) It is directly related to the development

This development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods, thereby aggravating existing congestion problems.

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

The unit sum - at present £5,500.00 - is reasonable when compared to the costs of construction and the value of one house. The total contribution is based on the number of dwellings, which means that the larger the development, the greater the impact on the road network, and therefore the higher contribution.

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Application No. 12/0397/FULL Continued

In respect of the Education Obligation, one bedroom dwellings are exempt, thus the obligation only stands in respect of those other dwellings on site that are covered by the section 106 agreement.

In respect of the Leisure Obligation, a planning obligation must meet all of the following tests.

(a) It is necessary to make the development acceptable in planning terms

Policy CW10 of the LDP states that:-

"all new housing sites capable of accommodating 10 or more dwellings, will be required to make adequate provision for:

Well designed useable open space as an integral part of the development; and,

Appropriate formal children's play facilities either on or off-site, and,

Adequate outdoor sports provision either on or off site; to meet the needs of the residents of the proposed development."

A Section 106 Agreement will be sought because this development would generate a requirement for leisure provision that this site does not meet. A recent report identified a shortfall of leisure provision across the county borough and, in particular, in the Caerphilly Basin area.

(b) It is directly related to the development

The lack of any leisure provision within the site would mean that the proposed development would place an even greater strain on existing resources in the area that are already overstretched.

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

The required sum of £1,000 per dwelling is reasonable when compared to the costs of construction and the value of one house.

RECOMMENDATION that (A) the application is DEFERRED to allow the completion of a Deed of Variation to the Section 106 Obligation requiring the payment of £5,500.00 (index linked) for each dwelling (£49,500) for highway improvements in the Caerphilly Basin area; and £1,000.00 per dwelling unit for Leisure provision (£9,000); and, (B) Upon completion of the variation to the Deed of Variation, that permission be GRANTED in accordance with the following conditions:

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Application No. 12/0397/FULL Continued

- 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 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.
- 03) No surface water shall be allowed to discharge over the highway.
REASON: In the interests of highway safety.
- 04) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.
REASON: In the interests of highway safety.
- 05) Access to individual properties shall be completed in materials as agreed by the Local Planning Authority before the property is brought into use.
REASON: In the interests of highway safety.
- 06) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water 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.

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Application No. 12/0397/FULL Continued

- 07) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 08) 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) Before any soils or hardcore are brought on to site a scheme for its 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.
- 10) Prior to the commencement of the development hereby approved hereby approved a scheme for the control of dust arising from construction shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be implemented at all times to control dust at the site.
REASON: To prevent pollution.
- 11) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) produced by WSP, Reference 11280391 (Revision 2), dated March 2011 and the following mitigation measures detailed within the FCA:
Finished floor levels are set no lower than 77.95 metres Above Ordnance Datum (AOD) (Newlyn) at the entrance to the development.
REASON: To reduce the risk of flooding to the proposed development and future occupants.

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Application No. 12/0397/FULL Continued

- 12) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 13) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work an 'Interim Certificate' carried out in relation to each dwelling by an accredited body, certifying that each dwelling shall achieve Code for Sustainable Homes (Version 3) Level 3 and one credit under 'Ene1 1 - Dwelling Emission Rate', shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 14) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 15) 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, there shall be no vehicular access to Virginia Close from the development hereby approved or from any of the individual housing plots hereby approved.
REASON: In the interests of highway safety.
- 16) 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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Application No. 12/0397/FULL Continued

Advisory Note(s)

Please find attached the comments of Head of Public Protection, Dwr Cymru/Welsh Water, Environment Agency (Wales) and Senior Engineer (Land Drainage) 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 & CW15.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0398/FULL 09.07.2012	Mr A Cooper The Grove Navigation Street Trethomas CF83 8FP	Erect three bungalows Land Adjacent To The Grove Tynywern Terrace Trethomas Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: To the rear of the Grove, on the southern side of Tynywern Terrace, to the east of Navigation Street, Trethomas.

Site description: The application site is existing residential curtilage.

Development: Erection of three bungalows.

Dimensions: Each detached bungalow measures 11.7 metres in depth, by 9.6 metres in width at their widest point, with a height of 4.95 metres high to ridge level at its highest point on the rear elevation facing The Grove II, and 5.5 metres to ridge level from the ground level at The Grove II, due to the sloping topography of the site.

Materials: External finishes of the proposed bungalows would be red/brown facing brickwork plinths with white rendered walls, grey concrete roof tiles, white upvc windows and doors, close boarded timber fences and permeable paving parking surface.

Ancillary development, e.g. parking: Provision of two off-street parking spaces per dwelling giving a total of six spaces.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

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Application No 12/0398/FULL Continued

Policies: SP6 (Place Making), SP7 (Planning Obligations), CW2 (Amenity), CW3 (Design Considerations - Highways), CW15 (General Locational Constraints) and Supplementary Planning Guidance LDP6: Building Better Places to Live.

NATIONAL POLICY:

Planning Policy Wales (2011).
Technical Advice Note 12: Design (2009).

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? A coal mining risk assessment was submitted by the applicant which The Coal Authority considers to be satisfactory. A condition should be recommended to secure the mitigation measures contained in the assessment.

CONSULTATION

The Coal Authority - raises no objection subject to a condition regarding appropriate intrusive investigation works and associated remedial works.

Gwent Wildlife Trust - raises no objection subject to conditions regarding vegetation clearance and tree protection.

Transportation Engineering Manager - raises no objection subject to conditions regarding vision splays, stopping-up of the existing access, parking provision, parking materials, private driveway, turning area, gates and a S106 agreement in order to secure the Standard Planning Obligation of £5,500.00 per property.

Head Of Public Protection - raises no objection to the proposal subject to conditions regarding soil importation, contamination and remediation.

Senior Engineer (Land Drainage) - raises no objection subject to a condition regarding surface water and land drainage.

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Application No 12/0398/FULL Continued

Principal Valuer - raises no objection following the submission of amended plans that removed a parcel of Council land from the application site.

Dwr Cymru - raises no objection subject to conditions regarding foul, surface and land drainage as well as rights of access and building location.

Bedwas, Trethomas & Machen Community Council - raises no objection but makes observations on the consultation process requesting that letters be sent to all occupants of Grove II Trethomas. They would also like OAPs in adjacent bungalows to be fully consulted and request that evidence form the Council that the occupants are fully aware as to what is being proposed.

Glam/Gwent Archaeological Trust - raises no objection but requests that if any historical features are disturbed during the course of the work that the Trust is contacted.

ADVERTISEMENT

Extent of advertisement: Twelve neighbours notified, site notice posted.

Response: One.

Summary of observations: The local resident's comments are as follows:

1. The local resident has raised concerns over the impact of the development on the elderly residents of the neighbouring Grove II properties with regard to noise and dust.
2. The local resident feels that the application address is misleading and wants to ensure that the neighbouring properties within Grove II are consulted as a duty of care.

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 issues in this instance.

EU HABITATS DIRECTIVE

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Application No 12/0398/FULL Continued

Does the development affect any protected wildlife species?

No, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

ANALYSIS

Policies: The application seeks permission to construct three detached bungalows on land to the rear of The Grove, Tynywern Terrace, Trethomas. Although the site is not specifically allocated for residential development in the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010, it is located within the defined Settlement Boundary, and therefore the presumption is in favour of development providing material planning considerations do not constrain such development.

Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010 states that on such windfall sites within the settlement boundary, neighbouring land uses should not detract from the residential amenity of the proposed development, and the development should not result in an insensitive infilling which would spoil the character of the area. The submitted layout provided illustrates that the dwellings can be accommodated within the site with adequate privacy distances and separation from the existing dwellings providing a condition is attached requiring obscure glazing in the window in the south-elevations and the restriction of the insertion of any new windows. It is considered that the adjoining land uses would not detract from the residential amenity of the proposed properties, as existing residential development is located to the north and south of the application site. It is considered that given the size of the application site, a development comprising three detached bungalows does not represent an overdevelopment of the site, with each property having a moderate amount of private amenity space and appropriate levels of off-street parking. Each property also incorporates 2 off-street parking spaces which is appropriate for a 2 bedroom property. Furthermore, a condition will be attached to any permission restricting householder permitted development rights in relation to extensions and domestic outbuildings.

In terms of the potential impact of the development on properties adjoining the application site, the development will primarily impact four properties. The Grove II development is located on the southern boundary of the application site, incorporating a row of four terraced bungalows whose rear elevations face in a northerly direction.

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Application No 12/0398/FULL Continued

When considering that the application site is located to the north of these adjoining properties and that the proposed dwellings are low-level bungalows it is felt that the development will not result in any overshadowing impact. When considering the distance of the proposed dwellings of 10 metres from the rear of the properties within the Grove II, the low level nature of the development and the difference in levels between the two sites it is also felt that the proposed development would not result in an overbearing impact on adjoining properties to a degree to warrant a refusal of planning permission.

In relation to the other surrounding properties it is considered that the development would not detract from existing levels of privacy, as the privacy distances are far in excess of the required standard.

Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 states that development should have regard for the safe, effective, and efficient use of the transportation network. The applicant proposes to access the development off Navigation Street to the western boundary of the site. The applicant also proposes to stop-up the existing access to The Grove from Navigation Street. The Transportation Engineering Manager has assessed the proposal with regard to highway safety and found it to be acceptable subject to conditions regarding vision splays, stopping up of the existing access, parking provision, parking materials, private driveway, turning area, gates and a S106 agreement in order to secure the Standard Planning Obligation of £5,500.00 per property.

In terms of the proposed properties, it is considered that they have been well designed in terms of their scale, siting and materials, and will integrate with the surrounding area. It is not considered that they will detract from the residential amenity of neighbouring properties or the visual amenity of the area generally. Appropriate parking, access and amenity will be provided for the development, and it is considered that the proposal represents an appropriate development of the site.

Therefore the proposal is compliant with policies in the Adopted Local Development Plan, Supplementary Planning Guidance LDP5 and LDP6, Planning Policy Wales (2011) and TAN 12: Design.

Comments from consultees: The comments of the various consultees can be addressed by conditions.

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Application No 12/0398/FULL Continued

Bedwas, Trethomas and Machen Community Council raises no objection but makes observations on the consultation process requesting that letters be sent to all occupants of Grove II Trethomas. They would also like OAPs in adjacent bungalows to be fully consulted and request that evidence form the Council that the occupants are fully aware as to what is being proposed. It should be noted that twelve neighbouring properties, including nine properties within the Grove II, were consulted individually and a site notice was posted close to the site entrance. This is an appropriate level of notification for the proposed development, taking into account the statutory requirements.

Comments from public: The Council's response to the neighbouring resident's comments is as follows:

1. It should be noted that there is a certain level of noise and disruption that is inevitable during construction and is not seen as a reason to refuse development proposals.
2. As stated, twelve neighbouring properties, including properties within the Grove II, were consulted individually and a site notice was posted close to the site entrance.

Other material considerations: The development is considered acceptable in all other aspects.

The applicant has agreed to sign a Section 106 Agreement in respect of the Caerphilly Basin Strategic Highway Network Obligation.

A planning obligation must meet all of the following tests.

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

A Section 106 Agreement will be sought because this development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods. Following public consultation, which included house builders, the Council has adopted Supplementary Planning Guidance LDP3, Caerphilly Basin Strategic Highway Network Obligation, which requires a financial contribution, currently £5,500.00, for each new dwelling constructed within the defined Caerphilly Basin area as a reasonable means of addressing this capacity problem. The money contributed by this development will be used with other similarly collected monies to finance the necessary improvements to the strategic highway network.

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Application No 12/0398/FULL Continued

(b) It is directly related to the development.

This development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods, thereby aggravating existing congestion problems.

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

The unit sum - at present £5,500.00 - is reasonable when compared to the costs of construction and the value of one house. The total contribution is based on the number of dwellings, which means that the larger the development, the greater the impact on the road network, and therefore the higher contribution.

RECOMMENDATION that (A) the application is DEFERRED to allow the completion of a Section 106 Obligation requiring the payment of £5,500.00 (index linked) for each dwelling for highway improvements in the Caerphilly Basin area.

(B) Upon completion of the legal agreement permission be GRANTED in accordance with the following conditions:

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 commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the coal mining legacy of the site. That scheme shall include appropriate intrusive investigation works to be undertaken to confirm shallow coal mining conditions prior to the commencement of development. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, these works should also be undertaken prior to commencement of development. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public safety.

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Application No 12/0398/FULL Continued

- 03) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water 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.
- 04) 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.
- 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) Before any soils or hardcore are brought on to site a scheme for its 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.
- 07) 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.

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Application No 12/0398/FULL Continued

- 08) 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 development hereby approved is beneficially occupied. The approved boundary treatment shall not be altered or removed without the prior written approval of the Local Planning Authority.
REASON: In the interests of the visual amenities of the area.
- 09) 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 existing access shall be permanently stopped-up prior to the completion or first occupation of the development hereby approved, whichever is the sooner, and in a manner which shall first be agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
- 10) 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 43 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.
- 11) The development shall not be beneficially 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.
- 12) The proposed shared private driveway and turning area to serve the proposed development shall be laid out in accordance with the approved plan and constructed in permanent materials to be firstly agreed in writing with the Local Planning Authority and be completed prior to the first occupation of the development hereby approved.
REASON: In the interests of highway safety.

Cont..

Application No 12/0398/FULL Continued

- 13) 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, any gates shall be set back not less than 5 m from the edge of the carriageway and the gates shall be located and fitted so as not to open outwards towards the highway.
REASON: In the interests of highway safety.
- 14) 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.
- 15) 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.
- 16) 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 windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 17) 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) the bathroom window facing south shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity.

Cont..

Application No 12/0398/FULL Continued

- 18) 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.
- 19) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 20) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work an 'Interim Certificate' carried out in relation to each dwelling by an accredited body, certifying that each dwelling shall achieve Code for Sustainable Homes (Version 3) Level 3 and one credit under 'Ene1 1 - Dwelling Emission Rate', shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 21) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

Advisory Note(s)

Please find attached the comments of Coal Authority, Dwr Cymru/Welsh Water, Gwent Wildlife Trust, Senior Engineer (Land Drainage), Glamorgan Gwent Archaeological Trust and Transportation Engineering Manager that are brought to the applicant's attention.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0579/FULL 26.07.2012	Mr & Mrs G Jones 23 Chepstow Close Cefn Fforest Blackwood NP12 1GP	Erect first floor bedroom extension over existing kitchen plus a single-storey kitchen/breakfast extension, both to rear of dwelling 23 Chepstow Close Cefn Fforest Blackwood NP12 1GP

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is located on Chepstow Close, Grove Park, Cefn Fforest.

House type: Two-storey end of link property.

Development: Two-storey rear extension and single storey rear extension.

Dimensions: The proposed two-storey element measures 3.65 metres in depth, 3.9 metres in width, with a height of 6.3 metres to ridge level. The single storey element measures 3.65 metres in depth, 2.7 metres in width, with a height of 3.7 metres to ridge level.

Materials: Facing brick and concrete roof tiles.

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

PLANNING HISTORY

08/0478/FULL - Erect two-storey extension to side and single-storey kitchen extension to rear - Granted 22.05.08.

POLICY

LOCAL DEVELOPMENT PLAN:

Cont..

Application No. 12/0579/FULL Continued

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

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways) and guidance contained within Supplementary Planning Guidance LDP7: Householder Developments.

NATIONAL POLICY: Planning Policy Wales and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager - No objection.

Dwr Cymru - Provide advice to the developer regarding public sewers.

ADVERTISEMENT

Extent of advertisement: Four neighbouring properties were consulted and a site notice was displayed near the site.

Response: One letter of objection was received.

Summary of observations:

- Overbearing;
- Loss of daylight;
- Out of keeping with surroundings.

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 considered to be an issue for this application.

Cont..

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

ANALYSIS

Policies: The proposed development should be considered in terms of its design and impact on the visual amenity of the area, as well as its impact on the amenity of neighbouring properties. The design of the proposal is considered acceptable in terms of its setting, scale and materials, and will integrate with the host dwelling.

In relation to the potential impact on neighbouring properties, the guidance in Supplementary Planning Guidance LDP7 'Householder Development' states:

"Extensions and conservatories should not cast large shadows onto neighbour's houses or gardens. As a general rule single storey extensions near to a ground floor window of any principal room in an adjoining property, should be no longer than 4m, whilst two-storey extensions in the same circumstances should be no longer than 2m.

A 'principal room' can be defined as one of the main rooms of a house, such as a living room, main bedroom and dining room. Unless the context allows otherwise, those dimensions could be increased to a maximum of 6m and 4m respectively, where the extension does not breach a line taken at 45 degrees from the centre of the nearest ground floor window of any principal room in an adjoining property, and it would not have an overbearing effect or an adverse impact on outlook."

There is a neighbouring property attached to the west of the application property, i.e. No. 24 Chepstow Close. The proposed two- storey element of the proposed development will be set approximately 0.5m off the boundary with No. 24, extending to a depth of 3.65m. Whilst the proposed extension would not breach a 45 degree line when drawn from the nearest habitable room window of No. 24, it is considered that the proposed first floor extension would result in an enclosing impact on the outlook from the rear windows and garden of the neighbouring property, to the detriment of the residential amenity of the occupiers.

Cont..

Application No. 12/0579/FULL Continued

Given its proposed siting, the single-storey element will not impact upon the amenity of neighbouring properties, and is considered acceptable in design terms.

Comments from consultees: The Council's Ecologist provides advice to the developer regarding the potential for protected species of bats and/or bird within the existing roof space

The Transportation Engineering Manager raises no objection.

Welsh Water provides advice to the developer.

Comments from public: The concerns of the objector relating to loss of daylight and overbearing impact have been addressed above. It is not considered that the proposed development would be out of keeping with the surrounding area by virtue of its design and materials.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

- 01) The proposed first floor rear extension, by virtue of its scale and siting, would have an unacceptable impact on the outlook of the rear windows and rear garden area of adjoining property, No. 24 Chepstow Close, to the detriment of the residential amenity of the occupiers. Such an impact is considered to be contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010, as well as the Local Planning Authority's Adopted Supplementary Planning Guidance LDP7: Householder Developments (November 2010).
-

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0587/FULL 26.07.2012	Network Rail Mr C Field Temple Point Redcliffe Way Bristol BA1 6NL	Create a new railway station consisting of two platforms, improvements to existing subway, lighting, access ramps, signage, boundary treatments, waiting shelters, passenger drop-off point and car parking provision Land West Of Lewis Drive Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site lies on both sides of the Cardiff to Rhymney railway line, between Churchill Park and Energlyn. On the Churchill Park side, the site is immediately adjacent to Lewis Drive, opposite properties 47-59, Lewis Drive, and 2, Islwyn Drive; and on the Energlyn side, areas on the land (formerly Energlyn sidings) immediately to the east of properties 27 and 32, Llwyn-On Street.

Site description: The part of the site adjacent to Lewis Drive, is the east facing embankment of the railway, on which the vegetation has naturally regenerated, to form a reasonable quality landscape. The area to the west of the railway has areas of vegetation that have similarly regenerated, but recent works by Network Rail have degraded part of the site. The site is in an elevated position in relation to Churchill Park, but on the Energlyn side the land is more or less level with the surroundings.

Development: The proposal is to create a new railway station consisting of two platforms, improvements to existing subway, lighting, access ramps, signage, boundary treatments, waiting shelters, passenger drop-off point and car parking provision.

Dimensions: The site has an area of 0.58ha.

Materials: The waiting shelters would be constructed of steel and glass. Boundary treatments would be of 1.5m and 1m high bow top steel railings. Access surfaces would be tarmac.

Cont..

Application No. 12/0587/FULL Continued

Ancillary development, e.g. parking: Existing lighting to be replaced with new lighting columns around the car park, and along pedestrian walkways. There will be new/replacement lighting in the subway.

PLANNING HISTORY

5/5/84/0648 - Erect residential development. Withdrawn 16/07/1991.

5/5/86/0316 - Develop the land for residential purposes. Withdrawn 30/07/1991.

5/5/86/0317 - Develop the land for recreational purposes. Withdrawn 30/07/1991.

5/5/91/0519 - Erect residential and recreational development. Withdrawn 23/12/1991.

5/5/92/0A56 - Construct recreational development. Withdrawn 04/07/1994.

5/5/92/0056 - Erect residential development. Withdrawn 04/07/1994.

P/96/0857 - Remove underpass directly beneath the former railway sidings. Granted 06/02/1997.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The land is within the settlement boundary.

Policies: SP21 - Parking Standards, CW2 – Amenity, CW3 - Design Considerations – Highways and LDP5 - Car Parking Standards/ Car Parking Zones.

NATIONAL POLICY Planning Policy Wales (4th Edition) 2011; TAN12 – Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

Cont..

Application No. 12/0587/FULL Continued

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site falls within an area where there are mining legacy issues.

CONSULTATION

Strategic Planning & Urban Renewal Manager - No objections on policy grounds.

Transportation Engineering Manager - Given the nature of the proposed station being that of a 'kiss and ride' style halt, traffic flows are not expected to be significant. On this basis there is no objection to the application subject to conditions. Comments are also made of which the applicant should be advised.

Head Of Public Protection - No objections subject to conditions and makes comments of which the applicant should be advised.

Senior Engineer (Land Drainage) - No objections subject to conditions and makes comments of which the applicant should be advised.

Dwr Cymru - No objections subject to conditions and makes comments of which the applicant should be advised.

Police Architectural Liaison Officer - Gwent Police supports the application but recommend that the applicant be advised of the need for good lighting, surveillance, and traffic calming measures.

Countryside And Landscape Services - The Extended Phase 1 Habitat Survey and Protected Species Assessment (April, 2012), the subsequent Bat Survey Report (August 2012) and Hazel Dormouse Survey Report (October, 2012) all produced by ADAS, have been examined by the County Ecologist and comments that the surveys were carried out at a suitable time of year and by a competent ecologist. The Council's Ecologist therefore makes ecological recommendations to attach conditions accordingly, and makes comments of which the applicant should be advised.

ADVERTISEMENT

Extent of advertisement: Twenty-three neighbours notified, three site notices posted.

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Application No. 12/0587/FULL Continued

Response: Two letters have been received.

Summary of observations: The neighbours' comments are not in the form of an objection to the proposals, but raise concerns about the impact that the proposed development may have on the locality:

- loss of privacy
- increase in on-street parking
- disturbance to ecology of the area
- noise and disturbance to residents
- anti-social behaviour

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? The proposals include new and improved lighting for the site, and CCTV and passenger information panels would be installed.

EU HABITATS DIRECTIVE

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

ANALYSIS

Policies: The proposal is to erect a new railway station on land between Llwyn-on Street and Lewis Street Caerphilly. The proposal consists of the construction of 2 rail platforms (6-carriageway length) with passenger shelters, and associated access-ways and ramps and the provision of 14 normal parking bays and 3 parking bays for disabled persons. The railway runs along an embankment at a higher level to the surrounding housing and, as such, requires the provision of lengthy ramps to comply with the requirements of the Disability Discrimination Act (DDA). Access between the two platforms utilises the existing underpass (which will be improved as part of the proposed development).

National Transport Plan 2010

The National Transport Plan, prepared by Welsh Government, identifies the provision of an additional station in Caerphilly as one of its interventions (number 74) to realise its overall goal of a more sustainable transport network.

Cont..

Application No. 12/0587/FULL Continued

Planning Policy Wales (4th Edition)

PPW4 adopts the Welsh Government's aims of sustainable transport through reducing the need to travel, promoting alternative modes of transport, reducing the reliance on the car and increasing the number of short journeys made using sustainable modes. It seeks improvements to the transport network, particularly in respect of public transport

Technical Advice Note 12 - Design

This TAN sets out the guidance in respect of design standards for proposed development. The TAN requires that development be designed sensitively to its surroundings, taking account of the surrounding design character.

Regional Transport Plan

The RTP identifies the provision of a new station at Energlyn as part of the South East Wales Transport Alliance (SEWTA) prioritised investment programme, originally identified for completion in 2011. Whilst the timescale has slipped the scheme remains part of the investment programme and a prioritised scheme.

Caerphilly Local Development Plan

The following objectives and policies are material to the consideration of this planning application.

The LDP includes aims:-

- To ensure that new development minimises emissions of greenhouse gases as far as is practically possible in order to mitigate the effects of climate change;
- To underpin all development with the principle of good design, that meets a diversity of needs; which uses resources efficiently; and which makes adequate provision for recycling and waste management;
- To provide a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and protects the environment; where public transport, walking and cycling provide real transport alternatives;

It also includes the following objectives:-

Cont..

Application No. 12/0587/FULL Continued

- Concentrate new development in appropriate locations along existing and proposed infrastructure networks that are accessible to pedestrians, cyclists and to public transport in order to sustain and complement the role and function of individual settlements; and,
- Reduce congestion by minimising the need to travel, promoting more sustainable modes of transport and making the most efficient use of existing transport infrastructure.

The key policies for consideration in respect of this application are:-

- TR3 (TR3.3)
- SP21, CW3, LDP5
- CW2, TAN12

TR3 - New Rail Stations

TR3.3 - Energlyn/Churchill Park

The policy sets out broad areas for the provision of new rail stations to supplement the existing rail transport system. This policy identifies the Energlyn area as such an area and the proposals lie within this broad area. Consequently the policy supports the proposed development.

SP21 - Parking Standards

CW3 - Design Considerations - Highways

LDP5 Car Parking Standards/Car Parking Zones

Policy SP21 sets out the parking zones that set the parking requiring for proposed developments. Policy CW3 requires that developments provide parking in accordance with the parking requirements set out in the Parking Standards published by the former County Surveyors Society in 2008. LDP 5 sets out the parking requirements for proposed development based on location (which zone the proposal lies within) and by land use.

LDP5 does not identify a requirement for the provision of parking spaces for transport related developments. As such there is no specific parking requirement for such development. However, part of the scope of the transport strategy for the Local Development Plan seeks to improve the level of Park & Ride provision throughout the county borough. This proposal only seeks to provide 14 general and 3 disabled parking spaces as part of the proposal. This obviously does not contribute towards the overall aim in respect of Park & Ride provision.

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Application No. 12/0587/FULL Continued

It must be noted, however, that the business case for the station, and the reason the case was highly ranked, was that it was based upon a large population base within a relative short distance, which could either walk or cycle to the station rather than utilise the car. Therefore the station was never identified as a location to expand the Park & Ride provision in the county borough. As a result the provision of only a small number of spaces reflects this position.

CW2 - Amenity

TAN12 - Design

The proposed station is adjacent to the railway line that is located on the top of an embankment. The Design and Access Statement (DAS) submitted by the applicant correctly identifies that, whilst being located on the top of the embankment, the only encroachment above the current land level, when taken from the highways on either side of the embankment, would be the passenger shelters associated with platforms. As such there is minimal additional impact, in terms of height, in respect of the proposed development.

The DAS then states that the existing embankment is landscaped and the proposed development would not alter the outlook for residents living in either Lewis Street (which runs parallel to the development, or Llwyn-on Street, which provides the vehicular access to the development. Whilst the proposed development would not encroach closer to the dwellings than the existing landscaping the proposed ramps required to be DDA compliant means that the appearance of the embankment will be significantly changed. In saying this, it should be noted that the embankments would be consistent with the environment that would normally be expected to surround a railway station and as such, in context terms, the proposed access and ancillary development to the station would be acceptable.

Overall, given the justification for the station, its location in an accessible location for walking and cycling from the large number of houses in a relatively close proximity, and the fact that the station improves accessibility to public transport provides compelling justification for the proposed development. This is supported by the transport strategy for the Local Development Plan and Policy TR3 that specifically allocates this station. It is accepted that the proposed development may lead to some issues in respect of parking on surrounding streets if there is a larger than expected level of car-borne station users. However additional parking provision can be made in the future if such issues arise. It is acknowledged that the appearance of the area will become more urban in nature than is currently the case, but this would be expected for any location where such a facility was being proposed. Given the above, it is considered that the policies of the Local Development Plan support the proposed development.

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Application No. 12/0587/FULL Continued

Comments from Consultees: Where appropriate these are incorporated into the analysis above.

Comments from public: In respect of loss of privacy, the nearest dwellings are in excess of 25 metres from any of the elevated ramps or the platforms, and as such it is considered that there would be no privacy infringement. The Transportation Engineering Manager is satisfied that there would not be any detriment to highway safety as a consequence of the proposals. The Ecologist is satisfied that the site would be adequately controlled in respect of protected species. The Head of Public Protection has affirmed that the proposals are acceptable subject to conditions, and Gwent Police consider that the installation of CCTV, good lighting, traffic calming measures and appropriate landscape planting would provide adequate measures to allay crime and anti-social behaviour.

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) Details of surface water and 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.
- 03) Prior to the commencement of the development hereby approved, a construction phase noise scheme (to include proposed hours which the developer intends to work) must be submitted to and agreed, in writing, with the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in accordance with the approved scheme.
REASON: In the interests of the amenity of the area.

Cont..

Application No. 12/0587/FULL Continued

- 04) Prior to the commencement of the development hereby approved, a construction phase dust mitigation scheme must be submitted to and agreed, in writing, with the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in accordance with the approved scheme.
REASON: In the interests of the amenity of the area.
- 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 are brought on to site a scheme for its 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) Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
REASON: In the interests of residential amenity.

Cont..

Application No. 12/0587/FULL Continued

- 09) Prior to the commencement of works on site, a method statement shall be submitted to and approved by 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.
- 10) 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.
- 11) Prior to the commencement of works associated with the development hereby approved, a landscaping scheme including at least 50% native and local provenance tree, shrub and wildflower species shall be submitted to the Local Planning Authority for approval. 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. 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: TR3 (TR3.3), SP21, CW3, LDP5, CW2, and TAN12.

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Application No. 12/0587/FULL Continued

Please find attached the comments of Senior Engineer (Drainage); Dwr Cymru/Welsh Water; Countryside and Landscape Manager; Transportation Engineering Manager; Head of Public Protection and Heddlu Gwent Police that are brought to the applicant's attention.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0635/RET 07.09.2012	Mr G Davies 77 Ridgeway Graig-Y-Rhacca Caerphilly CF83 8RD	Retain boundary fence 77 Ridgeway Graig-Y-Rhacca Caerphilly CF83 8RD

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: At the north-eastern end of the Ridgeway Estate.

House type: The host dwelling is a semi-detached, corner property, with highway to the front and side.

Development: The retention of a boundary fence.

Dimensions: At the rear of the property, the fencing runs for a length of 17.6 metres and is approximately 1.6 metres in height. The fencing at the rear side of the property runs for a length of 15.1 metres, at approximately 2 metres in height and it returns for a length of 4.8 metres from the side boundary to the dwelling, separating the front and rear of the side garden, measuring approximately 1.8 metres high in this location.

Materials: Red cedar close boarded timber fence.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

5/5/90/0081 - Erect side two-storey extension - Granted 15.03.90.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: CW2 (Amenity), CW3 (Design Considerations - Highways) and Guidance Note 5 of Supplementary Planning Guidance LDP7 – Householder Development.

Cont..

Application No. 12/0635/RET Continued

NATIONAL POLICY:

Planning Policy Wales (2011).
Technical Advice Note 12: Design (2009).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

CONSULTATION

Bedwas, Trethomas & Machen Community Council - strongly objects to the height of the fence. It is claimed that the fence is 9ft high (2.77m) and totally out of character with the area.

Transportation Engineering Manager - raises no objection.

ADVERTISEMENT

Extent of advertisement: Seven neighbours consulted.

Response: 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? There are no specific crime and disorder issues in this instance.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: Guidance Note 5 of Supplementary Planning Guidance LDP7 states that boundary treatments should match the height and type of properties on either side and should not obstruct views of the house from the street or the street from the house.

Cont..

Application No. 12/0635/RET Continued

With regards to the latter point, the enclosure has been erected along the rear side boundary returning to meet the dwelling. The front and front side remain fairly open plan with a dwarf wall and landscaping and therefore the development is considered to accord with this criterion.

The application includes the retention of an enclosure along the rear boundary of the property; this separates the host dwelling from the side of the neighbouring property, 75 Ridgeway. It is common for properties to be separated by close-boarded fences and therefore as no objection has been raised by the Transportation Engineering Manager, at a height of approximately 1.6 metres, this is considered acceptable.

The main issue to consider is the scale of the side boundary treatment and whether it matches the height and type of properties on either side. It is recognised that the fence has been erected to replace a previous enclosure, which was lower in height, to improve security. Given that the surrounding boundary treatments vary in type, design and height and recognising that there is a need for security at this corner location, it is considered that the fence as erected is acceptable.

Comments from consultees: Transportation Engineering Manager has raised no objection.

Bedwas, Trethomas and Machen Community Council has raised objection on the basis that the fence measures 9ft high (2.77m) and is out of character with the area. However, at its highest point along the side boundary, the fence measures 2 metres in height, which is 6 ft 6 inches, as indicated on the submitted plan. In respect of the character of the area, this has been considered above and particularly as the front and front side remain open plan, the development is regarded acceptable.

Comments from public: None.

Other material considerations: The development is considered acceptable in all other aspects.

RECOMMENDATION that Permission be GRANTED

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0654/RET 06.09.2012	Mr G Worwood 16 Field's Park Road Pentwyn-Mawr Newport NP11 3NQ	Retain decking on roof of existing garage at rear and timber decking and surrounding post and balustrade enclosure formed on top of roof 16 Field's Park Road Pentwyn-Mawr Newport NP11 3NQ

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: On the eastern side of Field's Park Road on the northern edge of Newbridge.

House type: Mid-terrace.

Development: Retention of decking and balustrading on roof of existing garage.

Dimensions: The decking measures 7.4 metres long x 3.9 metres wide, with 1 metre high balustrading to three sides. It is proposed to increase the height of the balustrading on part of the southern side to 1.2 metres.

Materials: Timber decking and balustrading.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

P/04/1597 - Retain garage - Granted 06.12.04.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary.

Cont...

Application 12/0654/RET Continued

Policies: SP6 (place making), CW2 (amenity) and Supplementary Planning Guidance LDP7: Householder Development.

NATIONAL POLICY Planning Policy Wales contains general guidance about development management but none is directly relevant to the current application.

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 applicable.

ADVERTISEMENT

Extent of advertisement: The occupiers of two neighbouring dwellings were notified by letter and a site notice was displayed.

Response: One letter.

Summary of observations: Loss of privacy, Overbearing impact and Overdevelopment.

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 considered to be issues in this case.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Cont..

ANALYSIS

Policies: The application relates to the retention of decking and balustrading erected on the roof of an existing garage within the rear curtilage of the property. The garage measures 6.2 metres x 3.9 metres x 2.5 metres high and is 1 metre from the rear of the dwelling, effectively occupying the whole of the rear curtilage. It had been constructed without the benefit of planning permission and was granted retrospective permission in December 2004 (Application No. P/04/1597).

Permission is now sought for the retention of decking with balustrading erected on the flat roof of the garage. The decking bridges over the gap between the garage and rear of the dwelling. The 1 metre high open balustrading facilitates the use of the decking as a 'sitting-out' area, and takes advantage of the garage roof to effectively compensate for the lack of garden. The work is of a high quality and is acceptable in purely visual terms, and is considered to be in compliance with Policy SP6 (place making) of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 (LDP) in terms of design.

The main issues with regard to the impact of the development relate to residential amenity, and specifically to the issues of privacy and overbearing impact. LDP Policy CW2 Criterion A requires that development has no unacceptable impact on the amenity of adjacent properties.

In terms of overbearing impact the harm, if any, has been caused by the garage itself; the additional impact of the balustrading is minimal due to its open nature.

With regard to privacy, the advice given in the Council's adopted guidance LDP7: Householder Development states that decking should not result in overlooking of neighbours' property. In this case, whilst it is possible to look into the neighbours' gardens and rear windows to either side, from a seated position this impact would be less intrusive notwithstanding the open nature of the balustrading. An element of screening is proposed on the southern side, but none on the northern side, allowing the outlook from the neighbour's rear window to be unimpeded.

It is considered that a pragmatic view must be taken in this case, balancing the need of the applicant for useable amenity space against the impacts on neighbours' amenity. On this basis it is concluded that the scheme is acceptable, and it is recommended that permission be granted subject to the additional screening proposed.

Comments from Consultees: None.

Cont..

Application 12/0654/RET Continued

Comments from public: Two of the grounds of objection have been addressed above. The third, the matter of overdevelopment, is considered to relate more directly to the erection of the garage itself for which retrospective permission has previously been granted.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The additional screening to the southern edge of the decking, as indicated on the submitted drawings, shall be erected within one calendar month of the date of this permission, and shall thereafter be retained in place at all times.

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: CW2.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0659/COU 07.09.2012	Mr A Hoque 3 Stephenson Street Riverside Cardiff CF11 6ET	Change the use of photographic studio to hot food takeaway (A3) Unit 7 Bryn Lane Pontllanfraith Blackwood NP12 2PG

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application property is located on Bryn Lane, The Bryn, Pontllanfraith.

Site description: End of terrace ground floor commercial premises.

Development: Change of use from photographic studio to hot food takeaway Class A3 of the Town and Country Planning (Use Classes) Order 1987. The proposed hours of operation are 11.00 - 23.00 hours, Monday to Sunday (inclusive). The plans also show seating for 16 customers.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN:

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

Policies: Policy CW2 (Amenity) and CW3 (Design Considerations - Highways).

NATIONAL POLICY: Planning Policy Wales and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

Cont..

Application 12/0659/COU Continued

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 a material consideration as the application is for a change of use.

CONSULTATION

Transportation Engineering Manager - No objection based on parking provision available in adjoining car park.

Head Of Public Protection - Raises objection based on noise and disturbance associated with the proposed A3 use.

Police Architectural Liaison Officer - No objection subject to conditions.

ADVERTISEMENT

Extent of advertisement: Forty-Four neighbouring properties were consulted and a site notice was displayed near the application site.

Response: Twenty-five letters of objection were received.

Summary of observations:

- Increased on street parking pressure;
- Increased noise from cars;
- Odour from cooking;
- Increased litter;
- Late night nuisance;
- Increased anti-social behaviour;
- Noise nuisance;
- Light pollution;
- Devaluation of properties;
- Food waste attracting vermin;
- Breach of lease agreement;
- Additional unhealthy eating establishment in close proximity to local schools;
- Existing number of hot food takeaways in the area.

Cont..

Application 12/0659/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? Although it is not considered that the proposal would exacerbate crime and disorder in the immediate area, if there were increased instances of anti-social behaviour as a result of the proposal, this would be a Police matter.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The proposed development should be considered in terms of its impact on the amenity of surrounding properties and the area generally. Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 (Amenity) states that:-

"Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:-

- 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;
- 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 development".

At ground floor level, the application property adjoins existing commercial premises including a beauty salon, hairdressers, childrens play centre and shop. With the exception of the shop, all of these adjoining premises close at around 17.00 hours to 18.00 hours, with the shop closing at 21.00 hours. Therefore, this small commercial cluster of premises within the Bryn housing development incorporates businesses that operate during normal working hours.

Cont..

Application 12/0659/COU Continued

It is considered that the proposed hours of operation for the A3 hot food takeaway, i.e. opening until 23.00 hours seven days a week, would introduce a late night element of activity into this quiet residential area, not only from users of the restaurant, but also with regards to the proposed takeaway facility. Such an impact is considered to be detrimental to the residential amenity of nearby properties, and therefore contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Furthermore, the proposed premises have an existing residential flat located directly above. It is considered that the proposed development would increase late night activity, with associated noise nuisance that would be detrimental to the amenity of the residential flat above. Again, such an impact is considered unacceptable in planning terms, and contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Comments from consultees: Head of Public Protection raises objection to the proposed development based on potential noise and disturbance associated with the use.

Heddlu/Gwent Police Architectural Liaison Officer raises no objection to the proposal subject to recommendations to the applicant.

Transportation Engineering Manager raises no objection to the proposal.

Comments from public: Increased on-street parking pressure - No objection is raised by Transportation Engineering Manager based on the existing public car park adjoining the application site. As the proposed restaurant will primarily be busy during evening hours, the car park should be free from potential users of the adjoining 'daytime' commercial uses. Illegal on-street parking would be a police matter.

Increased noise from cars - Increased noise disturbance has been addressed above, as well as in the reasons for refusal.

Odour from cooking - Such an issue could be controlled by way of odour/effluvia/fume control. Such a matter would be enforced by way of Environmental Health Legislation if a problem arose.

Increased litter - Two public bins are located within close proximity to the application site.

Cont..

Application 12/0659/COU Continued

Late night nuisance - Increased noise disturbance has been addressed above, as well as in the reasons for refusal.

Increased anti-social behaviour - With the exception of noise nuisance, which has been addressed above, it is not considered that a restaurant/takeaway would result in increased anti-social behaviour. However, if the proposed use did lead to such an impact, this would be a Police matter.

Noise nuisance - Increased noise disturbance has been addressed above, as well as in the reasons for refusal.

Light pollution - It is not considered that light from inside the proposed restaurant would detrimentally impact on neighbouring properties to such a significant extent to justify refusal of the proposal.

Devaluation of properties - This is a not a material planning consideration.

Food waste attracting vermin - If additional litter attracted vermin this would be a matter to be controlled by Environmental Health.

Breach of lease agreement - This is a private legal matter between the two interested parties.

Additional unhealthy eating establishment in close proximity to local schools - While a stated aim of the Local Development Plan is to improve public health by "promoting land use developments that contribute to healthy lifestyles", this aim relates to matters such as the disposition of land uses to encourage walking and cycling, and the provision of pedestrian links. The Council has no LDP policy or Supplementary Planning Guidance directly relating to the siting of hot food takeaways in relation to schools and other youth facilities, and the weight that can be attached to this consideration is therefore reduced.

Existing number of hot food takeaways in the area - This is not a matter for the planning legislation to control. The number of such uses that can be supported in an area will be determined by market forces.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

Cont..

Application 12/0659/COU Continued

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

- 01) The proposed A3 hot food use would have an unacceptable impact on the amenity of the residential flat directly above the premises by virtue of noise and smell, and therefore the development will be contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
 - 02) The introduction of a late night A3 hot food use in a predominantly residential area would lead to an unacceptable impact on the amenity of surrounding properties by virtue of noise, smell and increased late night activity, and therefore the development would be contrary to Policy CW2 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
12/0661/LA 19.09.2012	CCBC (Corporate Services) Mr A Crabb Tredomen House Tredomen Park Ystrad Mynach Hengoed CF82 7WF	Convert flat roof to pitched Caerphilly County Borough Council The Cube Pontllanfraith House Blackwood Road Pontllanfraith

APPLICATION TYPE: Local Authority Application

SITE AND DEVELOPMENT

Location: The application building is adjacent to Ty Pontllanfraith, Blackwood Road, Pontllanfraith.

Site description: Two storey detached office building.

Development: Replace existing flat roof with pitched roof.

Dimensions: The proposed roof measures 15.4 metres in width, 14.2 metres in depth, with a height of 1.5 metres from eaves to ridge level.

Materials: Sage green tiles.

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

PLANNING HISTORY

None of direct relevance to this application.

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy CW2 (Amenity).

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

Cont..

Application 12/0661/LA 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? No.

CONSULTATION

Principal Valuer - No objections.

Transportation Engineering Manager - No objection.

ADVERTISEMENT

Extent of advertisement: A site notice was displayed on a lamp-post near the application building.

Response: 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? Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: It is considered that the proposed alteration of the existing flat roof to a shallow pitched roof is acceptable in terms of its scale, design and materials, and will integrate with the host building. The proposal will not impact on the visual amenity of the surrounding area, and is considered acceptable in planning terms.

Comments from Consultees: There are no objections from consultees.

Cont..

Application 12/0661/LA Continued

Comments from public: None.

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.

Advisory Note(s)

Please find attached the views of the Council's Ecologist.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0686/FULL 24.09.2012	Mr S Jenkins 172 Manor Way Ty Sign Risca Newport NP11 6AD	Extend the tearoom to form booking office, information centre and landing stage Whysom's Wharf Darran Road Risca Newport NP11 6GY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is an area of land to the west of Darran Road as it rises and leaves the settlement of Risca.

Site description: The site lies just outside the settlement in a Visually Important Local Landscape. It is currently used as a touring caravan site and the building to which this application relates is a tearoom overlooking the canal to the southern boundary.

Development: The extension of the northern gabled end of the building. This proposal is reported to Planning Committee because the applicant is a County Councillor.

Dimensions: The proposed extension is 4 metres in length at the northern gabled end of the building and will be the same height and width as the existing structure.

Materials: To match the existing.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

2/08173 - Construction of 20 bedroomed hotel with associated car parking/external works. Withdrawn 11/04/1994.

P/01/0715 - Construct two storey domestic dwelling with detached double garage. Refused 23/08/2001.

Cont..

Application No. 12/0686/FULL Continued

P/04/0044 - Change use to a touring caravan and camping park. Granted 18/03/2004.

09/0078/NCC - Remove Conditions (9) and (10) of planning consent P/04/0044 to allow the use of tea room by customers not occupying the caravan site and to allow the placing of static caravans. Granted 07/04/2009.

12/0205/FULL - Construct cover over decking area for waiting and phase two booking office and information centre. Granted 08/06/2012.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Land outside the settlement in a Visually Important Local Landscape.

Policies: CW2 (Amenity), and CW4 (National Heritage Protection).

NATIONAL POLICY Planning Policy Wales part 11 Tourism.

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, but in view of the scale of this development it is not considered necessary to refer this matter to the Local Authority.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - No objection and land drainage advice is provided.

Cont..

Application No. 12/0686/FULL Continued

Countryside And Landscape Services - No objection is raised and advice is provided regarding bats. It is noted that no details of a landing stage have been provided.

Senior Engineer (Consultancy Manager) - No objection is offered with regard to the extension. It is noted that no details of a landing stage have been provided.

The Coal Authority - No objection is raised and standing advice to the applicant is recommended.

ADVERTISEMENT

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

Response: Two letters have been received.

Summary of observations:

1. The first letter offers "Continuing support" for the development.
2. The second letter raises objection on grounds of inadequate parking and increased disturbance.

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 proposed development will have a material effect on crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? - No.

ANALYSIS

Policies: Policy CW2 requires that development should not have unacceptable impact upon adjacent land. The application building is a tearoom in an elevated position above the Monmouthshire and Brecon Canal in a prominent position that is readily viewable from the towpath walk and in a Visually Important Local Landscape. It is therefore important that any development should be designed to a standard that enhances or maintains the character of the area.

Cont..

Application No. 12/0686/FULL Continued

The existing tearoom is a long thin single-storey building with a canopy covered decking area to the front facing the canal. The submitted details show a 4 metre extension of the building and canopy. The extension is to be constructed in materials to match the host building. The extension should not significantly alter the relationship of the existing building with its surroundings. The details though lack precision and require additional information regarding features such as fascias, any rainwater goods, timber finishes, etc. The submitted details also lack the degree of precision necessary to ensure that the structure can be constructed as shown. Whilst the principle of the design and scale is acceptable more accurate details should ensure for the avoidance of doubt the exact appearance of the finished product. These details may be required by condition.

Planning Policy Wales (PPW) has as an objective the enhancement of tourism as a means to regenerate and grow employment. The principle of enhancing an existing tearoom is therefore in accordance with PPW provided the structure's visual appearance can be adequately controlled as previously explained.

Comments from Consultees: The comments of consultees can be accommodated by condition.

Comments from public: Two letters have been received one supports the proposal, the other does not. The letter that raises objection does so on the basis of a perceived increase in disturbance because of on-street parking issues. Intensification of an existing use is a material planning consideration, however given that the floor area of the proposed extension is circa 8 square metres and well separated from the nearest residential properties it is unlikely to have a material impact upon amenity. Similarly the increase in floor area is minor and unlikely to significantly impact upon levels of car parking, however it is to be noted that the proposal does include the provision of two parking spaces.

Other material considerations: It has been noted by consultees that details of the proposed development include reference to a landing stage and that no information has not been provided. The description of the development in the decision notice to be issued should therefore be amended to exclude reference to the landing stage and a condition may also be imposed to exclude it.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

Cont..

Application No. 12/0686/FULL Continued

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development hereby approved does not extend to the erection of a landing stage.
REASON: Details of the structure have not been submitted for determination.
- 03) Prior to the commencement of the use of the extension hereby approved the two revised parking spaces shown in the block plan shall be completed and marked out with dimensions measuring not less than 2.6 metres by 4.8 metres and those spaces shall thereafter be maintained free of obstruction for the parking of motor vehicles only.
REASON: To ensure adequate off street parking provision.
- 04) The development hereby approved shall not commence until revised details of the extension have been received and approved in writing and those details shall include more accurate scales and proportions together with details of finishes including fascia, rainwater goods and surface treatments. The development shall be completed in accordance with the agreed details.
REASON: To retain effective control as the submitted details do not extend to the information required to ensure adequate accuracy of the finished elevations.

Advisory Note(s)

1. 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 (Natural Habitats, &c.) Regulations 1994 (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 the Countryside Council for Wales should be contacted for advice on any special precautions before continuing. If necessary, further advice on this can be sought from the local authority ecologists or the Countryside Council for Wales.

Cont..

Application No. 12/0686/FULL Continued

2. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine working or coal mine entries (shafts and adits) require the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

3. Please find attached the comments of Senior Engineer (Land Drainage) that are brought to the applicant's attention.
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