

PLANNING COMMITTEE

16TH JANUARY 2013

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

APPLICATION NUMBER	LOCATION
PREFACE ITEM 12/0296/FULL	Land adjacent to Old Station House, Old Station Yard, Bedwas
PREFACE ITEM 12/0654/RET	16 Fields Park Road, Pentwynmawr, Newbridge
PREFACE ITEM 12/0742/NCC	Blackwood Gate Retail Park, Blackwood
09/0365/FULL	Dyffryn Business Park, Ystrad Mynach
12/0441/FULL	Chapel, De Winton Terrace, Llanbradach, Caerphilly
12/0493/FULL	Old Chapel site, New Road, Cwmfelinfach
12/0563/NCC	Land at St Mary's Street, Bedwas, Caerphilly
12/0634/RET	17 Dan-Y-Deri, Bedwas Caerphilly
12/0649/FULL	Plateau 2, Oakdale Business Park, Oakdale, Blackwood
12/0846/FULL	McDonalds, Cliff Road, Blackwood

PREFACE ITEM

APPLICATION NO. 12/0296/FULL

APPLICANT(S) NAME: Mr. Wayne Powell

PROPOSAL: Erect a pair of semi-detached houses

LOCATION: Land Adjacent To Old Station House, Old Station Yard, Bedwas.

- 1 This application was reported to Planning Committee on 5 December 2012 at which it was resolved to defer a decision to allow officers to draft reasons for refusal that reflect the concerns about the scheme raised by members. Those concerns related to highway safety, the impact on the retaining wall and the possible use of the site for future rail and cycleway use.
2. The reasons for refusal would be as follows:
 1. The proposed development would attract additional traffic along a narrow lane (Old Station Yard) with limited width and visibility shared with other residential properties to the detriment of highway safety and contrary to policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
 2. The proposed development would potentially undermine the retaining wall that runs along the northern boundary of the site to the detriment of the safety of the users of the adjoining road (Bryn-Gwyn Street) and the occupiers of the neighbouring properties.
 3. The proposed development would block the route of a potential cycleway along a former railway line contrary to Policy TR1.13 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
 4. The proposed development would compromise the future transport use of the railway line.
 3. None of those reasons for refusal is sustainable at appeal and there is a strong likelihood that the Council would have costs awarded against it. The Transportation Engineering Manager did not raise any objections to the proposal and so there would be no technical support for the first reason for refusal.

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4. There is no evidence to suggest that the wall on the northern boundary of the site would be undermined by the development. The proposed houses would be some 10 metres away from the wall making an adverse impact very unlikely. Furthermore, a planning condition could be imposed to require a method statement to be agreed with the Local Planning Authority setting out how it is intended to ensure that the wall is not affected during the development of the site.
5. There is an alternative route for the cycleway. 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 as shown on the LDP proposals map is an indicative one. The routes predominantly follow former railway lines as they provide a continuous, undeveloped corridor 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 (a national charity promoting cycle use) 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. It is not unusual for cycle paths to follow roads as well as their own dedicated routes.
6. Planning permission was refused in 2012 for residential development at Sunny Bank Terrace in Machen because of its impact on a former railway line that has recently been considered by SEWTA as potentially providing a rail link between Caerphilly and Newport. However, the site at Old Station Yard is not part of that link which runs from Machen to Graig-y-Rhacca before veering southwestwards across the River Rhymney and linking to Caerphilly Station in the Van area. That would avoid the current application site. Planning Policy Wales seeks to either protect former rail lines where either their reuse for transport purposes is realistic or to prevent development that would preclude their future use for transport purposes where it is a possibility.

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.

7. In view of the comments above, Members are strongly recommended to support the officers original recommendation as set out on the attached report.

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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 and (B) Upon completion of the legal agreement permission be GRANTED in accordance with the conditions on the attached report.

Should Members decide to refuse permission, reasons are set out in paragraph 2 of the above report that reflect their concerns.

PREFACE ITEM

APPLICATION NO. 12/0654/RET

APPLICANT(S) NAME: Mr G Worwood

PROPOSAL: Retain decking on roof of existing garage at rear and timber decking and surrounding post and balustrade enclosure formed on top of roof

LOCATION: 16 Field's Park Road Pentwyn-Mawr Newport NP11 3NQ

The application was reported to Planning Committee at its meeting on 31 October 2012, with a recommendation that permission be granted subject to a condition regarding additional screening. Consideration of the application was deferred for a site visit which took place on 20 November 2012. The application was further considered by the Planning Committee at its meeting on 5 December 2012, when it was deferred for reasons for refusal to be prepared.

If members are minded to refuse permission the following reasons for refusal are suggested:

1. The development by virtue of its height and massing is out of keeping with the character of the residential street and is, therefore, contrary to the provisions of Policy SP6 of the Caerphilly County Borough Local Development Plan up to 2021 Adopted November 2010 and advice contained within the Council's Adopted Supplementary Planning Guidance LDP7: Householder Development.
2. The development by virtue of its height and massing has an overbearing impact on neighbouring dwellings and is, therefore, contrary to the provisions of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 Adopted November 2010 and advice contained within the Council's Adopted Supplementary Planning Guidance LDP7: Householder Development.
3. The development by virtue of its height and proximity to neighbouring dwellings has a detrimental impact on residential amenity by virtue of loss of privacy and is, therefore, contrary to the provisions of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 Adopted November 2010 and advice contained within the Council's Adopted Supplementary Planning Guidance LDP7: Householder Development.

RECOMMENDATION: That permission is GRANTED in accordance with the attached report, but if members are minded to refuse permission, it should be based upon the reasons set out above.

PREFACE ITEM

APPLICATION NO. 12/0742/NCC

APPLICANT(S) NAME: Linnell (South Wales Blackwood) LLP

PROPOSAL: Vary condition 6 of outline planning permission reference P/00/1022 (as amended by condition 3 of planning permission reference P/05/1697 and condition 2 of permission reference 11/0861/FULL) to allow open A1 food and non-food retail and bulky goods retail/leisure use

LOCATION: Blackwood Gate Retail Park Blackwood

Planning Committee deferred this application on 5th December 2012 to allow officers to draft conditions to be attached to an approval of the scheme.

The application seeks the variation of a condition that restricts the use of the building to bulky goods retail only. The proposed variation is to enable the building to be used in the following proportions (calculated from the proposed layout):

- 4,274 square metres food retail unit (approximately 59%)
- 1,858 square metres open non-food retail unit (approximately 25%)
- 1,140 square metres bulky goods/soft play/leisure unit (approximately 16%)

In considering what conditions should be attached to a permission for the above mixture of uses it is to be noted that previous permissions granted for the use of the site for the sale of bulky goods have had conditions imposed to prevent the subdivision of the units below a minimum size. The intention of those restrictions was to prevent the subdivision of bulky goods uses into the smaller A1 high street type of retail units that would directly challenge the town. With regard to the food retail unit, this part of the proposal is shown as a single store/supermarket and members have judged its retail impact upon the town accordingly. It is therefore considered that a condition should be imposed to ensure that part (or an equivalent area within the building) should be restricted to food retail only and that it should not be subdivided. The condition should also ensure that the floor area is not extended by the insertion of mezzanine space that in some circumstances may significantly increase retail areas that have not been taken into account by members.

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In addition it should be borne in mind that larger food retail stores do include open A1 retail of “comparison” goods and in these circumstances it is appropriate to include a percentage limit of the space given to such use. The submitted retail statement bases the proportion of such comparison sales at 17% (net). It therefore considered that the floor area condition should include a rounded percentage of 20% for comparison goods retail.

The area allocated for open non-food retail comprises approximately 25% of the building. Given that this proposed use is for A1 retail the previous subdivision conditions would serve no practical purpose in controlling this part of the proposed use. On the other hand as members have considered this A1 use only within this portion of the building a condition limiting its expansion would ensure planning control is maintained, i.e. so that the remaining bulky goods/leisure space is not eroded.

With regard to the remaining 16% of the building that is to be used for bulky goods/leisure, notwithstanding that this is now only a small proportion, a condition to ensure that this area is retained would comply with the allocated use in accordance with Policy CM2.1 of the Caerphilly County Borough Local Development Plan up to 2021 Adopted November 2010. A subdivision condition would again serve little practical purpose as the unit now represents only a small proportion of the overall floor area.

The submitted details include a revised car parking layout that shows the removal of the existing garden centre and its replacement with additional parking spaces. The same development is included as part of a separate proposal, application reference 12/0743/FULL which will be reported to committee in due course. The Transportation Engineering Manager considers that the proposed uses would generate additional parking need that can be met by this revised layout. A condition may require the additional parking to be completed prior to the approved use commencing. It is to be noted that there has been concern raised by the occupants of nearby properties regarding the potential for disturbance from the additional parking spaces. The position of the spaces is very similar to existing spaces within the site (approximately 20 metres from the nearest dwellings). Whilst no unacceptable disturbance is anticipated, there is still an opportunity to improve the screening and planting along the boundary of the site where there is a strip of land that already includes a hedge. A condition may therefore be prudent to require such measures in the interest of residential amenity.

Improvements to the access to the site by the provision of advisory yellow lines and signing should be secured by condition.

Conditions from previous permissions include operating hours for the service yard, refuse storage details, external lighting and ventilation equipment. These apply equally to an approval for the proposed uses and should be re-imposed.

Out-of-town food retail outlets are often served by public transport to improve accessibility and reduce the use of cars. A condition should be imposed regarding the details of facilities within the site to accommodate public transport. Further enhancement to public transport access would be ensured by seeking the provision of a bus shelter adjacent to the site at High Street, and the agreement of a travel plan.

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The submitted layout plan shows a pedestrian path leading to the northwestern corner of the site ending in an embankment supporting the Council owned car park. For some time previously it had not been properly connected but more recently some very basic steps up into the car park have been added on the Council owned land. If this were to become a more used pedestrian link those steps would benefit from upgrading. Members may therefore consider the issue of a decision notice should be deferred to enable a contribution to be paid by a Section 106 Agreement towards this improvement. The sum required for basic materials improvement and lighting will be circa £60k. Subject to the completion of the agreement a planning approval should then be issued with the following conditions provided below for member's consideration.

Section 106 Agreements must now comply with statutory tests. First, they must be necessary to make the development acceptable in planning terms. The Inspector who refused the appeal at this site considered that the site's physical and visual separation, accentuated by the topography, severely constrains its ability to be integrated into the town centre. Improved links with the car park will go some way to addressing that issue. Secondly, that requirement has to be directly related to the development, which it clearly is in this case by providing a link from the development to car park, thereby providing access to the town centre. Last, the requirement has to be reasonably related in scale and kind to the development. The nature of the works and the costs involved are relatively minor compared to the scale of the retail outlets being allowed.

Conditions

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The food retail use hereby approved shall be limited to a total internal floor space not exceeding 4,274 square metres within the existing building (including any mezzanine floor space), the whole of the area shall only be occupied and used as a single food retail unit that shall not be subdivided, and of that area no more than 20% of it shall be used for ancillary non-food retail use such as the sale of comparison goods.
REASON: To retain effective control of the development hereby approved and in the interests of preserving the vitality and viability of Blackwood Town Centre.
- 03) The non-food retail use hereby approved (excluding that which may be included within the food retail area as permitted by condition 2 above) shall be limited to a total internal floor space not exceeding 1,858 square metres within the existing building.
REASON: To retain effective control of the development hereby approved and in the interests of preserving the vitality and viability of Blackwood Town Centre.

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- 04) The mixed class D2 leisure (as defined by The Town and Country Planning (Use Classes) Order 1987 (as amended)) and bulky goods retail use hereby approved applies to an internal floor space of not less than 1,140 square metres of the existing building, and the bulky goods retail use shall only be for the sale of the following goods: DIY, hardware, furniture, carpets and floor coverings, soft furnishings/textiles, electric and gas products, motor vehicle accessories and cycles, boats and caravans, office equipment and garden and pet products.
REASON: To retain effective control of the development hereby approved and in the interests of preserving the vitality and viability of Blackwood Town Centre.
- 05) All refuse stored externally shall be stored in accordance with details that shall have been agreed in writing with the Local Planning Authority prior to the commencement of the use hereby approved.
REASON: In the interests of residential amenity and hygiene.
- 06) Details of any extraction or ventilation flues or external or roof mounted plant or equipment shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and it shall be maintained as agreed.
REASON: In the interests of residential amenity.
- 07) All external lighting at the site shall be maintained in accordance with details that shall have been agreed in writing with the Local Planning Authority.
REASON: To assess the risk of light pollution arising from the development, in the interests of residential amenity and biodiversity.
- 08) There shall be no deliveries, dispatch or operations at the site between 2300 hours and 0700 hours.
REASON: In the interests of residential amenity.
- 09) The additional parking provision as shown in layout plan SP2160(05)200 revision A shall be completed prior to the commencement of the use hereby approved commencing.
REASON: To ensure adequate off street parking provision to serve the approved use.
- 10) A scheme of improved planting and screening to the northern boundary of the site shall be submitted to and agreed in writing with the Local Planning Authority and that scheme shall be completed prior to the commencement of the use hereby approved and shall thereafter be maintained as approved unless the Local Planning Authority gives written approval otherwise.
REASON: In the interest of the residential amenity of nearby properties.

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- 11) Prior to the commencement of the food retail use hereby approved details shall be submitted to and agreed in writing by the Local Planning Authority of the means for the accommodation of public transport at the site including bus shelters and the means of access through the site. The agreed means shall be implemented before the food retail use hereby approved is first opened to the public.
REASON: To encourage the use of public transport for visits to the development.
- 12) Prior to the commencement of the food retail use hereby approved a bus shelter shall be located on High Street (B4251), Blackwood in accordance with details that shall have been agreed in writing with the Local Planning Authority.
REASON: To encourage the use of public transport for visits to the development.
- 13) The access to the site shall be improved by the provision of yellow lines and signage prior to the commencement of the food retail use hereby approved and in a manner that shall be agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
- 14) Prior to the commencement of the food retail use hereby approved a travel plan shall be submitted to and agreed in writing with the Local Planning Authority.
REASON: To encourage visits to the premises by means other than private cars.

RECOMMENDATION: That planning permission is refused in accordance with the attached report, but should members be minded to grant planning permission a decision should (A) be DEFERRED to allow the completion of a Section 106 Agreement as detailed in this report, and on completion of the agreement that (B) planning permission be GRANTED subject to the conditions set out above.

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: CM2.1, CW2 and CW3.

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

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
09/0365/FULL 14.05.2009	Starburst Ltd Former Lefray Office Glandwr Industrial Estate Aberbeeg NP3 2LN	Construct business units Phase 1, B2 and B8 Dyffryn Business Park Ystrad Mynach Hengoed CF82 7RJ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is on the eastern side of the northern entrance to Duffryn Business Park at Ystrad Mynach, and forms part of a larger area of land between the estate road, and the roundabouts on the A469 to the north.

Site description: The site is located within the settlement boundary and within an area identified by Policy EM1.9 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 as a primary employment site (Dyffryn Business Park North). It is also includes trees protected under Tree Preservation Order 52/09 CCBC. At present the site is undeveloped and overgrown.

Development: Full planning permission is sought in respect of the construction of B2 and B8 Business Units, and would be the first phase of the development of this site and the remainder of the land to the north.

Dimensions: The site has an area of 1.7 hectares, and the building would be 116.15m x 24.5m x 8m high.

Materials: Walls: colour coated steel cladding; roof: steel cladding in goosewing grey; doors: colour coated blue, galvanised steel security fencing; vehicle access and hardstanding: tarmac/concrete.

Ancillary development, e.g. parking: 48 car parking spaces, 10 light goods vehicles/public carrier vehicles and 12 cycle spaces would be provided.

PLANNING HISTORY

P/98/0317 - Provide new car park parks - Granted 02.06.98.

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POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: Policy SP5 - within the settlement boundary for Ystrad Mynach, Policy EM1.9 - Dyffryn Business Park North, primary employment site.

Policies: Strategic Policies:

SP2 - Development Strategy - Development in the Northern Connections Corridor, SP6 - Place making, SP7 - Planning Obligations, SP10 - Conservation of Natural Heritage, SP16 - Managing Employment Growth, SP21 - Parking standards.

Countywide Policies:

CW1 - Sustainable transport, Accessibility and Social Inclusion, CW2 - Amenity, CW3 - Design considerations - highways, CW4 - Natural Heritage Protection, CW5 - Protection of Water Environment, CW6- Trees , Woodland and Hedgerow Protection, CW13 - Use Class Restrictions - Business and Industry, CW15 - General locational constraints.

NATIONAL POLICY: Planning Policy Wales, Chapter 4 - Planning for Sustainability, Chapter 5 - Conserving and Improving Natural Heritage and the Coast, Chapter 7 - Supporting the Economy, Chapter 8 - Transport, Chapter 13 - Minimising and Managing Environmental Risks and Pollution, TAN 5 - Nature Conservation and Planning (2009). "The Town and Country Planning system in Wales should look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally."

TAN 5 also states that, with respect to the conservation and enhancement of locally designated sites, "Where harm is unavoidable it should be minimised by mitigation measures and offset as far as possible by compensation measures designed to ensure there is no reduction in the overall nature conservation value of the area or feature."

TAN 12 - Design, TAN 15 - Development and Flood Risk - part of the site is within a C1 flood zone, as is the remainder of the existing business park.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

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CONSULTATION

Dwr Cymru/Welsh Water - Confirms that the site is crossed by a public sewer and provide advice to be conveyed to the developer in respect of the same together with advice in respect of the provision of a water supply. They also confirm that both foul water and surface water discharges must be drained separately from the site and provide advice to be conveyed to the developer in respect of those matters.

Transportation Engineering Manager - No objection subject to conditions being attached to any consent in respect of access, parking, visibility splays and the provision of a green travel plan.

Head Of Public Protection - Requests standard conditions be attached to any consent in respect of any contamination of the site together with details of any external and roof mounted plant/machinery to be erected.

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

Western Power Distribution - Confirm the existence of their apparatus within the vicinity of the site and provide advice to be conveyed to the developer in respect of the same.

Police Architectural Liaison Officer - No objections.

Gwent Wildlife Trust - Objects to the development on the grounds of unacceptable biodiversity losses, contrary to LDP Policies SP10 and CW4.

Glam/Gwent Archaeological Trust - Confirm that it is unlikely that archaeological features would be disturbed by the proposed development. They provide advice to be conveyed to the developer.

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

Countryside And Landscape Services - The original ecological survey by the Wildlife Trust for South and West Wales (WTSWW) found that several habitats within the application site were of SINC quality and that the development site and the land immediately adjacent to the north would qualify as SINC. In this case, the site should be considered as if it were a designated SINC, so adequate mitigation/compensation is therefore required to ensure no net loss of biodiversity.

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Habitats

The woodland, scrub and semi-improved neutral grassland were identified as being of SINC quality. The submitted ecological mitigation strategy proposes the creation of an extension to existing wildlife habitats and to ensure connectivity through the site. The strategy includes the current application site (1.5ha) and the land immediately to the north of this as a single 4ha parcel that ensures an inclusive and sustainable approach.

The woodland is assessed as having high conservation value and comprises an area of 1.6ha. Some of the woodland, including within the TPO area, will be lost to the proposed development (approx. 0.6ha), but the majority will be retained (1.0ha). The existing hedgerows (423 metres) will be lost to the proposed development and the strategy recommends that they are coppiced back and translocated to the site periphery, as well as additional planting to replace lost scrub habitat, this will result in a net gain of 127 metres of hedgerow (total of 550 metres). 0.5ha of grassland habitat will be lost with only 0.2ha remaining in proposed wildflower meadow areas. 0.5ha of scrub will be lost with only 0.3ha remaining. There will therefore be a net loss of habitat as a result of the proposed development, so the strategy suggests that a financial contribution is made for offsite habitat compensation.

Protected Species

With regard to protected species, the site is used by foraging/commuting bats and 11 trees were identified as being of category 2A or 2B for roosting bats (moderate/high potential), although no evidence of dormouse or reptiles was found in the WTSWW survey, a precautionary approach is recommended in the ecological mitigation strategy, the strategy also recommends the provision of bat boxes and bird nest boxes on the proposed industrial building units.

Invasive Species

Japanese knotweed is present on site and will need to be subject to an agreed eradication methodology.

Offsite Compensation

Although in principle, the proposals in the ecological mitigation strategy are satisfactory, further discussion is required about a suitable financial contribution in order to provide offsite compensation for the net loss of valuable habitat as a result of the development. It is also recommended that discussions are required about the appropriate long term management of the site upon completion of the proposed development, including the woodland, hedgerows, wildflower meadow areas, etc - who will be responsible for this and how will it be achieved in the long term, as adequate mitigation? It is also recommended that perhaps the discussions for a financial contribution should encompass both the need for offsite habitat compensation and onsite management of retained and new habitats, which could be taken on by the Council's Countryside and Landscape Service for biodiversity enhancement purposes.

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Application 09/0365/FULL Continued

Environment Agency (Wales) - No objection subject to conditions being attached to any consent that finished floor levels are set no lower than 92.1 metres above Ordnance Datum (OD), to reduce the risk of flooding to the proposed development and future occupants. They recommend that the applicant signs up to the Environment Agency's flood warning system which is in operation in this area, as suggested in paragraph 4.2 of the Flood consequences Assessment and also recommend that an emergency plan should be prepared for the site. They provide advice to be conveyed to the developer.

Countryside Council For Wales - Has no objection to the development but recommend that the advice of the CCBC ecologist is sought concerning the environmental impacts of this proposal and any mitigation/compensation proposed.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 5 neighbouring properties have been consulted.

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? There are no specific crime and disorder implications material to the determination of this planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes - the site is used by foraging and commuting by bats, and six trees showed moderate to high potential for roosting bats, although the presence of roosts was not established.

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

- (i) The derogation, i.e. granting planning permission, is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative.
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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The three tests were applied and answered as follows:

- (i) The site is part of Duffryn Business Park, which is allocated in the adopted Local Development Plan as a Primary Site appropriate for B1, B2 and B8 development. Planning Policy Wales (November 2012) states that; "Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence." This generally supportive approach to economic development has to be balanced against other advice in the same document that states; "When considering any development proposal (including on land allocated for development in a development plan) Local Planning Authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment."

In view of its nature conservation value, and the fact that trees along its eastern side are protected by a TPO, only approximately three-quarters of the site would be developed. In which case, the need to provide development to support the economy and provide job opportunities can be secured in this case with only a small impact on nature conservation.

- (ii) The site is part of a business park, the majority of which has already been developed, and so there is little opportunity elsewhere nearby to provide this form of development. Also, the applicants, who own the site are unlikely to carry out this development on any other area of land nearby.
- (iii) No roosts were found on site, but the majority of the trees considered as having a high potential for bats will be retained, only one will be felled.

ANALYSIS

Policies: The application has been considered in accordance with Local Plan policies and National Planning Guidance. The main issues to be considered in the determination of this planning application are in relation to design, highway considerations and biodiversity.

The design of the building will be similar to that found elsewhere on the estate - a simple profiled steel clad building running in an east west direction across the site, with access and parking running along the northern side of the structure. No objections have been raised by the Transportation Engineering Manager, and so there are no highway objections to the layout. The proposal therefore complies with the allocation in the LDP, and with policies concerning highway matters. In this case the impact on biodiversity also has to be considered. Although the site is allocated within the LDP for B1, B2 and B8 development, individual trees and woodland on the site, and within the larger area of land running up to the roundabouts and the A469 are protected by a TPO, and the wildlife survey submitted by the applicants indicated the nature conservation importance of the whole area.

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Application 09/0365/FULL Continued

Having considered the nature conservation implications of the development, the applicants were asked, in summary, to enter into a Section 106 Obligation to allow the Council to take over the woodland and provide a commuted sum of £55,000 for its maintenance, and to provide a further £19,864 to allow grassland at Trelyn, Blackwood to be better managed as compensation for the loss of grassland at the site. The applicants' response was that there was no need for the Council to take over the woodland, and that the commuted sum for the grassland was unreasonable in planning terms for the following reasons.

- The site is allocated for Class B1/B2/B8 development in the adopted LDP and nowhere in the Plan is there any reference to the site's development potential being constrained by interests of nature conservation.
- The LDP designates a large number of Sites of Importance to Nature Conservation (SINC). The site is not allocated as a SINC although it is acknowledged that the relevant supporting text states that the Policy applicable to a SINC also applies to all sites that meet the criteria for designation.
- With regard to the semi-improved grassland on the site (which totals 0.7ha), an Ecological Mitigation Strategy report prepared for the applicants in July 2011, clearly states that the grassland was limited in size, and in the number of species it supported.
- The Mitigation Strategy put forward on the applicant's behalf includes maintenance of an agreed woodland area; the translocation of existing valuable hedgerow habitat to the site boundary edge, supplemented with native shrub planting; and wildflower meadow to be seeded in all available soft landscape areas around buildings, car parks and access roads. These, together with other measures proposed in the Strategy, seek to enhance conditions for fauna present in the area.
- Whilst the overall proposal (Phases 1 and 2) involves the loss of some 0.5 ha out of a total 0.7 ha of grassland, this needs to be seen in the context of the key characteristics of the grassland area (as noted above) and the extent of mitigation and other measures proposed by the applicant. Furthermore, the Council's request for a contribution of over £20,000 to mitigate the loss of the 0.5 ha also needs to be considered in the context of the site's allocation, the paramount need to ensure that the proposed investment/development remains financially viable and, importantly, the publication earlier this month of a revised Economic Development chapter to Planning Policy Wales which places greater emphasis on the need to facilitate economic growth and, where appropriate, place even greater weight on economic considerations/benefits.

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Application 09/0365/FULL Continued

With regard to the allocation of the site in the LDP, guidance in Planning Policy Wales states, 'When considering any development proposal (including on land allocated for development in a development plan) local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment.' (para 5.5.2). Section 40 of the Natural Environment and Rural Communities Act states, "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

The aforementioned Section 106 Agreement would have to comply with the following tests:

- (a) It must be necessary to make the development acceptable in planning terms.
- (b) It must be directly related to the development.
- (c) It must be fairly and reasonably related in scale and kind to the development.

Whilst the proposed agreement would be the Local Planning Authority's preferred way of protecting nature conservation assets in the borough, it would not pass the tests set out above. As pointed out by the applicants, they could manage the woodland in an appropriate manner - which could be secured by planning condition - and so it is not necessary for the Council to own it and secure a commuted sum in order to make the development acceptable in planning terms. The sum for grasslands would not be directly related to this development because it would be spent on land located over three kilometres away from the application site. Therefore, the agreement would not be reasonably related in scale and kind to the development. However, if planning permission were granted it would be reasonable to secure the proper management of the woodland, and other mitigation measures, by condition. A strategy submitted by the applicants includes retention and management of the remaining woodland, hedgerow translocation, a wildflower meadow, knotweed eradication, enhanced foraging opportunities for bats, sensitive lighting, a dormouse and reptile search, vegetation clearance outside the bird nesting season and the provision of bat and bird boxes.

Comments from Consultees: Apart from the nature conservation matters discussed above, there are no objections from other consultees, and any concerns can be addressed by condition.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Finished floor levels of the development hereby approved shall be set no lower than 92.1 metres above Ordnance Datum (AOD).
REASON: To reduce the risk of flooding to the proposed development and the future occupants.

Cont...

Application 09/0365/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) 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.
- 05) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.
- 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) The development hereby approved shall be carried out in accordance with the mitigation strategy contained in Sections 3 and 4 of the document produced by Soltys Brewer dated 13 July 2011 and a scheme for its implementation that shall include phasing and a management plan that shall be submitted to and agreed with the Local Planning Authority prior to the commencement of any works, including site vegetation clearance, associated with the development hereby approved.
REASON: To protect biodiversity.
- 08) Prior to the commencement of work on site, a scheme for the protection of the trees to be retained shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed scheme.
REASON: To protect the retained trees at the site.

Cont...

Application 09/0365/FULL Continued

- 09) Prior to the commencement of work on site a scheme for the treatment of Japanese Knotweed shall be submitted to and agreed in writing with the Local Planning Authority.
REASON: To ensure the appropriate treatment and disposal of Japanese Knotweed.
- 10) Prior to the installation of any external plan or machinery, the details shall be agreed in writing with the Local Planning Authority. The plant and machinery shall be installed in accordance with the agreed details.
REASON: To limit noise pollution.
- 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) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
REASON: To ensure adequate protection to protected species.
- 13) 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 90m. No obstruction or planting when mature exceeding 0.9m in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interests of highway safety.
- 14) Any gates shall be set back not less than 15m 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.
- 15) The proposed means of access from the public highway shall be laid-out and constructed in permanent materials to be agreed in writing with the Local Planning Authority and shall be completed prior to beneficial occupation of the development.
REASON: In the interests of highway safety.

Cont...

Application 09/0365/FULL Continued

- 16) Notwithstanding the submitted plans, prior to the commencement of works on site revised details shall be submitted to and approved in writing by the Local Planning Authority which provide car parking spaces at a dimension of 2.6m x 4.8m and 3.6m x 4.8m for disabled spaces. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: To ensure the provision of adequate parking.
- 17) The proposed parking and operational areas shall be completed in materials as agreed with the Local Planning Authority to ensure loose stones or mud etc. are not carried on to the public highway.
REASON: To ensure the provision of adequate parking.
- 18) The building shall not be occupied until the area indicated for the parking of vehicles and cycles 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: To ensure the provision of adequate parking.
- 19) Prior to the first use of the building hereby approved the applicant shall submit a green travel plan for consideration and approval of the Local Planning Authority and shall also implement the agreed travel plan content prior to occupation of the development, unless otherwise agreed in writing with the Local Planning Authority.
REASON: To encourage means of transport other than the car.

Advisory Note(s)

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

The applicant is advised of the comments of the Environment Agency (Wales), Senior Engineer (Land Drainage), Police Architectural Liaison Officer, Glamorgan Gwent Archaeological Trust, Western Power Distribution, Wales and West Utilities, Countryside Council for Wales, Head of Public Protection and Dwr Cymru/Welsh Water.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0441/FULL 14.06.2012	Mr F Benvenuti 102 St Cenydd Road Trecenydd Caerphilly CF83 3JX	Demolish existing chapel and erect four 1 bed apartments in a single block Chapel De Winton Terrace Llanbradach Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is currently occupied by a former Baptist Chapel building, located relatively centrally in the village of Llanbradach. It fronts onto De Winton Terrace, which is part of the main road running through the village.

Site description: The chapel building on the site is in a poor condition, so much so that the Council has served a Dangerous Structure Notice, which requires the building to be made safe. The site forms part of the road frontage of De Winton Terrace and is surrounded on all sides by existing residential development. The land falls from west to east with the result that the building is split level in design.

Development: The proposal involves the demolition of the existing building and its replacement by a two-storey structure which has the external appearance of a pair of semi-detached dwellings, when viewed from De Winton Terrace and a three-storey elevation when viewed from the rear. The original proposal was for five flats, one located at basement level with two on the ground floor and a further two at the first floor. Through discussion the basement flat has been withdrawn and replaced by car and cycle parking along with an internal bin store. The reduced scheme therefore provides for the four flats. The units themselves each contain one bedroom, a kitchen, lounge and bathroom.

Dimensions: The front elevation of the building measures approximately 11 metres long x 8 metres to the roof apex (5 metres to eaves) x 10 metres wide. Whilst the rear elevation, due to the level differences over the site, has a height measurement of 10.5 metres to the apex (6.5 metres to the eaves).

Materials: The new building will be finished with rendered walls and brick plinths and quoins. The roof will be reconstituted slate.

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Application 12/0441/FULL Continued

Ancillary development, e.g. parking: Provision of three garages within undercroft car parking and one other off-street parking space.

PLANNING HISTORY

No previous planning history.

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), Supplementary Planning Guidance LDP6: Building Better Places to Live and Supplementary Planning Guidance LDP5: Car Parking Standards.

NATIONAL POLICY: Planning Policy Wales (2012) 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.

COAL MINING LEGACY

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

CONSULTATION

Gwent Wildlife Trust - raises no objection to the proposal but recommends discussion of the application with the Council's in house Ecologist.

Transportation Engineering Manager - raises no objection subject to conditions regarding garage conversion, parking provision and access and parking materials.

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

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

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Application 12/0441/FULL Continued

Countryside And Landscape Services - raises no objection subject to conditions regarding a protected species licence and bat mitigation.

Countryside Council For Wales - raises no objection subject to the conditions recommended by the Council's in house Ecologist.

Glam/Gwent Archaeological Trust - raises no objections to the application on archaeological grounds.

Head Of Public Protection - raises no objection subject to conditions regarding imported soil and site control.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site notices and 18 letters to neighbouring properties.

Response: This consultation exercise has resulted in the submission of one letter of objection and a petition opposing the development which is signed by 283 signatories.

Summary of observations: The basis of the objections received are as follows:

1. There are sufficient flats of this nature already existing within the village.
2. The occupants of this development will bring extra noise and trouble to the area.
3. The parking provision is inadequate to serve the proposal. This will result in additional on-street parking to the detriment of existing residents.
4. The development will adversely impact on the rights of elderly and disabled people.

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 considered that the determination of this application will not adversely impact on the issues of crime and disorder in this area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes.

European protected species have been identified by a survey. The submitted survey has detected the presence of Mytoid bats, within the building.

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Application 12/0441/FULL Continued

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

- i. The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative
- iii. The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied and answered as follows:

- i. The condition of the building is such that its demolition and re-development is considered to be the best option in respect to public safety and the physical and social interests of the village. The building is adjacent to the public highway and consequently its poor condition could result in bricks, slates etc. falling off and causing injury or damage to users of the highway or their vehicles. As indicated earlier in this report a Dangerous Structure Notice has been served on the owners of the building to make it safe. In this regard its demolition is considered as probably the best available solution.
- ii. With regard to the second test there are two main options, (a) do nothing, and (b) consider an alternative use. With regard to the former this is not a viable option due to the condition of the building. In respect to the latter the site is located within an almost wholly residential setting. Consequently the re-development of this relatively small site for a limited residential scheme is an acceptable land-use.
- iii. Myotid bat droppings were discovered in the attic space of the existing building following an internal/external assessment carried out by a competent ecologist with proven experience in bat surveying at an appropriate time of year. A subsequent bat activity survey carried out at a sub-optimal time of year by the same ecologist did not detect emerging bats. Due to survey constraints the report is unable to confirm bat access points within the building and roost status, however, due to the low number of bat droppings recorded, it is suggested that the building may be being used by an exploratory bat. The proposed development will therefore result in the destruction of a bat roost, however, adequate mitigation recommendations have been put forward in the bat survey report in the form of site supervision, overwinter bat care and provision of a temporary bat roost. Conditions can therefore be placed on the applicant to ensure that this mitigation and compensation will be implemented. Plans have been submitted that show the provision of bat access points into the loft space and cavity walls of the new development. The favourable conservation status of the species is therefore unlikely to be affected by this development, as the mitigation and compensation measures will maintain and enhance the roosting opportunities for Myotid bats at this location.

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The Countryside Council for Wales have been party to the consideration of the bat issues at the site and have agreed that the development is acceptable subject to suitable conditions being imposed in respect to the need for a licence from the Welsh Government and compliance with the recommendations of the submitted survey report.

ANALYSIS

Policies: The application seeks permission to demolish an existing chapel and erect four 1-bed apartments in a single block on land at De Winton Terrace, Llanbradach. 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. 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 four one-bedroom flats within the fabric of what would appear to be two semi-detached houses, with undercroft style parking, does not represent an overdevelopment of the site, with a moderate amount of shared private amenity space and appropriate levels of off-street parking. Three properties are provided with one off-street parking space in the form of a garage in the undercroft parking as well as one off-street parking space for the remaining property within the curtilage of the site for the existing. Furthermore, a condition will be attached to any permission restricting the conversion of the proposed garages in the future.

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. When considering the difference in levels between the application site and those properties to the rear of the site on School Street it is felt that the development will not result in any overshadowing impact. In relation to the proposed privacy distances, although less than the specified 21 metres at around 18 - 19 metres, it is considered that the development would not detract significantly from existing levels of privacy currently enjoyed by the properties on School Street from the existing properties on De Winton Terrace. 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, particularly bearing in mind the massing of the existing chapel which is closer to the properties at the rear.

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Application 12/0441/FULL Continued

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 rear lane between De Winton Terrace and School Street to the north-eastern 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 conversion of the proposed garages, parking materials, parking provision and a Section 106 Agreement in order to secure the Standard Planning Obligation of £5,500 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 well 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 Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, Supplementary Planning Guidance LDP5 and LDP6, Planning Policy Wales (2012) and TAN 12: Design.

Comments from consultees: There are no objections from statutory consultees and their comments can be accommodated by condition.

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

1. The existence of other properties of this nature within the area is not reason to refuse the application. Saturation of a particular property type is something controlled by property markets and not the planning system.
2. It is not inevitable that the occupants of this development will bring extra noise and trouble to the area and it would not be a sound reason to object to the scheme. The proposal is for residential development within a residential area and is found to be an acceptable use on that basis.
3. It should be noted that Council's Transportation Engineering Manager has assessed the proposal with regard to access and parking provision and found it to be acceptable.
4. In assessing the proposed development it is considered that the proposal would not have a detrimental impact on the rights of elderly or disabled residents in the area. The application has been assessed against all relevant policies and design guidance and found to be acceptable.

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Application 12/0441/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:

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

Cont...

Application 12/0441/FULL Continued

- 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 beneficial occupation of the dwellings hereby approved.
REASON: In the interests of the visual amenities of the area.
- 04) 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.
- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety.
- 06) 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.
- 07) Prior to the occupation of the development hereby approved the proposed parking and driveway areas shall be completed in materials as agreed with the Local Planning Authority to ensure loose stones or mud etc, are not carried onto the highway and should be constructed such that no surface water drains onto the rear lane.
REASON: In the interests of highway safety.
- 08) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.

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Application 12/0441/FULL Continued

- 09) 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.
- 10) 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.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
REASON: To ensure adequate protection to protected species.

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Application 12/0441/FULL Continued

- 15) The development hereby approved shall be carried out fully in accordance with the recommendations made in Section 9 of the Bat Survey report (Revision 1) dated 30th October 2012 prepared by Richard Watkins and the supporting Bat Roost Details drawing (No. FB/02/06). The development shall be undertaken fully in accordance with the approved details and drawings unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure adequate protection and mitigation for protected species.
- 16) Before the commencement of works on site, details of bat surveys to monitor the new bat roosts within the development hereby approved for a minimum of two years following the completion of the development shall be submitted to and agreed in writing with the Local Planning Authority. The monitoring shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The results of the monitoring surveys shall be submitted to the Local Planning Authority annually along with details of any proposed remedial measures to improve the mitigation scheme arising from the survey results. The approved remedial measures shall be implemented in accordance with the agreed details.
REASON: To provide information on the success of the bat roost mitigation and to make amendments to ensure the success of the scheme where necessary, in the interests of biodiversity.

Advisory Note(s)

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

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

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or the Countryside Council for Wales (029 20772400).

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0493/FULL 03.07.2012	Green Pastures 9 Mornington Road Southport Merseyside PR9 0ST	Erect residential development of three new-build terraced single-family dwellings Old Chapel Site New Road Cwmfelinfach

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: On the north-eastern side of New Road, Cwmfelinfach.

Site description: The site rises from the New Road frontage and is currently grassed over following the demolition of the former chapel sited at the rear of the site. The rear boundary abuts a lane on the opposite side of which is undeveloped land. The site is bounded on the south-eastern side by an end-of-terrace dwelling and on the north-western side by a semi-detached bungalow positioned to the rear of the plot. On the opposite side of New Road are terraced dwellings.

Development: As originally submitted the proposed development comprised a terrace of four dwellings; this has since been amended to a terrace of three dwellings. Two of the dwellings would be three-storey three-bedroom dwellings, the upper floor of which would be accommodated within the roof space, and the third at the north-western end would be two-bedroom and single-storey to the front and two-storey to the rear. The dwellings would be stepped, ranging from a 3 metre setback from the site frontage at the south-eastern end to a 6 metre setback at the north-western end. The dwellings would have terraced rear gardens, with a communal parking area at a higher level at the rear of the plot accessed from the lane and linked to the dwellings by a bridge link at first floor level.

Dimensions: The dwellings would be staggered, each having a depth of 12 metres, with the block having an overall width of 13.7 metres. The middle and south-eastern end dwellings would have a height of 8.3 metres to the ridge and the north-western end dwelling a height 7.2 metres to the ridge.

Materials: Facing stone to front (New Road) elevation, white render to other elevations. Slate roof.

Ancillary development, e.g. parking: A parking area at the rear of the site, accessed from the rear lane, would provide 6 parking spaces, a turning facility, and refuse and bicycle storage areas.

Cont...

Application 12/0493/FULL Continued

PLANNING HISTORY

08/0831/OUT - Erect residential development of 2 no. dwellings (1 x semi-detached unit) for domestic habitation - Granted 09.09.08.

09/0458/NOTD - Demolish former chapel.

12/0034/FULL - Erect residential development of four no. new build terraced single family dwellings - Withdrawn 14.04.12.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary.

Policies: SP5 (settlement boundaries), SP6 (place making), SP21 (parking standards), CW2 (amenity), CW3 (design considerations - highways), CW15 (general locational constraints) and Supplementary Planning Guidance LDP5: Car Parking Standards.

NATIONAL POLICY Planning Policy Wales and Technical Advice Note 12: Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site lies within an area of low risk.

CONSULTATION

Gwent Wildlife Trust - Requests copies of any photographs taken of the chapel before demolition.

Transportation Engineering Manager - No objection subject to conditions relating to the access and parking arrangements.

Head Of Public Protection - Requests condition regarding the importation of soils and materials.

Senior Engineer (Land Drainage) - Advises on the surface water and land drainage of the development and requests a comprehensive scheme for consideration.

Cont...

Application 12/0493/FULL Continued

Dwr Cymru/Welsh Water - Requests conditions concerning the drainage of the development and to protect a public sewer crossing the site.

ADVERTISEMENT

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

Response: Two responses.

Summary of observations: Loss of privacy, loss of view/overbearing impact, loss of light, insufficient off-street parking and damage during construction.

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.

ANALYSIS

Policies: The site lies within the settlement boundary and is adjoined by dwellings, thus there is a presumption in favour of residential development. In principle the development would therefore be in compliance with Policies SP5 (Settlement Boundaries) and CW15 (General Locational Constraints) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 (LDP), subject to other policies/guidance and other material planning considerations.

Outline permission was granted in September 2008 for the erection of a pair of semi-detached dwellings on the site (08/0831/OUT). The outline permission granted incorporated the siting of the building which was set back 8 metres from the site frontage and in 3.5 metres from either side boundary. The siting was considered to be acceptable in the street scene, providing a stepped frontage between the terrace to the south-east which is set back 3.5 metres from the frontage and the bungalows to the north-west set back 21 metres from the frontage. The proposed dwellings were also considered to have an acceptable relationship with the dwellings either side; while they would be set forward of the neighbouring bungalows, the separation and relative heights would be such that it was considered that a significant loss of amenity would not arise.

Cont...

Application 12/0493/FULL Continued

A subsequent full application for the erection of a terrace of four dwellings on the site (12/0034/FULL) was reported to the Planning Committee at its meeting on 12 April 2012 with a recommendation that permission be refused on the grounds of adverse impact on the street scene and on residential amenity; however, the application was withdrawn prior to its consideration by the Committee.

The current application as originally submitted was similarly for a terrace of four dwellings, although each dwelling would be stepped back from the south-eastern side of the site where the terrace would adjoin the existing end of terrace dwelling to the north-western side where it would adjoin the existing bungalow. The two end dwellings would also be reduced in height. This scheme would address the concerns regarding impact on the street scene; however, while it would reduce the adverse impacts on residential amenity to a certain degree it is considered that the scheme would have an unacceptably overbearing impact on the front bedroom window and front garden of the neighbouring bungalow.

The application has been amended by reducing the scheme to a terrace of three dwellings, each stepped back from the dwelling at the south-eastern end which has the same front building line as the neighbouring end of terrace dwelling. The three-storey dwellings would have eaves and ridge heights only marginally higher than the neighbouring end of terrace dwelling, and the two-storey dwelling would have eaves and ridge heights only marginally higher than the neighbouring bungalow. The stepped arrangement and relative heights would serve to visually link the development with the existing neighbouring dwellings such that it would have an acceptable impact in the street scene. On this basis the scheme is considered to be in compliance with LDP Policy SP6 (Place Making).

In terms of residential amenity the two-storey dwelling would be forward of the adjoining bungalow but would be 4 metres in from the shared boundary, with a hipped roof to the side elevation and a reducing height to the front single-storey elevation. On this basis it is considered that the impact on the neighbouring bungalow would be within acceptable limits. The three-storey end dwelling would adjoin the existing end of terrace dwelling and be of similar height. There would be a separation of 5.2 metres between the proposed dwelling and the rear annexe of the existing dwelling and, while there is likely to be some loss of light to the adjoining windows of the existing dwelling, it is considered that the degree of separation is such that a significant loss of amenity would not arise. The privacy of the neighbouring dwellings would be protected by existing boundary walls and a timber privacy screen to the side of the bridge link from the parking area. It is, therefore, considered that the proposed development is in compliance with LDP Policy CW2 (Amenity) in terms of impact on adjacent properties.

The scheme provides six car parking spaces accessed from the road to the rear of the site. This provision has been justified by the application of the sustainability criteria contained in the Council's Approved Supplementary Planning Guidance LDP5: Car Parking Standards, on the basis of the proximity of the site to facilities such as public transport, shops and schools. The Transportation Engineering Manager has no objection to the proposed development subject to the existing vehicular access being closed off and a new centrally-located access being formed with vision splays, and subject to the parking provision being constructed prior to occupation of the dwellings. On this basis the proposed development is considered to be in compliance with LDP Policies SP21 (Parking Standards) and CW3 (Design Considerations - Highways).

Cont...

Application 12/0493/FULL Continued

It is recommended that permission be granted subject to conditions.

Comments from Consultees: Transportation Engineering Manager - comments addressed above.

Head of Public Protection - no objection subject to a condition regarding soil importation.

Dwr Cymru/Welsh Water - conditions are requested regarding the drainage of the development. A standard condition requiring a comprehensive drainage scheme is proposed. A condition is also requested to protect a public sewer crossing the site; however, Welsh Water has the ability to protect its services.

Senior Engineer (Land Drainage) - advice is given regarding the surface water and land drainage of the development and a comprehensive scheme is requested for consideration. A standard condition requiring a comprehensive drainage scheme is proposed.

Glamorgan Gwent Archaeological Trust - no objection.

Comments from public:

1. Loss of privacy - this issue has been addressed above.
2. Loss of view - loss of view in itself is not a material planning consideration.
3. Overbearing impact - this issue has been addressed above.
4. Loss of light - this issue has been addressed above.
5. Insufficient off-street parking - this issue has been addressed above.
6. Damage during construction - it is the responsibility of the landowner/developer to ensure that no damage is caused to neighbouring land/properties.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development hereby approved relates to the drawings received on 14 November 2012, as amended by the drawings received on 3 January 2013.
REASON: For the avoidance of doubt as to the details hereby approved.

Cont...

Application 12/0493/FULL Continued

- 03) The existing vehicular access off the rear lane shall be closed off in accordance with details to be agreed in writing with the Local Planning Authority and, notwithstanding the details provided on Drawing No. 540_04 Rev.B, a new 4.1 metre wide access shall be constructed in the rear lane frontage in accordance with details to be agreed in writing with the Local Planning Authority. These works shall be completed prior to first occupation of any of the dwellings hereby approved.
REASON: In the interests of highway safety.
- 04) 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 metre x site frontage. No obstruction or planting when mature exceeding 0.9 metres 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.
- 05) The dwellings hereby approved shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted drawings and constructed in permanent materials to be agreed in writing with the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: To ensure that the adequate parking facilities are provided within the curtilage of the site, in the interests of highway safety.
- 06) Any gates shall be located and fitted so as not to open out over the highway.
REASON: In the interests of highway safety.
- 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 proposed timber privacy screens to the bridge link shall be erected prior to first occupation of any of the dwellings hereby approved, and shall thereafter be retained in place at all times.
REASON: In the interests of residential amenity.
- 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.

Cont...

Application 12/0493/FULL Continued

- 10) 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.
- 11) 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.
- 12) 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.
- 13) 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)

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

The applicant is advised of the comments of Transportation Engineering Manager, Dwr Cymru/Welsh Water and Senior Engineer (Land Drainage) that are brought to the applicant's attention.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0563/NCC 18.07.2012	Beech Properties Ltd Park House 3rd Floor Greyfriars Road Cardiff CF10 3AF	Vary Condition 1 of planning permission 07/0962/FULL (Construct 7 two-bedroom terraced and 5 five-bedroom detached dwellings) to extend the time period within which the development can begin for a further five years Land At St Mary's Street Bedwas Caerphilly

APPLICATION TYPE: Development without complying with conditions

SITE AND DEVELOPMENT

Location: The site is located within the settlement of Bedwas. It is situated to the west of St. Mary's Street, to the south of Greenacre Drive and to the north of Birchwood Gardens.

Site description: The site is currently undeveloped, sloping downwards from the north to the south and covered in scrub. Two footpaths pass through it. It has a main road frontage onto St Mary's Street and a secondary frontage onto Greenacre Drive. The site is mainly surrounded by residential development, however, there is an area of allotments abutting the north-eastern boundary.

Development: This application has been submitted to extend the period for the implementation of a planning permission granted in January 2008 for twelve dwellings (ref. 07/0962). Seven two-bedroom terraced houses, and five five-bedroom detached houses are proposed, the former fronting St Mary's Street, the latter accessed off Greenacre Drive.

Dimensions: The site is an irregular shape, with an overall length of 140 metres, and a maximum width of 60 metres. It has an area of 0.53 hectares.

Materials: The submitted details indicate the walls in render with red brickwork detailing. The roofs would be man-made blue black slates with red ridge tiles, with each property having two solar panels.

Cont...

Application 12/0563/NCC Continued

Ancillary development, e.g. parking: Parking provision for the terraced properties would be to the rear of those houses, in a parking court containing 14 parking spaces. The detached dwellings would each have provision for three vehicles, consisting of two dedicated car parking spaces and a single garage each. Details of the garages are included, and would be constructed of materials to match the dwellings. Boundary treatments are also submitted. These include a mix of feather edge fencing, face brickwork walls and brickwork walls with black painted galvanised railings. The site includes an amenity area to the rear of the dwellings and is accessible by public footpath.

PLANNING HISTORY

07/0962/FULL - Construct 7 two-bedroom terraced and 5 five-bedroom detached dwellings - Granted 18.01.08.

P/06/0182 - Erect 12 dwellings - Refused 30.03.07 - Appeal withdrawn 28.01.08.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundary for Bedwas but does not have a specific allocation.

Policies:

- SP3 Development Strategy in the Southern Connections Corridor
- SP4 Settlement Strategy
- SP5 Settlement Boundaries
- SP6 Place Making
- SP7 Planning Obligations
- SP15 Affordable Housing Target
- SP21 Parking Standards

- CW2 Amenity
- CW3 Design Considerations: Highways
- CW7 Protection of Open Space
- CW10 Leisure and Open Space Provision
- CW11 Affordable Housing Planning Obligation
- CW15 General Locational Constraints

Cont...

Application 12/0563/NCC Continued

- LDP1 - Affordable Housing Obligations
- LDP3 - Caerphilly Basin Highway Obligation
- LDP5 - Car Parking Standards
- LDP6 - Building Better Places to Live
- LDP8 - Protection of Open Space

NATIONAL POLICY Planning Policy Wales (February 2011); Technical Advice Note (TAN) 2: Planning And Affordable Housing (2006); Technical Advice Note (TAN) 12: Design (2009); Technical Advice Note 22: Sustainable Buildings (2010).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. The applicants have submitted a coal mining risk assessment and The Coal Authority has commented that the measures proposed to deal with mining issues at this site are satisfactory.

CONSULTATION

Transportation Engineering Manager - No objections subject to conditions concerning the design of the highway, the disposal of surface water, the protection of the public footpath, materials, and details of any retaining structures.

Head Of Public Protection - No objections subject to conditions concerning contamination.

Senior Engineer (Land Drainage) - No objections subject to conditions concerning drainage.

Police Architectural Liaison Officer - No objections subject to conditions concerning ensuring that the development complies with Secure by Design standards.

CCBC Housing Enabling Officer - Due to the significant abnormal costs on this development, it would not be viable to provide affordable housing on the development and therefore we do not seek a contribution.

The Coal Authority - No objections subject to a condition requiring the development to be carried out in accordance with the methods set out in the coal mining risk assessment.

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ADVERTISEMENT

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

Response: Two letters have been received, one of which is from a local ward member.

Summary of observations:

- Concerns about subsidence and flooding at the site;
- On-street parking problems would be aggravated especially when children are delivered to the local schools, or when there is a function at the local hall;
- Bedwas has been overdeveloped and the infrastructure is struggling to cope;
- Road safety: meetings have already been held with highway engineers about the need for a pedestrian crossing to serve the local infant and primary schools.

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? It is considered that the proposed development will increase the level of surveillance of this vacant piece of land; the effect upon crime and disorder should therefore be positive.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The application site is an undeveloped area within the settlement of Bedwas. Apart from a boundary with a small allotment site it is surrounded by existing residential development, some of which has been granted planning permission in recent years. Permission was granted in 2008 for the residential development of this site, and although the Local Development Plan has been adopted since then in November 2010, it will be shown below that there are no material planning considerations that would prevent the extension of the period for the implementation of that permission. The site is within the settlement boundary where development will normally be allowed, and the design and layout reflects that of the existing housing and road layout adjoining its boundaries. The development, if approved, will be subject to a planning obligation that will require a contribution to the improvement of the local highway network. Adequate parking is proposed. The public footpath through the site would be diverted along the northern boundary of the site, which is satisfactory from a planning point of view, but would require a separate authorisation.

Cont...

Application 12/0563/NCC Continued

The relationship with the existing housing is satisfactory. The new development on St Mary's Street will continue the building line on that side of the street, and reflect the terraced housing on the opposite side of the road. The detached housing off Greenacre Drive will be more in keeping with the existing development at that end of the site. The distance between the nearest new house to the properties in Birchwood Gardens is 30 metres, whilst there would be approximately 11 metres between the side of the nearest new house to the properties in Lon yr Ysgol. Although some of the nearest existing dwellings have large curtilages the density of the proposed development reflects that of the locality. Some of the rear gardens of the proposed dwellings, particularly the terraced properties, are not large (approximately 45m²), but an amenity area of this size is considered to be adequate for a small two-bedroom property. However, due to the limited size of these gardens it is considered appropriate to attach a condition removing permitted development rights for extensions and conservatories. Similarly permitted development rights should be restricted with regard to additional windows to ensure that adequate levels of privacy are maintained.

The design of the dwellings is considered to be in keeping: some are similar to the character of the older terraced properties in St Mary's Street; and the others of a similar design to the new housing in the Bedwas area. All of the houses would have rendered walls with brick detailing and synthetic slate pitched roofs. Each of the dwellings would be fitted with a pair of solar panels, introducing a re-usable energy element into the design of already energy efficient houses.

Open space is provided as part of the scheme, but policy CW7 does require the Local Planning Authority to consider whether the current site should be protected as open space. Bearing in mind that permission has already been granted for the residential development of this site, the contribution that would make to the housing stock in the area, and the need for development to take place in the interests of the economy, it would be unreasonable to subject the site to that test.

In accordance with Planning Policy Wales and Council policy, the applicant was advised of the need for the planning obligation as regards the provision of affordable housing within the scheme. The applicant responded with information which in turn was input to the Three Dragons Toolkit, the means by which proposals are assessed for viability. The projected costs of remediation at this site are considered to be significant and abnormal in respect of this development, and it would not be viable to provide affordable housing within the scheme and therefore a contribution is not required.

Since the previous permission was granted Welsh Government policy in TAN 22 Sustainable Buildings requires development to comply with the Code for Sustainable Homes. Conditions are recommended in that respect.

Also, due to the proximity of Bedwas Primary School, and the proposed importation of materials to the site (in particular associated with remediation) it is appropriate to attach a condition to control the time of lorry movements and a condition to require a scheme to prevent mud and other debris from being deposited on the highway.

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Application 12/0563/NCC Continued

Comments from Consultees: The views of the consultees, as previously, can be accommodated by condition and Section 106 Obligation. Additional conditions are suggested by the Head of Public Protection to treat contamination at the site which has been identified by the coal mining risk assessment submitted by the applicant. In addition to the condition to protect reptiles at the site, the Countryside and Landscape Manager has identified the need for a condition to protect breeding birds.

Comments from public: The comments from the public are similar to those received about the previous application that was approved, and are considered in turn below.

- Concerns about subsidence and flooding at the site - The Coal Authority is satisfied with the methods proposed for dealing the mining legacy in the area, and this will be secured by condition and through the Building Regulations.
- On-street parking problems would be aggravated especially when children are delivered to the local schools, or when there is a function at the local hall - adequate parking is proposed as part of the scheme.
- Bedwas has been overdeveloped and the infrastructure is struggling to cope - there is no evidence that these 12 houses would overload existing infrastructure to a point that a refusal of permission could be justified.
- Road safety: meetings have already been held with highway engineers about the need for a pedestrian crossing to serve the local infant and primary schools - the proposed accesses are satisfactory from a planning point of view, the road network is adequate to cope with the traffic generated by twelve additional houses, seven off St Mary's Street, and five off Greenacre Drive.

Other material considerations: The Council's Ecologist has previously pointed out that the site may support reptiles and that they are a protected species, thus there is a need for an appropriate planning condition to control this matter. A reptile survey was carried out in 2008 that discovered slow worms at the site. The recommendation of the Ecologist who carried out the survey was that the creatures should be translocated. A condition should be imposed to secure that action.

A contribution towards improvements to the Caerphilly Basin highway network should be secured through a Section 106 Obligation. In view of the new Community Infrastructure Levy legislation and the tests for Section 106 Obligations the Local Planning Authority must address three tests, which are considered in turn below.

- (a) The Section 106 Obligation is necessary to make the development acceptable in planning terms.

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Application 12/0563/NCC Continued

A Section 106 Agreement will be sought in this case 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 housebuilders, the Council has adopted Supplementary Planning Guidance LDP3 Caerphilly Basin Highway Obligation, which requires a financial contribution, currently £5,419, 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 Caerphilly Northern Bypass.

- (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 £5419 - 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.

Other policy requires education and public open space contributions, but on the basis of the above tests it would be difficult to justify such requirements since only 12 houses are being proposed. According to LDP2 Education Obligations, the development would generate 6 children. The impact of those children on local schools, and open space or sports facilities (including that of up to approximately 24 adults) would be minimal, and a contribution would not be necessary to make the development acceptable in planning terms.

RECOMMENDATION that (A) the application is DEFERRED to allow the applicants to enter into a Section 106 Agreement in respect of a contribution of £5,419.00 per house (index linked) towards highway improvements in the Caerphilly Basin area and (B) On completion of the Section 106 Agreement planning permission is GRANTED.

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

Cont...

Application 12/0563/NCC Continued

- 02) The development hereby permitted shall be carried out only in accordance with the amended plans received on the 17th September 2007 drawing ref. nos. 1697-PA-04a, 1697-PA-05a, and the following plans received on 23rd July 2007 drawing ref. nos: 1697-PA-02, 1697-PA-03, 1697-PA-06, 1697-PA-07, 1697-PA-08, 1697-PA-09, 1697-PA-10, 1697-PA-11, 1697-PA-12, 1697-PA-13, 1697-PA-14, 1697-PA-15, 1697-PA-16 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 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) 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.
- 05) 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.
- 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) 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.

Cont...

Application 12/0563/NCC Continued

- 08) 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.
- 09) 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.
- 10) Prior to the commencement of the development hereby approved a scheme for the control of dust arising from construction of the development and associated activities 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety.
- 12) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of new dwellings on site full engineering details and structural calculations for the proposed gabions and retaining walls, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed gabions and retaining walls additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.
REASON: In the interests of highway safety.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwellings hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.

Cont...

Application 12/0563/NCC Continued

- 14) 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.
- 15) Prior to the commencement of the development a scheme of earthworks shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall be carried out in accordance with the agreed details.
REASON: In order for the Local Planning Authority to control earthworks in the interests of the visual amenity of the area.
- 16) 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 and these works shall be carried out as approved. These details shall include:
(a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
(b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
(c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
REASON: In the interests of the visual amenity of the area.
- 17) The prior to the commencement of work on site a scheme for the translocation of reptiles at the site, including the identification of a receptor site, shall be submitted to an agreed in writing with the Local Planning Authority. The agreed scheme shall be carried out before the development hereby approved commences, or such other time as agreed with the Local Planning Authority.
REASON: In the interests of nature conservation.
- 18) The development shall be carried out in accordance with the recommendations contained in chapter 5 of the geotechnical report for this site dated September 2004, reference number 1950/GAB/DLM, carried out by the George Brown Consultancy.
REASON: To ensure that ground conditions are properly addressed in the carrying out of the development.

Cont...

Application 12/0563/NCC Continued

- 19) 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.
- 20) 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.
- 21) During the development of the site as approved by this consent no lorries shall leave or enter the site half an hour either side of the opening and closing times of Bedwas Primary School.
REASON: In the interests of highway safety.
- 22) Prior to the commencement of works on site, a scheme to prevent mud and other debris being deposited on the public highway, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.
REASON: In the interests of highway safety.
- 23) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

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: policy(ies) CW2, CW3 and SP10.

Please find attached the comments of Senior Engineer (Land Drainage) and Countryside and Landscape Services 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
12/0634/RET 28.08.2012	Mr M Joseph 17 Dan-Y-Deri Bedwas Caerphilly CF83 8HR	Vary Condition 6 of Planning Permission P/98/0188 to retain the conversion of the garage to living accommodation 17 Dan-Y-Deri Bedwas Caerphilly CF83 8HR

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: On the north-western side of Dan-Y-Deri, Bedwas, Caerphilly.

House type: The host dwelling is a semi-detached house with a linked garage.

Development: Vary Condition 6 of Planning Permission P/98/0188 to retain the conversion of the garage to living accommodation.

Dimensions: External dimensions of the garage conversion would remain unchanged.

Materials: External finishes of the proposal are brickwork threshold to match the existing and white upvc patio doors.

Ancillary development, e.g. parking: Replacement of the parking space lost by conversion, which has already been carried out.

PLANNING HISTORY

P/98/0481 - Vary Condition 1 of outline planning consent 5/5/93/0420 to allow commencement of work on site - Granted 24.08.98.

P/98/0188 - Erect 166 residential units - Granted 15.07.98.

5/5/93/0420 - Erect residential development - Granted 14.11.95.

Cont...

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: CW2 (Amenity), CW3 (Design Considerations - Highways) and Guidance Note 7 of Supplementary Planning Guidance LDP7.

NATIONAL POLICY: Planning Policy Wales (2010), 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? Not in a coal field, no action required.

CONSULTATION

Transportation Engineering Manager - raises no objection subject to a condition regarding parking provision.

Bedwas, Trethomas & Machen Community Council - Objection due to their policy of retaining garages.

ADVERTISEMENT

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

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

Cont...

Application 12/0634/RET Continued

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 and therefore no comments required from council's ecologist.

ANALYSIS

Policies: This case is reported to Committee because of the objection raised by Bedwas, Trethomas and Machen Community Council. The proposed garage conversion would be in proportion to the scale of the site and its design and materials are in keeping with the surroundings. Therefore when considering the context of the existing property and the resulting garage conversion it is considered that the proposal would be acceptable in this instance. It should also be noted that there would be no unacceptable impact on the amenity of the adjacent properties or land and the proposal would not result in the over-development of the site. The proposal would have no detrimental impact on the safe, effective and efficient use of the transportation network subject to the provision of the off-street parking spaces detailed in the submitted plans, which have already been carried out, the retention of which can be ensured by condition.

Therefore the proposal is compliant with policies in the Adopted Local Development Plan, Supplementary Planning Guidance LDP7, Planning Policy Wales (2010) and TAN 12: Design.

Comments from consultees: Transportation Engineering Manager raises no objection subject to a condition regarding parking provision.

Bedwas, Trethomas and Machen Community Council raises objection due to the Community Council's policy on retaining garages. It should be noted that the Transportation Engineering Manager raises no objection to the proposal subject to a condition regarding the provision of off-street parking in accordance with the submitted plans. It should be noted that this condition ensures the replacement of the parking space that is lost through the conversion of the garage.

Comments from public: None.

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

Cont...

Application 12/0634/RET Continued

RECOMMENDATION that Permission be GRANTED

- 01) 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 area which has been laid out for the parking of vehicles, shall be kept free of obstruction for no purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 02) The variation to condition 06) of planning permission P/98/0188 hereby approved only relates to 17 Dan-Y-Deri, Bedwas and to no other dwelling granted permission by that consent.
REASON: For the avoidance of doubt about the extent of this consent.

Advisory Note(s)

Please find attached the comments of 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: CW3.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0649/FULL 05.09.2012	General Dynamics UK Ltd 3-4 Bryn Brithdir Oakdale Business Park Blackwood NP12 4AA	Construct demonstration track and media centre building including associated landscaping and the construction of a 2.4m high boundary fence Plateau 2 Oakdale Business Park Oakdale Blackwood

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The southern part of Plateau 2, Oakdale Business Park, at the southern end of Pen-Y-Fan Industrial Estate.

Site description: The site forms the southern part of Plateau 2, part of the larger area reclaimed from the former Oakdale Colliery for industrial/business use. The northern part of Plateau 2 has been developed with industrial units. The major part of the site is flat and partially vegetated, with a landscaped bund forming the western, eastern and southern boundaries. The eastern boundary is separated from Parkway by a landscaped strip of land, with industrial units on the opposite side of Parkway. The southern boundary lies close to the northern edge of the Blacksmiths Close residential development in Oakdale and the nearby Parc Bevin/Gwesty Close residential development in Croespenmaen. The western boundary of the site abuts a landscaped embankment in use for informal leisure.

Development: Construction of demonstration track/media centre, with associated landscaping and boundary fence. The demonstration track would consist of a straight hard-surfaced length of road with turning loops at either end, aligned north-west to south-east utilising the maximum dimension of the site. The media centre would be sited approximately centrally along the track on its southern side. The perimeter fence would be erected around the edge of the plateau, on the inside edge of the perimeter bund. It is proposed to infill two gaps in the tree coverage along the perimeter bund by supplementary tree planting.

Dimensions:

- Demonstration track - 500 metres long.
- Media centre - circular building with 20-metre diameter, maximum height 5.4 metres.
- Perimeter fence - 2.4 metres high.

Cont...

Application 12/0649/FULL Continued

Materials:

- Demonstration track - asphalt or concrete.
- Media centre - machined metal (zinc).
- Perimeter fence - weld mesh.

Ancillary development, e.g. parking: A parking area for 12 cars or 6 mini-buses would be provided adjoining the media centre.

PLANNING HISTORY

2/10229 - Site investigation to assist in the design of land reclamation proposals - Granted 16.08.91.

2/11988 - Land reclamation to include bulk earthworks, drainage works, river improvements, road diversion, grassing, tree planting and landscaping - Granted 14.09.94.

2/12217 - Construct industrial link road -Refused 16.08.1995 - Dismissed on Appeal 19.12.1996.

P/98/0127 - Erect industrial development (B1, B2 and B8 Uses) and associated highway infrastructure - Granted 09.04.98.

P/98/0858 - Erect 4 factory units in 2 pairs together with site infrastructure and ancillary services - Granted 25.11.1999.

P/01/0813 - Change the use of existing semi-detached industrial units (B2) to single unit Class B1 - Granted 10.09.2001.

P/02/0549 - Erect industrial development (Use Classes B1, B2 and B8) - Granted 05.07.02.

11/0078/FULL - Construct new extension, new car parking to provide 254 new spaces and external alterations to the building including the creation of new windows and new louvres, including associated cycle parking, external storage, plant enclosure, smoking shelter, new lighting, landscaping and security fencing - Granted 31.03.2011.

11/0385/FULL - Spread excavated material resulting from site preparation work associated with planning application 11/0078/FULL - Granted 15.07.2011.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary. The major part of the site (the plateau) lies within the allocated Plateau 2 Oakdale Business Park employment site. The southern and western perimeters of the site lie within a protected informal open space.

Cont...

Application 12/0649/FULL Continued

Policies: SP5 (settlement boundaries), SP6 (place making), SP10 (conservation of natural heritage), CW2 (amenity), CW3 (design considerations - highways), CW6 (trees, woodland and hedgerow protection), CW13 (use class restrictions - business and industry) and CW15 (general locational constraints).

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. The Coal Authority is satisfied on the basis of the submitted geotechnical report that coal mining legacy issues are not likely to pose a risk to the proposed development; accordingly no objection is offered.

CONSULTATION

Gwent Wildlife Trust - No objection subject to protection of the adjoining SINC, no works of vegetation clearance during the bird breeding season, retention of acid grassland habitat and protection of the wildlife corridor.

Transportation Engineering Manager - No objection.

Head Of Public Protection – No objection subject to conditions concerning hours of operation, the completion of an existing bund as a noise barrier, no vehicles to be left idling, and contamination.

Senior Engineer (Land Drainage) - Advises on the surface water and land drainage of the development and requests a comprehensive scheme for consideration.

Dwr Cymru/Welsh Water - Requests conditions concerning the drainage of the development.

Countryside And Landscape Services - The landscaping proposals are acceptable in principle although amended details of tree/plant species and sizes and planting medium need to be agreed. Mitigation should be required for loss of breeding opportunities for ground nesting birds.

Strategic Planning & Urban Renewal Manager - The proposal is in compliance with LDP Policy CW13, though consideration needs to be given to potential noise nuisance.

The Coal Authority - No objection.

Cont...

ADVERTISEMENT

Extent of advertisement: The occupiers of 25 neighbouring properties were notified by letter, and the application was advertised by means of site notices and a press notice.

Response: One letter.

Summary of observations: The response poses a number of questions regarding the Noise Impact Assessment, frequency of use and habitat management, but offers no specific grounds of objection.

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.

ANALYSIS

Policies: The application relates to the remaining undeveloped area of Plateau 2 at Oakdale. The northern half of the reclaimed plateau has been developed with industrial/business units (Bryn Brithdir). The largest two of these units, adjoining the undeveloped land, are occupied by the applicant company which has an MoD contract to develop vehicles for the Specialist Vehicle (armoured fighting vehicle) programme. The proposed demonstration track would allow for the demonstration of the vehicle's capabilities to visiting government and MoD personnel and potential export clients. It would not be a test track for the vehicles.

The site lies within the settlement boundary identified within the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010 (LDP). LDP Policy SP5 (settlement boundaries) states that the boundaries are defined in order to define the area within which development would normally be allowed, to promote the effective use of urban land and to prevent fragmented development and inappropriate development in the countryside. The proposed development is considered to be in compliance with this Policy, and with LDP Policy CW15 (general locational constraints) which states that development proposals must not constrain the development of any adjacent site for its allocated land use and that within settlement boundaries they accord with the role and function of the settlement.

Cont...

Application 12/0649/FULL Continued

The site also lies within an allocated employment site identified within the LDP as a Primary Site (Plateau 2, Oakdale Business Park). LDP Policy CW13 (use class restrictions - business and industry) states that on Primary Sites development will only be permitted if it is within Use Classes B1, B2 or B8, is an appropriate sui generis use (i.e. not falling within a use class), or provides an ancillary facility or service to the primary employment use. The proposed scheme would provide an ancillary facility to the applicant's primary employment use and would thus be in compliance with the Policy. The proposed layout of the site is such that a considerable area of land in the north-eastern part of the site would remain available for development.

The main components of the scheme comprise a 500 metre long track with turning loops at either end, aligned north-west to south-east utilising the maximum dimension of the site, and a media centre building sited approximately centrally along the track on its southern side. The building would be circular in shape with a diameter of 20 metres, and with a curved roof having a maximum height of 5.4 metres. The external walls and roof would be clad in machined zinc, and the north-eastern side of the building would have curved glazed walling to provide an unimpeded view of the track. Access to the site would be gained from the applicant's premises at the north-western end of the site, and a small parking area would be provided adjoining the media centre.

The demonstration track would be surrounded by a 2.4 metre high green weld mesh security fence, outside of which (and within the application site) is a landscaped bund along the western, eastern and southern boundaries of the plateau. The bund together with adjoining land outside the application site is allocated within the LDP for informal recreation (Policy LE5.4). The proposals leave this bund open for public access.

The development would have little visual impact outside the site, being surrounded by the landscaped bund to the southern, eastern and western boundaries and the existing industrial units to the north. There are small gaps in the bund/landscaping; the proposals incorporate supplementary landscaping for these gaps, and it is recommended that a condition be attached to any permission requiring the gaps to be filled to bring the height up the general height of the bund. This would enhance the visual screening aspect of the bund as well as contributing to noise attenuation (see below). The Council's landscape architect advises that the landscaping proposals are acceptable in principle although amended details of tree/plant species and sizes and planting medium need to be agreed. It is recommended that a condition be attached to any permission requiring such details to be agreed prior to the commencement of development, and to be carried out before the first use of the demonstration track. On this basis the proposal is considered to be in compliance with LDP Policy SP6 (place making), SP10 (conservation of natural heritage) and CW6 (trees, woodland and hedgerow protection).

It is proposed to provide a small landscaped area with swale (marshy depression) in front of the media centre, to aid surface water attenuation and provide a buffer between the media centre and the demonstration track. The remainder of the site would remain as open grassland. The application is accompanied by Phase 1 and 2 habitat surveys which conclude that the site supports a limited range of habitats and is of low ecological interest, although part of the grassland provides habitat for ground nesting bird species and the vegetated bund for foraging/commuting bats.

Cont...

Application 12/0649/FULL Continued

Part of the area identified within the survey as being in likely use for two species of breeding bird (Skylark and Meadow Pipit - the former being a priority UK Biodiversity Action Plan species) would be disturbed by the development, but the submitted scheme provides no mitigation proposals other than protection during the course of development. The Council's Ecologist requests that a condition be attached to any permission requiring details of vegetation enhancement and subsequent management to provide additional breeding opportunities for ground nesting birds to be agreed and implemented. A condition is also requested that would prohibit vegetation clearance during the bird breeding season. The ecologist also comments that the impact of the scheme on foraging/commuting bats and scrub/tree nesting birds would be minimal as the perimeter bund/landscaping would be retained and enhanced, and no general site lighting is proposed. On this basis it is considered that the proposal is in compliance with the provisions of LDP Policy SP10 (conservation of natural heritage).

The proposed scheme would have minimal impacts in terms of traffic generation and parking requirements, and the Transportation Engineering Manager has no objection to the proposal. The development is, therefore, considered to be in compliance with the provisions of LDP Policy CW3 (design considerations - highways).

The application is accompanied by a Noise Impact Assessment and discussions have taken place between the Council's Environmental Health section and the noise consultants regarding the data employed. The vehicle for which the demonstration track is intended is still in course of development and the data on which the noise assessment was based relates to the previous version of similar size (6m x 3m) and weight (30 tons). These vehicles are of a similar size and weight to the Warrior tank. The Assessment concludes that there would be a moderate increase in noise for the closest dwellings but that the predicted levels are within the World Health Organisation Guidelines for indoor and outdoor living areas. It should also be noted that the Assessment is based on a perimeter bund 1 metre in height, whereas in reality the bund is some 2-3 metres high. The frequency of demonstrations cannot be specified with any certainty as it would be dependent on potential customer interest and development activity. However, the agent has clarified that the maximum frequency would be in the range of 1-2 demonstrations per week. Each demonstration would last for approximately one hour and the track would be used during daytime working hours (0900-1700 Mondays to Fridays) only.

On the basis of the submitted data and discussions the Head of Public Protection has no objection to the proposal subject to the operation being restricted to 0900-1700 hours Mondays to Fridays, and subject to the gaps in the perimeter bund being 'filled'. Conditions relating to contaminated land and imported soil are also recommended. Subject to these conditions it is considered that the development is in compliance with the provisions of LDP Policy CW2 (amenity).

It is recommended that permission be granted subject to the conditions outlined above.

Comments from Consultees: Transportation Engineering Manager - no objection offered.

Head of Public Protection - recommends conditions as outlined above.

Cont...

Application 12/0649/FULL Continued

Dwr Cymru/Welsh Water - requests condition regarding the drainage of the development; a standard condition requiring a comprehensive drainage scheme will be imposed.

Gwent Wildlife Trust - conditions are requested to protect the integrity of the adjoining Site of Importance for Nature Conservation, to prevent vegetation clearance during the bird breeding season, to ensure the retention of or mitigation for the loss of acid grassland habitat, and to protect wildlife corridors. These comments have been taken into account by the Council's ecologist in representations on the application.

Comments from public: No specific grounds of objection have been received, but the matters raised have been considered above.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The proposed track shall not be used for the demonstration of vehicles outside the hours of 0900-1700 hours Mondays to Fridays, or at any time on Saturdays, Sundays or Bank Holidays.
REASON: In the interests of the residential amenity of nearby dwellings.
- 03) Notwithstanding the submitted landscaping details, before works commence on site a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority; the scheme shall incorporate details of the infilling of the gaps within the perimeter bund with material to match the height of the adjoining sections. The approved works for infilling of the bund shall be carried out before first use of the demonstration track, and the approved landscaping shall be carried out in the first planting and/or seeding season following the completion of the development or the first use of the demonstration track, whichever is the sooner. 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 visual and residential amenity.

Cont...

Application 12/0649/FULL Continued

- 04) Prior to the commencement of development hereby approved, details of vegetation enhancement to provide additional breeding opportunities for ground nesting birds and their subsequent management shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON: To provide replacement habitat for ground nesting birds in the interest of biodiversity.
- 05) 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.
- 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.
- 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.

Cont...

Application 12/0649/FULL Continued

Advisory Note(s)

Please find attached the comments of Head of Public Protection and Dwr Cymru/Welsh Water 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: SP6, SP10, CW2 & CW6.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0846/NCC 21.11.2012	McDonalds Restaurant Ltd C/O Savills Miss H Howe 23 Furzton Lake Shirwell Crescent Furzton Milton Keynes MK4 1GA	Variation of condition 12 of P/99/0493 to allow the restaurant to trade 24 hours a day seven days a week on a permanent basis McDonalds Cliff Road Blackwood NP12 0NT

APPLICATION TYPE: Development without complying with conditions

SITE AND DEVELOPMENT

Location: At the northern end of Blackwood Retail Park between High Street and the access road to the Retail Park.

Site description: Single storey fast food restaurant with associated car park.

Development: Permission is sought to permanently vary Condition 12 of planning permission P/99/0493 to allow the restaurant to trade 24 hours a day, seven days a week.

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

PLANNING HISTORY

P/99/0493 - Construct new road linking High Street and Hall Street and Class A1, A3 and residential unit - Granted 23.03.01.

P/00/1013 - Enlarge existing car park east of High Street and use materials as part of re-profiling for residential development - Granted 04.01.01.

P/01/0293 - Erect roof mounted sign - Granted 18.05.01.

P/01/0294 - Display site signage including painted floor signage - Granted 18.05.01.

P/01/0295 - Erect freestanding pole sign - Granted 18.05.01.

P/02/1047 - Amend part of Condition (11) of planning application P/99/0493 to allow rubbish compaction to take place within the foodstore service area - Granted 06.12.02.

Cont...

Application 12/0846/NCC Continued

P/04/1910 - Undertake development granted by planning permission P/99/0493 without complying with Condition (12) - Granted 17.02.05.

08/0271/NCC - Vary Condition (12) of planning consent P/99/0493 to allow only the drive-thru facility to be open between the hours of 11.00 pm and 8.00 am on Friday and Saturday only - Refused 30.04.08.

08/0909/NCC - Vary Condition (12) of planning consent P/99/0493 to allow restaurant to open from 5.00 am Monday - Sunday inclusive - Granted 23.10.08.

08/1316/FULL - Refurbish restaurant and patio area, remove light beams from the roof and remove one drive through booth, carry out change to elevations, install a customer order display and new and replacement signage - Granted 03.02.09.

08/1317/ADV - Erect various new and replacement signs in line with refurbishment - Granted 03.02.09.

09/0520/NCC - Vary condition (12) of planning consent P/99/0493 to allow restaurant to open from 6.00 am to 11.00 pm Monday to Sunday inclusive - Granted 01.10.09.

09/0783/ADV - Erect three signs in line with the refurbishment of the restaurant, 1 x roof mounted sign and 2 x alfresco roof arch - Granted 30.11.09.

10/0674/NCC - Remove Condition 02 of planning consent 09/0520/NCC in respect of extending hours of opening for a period ending on 31 October 2010 - Granted 03.12.10.

11/0641/NCC - Vary Condition 12 of planning permission P/99/0493 to allow the restaurant to trade 24 hours a day seven days a week for a 12 month temporary period - Granted 08.12.11.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The site lies within the settlement boundary and the Principal Town Centre of Blackwood.

Policies: Policy CW2 (amenity), CW3 (Design Considerations - Highways).

NATIONAL POLICY: Planning Policy (Wales): Section 3.1 outlines the factors (material considerations) to be taken into account in determining applications for planning permission.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

Cont...

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

Police Architectural Liaison Officer - No objection but provide advice to the developer regarding anti-social behaviour.

ADVERTISEMENT

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

Response: One letter of objection was received.

Summary of observations: Smell; litter; increased traffic noise; extractor fan noise and noise from delivery vehicles.

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?

According to police records, there have been incidences of anti-social behaviour in and around the application site in the past 12 months. These relate to 'boy racers' and drunk and disorderly behaviour. In an effort to combat these issues, the applicant is requested to provide increased CCTV coverage of the application site and surrounding vicinity to assist the police in dealing with these issues.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: Permission for this A3 use was incorporated in the overall permission for the retail park (P/99/0493). Condition 12 of that permission stated:

"The drive-through restaurant shall not be open to customers before 0800 hours or after 2300 hours on Sunday to Thursday, or before 0800 hours or after 2400 hours on Friday and Saturday."

Cont...

Application 12/0846/NCC Continued

Permission was subsequently sought to vary the condition to extend the opening hours of the restaurant by opening at 5.00 a.m. daily, seven days per week (08/0909/NCC). It was not considered that this would be associated with late-night problems of noise and anti-social behaviour, the early opening hours being more likely to attract people on their way to work. While there would be some element of noise associated with the arrival and departure of customers, the nearest dwelling is some 90m from the premises at a higher level on the opposite side of High Street. This being the case, it was not considered that any increased early-morning noise would have a significant detrimental impact on the amenity of nearby residents. However, in the light of the history of complaints concerning night-time activity in this part of Blackwood, permission was granted for a 12-month period (expiring on 31 October 2009) to enable the impact of the earlier hours to be assessed.

A subsequent application (09/0520/NCC) sought permission to extend the period for the earlier opening time of 5.00 a.m. However, it subsequently became evident that the premises had been opening at 6.00 a.m. and for the preceding few months only, and that the applicant in fact only wished to extend the hours to allow 6.00 a.m. opening. The description of development was amended accordingly. While it was not considered that such an extension of opening hours would have a significant impact on the amenity of nearby residents, permission was again granted for a period of 12-months to allow the impacts to be monitored.

The 6.00 a.m. opening did not appear to give rise to noise problems, and complaints have not been received by the Environmental Health Division. Therefore, permission was granted to remove Condition 02 of permission ref. 09/0520/NCC which restricted the extended hours (6.00 a.m. opening) to a 12-month period. At the end of this 12-month period, the restaurant applied to make the 6.00 a.m. opening time permanent, and in light of the lack of noise nuisance complaints this was granted under planning permission 10/0674/NCC.

Due to increased demand, approximately 12 months ago, permission was sought (11/0641/NCC) to allow 24-hour opening, 7 days a week, for a 12-month period. Based on the history of the site in terms of limited incidences of noise nuisance, the Head of Public Protection raised no objection to the proposal, and planning permission was granted for a 12 month period.

As that 12 month temporary consent has now expired, the applicant proposes to make the 24 hour opening period permanent. The Head of Public Protection confirms that there have been no complaints received in the past 12 months relating to noise or smell pollution associated with the extended hours of opening. In light of this recent history, coupled with the limited number of residential properties within nearby proximity of the site, the proposal is considered acceptable.

The Police Architectural Liaison Officer has confirmed that there have been incidences of anti-social behaviour within or in the immediate vicinity relating to 'boy racers,' and drunk and disorderly behaviour. In light of these incidences, the Police Architectural Liaison Officer has requested that increased CCTV surveillance be provided by the applicant to assist in combating such incidences. The comments of the Police will be passed on to the applicant, but a condition is also recommended that seeks a management scheme from them to ensure that the 24 hour use does not aggravate the anti-social behaviour in the locality.

Cont...

Application 12/0846/NCC Continued

Comments from Consultees: The Head of Public Protection raises no objection to the proposal.

Transportation Engineering Manager raises no objection.

Police Architectural Liaison Officer raises no objection but requests the applicant provides more extensive CCTV coverage in an attempt to combat anti-social behaviour associated with 'boy racers.'

Comments from public: The concerns raised by neighbours are material planning considerations. The issues raised in the letter of objection relate to noise and smell pollution from the restaurant, and noise and anti-social behaviour associated with 'boy racers' frequenting the restaurant into the early hours.

With regard to noise and smell pollution, the Head of Public Protection confirms that there have been no complaints regarding the premises in the past 12 months, i.e. since the restaurant has been operating 24 hours a day. Furthermore, the nearest residential dwelling is located some 90m away from the restaurant. If this were to become an issue in the future, the matter could be controlled by way of relevant Environmental Health legislation.

In relation to anti-social behaviour, the Police Architectural Liaison Officer requests the developer provide increased CCTV surveillance of the car park and access roads serving the premises to combat anti-social behaviour associated with 'boy racers.'

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Prior to the installation of any external plant and machinery, details shall be submitted to and agreed in writing with the Local Planning Authority. The plant and machinery shall thereafter be installed in accordance with the agreed details.
REASON: In the interests of residential amenity.
- 02) Within one month of the date of this permission, details shall be submitted to the Local Planning Authority outlining a management plan to limit anti-social behaviour associated with the late night use of the premises. The premises shall thereafter be operated in accordance with the agreed plan.
REASON: In the interests of residential amenity and the prevention of crime.

Advisory Note(s)

Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 is relevant to the conditions attached to this consent.

The applicant is advised of the comments of the Police Architectural Liaison Officer.
