

AGENDA ITEM NO. 5(D)

**APPLICATION
NUMBER**

LOCATION

EAST AREA

Preface
13/0005/RM

Land at Thorncombe Road, Blackwood

13/0051/COU

Beehive Buildings, Crumlin Road, Crumlin, Newbridge

13/0053/FULL

Cwmcaesingrug Farm, Mynyddislwyn Mountain Road, Mynyddislwyn

13/0148/FULL

Land to the North of Cwmcarn Forest Drive, Cwmcarn, Newport

13/0424/RET

16 Field's Park Road, Pentwynmawr, Newbridge

SOUTH AREA

13/0341/TCA

Land adjacent to 1 Tyn Y Graig Terrace, Llanbradach, Caerphilly

PREFACE ITEM

APPLICATION NO. 13/0005/RM

APPLICANT(S) NAME: Green Hill Construction Limited

PROPOSAL: Seek approval of the reserved matters regarding access, appearance, landscaping and layout in connection with the residential development approved under planning application 06/0821/OUT

LOCATION: Land At Thorncombe Road Blackwood

This application was reported to the Planning Committee at its meeting on 10 April 2013 with a recommendation that permission be granted. Consideration was deferred for a Members' site visit which took place on 22 April. The minute of that meeting was reported to the Planning Committee at its meeting on 15 May when consideration was deferred pending further consultations on an amended scheme. Previous reports are attached as an Appendix to this report.

Following the Members' site visit the applicant had submitted a revised site layout to take account of the public combined sewer crossing the site from west to east. While that scheme presented some advantages, there were significant issues of concern and the applicant was advised that officers were unable to support the amended scheme. The applicant then requested that the application be considered on the basis of the original report to Planning Committee. A further report which addressed a number of Members' and residents' concerns and recommended approval in accordance with the original report with three additional conditions was presented to the Committee at its meeting on 12 June 2013. The Committee resolved to defer consideration to enable a reason for refusal to be prepared based on the overbearing impact of the development. It is confirmed that such a reason would be based on a material planning consideration and a case could be made to support it.

RECOMMENDATION: That permission be granted in accordance with the original report as amended by the further report to Committee on 12 June 2013. However, if members are minded to refuse permission in accordance with the resolution of that Committee, the following reason for refusal is suggested:

The proposed development by virtue of its siting and massing would have an overbearing impact on neighbouring residential properties to the detriment of the amenity of the occupants. The development would, therefore, be contrary to the provisions of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0051/COU 04.03.2013	Mr & Mrs T West Cartref Osborne Road Pontypool Torfaen NP4 6LU	Convert 2 & 3 Beehive Buildings into a photography studio, convert 1 Beehive Buildings into a performance cafe and convert upstairs flat, Beehive House, into a recording studio Beehive Buildings Crumlin Road Crumlin Newport NP11 3QH

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application building is located on Crumlin Road, Crumlin.

Site description: Detached two storey building with small basement.

Development: The proposed development involves 3 phases.

Phase 1 (Ground Floor) - The applicant proposed to change the use of Nos. 2 and 3 Beehive Buildings from A1 retail to a photography studio. This will involve putting a doorway between the two units. It is also proposed to add a roller shutter security screen to the front of No. 2, (No. 3 already has an existing roller shutter security screen).

Phase 2 - (Ground Floor and Basement). The applicant proposes to change the use of No. 1 Beehive Building from an A1 shop to a performance cafe (A3 use). The proposed cafe will also extend down into the existing basement.

Phase 3 - (First Floor). The applicant proposes to change the use of the first floor from a residential flat to a music-recording studio. This would consist of two live recording rooms, one control room and a small kitchen and toilet area.

Ancillary development, e.g. parking: Roller shutter security screen to front of No. 2 Beehive Buildings and across doorway leading to first floor recording studio.
Replacement signage to advertise the various businesses.

PLANNING HISTORY

07/1396/FULL - Replace shop fronts to units 2 and 3 - Granted 15.01.09.

10/0825/FULL - Construct new flat access and timber decking and restoration of dome - Granted 10.03.11.

13/0052/ADV - Erect signage - not yet determined.

POLICY

LOCAL DEVELOPMENT PLAN

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

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

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? There is a change of use proposed and so there are no mining legacy implications.

CONSULTATION

Police Architectural Liaison Officer – Advises on the various security measures that should be adopted.

Transportation Engineering Manager - Raises no objection based on the existing lawful use of the building balanced against the proposed use. Although the proposed uses require additional car parking provision than the existing use (11 spaces compared to 8 spaces), the proposed uses require less commercial parking than the existing lawful uses (1 commercial vehicle compared to 3 commercial vehicles) i.e. delivery vehicles, and therefore when off-set against each other.

It is not considered that the proposed development would exacerbate parking issues in the area, when the existing lawful use of the building is taken into account. It should be noted that there is a nearby public car park located within approximately 60m of the building which is available to residents and users of the building.

Head Of Public Protection – Has no objections subject to conditions concerning noise insulation, hours of operation, limitations on the extent of the uses, enclosure of the smoking area, odour control, drainage, and the disposal of waste.

Dwr Cymru – No objections subject to the installation of a grease trap.

ADVERTISEMENT

Extent of advertisement: 21 neighbouring properties were consulted and a site notice was displayed near the application site.

Response: Two objections were received.

Summary of observations:

- Lack of off-street car parking provision.
- Noise pollution from performance cafe and recording studio.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The proposed redevelopment of Beehive Buildings incorporates three phases. Each of these phases is considered in terms of its individual merits below.

Phase One proposes to change the use of the ground floors No's 2 and 3 Beehive Buildings from vacant retail shops to a photographic studio. This is considered to be an appropriate use of these vacant retail units and represents a positive enhancement to the local area.

Phase Two proposes to change the use of the ground floor and basement of No. 1 Beehive Buildings from a vacant unit to a cafe. The applicant proposes to provide live entertainment on Thursday, Friday and Saturday from the cafe in order to generate additional interest in the business. It is considered that the proposed use as a cafe is acceptable given the location of the building within the centre of Crumlin, and conditions will be attached to any permission to ensure no significant noise pollution results from the live performance element. Furthermore, the use of the unit will be restricted to cafe only to ensure a hot food takeaway cannot be operated without the requirement for planning permission.

Phase Three proposes to change the former first floor residential flat to a music-recording studio. The applicant has submitted a noise report outlining the measures to be undertaken to ensure the first floor of the application building is soundproofed and no noise pollution will be experienced by nearby residential properties. Indeed, a music-recording studio by its very nature requires maximum sound insulation.

In light of the above, it is considered that the three elements are acceptable in their own right and comply with the relevant planning policies. Furthermore it is considered that the proposed development when taken as a whole represents a much needed opportunity to improve and revitalise this area of Crumlin which is very much in need of redevelopment and investment. It is considered that the proposed development is acceptable provided appropriate conditions are attached to the planning permission.

Comments from consultees: The Head of Public Protection raises no objection subject to conditions. It would not be reasonable to impose a condition in respect of the smoking area.

The Police Architectural Liaison Officer provides advice to the developer regarding security measures.

The Transportation Engineering Manager raises no objection based on the existing lawful use of the building balanced against the proposed use. Although the proposed uses require additional car parking provision than the existing use (10 spaces compared to 8 spaces), the proposed uses require less commercial parking requirement, i.e. delivery vehicles, and therefore when off-set against each other, it is not considered that the proposed development would exacerbate parking issues in the area.

Comments from public: In relation to the concerns about noise pollution as a result on the performance cafe and recording studio, the applicant has satisfied the Head of Public Protection that adequate measures will be put in place to mitigate potential disturbance to neighbouring properties. If however a noise nuisance does result, Environmental Health Officers have powers to act by way of a noise abatement notice.

In terms of the concerns regarding lack of off-street parking, the Transportation Engineering Manager raises no objection to the proposed use based on the existing lawful use of the building. At present, the building could be used for A1 retail at ground floor level and residential at first floor level. It is not considered that the proposed use, i.e. photographic studio and performance cafe at ground floor/basement level, and music-recording studio at first floor level, would generate more traffic than the existing lawful use.

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 ground floors of No's. 2 and 3 Beehive Buildings shall be used as a photographic studio and associated waiting area only and for no other purpose.
REASON: In the interests of residential amenity.
- 03) The Ground floor and basement area of No. 1 Beehive Buildings shall be used for as a cafe only and for no other purpose (including any other purpose in Class A3; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity and to retain effective control over the development.
- 04) The first floor of No's. 1, 2 and 3 Beehive Buildings shall be used as a music-recording studio and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.

- 05) Prior to development commencing details of any external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.
REASON: For the protection of residential amenity.
- 06) The music-recording studio shall be restricted to the following hours of operation: 9:00 a.m. to 11:00 p.m. Monday to Saturday, and 12:00 p.m. to 4:00 p.m. on Sunday.
REASON: For the protection of residential amenity.
- 07) The opening hours for the Photography Studio at No's 2 and 3 Beehive Buildings shall be restricted to Monday to Saturday 9:00 a.m. to 6:00 p.m. and 12:00 p.m. to 4:00 p.m. on Sunday.
REASON: In the interests of residential amenity.
- 08) The opening hours for the Performance Café at No. 1 Beehive Buildings shall be restricted to Monday to Wednesday 8:00 a.m. to 6:00 p.m., Thursday to Saturday 8:00 a.m. to 11:00 p.m., and Sunday 12:00 p.m. to 4:00 p.m.
REASON: In the interests of residential amenity.
- 09) Unless otherwise agreed in writing with the Local Planning Authority. The area shown on the submitted plans as an outdoor smoking area to the north of the existing building, shall be enclosed at all times by a 2 metre high solid, continuous close boarded fence.
Reason: For the protection of residential amenity.
- 10) The measures stated in the Environmental Health Noise Pollution Report submitted on 14 April 2013 shall be installed prior to the commencement of the uses hereby approved to ensure that any noise created by the proposed development shall be kept within the application building.
REASON: In the interests of residential amenity.
- 11) Notwithstanding the submitted plans, details of the proposed roller shutter security screen on the south facing elevation of the application building shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the type of shutter to be installed as well as the type of housing unit. The development shall be undertaken in accordance with these agreed details.
REASON: In the interests of residential amenity.
- 12) Should the kitchen be used as a commercial operation to prepare food then a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the Local Planning Authority and implemented before first use of the premises commences. The approved scheme shall thereafter be retained for the duration of the approved use.
REASON: To safeguard residential amenity.
- 13) Should the kitchen be used as a commercial operation to prepare food, the Applicant shall submit a scheme of foul drainage to include a grease trap and such scheme will be approved in writing by the Local Planning Authority and implemented before first use of the premises commences. The approved scheme shall thereafter be retained for the duration of the approved use.

REASON: To safeguard residential amenity.

- 14) The premises shall have adequate arrangements for the storage, collection and disposal of commercial waste in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before first use of the premises commences.

REASON: To safeguard residential amenity.

Advisory Note(s)

Please find attached the comments of The Police Architectural Liaison Officer, 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: Policy CW2.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0053/FULL 18.02.2013	MDA Renewables PO Box 97 Porthcawl Bridgend CF36 9DE	Erect two wind turbines Cwmcaesingrug Farm Mynyddislwyn Mountain Road Mynyddislwyn Blackwood NP12 2BG

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is a pair of field parcels to the south of the gun club at Mynyddislwyn and to the east of the communication masts at Mynydd y Lan. Access to the site is along an existing field track that joins the highway approximately 220 metres south of St Tudor's Church.

Site description: The fields are in pasture and predominantly surrounded by open countryside. The nearest buildings are the gun club and the nearest structures are the communication masts. The position is elevated with commanding views from the north through to the west and down to the south. Westward views are slightly less open as the land rises towards Mynydd y Lan. The site is approximately 600 metres from a Scheduled Ancient Monument (Twyn Tudor) and the listed Church of St Tudor. The location is approximately at the centre of Mynyddislwyn Special Landscape Area as defined in the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

Development: The erection of two wind turbines of 225kw rating together with ancillary access track and cable connection. The submitted details mention the erection of plant housing but no plan details are provided.

Dimensions: The turbines have 30 metre high hubs and the blade diameters are 29 metres. They are 130 metres apart. The track to the road is approximately 500 metres long and 4 metres wide. The cable connection is shown running along the side of the track to the road and out of the application site to the farm buildings on the opposite side of the road.

Materials:

Tower - galvanised conical steel in non-reflective grey,
Blades - fibreglass reinforced polyester in non-reflective grey,
Track - granular materials.

Ancillary development: This application is supported by:

1. Design and Access Statement.
2. Planning Statement.
3. Landscape and Visual Appraisal.
4. Preliminary Ecological Appraisal.
5. Transport Management Plan. This document explains how the turbines

will be transported to site after being transferred to suitable vehicles at Nine Mile Point Industrial Estate.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies in the open countryside beyond a settlement boundary, it is not allocated for any specific use. It is within the Mynddislwyn Special Landscape Area (SLA NH 1.6). The Mynydd y Lan Site of Importance for Nature Conservation (NH3.130) is nearby on the other side of the field boundary. The site is also a sandstone safeguarding area (SP8) and a sandstone resource area.

Policies: SP2 (Development Strategy), SP5 (Settlement Boundaries), SP8 (Minerals protection), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints) and CW22 (Locational Constraints - Minerals).

NATIONAL POLICY

Technical Advice Note 8: Planning for Renewable Energy, July 2005.
Planning Policy Wales (Edition 5), Nov 2012.

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 - A small part of the access track passes over such an area, but in view of the scale of that work, there are no significant mining legacy implications.

CONSULTATION

OFCOM - No direct response has been received (OFCOM generally notify other bodies such as JRC who have responded).

The Coal Authority - No objection is raised. An advisory note for the applicant is provided as there is the possibility of unrecorded mine workings in the locality.

Torfaen CBC - No response.

Cadw - An analysis of monuments within a 5 km radius concludes that there may be medium impact upon both the nearest which is Twyn Tudor (a medieval motte) and Twm Barlwm (motte and bailey). There will only be slight impact upon prehistoric burial mounds within the area. The determination as to the impact upon listed buildings is left to the Local Planning Authority.

Conservation & Design Officer – Advise about the appropriate guidance has been given.

Transportation Engineering Manager - Objection is raised to the application due to the inconsistencies contained within Traffic Management Plan (TMP). Further detailed information has been required and provided the applicant clarifies those inconsistencies and makes the necessary revisions to the TMP the Highway Authority is likely to remove its objection.

Head Of Public Protection - No objections subject to conditions to monitor and control noise.

Senior Engineer (Land Drainage) - No objection is raised, a condition requiring details of drainage is recommended and drainage advice is provided.

Countryside and Landscape Services - The Council's Ecologist considers that insufficient information has been provided in terms of the impact upon birds. The Council's Landscape Architect considers that the proposal has the potential to have a major and unacceptable adverse impact upon the local landscape character to the detriment of the Special Landscape Area.

Strategic Planning & Urban Renewal Manager - It is pointed out that whilst the development does satisfy the sustainability aims of national and technical guidance, careful consideration must be given to its impact upon the Special Landscape Area and the nearby listed building.

Minerals Officer - No objection.

Police Architectural Liaison Officer - No objection is raised and advice is provided regarding security.

Police Air Support Services - No response.

Wales Air Ambulance - No response.

Ancient Monuments Society - No response.

Welsh Ambulance Services NHS Trust - No response.

Chief Fire Officer - No response.

National Air Traffic Services - No safeguarding objection is raised.

Civil Aviation Authority - No response.

Ministry Of Defence - No objection. The date of the commencement of the development and height of construction equipment are requested.

Dwr Cymru - No objection is raised and advice is provided regarding water supply.

Western Power Distribution - Concern is raised regarding the possible interference with communication links in the vicinity and the objection raised by JRC is supported.

National Grid - No response.

British Telecom - No response.

Gwent Wildlife Trust - An objection is raised as to the adequacy of the information regarding the potential impact upon birds. It is recommended that further information be provided prior to the granting of planning permission.

Glam/Gwent Archaeological Trust - It is pointed out the site is within 0.5 km of a Scheduled Ancient Monument known as Twyn Tudor, which is a castle motte of medieval date. It is suggested that determination should be deferred to enable the submission of further information regarding the impact upon the archaeological resource.

Atkins Ltd - No objection is raised with regard to UHF Radio Scanning Telemetry Communications.

Joint Radio Company Limited - Objection is raised with regard to the potential for interference that may affect the nearby communication masts at Mynydd y Lan. A detailed analysis is requested, this is explained in more detail in the following analysis.

Natural Resources Wales - Objection is raised regarding the lack of information provided in terms of wire frame photomontages. Particular attention is drawn to the need to properly assess the "cultural heritage, historic landscapes and cumulative effects." A condition regarding a method statement to take account of newts is recommended if planning permission is granted.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 50 neighbouring properties have been consulted.

Response: Three letters and a petition signed by 34 individuals have been received.

Summary of observations:

1. The development will increase traffic in the narrow lanes leading to the site, including the lanes leading down to the "Sainsbury Roundabout" at Pentwynmawr and the lane from Wattsville.
2. The turbines will be detrimental to the visual amenity of "an area of natural beauty and special interest," a "Visually Important Local Landscape" and a "Special Landscape." Particular attention is drawn to the elevated position of the turbines that will make them visible from a distance as well as close quarters. St Tudor's Church will be "completely dwarfed by these moving structures which in height terms equate to something like a twenty-storey building."
3. It will set a precedent for further wind energy development.
4. It is pointed out that the Council previously refused planning permission in 1995 for a nearby wind turbine of 45 metres in height (Ref 2/12525) and the reasons for refusal given then are applicable now.
5. The turbines will be detrimental to wildlife including Red Kites, Lapwing and Great Crested Newt.

6. One letter is accompanied by a newspaper cutting regarding a request for an audit of the cost of wind energy due to payments being made to wind energy providers that have been asked to turn their turbines off during periods of low demand.
7. One letter writer has examined the submission details and lists a number of discrepancies ranging from differences in the descriptions of the turbine heights and materials to errors in the completion of the application forms.
8. Doubt is cast upon the justification of the need for the turbines to supply power to only one farm.
9. The site is within a Coal Mining Referral area.
10. It is suggested that Government guidance recommends that areas outside Strategic Search Areas as defined in TAN 8 should remain free of wind power schemes.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

It is not considered that the proposed development will have a material effect on crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Insufficient information has been provided to determine the answer to this question

ANALYSIS

Policies: Planning Policy Wales (PPW) (Edition 5), Nov 2012: The Welsh Government in its guidance is committed to delivering sustainable development in Wales, this includes the sustainable use of resources (para 4.1.5) and ensuring Wales uses only its fair share of the Earth's resources. PPW recognises that an adequate and efficient supply of infrastructure, including electricity is crucial for the "economic, social and environmental sustainability of Wales." Wind turbines contribute to this agenda, as such the sustainability aspect of the proposal accords with PPW. The proposal also assists the Welsh Government's renewable energy target, which is currently 7TWh by 2020, including 800MW from on-shore wind sources. Similarly Technical Advice Note 8 Planning for Renewable Energy (TAN 8), recognises that in order to try and meet the renewable targets set by the Welsh Government "on-shore wind power offers the greatest potential for an increase in the generation of electricity from renewable energy in the short to long term" (Para 2.2).

TAN 8 seeks to keep areas outside of Strategic Search Areas (SSA) free of large wind power schemes (para 2.13) and to consider the cumulative impact of small schemes in those areas outside of the SSAs. Applications for wind power below 5MW subject to meeting planning criteria are appropriate in principle outside the SSAs. It is acknowledged in the TAN that there is a need to strike a balance between the desire for renewable energy and the need to protect the landscape and natural heritage (Para 2.13). PPW also acknowledges that poorly designed or badly located infrastructure can "exacerbate problems rather than solving them" (Para 12.1.1). The TAN explains there is a recognised need to avoid a situation "where wind turbines are spread across the whole of a country" (Para 2.13). In this following analysis this is interpreted (in part) as the need to identify the areas that must be examined more critically in order to strike that balance and discern whether an area within the County Borough is to be preserved for its particular values.

The Adopted Local Development Plan identifies Mynyddislwyn as a Special Landscape Area (SLA). The application site lies approximately at the centre of the SLA in an elevated position. The SLA is identified as "a small, but important open upland area surrounded by extensive plantations. Its designation recognises the importance of open moorland features in this part of the Borough and the quality of its associated landscape habitats." One of the identified key policy management and development control issues is to "prevent the area becoming too cluttered with incongruous vertical elements, including pylons and turbines to protect the vulnerable open integrity of the area."

Taking into account the above technical guidance, plus National and LDP policy, and the fact that this proposal is at the heart of a Special Landscape Area there is clearly a need to balance the need for energy sustainability against the need to preserve a specific area of recognised visual quality within the County Borough. The application as submitted was accompanied by a landscape and visual impact assessment. Such assessments should address issues of special concern such as the preservation of areas of identified landscape importance and to illustrate the impact of the proposed development in visual forms such as photomontages or wire diagrams. The submitted landscape assessment addresses LDP Policy NH1.6 (the SLA) and at paragraph 4.13.17 it concludes that "it is anticipated, the likely landscape and visual effects of the Proposed Development of two small wind turbines situated at the Site would not produce an unacceptable adverse landscape effects on the NH1.6 Mynyddislwyn Special Landscape Area." The assessment was supported by visual information comprised of very grainy/blurred photographs with no superimposed images of the turbines either in the form of photomontages or wire frame diagrams. In an attempt to encourage a more visually informative presentation Council technicians prepared an approximate example of a photomontage of the two turbines viewed from Manor Road in Penllwyn, 3km from the application site. This location was chosen because it has a relatively clear view of the extant radio masts and the listed building that is St Tudor's Church. The applicant responded explaining that he considered the example photomontage to be an inappropriate representation because it utilized magnification.

A second revised landscape and visual impact assessment was later submitted, its written conclusion is the same as the first, however it provides a new visual photographic presentation of 13 viewpoints ranging from 1km to 6km from site. It is noted that:

- None of the photographs provided show the turbines superimposed as a montage, only accompanying wire frames show the turbines.
- 11 of the chosen positions are located such that there is very little to nil view of the turbines.
- Only 2 of the wire frames show to a significant degree the presence of the turbines. The first is from the most distant viewpoint 6km away and the second, the closest at around 1km, does not have a photograph to go with it (only the wire frame).
- The assessment does not include the one position that was suggested by officers, namely from Manor Road, Penllwyn.

The assessment does address in written detail the SLA allocation and it explains that there are other tall structures such the existing communication masts with which it is suggested the proposed turbines would be visually "grouped" (para 4.13.12). In examining the conclusion of the submitted assessment one must question the accuracy/weight of the description of the development as "two small wind turbines." "Small" is a relative term. It is true the turbines are only 45 metres in height, which is "small" when compared to other such structures that can be 100 metres or more. In the context of the SLA the size (and therefore visual impact) must be judged against the visual character of the SLA. Mynyddislwyn has a limited number

of tall structures and is special because of its "open moorland." As pointed out in the assessment there are three existing communication masts that are 500 metres to the east and are similar in height to the turbines. They are the tallest structures within the SLA. Arguably they already visually detract from the character of the "open moorland" and do not make a positive contribution. Their one saving characteristic when compared to the proposed turbines is that they are static features that do not have revolving 29 metre diameter blades. There is one other tall structure 700 metres to the west that is St Tudors church. Its stone tower is only 15 metres in height, this structure does have historic and visual characteristics that are arguably in keeping with the SLA. It is considered that the proposed turbines:-

- (a) are not examples of tall development such as St Tudors, a structure that is in keeping with the character of open moorland by virtue of its stone construction, its more diminutive size and its historic association with the land,
- (b) being separated by 500 metres from the communications masts they do not form a group with them, nor are the masts examples of existing structures that contribute positively towards the character of the SLA and arguably already represent too much visual clutter, and
- (c) as relatively tall development with 29 metre rotating blades sited in an upland location they will be a significant and detrimental visual distraction from the open character of the heart of the adopted approved SLA, undermining the key aims for its visual protection.

The proposed turbines are therefore "incongruous vertical elements" that unacceptably impact visually upon "the vulnerable open integrity of the (Special Landscape) area", contrary to policy NH1.6. They are also contrary to PPW that explains poorly designed or badly located infrastructure can "exacerbate problems rather than solving them" (Para 12.1.1). They are also contrary to TAN 8 because they do not strike a balance between the desire for renewable energy and the need to protect the landscape in this SLA designated part of the County Borough (Para 2.13).

TAN 8 also requires the consideration of the cumulative impact of wind turbines. The submitted Landscape Assessment lists developments that have been approved, constructed and are currently under planning consideration. The nearest approved development of significant size is a 2 turbine scheme 7km north at Plateau 1 Oakdale and the nearest constructed development of significant size is a farm of 8 turbines 17km west at Ferndale. The Assessment concludes "The resulting direct cumulative effect on Designated Landscape Area (CL056) and the Mynydd y Lan (HL755) would be of negligible significance". The Council's Landscape Architect has considered this issue and also concludes that in terms of cumulative affect the area has not reached an unacceptable level of wind developments; however, this consideration does not detract from the adverse impact the proposal has upon the SLA.

The development strategy for the County Borough requires proposals for development in the Northern Connections Corridor to have regard for the social and economic functions of the area, and help to protect the natural heritage from inappropriate forms of development. Excluding natural heritage, which is dealt with elsewhere the proposal is considered in accordance with the relevant criteria, namely appropriate forms of growth to develop communities in a sustainable manner.

A key mechanism for achieving resource efficient settlements and to indicate where development would normally be acceptable is the definition of the settlement boundaries. Policy CW15 General Locational Constraints seeks to resist development outside settlement

boundaries. This proposal is for the erection of two 45m wind turbines with associated works outside of the defined settlement limits. Development is however acceptable outside of the settlement boundary provided that it is associated with either (i) agriculture, forestry and minerals, (ii) the conversion or rehabilitation of rural buildings, (iii) recreation, leisure and tourism, (iv) the provision of public utilities, infrastructure and waste facilities that cannot reasonably be located elsewhere or (v) associated with the reclamation of derelict or contaminated land. In principle the concept of wind turbines is supported outside of the settlement boundary under criterion (iv.) Wind turbines are considered as infrastructure and the proposed 45m to blade tip wind turbines are arguably more reasonably located outside of the settlement boundary.

With regards to policies SP8 Mineral Protection, CW22 Locational Constraints (Minerals), and SP8 Sandstone Safeguarding Area; the Minerals Officer raises no objection given the limited impact of the proposed development upon the mineral resource.

The application site lies within an SLA and adjacent to a SINC (NH3.130 - Mynydd y Lan). The proposal must therefore satisfy the provisions of Policy CW4, which seeks to conserve and where appropriate enhance the features of landscape and nature conservation importance in the locality. Where the need for the development is considered to outweigh the ecological importance of the site and where harm can be minimised by mitigation measures development will be permitted. Insufficient information has been submitted to assess the impact upon protected species; this assessment cannot therefore be completed.

Comments from Consultees: Glam/Gwent Archaeological Trust - Cadw - Conservation and Design Officer. The Trust has raised concerns regarding the nearby Scheduled Ancient Monument known as Twyn Tudor, which is a castle motte of medieval date. Cadw have provided an analysis of monuments within a 5 km radius that concludes there may be medium impact upon both the nearest which is Twyn Tudor and Twm Barlwm (motte and bailey) which is further away. The Impact is not therefore significant upon those two features. Cadw explain there will only be slight impact upon prehistoric burial mounds within the area. The determination as to the impact upon listed buildings is left to the Planning Authority. With regard to the listed building the Conservation and Design Officer points to English Heritage Guidance for reference. That guidance explains that the visual dominance of wind turbines is "far greater in vertical scale than most historic features. Where an historic feature (such as a hilltop monument or fortification, a church spire, or a plantation belonging to a designed landscape) is the most visually dominant feature in the surrounding landscape, adjacent construction of turbines may be inappropriate." In the above analysis it has been explained that officers have produced an example of a photomontage that sought to explore that issue and the turbines are likely to appear to dominate and challenge the listed building's current prominence, to the detriment of its setting, and thereby adversely affecting the "hill top" character of the area viewed from east.

The Joint Radio Company (JRC) - Western Power

JRC have raised objection because there is concern that the turbines could cause interference with the nearby communication masts at Mynydd y Lan. JRC are named consultees within TAN 8 (Annex C), which also explains that television, radio and microwave links typically require 100m clearance either side of a line of sight link, but organizations such as JRC should be consulted and they may have different safeguarding zones. The initial response from JRC explained that further analysis was required and that this was based on zones of 500m to 1000m either side of line of sight to be applicable but possibly lower size zones would be applicable if the blade sizes were below 32m.

That initial response required a full impact assessment and stated that only JRC itself should carry it out. The applicant challenged JRC's requirement that the full impact assessment should only be carried out by JRC and has suggested that this matter may be resolved by the completion of a Section 106 Agreement in accordance with TAN 8. Following further exchanges JRC have conceded that an impact assessment carried out by a competent body would be acceptable but have pointed out that a Section 106 Agreement could lead to very high costs that are normally borne by larger wind developments, plus any measures to ameliorate impact cannot be properly ascertained without an impact assessment. JRC have also clarified that the safeguarding zones applicable in this instance are 500m trigger zone for microwave links and 1000m trigger zone for 450-470 MHz UHF radio links.

What is clear in this particular case is that there are three communication masts slightly over 500m from the proposed turbines. Those masts send out and receive signals along lines of sight links that pass within around 100m to 300m of the proposed turbines. There are 4 such links that emanate from the masts, one of which passes between the proposed turbines. In addition there is a fifth link (not connected to the masts) that crosses in a northeast to southwest direction that is around 150m from one of the proposed turbines. There is therefore a web of microwave and UHF links that may be affected by the proposed development. The applicant has suggested that the impact can be dealt with by a Section 106 Agreement, however the TAN 8 guidance (Annex B) more precisely suggests that such agreements may be required to "overcome adverse implications for communications networks such as TV or radar." Thus it is implicit that it should first be established that the effects are at least manageable before any Section 106 Agreement based scheme can be agreed. In addition it must be remembered that Section 106 Agreements should be "fairly and reasonably related in scale and kind to the development." The information received from JRC suggests that the affected communication links are not just TV and radar but include telemetry links that are vital to essential services such as providers of electricity. Thus in the absence of an impact assessment it is not possible to fully understand or estimate the "scale and kind" of such a Section 106 contribution. To underline the concerns raised by JRC, Western Power have also written to the Planning Department to affirm JRC's observations and advise that the existing radio masts do include communications essential to the management of the electricity network. Failure to address the impact of the development upon the existing links could therefore have unacceptable consequences. Based on the details provided by JRC and Western Power it is considered that insufficient information has been provided to grant planning permission contrary to TAN 8.

Countryside and Landscape Services - Gwent Wildlife Trust

The Trust raises an objection as to the adequacy of the information regarding the potential impact upon birds. The Trust considers further information is necessary. The Council's Ecologist points out that data searches and observations during an ecological survey undertaken by the applicant in November 2012 confirmed that there were several species of bird recorded within the vicinity of the proposed wind turbines. These include lapwing and red kite, both species being sensitive to wind turbines. The applicant's ecologist was of the opinion that in view of the small number of wind turbines the requested birds survey prior to construction was unreasonable. The Council's Ecologist does not support this view, particularly as breeding lapwing and curlew are confirmed to be in close proximity to this site and as no surveys have been undertaken on the application site itself, it is not possible to determine the level of impact that the turbines may have on birds breeding both within the application site or in close proximity to it. This view concurs with the comments of the Gwent Wildlife Trust. The Council's Ecologist is of the view that a condition regarding the timing of construction would adequately address concerns regarding newts.

The Council's Landscape Architect

It is pointed out that the information contained within the submitted Landscape and Visual Impact Assessment lacks quality photographs, photomontages and fails to depict an accurate representation of the impact of the proposed turbines from the chosen photo-viewpoints. The Assessment is therefore lacking in its evaluation of the Landscape Character of the Study Area. It is also believed the assessment of the potential a visual impact from the chosen photo-viewpoints is greater than that put forward in the document.

The Landscape Architect considers that the proposed turbines have the potential to give rise to "Major" adverse impact upon the local landscape character and consequently that of the Special Landscape Area, including its recreational use. It is further considered that the proposal has the potential to exert a "Major " adverse impact, upon the setting of Mynyddislwyn Church within the Special Landscape Area in views from a distances of up to 5 km, north and west of the site ("Moderate" adverse impact when viewed from distances of between 5 - 10 km north of the site). Other aspects of the Landscape Architect's concerns have been included in the policy analysis above.

With regard to cumulative impact the Council's Landscape Architect considers there is significant potential for cumulative impacts within the central part of the Borough if several of the turbines currently either consented or currently under consideration are approved and built. However at the present time the turbines within this application are the smallest of the turbines currently approved or within the planning system and are located at the southern edge of the current potential cluster some 6.5 km to the north at Oakdale Business Park. As such their potential cumulative impact is considered to be "minor" adverse.

Natural Resources Wales (NRW)

NRW have raised objection regarding the lack of information provided in terms of wire frame or photomontages. The Landscape Assessment has been revised but as explained above the revised details still lack photomontages and there remains the concern that none of the viewpoint information adequately illustrates the proposed scheme. NRW have also pointed out the need to properly assess the "cultural heritage, historic landscapes and cumulative effects", which is a concern raised by other consultees.

The Transportation Engineering Manager

Highways have requested further detailed information. Information regarding the access route has been received and revised in stages. At the time of writing this report there remain details that have not been resolved; however, provided the applicant clarifies those inconsistencies and makes the necessary revisions to the TMP the Highway Authority is likely to remove its objection. This objection could be resolved through the imposition of conditions and thus is not considered to be a reason for refusal.

No other material objection has been received.

Comments from public:

1. The suggestion that the development will increase traffic in the narrow lanes leading to the site is only relevant to the construction phase. The long term traffic associated with wind turbines is negligible. The lanes leading down to the "Sainsbury Roundabout" that have been identified as of concern do not form part of the construction phase route. The lane from Wattsville is part of that route which is considered separately in this analysis by the Highway Department.

2. The issue that the turbines will be detrimental to the visual amenity of Special Landscape area because of their elevated position is a concern shared by consultees and is discussed in the above analysis. The suggestion that St Tudor's Church will be "completely dwarfed by these moving structures which in height terms equate to something like a twenty storey building" is a further concern that is affirmed in the above analysis.
3. That any development will set a precedent for further development does not generally hold significant planning weight as each development should be judged upon its merit.
4. It is pointed out that the Council previously refused planning permission in 1995 for a near by wind turbine of 45 metres in height (Ref 2/12525) and the reasons for refusal given then are applicable now. This application must though be dealt with upon its own merit.
5. The impact of the turbines upon wildlife is considered separately by the Council's Ecologist.
6. The newspaper cutting regarding a request for an audit of the cost of wind energy is a matter for another place. National and local policy currently is firmly committed to the delivery of sustainable energy and wind is still a key source of renewable power.
7. One letter writer has examined the submission details and lists a number of discrepancies ranging from differences in the descriptions of the turbine heights and materials to errors in the completion of the application forms. These shortfalls do exist and there are others not mentioned in this letter; however, these matters do not detract from the planning consideration of the proposal that is possible based on the plans and details provided.
8. Doubt is cast upon the justification of the need for the turbines to supply power only to a farm. The submitted details do indicate that the turbines are intended to supply "Cwm Cae Singrug Farm which needs to invest in additional equipment that will be run on electricity," (para 2 of the submitted DAS). Officers have also noted that the two proposed turbines with an output that could supply possibly 300 homes would seem to be more than is necessary for a single farm unit. Possibly this is another omission as it is more likely that surplus power would be fed back into the Grid. No further information has been sought to clarify this matter given the reasons for refusal.
9. The site is within a Coal Mining Referral area, this is factually correct. The Coal Authority does not though raise an objection regarding any specific workings.
10. It is suggested that Government guidance recommends that areas outside Strategic Search Areas (SSA) should remain free of wind power schemes. Technical Guidance Note 8 para 2.13 actually states that it is expected that "most areas outside SSAs should remain free of large wind power schemes." It does not suggest there should not be any small schemes (less than 5MW) outside SSAs.

Analysis Summary.

1. Whilst the proposal does satisfy certain sustainability policy aims these do not outweigh the significant harm to the Special Landscape Area, and the setting of St. Tudor's Church, which is a Listed Building.
2. Insufficient information has been provided to determine the impact upon extant communication links.
3. Insufficient information has been provided to determine the effects on wildlife.

RECOMMENDATION that Permission be REFUSED

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

- 01) The proposed turbines due to their height and location would have an adverse impact on the character of the Mynyddislwyn Special Landscape Area, which would be contrary to Policy NH1.6 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010, Appendix A1 of which states that one of the key policy, management and development control issues for that area is to prevent the area becoming too cluttered with incongruous vertical elements, including turbines, to protect the vulnerable open integrity of the area. In that respect the proposals would also be contrary to Planning Policy Wales (February 2012) which advises against badly located infrastructure, and Technical Advice Note 8: Planning for Renewable Energy which advises of the need to strike a balance between renewable energy and the need to protect the landscape.
 - 02) The proposed turbines would be harmful to the setting of St Tudor's Church, Mynyddislwyn which is a Grade II listed building, which at present enjoys an isolated hilltop backdrop, and is a significant feature in the Mynyddislwyn Special Landscape Area as defined by Policy NH1.6 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010, particularly when viewed from the west.
 - 03) Insufficient information has been provided to identify the extent and impact upon extant nearby communications links, some of which are essential to the management of the electricity network and therefore it has not been possible to ascertain whether those effects are unacceptable or can be satisfactorily mitigated.
 - 04) Insufficient information has been provided to establish the impact of the proposed development upon wildlife, in particular Red Kite which is a Schedule 1 species under the Wildlife and Countryside Act 1981 as amended, and Lapwing and Curlew, which are on the UK and Caerphilly County Borough Biodiversity Action Plans priority bird species list.
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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0148/FULL 08.03.2013	Forestry Commission Wales Mr D Williams Coed Y Cymoedd Forest District Resolven Neath SA11 4DR	Construct new XC trail, Cwmcarn Downhill 2 and a downhill return track Land To The North Of Cwmcarn Forest Drive Cwmcarn Newport

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Cwmcarn Forest Drive is an outdoor leisure facility covering an extensive rural area to the east of Cwmcarn and north of Crosskeys.

Site description: The application site is a predominantly wooded hillside that lies to the north of the access road from the visitor centre to the cabin at the entrance to the Forest Drive.

Development: This application is to provide an additional cross country (XC) cycle trail and second downhill track on the north-eastern slopes of Cwmcarn Forest Drive through the Ebbw Forest. There is an existing cross country and downhill trail on the southern side of the valley. The proposed development comprises of a cross country mountain bike trail, a Downhill Two trail and Downhill Return track. Most of the trail will be newly created; however, around 10% will utilize existing forest roads. All of the Downhill Two and Downhill Return will be newly created. Most, but not all, of the trail will be under the canopy of the existing forest.

Dimensions: The cross country mountain bike trail is 12.48 kilometres in length, the Downhill Two trail is 1.18 kilometres in length and the Downhill Return track is 0.19 kilometres. Approximately 11.3 kilometres of the trail will be newly created, with 1.1 kilometres utilising existing forest roads. The XC trail and downhill return will be 1.0 metre wide. The Downhill Two route will be 1.75 metres wide. It is to be noted that the submitted scheme has been the subject of an amended route that shifts the access of outgoing and return tracks so that they have a direct connection to the existing car park, thus avoiding the use of the highway and being close to residential properties.

Materials: The trails will be formed by either creating a bench cut into the existing ground or excavating 150mm into the existing ground and replacing with site won mineral soil.

Ancillary development: It is explained that there are 170 vehicle parking spaces (existing) on site at different locations that may be utilized to serve the proposed additional cross country trail. The main car park for use by cyclists is located off Cwmcarn Forest Drive. This car park capacity was increased in November 2012 to accommodate 116 vehicles (Planning Application Ref: 10/0935/FULL). These spaces are longer and wider than standard bays to accommodate larger vans and provide space to the rear for bike assembly / maintenance.

Dedicated disabled spaces are catered for in the Visitor Centre car park. Additional information has been provided to illustrate predicted traffic generation.

PLANNING HISTORY

2/08853 - Forest Cabin Complex - Granted 18.09.1989.

2/09946 - New holiday village including main complex 16 No. Chalets, new paths and service road, car parking and gatehouse - Granted 03.04.1991.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The trail snakes through the Nantcarn Valley that is allocated for tourism (TM1.7). The Valley is a sandstone safeguarding area and a Visually Important Local Landscape (NH2.3 - Abercarn). One section of the trail passes through a Site of Interest for Nature Conservation (NH 3.113). It also crosses public rights of way at a number of points.

Policies: TM1 (Tourism Proposals), SP8 (Minerals Safeguarding). NH2 (Visually Important Local Landscapes) and NH3.113 (Sites of Interest for Nature conservation).

NATIONAL POLICY

Planning Policy Wales Chapter 11 Tourism, Sport and Recreation
Technical Advice Note 13 Tourism.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? - Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, however a bike trail would not cause any material planning concerns in that respect.

CONSULTATION

Transportation Engineering Manager - Further information has been requested regarding parking provision and layout details. Revised details and further information has been received, no objection is raised.

Head Of Public Protection - No objection is raised.

Countryside And Landscape Services - Extensive exchanges have taken place regarding protected species and steps to limit ecological impact. No objection is raised subject to conditions to require limitations upon works within the SINC, and protected species.

Countryside Council For Wales - No response.

Principal Valuer - No objection.

Senior Engineer (Land Drainage) - No objection.

Glam/Gwent Archaeological Trust - Concern is raised regarding archaeological features and further information was requested. That information has not been provided.

Gwent Wildlife Trust - No response.

Natural Resources Wales - No objection is raised. The importance of seeking appropriate guidance in respect of protected species is emphasised.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site (two locations), in the press and 78 neighbouring properties have been consulted.

Response: Twenty-two letters have been received.

Summary of observations:

- **Safety:** The submitted plans lack adequate detail at the point where the track meets the road at the Visitor Centre. Concern is expressed that the layout at this position should ensure adequate arrangement of the end of the cross-country track in the interest of the safety of pedestrians/walkers and safe entry onto the road. It is pointed out that labelling of buildings such as the Tourist Information Centre, car-parks, roads and existing bike tracks would help the reader better understand the areas where it is likely to have most impact.
- **Disturbance:** One property that is close to the end of the track operates a kennels and cattery. There is concern that the noise from the cyclists will disturb the animals who will in turn disturb the residential area. This concern is also expressed more generally in other letters where it is suggested that the track should be sited further away from the Visitor Centre, residents and children as some of the language used can be bad as well as loud. Night-time noise is a particular concern.
- **Screening:** It is suggested that there should be increased planting to protect the privacy and security of the kennels and cattery.
- **Activity Choice:** It is suggested that the leisure offer in the forest is too biased towards bike users and that other activities are therefore unfairly "discriminated" against. One letter specifically suggests that the activity favours "ever dominant individuals who are using the venue and caring little for what is directly around their pleasure seeking."
- **Litter:** The development will lead to an increase in litter.
- **Parking and Obstruction:** Bike users cause road obstruction whilst assembling their machines (one letter suggests that this is due to the lack of lighting in the car park at night). They are also inclined to park on the highway, to avoid the parking charges in the car park causing obstructions, damage to the verge and nuisance.
- **Access:** The Forest drive entrance is narrow and not gritted in winter thereby increasing traffic in the village during inclement weather. It is suggested that the drive width should be improved to cater for the additional traffic.
- **Toilets:** There are no facilities for night-time bikers resulting in riders relieving themselves in public.
- **Flooding:** The proposed track could disturb springs in the area giving rise to flooding.

- Ecology: A survey should be carried out to assess the impact upon protected species (including goshawks), the flora and fauna.
- Risk Assessment: To assess the danger of cyclists to pedestrians.
- There is likely to be only limited spin off economic benefit from trade in the area such as food retail as bike riders tend to bring their own food etc.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

It is not considered that the proposed development will have a material effect on crime and disorder.

EU HABITATS DIRECTIVE

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

ANALYSIS

Policies: TM1 (Tourism Proposals)

The proposed bike trail snakes through the Nantcarn Valley that is allocated for tourism (TM1.7). Details provided with this application explain that cross-country and downhill mountain bike trails are part of a partnership project between a number of South Wales Authorities. They are "well established forms of tourism in the South Wales valleys." The Forest Drive already has a number of approved routes in its tourism portfolio. The proposed routes are intended to ensure that the Cwmcarn offer keeps up with other trails such as Afan, Gethin and Margam Park. Tourism proposals whilst also providing leisure facilities for local communities are intended to bring inward investment to the local economy. The additional cross country and downhill mountain bike trails therefore form an essential part of ensuring that interest is maintained in the Caerphilly County Borough offer and are thus in accordance with policy TM1.

SP8 (Minerals Safeguarding)

The proposed trails being little more than tracks constructed mainly granular material will have very limited impact upon the supply of safeguarded minerals.

NH2 (Visually Important Local Landscapes)

The Visually Important Local Landscape that is Abercarn NH2.3 is a forested area. The proposed development is primarily a use that takes place mainly below the forest canopy and does not involve the erection of structures above ground that would detract from the woodland character of the area.

NH3.113 (Sites of Interest for Nature conservation - SINC)

Part of the proposed trail passes through the Mynydd Maen SINC. The Council's Ecologist has considered the impact upon the SINC as is explained in the following Consultee section.

NATIONAL POLICY

Planning Policy Wales 2102

Chapter 11 (Tourism, Sport and Recreation) explains that tourism is "vital to the economic prosperity and job creation in many parts of Wales" and that it can be a "catalyst for environmental protection, regeneration and improvement." The proposed trails accord with this multipurpose aim by drawing users to an outdoor activity where the scenery is key to its

attraction and thereby its preservation. Bike riding also brings with it a sport, which encourages physical activity in accordance with National Policy.

Technical Advice Note 13 Tourism

This is a short technical note that amongst other things explains that tourism "makes a major contribution to the Welsh economy, provides employment in a wide variety of occupations and can bring benefits to local economies and communities in urban and rural areas." The TAN underlines the previous policy aims discussed above.

Comments from Consultees: Transportation Engineering Manager.

Further information has been requested regarding parking and layout details. The additional parking information provided explains that the existing car parks do not currently operate to capacity. More importantly from data provided it appears that actual numbers of cyclists may have peaked between 2007 - 2008 and currently there is a downward trend. This may in part support the policy considerations above regarding the leisure offer needing to keep pace with alternatives in other parts of Wales.

From the Highway perspective it does not indicate the need for any further parking provision. As has been explained the route has been revised to avoid residential properties. The route is acceptable in principle, however there are places where the route crosses roads and paths, some detail have been provided, final details should be agreed prior to the commencement of the development.

Countryside and Landscape Services

Extensive exchanges have taken place regarding wildlife species and steps to limit ecological impact. With regard to Goshawks this a slightly unusual situation in that the breeding pair in question are currently the subject of camera monitoring and it appears that they are already to an extent acclimatised to human presence. Utilising the current system a condition to monitor and control may be imposed. With regard to the part of the trail affecting the SINC (NH3.113) the trail will be reduced to 0.75 metres and constructed in accordance with methods to reduce impact, which should be required by condition. The Ecologist also recommends a walkover survey prior to commencement. A further condition to require a management plan is recommended. Standard ecological conditions regarding badgers, reptiles, bats and Red Wood Ants are recommended.

Glam/Gwent Archaeological Trust

Shortly after the submission of this application the Trust pointed out that the proposed route could impact upon features associated with a number of sites and therefore an archaeological assessment was necessary. The agents have contacted the Trust questioning the need for an assessment prior to the determination of the application. Whilst it appears now that an assessment has been commissioned it still has not been provided, thus the Trust cannot give an informed response and consider the application not to be in accordance current guidance and practice. The Trust are though mindful that this application needs to reach a conclusion regarding this application and have suggested a condition to require an assessment prior to commencement. This is not an ideal situation given the time that has passed during which the assessment could have been carried out, however given the extent of the land through which the trail passes it should be possible to amend the route to take account of any archaeological features. The suggested condition should therefore be imposed together with an advisory note explaining the concern that this condition must be adhered to.

Natural Resources Wales

No objection is raised. The importance of seeking appropriate guidance in respect of protected species is emphasised and has been addressed by the Council's Ecologist.

No objection is raised by Head Of Public Protection, Principal Valuer and Senior Engineer (Land Drainage).

Comments from public:

The plans as first submitted were sparse in their detail. This first concern in relation to the exit of the trail has been addressed in revised plans that have moved the position of the exit much further away and re-routed the trail such that it enters the car park directly from revised return and embarkation routes. The revised plans are clearer but additional information will still be required to finalise the layout in terms of road/path crossing points.

This concern has been addressed in revised plans that have moved the access point that was of concern much further away such that the trail no longer passes to the rear of the properties concerned.

The planning system does not generally place a limit upon particular leisure activities. The suggestion that other users are being "discriminated" is perhaps tenuous and ignores the possibility that an attractive leisure offer may bring with it enhanced facilities to the greater attraction of any other leisure activities.

Litter is a broad concern not specific to leisure activities and generally relates to the presence of people. There is no specific reason to consider the activity of cycling worse than other leisure activities, and the issues of litter should be resolved by the appropriate management of the facility.

Evidence of individuals parking on the streets has been provided and there does appear to be an issue with some users seeking to avoid the parking fees. However the projected traffic is not expected to significantly increase and from data provided it appears to be in decline at this point in time. Thus it is not expected that the proposed development will have a material impact in this regard. Obstruction of the highway is an offence that can be dealt with by the police.

Night-time riding is apparently only an infrequent use. The revised track avoids the public area of the highway and rear of the residential properties. The proposed track is unlikely to seriously exacerbate this problem and it is not specific to bike riders. In any event the need to address this issue (if it is a problem) remains regardless of this application; accordingly this concern should be passed on to the tourism centre manager to deal with.

There is no evidence to support this concern about the impact on springs neither is it explained what it is that will be flooded.

The ecological issues surrounding this application have been considered in detail by the Council's Ecologist.

The revised route avoids the use of the highway and is generally separated from pedestrian routes. It is also to be borne in mind that cyclist are legitimate users of the highways, it is therefore acceptable that they may arrive or pass through the site by such transport. Except for intersections and crossings this application generally does not propose shared cyclist and pedestrian routes. Further detailed information will be sought by condition to ensure the

points where the trails meet/cross the highway have adequate holding areas and barrier controls.

This concern does not concur with National Guidance and Policy that seeks to enhance and improve leisure activity because it is considered to be of economic value.

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 permitted shall be carried out only in accordance with the following plans and other submitted details: the trail layout plan titled "Trail Section Plan" Drawing No PA308 received on 24.06.13 (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 the development hereby approved further layout details of the points where the trails cross the highway and footpaths shall be submitted to and agreed in writing with the Local Planning Authority. Those details shall where appropriate include signage, control barriers, crossings and holding areas. The development shall be completed in accordance with the agreed details.
REASON: In the interest of highway and pedestrian safety.
- 04) Prior to the commencement of any construction works within the section of the Site of Interest for Nature Conservation (Council Local Development Plan ref: NH 3.113) associated with the development hereby approved, the Council's Ecologist shall be given written notice to agree an appropriate time for an on site walk over the approved route and to agree any final amendments, and to undertake a survey for Waxcap Fungi, in order that the route may be modified and agreed in writing to take account of waxcaps and the development shall thereafter be carried out in accordance with the agreed modifications.
REASON: To ensure adequate protection of the SINC NH3.113 and Waxcap Fungi.
- 05) Subject to the requirements of any conditions imposed on this consent, the development hereby approved shall be carried out in accordance with the 'Proposed Mountain Bike Trail at Cwmcarn - Planning Information Submission' dated June 2013 prepared by Parsons Brinckerhoff and Back on Track, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure adequate protection of the SINC and ecological interest.
- 06) Prior to the commencement of the development hereby approved a Nature Conservation and Landscape Management Plan for the development that lies within the Site of Interest for nature Conservation shall be submitted to and agreed in writing with the Local Planning Authority. The agreed plan shall be complied with during and after the completion of the development hereby approved for the duration of the use hereby approved.

REASON: To ensure adequate mitigation for loss of habitats within the SINC NH3.113.

- 07) If mature trees originally identified to be retained require felling or tree management work as part of the development hereby approved, a climbing inspection for bats shall be carried out before such works take place, and the results of the survey, together with details of any proposed mitigation measures shall be submitted for the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.
- 08) The breeding success of the Goshawk nest presently located within the proximity of the downhill cycle track associated with the development hereby approved shall be monitored by an ecologist with proven experience of raptor surveying and monitoring for a minimum of 2 years following the completion of the development. The results of the monitoring shall be submitted to the Local Planning Authority annually along with details of any remedial measures necessary to ensure that the goshawks continue to breed and those measures shall be agreed in writing with the Local Planning Authority. The remedial measures shall be implemented in accordance with the agreed details.
REASON: To provide information on the continued breeding success of a Wildlife and Countryside Act 1981 (as amended) Schedule 1 species, Goshawks, and to make amendments to the development where necessary, in the interests of biodiversity.
- 09) Prior to the commencement of development, a badger survey shall be undertaken of the development site and where possible of suitable habitat in the surrounding area within 30 metres of the site boundary, to ascertain the presence of badgers, badger setts, pathways and foraging habitat. The survey methodology shall be submitted for the prior approval of the Local Planning Authority. The results of the survey along with any necessary mitigation measures shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. The approved measures shall be carried out in accordance with the agreed details.
REASON: In the interests of biodiversity and to safeguard a protected species (Protection of Badgers Act 1992).
- 10) Unless otherwise agreed in writing with the Local Planning Authority all work associated with the development hereby approved shall be carried out within the period August to November inclusive in any calendar year.
REASON: To ensure adequate protection to wildlife species during hibernating and breeding season.
- 11) Prior to the commencement of any vegetation clearance, site clearance or development a detailed Red Wood Ant nest survey shall be carried out and the results of the survey, together with any proposed remedial measures (including methodologies) shall be submitted for the agreement of the Local Planning Authority. The measures shall be complied with as agreed.
REASON: To ensure adequate protection for protected species.
- 12) The development hereby approved shall not commence until an archaeological investigation has been submitted to and agreed in writing with the Local Planning Authority. The investigation shall identify any features of archaeological interest and such measures as are necessary to mitigate the impact of the development hereby

approved upon them or to avoid them as appropriate, and a scheme of work to ensure that any features discovered during the course of construction are also appropriately dealt with. The development shall be carried out in accordance with the agreed measures and scheme of work.

REASON: To identify features of archaeological interest and those discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

Advisory Note(s)

The Manager of the Visitor Centre should be advised that in the course of considering this application for planning permission, concerns have been raised by the public regarding the issue of a lack of toilet facilities during the evenings that may be resulting in behaviour that is not acceptable.

The applicant is advised that condition no. 12) of the planning permission requires an archaeological investigation PRIOR to the commencement of works. It is essential that archaeological features encountered are accommodated in a scheme to mitigate the impact of the works or that those works are amended in accordance with agreed details. No works should take place until this matter has been resolved.

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions imposed on this consent: CW3 and CW4.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0424/RET 11.06.2013	Mr G Worwood 16 Field's Park Road Pentwyn-Mawr Newport NP11 3NQ	Retain decking with additional privacy screen 16 Field's Park Road Pentwyn-Mawr Newport NP11 3NQ

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

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

House type: Mid-terrace.

Development: Retention of decking on top of existing detached garage with additional privacy screen.

Dimensions: The decking measures 7.4 metres long x 3.9 metres wide, with 1 metre high balustrading to three sides. It is proposed to increase the height of the balustrading over approximately half of the length of the two sides of the decking to 1.6 metres.

Materials: Timber decking and balustrading.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

P/04/1597 Retain garage - Granted 06.12.2004.

12/0654/RET Retain decking on roof of existing garage at rear and timber decking and surrounding post and balustrade enclosure formed on top of roof - Refused 17.01.2013.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary.

Policies: CW2 (amenity).
Supplementary Planning Guidance LDP7: Householder Development.

NATIONAL POLICY Planning Policy Wales.

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 a high risk area and standard advice would be issued.

CONSULTATION

None.

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

Response: One letter (the publicity period expires on 10 July and any further representations received will be reported verbally to the Committee).

Summary of observations:

- Loss of privacy,
- Overbearing impact.
- Overshadowing impact.
- Detrimental to visual amenity.
- Over-development of the site.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? 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 retention of decking and balustrading erected on the roof of an existing garage within the rear curtilage of the property, and proposes to increase the height of the balustrading to part of the side elevations to form privacy screens. The garage measures 6.2 metres x 3.9 metres x 2.5 metres high and is 1 metre from the rear of the dwelling, effectively occupying the whole of the rear curtilage. It had been constructed without the benefit of planning permission and was granted retrospective permission in December 2004 (Application No. P/04/1597). Decking with balustrading to three sides was subsequently erected on the flat roof of the garage, with the decking bridging over the gap between the garage and rear of the dwelling. The 1 metre high open balustrading facilitates the use of the decking as a 'sitting-out' area, and takes advantage of the garage roof to effectively compensate for the lack of garden.

A previous application for the retention of the decking and balustrading, with a proposed increase in height of the balustrading to 1.2 metres on the southern side to minimise

overlooking, was recommended for approval (12/0654/RET). The recommendation was made on the basis that a pragmatic view needed to be taken, balancing the need of the applicant for useable amenity space against the impacts on neighbours' amenity. However, the application was considered by the Planning Committee and permission was refused in January 2013 for the following reasons:

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.

A delegated resolution was subsequently made to serve an enforcement notice requiring the removal of the decking and balustrading. The preparation and service of the notice has been deferred pending the outcome of the current application for planning permission. The application seeks to retain the decking and balustrading, with proposed additional balustrading on the rear half of both sides of the decking to give an overall height of 1.6 metres. The application is being reported to the Planning Committee because the previous application was refused permission against the advice of officers and a resolution to enforce has since been taken.

The officer recommendation on the previous application to retain the development was for approval, based on a pragmatic view that balanced the need of the applicant for useable amenity space against the impacts on neighbours' amenity, and on the minimal additional impact on visual amenity and on residential amenity because of the open nature of the balustrading. The privacy issue is more significant; the privacy screens proposed as part of the current application would address this issue to a large extent but would exacerbate any visual, overbearing and overshadowing impacts.

It is recommended that in light of the previous refusal of permission and the subsequent resolution to enforce, together with the proposed increase in height of the balustrading (notwithstanding its purpose to protect neighbours' privacy), that permission be refused for the reasons previously imposed.

Comments from consultees: None.

Comments from public: The various grounds of objection are addressed above and in the recommended reasons for refusal.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

- 01) 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. That adverse impact would be aggravated by an increase in the height of the balustrading.
 - 02) 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. That adverse impact would be aggravated by an increase in the height of the balustrading.
 - 03) 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.
-

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0341/TCA 09.05.2013	Caerphilly County Borough Council Head Of Engineering Services Directorate Of The Environment Ty Pontllanfraith Blackwood NP12 2YW	Fell London Plane tree and treat stump to prevent regrowth Land Adjacent To 1 Tyn Y Graig Terrace Llanbradach Caerphilly CF83 3LT

APPLICATION TYPE: Tree in Conservation Area

SITE AND DEVELOPMENT

Location and Site description: The tree is located within the pavement to the southern boundary of 1 Tyn Y Graig Terrace, Llanbradach. The base of this tree is approximately 300-500mm away from a stone outbuilding, which forms part of the boundary of 1 Tyn Y Graig Terrace Llanbradach. The surrounding area is predominantly residential and within a conservation area.

Development: Fell London Plane tree and treat stump to prevent re-growth. This is a notification in respect of a tree within a conservation area, and gives the Local Planning Authority the opportunity to impose a Tree Preservation Order if appropriate.

Dimensions: The tree is approximately 20m in height with a crown spread of 17 m and a stem diameter of 1.3m at 1.5m above ground level.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within a conservation area, and within the settlement boundaries.

Policies:

SP10 (Conservation of Natural Heritage).
CW6 (Trees, Woodland and Hedgerow Protection).

NATIONAL POLICY

Welsh Office Circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas contains advice in respect of trees in conservation areas. It states that, '...in view of the contribution that trees can make to the character and appearance of a conservation area, there is special provision for trees in conservation areas which are not the subject of tree preservation orders.'

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable.

CONSULTATION

Conservation & Design Officer - Raises no objections to the loss of the tree but would expect a new tree of the same species to replace it.

Senior Arboricultural Officer (Trees) - Raises no objection subject to a replacement tree being planted at a suitable location either within or immediately adjacent to the Conservation Area Boundary.

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

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 issues in this instance.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but the Council's Ecologist has advised that the tree provides suitable nesting bird habitat, and therefore the tree should not be removed from March to July unless the Local Planning Authority indicates otherwise.

ANALYSIS

The application to remove this tree is made by the Head of Engineering Services as the tree is situated on Highway land. The reason for recommending the removal of the tree stems from a complaint from an adjacent householder that the tree roots have caused damage to an outbuilding. The purpose of the notification is to allow the Council to consider whether a Tree Preservation Order (TPO) should be made.

A TPO is made to ensure that a tree with some significant value is preserved. If the tree is growing on land owned or controlled by the Council it can protect it by virtue of its ownership of the tree and the land. There are also legal difficulties in that a Council cannot serve notice on itself e.g. we do not serve enforcement notices in respect of land owned by the Council.

In deciding on whether or not to make a TPO the Council has to consider the expediency of making an order, Section 198 (1) of the Town and Country Planning Act 1990 states that "If it appears to a Local Planning Authority that it is expedient in the interests of amenity" a TPO can be made. In deciding whether something is expedient cost considerations may be taken into account and in considering whether or not something is expedient the Local Planning Authority need not limit itself to material planning considerations.

Trees undoubtedly positively add to the character and appearance of a conservation area and its setting, however, if there are concerns over potentially harmful stability issues upon neighbouring houses and the encroachment of the overhanging tree into the neighbour's garden and daylight concerns, for example, then there is a requirement to evaluate what is in the best interest for the buildings against what is in the best interests of the tree and the surrounding area.

The application relates to a mature London Plane Tree approximately 90 years old and approximately 20m in height with a crown spread of 17m and a stem diameter of 1.3m at 1.5m above ground level is situated within the highway verge. The base of this tree is approximately 300-500mm away from a stone outbuilding, which forms part of the boundary of No 1 Tyn Y Graig Terrace Llanbradach. This is an attractive tree in good health and vigour, which makes a significant contribution to the visual amenity of the Conservation Area and which could live for another 150 years.

In October 2010 the Council's Tree Officer was contacted by the owner of No 1 Tyn Y Graig Terrace, who wanted the council to remove the tree, which he believed was responsible for damage to his outbuilding. A site meeting was arranged, at which the Tree Officer noted that the exterior stone work of the building appeared to be in a poor condition, repointed in several places with a variety of mortars and that there was evidence that the exterior wall had until recently been covered with Ivy. The Tree Officer discussed with the owner the possible removal of the tree or repair works to the outbuilding, which would bridge, using concrete lintels, any tree roots which extended beneath the outbuilding, thereby allowing the tree to remain.

Officers from the Council's Building Control team also visited the site and noted a small protrusion in the floor of the outbuilding, which in their opinion may have been caused by the root structure of the tree. It was also noted that all cracking in the exterior wall of the building had taken place between the new and original masonry. Their conclusion was that the tree, together with the recently removed Ivy and a lack of historical maintenance may have been a contributing factor to the cracking.

The Council's Insurance Risk Section were consulted and their advice was that either the tree should be removed and any claim settled, or the claim could be settled and the tree retained in which case any future claims would not be covered by the Council's insurance and would have to be borne by the appropriate department.

Throughout 2011 there were several exchanges of letters, between the Head of Regeneration and Planning and the complainant, but no action by the Council to remove the tree. In August 2011 DAS Legal Insurance Company Ltd acting on behalf of the claimant submitted two quotations from local builders to the value of £1,905 and £2,480 for the repair of the outbuilding. The Planning Division responded in December 2011 stating that the situation had been reconsidered but that the Council's opinion remained that tree had not caused the damage to the out building.

In February 2012 Lyons Davidson Solicitors acting on behalf of the complainant wrote to the authority to seek damages for the costs of repairs to the outbuilding and an injunction for the removal and or maintenance of the tree.

Following a meeting between the Head of Regeneration and Planning and the Council's Legal and Insurance Section it was agreed that, to date, the complainant had failed to submit sufficient evidence to substantiate the claim. In repudiating the claim the Insurance Risk section recommend that the complainant had a survey undertaken by an Arboricultural Consultant experienced in insurance and subsidence claims.

The survey was undertaken in July 2012 by S.J Stephens Associates Ltd. The survey concluded that it was "more likely than not that the tree roots have been the most significant factor causing the deterioration of the building." The consultant went on to say, " to prevent future structural damage the tree must either be removed, or repair work undertaken in such a way as to allow further root expansion." The consultant also stated, that a structural engineer needed to specify this work, which should also include a series of specified measures to protect the tree. This report was accepted by the Head of Regeneration and Planning Officer as a means of repairing the building and ensuring the retention of the tree.

In August 2012 the Council's Insurance Risk Section wrote to the claimant's solicitors asking the claimant to provide a detailed estimate for the works to be carried out in accordance with the report by S.J Stephens Associates Ltd., so that the Council would be able to ascertain the exact cost of the additional works and settle the matter.

The claimant's solicitors responded advising that they had taken advice from a Structural Engineer who believed that the Arboriculturalists advice was flawed. The Structural Engineer believed that to undertake repairs as recommended, would only be a short-term solution. He felt that to achieve a permanent solution it would be necessary to re-build the outbuilding on a piled structure with a suspended floor slab or demolish the outbuilding and re-build it elsewhere in the garden, both of which would be at significant cost.

A further report by a firm of consulting engineers was received in March 2013 outlining the operations required to achieve a satisfactory long-term design solution for the repair of the outbuilding, whilst allowing the tree to remain. The budget cost for this work was estimated at £40,350 + VAT.

Even if the Council accepts this estimate and agrees to the works identified in the Consulting Engineer's report, because the Council has been put on notice that the tree roots may continue to affect the building, the insurance cover will be void, as it will not act upon a foreseeable risk. In addition there remains the possibility that if the tree is retained and the repair works undertaken, the claimant may still take out an injunction, which will force the Council to remove the tree.

If the tree is removed, the insurance section will cover the cost of the removal of the tree, and the basic repairs then required to the outbuilding, at an estimated cost of £5,000. The solicitor's costs and expert fees would also be met from the insurance budget. If the tree is allowed to remain in situ, then firstly the cost to the Council has been estimated at £40,350 + VAT, together with costs and disbursements. However, should further damage be caused to either the complainant's house or to other houses in the vicinity of the tree, then it is likely that future costs could run into tens of thousands of pounds for repairs and legal costs.

To conclude, the role of the Planning Committee in this case is to decide whether or not a TPO should be made in respect of this tree. In view of the above information it is considered

that the amenity value of the tree within the conservation area would not outweigh its adverse amenity and structural impact on the neighbouring house. To retain the tree would also result in significant costs to the Council and an ongoing risk of further costs and litigation. Taking all those factors into account, it is not expedient to make a TPO in this case. Furthermore, the Local Planning Authority do not impose TPO's on their own trees.

RECOMMENDATION that the tree is not protected by a Tree Preservation Order.

APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
13/0188/FULL 12.03.2013	Aneurin Bevan Health Board Mr S Davies Planning Department Llanfrechfa Grange Hospital Cwmbran Torfaen NP44 8YN	Replace two existing silos (for the storage of biomass) in same site location as existing Ysbyty Ystrad Fawr Ystrad Fawr Way Ystrad Mynach Hengoed	Granted 04.06.2013
13/0254/FULL 09.04.2013	Mrs N Morgan-Parry 10 Clos Coed Duon Blackwood NP12 1FP	Erect extension 10 Clos Coed Duon Blackwood NP12 1FP	Granted 04.06.2013
13/0255/FULL 09.04.2013	Mr & Mrs G Lloyd 19 Ffordd Erw Caerphilly CF83 1RY	Erect two-storey side and rear extension 19 Ffordd Erw Caerphilly CF83 1RY	Granted 04.06.2013
13/0169/COU 06.03.2013	Ms L Jenkins 12 Elm Grove Caerphilly CF83 3BE	Change of use of vacant land at rear of property to residential garden and the retention of wired boundary fence with retaining wall and timber fence and make the ground level to incorporate timber pergola 12 Elm Grove Caerphilly CF83 3BE	Granted 05.06.2013
13/0191/TPO 13.03.2013	Mr D Connick White Acre Penmaen Blackwood NP12 0DT	Prune back overhanging branches to appropriate branch unions Land Adjacent To White Acre Penmaen Blackwood NP12 0DT	Granted 05.06.2013
13/0269/FULL 15.04.2013	Mr P Channon 2 Woodland Terrace Senghenydd Caerphilly CF83 4HQ	Erect second-storey rear extension above existing single-storey extension 2 Woodland Terrace Senghenydd Caerphilly CF83 4HQ	Granted 05.06.2013
13/0283/FULL 17.04.2013	Mr M Wiltshire 70 Half Acre Court Caerphilly CF83 3SU	Erect first floor extension and internal alterations 70 Half Acre Court Caerphilly CF83 3SU	Granted 05.06.2013

13/0259/FULL 10.04.2013	Mrs T Seabourne 14 Coed Y Bryn Blackwood NP12 1HA	Remove part of garage to make kitchen larger 14 Coed Y Bryn Blackwood NP12 1HA	Granted 06.06.2013
13/0260/FULL 11.04.2013	Mr D A Whelpton 11 Mendip Close Trenwydd Park Risca Newport NP11 6QZ	Convert attic to provide 3 no. bedrooms and convert existing bedrooms to a dining room and study 11 Mendip Close Trenwydd Park Risca Newport	Refused 06.06.2013
13/0278/LA 16.04.2013	CCBC - Chief Housing Officer Cherry Tree House Carlton Drive Pen-Y-Fan Industrial Estate Crumlin Newport NP11 4EA	Remove existing PRC panels and columns and construct new steel frame skin with insulated render system and replace existing windows and doors 9 & 11 Brynteg And 5 & 9 Bryntirion Bedwas Caerphilly	Granted 06.06.2013
13/0284/FULL 18.04.2013	Mr & Mrs Tucker Lugano Hillside Caerphilly CF83 1HN	Remove existing single-storey front extension and rear lean-to and erect front entrance porch, single-storey rear extension and first floor extension over existing ground floor extension Lugano Hillside Caerphilly CF83 1HN	Granted 06.06.2013
13/0286/FULL 18.04.2013	Mrs E Bevan Primrose Field 5 Rhyd Y Gwern Lane Draethen Newport NP10 8GH	Erect garden shed Primrose Field 5 Rhyd Y Gwern Lane Draethen Newport	Granted 06.06.2013

13/0297/FULL 23.04.2013	Mrs M Gregory 167 Commercial Street Senghenydd Caerphilly CF83 4GA	Alter front elevation 167 Commercial Street Senghenydd Caerphilly CF83 4GA	Granted 06.06.2013
13/0308/LA 24.04.2013	CCBC Chief Housing Officer Cherry Tree House Carlton Drive Pen-Y-Fan Industrial Estate Crumlin Newport NP11 4EA	Remove existing PRC panels and columns to Cornish type dwellings and construct new steel frame skin (NTHAS Approved) with insulated render system finish and replace existing windows and doors 6, 8, 10, 14 & 16 Bryn Goleu Bedwas Caerphilly CF83 8AU	Granted 06.06.2013
12/0825/LA 01.11.2012	Caerphilly County Borough Council Llancaiach Fawr Manor Gelligaer Road Nelson Treharris CF46 6ER	Improve access for all in the manor house, including the construction of a new rear stair tower Llancaiach Fawr Manor Gelligaer Road Nelson Treharris	Granted 07.06.2013
13/0252/RET 08.04.2013	Springfall Properties Ltd Office A Western House Withey Court Western Industrial Estate Caerphilly CF83 1BF	Retain the change of use from offices to D1 use Unit 3A Withey Dyffryn Court Alder Avenue Dyffryn Business Park	Granted 07.06.2013
12/0864/FULL 30.11.2012	Gelligaer ABC Boxing Club Mr W Summers 30 Llwyn Onn Penpedairheol Hengoed CF82 8EP	Install a steel storage container adjacent to the existing ABC Boxing Club Gelligaer ABC Boxing Club R/o 5-9 Dan Y Gaer Road Gelligaer Hengoed	Granted 10.06.2013

13/0271/FULL 15.04.2013	Hollybush Community Centre Hollybush Recreation Ground Banalog Terrace Hollybush Blackwood NP12 0SG	Install a bulk LPG tank Hollybush Community Centre Hollybush Recreation Ground Banalog Terrace Hollybush	Granted 10.06.2013
13/0290/FULL 19.04.2013	Mrs A Edwards 90 St Gwladys Avenue Bargoed CF81 8TB	Erect single-storey front lounge extension and parking bay 90 St Gwladys Avenue Bargoed CF81 8TB	Granted 10.06.2013
13/0293/CLPU 22.04.2013	Miss R Jones 45 Summerfield Lane Graig-Y-Rhacca Caerphilly CF83 8RP	Obtain a Lawful Development Certificate for a proposed conservatory measuring 3m x 3m to the rear of the property 45 Summerfield Lane Graig-Y- Rhacca Caerphilly CF83 8RP	Granted 10.06.2013
13/0312/FULL 25.04.2013	Mr D Morgan 17 Newport Road Bedwas Caerphilly CF83 8DX	Replace existing extension with new 17 Newport Road Bedwas Caerphilly CF83 8DX	Granted 10.06.2013
13/0328/FULL 01.05.2013	Ms K Stone 28 West Avenue Trecenydd Caerphilly CF83 2SF	Erect single rear extension to enlarge kitchen and dining room with associated internal alterations 28 West Avenue Trecenydd Caerphilly CF83 2SF	Granted 10.06.2013
13/0276/FULL 16.04.2013	Mr A Williams 4 William Street Fleur-de-lis Blackwood NP12 3UJ	Erect one house and access drive with some matters reserved under planning permission 09/0902/OUT Land Adjacent 4 William Street Fleur-de-lis Blackwood NP12 3UJ	Granted 11.06.2013
12/0594/FULL 06.08.2012	United Welsh Housing Association Mr B Leavy Y Borth 13 Beddau Way Caerphilly CF83 2AX	Construct 17 no. 2 storey houses and 6 no. flats including access road, parking and amenity areas Land At Former Aberbargoed And District Hospital Commercial Street Aberbargoed Bargoed	Granted 12.06.2013

13/0059/COU 28.01.2013	Mr J Khehra 192 Bedwas Road Caerphilly CF83 3AU	Change the use of the building to the rear of the public house to a ground floor cafe coffee shop (A3) and a first floor female treatment salon (A1) Rear Of Wheatsheaf Hotel 13 Market Street Caerphilly CF83 1NX	Granted 12.06.2013
13/0289/FULL 19.04.2013	Mrs T Smith 10 William Street Cwmfelinfach Newport NP11 7GY	Erect detached garage at rear 10 William Street Cwmfelinfach Newport NP11 7GY	Granted 13.06.2013
13/0301/FULL 24.04.2013	Mr R Roberts 77 Abernant Road Markham Blackwood NP12 0QJ	Erect two-storey extension - ground floor kitchen/breakfast room - first floor bedroom/bathroom together with a hardstanding 77 Abernant Road Markham Blackwood NP12 0QJ	Granted 13.06.2013
13/0305/RET 24.04.2013	Mr S Wilding 40 Cae Melyn Hengoed CF82 7RT	Retain converted integral garage into habitable space 40 Cae Melyn Hengoed CF82 7RT	Granted 13.06.2013
13/0058/NCC 24.01.2013	Mr P Perry C/o Mr A Muir Harmers 39 Lambourne Crescent Cardiff Business Park Llanishen Cardiff CF14 5GG	Vary conditions 3 and 4 of planning application 07/1393/NCC to allow a further period of 3 years for the submission of reserved matters and a period of 5 years for the commencement of development Land Off Pencoed Avenue Cefn Fforest Blackwood	Granted 14.06.2013
12/0325/FULL 27.04.2012	Mrs C Howells Cwm Farm Rudry CF83 3EB	Convert redundant agricultural building into residential use with utility, hall and garage extension Cwm Farm Rudry Caerphilly CF83 3EB	Granted 25.06.2013

13/0250/FULL 08.04.2013	W R C - N S F Ltd Unit 30 Fern Close Pen-y-fan Industrial Estate Pen-Y-Fan Newport NP11 3EH	Extend area at the rear to accommodate three skips to recycle cardboard and other consumables and erect a galvanised palisade fence to limit the visual impact W R C - N S F Ltd Unit 30 Fern Close Pen-y-fan Industrial Estate	Granted 25.06.2013
13/0327/RET 01.05.2013	Mr Gwilt 30 Parc Plas Blackwood NP12 1SJ	Erect conservatory to the rear elevation 30 Parc Plas Blackwood NP12 1SJ	Granted 26.06.2013
13/0329/TPO 02.05.2013	Mr M Szary 39 Napier Street Mountain Ash Rhondda Cynon Taff CF45 3HW	Remove twelve dead and uprooted trees and replace like for like Land To The North Of Thomas Street Maesycwmmmer Hengoed CF82 7PN	Granted 27.06.2013
13/0311/FULL 25.04.2013	Mr T Whittle 25 Pant Glas Llanbradach Caerphilly CF83 3PD	Demolish existing garage and re-build adjacent to pavement 25 Pant Glas Llanbradach Caerphilly CF83 3PD	Granted 28.06.2013
13/0325/RET 01.05.2013	Miss Hill 8 Tirfilkins Close Pontllanfraith Blackwood NP12 2LY	Alter approved dwelling to include rear conservatory extension 8 Tirfilkins Close Pontllanfraith Blackwood NP12 2LY	Granted 28.06.2013
13/0326/RET 01.05.2013	Mr Havard 7 Tirfilkins Close Pontllanfraith Blackwood NP12 2LY	Alter approved dwelling to include rear conservatory extension 7 Tirfilkins Close Pontllanfraith Blackwood NP12 2LY	Granted 28.06.2013

**LIST OF PLANNING APPLICATIONS WHICH ARE OUT OF TIME/NOT DEALT WITH
WITHIN 8 WEEKS OF DATE OF REGISTRATION**

APPLICATION NUMBER DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/97/0981 31.10.97	Undertake initial review of planning conditions under the Environment Act 1995 for resumption of quarrying at Blaengwynlais Quarry, Blaengwynlais, Nr Caerphilly.	Site partly in Cardiff. Hydrological study and Environmental Impact Assessment received and out of consultation.
P/02/0265 13.03.02	First periodic review of planning conditions (Environment Act 1995) at Cae Glas Small Mine, Fochriw.	Additional information awaited about scheme of working.
10/0505/OUT 26.07.10	Erect light industrial/office park at Block C, Maerdy Industrial Estate, Rhymney.	Subject to further discussion and consideration.
10/0518/FULL 16.07.10	Erect single detached dwelling and garage at Old Mill House, Draethen, Newport.	Subject to further discussion and consideration.
10/0550/OUT 23.08.10	Re-develop the site for a mixed use development including housing, employment (B1 Use) and community use with associated open space and infrastructure at Former BSW Saw Mills, Senghenydd, Caerphilly.	Subject to further discussion and consideration.
11/0594/OUT 27.10.11	Erect residential development on Land Adj To Groeswen Farm, Groeswen Road, Groeswen, Cardiff.	Awaiting comments of consultees.
11/0630/NCC 01.09.11	Vary conditions (3) and (4) of previous planning consent 06/0172/OUT (erect residential development) to extend permission beyond expiration dates on Land West Of Coronation Terrace, Senghenydd, Caerphilly.	Awaiting information on road layout.
11/0650/FULL 23.08.11	Erect new housing development comprising of 12 detached and 3 pairs of semi-detached dwellings on Land Adj To Former Waterloo Works, Machen, Caerphilly.	Subject to further discussion and consideration.
11/0772/LA 21.10.11	Change use of land and erect extension to existing Gelligaer Cemetery, including access road, car parking and footpaths on Land Adjoining Gelligaer Cemetery, Gelligaer, Hengoed.	Awaiting Archaeological Survey.

11/0849/RET 10.11.11	Retain alterations to garage to form annexe building to main house, to include the addition of two dormer windows, roof mounted clock tower and weathervane unit, and to replace garage door with upvc glazed unit for the purpose of providing additional space (overspill space) associated to the use of the main dwelling at The Meadows, Gypsy Lane, Groeswen, Cardiff.	Awaiting Ecologist comments.
11/0885/RET 29.11.11	Retain steel flue at rear elevation Erhans Charcoal Grill, 2 Pengam Road, Ystrad Mynach, Hengoed.	Awaiting comments of consultees.
11/0896/NCC 05.12.11	Vary Condition on planning application 5/5/85/0427 to continue mining operations for a minimum of 15 years at Cae-Glas Colliery, Glen View Terrace To Bridgend Road, Fochriw, Bargoed.	Awaiting Ecological Surveys.
11/0897/NCC 12.12.11	Vary condition 2 of planning application 5/5/96/0057 to continue the use of the garage for the purpose of maintenance and storage of company vehicles and equipment until such time as mining is recommenced at Cae-Glas Colliery, Glen View Terrace To Bridgend Road, Fochriw, Bargoed.	Awaiting Ecological Surveys.
12/0070/RET 02.04.12	Demolish existing garage and construct new garage with utility room at rear and replace existing roof with new apex roof with dormers and replace and move windows at Mountain House, 41 Mountain Road, Caerphilly.	Awaiting wildlife information.
12/0157/FULL 29.02.12	Sub-divide property to make two semi-detached two bedroom bungalows at Nantygledyr, 231 Bedwas Road, Caerphilly.	Awaiting parking details.
12/0185/OUT 09.03.12	Convert, part demolish and extend former public house forming 3 no. three bedroom units and erect 2 no. three bedroom semi-detached dwellings, provide private amenity space, car parking and associated works at Ty Yn Y Pwll Hotel, Newport Road, Trethomas, Caerphilly.	Subject to further discussion and consideration.
12/0371/FULL 29.05.12	Erect two detached three-bedroom houses on Land Adjacent To 88 Abernant Road, Markham, Blackwood.	Awaiting amended plans concerning design.
12/0376/FULL 31.05.12	Erect one four bedroom dwelling and one three bedroom dwelling including outbuildings on Land Adjacent To 128 - 134 Llancayo Street, Bargoed.	Awaiting amended details concerning reptile survey, DAS, highway matters.

12/0379/FULL 03.07.12	Erect two-storey side extension and front gable, rear balcony and revised car parking arrangement at Tab Life Centre, Tram Road, Pontllanfraith, Blackwood.	Awaiting wildlife survey.
12/0394/FULL 22.05.12	Erect extension to form a children's playroom and bedroom at Rhoswen, Sunnybank Road, Blackwood.	Considering scale and design of development.
12/0436/CON 06.06.12	Demolish detached garage and construct single dwelling and external works at Llwyncelyn, Draethen, Caerphilly.	Subject to further discussion and consideration.
12/0437/FULL 06.06.12	Demolish detached garage and construct single dwelling and external works at Llwyncelyn, Draethen, Caerphilly.	Subject to further discussion and consideration.
12/0486/FULL 28.06.12	Convert barn to four holiday let cottages with associated access works at Barn At Gelli-wen Farm, Bedwellty Road, Markham.	Awaiting traffic information and agricultural justification.
12/0511/OUT 03.07.12	Erect housing development at Willow Court & Surrounding Area, Pengam Road, Pengam.	Awaiting highway information.
12/0513/FULL 09.07.12	Take down store and garage and erect a three bedroom link house and a self contained flat over the remaining store at 73-75 Meadow Crescent, Pontymister, Risca, Newport.	Awaiting views of consultees about amended plans.
12/0518/FULL 23.07.12	Erect dormer bungalow based on previously lapsed outline permission (P/04/1637) at Barry Bungalow, Brynhyfryd, Energlyn, Caerphilly.	Subject to further discussion and consideration.
12/0531/OUT 13.08.12	Erect mixed residential development comprising of fifteen new build dwellings at Land At Station Approach, Risca.	Awaiting views of consultees.
12/0550/CON 23.07.12	Demolish former rectory and erect residential development of 8 dwellings (including two affordable houses) at The Rectory And School Site, High Street, Nelson, Treharris.	Subject to discussions concerning access and design.
12/0570/FULL 23.07.12	Erect extension to existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works at Bryn Quarry, Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer.	Subject to further discussion and consideration.
12/0571/FULL 24.07.12	Demolish former rectory and erect residential development of 8 dwellings (including two affordable houses) at The Rectory And School Site, High Street, Nelson, Treharris.	Subject to discussion concerning access and design.
12/0575/FULL 04.10.12	Erect a mansard roof incorporating a 1 bed flat at Manchester House, 1 Clifton Street, Caerphilly.	Awaiting views of consultees.

12/0596/RET 15.08.12	Retain change of use from sale and repair of vehicles to a mixed-use for the sale and repair of vehicles and a car wash, and to retain and complete a steel sectional building for repairs and valeting at KJM Autos, Clearway Service Station, Church Road, Penpedairheol, Hengoed.	Subject to further discussion and consideration.
12/0637/OUT 20.09.12	Erect residential development for two detached houses with garages on Land Rear Of 46 Commercial Road, Machen, Caerphilly.	Subject to further discussion and consideration.
12/0672/FULL 13.09.12	Erect two-storey extension to side of dwelling and single-storey sun lounge extension to rear at Maes-Yr-Haf, Old Pant Road, Pantside, Newport.	Awaiting views of consultees.
12/0676/NCC 14.09.12	Vary conditions 2 and 3 of planning permission 08/0373/OUT (Improve existing site access/highway and erection of housing development) to extend period within which development can commence for further 3 and 5 years respectively at Old Station Yard, Bridge Street, Abercarn.	Subject to further discussion and consideration.
12/0705/FULL 01.10.12	Substitute three detached houses to replace five approved houses at Plots 44 – 48, Woodside Walk, Wattsville, Newport.	Awaiting amended plans.
12/0720/RM 05.10.12	Seek approval of the reserved matters regarding access, appearance, landscaping, layout and scale in connection with the residential development and associated works approved under planning application 08/0373/OUT at Old Station Yard Bridge Street, Abercarn.	Awaiting amended plans.
12/0735/RM 12.10.12	Seek approval of the reserved matters regarding appearance, landscaping, layout and scale approved under planning application 08/1210/OUT (Erect eight dwellings) at Site Of Former All Saints Church, Pencerrig Street, Llanbradach, Caerphilly.	Subject to further discussion and consideration.
12/0753/FULL 12.11.12	Provide a single wind turbine (500kW, 50m hub height, 73.5m maximum tip of blade height) with associated electrical infrastructure and crane hardstanding at Pen Y Fan Ganol Farm, Manmoel, Blackwood.	Awaiting further information concerning landscape impact.

12/0760/NCC 22.10.12	Vary condition 07 of planning permission 12/0593/NCC to allow the access location to be as indicated on drawing number 231/2C (submitted on 24th August 2009 in relation to application 09/0672/OUT) to the south of the existing dwelling at Land At 3 Britannia Villas, Pengam, Blackwood.	Subject to further discussion and consideration.
12/0775/FULL 29.10.12	Demolish existing steel frame and sheeting garages and re-develop site with new masonry double garage at Land To The Rear Of 30 Garden Suburbs, Pontywaun, Newport.	Considering impact on Conservation Area and Listed Buildings.
12/0787/FULL 05.11.12	Convert former public house into 7 No. flat units (change of use) including demolition of southern single-storey annexe and construct 6 No. new terraced houses to include new site access road, car parking, external works and landscaping at Tredegar Junction Hotel Commercial Street, Pontllanfraith, Blackwood.	Considering need for affordable housing.
12/0830/FULL 06.11.12	Erect two storey extension to side of dwelling, plus internal alteration works, and alterations to roof including the provision of a bedroom and a store room within the roof at Willow Bank, Pennar Crossing, Pentwyn-Mawr, Newport.	Awaiting wildlife survey.
12/0831/CON 05.11.12	Demolish existing steel frame and sheeting garage and re-develop site with masonry double garage at Land To The Rear Of 30 Garden Suburbs, Pontywaun, Newport.	Considering impact on Conservation Area and Listed Buildings.
12/0839/FULL 12.11.12	Amend floor slab level for Plot 2 at Parc Y Lan, 7 Mountain Road, Caerphilly.	Awaiting amended plans.
12/0860/RM 21.12.12	Seek approval of the reserved matters of layout, scale, appearance and landscaping in connection with the residential development and associated works approved under planning permission P/04/1325 at Mackworth Grange, Pontypandy Lane, Caerphilly.	Awaiting amended layout
12/0875/FULL 06.12.12	Install one WTN 500kw wind turbine with an overall tip height of 64m and associated temporary infrastructure on Land At Pen Yr Heol Las Farm Heol Las, Energlyn, Caerphilly.	Awaiting further information on highway matters.
12/0898/FULL 20.12.12	Erect residential development comprising 22 residential units (12 houses, 10 flats) on Land At Tyn Y Wern Terrace, Trethomas, Caerphilly.	Subject to further discussion regarding Section 106 and highways.

13/0016/FULL 16.01.13	Erect a single wind turbine with a maximum blade tip height of up to 61 metres and associated infrastructure including creating new access track (approx. 750m in length), a crane pad (measuring approximately 20m by 22m) and an equipment housing cabinet on Land North East Of Pen-y-fan Farm Pen-Y-Fan Farm Lane, Manmoel, Blackwood	Awaiting Ecological study.
13/0036/COU 25.01.13	Convert existing public house and flat into four two-bedroom flats at Old Farm Inn Angel Lane, Aberbargoed.	Awaiting bat survey.
13/0039/FULL 17.01.13	Carry out internal alterations and two-storey rear/side extension including new living room, bedroom and bathroom at 1 Llwyncelyn Cottages,,Cefn-Porth Road, Lisvane, Cardiff.	Awaiting bat survey.
13/0042/NCC 19.01.13	Vary Condition 01 of planning permission 07/1568/FULL (Construct a pair of semi-detached 3-bedroom houses and two detached 3-bedroom houses) to extend time limit within which development can commence for a further five years at Gould & Sons, Argoed Garage, High Street, Argoed, Blackwood, NP12 0HQ.	Awaiting information about affordable housing.
13/0108/RET 18.02.13	Retain alterations to garage to include dormer window to front, velux roof lights to rear, lean-to extension and convert to living accommodation at The Barn Old Nantgarw Road, Nantgarw, Cardiff, CF15 7UN.	Awaiting amended drawings.
13/0115/COU 19.02.13	Change the use of chapel to a four bedroom home at Gospel Mission Chapel Commercial Road, Abercarn, Newport, NP11 5AH.	Awaiting bat survey.
13/0126/FULL 28.02.13	Erect stable block at Gelli Farm Tredegar Road, Blackwood	Awaiting amended plans.
13/0133/COU 22.02.13	Convert former tabernacle chapel hall into two dormer bungalows at Tabernacle Chapel, Chapel Street, Deri.	Awaiting affordable housing information.
13/0144/FULL 28.02.13	Erect detached double garage at Cartref Twyn Shon Ifan, Maesycwmmer, Hengoed.	Considering impact on trees.
13/0148/FULL 01.03.13	Construct new XC trail, Cwmcarn Downhill 2 and a downhill return track on Land To The North Of Cwmcarn Forest Drive, Cwmcarn, Newport	Subject to further discussion concerning wildlife, highways and residential impact.
13/0157/OUT 05.03.13	Erect three residential dwellings at Land South West Of Carn Y Tyla Terrace, Abertysswg, Tredegar.	Awaiting archaeological evaluation.

13/0159/FULL 05.03.13	Erect a five bedroom dwelling to replace existing dilapidated detached bungalow at 2 Glyn Glas, Thornhill, Caerphilly, CF83 1LZ.	Awaiting amended design.
13/0162/COU 06.03.13	Convert stone barn to a three bedroom dwelling at Gwaun Gledyr Isaf Farm Old Nantgarw Road, Groeswen, Cardiff.	Awaiting amended design.
13/0196/OUT 15.03.13	Erect up to four three bedroom houses in two semi-detached blocks on land being used for occasional vehicle storage on Land Adjacent To Riverside House Penmaen Road, Pontllanfraith, Blackwood.	Awaiting noise survey.
13/0203/FULL 15.03.13	Convert garage, add first floor extension above and erect a new detached double garage at 9 Llys Cyncoed, Oakdale, Blackwood.	Awaiting tree survey.
13/0204/NCC 18.03.13	Vary condition 05 of planning permission 09/0090/COU to allow access for vehicles onto Rudry Road and remove condition 07 of planning permission 09/0090/COU which requires the provision of a bridal way bridleway/horse track adjacent to Rudry Road Lisvane Riding School Ltd Forest View, Cefn-Porth Road, Lisvane Cardiff.	Awaiting view of consultees.
13/0212/NCC 25.03.13	Vary Condition 11 of planning permission P/04/1500 to amend the internal layout at Glan Y Nant, Draethen, Newport, NP10 8GB.	Awaiting further information from applicants.
13/0227/FULL 02.04.13	Construct dwelling at Plot Adjacent To Twyn House, Draethen, Newport.	Awaiting bat survey.
13/0228/CON 02.04.13	Demolish stone store at Plot Adjacent To Twyn House, Draethen, Newport.	Awaiting bat survey.
13/0235/FULL 03.04.13	Erect single storey rear extension at 7 Park Place, Newbridge, Newport.	Awaiting wildlife survey.
13/0253/FULL 09.04.13	Construct a second rural enterprise dwelling at Ty Canol Farm, Hendredenny, Caerphilly, CF83 2RL.	Awaiting information about agricultural justification.
13/0258/FULL 10.04.13	Erect detached dormer bungalow with associated access and ground works etc. at Land At 3A Penallta Villas, Ystrad Mynach, Hengoed, CF82 7GH.	Awaiting views of consultees.
13/0296/FULL 22.04.13	Erect a three bedroom dwelling at Ty'n Derwen, White Hart, Machen, Caerphilly, CF83 8QQ.	Awaiting agreement to land swap to provide garden.

13/0302/COU 24.04.13	Change the use to provide retail/storage to ground floor and basement level with two residential flats to first floor level including a new shop front and alterations to the front elevation at 61 High Street, Rhymney, Tredegar, NP22 5LP.	Awaiting bat survey.
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APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT

APPLICATION NUMBER & DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/05/1091 25.07.05	Erect fifteen new dwellings on Land adjacent to Marne Street, Cwmcarn.	Draft agreement sent to Solicitors for consideration. Reminder sent. On hold pending resolution of issues at Cwmcarn school.
P/05/1683 23.11.05	Erect residential development at Austin Grange, Bartlett Street, Caerphilly.	Draft sent to applicant for consideration. Application under consideration by Agents.
P/06/0037 13.01.06	Redevelop site incorporating 545 residential units and 2.5 acres for a primary school at Waterloo Works, Machen.	Planning in discussions with developers over new terms. Asked Planning for an update.
08/0752/OUT 24.06.08	Erect residential and commercial development on Land At Hawtin Park, Gelli-Haf, Pontllanfraith, Blackwood.	Sending figures to the DV for viability test. Planning compiling figures. Asked for an update.
08/1355/FULL 23.12.08	Construct residential development on Land To Rear Of 40 Victoria Road, Fleur-de-Lis, Blackwood.	Sent engrossments.
09/0243/OUT 31.03.09	Erect residential development and associated recreation space on Land At Former Windsor Colliery, Ty'n Y Parc, Abertridwr, Caerphilly.	On hold pending outcome of meeting with Housing Association.
09/0614/OUT 03.07.09	Erect residential development on Land To Rear Of Ty Fry Road, Aberbargoed, Bargoed.	Clarifying instructions regarding the terms of Agreement. Additional title information received and under consideration. Seeking instructions on the terms of Agreement and considering the additional title information.
09/0817/FULL 19.10.09	Provision of replacement play area and equipment on Land Off Marne Street, Cwmcarn, Crosskeys.	Draft Agreement sent to Solicitors. Provisions of Agreement under consideration. Reminder sent. See first application. On hold pending resolution of issues at Cwmcarn school.
10/0016/FULL 15.01.10	Erect seven two-storey dwellings at The Former Coal Yard, Pandy Road, Bedwas, Caerphilly.	Queried title evidence and sent drafts.

11/0124/FULL 18.02.11	Create fishpond on Land At Fair Oak Farm, Woodland Terrace, Argoed, Blackwood.	Waiting for advice on conservation points. Expected through shortly. Chasing response.
11/0191/OUT 11.03.11	Demolish existing farmhouse and farm buildings and construct new two-storey residential units at Gelli Pystyll Farm, Elm Drive, Ty Sign, Risca.	Sent drafts.
11/0779/FULL 12.10.11	Erect single dwelling house on Land Within The Curtilage Of 59 The Bryn, Trethomas, Caerphilly.	Raised title queries.
11/0900/FULL 05.12.11	Erect two four-bedroomed terraced houses at Land Adjacent To Trecenydd Snooker Club, North Court, First Avenue, Trecenydd, Caerphilly.	Requested title.
12/0030/NCC 24.01.12	Vary conditions (2) & (3) to renew outline consent 07/1564/NCC to erect residential development on land a George Street, Cwmcarn.	New instructions. File being opened and requesting details of Developer's title to the land.
12/0005/NCC 06.02.12	Vary Condition (01) of Planning Permission P/05/0391 to extend the period within which development may commence at 8 Woodview, Machen.	Draft Agreement sent to Solicitors for approval.
12/0104/NCC 08.02.12	Vary Condition 03 of planning permission P/06/0671 to extend the period for the submission of reserved matters by a further three years at Land East Of Bedwellty Road And Cwrt Neuadd Wen, Aberbargoed.	Draft document circulated internally for comments. Solicitors requested amendments. Asked Planning for advice.
12/0269/NCC 03.04.12	Vary Condition 2 of Planning Permission 08/0539/OUT (erect residential development and associated access) to provide a further three years for the submission of Reserved Matters on Land At Gellideg Industrial Estate Gellideg Lane, Maesycwmmmer, Hengoed.	Correspondence from Developers Solicitors under consideration. Martin Lennon seeking to renegotiate terms. No update.
12/0296/FULL 17.04.12	Erect a pair of semi-detached houses on Land Adjacent To Old Station House, Old Station Yard, Bedwas, Caerphilly, CF83 8QZ.	Queried title. Chased.
12/0375/OUT 21.05.12	Demolish existing garage building with proposed new building containing four residential units with associated car parking and amenity area and change use from B1(c) to residential at John Paul Motors Ltd, 31 Newport Road, Bedwas, Caerphilly.	Sent drafts.
12/0448/FULL 11.06.12	Change dwelling design at plot 1, previously approved (06/0681/FULL) at Land At Old Junction House Commercial Street, Pontllanfraith, Blackwood.	Requested Solicitors details from the applicant direct as advised by agent.

12/0441/FULL 26.06.12	Demolish existing chapel and erect four 1-bed apartments in a single block at Chapel, De Winton Terrace, Llanbradach, Caerphilly.	Draft sent for approval. Chased Solicitors details.
12/0549/OUT 12.07.12	Erect detached three bed dwelling with attached garage at Land to the rear of 20 Church Street, Bedwas, Caerphilly.	Sent drafts.
12/0578/OUT 25.07.12	Erect residential development of 57 dwellings on Land West Of Old Pant Road, Panside, Newbridge.	Sent Drafts. Waiting for comments from other side. Planning in discussions with other side.
12/0734/FULL 12.10.12	Demolish existing Ambulance Station building and erect 9 no. dwellings and associated access, parking and landscaping at Welsh Ambulance Services N H S Trust, Caerphilly Ambulance Station, Waunfach Street Caerphilly.	Instructions received 19.06.13. Letter sent requesting Solicitors details – awaiting response.
13/0014/FULL 08.01.13	Erect detached dwelling and garage at Land Adjoining 62 Pandy Road, Bedwas, Caerphilly.	Reopened asked Solicitors if I can draft agreement as they were checking with client.
13/0233/NCC 03.04.13	Vary Condition 1 of planning approval 10/0019/NCC to extend the period within which the development can commence for a further five years on Land Adjacent To The Bungalow, Libanus Road, Blackwood.	File opened 05.06.13, letter sent 05.06.13 requesting Solicitors details – awaiting response.

OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
12/0012/REF 11/0376/RET	Green Valley Moto X Mr C Jones C/o DLP Planning Ltd Mr M Hard Sophia House 28 Cathedral Road Cardiff CF11 9LJ	Retain use of land for motor-cross for two days per calendar month and associated works on Land adjoining Wyth-Erw Farm, Mountain Road, Bedwas.	01.05.12
13/0003/REF 12/0477/COU	Cross Fit Caerphilly Mr S Church Unit 3 Varlin Court Western Industrial Estate Caerphilly CF83 1BQ	Retain the use to upgrade the property to gain leisure use D2 at Unit 3, Block D – Varlin Court, Western Industrial Estate, Caerphilly.	09.01.13
13/0009/REF 12/0490/FULL	Howses Limited Glanhowy House The Glade Wyllie Blackwood NP12 2HB	Erect two coach house style flats with garages at Plot 29 The Glade, Wyllie, Blackwood.	20.02.13
13/0010/REF 12/0566/OUT	Mr R Smith Homeleigh House Park Place Newbridge NP11 4RL	Erect four bedroom dwellinghouse and integral garage at Homeleigh House Park Place, Newbridge, NP11 4RL.	19.03.13
13/0011/REF 11/0632/FULL	Mrs J Evans 29 Bryngoleu Street Cefn Fforest Blackwood NP12 3ND	Remove existing garage and construct swimming pool and pool building for commercial use (small business) at 29 Bryngoleu Street, Cefn Fforest, Blackwood.	22.04.13
13/0012/REF 12/0701/FULL	Wasp Utility Services Ltd McLaren House McLaren Cottages Abertysswg Tredegar NP22 5BH	Erect detached four bedroom dwelling on Land adj. to McLaren House, McLaren Cottages, Abertysswg	10.06.13

13/0013/REF 12/0777/RET	Lonsdale Car Sales (Wales) Limited Mr D Jones Point Service Station Nine Mile Point Road Wattsville NP11 7QT	Retain the use of land for the display of vehicles for sale with associated hard surfacing on Land Adjacent To Point Service Station, Nine Mile Point Road, Wattsville, NP11 7QT.	12.06.13
13/0014/REF 13/0260/FULL	Mr D A Whelpton 11 Mendip Close Trenwydd Park Risca Newport NP11 6QZ	Convert attic to provide 3 No. bedrooms and convert existing bedrooms to a dining room and study at 11 Mendip Close, Trenwydd Park, Risca	25.06.13

APPEAL DECISIONS

APPEAL REF/ PLANNING APP NO.	PROPOSAL & LOCATION	APPEAL DECISION/ DATE	COMM/ DEL
13/0007/REF 12/0449/COU	Change the use of front room of property to a small café at 18 Station Terrace, Caerphilly, CF83 1HD.	Allowed 31/05/2013	DEL
13/0009/REF 12/0490/FULL	Erect two coach house style flats with garages at Plot 29 The Glade, Wyllie, Blackwood.	Dismissed 12/06/2013	DEL