

APPENDIX 1

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0465/FULL 01.07.2013	United Welsh Housing Association 13 Beddau Way Caerphilly CF83 2AX	Demolish existing buildings and erect 29 dwellings (comprising of a mix of 1 bed apartments and 2 & 3 bedroom houses) with all associated infrastructure and landscaping The Greenfly & CATS House Newport Road Bedwas Caerphilly CF83 8BJ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: This application is for the re-development of part of the former C.A.T.S. transport site which fronts onto Newport Road, in Bedwas. The site is located fairly centrally in the Bedwas area.

Site description: The application site is roughly square in shape, and is bounded to the north by a small private hospital, which is nearing completion, to the south by Newport Road, to the east is a bowling green and a community centre, and to the west by the road known as The Bryn, on the other side of which stands a small development designed as older persons' bungalows.

The site itself is divided into two parts. The western portion is a relatively flat area upon which stands a building which was formerly used as part of the transport depot, and the remainder is occupied by a social club, which is at a higher level than the transport depot. The social club site slopes from south to north and along the boundary with the hospital site it is currently 2 to 3 metres above that adjoining land level. This adjoining land is retained by a substantial wall designed for that purpose.

The transport depot is no longer operating whilst the social club was trading until recently.

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Development: The proposal is for demolition of the existing buildings and the re-development of the site for the provision of 29 dwellings. These will be comprised of the following:-

- A three-storey apartment block containing 12 (1bed) units.
- A two-storey building containing 2 (1 bed) units.
- 10 (3 bed) houses.
- 5 (2 bed) houses.

The buildings are arranged in small links of houses and semi-detached properties, the majority of which front onto either Newport Road or The Bryn. Five houses are located within the site and front onto the internal site road. There is also the apartment block which is in the form of an inverted "L" shape. This is sited on the Newport Road frontage and has access from that road and from the access into the site.

Dimensions: The site has a gross area measuring approximately 0.44 hectares. The apartment block has a ground floor area measuring approximately 233 square metres with a height of 10.8 metres (approx.) to its apex. The houses are all between 8.0 and 8.5 metres to their apex with ground floor areas measuring around 45 square metres.

Materials: The buildings are to be constructed in facing brick with the roofs covered in concrete tiles. The main access road area is to be finished in block paving.

Ancillary development, e.g. parking: The development is to be served by 35 parking spaces, 6 of which are visitors spaces.

PLANNING HISTORY

07/1354/OUT - Re-develop site for residential purposes - Granted 11.03.11.

P/99/0177 - Change use to taxi office - Refused 12.05.99.

5/5/88/0794 - Change the use for open air market - Refused 03.01.90.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement limit identified in the plan, however it is not allocated for a defined land use.

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Application No. 13/0465/FULL Continued

Policies: The policies of relevance to this proposal are as follows:-

1. SP3 - Development Strategy in the Southern Connections Corridor.
2. CW15 - General Locational Constraints.
3. CW2 - Amenity.
4. CW3 - Design Considerations - Highways.
5. CW10 - Leisure and Open Space provision.

NATIONAL POLICY National Planning Guidance is set out in Planning Policy Wales (Edition 4, Feb. 2011).

Also of relevance are the following Technical Advice Notes: TAN 12, Design and TAN 22, Planning for Sustainable Buildings.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? The application was not required to be screened for an EIA as the area of the application was below the threshold of 0.5 hectares.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes - The Coal Authority's views are considered below.

CONSULTATION

Conservation & Design Officer - has made no comment on this application.

Education - has confirmed that no education contribution will be pursued in respect to this proposal.

Head Of Public Protection - raises no objection to the application subject to the imposition of conditions attached to any consent granted. These conditions relate to issues such as contamination schemes, and soil and dust mitigation measures.

CCBC Housing Enabling Officer - is satisfied that the scheme will deliver 100% affordable housing. On this basis he has no additional comments to make.

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Senior Engineer (Land Drainage) - makes a range of comments on drainage issues, some of which will be required to be conditioned whilst others will be passed on by way of written advice.

Outdoor Leisure Development Officer - comments that the western boundary with the Council's bowling green, should be secured with suitable fencing and a contribution is required to leisure facilities in the area.

Head Of Public Services - states that the refuse vehicles will not enter the unadopted site road and as such refuse containers will need to be brought to the public highway for collection.

Transportation Engineering Manager - has verbally commented that he raises no objection to the application subject to the completion of the Section 106 Agreement securing the highway contribution and the traffic order.

His final comments relating to the conditions he wishes to see attached to the consent will be presented to members at the committee meeting.

Dwr Cymru - raises no objection to the application, but makes a number of comments relating to the adopted drainage system in respect to both the proposed and existing apparatus.

Wales & West Utilities - has not commented on the application.

Western Power Distribution - has made no comment on this application.

Bedwas, Trethomas & Machen Community Council - raises objection to the application based on the overdevelopment of the site and the loss of the social club

Strategic & Development Plans - commented that the proposal was acceptable in policy terms.

The Coal Authority - raises no objection to the development on the basis of the site investigation submitted.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site and press notices along with neighbour letters to 35 properties.

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Response: The response to this consultation exercise was the submission of four letters. One raised objection to the scheme. Of the other three one contained an objection which was swiftly followed by a letter from the same source wishing to withdraw that objection. The last one was a request from a local ward member for a formal site meeting on the matter on the basis of drainage problems at the social club.

Summary of observations: The basis of the objections made are as follows:-

1. There is too much construction work being undertaken in the vicinity of Ael-Y-Bryn. This proposal, the hospital development and the extension to the doctor's surgery (which abutts the hospital) add up to a very disruptive situation in the area, particularly by virtue of the additional traffic.
2. The residential cul de sac, on the opposite side of the road, is being used as a car-park for the workers and as such residents are finding it difficult to access their homes. This will get worse if this application is approved.
3. There are existing drainage problems at the social club.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? It is not considered that the determination of this application will be detrimental to the issues of crime and disorder in this area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The Council's Ecologist considers that the information submitted in respect to the potential for bats at the site is such that the need to answer the requirements of the 3 Tests, under the EC Habitats Directive, is not present.

The Ecologist is satisfied that conditions, relating to bats and birds, can be imposed to adequately control the development.

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ANALYSIS

Policies: Policy SP3 relates to the development strategy in the southern connections corridor. This contains a number of criteria, some of which are pertinent to the consideration of this site. These are as follows:-

- A Uses previously developed land within settlement limits.
- C Makes the most efficient use of the existing infrastructure.
- D Has regard to the social and economic function of the area.

The current proposal will result in the remediation of the former Transport Depot and social club by its re-development for residential units and it is also well located in regard to the local transport and drainage infrastructure links. It also has an impact on the social function of the locality as it will provide good quality homes in the area.

As such it is considered that the proposal accords with this policy.

Turning to Policy CW 15 (General Locational Constraints), this also has criteria of relevance. These are as follows:-

- A Development proposals will not be permitted if they prejudice the implementation of wider comprehensive redevelopment or constrain the development of any adjacent site for its allocated land-use.
- B Within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located.

With regard to the former it is considered that the current proposal can be undertaken without prejudicing wider development or constraining the activities/operations being undertaken on adjacent land. This criterion is therefore complied with.

In respect to the latter requirement the housing development proposed is considered to complement the role and function of the settlement in terms of its scale and purpose. As such this criterion is also considered to be satisfied.

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Policy CW2 requires development to pay regard to all relevant material planning considerations in order to satisfy the following requirements:-

- A There is no unacceptable impact on the amenity of adjacent properties or land.
- B The proposal would not result in overdevelopment of the site and/or its surroundings.
- C The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use.
- D Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

With regard to the first of these the site is bounded to the north by a medical facility, to the west by various community and leisure uses, and to the east lies existing dwellings. The southern boundary fronts onto the public highway. The impact of the current proposal on the amenity of these uses is considered to be of an acceptable level.

The proposal shows that the current difference in levels, particularly between the social club and its surroundings, both on and off the site, have been reduced to comparable levels, and thereby allowed the elevation with The Bryn to become part of the street scene, as opposed to being at a level well above that street.

The design and appearance of the houses are well considered in respect to the issues of layout, scale and massing and they are considered of an acceptable standard in respect to the site itself own site and the impact on the surrounding land-uses.

The issue of over-development is one that has been looked at closely as the site measures 0.44 hectares and accommodates 29 units. This equates to a high density development. It should be noted however that almost half of these units are housed in a block of single bed flats. As such the impact of the development is minimised in regard to the site coverage. Discussions with the applicant were also undertaken to introduce a small play area into the layout. This would have obviously impacted on the density position. The applicant has indicated that the site is less than 100 metres from a large playground and sports field.

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Due to this close proximity the on-site provision is considered unnecessary, albeit a financial contribution of £800.00 per dwelling will be required to improve the local leisure provision.

On balance the density of the development is considered to be high but remains acceptable.

The last criterion relates to the viability of the adjoining land uses as a result of their impact on the residential amenities of the proposed dwellings. In this regard it is considered that none of the adjoining uses will be threatened by any such impact. The community centre and the small hospital building are uses which are designed to be close to the people who will use them and to the existing facilities. Neither uses are considered to potentially suffer due to their nearness to residential development.

Policy CW3 refers to "Design Considerations - Highways. "The applicant has submitted a Transport Sustainability Appraisal, to address the issues contained in this policy. These include matters such as adequate parking provision and the safe, efficient and effective use of the transportation network. The Transportation Engineering Manager has considered the information provided and has held discussions with the applicant to seek improvements to the overall scheme. He has finally resolved to raise no objection to the application subject to the use of conditions, which he considers can control the highway safety aspects to an acceptable level.

The final policy in this adopted plan refers to CW10, this policy requires all new housing sites capable of accommodating 10 or more houses to make adequate provision for well designed open space as an integral part of the development. Due to the close proximity of the playing fields/park, it is not considered imperative that the scheme incorporates the usable open space on site as would normally be expected in such a proposal.

CW10 (b) requires appropriate formal children's play facilities to be provided either on or off the site. The layout itself did not contain any such facilities. Due to the close proximity of public leisure facilities to the site, it is considered to be more appropriate for a contribution to be given to the Council for the upgrade of those existing facilities via a Section 106 Agreement. This would also be the case for CW10 (c) that requires adequate sport provision either on or off site, to meet the needs of the residents of the proposed development.

In the circumstances there are no LDP policy objections to this proposal.

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In terms of National Guidance and the Technical Advice Notes of particular relevance are TAN 12 - Design and TAN 22 - Planning for Sustainable Buildings. The former's objective is in achieving good design solutions. In this respect the submission was accompanied by a Design and Access Statement prepared in accordance with the guidance contained in this TAN. It is considered that the solution arrived at is acceptable in this regard.

With respect to TAN 22 the applicant has provided a pre-assessment under the Code for Sustainable Homes. This demonstrates that the units achieve at least Code Level 3, and pays regard to the relevant guidance.

In the circumstances there are no policy objections to this application.

Comments from Consultees: None of the standard consultees raise objections which could sustain a refusal of consent. A number do however make comments which require the imposition of conditions in order to control aspects of the development to an acceptable degree.

Comments from public: The responses to the points made by members of the public are as follows:-

1. The issue of the amount of construction works at or near the site is a relative matter. The hospital building, on the adjoining land, is near completion and is unlikely to overlap the works for the re-development of the application site. There is no doubt that construction works would be temporarily disruptive, however this is a situation faced at every such site. Good management and the use of on-site loading/unloading space and a site compound can reduce the impact on its surroundings. The use of conditions to control dust and noise in this regard may assist the matter.
2. The issues of highway safety have been considered by the Transportation Engineering Manager and he raises no objection in this regard.
3. The re-development of the site will seek to rationalise the drainage serving it. A condition requiring a comprehensive drainage scheme to be agreed and implemented will be used in this regard.

Bedwas Trethomas and Machen Community Council also objected to the application on the grounds of over-development and the loss of the social club. This issue of over-development has been dealt with above.

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The loss of the club is not an issue for the planning system to address. Its closure is not relevant to any policy contained in the Adopted Local Development Plan.

Other material considerations: The proposal, if accepted by Committee, will be deferred for the completion of a Section 106 Agreement. This Agreement will refer to financial contributions to strategic highway and leisure infrastructure improvements.

A planning obligation must meet all of the following tests:-

(a) It is necessary.

In respect to the strategic highway improvements a Section 106 Agreement will be sought because this development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods. Following public consultation, which included housebuilders, the Council has adopted Supplementary Planning Guidance LDP3 (Nov. 2010) , which requires a financial contribution, currently £5,500.00, for each new dwelling constructed within the defined Caerphilly Basin area as a reasonable means of addressing this capacity problem. The money contributed by this development will be used with other similarly collected monies to finance the necessary improvements to a number of nominated schemes in the Basin area.

With regard to leisure improvements the Leisure officer has requested a contribution of £800.00 per dwelling on the basis of the additional demand that the development will place on the leisure facilities in the area. The site itself is not providing for any facility on site however the playground to the north (or a similar facility) can be improved with this financial contribution.

(b) It is directly related to the development.

With regard to the strategic highways this development will add additional traffic onto the network of the Caerphilly Basin, which currently operates at capacity during peak periods, thereby aggravating existing congestion problems.

In leisure terms the children from the development will utilise this nearby playground and sportfield provision which will require additional investment to cater for the extra use.

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

In respect to the highway improvements the unit sum - at present £5500.00 - is reasonable when compared to the costs of construction and the value of one house. The total contribution is based on the number of dwellings, which means that the larger the development, the greater the impact on the road network, and therefore the higher contribution.

The leisure contribution is also considered to be reasonable when measured against the loss of one or two units on site to which would be required to provide for a small playground.

The applicant, through discussion with the Transport Engineering Manager, has also agreed to fund a road traffic order which will prohibit on-street parking around areas of the site. This order will also be secured by way of the Section 106 Agreement.

There is no requirement for Affordable Housing to be included in the Section 106 Agreement at this site, as the applicant's agent has confirmed that the scheme is 100% affordable in accordance with National and Local Development Plan policies. Notwithstanding this fact should the site be subsequently sold on, the developer will need to deliver 40% affordable housing on the development. In this regard a condition will be imposed to cover this situation should it arise.

Finally, the former Workmens Hall and Institute to the west of the site is a listed building (Grade II). The Local Planning Authority must have regard to the desirability of preserving the building and its setting or any features of special architectural or historic interest which the listed building possesses. The block of apartments will project forward of the listed building by some 10m. However, the listed building is a tall imposing structure and its setting will not be harmed by the new buildings.

RECOMMENDATION that (A) the application is DEFERRED to allow the completion of a Section 106 Agreement. On completion of the Agreement (B) 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.

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- 02) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 03) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.
- 04) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.
- 05) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.
The scheme shall include:
(i) control of noise,
(ii) control of dust, smell and other effluvia,
(iii) control of surface water run off,
(iv) site security arrangements including hoardings,
(v) proposed method of piling for foundations,
(vi) construction and demolition working hours,
(vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.
The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenity of the area.

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- 06) Notwithstanding the details already submitted prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected, and a timetable for its implementation. The boundary treatment shall be completed in accordance with the approved details and timetable.
REASON: In the interests of the visual amenity of the area.
- 07) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats (into the new buildings and shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, Planning Policy Wales (2012), paragraph 1.4.3 of TAN 5 Nature Conservation and Planning (2009).
- 08) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of nesting sites for birds (house sparrow, house martin and starling) shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, Planning Policy Wales (2012), paragraph 1.4.3 of TAN 5 Nature Conservation and Planning (2009).
- 09) Prior to the commencement of works on site a scheme for the drainage of the development (excluding drainage connected to the public sewerage system) of foul, land and surface water shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 10) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.

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- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 12) Prior to the occupation of the first dwelling a scheme for the retention of affordable housing as part of the development shall be submitted to and agreed in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the agreed scheme. The scheme shall include:-
- a. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 40% of approved housing units.
 - b. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, except where tenants exercise the Right to Acquire under the Housing Act 1996.
 - c. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 - d. Where the development is not carried out by a Registered Social Landlord (RSL) the arrangements for the transfer of the constructed affordable housing to a Registered Social Landlord.
 - e. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing (unless no market housing is provided within the development hereby approved).
- REASON: To ensure that affordable housing is provided in accordance with adopted Council policy.
- 13) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

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- 14) Prior to development commencing a scheme for on-site storage and car-parking shall be submitted to, and agreed in writing with, the Local Planning Authority. Thereafter this agreed scheme shall be implemented during the development of the site.
REASON: In the interests of residential amenity.

- 15) The development, as it relates to mining matters, shall be undertaken in accordance with the content and conclusions of the Site Investigation Report Ref. No. 10282/GNS/08.
REASON: To ensure that the site can be made safe and stable for the development.

Advisory Note(s)

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

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW15.
