

AGENDA ITEM NO. 5(b)

PLANNING COMMITTEE

12 MARCH 2014

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

**APPLICATION  
NUMBER**  
EAST AREA

**LOCATION**

13/0712/OUT Land at Homeleigh, 1 Tuckers Villas and adjacent to  
13 Woodbine Road, Blackwood

13/0781/OUT Land adjoining Ty Ffynnon, Halls Crossing,  
Woodfieldside, Blackwood

14/0055/NCC McDonald's Restaurants Ltd, Unit 2, Newbridge  
Gateway, Bridge Street, Newbridge

SOUTH AREA

Preface Item 3 Pentrebane Street, Caerphilly  
13/0703/FULL

11/0650/FULL Land adj to former Waterloo Works, Machen, Caerphilly

13/0854/LA 22 – 24 Heol Aneurin, Penyrheol, Caerphilly

14/0032/RET 29 Long Heath Close, Caerphilly

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0712/OUT 04.10.2013	Mr & Mrs M Watters Homeleigh 1 Tuckers Villas Blackwood NP12 1QH	Erect detached two bedroom dwelling Land At Homeleigh 1 Tuckers Villas And Adjacent To 13 Woodbine Road Blackwood Newport NP12 1QH

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: Fronting the southern side of Woodbine Road between an end-of-terrace dwelling and a detached dwelling now occupied by a cancer charity.

Site description: The site comprises a narrow strip of land measuring 8.5m wide x 21m long between an end-of terrace dwelling fronting Woodbine Road (No.13) and a detached property side on to Woodbine Road (No.15). On the opposite side of Woodbine Road is a detached dwelling. The site affords pedestrian access to the front of Tuckers Villas, a line of six semi-detached dwellings to the rear of No.15 Woodbine Road and also aligned at right-angles to Woodbine Road. The site is in the same ownership as No.1 Tuckers Villas, with the rear of the site abutting the front boundary of No.1. The site is predominantly grassed with a mature hedge abutting the eastern boundary (with No.13 Woodbine Road). The front boundary of the site is formed by a low wall, with a gap ostensibly forming a vehicular access served by a dropped kerb.

### Development:

Use: Residential.

The amount of development proposed for each use: One detached 2-bedroom dwelling.

Indicative layout: The submitted block layout indicates a dwelling sited towards the rear part of the site with a small rear amenity area and two parking spaces on the frontage.

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Application no. 13/0712/OUT Continued

Indicative access points: The vehicular access is indicated towards the western end of the site frontage. A 1m-wide pedestrian route to Tuckers Villas is indicated on the eastern edge of the site, abutting No.13 Woodbine Road.

Dimensions:

Dimensions (upper and lower limits for height, width and length of each building): Width: 4.5m-5.4m. Depth: 7.5m-9.5m. Height: 5.6m-7.8m.

Materials: Not stated.

Ancillary development, e.g. parking: Two parking spaces are indicated in front of the dwelling.

PLANNING HISTORY

None.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary.

Policies: SP5 (settlement boundaries), SP10 (conservation of natural heritage), CW2 (amenity), CW3 (design considerations - highways), CW6 (trees, woodland and hedgerow protection) and CW15 (general locational constraints).

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 in an area of low risk and standard advice would be issued in the event of permission being granted.

Cont....

Application No. 13/0712/OUT Continued

## CONSULTATION

Blackwood Town Council - Objection on the basis of potential highway/access problems, overbearing impact on neighbouring dwellings and lack of amenity space.

Principal Valuer - The proposed development may impact adversely on the value and amenity of the neighbouring Council-owned property No.15 Woodbine Road.

Transportation Engineering Manager - Objection on the grounds that the development would intensify the use of a substandard access.

Head Of Public Protection - No objection.

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

Dwr Cymru - Requests conditions regarding the drainage of the development and to protect a public sewer crossing the site.

Senior Arboricultural Officer (Trees) - No comments received.

## ADVERTISEMENT

Extent of advertisement: The occupiers of 11 neighbouring properties were notified by letter and a site notice was displayed.

Response: 13 letter/e-mails (representing 8 addresses).

### Summary of observations:

- Out of character with surrounding development.
- Over-development of the site.
- Substandard access from Woodbine Road.
- Overbearing impact.
- Overshadowing impact.
- Loss of light.
- Loss of privacy.
- Impact on ability to maintain neighbouring property.
- Loss of hedgerow.
- Narrowing of private right of way to Tuckers Villas.

Cont....

Application No. 13/0712/OUT Continued

- Potential damage to property and disturbance during construction phase.
- The site has not been used for the parking of vehicles.
- The applicant is not the sole owner of the land.
- Devaluation of property.

### SECTION 17 CRIME AND DISORDER ACT

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

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

## ANALYSIS

Policies: The site lies within the settlement boundary within a predominantly residential area, and as such the residential development of the site is acceptable in principle and in compliance with the provisions of Policies SP5 (settlement boundaries) and CW15 (general locational constraints) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, subject to compliance with other policies and other material planning considerations.

The site is narrow and elongated, with the sketch scheme indicating a dwelling occupying the major part of the width of the site, a minimal amenity area to the rear of the dwelling, parking provision (two spaces) occupying the major part of the front curtilage and a narrow pedestrian route to serve Tuckers Villas along the eastern edge of the site.

The plot has a narrow highway frontage (approximately 9m), with restricted visibility by virtue of the adjoining dwelling No.13 Woodbine Road extending to the back of footway on the eastern side and the boundary wall to No. 15 Woodbine Road on the western side. While it would appear that a vehicular access to the site already exists, there is no evidence that the site has been regularly used for the parking of vehicles. Tuckers Villas are served by a rear lane which accesses ample parking provision for the dwellings.

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## Application No. 13/0712/OUT Continued

Further, even if it were to be accepted that the site already provides a parking facility, the erection of a dwelling would be likely to result in an intensification of use with additional vehicle movements onto Woodbine Road. The lack of adequate visibility renders such movements potentially hazardous, and the site layout does not allow for turning, resulting in the possibility of vehicles reversing onto Woodbine Road. For these reasons the Transportation Engineering Manager objects to the proposal, which is thus considered to be contrary to the provisions of LDP Policy CW3 (design considerations - highways).

In terms of residential amenity, it is considered that the proposed siting of the dwelling is such that it would have an overshadowing and overbearing impact on the rear of the adjoining dwelling No.13 Woodbine Road, contrary to the provisions of LDP Policy CW2 (amenity). While the dwelling would be immediately in front of No.15 Woodbine Road (occupied by a cancer charity), the degree of separation and difference in levels are such that, subject to no windows in the western elevation, it is not considered that the proposed dwelling would have any adverse impacts on that property.

The private right of way to the front of Tuckers Villas would be narrowed to little more than 1m tight to the boundary with No.13 Woodbine Road. Notwithstanding the residents' claims that the private right of way extends to vehicular traffic, it is considered that this visual 'closing-in' of the route would be detrimental to residential amenity, contrary to the provisions of LDP Policy CW2 (amenity).

The proposed development would result in the removal of the hedgerow within the eastern edge of the site. The development may also impact on a mature tree within the front curtilage of No.15 Woodbine Road close to and overhanging the application site boundary. The applicant has been requested to provide a tree survey to identify the impact of the development on that mature tree and any mitigation required. This has not been submitted. Compliance with LDP Policies SP10 (conservation of natural heritage) and CW6 (trees, woodland and hedgerow protection) cannot, therefore, be assessed.

It is recommended that permission be refused on the grounds of detriment to highway safety, loss of residential amenity and lack of a tree survey.

Comments from Consultees: The comments of the Transportation Engineering Manager have been addressed above. The comments of other statutory consultees could be addressed by conditions in the event of permission being granted.

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Comments from public:

- Out of character with surrounding development - the site is surrounded by dwellings of differing sizes and alignments, thus it is not considered that the proposed development would necessarily be out of character.
- Over-development of the site - while limited in size, the site is considered to be capable of accommodating a small dwelling.
- Substandard access from Woodbine Road - this has been addressed in the analysis above.
- Overbearing impact - this has been addressed in the analysis above.
- Overshadowing impact - this has been addressed in the analysis above.
- Loss of light - it is possible that loss of light would arise by virtue of proximity to the rear windows of No.13 Woodbine Road.
- Loss of privacy - windows could be positioned such that loss of privacy would not arise.
- Impact on ability to maintain neighbouring property - while not in itself a material planning consideration, it would appear that adequate space would remain for the maintenance of neighbouring properties.
- Loss of hedgerow - this could be removed by the owner at any time and its loss is not considered to be a reason for refusal.
- Narrowing of private right of way to Tuckers Villas - this has been addressed in the analysis above.
- Potential damage to property and disturbance during construction phase - it would be the responsibility of the owner/developer to avoid damage and excessive disturbance.
- The site has not been used for the parking of vehicles - this has been addressed in the analysis above.
- The applicant is not the sole owner of the land - this matter has been raised with the applicant's agent but evidence has not been produced that would counter the submitted ownership certificate.
- Devaluation of property - this is not a material planning consideration.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

- 01) The proposed development would lead to an intensification of use of a substandard access onto the highway, to the detriment of highway safety. The proposal is, therefore, contrary to the provisions of Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

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Application No. 13/0712/OUT Continued

- 02) The proposed development by virtue of the siting of the dwelling would have an overshadowing and overbearing impact on the rear of the adjoining dwelling No.13 Woodbine Road, to the detriment of residential amenity. The proposal is, therefore, contrary to the provisions of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
  - 03) The application has not been accompanied by a tree survey in respect of the mature tree within the front curtilage of No.15 Woodbine Road and abutting the western boundary of the site, and the proposal cannot, therefore, be assessed in terms of compliance with Policies SP10 and CW6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
  - 04) The proposed development would result in a visually closed-in and cramped pedestrian access to the front entrances of Tuckers Villas, to the detriment of residential amenity. The proposal is, therefore, contrary to the provisions of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0781/OUT 09.12.2013	Mr A Maggs Pant-yr-resk House Pant-yr-resk Road Pant-yr-resk Mynyddislwyn Newport NP11 5AG	Erect one residential dwelling Land Adjoining Ty Ffynnon Halls Crossing Woodfieldside Blackwood

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: Fronting Halls Crossing which adjoins the south-western side of the Sirhowy Enterprise Way at Woodfieldside.

Site description: The site comprises a rectangular plot of land fronting Halls Crossing and sloping down to the rear lane serving St. Davids Avenue. The site lies within a sporadic line of dwellings fronting Halls Crossing - those dwellings to the north of the site also have a frontage to St. Davids Avenue. Until recently the site was wooded, but has been clear-felled with the exception of a line of trees on the rear lane (south-western) boundary. The land adjoining the site to the north remains wooded, and to the south and west the land is adjoined by dwellings (to the west the rear of a terrace of dwellings fronting St. Davids Avenue). The access lane serving the site and abutting its north-eastern boundary is adjoined by the Sirhowy Enterprise Way, separated by a high close-boarded fence.

Development: Outline planning permission is sought for the erection of one detached dwelling.

Use: Residential.

The amount of development proposed for each use: One dwelling.

Indicative layout: The dwelling is indicated in a central position within the plot. An 8m wide strip at the northern end of the site is indicated for tree planting.

Indicative access points: Access is indicated at the southern end of the site frontage.

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Application No. 13/0781/OUT Continued

Dimensions:

Dimensions (upper and lower limits for height, width and length of each building): The application drawings include detailed floor layouts and elevations, with scale not being reserved for subsequent approval. Scale parameters have thus not been provided. The dimensions of the dwelling are as follows: 16m wide x 12m deep (maximum), with attached garage 6.3m wide a 6.6m deep. Height to ridge 8.5m to front elevation, 11.5m to rear elevation. Garage height to ridge 5m to front elevation, 8m to rear elevation.

Materials: Not stated.

Ancillary development, e.g. parking: The block layout indicates two parking spaces in addition to the double garage, and a turning facility.

PLANNING HISTORY

13/0097/OUT - Erect three residential dwellings - Refused 15.04.13.

2/06044 - Two dwellings - Refused 14.09.84 - Dismissed on Appeal 23.04.85.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary and the River Sirhowy Site of Importance for Nature Conservation (SINC).

Policies: SP5 (settlement boundaries), SP6 (place making), SP10 (conservation of natural heritage), CW2 (amenity), CW3 (design considerations - highways), CW4 (natural heritage protection), CW6 (trees, woodland and hedgerow protection) and CW15 (general locational constraints).

NATIONAL POLICY Planning Policy Wales.

TAN 5: Nature Conservation and Planning.

TAN 12:Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

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Application No. 13/0781/OUT Continued

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site lies within an area of high risk. A Coal Mining Risk Assessment was submitted and the Coal Authority considers that the site is or can be made safe for the proposed development; more detailed considerations may be required as part of a Building Regulations application.

### CONSULTATION

Senior Arboricultural Officer (Trees) - No comments received.

The Coal Authority - No objection.

Glam/Gwent Archaeological Trust - It is not likely that any significant archaeological features would be disturbed by the proposed development.

Transportation Engineering Manager - No objection subject to the widening of Halls Crossing Lane across the site frontage, and subject to adequate vision splays and parking provision.

Head Of Public Protection - A TAN 11 Noise Assessment is required due to the proximity of the A4048.

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

Dwr Cymru - Request conditions concerning the drainage of the development.

Countryside And Landscape Services - No objection subject to details being agreed at reserved matters stage as to external lighting, tree planting and bat roosts/bird nesting provision, and subject to a Section 106 Agreement to secure the woodland strip at the northern end of the site.

Principal Valuer - Council-owned land should be excluded from the development site.

Gwent Wildlife Trust - No comments received.

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Application No. 13/0781/OUT Continued

## ADVERTISEMENT

Extent of advertisement: The occupiers of 11 neighbouring dwellings were notified by letter and a site notice was displayed.

Response: Three letters.

Summary of observations:

- Substandard access serving the site.
- Inadequate off-street parking/turning facilities.
- Overlooking of properties on St. Davids Avenue below.
- Trees were removed from the site and have started to grow back.
- The site forms part of a wildlife corridor.

## SECTION 17 CRIME AND DISORDER ACT

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

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

## ANALYSIS

Policies: The site lies within the settlement boundary with existing residential development on the southern and western boundaries, and as such the residential development of the site is acceptable in principle and in compliance with the provisions of Policies SP5 (settlement boundaries) and CW15 (general locational constraints) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, subject to compliance with other policies and other material planning considerations.

An earlier (1984) application for the erection of two dwellings on the site was refused permission on the grounds of the inadequate nature of the access to the site; a subsequent appeal against this decision was dismissed. The access at that time comprised a private lane, part unsurfaced, adjoining the mineral railway. The Sirhowy Enterprise Way has since been constructed along the route of the mineral railway and in connection with these works the private lane was upgraded.

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## Application No. 13/0781/OUT Continued

Notwithstanding the improvements in width and surfacing an outline application for the erection of three dwellings on the site (13/0097/OUT) was refused permission in April 2013 on the grounds that the narrow access lane is unsuitable to serve further development, the access from Halls Crossing lacks adequate forward visibility (at a bend 50m to the south of the site), and there is a lack of adequate turning facilities along the access lane leading to the site. A further reason for refusal related to the inclusion of the site within the River Sirhowy Site of Importance for Nature Conservation (SINC) - the applicant had recently cleared the site of its tree cover and it was considered that the proposed development would result in a permanent loss of woodland habitat to the detriment of nature conservation.

The current application for a single dwelling on the site allows for a widening of the road across the site frontage, with adequate off-street parking and turning facilities. On this basis the Transportation Engineering Manager considers on balance that the proposal for a single dwelling would not be detrimental to highway safety subject to conditions to secure the highway improvement and off-street facilities, and the proposed development is thus considered to be in compliance with LDP Policy CW3 (design considerations - highways).

In terms of design, the details provided with the outline application indicate a large detached dwelling, two-storey to the road frontage (with an additional bedroom in the roof space) and three-storey to the rear, the basement to accommodate a pool room. While the massing of the dwelling is large in relation to neighbouring properties, and scale is stated not to be a reserved matter, it is possible that a dwelling of such dimensions could be designed so as not to be intrusive in the street scene. The submitted elevations do little to break up the massing of the main elevations; however, appearance is a reserved matter and matters of detailed design could be addressed at the reserved matters stage were outline permission to be granted. It is considered, therefore, that the proposal is not in principle contrary to the provisions of LDP Policy SP6 (place making) and local/national guidance with regard to design matters.

The proposed dwelling would have minimal impacts on the existing dwelling Ty Ffynnon fronting Halls Crossing to the south-east of the site. The rear of the dwelling would face the rear of terraced dwellings on St. Davids Avenue which are at a lower level. A section provided by the applicant suggests that the eaves of the proposed dwelling would be some 8m higher than the eaves of the dwellings on St. Davids Avenue, and the ridge some 9m higher. However, at the closest point the separation would be some 27m between habitable room windows and 10m between the rear of the dwelling and the closest rear garden boundary on St. Davids Avenue.

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Application No. 13/0781/OUT Continued

Further, the line of trees retained along the rear (western) boundary of the site, protected by a Tree Preservation Order made in 2013, would provide a level of screening, particularly in the summer months when garden areas would be more in use. On the basis of the separation distances it is considered that the proposed dwelling would not have a seriously detrimental impact on privacy of the dwellings to the rear of the site. It is considered, therefore, that the proposal is in compliance with the provisions of LDP Policy CW2 (amenity) with regard to the amenity of neighbouring properties.

The Head of Public Protection has requested that a noise assessment be submitted in respect of the siting of the dwelling in proximity to the Sirhowy Enterprise Way, in accordance with Technical Advice Note 11: Noise, before observations can be given as to the suitability of the site for residential development. While an acoustic fence has been erected along the boundary with the Sirhowy Enterprise Way to provide some protection for the properties on Halls Crossing, it would appear that the existing properties received some compensation for loss of amenity and the fence would in any event protect ground floor level only. The applicant has indicated that he is not willing to commission a TAN 11 Assessment at outline stage, and it is considered on this basis that it cannot be demonstrated that the proposed development is in compliance with the provisions of LDP Policy CW2 (amenity) in terms of the impact of neighbouring uses on the proposed development. It is considered that permission should be refused for lack of the TAN 11 Assessment.

The site forms part of the River Sirhowy Site of Importance for Nature Conservation (SINC), included as a secondary feature of "adjacent semi-natural ... woodland habitats as part of the wider river corridor." At the time of designation the site was wooded, together with adjoining land to the north, but within the last two years the site has been cleared of trees with the exception of a line of trees along the rear (south-western) boundary of the site (now protected by a Tree Preservation Order). Despite the ecological value of the woodland as recognised by the SINC designation, the trees had no statutory protection.

The Council's Countryside and Landscape Section (Ecologists) objected to the previous proposal for the residential development of the whole site on the grounds that the loss of tree cover had not only resulted in the loss of broadleaved woodland but also a critical connecting habitat for brown long-eared bats, recognised for their importance by inclusion within the River Sirhowy SINC. The application site and a small area of adjoining woodland to the north links with the Blackwood Riverside Woodlands SINC on the opposite side of the Sirhowy Enterprise Way.

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## Application No. 13/0781/OUT Continued

The current proposal incorporates an 8m-wide strip for tree planting at the northern end of the site, and some tree planting on the site frontage. The Council's Ecologist has commented that while these proposals would not replace the loss of all the trees, the landowner cannot be required to reinstate the felled trees if planning permission were to be refused. The proposal could thus improve the functionality of the woodland corridor for bats, with the potential to support dormice also. It is suggested that the long-term retention of the proposed woodland should be secured by a Section 106 Agreement. Subject to such an agreement and details of the tree planting, external lighting and bat roost/bird nesting provision within the proposed dwelling being agreed at reserved matters stage, the Ecologist considers the conservation interests of the SINC can be secured. On this basis it is considered that the proposed development would not be contrary to the provisions of LDP Policies SP10 (conservation of natural heritage) and CW4 (natural heritage protection).

In the event of there being no overriding objections to the proposal, a tree survey would be required prior to determination of the application to assess the impact of the development on the protected trees along the rear boundary of the site, to ensure compliance with LDP Policy CW6 (trees, woodland and hedgerow protection).

It is recommended that permission be refused on the grounds of the lack of a TAN 11 Noise Assessment.

Comments from Consultees: A number of comments of statutory consultees have been addressed in the analysis above. The comments of other consultees could be dealt with by conditions in the event of permission being granted.

Comments from public: The various grounds of objection have been addressed in the analysis above.

Other material considerations: None.

**RECOMMENDATION that Permission be REFUSED**

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

- 01) The application has not been accompanied by a Noise Assessment in accordance with the provisions of Technical Advice Note (Wales) 11: Noise, and the amenities of the proposed development cannot, therefore, be assessed in terms of compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

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Application No. 13/0781/OUT Continued

Advisory Note(s)

The applicant is advised that if the Council had been minded to grant permission, a Tree Survey in relation to the protected trees on the western boundary of the site would have been required prior to determination of the application. It is also likely that the long-term retention of the tree planting identified on the submitted block layout would have been secured by means of an Agreement under Section 106 of the Town and Country Planning Act 1990.

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0055/NCC 06.02.2014	McDonald's Restaurants Ltd C/o Savills Miss M Scott 33 Margaret Street London W1G 0JD	Remove Condition 07 of planning permission 11/0934/FULL to allow the restaurant to operate 24 hours daily McDonald's Restaurants Ltd Unit 2 Newbridge Gateway Bridge Street Newbridge Newport NP11 5GH

**APPLICATION TYPE:** Development without complying with conds

#### SITE AND DEVELOPMENT

Location: Adjoining the north-western side of the roundabout junction of the A472 Newbridge By-pass with the A467.

Site description: The site comprises the part of the 'Newbridge Gateway' site fronting Bridge Street, comprising a freestanding McDonalds restaurant with drive-through facility. The western part of the Gateway site, adjoining the Ebbw River, is occupied by a block of offices and a public house. To the north of the site is the Newbridge Rugby Club ground, to the south (on the opposite side of the A472) are playing fields, and to the east (separated by Bridge Street and the route of a former canal) is the rear of dwellings fronting Pant Road.

Development: Removal of Condition 07 attached to Permission Ref. 11/0934/FULL to allow 24-hour opening.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking: Not applicable.

#### PLANNING HISTORY

P/96/0487 - Erect 30,000 sq. ft. office development - Granted 03.10.96.

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Application No. 14/0055/NCC Continued

P/04/0570 - Erect three-storey office building and fast food restaurant, public house and restaurant with associated parking - Granted 09.12.04.

P/05/0001 - Erect various Brewers Fayre signs and advertisements - Granted 03.03.05.

11/0934/FULL - Erect freestanding restaurant with associated drive thru, car parking and landscaping - Granted 08.06.12.

11/0935/ADV - Install one height restrictor, seven freestanding signs, two banners and nine dot signs - Granted 26.06.12.

11/0936/ADV - Erect 7 No. fascia signs - Granted 25.06.12.

11/0937/ADV - Install freestanding pole sign - Granted 10.07.12.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary and the Newbridge Gateway commercial development site.

Policies: CW2 (Amenity).

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? Not applicable.

## CONSULTATION

Head Of Public Protection - Recommends temporary permission to allow any noise complaints to be monitored.

Transportation Engineering Manager - No objection.

Cont....

Application No. 14/0055/NCC Continued

Dwr Cymru - No comment.

Police Architectural Liaison Officer - No objection.

## ADVERTISEMENT

Extent of advertisement: The occupiers of 17 neighbouring properties were notified by letter and a site notice was displayed.

Response: One letter.

Summary of observations: The restaurant currently causes noise problems after 11.00 p.m. with revving engines, car horns, etc. 24-hour opening would considerably increase the problem of disturbance.

## SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? 24-hour opening has the potential to cause night-time disturbance to local residents. The Local Planning Authority has to consider the likelihood of such disturbance in the light of complaints data held by Public Protection, and take heed of the recommendation of Public Protection on the application to vary the condition.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

## ANALYSIS

Policies: The site forms part of the larger Newbridge Gateway site in respect of which permission was granted in 2004 for the erection of a three-storey office building, a fast food restaurant and a public house/restaurant (P/04/0570). The office building and public house restaurant were constructed in accordance with this approved scheme but a subsequent application was received for a McDonalds fast food restaurant - permission was granted in June 2012 (11/0934/FULL).

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Application no. 14/0055/NCC Continued

This permission was subject to a condition (among others) restricting the opening times of the restaurant to 0600 hours to midnight Mondays to Saturdays and 0800 hours to 2300 hours on Sundays and Bank Holidays. The relevant part of the officer's report on Application No. 11/0934/FULL is reproduced below by way of the background reasoning for the condition:-

"The proposed restaurant would be some 50m from the rear of dwellings fronting Pant Road, separated from the site by Bridge Street and the route of the former canal. The operation of the restaurant and drive-thru facility has the potential to cause late-night disturbance to these residents, and it is recommended that a condition be attached to any permission limiting the hours of opening to those generally considered appropriate for areas where there are few residential properties, taking into account the existing disturbance already caused to the residents by road traffic, i.e. until midnight Mondays to Saturdays and 11.00 p.m. on Sundays and Bank Holidays. Subject to such a condition it is considered that the development would be in compliance with LDP Policy CW2 (Amenity). It should be noted that the previous permission did not contain a condition relating to hours of opening and that the applicant considers that such a condition with respect to the current application would thus not be appropriate. However, on balance it is considered reasonable to address the issue of potential noise nuisance in this application."

The current application seeks to remove that condition to allow 24-hour operation daily. The applicant argues that the facility adjoins a roundabout on a busy main road network and that the noise levels experienced by nearby dwellings would be above average by virtue of the levels of traffic on this network, and that the extension of opening hours would thus result in minimal noise disturbance for local residents.

The Head of Public Protection advises that no complaints concerning noise have been received in respect of the premises, and offers no objection to the removal of the condition while suggesting that a temporary permission initially would afford them the opportunity to monitor any noise complaints that may arise. In the light of these comments it is considered that a temporary permission for one year would be appropriate, and subject to such a condition it is considered that the proposed removal of condition would be in compliance with the provisions of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 with regard to the amenity of adjacent properties.

Cont....

Application No. 14/0055/NCC Continued

It is, therefore, recommended that permission be granted subject to a condition limiting the permission to one year, and subject to other relevant conditions attached to Permission Ref. 11/0934/FULL, amended as appropriate.

Comments from Consultees: Head of Public Protection - comments addressed in the analysis above.

Comments from public: The grounds of objection have been considered in the analysis above.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Permission is granted for a period of one calendar year from the date of the permission, at the expiry of which the opening hours shall revert to those specified in Condition 07 of Planning Permission 11/0934/FULL, unless a further permission for the removal or variation of the condition is granted on application to the Local Planning Authority.  
REASON: To enable the Local Planning Authority to consider the impact of extended opening hours on the amenities of nearby residents.
- 02) The parking spaces provided in accordance with Condition 04 of Planning Permission 11/0934/FULL shall be maintained free of obstruction for the parking of motor vehicles only.  
REASON: In the interests of highway safety.
- 03) No external site lighting shall be installed other than in accordance with the scheme approved under Condition 08 of Planning Permission 11/0934/FULL, unless a further permission is granted for additional or amended lighting on application to the Local Planning Authority.  
REASON: In the interests of residential amenity.
- 04) Measures for odour/effluvia/fume control shall be operated in accordance with the scheme approved under Condition 10 of Planning Permission 11/0934/FULL.  
REASON: In the interests of the amenity of the area.

Cont....

Application No. 14/0055/NCC Continued

- 05) Measures for replacement of any failed planting in the approved landscaping scheme shall be carried out in accordance with the requirements of Condition 11 of Planning Permission 11/0934/FULL.  
REASON: In the interests of the visual amenity of the area.
- 06) Details of any external and roof mounted plant/machinery associated with the development shall be submitted to and agreed in writing with the Local Planning Authority prior to its installation. 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. Such plant/machinery shall thereafter be installed and operated in accordance with the approved details.  
REASON: In the interests of neighbouring occupiers.

Advisory Note(s)

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

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## **PREFACE ITEM**

APPLICATION NO. 13/0703/FULL

APPLICANT(S) NAME: Mr C Williams

PROPOSAL: Change use from mixed use (retail and nightclub) to public house and nightclub

LOCATION: 3 Pentrebane Street Caerphilly CF83 1FR

This application was originally reported to the Planning Committee on 12 February 2014, and was deferred to enable a further report to be prepared to provide additional information in respect of noise and disturbance.

Members had requested additional information about proximity of the site to the nearest residential properties. The nearest residential unit (a first floor flat above a commercial property in Clive Street) is immediately to the rear of the site, and has rear windows that overlook the ground floor public house 'beer garden/smoking area,' and this is indicated in the officer's report (attached here as an Appendix).

In respect of proximity/distances between houses in Bradford Street and the side elevation of the application building (3 Pentrebane Street), the report indicated a distance of 'approximately 30m.' Members have requested additional information stipulating precise distances. The following measurements are taken from a 1:500 scale plan, and relate to the distance from the west elevation of the building to those indicated:-

To the rear lane boundary of the rear gardens in Bradford Street - 27.7m (90 feet).

To the nearest rear extension of a house in Bradford Street – 35m (114 feet).

To the rear elevation of the main terrace in Bradford Street – 42m (137).

In addition, Members requested that further discussions with Gwent Police should take place, in an endeavour to discover why their objection to the scheme as previously submitted was replaced with a comment of 'no objection' in relation to the current application. Gwent Police are prepared to provide additional data in respect of crime and anti-social behaviour within the vicinity, during the period between the two applications, and this information should be available to be verbally reported to the Planning Committee.

Conditions 06 and 12 indicated in the recommendation, require noise schemes to be submitted prior to commencement of development and first use of the night club respectively. The applicant has been asked to provide a



noise scheme (to include details of insulation and data in respect of expected noise level reductions) prior to Planning Committee, in order that the Environmental Health Officer can carry out an assessment of the data, and advise Members accordingly as to the acceptability of the scheme. This information should be available to be verbally reported to Members at Planning Committee.

A copy of the original report is attached as an Appendix. The application had been recommended for approval on the basis that the proposal is in compliance with Council policy and design guidance.

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0703/FULL 07.11.2013	Mr C Williams C/o Geraint John Planning Limited Mrs A Roberts Sophia House 28 Cathedral Road Cardiff CF11 9LJ	Change use from mixed use (retail and nightclub) to public house and nightclub 3 Pentrebane Street Caerphilly CF83 1FR

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

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

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

Development: The proposal is to change the use from a mixed use (sui generis) as A1 retail on the ground floor and nightclub at first and second floors, to a mixed use as an A3 public house, and nightclub as defined by the Town and Country Planning (Use Classes) Order 1987. This application has been submitted following the refusal of the previous application (11/0581/COU) and the subsequent discussions with the applicant to amend the scheme.

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

Ancillary development, e.g. parking: None.

Cont....

Application 13/0703/FULL Continued

## PLANNING HISTORY

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

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

11/0581/COU - Change of use from mixed-use retail/nightclub to public house/nightclub (A1 to A3) - Refused 01.11.12.

## POLICY

### LOCAL DEVELOPMENT PLAN:

#### Site Allocation

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

#### Policies

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

### ENVIRONMENTAL IMPACT ASSESSMENT

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

### COAL MINING LEGACY

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

## CONSULTATION

Transportation Engineering Manager - no objection subject to a condition, and makes comments of which the applicant should be advised.

Cont....

Application 13/0703/FULL Continued

Head Of Public Protection - has no objections subject to conditions concerning drainage, waste, noise, illumination and hours of operation.

Caerphilly Town Council - raise objection as the change of use will have an adverse effect on residents in the vicinity of the nightclub.

Chief Fire Officer - No objection, but makes comments of which the applicant should be advised.

Police Architectural Liaison Officer - No objections.

## ADVERTISEMENT

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

Response: Eight letters or emails of objection from nearby residential neighbours, along with a 150-signature petition objecting to the proposals, have been received. One letter of support has been received from a resident of Caerphilly.

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

1. Detriment to residential amenity due to: a) the Sunday opening; b) the premises staying open until 3.30am; and, noise so close to residential properties;
2. detriment to highway safety due to on-street parking; and
3. too many public houses in Caerphilly Town Centre, and the proposal would have a detrimental effect upon existing businesses.

## SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonable can to prevent crime and disorder in its area? Although Gwent Police raised objection to the previous application, their comments in respect of the current application are: that it is reported that since that time the situation has changed resulting in a reduction of such behaviour (crime and disorder).

Cont....

## Application 13/0703/FULL Continued

It is believed that this reduction is attributed to a number of factors that include:

- a. The management of the premises engaged with the police in an "action plan";
- b. the introduction of "Town Safe"; and
- c. the fact that the premises are now open on an infrequent basis.

As a result the local police will not be objecting to this planning application, the situation will be monitored and should there be any increase in crime and disorder attributed to these premises these matters would be addressed through powers found within the Licensing Act.

### EU HABITATS DIRECTIVE

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

## ANALYSIS

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

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

With regard to criterion A, this is a town centre site, but it is at the edge of the commercial area. There are residential properties immediately to the rear of the application site, and others within relatively short distances to the west (approximately 30 metres). Anecdotally, it appears the nightclub has not been open for business for several months, one of the consequences of which is that there have been no complaints either to the Police or to the Council's Environmental Health Division in respect of noise or disturbance from the nightclub or the immediate vicinity, in particular the noise levels from loud music, and the noise and behaviour of clientele leaving the premises.

Cont....

## Application 13/0703/FULL Continued

It is therefore difficult to draw accurate conclusions about the impact of a nightclub use continuing to operate or for that matter a new public house opening in this street. However, the Police have commented that the owners/management of the nightclub operation have agreed to adhere to an action plan, and a new initiative that is intended to resolve many of the problems associated with crime and disorder in the Town Centre.

As this application is for a change of use, criterion B is not significant in this case.

In respect of criterion C, firstly, the premises are located within the town centre, and the uses are appropriate to the nature of the commercial area of the surroundings. Whilst there were strong objections to the previous application on the grounds of anti-social behaviour, noise and disturbance, the current application addresses most, if not all, of those issues through the proposals to re-order the internal arrangements and replace the existing sub-standard roof. The existing corrugated steel constructed barrel shaped roof has had the effect of acting like an amplifier to the noise generated by the second floor nightclub. This has led to many of the complaints over a number of years. The current proposals would see the introduction of a public house on the ground floor, and the relocation of the nightclub from the second floor down to the first floor. Not only would the nightclub use be enclosed further into the building by being located on the first floor, the details of the application indicate the installation of a higher standard of noise insulation to serve the nightclub use, thus this should resolve the issue of loud music and noise 'leaking' out of the building.

The previous application included external smoking areas that would have inevitably led to noise and disturbance in the area. The current application indicates a smoking area on the ground floor, at the rear of the building, which would be accessible only from the pub element of the development. In order to provide a separate smoking facility for clientele of the nightclub, the details include a smoking area at second floor level. Whilst such an open area at second floor level has the potential for noise and disturbance, it is intended to put in place a number of factors to adequately control the facility. The Head of Public Protection requires a limit upon hours of use of the smoking area, and whilst this would be difficult for Council staff to realistically monitor, it should be feasible, through the employment of a CCTV facility at the expense of the applicant, to ensure no breaches occur. This would not only have the desired effect in respect of monitoring hours of use, but also provide evidence in the event that noise or disturbance has occurred.

Thus, criterion C is satisfied. Criterion D is not applicable.

Cont....

Application 13/0703/FULL Continued

Comments from Consultees: There are no objections from technical consultees and their views can be accommodated by condition. The concerns of the Town Council are considered above and below.

Comments from public: The comments of the residents, and the 150 signature petition, reflect the strength of feeling locally in respect of how the premises have been allowed to operate in the past. This application enables the Local Planning Authority to set in place a number of factors to maintain greater control of the use of the premises.

In respect of the specific objections, the detriment to residential amenity should be substantially reduced through the introduction of improved insulation to reduce noise.

The introduction of an action plan in association with Gwent Police should mean the management have a more proactive role in the behaviour of their clientele arriving at or leaving the premises. The on street parking near the premises should remain unaltered, and is a matter for the Police to control.

The opinion that there are too many public houses in the Caerphilly Town Centre, and the consequent impact upon existing businesses, is not considered to be a valid planning objection. It is considered that an additional public house would merely provide more choice for the consumer, and would not unduly alter the character of the town centre.

Other material considerations: None.

**RECOMMENDATION that Permission be GRANTED**

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
  
- 02) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: 2214.01a; 2214.11.a; 2214.10.a; 2214.20.a received on the 30th October 2013, and the plans and documents submitted on the 30 September 2013. (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.

Cont....

Application 13/0703/FULL Continued

- 03) A grease trap, details of which shall be agreed with the Local Planning Authority prior to installation, shall be installed in the foul drainage system prior to the commencement of the use hereby approved.  
REASON: To prevent pollution.
- 04) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.  
REASON: In the interests of the amenity of the area.
- 05) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.  
REASON: In the interest of public health.
- 06) No part of the buildings shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for the control of noise emanating from the building(s) and associated plant and equipment. The measures included in the approved scheme shall be implemented prior to the first occupation of the building that they relate to and thereafter the measures shall be operated in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of the amenities of the area.
- 07) Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.  
REASON: In the interests of residential amenity.
- 08) The public house hereby permitted shall not be open to customers outside the following times: (a) 09.00 hours to midnight on Sunday to Thursday, and (b) 09.00 hours to 01.00 hours on Friday and Saturday.  
REASON: In the interests of residential amenity.

Cont....



Application 13/0703/FULL Continued

- 09) The nightclub hereby permitted shall not be open to customers at any time from Monday to Thursday inclusive, and not outside the following times: (a) 20.00 hours to 03.30 on Friday and Saturday, and (b) 20.00 hours to 01.00 hours on Sunday, and 02.30 hours on a Sunday preceding a Bank Holiday.  
REASON: In the interests of residential amenity.
- 10) No use of the beer garden of the public house shall take place outside the hours of 09.00 to 22.30.  
REASON: In the interests of residential amenity.
- 11) No use of the second floor external smoking shelter shall take place outside the hours of 20.00 to 01.00.  
REASON: In the interests of residential amenity.
- 12) Prior to the commencement of the nightclub use a noise management scheme for the second floor smoking shelter shall be submitted to and agreed in writing with the Local Planning Authority. Unless otherwise agreed with the Local Planning Authority the scheme shall include:
- The use of CCTV to monitor activity within this area,
  - the proposed number of people allowed to use this area at any one time and how that would be managed by staff,
  - prohibition of drinks being taken into this area.
- The agreed scheme shall be complied with at all times.  
REASON: In the interests of residential amenity.

Advisory Note(s)

Please find attached the comments of Chief Fire Officer 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.

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**DEFERRED FOR A SITE VISIT**



## PLANNING COMMITTEE – 12TH FEBRUARY 2014

**SUBJECT: SITE VISIT - CODE NO. 13/0703/FULL - CHANGE USE FROM MIXED USE (RETAIL AND NIGHTCLUB) TO PUBLIC HOUSE AND NIGHTCLUB, 3 PENTREBANE STREET, CAERPHILLY, CF83 1FR**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

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PRESENT:

Councillor D.G. Carter – Chairman

Councillors H. Davies, Mrs J. Gale, N. George, J. E. Fussell, C. Elsbury, S. Kent and Mrs J. Summers.

1. Apologies for absence were received from Councillors Mrs E.M. Aldworth, J. Bevan, W. David and A.G. Higgs.
2. The Planning Committee deferred consideration of this application on 15th January 2014 for a site visit. Members and Officers met on site on Monday 27th January 2014.
3. Details of the application to change the use from a mixed use, retail and nightclub, to public house and nightclub, 3 Pentrebane Street, Caerphilly, CF83 1FR were noted.
4. Those present viewed the interior and exterior of the site and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that the premises is currently occupied by an existing A1 retail use on the ground and first floors (storage in connection with retail use) and a nightclub on the second floor. The revised layout of the development was noted and the proposed position and access for the different elements including toilets and smoking areas was confirmed. It was noted that the smoking shelter for the club element would be located on the second floor facing onto Pentrebane Street. The Officer confirmed that there would be no entertainment provided at this level with the smoking shelter (open-air) occupying approximately a third of the present floor space with toilets and storage occupying the remaining space. The use of the smoking shelters would be limited by condition and monitored through the applicants' use of CCTV.

6. Members raised concerns with regard to noise generation, particularly when customers accessed the smoking shelters. Officers confirmed that improved acoustic insulation and the redesign of developments' roof space would mitigate most of the noise emanating from the pub and club. In terms of the smoking shelters Members were advised that an acoustic management scheme would need to be agreed by this authority prior to the commencement of any nightclub use. Officers advised that these schemes had been used successfully by other establishments and that failure to do so could result in a review of the premises licence. Officers also reminded Members that the proposed development already had an existing nightclub use.

A Member queried if an e-cigarette only policy within the club might offer an alternative option to providing a separate outdoor smoking shelter. Officers confirmed that this option would require further investigation and advised that e-cigarettes may shortly be subject to new regulation. The enforceability of a condition on e-cigarette only use would also be an issue.

7. Concerns were also raised in relation to the proposed opening times, specifically Sunday night into Monday morning and Officers confirmed that the wording of Condition (09) would be revised in order to clarify the permitted hours of operation.
8. A Member raised concerns with regard to highway safety, he felt that as a one way Pentrebane Street could easily be blocked by Taxis lining up to make late night pick ups and their only route out would take them past residential homes. The Member asked that consideration be given to closing the road on weekends between specific hours in order to mitigate the impact of this potential traffic congestion as well as its associated noise on residential amenity. Officers agreed to feedback the Member's comments to Highways colleagues and provide further information at the next Planning Committee meeting.
9. Officers confirmed that Caerphilly Town Council had raised an objection in that the change of use would have an adverse effect on residents in the vicinity of the nightclub, there were no other objections from statutory consultees. Following advertisement to 29 neighbouring properties and a site notice being posted, 8 letters and 150 signature petition in objection had been received as well as 1 letter in support of the application. Details of objections are within the Officer's report.
10. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
11. A copy of the report submitted to the Planning Committee on 15th January 2014 is attached. Members are now invited to determine the application.

Author:	E.Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	C. Grimes	Principal Planning Officer
	J. Rogers	Principal Solicitor
	L. Cooper	Engineer (Highway Development Control)
	C. Davies	Senior Environmental Health Officer

M. Godfrey      Senior Environmental Health Officer

Appendices:

Appendix 1    Report submitted to Planning Committee on 15th January 2014

**DEFERRED FOR FURTHER INFORMATION**

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0650/FULL 23.08.2011	Mr L Richards Suite A The Old Workhouse Cross Houses Shrewsbury Shropshire SY5 6JH	Erect new housing development comprising of 13 detached and 1 pair of semi-detached dwellings Land Adj To Former Waterloo Works Machen Caerphilly CF83 8NL

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The site is located to the north of the settlement of Waterloo, which lies between the villages of Bedwas and Machen, in the south-eastern area of the County Borough.

Site description: The land involved is currently part of a farm holding (i.e. Gelli-Wastad Farm), which is sited on the northern side of the River Rhydney approximately half a mile from the application site. The land concerned is of an irregular shape and is well wooded. To the west it is bounded by an existing car park that served the former Total Paint Works site, along with the public highway which connects Waterloo to the main A468 road located to the north. To the east the site abuts farmland of a similar condition. To the north it bounds a strip of farmland the other side of which is the River Rhydney, whilst to the south it borders onto a former railway line.

Development: The proposal is for 15 dwellings. Of these 13 are detached with the other 2 comprising a pair of semi-detached properties. All the dwellings are two-storey houses (albeit the larger dwellings have bedrooms in their roof space) which are made up as follows:-

- 8 are 3 bedroom properties.
- 4 are 4 bedroom properties.
- 3 are 6 bedroom properties.

Cont....

Application No. 11/0650/FULL Continued

Dimensions: The site has a gross area measuring 0.9 hectares. This was reduced from the original site area which identified approximately 1.1 hectares. This site area had mistakenly included land within the ownership of the former paint works. As such the development was reduced from 18 to 15 dwellings.

The detached properties range in gross floor area from 81 square metres to 297 square metres. With the semi-detached property having a gross floor area of approximately 116 square metres.

The heights of the properties, to their apexes, vary from 8 metres to 9.5 metres.

Materials: The walls are shown as a mixture of render and stone cladding, with the roofs being covered in reconstituted slate.

Ancillary development, e.g. parking: All the properties have on-site parking comprising garages and drives, which provide for a minimum of 3 spaces per dwelling, with the larger properties being served by 4 spaces.

## PLANNING HISTORY

08/1343/FULL - Erect new housing development - Refused 09.09.10.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located outside the settlement limits contained in the Caerphilly County Borough Local development Plan up to 2021 - Adopted November 2010.

It is shown as being located within a Site of Interest for Nature Conservation (i.e a SINC) and also is part of a Special Landscape Area (i.e. an SLA).

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

SP5 (Settlement Boundaries), CW15 (General Locational Constraints), CW4 (Natural Heritage Protection), NH3 (Sites of Importance for Nature Conservation), NH1 (Special landscape Areas), CW6 (Trees Woodland and Hedgerow Protection) and CW2 (Amenity).

NATIONAL POLICY Planning Policy Wales, TAN 15 (Development and Flood Risk) and TAN 10 (Tree Preservation Orders).

Cont....

Application No. 11/0650/FULL Continued

## ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes. The site area exceeded the 0.5 hectare threshold contained in the EIA Regulations.

Was an EIA required? No.

## COAL MINING LEGACY

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

## CONSULTATION

Glam/Gwent Archaeological Trust - raise no objection to the application.

Gwent Wildlife Trust - points to various policies in the Local Development Plan which need to be addressed as part of the determination of this application.

Natural Resources Wales - comment that the Flood Consequences Assessment submitted with the application is acceptable in satisfying the test relating to criterion (iv) of TAN 15, subject to the imposition of conditions attached to any permission granted. They further advise that it is for the Local Planning Authority to be satisfied that the remaining three tests identified in the TAN are also satisfied. This is discussed further in the Analysis section of this report.

Countryside And Landscape Services - are concerned at the loss of the majority of trees on the site which they consider make a valuable contribution to the area. The Arboricultural Officer comments more specifically on the validity of the Tree Preservation Order and the need for its retention in respect to a development which pays no regard to its setting (i.e. in an SLA and SINC).

CCBC - 21st Century Schools - comments that a contribution of £44,100 will be required towards education provision in the area if permission is granted.

Head Of Public Protection - raises no objection subject to the imposition of conditions relating to a range of issues, including dealing with on-site contamination, noise and dust mitigation measures and control over imported materials.

CCBC Housing Enabling Officer - raises the issue of on-site affordable housing. Confirmation is given that 40% of the development (i.e. 6 properties) will be required to comply with the Local Development Plan in this regard.

Cont....

Application No. 11/0650/FULL Continued

Senior Engineer (Land Drainage) - raises no objection subject to a condition requiring a comprehensive drainage scheme being submitted and approved prior to the commencing.

Outdoor Leisure Development Officer - raises no objection to the application.

Head Of Public Services - has made no comment on this application.

Transportation Engineering Manager - made a number of comments on the application which eventually resulted in the applicant acknowledging the Council's landownership interests. Notice was subsequently served on the Authority and the response, on highway safety matters, was thereafter received. This raised no objection subject to the imposition of a range of conditions relating to matters such as vision-splays, engineering details, on-site parking provision etc. The completion of a Section 106 Agreement to secure contributions towards improvements in the Strategic Highway Network is also required.

Dwr Cymru - have made no comment on this application.

Police Architectural Liaison Officer - offered no objection to the development, but made a range of comments on security matters, which they wished to be forwarded to the applicant should consent be forthcoming.

Wales & West Utilities - comment that they have no objection to this application, however it would be advisable to contact them prior to commencing work on site, if permission is granted.

Western Power Distribution - comment that they have apparatus within the vicinity of the site. The applicant should therefore contact them directly if consent is forthcoming.

Minerals Officer - comments that Policy CW22 of the Local Development Plan seeks to protect minerals that may be needed for the future. This proposal does not comply with that policy.

Bedwas, Trethomas & Machen Community Council - raises no objection.

## ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site and press notices. Neighbour consultation letters were also sent out to 10 properties in the area.

Cont....



Application No. 11/0650/FULL Continued

Response: A number of responses on the proposal have been received from the agent's acting on behalf of Total Limited, in respect to the re-development of the former Cray Valley Paint Works site, which mainly sits on the opposite side of Waterloo Road. The car park, which served that works, does however abut the application site to the south.

A number of the responses were received which sought clarification, particularly with regard to land ownership issues. These resulted in an amended scheme being submitted. In respect to this final scheme there was a detailed letter of objection submitted.

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

1. The site access could compromise the proposed access points into the Cray Valley site, as the proposed site access to this residential development is potentially opposite those that will serve the much larger Cray Valley development (i.e. 545 houses and a school) when it is formally approved.
2. The development could also compromise the access into the Cray Valley land last occupied as a car park, which abuts the proposal to the south.
3. An increase in traffic to the site could adversely impact on junctions in the area.
4. The site lies outside the settlement limits contained in the Local Development Plan and is contrary to policy.
5. It is in a C2 flood risk area.
6. It would be in a SINIC and on land designated as a Special Landscape Area in the Local Development Plan.

## 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 have a detrimental impact on crime and disorder in this area.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The application site and adjacent river were surveyed for Bats and Otters whilst the potential for Dormice was also assessed. The Council's Ecologist considered the information submitted in this regard and concluded that the three Habitat Regulations tests do not apply.

Cont....

## ANALYSIS

Policies: Policy SP5 and CW15 are linked in that the former identifies settlement boundaries, which is a key mechanism for achieving resource efficient settlements and to indicate where growth will be permitted whilst the latter contains more specific criteria relating to the siting of development in respect to those identified settlement boundaries.

Criterion C of Policy CW15 states as follows:-

"C. Outside settlement boundaries proposals will not be permitted unless the proposed development is either:

- i Associated with either agriculture, forestry or the winning and working of minerals or
- ii For the conversion, rehabilitation or replacement of rural buildings and dwellings, or
- iii For recreation, leisure and tourism proposals that are suitable in a countryside location or
- iv Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere or
- v Associated with the reclamation/treatment of derelict or contaminated land."

Clearly the proposal falls into none of the above categories and is therefore contrary to Policy CW15.

The applicant's agent has however sought to argue that as the current land supply for housing identified in the Local Development Plan is less than 5 years. Applications for such development should be given considerable weight if they are acceptable in all other respects and would contribute to the increase in the supply. They consider therefore that this imperative overrides the policy objection and justifies an extension of the settlement boundary to include the application site. This, they consider, will be reinforced if the numbers of the houses on the larger Local Development Plan identified site at the former Cray Valley Paint Works are reduced, as they feel they could well be.

This view is strongly opposed by your officers who whilst recognising that the land supply is less than 5 years, consider that the shortfall should be addressed by way of the Local Development Plan Review process, which will ensure that the sites released are the most sustainable, as opposed to the ad hoc approach pursued by this application.

Cont....

Furthermore the capacity of the Waterloo Works site and the delineation of the settlement boundary in the Waterloo area are two unrelated matters. Whilst the actual number of units on the Waterloo scheme will not be known until such time as a detailed application is submitted, if less than the 545 indicative dwellings identified in the Local Development Plan are developed, there is sufficient flexibility in the plan to accommodate this. Paragraph 3.202 of the Local Development Plan states, "The proposed number of units identified for each site is indicative and higher or lower densities may be acceptable where the proposed development addresses other policy considerations including design, sustainability and comprehensive development." Furthermore, Policy SP14 on Total Housing Requirements indicates that an over-allocation of 1,644 residential units (or 19% allowance) has been provided to allow for choice and flexibility, which can include sites being developed for fewer units than identified in the Local Development Plan. There is therefore no justification that the settlement boundary should be amended specifically to allow for compensatory housing to address a perceived shortfall on Waterloo Works.

The settlement boundary is a key mechanism for achieving resource efficient settlements and it is acknowledged that Waterloo has a role as a residential settlement. The Local Development Plan strategy for the Southern Connections Corridor, which includes Caerphilly Basin, seeks to consolidate development within existing settlement boundaries. The priority and emphasis in this area is on the redevelopment of existing sites and not on the release of any substantial new greenfield land. Furthermore, the strategy seeks to reduce the impact of development upon the countryside as in some areas, particularly the Caerphilly Basin, further growth outside settlement boundaries would result in the development of particularly sensitive areas such as Special Landscape Areas, SINC's and Visually Important Local Landscapes. Settlement boundaries in this area have been delineated in accordance with this strategy and the settlement boundary in Waterloo has been drawn to follow the boundary of existing development, including brownfield land.

As a greenfield site designated as a SINC and SLA, it is clear that the development of this site would not promote the full and effective use of urban land, nor would it prevent inappropriate development in the countryside.

As such the policy objection with regard to CW15 is considered to remain valid.

Cont....

Application No. 11/0650/FULL Continued

Policy CW4 relates to Natural Heritage Protection. Development within, or in close proximity to designations such as SLA's and SINC's, is only in compliance with CW4 if it is seen as conserving or, where appropriate, enhancing the characteristic features or ecological/geological importance of the designation, or if the need for such a development outweighs the ecological importance of the site and suitable mitigation measures can be undertaken.

It is considered that this proposal neither enhances nor conserves the characteristic features of either the ecological value of the SINC, or the landscape value of the SLA, and therefore it is contrary to Policy CW4.

This contention is supported by the views of the Council's Ecologist who states that:- "The planning application lies within the River Rhymney Site of Importance for Nature Conservation identified under Policy NH3.1 of the Local Development Plan. This site has been designated for its riverine habitat and the species associated with it and has also included adjacent semi-natural habitat that provides additional habitat for species associated with the river SINC. This includes the scrub habitats on the western side of the site, the alder woodland within the application site, and grassland, which formerly supported a mosaic of tall ruderal habitats and scrub, and now supports improved grassland."

In this regard she concludes that the part of the site occupied by the alder woodland offers a habitat that is rare in the U.K. and where present on a site should be retained and enhanced.

In response to this position the applicant offered the possibility of entering into a Section 106 Agreement to provide additional planting on land to the north-east of the site. To assess this offer properly the Council's Ecologist requested further details; however the applicant's agent responded by stating that this request was unreasonable as it would put the applicant to additional cost at a time when the Council has a negative view of the application. On this basis the Council's Ecologist retains the objection on the potential impact of the development on the SINC.

Policy CW6 relates to tree, woodland and hedgerow protection, Criterion C of which requires developments to have made all reasonable efforts to "retain protect and integrate trees..." within the development site. It is evident from the layout submitted that all the trees within this site are being removed. This is particularly relevant as the site forms part of a Tree Preservation Order (i.e. a TPO) covering a larger area.

Cont....

Application No. 11/0650/FULL Continued

The applicant has consistently questioned the validity of this Order and has maintained that it is fundamentally flawed. The applicant's agent has requested that a background statement to this effect be drawn to the Committee Member's attention. As such the statement submitted is attached as an Appendix to this report.

The Council's Arboricultural Officer has considered the information submitted with the proposal (including the statement referred to above) and concludes as follows:-

- 1) TPO 34 is valid, and was served and later confirmed in the proper way. The TPO was confirmed for appropriate and defensible reasons.
- 2) The applicant's agents have not persuaded him that the removal of protected trees is either appropriate or desirable at this location - a site designated locally as a SINC and as an SLA.
- 3) The proposed design layout too readily necessitates the removal of trees which make a significant contribution to the landscape for at least a considerable number of years.

He therefore recommends refusal of the application on its impact on the trees and woodland located on the site.

The application is therefore considered to be contrary to Policy CW6.

The final Local Development Plan policy of relevance is CW2(Amenity). The site layout, as amended, is functional and basic. It does however achieve a level of acceptability, albeit Plots 11 and 12 should be slightly repositioned to gain the 21 metre distance between them and Plots 6 and 7.

The house designs are reasonable with the majority of them being detached. The applicant's agent is no doubt aware however that the Authority would require 40% of these as "Affordable" should consent have been granted. In the circumstances these issues are secondary as the submission has more fundamental objections to its consideration.

With regard to National Policy Planning Policy Wales (Edition 6, February 2014) contains a chapter which addresses the Conservation and Improvement of the Natural Heritage and Coast. This chapter contains general guidance relating to "Trees and Woodlands." It concludes by stating that "Local Planning Authorities should, as appropriate, make full use of their powers to protect and plant trees to maintain and improve the appearance of the countryside and built up areas (Para. 5.2.10.)."

Cont....

Application No. 11/0650/FULL Continued

In this instance the site is part covered by a TPO is a SINC and forms part of an SLA. This demonstrates that the area concerned is one that should continue to be protected, particularly in respect to development that is contrary to Local and National Policy.

Turning to the matter of Flood Risk, it is acknowledged that the applicant has submitted a Flood Consequences Assessment in accordance with the tests contained in Section 6 of TAN 15. The then Environment Agency (the current Natural Resources Wales) found this assessment to be acceptable subject to the imposition of conditions. However it is also acknowledged that this submission only complies with test (iv), which relates to the potential consequences of a flood.

The TAN indicates that it is for the Local Planning Authority to identify how a proposed development meets tests (i), (ii) and (iii).

The wording of these tests is as follows:-

"Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- (i) Its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement 1; or,
- (ii) Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- (iii) It concurs with the aims of Planning Policy Wales and meets the definition of previously developed land.

As the site is outside of a settlement boundary and will not therefore be necessary to sustain an existing settlement, it is not considered to comply with Criterion (i). Furthermore, it is not previously developed land so will not adhere to Criterion (iii).

On this basis it is considered that the application does not adhere to TAN 15 and therefore the application is contrary to this element of National Planning Policy.

Cont....

Application No. 11/0650/FULL Continued

The role of the Local Planning Authority in assessing proposals has recently been reinforced by the Planning Division of Welsh Government, who when commenting on the consideration of the tests in Zone C state that the tests are a "matter for the Local Planning Authority to undertake, and these should be undertaken sequentially. Therefore the Local Planning Authority should be able to identify how a proposed development meets tests (i), (ii) and (iii) of Paragraph 6.2 prior to consulting National Resources Wales on any detailed Flood Consequence Assessment necessary.

In respect to policy issues it is considered that the application is contrary to Local Development Plan policies CW4, CW6, CW15. It is also contrary to National Planning Policy in the form of TAN 15 (Development and Flood Risk) and PPW 6 (Conserving and Improving Natural Heritage and the Coast).

#### Comments from Consultees:

It is evident that a number of consultees have raised objection to this application, (e.g. the Council's Ecologist, Countryside and Landscapes Services and Arboricultural Officer), whilst the comments of the Transportation Engineering Manager have resulted in the applicant acknowledging the ownership of the Council in respect to the access arrangements at the site.

The objections raised are such as to justify a recommendation for refusal of the application on policy grounds. The above section seeks to demonstrate how these objections are underpinned by policy reasons (particularly those relating to Policies CW4 and CW6 of the Local Development Plan).

With regard to the comments received from the Minerals Officer in respect to compliance with Policy CW22 it is considered that the likelihood of mineral extraction in this area is remote and consequently a refusal of consent on this basis, at this particular site, is not considered to be supportable.

#### Comments from public:

The response to the objections received are as follows:-

1. The development on the larger Cray Valley site to the west has not yet been approved and in any event it is an outline submission which reserves access for future approval. As such the refusal of this application on the basis of arrangements yet to be approved is considered to be unreasonable.

Cont....

Application No. 11/0650/FULL Continued

2. The same applies to the car park abutting the application site. That site has an existing access which accommodated the staff employed at the former paintworks site. Access to it was not an issue previously and should remain acceptable in any event.
3. The impact on existing junctions is a matter that the Transportation Engineering Manager has considered and has raised no objection to.
4. It is accepted that the application is outside settlement limits, and this is an issue that is found to be unacceptable in the consideration of this proposal.
5. The consideration of the flood risk at the site is again one that is found to be unacceptable at this site.
6. The impact of the development on the natural heritage of the site, which is an SLA, a SINC and is covered by a TPO is such as to warrant the raising of an objection.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

- 01) The proposal is contrary to the requirements of Section 6 of TAN 15: Development and Flood Risk, in that the site is outside of the settlement boundary, identified in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, and therefore will not be necessary to sustain an existing settlement. It therefore fails test (i) of the TAN. Also it is not previously developed land and therefore it cannot fulfil to the requirement of test (iii) of the TAN.
- 02) The proposal is contrary to policy CW15 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 as it involves development outside the identified settlement boundaries which is not in accordance with the exceptions contained in that policy.
- 03) The development is contrary to Policy CW4 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, as it will adversely affect locally designated natural features including the Special Landscape Area, and a Site of Interest for Nature Conservation which cover the site.
- 04) The development is contrary to the requirements of Policy CW6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 in that the form of the proposed development will result in the loss of the trees within the site area, all of which are covered by a Tree Preservation Order (No. 34). Cont....



Application No. 11/0650/FULL Continued

- 05) The development is contrary to the guidance given in Planning Policy Wales (Edition 6 - February 2014), as it relates to the Conservation and Improvement of Natural Heritage. This development will adversely impact on this area of naturally wooded countryside and directly affect the Tree Preservation Order which protects those trees currently on the site.
-



## 6.0 Arboriculture of the site

6.1 The arboriculture of the site can be split into a number of distinct area categories:

- A small embankment verge adjacent to the existing Adopted Highway which is in the ownership of the Local Highway Authority. A triangular parcel of land adjacent to the river bridge abutment which is also in the ownership of the Local Highway Authority. This area has been landscaped with tree planting contrary to the Easement in favour of Welsh Water in respect to the Trunk Sewers and the Flood Defence Regulations 2002 under the Land Drainage Act 1991 in respect to the main water course of the Rhymney River. These trees are semi-mature and are un-affected by the proposed development. This site also contains the Environment Agency's River Gauging Station.
- The hedgerow adjacent to the base of the embankment again these trees are semi-mature.
- Between the embankment and the Development Site is a small stand of young alders which is on land in the ownership Cray Valley
- An extension of the area of alders within the Development Site.
- Isolated young trees within the site.
- Trees within the hedgerows and on the banks of the watercourses which form the North, South and eastern boundaries of the site.

6.2 In 2006 the Council's Ecology Officer proposed that a TPO Number 34 be established for the site. A report was prepared by Sharp Edges Ltd (Appendix F) to contest the imposition of a TPO on the trees within the site. They found that the habitat of the site would not be suitable for Bats, Common Dormice or Otters nor were the trees within the site suitable for inclusion in a TPO. The Council's Officer's report (Appendix H) at that time stated that "Local Planning Authorities should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed" and "wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO." That said proceeded to justified the TPO solely on its merits as a potential wild life habitat and did not assess the quality of the trees under the British Standard W-TEMPO assessment method, contrary to the requirements of the Secretary of State. The Officer's appear not to have undertaken an appropriate field study of the site.



- 6.3 In respect to the TPO it was fundamentally flawed and had the Applicant been suitably advised at the time could have been legally challenged.
- 6.4 This said the TPO exists and must therefore be removed through the normal Planning Processes. Under the previous Planning Application the Council's Senior Landscape Officer (Trees) was consulted and his observations are given in his email dated 28<sup>th</sup> April 2010 (Appendix G), but this does not appear to take account of the report prepared by Bosky Trees Arboricultural Consultants dated 8<sup>th</sup> April 2010 (Appendix H), which was submitted under cover of letter dated 15<sup>th</sup> April 2010. Unlike Bosky Trees Arboricultural Consultants, the Officer's conclusions are not based upon an assessment undertaken in accordance with "Section 3.2 of Tree Preservation Orders: A Guide to Law and Good Practice" nor the British Standard 5837 W-TEMPO assessment method. The results of this assessment provide a combined score of only 11 categorising the TPO as "indefensible".
- 6.5 Under the Development Proposal there will be trees needing to be removed and several TPO trees retained. The trees to be removed are restricted to the area of young alders and the isolated trees within the site area, the mature trees are un-affected by the development. This fact was pointed out and emphasized by Councillor C. Hobbs at the Planning Committee's Site Visit. Councillor Hobbs also pointed out that in relation to context and visual perception the development would be completely surrounded on three sides by mature trees and on the fourth side (the river boundary) the only view would be from the applicant's own retained land on the opposite side of the river. The Applicant proposes the planting of new hedges along the boundary of the site, to preserve and create habitat for wildlife.
- 6.6 During the consultation period for the previous application it was proposed to plant trees beyond the site boundary on the Applicant's land outside the application area to offset any impact the development, though small, may have on native birds. Therefore the development would have minimal impact on bird in the area. Incongruously, this proposal was rejected by the Senior Landscape Officer (Trees).
- 7.0 Ecology**
- 7.1 During the LDP consultation the Ecology Officer determined to impose a SINC designation on the Proposed Development Site. A copy of the Officer's Report is contained at Appendix I. It is of note that this was published once Officers had become aware that this application was about to be submitted, and the extension of the two neighbouring SINC's only affects the Applicant's land to which this application pertains and not the adjacent field to the east which is in his neighbours ownership and which would almost certainly contain the same fauna and flora. It is noted that again NO ecological site study was carried out by the Council's Officers on the site rather than historic

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0854/LA 13.12.2013	Caerphilly County Borough Council Private Sector Housing Mr N Challenger Pontllanfraith House Blackwood Road Pontllanfraith Blackwood NP12 2YW	Convert existing children's home to 4 No. one-bedroom flats 22 - 24 Heol Aneurin Penyrheol Caerphilly CF83 2PB

**APPLICATION TYPE:** Local Authority Application

### SITE AND DEVELOPMENT

Location: On the south-eastern side of Heol Aneurin, Penyrheol, Caerphilly.

Site description: The host site consists of a former pair of semi-detached houses currently utilised as a single unit as a children's home. The former residential curtilage of both dwellings has been combined to form one curtilage for the property in its existing state with a parking forecourt to the front.

Development: Convert existing children's home to 4 No. one-bedroom flats.

Dimensions: Whilst the proposal includes the removal of the existing conservatory the external dimensions of the remainder of the property would remain unchanged.

Materials: External finishes of the proposal would be cream spar dash on insulated render walls, brown concrete roof tiles, white upvc windows and white I.G. doors.

Ancillary development, e.g. parking: None.

### PLANNING HISTORY

P/05/1299 - Erect extension to washing room, conservatory to rear elevation and block paviour to front - Granted 27.10.05.

Cont....

Application No. 13/0854/LA Continued

## POLICY

### LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

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

### NATIONAL POLICY:

Planning Policy Wales (2012).

Technical Advice Note 12: Design (2009).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Category 3 - No report required, standing advice to be forwarded to applicant.

## CONSULTATION

Penyrheol Trecenydd & Energlyn Community Council - has requested that the application be determined at Planning Committee as it is considered that the building should be restored to two-bedroom family homes as per the original use and not to one-bedroom flats.

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

Head Of Public Protection - Has no adverse comments to make with regard to the application.

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

Cont....

Application No. 13/0854/LA Continued

Principal Valuer - Has no comments to make with regard to the application.

## ADVERTISEMENT

Extent of advertisement: Twelve 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 an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

## ANALYSIS

Policies: The application seeks permission to change the use of the existing children's home to 4 one-bedroom flats. The main consideration of this application is the acceptability of the proposed use in association with any allocated land use at the site. Although the site is not specifically allocated for residential development in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, it is located within the defined settlement boundary, and therefore the presumption is in favour of development providing material planning considerations do not constrain such development.

In terms of the compatibility of the proposed residential use, it is considered that the development is located within a mainly residential area and there will be no adverse impact upon the amenity or privacy of the occupants of neighbouring properties and as such the development is in accordance with Criteria A of Policy SP6 (Place Making) and Policy CW2 (Amenity) of the LDP.

Cont....

Application No. 13/0854/LA Continued

In terms of design, Policy SP6, and guidance contained in TAN 12 is relevant. The proposal maintains a domestic frontage to the existing property with the introduction of pedestrian doors in the side elevations for access to the upstairs flats, which is considered acceptable in planning terms. Other changes to the development are minimal and include the removal of the existing conservatory and the rendering of the existing brickwork walls.

Policy CW3 considers highway considerations and in this respect there is adequate existing parking provision associated with the development. The Transport Engineering Manager has raised no objection to the development on the basis that the proposal is no more intensive in terms of traffic generation than the existing lawful use. Whilst a Section 106 Agreement would normally be required to secure the Standard Planning Obligation of £5,500 per additional property the Council is unable to enter in to a Legal Agreement with itself. As a result the Council's Private Sector Housing Section, acting as agent for the application, has confirmed that they are happy for the terms that would have been secured through a Section 106 Agreement to be written in to the terms of sale should the property be sold on.

Comments from consultees: Penyrheol Trecenydd & Energlyn Community Council has requested that the application be determined at Planning Committee as it is considered that the building should be restored to a two-bedroom family home as per the original use and not to one-bedroom flats. It should be noted that the principle of residential development at the site is acceptable when considering the residential character of the area. Furthermore the level of parking provision and amenity area at the site has also been assessed and found to be in accordance with planning policy. As such it is considered that the use of the property for four residential units is acceptable in this instance.

None of the other standard consultees raised matters which object to the application.

Comments from public: None.

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

**RECOMMENDATION that Permission be GRANTED**

Cont....

Application No. 13/0854/LA Continued

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The parking area indicated on the approved plan shall be retained for the parking of vehicles at all times.  
REASON: In the interests of highway safety.
- 03) Prior to the commencement of works on site a scheme of land drainage 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.

Advisory Note(s)

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

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

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0032/RET 14.01.2014	Miss R Jones 20 Ridgeway Machen Caerphilly CF83 8RB	Retain the partially converted garage to a utility/storage room 29 Long Heath Close Caerphilly CF83 3SD

**APPLICATION TYPE:** Retain Development Already Carried Out

### SITE AND DEVELOPMENT

Location: On the north-western side of Long Heath Close, Caerphilly.

House type: The host dwelling is a first floor flat over three domestic garages.

Development: Retain the partially converted garage to a utility/storage room.

Dimensions: External dimensions of the garage would remain unchanged.

Materials: External finishes of the proposal would remain unchanged.

Ancillary development, e.g. parking: None.

### PLANNING HISTORY

5/5/90/0623 - Construct driving range and golf course - Granted 03.10.90.

07/0447/FULL - Construct 116 dwellings and associated works - Granted 24.06.11.

## POLICY

### LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

### Policies:

CW2 (Amenity) and CW3 (Design Considerations - Highways).

Cont....

Application No. 14/0032/RET Continued

Guidance Note 7 of Supplementary Planning Guidance LDP7.

NATIONAL POLICY:

Planning Policy Wales (2012).

Technical Advice Note 12: Design (2009).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Category 3 -  
No report required, standing advice to be forwarded to applicant.

**CONSULTATION**

None.

**ADVERTISEMENT**

Extent of advertisement: Four 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? No European protected species implications and therefore no comments required from the Council's Ecologist.

Cont....

## ANALYSIS

Policies: The garage conversion is in proportion to the scale of the site and its design and materials are in keeping with the surroundings. Therefore when considering the context of the existing property and the resulting garage conversion it is considered that the proposal would be acceptable in this instance. It should also be noted that there would be no unacceptable impact on the amenity of the adjacent properties or land and the proposal would not result in the over-development of the site.

When considering the existing level of off-street parking provision the proposal would have no detrimental impact on the safe, effective and efficient use of the transportation network. As a one-bedroom dwelling the existing flat would generate a parking requirement of one off-street parking space. Should the conversion of the garage be considered the creation of a second bedroom this would generate a parking requirement of two off-street parking spaces. When considering the existing parking provision of three off-street parking spaces the loss of one space to the garage conversion would result in two off-street parking spaces remaining which would still meet the new parking requirement for a two-bedroom dwelling. As such the proposal would not have a detrimental impact on highway safety and would be compliant with the Council's policies relating to parking in this instance.

Therefore the proposal is compliant with policies in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, Supplementary Planning Guidance LDP7, Planning Policy Wales (2012) and TAN 12: Design.

Comments from consultees: None.

Comments from public: None.

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

RECOMMENDATION that Permission be GRANTED

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**APPLICATIONS DETERMINED BY DELEGATED POWERS**

<b>APP NO. DATE REC'D</b>	<b>NAME AND ADDRESS OF APPLICANT(S)</b>	<b>PROPOSAL &amp; LOCATION</b>	<b>DECISION</b>
13/0764/COU 21.10.2013	Mr G Lambert 3 Clos-Y-Cedr Pwllypant Caerphilly CF83 3RL	Change the use from a Public House with 3 bed landlord family accommodation above, to a single residential dwelling with 4 bed accommodation Tradesmans Arms 45 Chatham Machen Caerphilly	Granted 04.02.2014
13/0847/FULL 11.12.2013	Mr D Thomas 78 Brynmynach Avenue Tredomen Hengoed CF82 7BY	Erect a private motor vehicle garage 78 Brynmynach Avenue Tredomen Hengoed CF82 7BY	Granted 04.02.2014
13/0848/FULL 11.12.2013	Ms C Green 79 Brynmynach Avenue Tredomen Hengoed CF82 7BY	Erect a private motor vehicle garage 79 Brynmynach Avenue Tredomen Hengoed CF82 7BY	Granted 04.02.2014
13/0851/FULL 11.12.2013	Mrs S Price-Sage Rhyswg Fawr Farm Rhyswg Farm Lane Cwmcarn Newport NP11 7FB	Erect detached garage with store room or office above Rhyswg Fawr Farm Rhyswg Farm Lane Cwmcarn Newport	Granted 04.02.2014
13/0853/FULL 12.12.2013	Mr Fitzgerald 99 Claerwen Gelligaer Hengoed CF82 8EY	Erect Edwardian conservatory to rear 99 Claerwen Gelligaer Hengoed CF82 8EY	Granted 04.02.2014
13/0858/FULL 18.12.2013	Mrs G Iddon 12 Llys Nant Pandy Caerphilly CF83 3JB	Erect two-storey side extension providing utility and shower room on ground floor and bedroom on first floor 12 Llys Nant Pandy Caerphilly CF83 3JB	Granted 04.02.2014

13/0852/RET 12.12.2013	Blaenau Gwent CBC Mr J Leyshon Baldwin House Victoria Business Park Ebbw Vale Blaenau Gwent NP23 8ED	Retain the temporary track adjacent to Trinant Hall Viaduct as part of the ongoing refurbishment works to access the underside of the bridge and make the track a permanent feature to provide the necessary access for the future maintenance of the bridge Land Adjacent To Trinant Hall Viaduct Llanhilleth Abertillery	Granted 05.02.2014
13/0863/FULL 20.12.2013	Mr J Earley Redlands The Avenue Llanbradach Caerphilly CF83 3LL	Raise the height of two sections of boundary facing the highway Redlands The Avenue Llanbradach Caerphilly	Granted 10.02.2014
13/0871/RET 23.12.2013	Mr R Flowers 33 Garth View Bedwas Caerphilly CF83 8EW	Retain existing detached store/garden room 33 Garth View Bedwas Caerphilly CF83 8EW	Granted 10.02.2014
13/0835/FULL 28.11.2013	Rhymney Allotments Mr J Oakley 4 Beaufort Road Tredegar NP22 4NR	Renew pedestrian access pathways Allotment Upper High Street To Nant Melyn Rhymney	Granted 11.02.2014
13/0845/OUT 09.12.2013	Mr M Jenkins 3 Floral Avenue Fairview Blackwood NP12 3NY	Erect two dwellings with associated groundwork and access Land At 53 High Street Fleur-de-lis Blackwood	Granted 11.02.2014
11/0124/FULL 18.02.2011	Mr D Davies Ty Gwernon Sunny View Argoed Blackwood NP12 0AL	Create fishpond Land At Fair Oak Farm Woodland Terrace Argoed Blackwood	Granted 12.02.2014
13/0856/COU 17.12.2013	Mr & Mrs A Walters 84 Ty Isaf Park Avenue Risca NP11 6NJ	Change use of butchers shop and two-bedroom dwelling into 3 one-bedroom flats 3 Coronation Buildings Cwmfelinfach Newport NP11 7HP	Refused 12.02.2014

13/0859/TPO 19.12.2013	Mr N Smothers 19 Cwm Braenar Pontllanfraith Blackwood NP12 2DS	Remove dead branches and trim approximately 2.3m of branches close to the house (oak tree protected by Tree Preservation Order 6/92/IBC) 19 Cwm Braenar Pontllanfraith Blackwood NP12 2DS	Granted 13.02.2014
13/0861/FULL 19.12.2013	Mrs M Pearson 34 Church Road Risca Newport NP11 6FH	Convert former photographic studio to dwelling, incorporating partial demolition to provide parking spaces for existing and proposed dwelling Brewery Studios Ltd Church Road Risca Newport	Granted 13.02.2014
13/0876/RET 24.12.2013	Cuddles And Bubbles Dog Grooming Ltd Mrs H Hamer 2 Beech Drive Hengoed CF82 7JP	Retain the change of use from a hairdressers (A1) to a dog grooming salon (sui generis) 56 Brynavon Terrace Hengoed CF82 7LZ	Granted 13.02.2014
13/0864/FULL 20.12.2013	Mr & Mrs L Jones Wild Winds Twyn-gwyn Road Cwmfelinfach Newport NP11 7AW	Erect external balcony to rear of dwelling Wild Winds Twyn-gwyn Road Cwmfelinfach Newport	Granted 14.02.2014
13/0866/FULL 20.12.2013	Greggs Plc Mrs S Humphries B3 Mucklestone Business Centre Mucklestone Market Drayton Shropshire TF9 4DN	Install new aluminium shop front Unit 5 Lowry Plaza Hanbury Road Bargoed	Granted 14.02.2014
13/0867/ADV 20.12.2013	Greggs Plc Mrs S Humphries B3 Mucklestone Business Centre Mucklestone Market Drayton Shropshire TF9 4DN	Erect fascia sign and two internal window graphics on suspended Tagi system Unit 5 Lowry Plaza Hanbury Road Bargoed	Granted 14.02.2014

13/0393/FULL 28.05.2013	Price & Co Farming Ltd Mr A Price Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY	Erect nutrient storage lagoon to supply storage capacity for compliance with SSAFO Regulations Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed	Granted 20.02.2014
13/0857/NOTR 17.12.2013	Network Rail Mrs L Whitaker 3rd Floor Temple Point Redcliffe Way Bristol BS1 6NL	Carry out station improvements including new pedestrian footbridge and station building Ystrad Mynach Station Nelson Road Ystrad Mynach Hengoed	Notification Railway Granted 20.02.2014
12/0898/FULL 20.12.2012	United Welsh Housing Association Mr B James Y Borth 13 Beddau Way Caerphilly CF83 2AX	Erect residential development comprising 22 residential units (12 houses, 10 flats) Land At Tyn Y Wern Terrace Trethomas Caerphilly	Granted 24.02.2014
13/0795/NCC 07.11.2013	Mr M Pope 113 Brynhyfryd Pontlottyn Bargoed CF81 9QN	Vary conditions 3 and 4 of outline planning consent 08/1130/OUT to extend the period of time within which to submit reserved matters and commence development Land South Of Fochriw Road Pontlottyn Bargoed	Granted 24.02.2014
13/0878/FULL 02.01.2014	Mr & Mrs W Jenkins 8 St Maelog Close Blackwood NP12 2FD	Erect single-storey bedroom and shower room extension to rear of dwelling 8 St Maelog Close Blackwood NP12 2FD	Granted 24.02.2014
14/0003/FULL 03.01.2014	Mr G Watts 2 Cefn Dyffryn Ystrad Mynach Hengoed CF82 7GW	Erect first floor extension and ground floor extension 2 Cefn Dyffryn Ystrad Mynach Hengoed CF82 7GW	Granted 24.02.2014
14/0004/FULL 04.01.2014	Miss R Instone 23 Caradoc Street Cwmcarn Newport NP11 7EF	Erect single-storey utility room and w.c. extension 23 Caradoc Street Cwmcarn Newport NP11 7EF	Granted 24.02.2014

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

<b>APPLICATION NUMBER  DATE RECEIVED</b>	<b>DESCRIPTION &amp; LOCATION OF DEVELOPMENT</b>	<b>COMMENTS</b>
P/97/0981 31.10.97	<b>Undertake initial review of planning conditions under the Environment Act 1995 for resumption of quarrying at Blaengwynlais Quarry, Blaengwynlais, Nr Caerphilly.</b>	Considering revised conditions submitted by applicant.
P/02/0265 13.03.02	First periodic review of planning conditions (Environment Act 1995) at Cae Glas Small Mine, Fochriw.	Seeking clarification about the status of the application.
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.
11/0471/FULL 15.06.11	Construct garden shed/store and works to access path at 36 Garden Suburbs, Pontywaun, Newport, NP11 7GB.	
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.
11/0594/OUT 27.10.11	Erect residential development on Land Adj To Groeswen Farm, Groeswen Road, Groeswen, Cardiff.	Awaiting comments of consultees.
12/0157/FULL 29.02.12	Sub-divide property to make two semi-detached two bedroom bungalows at Nantygledyr, 231 Bedwas Road, Caerphilly.	Seeking agreement to Section 106 requirements.
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 additional information about ecological matters.



12/0394/FULL 22.05.12	Erect extension to form a children's playroom and bedroom at Rhoswen, Sunnybank Road, Blackwood.	Awaiting amended plans.
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 flood consequences assessment.
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.
12/0571/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.
12/0637/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.
12/0676/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.	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.

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.
13/0196/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.
13/0204/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 views of consultees and subject of further discussion.
13/0227/FULL 02.04.13	Construct dwelling at Plot Adjacent To Twyn House, Draethen, Newport.	Awaiting views of consultees about bat survey.
13/0228/CON 02.04.13	Demolish stone store at Plot Adjacent To Twyn House, Draethen, Newport.	Awaiting views of consultees about bat survey.
13/0300/COU 23.04.13	Change the use of the redundant Ebenezer Chapel to two residential dwellings at Ebenezer Chapel, Carno Street, Rhymney, Tredegar.	Information on details of conversion under consideration.
13/0351/FULL 09.05.13	Erect detached single-storey ancillary accommodation within rear curtilage of dwelling at 19 Springfield Road, Pontymister, Risca, Newport.	Considering flood issues.
13/0353/FULL 04.07.13	Erect a four bedroom detached house and a pair of three bedroom semi-detached houses at 17 Homeleigh, Newbridge, Newport.	Subject to discussion and consideration.
13/0479/FULL 26.06.13	Erect new house at Former Holly House Nursing Home, Victoria Road, Fleur-de-lis, Blackwood.	Awaiting views of consultees about amended plans.

13/0483/FULL 28.06.13	Install three wind turbines and construct associated infrastructure on land used for grazing, the maximum height to blade tip of each turbine will be 110m above existing ground level and infrastructure associated with the wind turbines including on-site access tracks, lay-bys and turning areas, with ditch culverts where required, permanent crane hardstanding areas and external switchgear buildings for each turbine, a substation, underground on-site electrical cabling and the creation of a temporary construction compound and laydown area at Pen Bryn Oer, Merthyr Road, Rhymney.	Subject to further discussion and consideration.
13/0487/FULL 28.06.13	Erect new dwelling for nursery manager associated with Pughs Garden Centre Nursery Gwaun Gledyr Uchaf Nursery Gypsy Lane, Groeswen, Cardiff.	Awaiting views of agricultural consultant.
13/0532/FULL 18.07.13	Restore the presently derelict cottages to include the construction of new 'catslide' rear bathroom/kitchen additions and also form new car parking arrangements and boundary treatments etc. at 1-4 Susannah Houses, Susannah Road, Rhymney, Tredegar.	Subject to further discussion and consideration.
13/0533/LBC 18.07.13	Restore the presently derelict cottages to include the construction of new 'catslide' rear bathroom/kitchen additions and also form new car parking at 1-4 Susannah Houses, Susannah Road, Rhymney, Tredegar.	Subject to further discussion and consideration.
13/0534/RET 19.07.13	Retain horse stable and tack room with bat mitigation provision, retain existing house and regularise garage and external works including main entrance and driveway lighting at The Meadows Gypsy Lane, Groeswen, Cardiff.	Subject to further discussion and consideration.
13/0542/FULL 17.07.13	Replace existing building with 2 no. detached houses at Carlton Heights Victoria Road, Maesycwmmmer, Hengoed.	Awaiting views of consultees about amended plans.
13/0548/CLEU 23.07.13	Obtain a Lawful Development Certificate for an existing use as a property for car/vehicle sales and display at Senator House, 6 Sir Alfred Owen Way, Pontygwindy Industrial Estate, Caerphilly.	Subject to discussion concerning additional information.

13/0612/FULL 14.08.13	Erect one detached dwelling at Land At Mill Court, Mill Road, Caerphilly.	Subject to further discussion and consideration.
13/0674/RET 19.06.13	Retain change of use from petrol filling station to hand car wash at Star Hand Car Wash, Nant Court, Glenview Terrace, Llanbradach.	Considering site uses at the site and their impact.
13/0702/RET 27.09.13	Retain the change of use from agricultural land to a farm based educational and activity centre, with the retention of the associated office, classroom, animal shelters and ancillary accommodation at Lylac Ridge, Dan Y Graig Stables, Dan Y Graig Road, Risca.	Awaiting information about parking and access.
13/0705/OUT 27.09.13	Erect residential development at Wimpole Gordon Road, Blackwood.	Awaiting tree survey.
13/0725/RET 07.10.13	Retain retaining wall at 97 Caerphilly Road, Senghenydd, Caerphilly.	Awaiting structural calculations.
13/0726/FULL 08.10.13	Erect two bay extension to existing storage building at Robert Price (Builders Merchants) Ltd, 145 Pontygwindy Road, Caerphilly.	Considering impact on neighbouring houses.
13/0756/FULL 17.10.13	Erect disabled bungalow and associated external works at Land Adjacent To 27 Oakfield Street, Llanbradach, Caerphilly.	Awaiting further amendments.
13/0759/FULL 18.10.13	Erect steel framed agricultural building at Derwen Fferm, Twyn Sych Farm Lane, Rudry.	Considering other work carried out at the site as well. Requested further information.
13/0782/NCC 29.10.13	Vary condition 7 of planning consent 08/0310/FULL (Convert Grade II listed roofless ruin into 2 two-bedroom cottages) to revise the caravan park access location at Beddau Farm, 2 St Cenydd Road, Trecenydd, Caerphilly.	Subject to discussions about access to neighbouring caravan site.
13/0793/OUT 06.11.13	Erect two detached dwellings at Land Adjacent To 23 Kingswood Close, Hengoed.	Subject to further discussion and consideration.
13/0797/FULL 07.11.13	Erect detached dwelling with off road parking and associated works at 9 Coed-Yr-Eos, Caerphilly.	Awaiting amended red line boundary.
13/0799/CLEU 08.11.13	Obtain a Lawful Development Certificate for the existing use of storing and servicing company vehicles, plant and mining machinery and as a heavy goods vehicle operating licensing centre at Caeglas Colliery, Fochriw Road, Fochriw, Bargoed.	Awaiting additional information.

13/0808/FULL 13.11.13	Erect 5 new build link houses with associated gardens, landscaping, access and car parking at Land At Cliff Road, Blackwood.	Subject to further discussion and consideration.
13/0809/CLEU 19.11.13	Obtain Lawful Development Certificate for the commencement of works to implement planning consent for 87 houses with associated garaging and car parking (reference 07/1524/FULL) at Former Suflex Estate, Newport Road, Pontymister, Risca.	Subject to further discussion and consideration.
13/0818/FULL 20.11.13	Remove existing extension and replace with new extension at 3 The Row, Draethen, Newport.	Awaiting consultation response from CADW.
13/0819/LBC 20.11.13	Remove existing extension and replace with new extension at 3 The Row, Draethen, Newport.	Awaiting consultation response from CADW.
13/0820/FULL 20.11.13	Erect a commercial stable block and tack room/food store on agricultural land including all engineering and associated works at Fferm Pont Carreg – Land at Rhyd Y Gwern Lane, Machen.	Awaiting comments from Consultees.
13/0824/FULL 25.11.13	Erect a single 500kW wind turbine, access track and associated transformer enclosure at Land At Pen-y-fan Industrial Estate, Pen-y-fan, Newport.	Awaiting additional information.
13/0830/FULL 26.11.13	Erect extension to existing garage at Highwinds, New Bryngwyn Road, Newbridge, Newport.	Awaiting resolution of land ownership issues.
13/0837/LA 29.11.13	Erect new two/three storey teaching block, bus turning area, parking and external works at Y Gwyndy - Ysgol Gyfun Cwm Rhymni, Pontygwindy Road, Caerphilly.	Awaiting air quality information and noise survey.

**APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT**

<b>APPLICATION NUMBER &amp; DATE RECEIVED</b>	<b>DESCRIPTION &amp; LOCATION OF DEVELOPMENT</b>	<b>COMMENTS</b>
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.	File closed due to lack of progress will be reported back the Planning Committee.
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.
08/0752/OUT 24.06.08	Erect residential and commercial development on Land At Hawtin Park, Gelli-Haf, Pontllanfraith, Blackwood.	Comments from Developer on draft verbally received.
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. No progress so put as dormant.
09/0614/OUT 03.07.09	Erect residential development on Land To Rear Of Ty Fry Road, Aberbargoed, Bargoed.	File placed as dormant due to lack of progress. Considering report back to Planning Committee
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. Solicitors applied for registration of the title with Land Registry. An update has been sought.

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.	Moving forward with 106 as we need to keep separate from covenant issue. Asked Solicitors for comments on draft.
11/0779/FULL 12.10.11	Erect single dwelling house on Land Within The Curtilage Of 59 The Bryn, Trethomas, Caerphilly.	Awaiting reply from Developer's Solicitors on a number of issues. Still working through the title problems.
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.	Engrossments sent for signature.
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 at Land At Gellideg Industrial Estate, Gellideg Lane, Maesycwmmmer, Hengoed.	Subject to discussions between Planning Officer and Applicants about terms of agreement. Negotiations still ongoing.
12/0296/NCC 17.04.12	Erect a pair of semi-detached houses at Land Adjacent To Old Station House, Old Station Yard, Bedwas, Caerphilly.	Draft agreements sent out at the end of October 2013 but no response. Reminder sent. Sent further copy at Solicitors request. An update has been sought.
12/0441/FULL 14.06.12	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 No reply and unable to make progress. Planning Officers will discuss with applicant.
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.	Correspondence returned by Royal Mail. Asked Planning if they know what has happened. No further progress. Closed as cant get any correspondence to applicant. Planning Officers to consider reporting back to Planning Committee.
12/0518/FULL 09.07.12	Erect dormer bungalow based on previously lapsed outline permission (P/04/1637) at Barry Bungalow Brynhyfryd, Energlyn, Caerphilly.	Sent drafts and queried title. Still Waiting to hear from Solicitors.

12/0531/OUT 07.08.12	Erect mixed residential development comprising of fifteen new build dwellings at Land At Station Approach, Risca, Newport.	Sent Agent letter and asked Officers for comments. An update has been sought.
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.	Received Solicitors details and preparing draft agreement.
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.	Received a request from Planning to take no further action for the present.
13/0253/FULL 16.04.13	Construct a second rural enterprise dwelling at Ty Canol Farm, Hendredenny, Caerphilly.	Recent decision, work on preparation of Section 106 commencing.
13/0364/COU 16.05.13	Change use from church to residential dwelling at Saron Congregational Church, Pandy Road, Bedwas, Caerphilly.	Agreements agreed subject to title issues being resolved. Waiting to hear about that. An update has been sought.
13/0422/FULL 12.06.13	Change the use to provide 18 accommodation units for homeless people and associated office space and support facilities at Maes Y Dderwen, Heol Las, Nelson, Treharris CF46 6PW	UWHA acquiring title to the site so waiting to hear from them.
13/0456/FULL 20.06.13	Erect two flats at Land Adjoining 201 Bedwas Road, Caerphilly,	Sent documents to the Solicitors.
13/0506/OUT 05.07.13	Erect residential development at Former British Legion Club, Heol Uchaf, Rhymney.	Sent engrossments.
13/0511/OUT 08.07.13	Demolish Goodrich Hotel and erect residential development and associated works at Goodrich Hotel, Van Road, Caerphilly.	Sent drafts for comments. Waiting to receive comments. Chased agent for an update.
13/0545/COU 18.07.13	Convert public house and flat to retail ground floor and nine self contained flats in upper floors with two and single-storey rear extensions and external alterations at Panteg Hotel, The Square, Abertridwr, Caerphilly	Sent drafts to Solicitors..
13/0615/FULL 15.08.13	Erect detached dormer bungalow on Land Adjoining, 62 Pandy Road, Bedwas, Caerphilly.	Sent engrossments for signature.



13/0646/COU 03.09.13	Change use of ground floor from cafe/shop to apartment at 24 Church Street, Bedwas, Caerphilly.	Requested title details. Reminder sent. Chased Solicitors for an update.
13/0688/COU 24.09.13	Convert old stone barn/old coaching house into a four bedroom dwelling and integrated livery yard office at Cwm Farm, Caerphilly.	Agreement sent out.
13/0722/COU 08.10.13	Convert first and second floor shop premises into two, two-bedroom apartments at 73 Cardiff Road, Caerphilly.	Sent drafts. An update has been sought.
13/0805/NCC 12.11.13	Remove reference to the electricity substation in Condition 26 of planning consent 07/1524/FULL (Construct 87 dwellings with associated garaging and car parking) at Suflex Estate, Newport Road, Pontymister, Risca.	Sent Agent letter.
13/0784/FULL 19.11.13	Demolish former primary school and develop site for 26 affordable residential units, access arrangements and associated works at Former Aberbargoed Primary School, Heol Ysgol Newydd, Aberbargoed.	Sent Solicitors letter.
13/0839/NCC 05.12.13	Vary condition 3 of planning consent 08/1141/OUT (Erect detached dwelling) to extend the period within which to submit reserved matters application for an additional three years at Land at 271 Bedwas Road, Caerphilly.	Sent draft agreement to Solicitors.
13/0810/OUT 19.12.13	Demolish and provide residential re-development together with associated vehicular and pedestrian accesses, car parking, landscaping, ancillary development and retain community garden at Former Blackwood Junior School, Pentwyn Road, Blackwood.	Recent decision work on preparation of S106 commencing.

### OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
13/0024/NONDET 12/0875/FULL	Mr D T Jones Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly CF83 2TT	Install one WTN 500kw wind turbine with an overall tip height of 64m and associated temporary infrastructure at Land At Pen Yr Heol Las Farm, Heol Las, Energlyn, Caerphilly.	20.11.2013
13/0026/REF 13/0558/OUT	Mr M Williams Claremont Brynhoward Terrace Oakdale Blackwood NP12 0LD	Erect a detached dwelling with associated groundworks, access and car parking at Claremont, Brynhoward Terrace, Oakdale, Blackwood, NP12 0LD	17.12.2013
14/0001/REF 13/0748/FULL	Mr P Angell Halo Developments Ltd High Street Blackwood NP12 1BA	Provide works to existing buildings, as an alternative scheme to that approved by Planning Consent Ref 12/0581/RET, including the introduction of a revised Section 106 Agreement at Park Service Station, Bedwellty Road, Cefn Fforest, Blackwood, NP12 3HA	05.02.14
14/0002/REF 13/0693/FULL	Mr A Mullen St Field Farm Heol-Y-Felin Cefn Hengoed Hengoed CF82 8FL	Erect stables, parking area, hay and muck store and associated works at St Field Farm, Heol-Y-Felin, Cefn Hengoed, Hengoed, CF82 8FL	06.02.14
14/0003/COND 13/0441/RET	Daisymoon Designs Ltd Mr W Rees Banalog Farm Banalog Terrace Hollybush Blackwood NP12 0SF	Retain the change of use from barn-workshop to a workshop at Banalog Farm, Banalog Terrace, Hollybush, Blackwood, NP12 0SF	14.02.14
14/0004/REF 13/0775/FULL	Dr M Alam 21 St Peters Drive Blackwood NP12 2ER	Erect new boundary wall at 21 St Peters Drive, Blackwood, NP12 2ER	24.02.14

**APPEAL DECISIONS**

<b>APPEAL REF/ PLANNING APP NO.</b>	<b>PROPOSAL &amp; LOCATION</b>	<b>APPEAL DECISION/ DATE</b>	<b>COMM/ DEL</b>
13/0022/REF 13/0288/FULL	Erect two bedroom dwelling with off road parking - Land Adjacent 10 Gwern Avenue, Senghenydd, Caerphilly.	Dismissed 05/02/2014	<b>DEL</b>