

PLANNING COMMITTEE

14TH MAY 2014

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

**APPLICATION
NUMBER
EAST AREA**

LOCATION

Preface Item NA/14/0003	The Celtic Manor Resort, The Coldra, Newport
Preface Item PE/14/0182	Hafod Fach Quarry, Abercarn, Crumlin
14/0001/RET	3 Commercial Lane, Pontymister, Risca, Newport
14/0096/OUT	Land adj to 21 Navigation Road, Risca, Newport

NORTH AREA

14/0122/COU	19 High Street, Fleur-de-lis, Blackwood
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SOUTH AREA

Preface Item PE/14/0183	Cwm Leyshon Quarry, Draethen
Preface Item 11/0650/FULL	Land adj to Former Waterloo Works, Machen, Caerphilly
Preface Item 13/0703/FULL	3 Pentrebane Street, Caerphilly
13/0837/LA	Y Gwyndy – Ysgol Gyfun Cwm Rhymni, Pontygwindy Road, Caerphilly
14/0094/COU	60 Cardiff Road, Caerphilly
14/0103/RET	19 Cae'r Fferm, Caerphilly

PREFACE ITEM

APPLICATION NO. NA/14/0003

APPLICANT(S) NAME: The Celtic Manor Resort

PROPOSAL: Construction for the Wales International Conference Centre and associated parking, including alterations to access (outline)

LOCATION: The Celtic Manor Resort The Coldra Newport NP18 1HQ

This is a consultation from Newport City Council.

The application is made in outline. It is supported by illustrative plans and documents that include:

Design and Access Statement
Travel Plan
Travel Assessment
Archaeological Statement
Ecological Assessment
Ecological Management Plan
Dormouse Method Statement
Tree Survey

The application details explain that the Conference Centre is required to accommodate business that is currently being turned away because of a lack accommodation. The centre will provide 30,000 square metres over three floors. It is suggested that the number of employees will rise from 760 to 910 and an ancillary multi storey car park will enable the parking to rise from 330 spaces to 1800. The car park will be sited the south overlooking the M4/Coldra roundabout and the new conference centre will be immediately to the north with the existing hotel appearing to the east, above it.

Consultees – No objection has been received from the Head of Public Protection.

Cont....

Preface NA/14/0003 – Continued

The M4 closest to the boundary of Caerphilly County Borough is junction 28. The application site is at junction 24 approximately 10 kilometres east. Therefore the impacts of the development in terms of traffic, visual amenity, environmental health and ecology will be issues that Newport City Council should determine, accordingly this item is reported to members for information and it is recommended that CCBC raise no objections to this scheme.

Recommendation: That no objections are raised to the proposed development.

PREFACE ITEM

APPLICATION NO. PE/14/0182

APPLICANT(S) NAME: Lafarge Tarmac

PROPOSAL: Postpone first periodic review of conditions

LOCATION: Hafod Fach Quarry, Abercarn, Crumlin

Background

The Environment Act 1995 provides for the 15 yearly review of planning conditions at mining sites. The first periodic review date for each site falls on the date 15 years after the date either when new conditions were determined under an initial review or from the date of the most recent substantive permission for the site. If no application is made by the relevant date, the permission(s) cease to have effect except as regards restoration requirements.

Upon receipt of a valid application the Local Planning Authority (LPA) must determine the conditions to which each mineral permission is to be subject within three months of the date of receipt. The council may attach any conditions that may be imposed on the grant of planning permission for minerals development and may add to or substitute for existing conditions. If the LPA does not give notice of its decision within three months of receipt of the application, the conditions submitted in the application are deemed to be approved.

The principle of the permission is not in question and the LPA may not refuse permission for the development but up-to-date, modern conditions can be imposed. However, if conditions are imposed which have the effect of imposing a restriction on working rights compared to the existing conditions, land owners or mineral owners whose interests have been adversely affected will be entitled to claim compensation from the LPA. This may occur if the new conditions restrict the size of the area for winning and working of minerals, the depth permitted for winning and working of minerals, the height of mineral waste tips, the rate at which mineral may be extracted, the end date for mineral working or the total quantity of minerals that may be extracted.

The substantive permission for Hafod Fach Quarry was determined on 10 July 2000 and was subject to conditions regulating working, restoration and aftercare of the site. The decision notice is attached at Appendix A. On 21 November 2013 the council, in accordance with the provisions of the 1995 Act, served a reminder that the first periodic review would be due before 10 July 2015.

Cont....

The 1995 Act provides that a mineral site owner may apply to postpone the review date if the conditions are adequate. The application must set out the existing conditions, explain why the applicant considers them to be satisfactory and specify a substitute date for the first periodic review. Lafarge Tarmac applied on 17 February to postpone the first periodic review date until 31 December 2027.

If no decision is made within three months of the application to postpone the review being received, it is deemed to be approved.

Hafod Fach Quarry.

Hafod Quarry is located 0.7 kilometres east of Abercarn and Newbridge and works the Pennant Sandstones of the Coal Measures. The stone has a combination of strength, resistance to polishing and resistance to abrasion that makes it valued as a high specification aggregate for applications where a high degree of skid resistance is required.

Planning permission for quarrying was first granted in 1960 when the quarry re-opened after a period of inactivity. The quarry is currently mothballed.

The applicant's case for postponement

The applicant's letter states that the application is made because the company considers that the existing conditions are of an appropriate modern standard and are not dissimilar to those that would be issued if an application was to be made today. The conditions are summarised and the company comments that several of the conditions, including those requiring highway improvements and wheel cleaning measures have been discharged.

Consultation

Senior Engineer (Land Drainage): Before commencement of development, the applicant should submit to the LPA comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with, as required by the Flood and Water Management Act 2010.

Comment: The existing conditions deal with prevention of pollution to watercourses (condition 17) and the provision of suitable drainage for the restored site (condition 20). Circular 11/95: Use of conditions in planning permission advises that conditions that duplicate the effect of other legislation or regulatory regimes should be avoided. Since the Flood and Water Management Act 2010 requires these details to be submitted a planning condition is not necessary.

Cont....

Assessment

The guidance in Minerals Planning Guidance 14 – Environment Act 1995: Review of Mineral Permissions states that if the LPA considers the existing conditions to be satisfactory it must allow the application but may state a different date from that proposed by the applicant for the next review. This would avoid an unnecessary review and any postponement should be for a period of 10 – 15 years rather than a small extension of time. If the LPA does not consider the existing conditions to be satisfactory, the application to postpone the review should be refused.

Since the existing conditions were determined in 2000, the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 has been adopted. The policies are relevant to the conditions but not the principle of the mineral permission. Minerals Planning Policy Wales 2000 and Minerals Technical Advice Note 1: Aggregates 2001 are also relevant in considering the adequacy of the conditions.

The purpose of the periodic review is to ensure that the conditions attached to mineral permissions do not become outdated with the passage of time (MPG14, para.173). Guidance on the preparation of schemes of conditions is contained in MPG 14 along with model conditions. This guidance was considered when the existing conditions were agreed. The approach to determination of conditions under the periodic review follows that for the initial review except that there is no distinction between active and dormant sites and a liability for compensation will always arise where an LPA determines conditions different to those submitted and the effect of those conditions is to restrict working rights further than before the review.

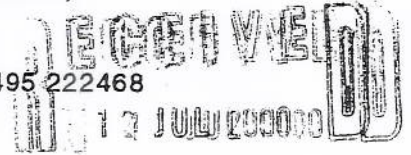
Circular 11/95, which provides guidance on planning conditions generally, was in force when the existing conditions were agreed in 2000 and continues to be relevant. New informal advice on conditions applicable to mineral development was issued in 2011 by the Planning Officers Society for Wales Minerals and Waste Topic Group, and this included model conditions. The existing conditions are broadly consistent with the circular and the POSW advice bearing in mind the constraints of the review procedure in terms of restricting working rights.

Consultation with the relevant organisations has not identified any areas where the current conditions are lacking. The main issues at the site were addressed in 2000 and no new issues have emerged in the intervening period.

Recommendation: That the Local Planning Authority agrees to substitute 31 December 2027 for 10 July 2015 as the first periodic review date and that Lafarge Tarmac be informed accordingly.



Caerphilly County Borough Council,
Pontllanfraith,
Blackwood, NP2 2YW,
Tel. 01495 226622 or Fax 01495 222468



TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

PERMISSION FOR DEVELOPMENT

APPLICATION NO: P/98/1073

APPLICANT
LAFARGE REDLAND AGGREGATES
LTD,
BRADGATE HOUSE,
GROBY,
LEICESTER.
LE6 0FA

AGENT
DAVID L. WALKER,

LITTLEMOOR,
ECKINGTON,
SHEFFIELD.
S21 4EF

WHEREAS on 03/12/98 you submitted an application for permission to
EXTEND HAFOD QUARRY AND RESTORE TO NATURE CONSERVATION AND WOODLAND
at
HAFOD FACH QUARRY, ABERCARN
(hereinafter called "the development").

The Caerphilly County Borough Council, as the Local Planning Authority hereby
PERMITS the development.

This permission is subject to the following condition(s):-

- (1) The development shall be carried out in phases fully in compliance with the submitted plans, drawings, cross-sections and the supporting statement, except where modified by the following conditions.
- (2) Permission is limited to the period ending on 31st December, 2027 at which time all plant and equipment shall be moved from the application site and the site shall be finally restored in accordance with the restoration schemes referred to in Condition (18) below.
- (3) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- (4) No works whatsoever shall commence on the application site until details of a scheme of highway improvements along the adopted highway from the junction of High Meadow and the former A467, along High Meadow and Brook Street have been submitted to and approved by the Local Planning Authority. Such details shall include improved provision to cater for vehicle turning movements in the vicinity of each junction. The improvements shall thereafter be completed to the satisfaction of the Local Planning Authority prior to the first movement of materials to or from the quarry site as a result of this permission.

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- (5) All vehicles leaving the quarry shall be cleaned to ensure that no mud or other debris is deposited on the public highway.
- (6) Quarrying operations shall take place within the application area only between 07.00 and 19.30 hours Mondays to Fridays, 07.00 and 16.30 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays. For the avoidance of doubt 'quarrying operations' shall mean, for the purpose of this condition, the stripping and removal of soils and overburden development of the quarry faces, including drilling, and the shovelling, loading and transportation of stone to the processing plant at Hafod Quarry.
- (7) Blasting operations within the application site shall only take place between the hours of 1000 and 1600 hours Mondays to Fridays and not at all on Saturdays, Sundays or Public/Bank Holidays.
- (8) Blasting shall be designed so that the ground vibration measured as peak particle velocity in any one of three perpendicular planes shall not exceed 8mm/sec at any residential or similar sensitive property. Within this design limit, every reasonable effort shall be made to ensure that the ground vibration for at least 95% of all blasts does not exceed a PPV of 4mm/sec.
- (9) The acceleration (G) generated by blasting operations in the approved extraction area shall not exceed 0.077G at the basal perimeter of South Celynen Tip No. 588.
- (10) Prior to commencement of development, details of a blast monitoring scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall include:-
- (a) blast monitoring locations and the method of monitoring each blast;
 - (b) the monitoring equipment to be used;
 - (c) presentation of results, those results being retained at the quarry site and made available for inspection by the Local Planning Authority at all reasonable times, and copies being supplied to the Local Planning Authority on request.
 - (d) the frequency of blasting and warning measures.
- (11) Prior to the commencement of the development a scheme for further ecological survey work to be undertaken within the application site, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall provide for the survey of species of nature conservation value, such species to be agreed with the Local Planning Authority, and any mitigation measures necessary for their protection.
- (12) No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

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(13) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

(14) Throughout the period of working, restoration and aftercare, the operator shall:-

- (i) protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it, and shall not impair the flow or render less effective drainage onto and from adjoining land;
- (ii) provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land to ensure that there is no pollution of any watercourses by the approved operations.

(15) At 12 monthly intervals following the date of this permission the operator shall provide the Local Planning Authority with a survey plan of the site at a 1:2500 scale together with a calculation of the volume and type of materials stored for use, or actually used, in the restoration scheme.

(16) The dust control measures detailed in Paragraph 7.7.5 of the Written Statement accompanying the planning application shall be fully complied with throughout the duration of the working, restoration and aftercare.

(17) Notwithstanding the information contained within the Written Statement supporting the application, prior to the commencement of the development, the method of soils and overburden stripping, storage and replacement shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be complied with unless otherwise agreed in writing with the Local Planning Authority.

(18) Notwithstanding the information contained within the Written Statement supporting the application, prior to the commencement of the development a detailed restoration scheme shall be submitted for the approval of the Local Planning Authority. The scheme, which shall relate to the phased and final restoration, shall include details of ground preparation, tree, shrub and hedgerow species, planting matrix, grass seed mix, and the management of

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the restored areas. The approved scheme shall be complied with unless otherwise agreed in writing with the Local Planning Authority.

(19) An aftercare scheme requiring that such steps as may be necessary to bring the land to a condition reasonably fit for the proposed woodland and grassland use specified in the restoration scheme shall be submitted for the approval of the Local Planning Authority not later than 3 months prior to the completion of each restoration phase. Aftercare shall be carried out for a period of 5 years for each completed phase.

(20) Unless agreed in writing with the Local Planning Authority, any vehicle entering the site shall have a maximum length of sixteen and a half metres and a maximum gross weight of 40 tonnes.

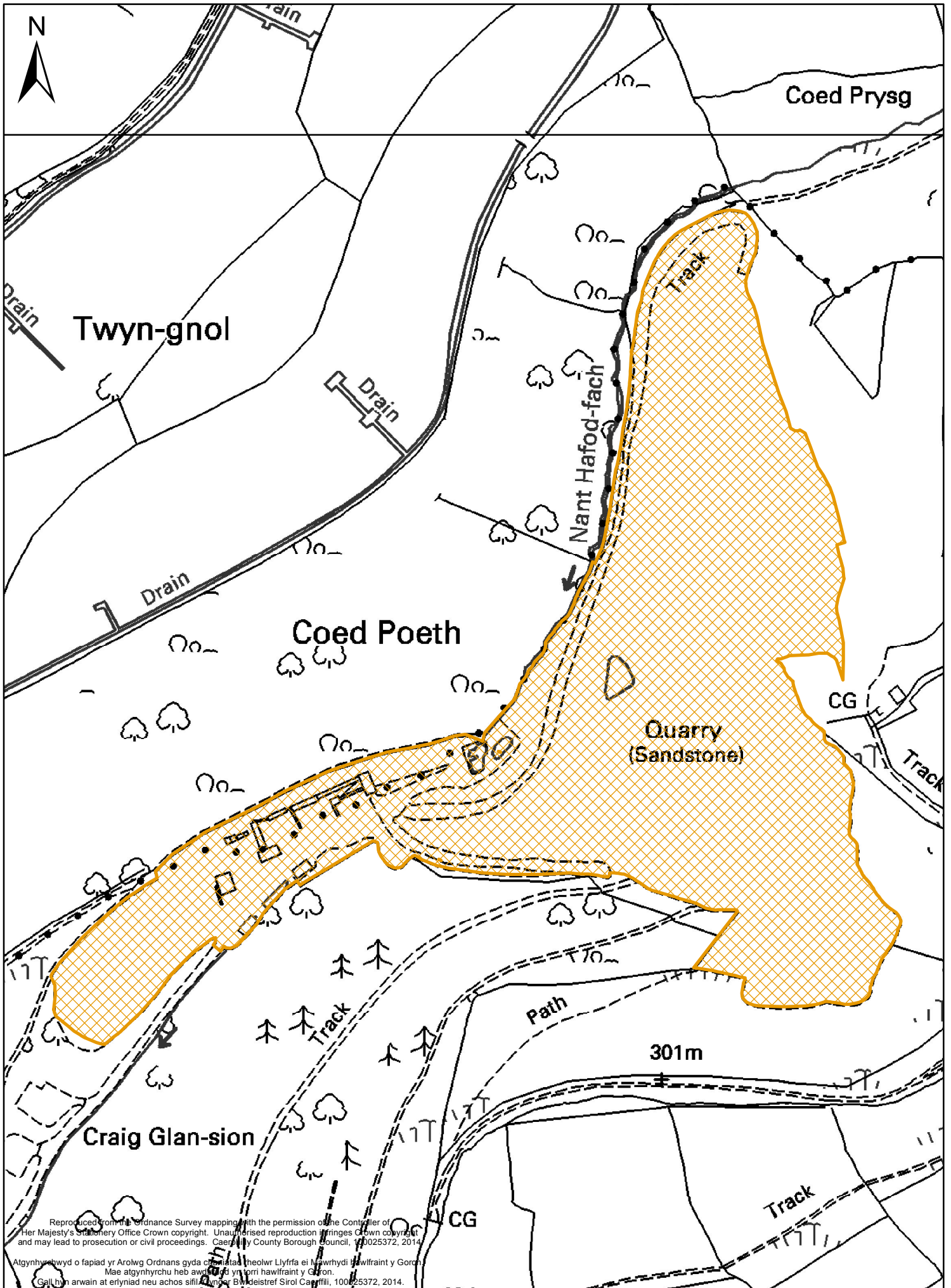
The reason(s) for the Council's decision is/are:-

- (1&15) To ensure satisfactory control over the development.
- (2) To ensure final restoration of the site at the end of its estimated life.
- (3) To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- (4 & 5) In the interests of highway safety.
- (6 & 16) In the interest of local amenity.
- (7-10) To minimise the effects of blasting on the local community and adjoining tip.
- (11) To ensure adequate protection of interest of nature conservation value.
- (12) In order that the archaeological interests of the site are satisfied.
- (13 & 14) For the protection of the water environment.
- (17-19) To ensure the satisfactory progressive and final restoration of the site.
- (20) In the interests of local amenity and highway safety.

DATED: 10/07/00


CHIEF PLANNING OFFICER

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0001/RET 24.01.2014	RDA Vehicle Dismantlers Mr C Parsons Commercial Lane Risca Newport NP11 6AN	Retain steel framed building 3 Commercial Lane Pontymister Risca Newport

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: Between the rear lane to Commercial Street and the River Ebbw.

Site description: The site measures approximately 22 metres wide x 60 metres long. The site has been in longstanding use as a scrap yard (vehicle breaking), and is predominantly open with a building adjoining the rear boundary with the river. A steel frame with sections of roof sheeting for a further building have been erected on the frontage of the site. The site is adjoined by commercial uses to either side and, on the opposite side of the rear lane frontage, by the rears of commercial premises with flats above fronting Commercial Street. On the opposite side of the River Ebbw lies a Tesco superstore.

Development: Retention and completion of partially-erected building on the frontage of the site.

Dimensions: 12 metres x 6.2 metres with a height of 5.5 metres to the ridge.

Materials: Walls - blockwork with corrugated steel sheets above. Roof - corrugated steel sheets.

Ancillary development, e.g. parking: Two parking spaces are indicated.

PLANNING HISTORY

2/11124 - Section 191 - Certificate of Lawfulness for an Existing Use or Operation - Granted 27.04.93.

2/11473/T - Use of land for the parking of recovery lorries in association with adjoining scrap yard - Granted 26.08.93.

Cont....

Planning application 14/0001/RET - Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary.

Policies: CW2 (amenity), CW3 (design considerations - highways) 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 within an area of low risk and standard advice will be issued.

CONSULTATION

Risca West Community Council - Objection on grounds of:

1. Retrospective application
2. No evidence of waste control
3. Insufficient off-street parking

Transportation Engineering Manager - No objection subject to conditions requiring the provision of parking spaces.

Head Of Public Protection - Requests noise study with any necessary mitigation measures to protect local residents.

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

Natural Resources Wales - The site lies within Zone C1 but given the scale of the development the risk could be acceptable subject to the applicant being made aware of the potential flood risks and being advised to install flood-proofing measures.

Cont....

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

Response: One E-mail.

Summary of observations: Excessive height of building.
Lack of off-street parking.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The application relates to a longstanding commercial use of the site as a scrap yard (vehicle breaking), within a mix of commercial uses along the south-western side of Commercial Lane. The site is predominantly open, with one building adjoining the rear boundary. The site also contained a smaller building (this appears to have been a makeshift structure) and 'double-decker' portacabins on the site frontage, both of which have been removed within the last few years. Work has commenced on the construction of a steel-framed building in the approximate position of the previous structure on the site frontage, with a 6.3 metre wide gable end to the frontage and a length of 12 metres. The height to the eaves is 4 metres and to the ridge 5.5 metres. The steel frame has been erected and the majority of the corrugated steel roof sheets put in place. The application seeks permission for the retention and completion of the building.

Cont....

The building is considered to be acceptable in principle in land use terms and to be in compliance with Policy CW15 (general locational constraints) of the Council's Adopted Local Development Plan (LDP). It is considered, however, that the use of the building should be limited to that ancillary to the use of the site as a scrap yard, in order to prevent the introduction of additional uses that may result in increased congestion and on-street parking. On-street parking is a particular problem within the vicinity of the site, and part of this problem is likely to be attributable to the scrap yard, with little apparent space being kept clear within the site for operational and non-operational parking and circulation. The submitted scheme indicates the provision of two car parking spaces positioned at the southern end of the building, and on this basis the Transportation Engineering Manager offers no objection to the development in highway safety terms. The development is, therefore, considered to be in compliance with the provisions of LDP Policy CW3 (design considerations - highways).

In visual terms, the building is relatively high and prominent in the street scene. However, Commercial Lane is a rear lane with the rears of commercial properties fronting Commercial Street on the one side and a mix of commercial uses on the other. Further, there are two buildings of similar height fronting the same side of Commercial Lane some 100 metres to the north-west, and a building of similar height fronting the other side of Commercial Lane opposite the site. In this context the height and massing of the building are considered to be acceptable. However, it is recommended that the cladding material for the upper sections of the walls be reserved by condition for subsequent approval, to prevent the continued use of utilitarian cladding materials on the site frontage.

In terms of the amenity of neighbouring occupiers, the building would have minimal visual impacts on neighbouring commercial occupiers. Flats above commercial premises on Commercial Street would have rear windows facing the site, with the closest window being approximately 19.5 metres from the building under construction. On the basis of the degree of separation and the highly commercial nature of this section of Commercial Lane, it is not considered that the amenities of the nearby residential accommodation would be unduly impacted in visual terms.

The Head of Public Protection requests that a noise study be required to identify whether activities within the building have the potential to increase noise emanating from the site, with any necessary mitigation measures to protect local residents. On this basis it is thus considered that the development is in compliance with LDP Policy CW2 (amenity).

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

Cont....

Comments from Consultees:

Transportation Engineering Manager - comments addressed above.

Head of Public Protection -

Senior Engineer (Land Drainage) - the comments will be copied to the applicant for information.

Natural Resources Wales - the comments will be copied to the applicant for information.

Risca Town Council - the grounds of objection are addressed as follows:

1. Retrospective application - it is the applicant's right to submit a retrospective application.
2. No evidence of waste control - any necessary controls under environmental health or other legislation would relate to the existing use of the site.
3. Insufficient off-street parking - this matter has been addressed above.

Comments from public: The grounds of objection have been addressed above.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) This permission relates to the amended block layout received on 29 April 2014.
REASON: For the avoidance of doubt as to the approved site layout.
- 02) The use of the building hereby permitted shall be limited to uses ancillary to the lawful use of the site as a scrap yard.
REASON: For the avoidance of doubt as to the extent of this permission.
- 03) The parking spaces indicated on the approved block layout shall be laid out within one calendar month of the date of this permission, such spaces being of minimum dimensions 2.6m x 4.8m, and shall be maintained thereafter free from obstruction for the parking of staff or visitor vehicles only.
REASON: To secure off-street parking provision in the interests of highway safety.
- 04) Prior to occupation of the building hereby approved a noise study, including frequency analysis and linear sound measurements, in respect of the activities within the building in relation to the nearest noise-sensitive property, together with any necessary noise mitigation measures, shall be submitted to and agreed in writing by the Local Planning Authority. Any agreed mitigation measures shall be implemented prior to occupation of the building and maintained thereafter as agreed at all times.
REASON: In the interests of residential amenity.

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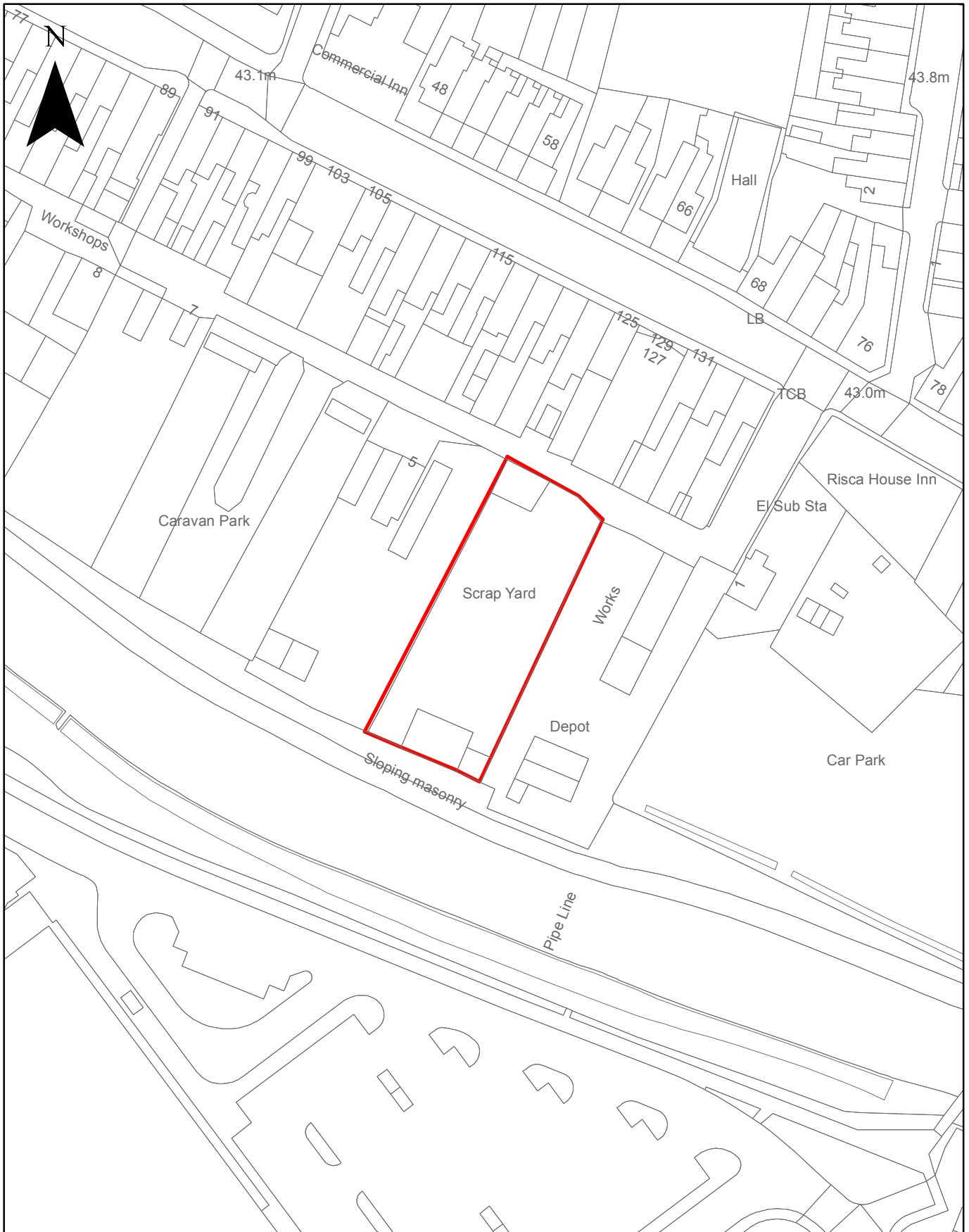
05) Notwithstanding the submitted drawings, details of the external wall cladding material shall be submitted to and agreed in writing with the Local Planning Authority, and the development shall thereafter be completed in accordance with the agreed details.

REASON: In the interests of visual and residential amenity.

Advisory Note(s)

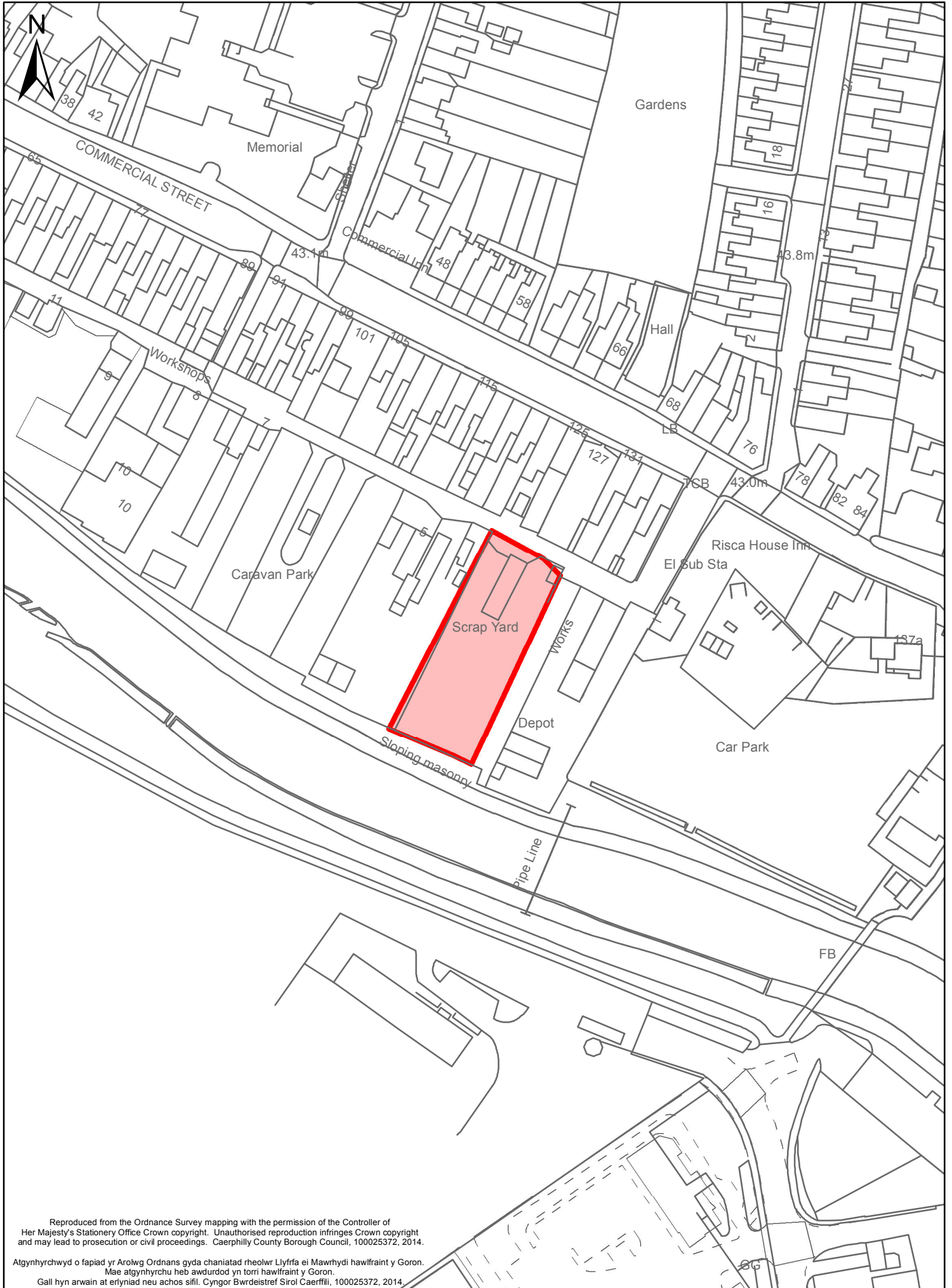
The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 & CW3.

Please find attached the comments of Natural Resources Wales 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
14/0096/OUT 26.02.2014	Mr K Niblett Greenville 1 York Place Risca Newport NP11 6FR	Demolish existing garage and erect a new detached house Land Adjacent To 21 Navigation Road Risca Newport

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is located on Navigation Road, Risca.

Site description: Vacant land within settlement boundary.

Development: Erection of detached dwelling.

Dimensions: The application site has maximum dimensions of 21 metres in width and 9 metres in depth. The proposed dwelling has scale parameters of 6 -7 metres depth; 11-13 metres width, and 10-12 metres height.

Materials: To be considered at reserved matters stage.

Ancillary development, e.g. parking: To be considered at reserved matters stage.

PLANNING HISTORY

2/10053 - Two-storey extension - Granted 24.05.1991.

POLICY

LOCAL DEVELOPMENT PLAN

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

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

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

Cont....

Planning application 14/0096/OUT - continued

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is within the coal field but outside a mining legacy area. Therefore, no report required.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - Provides advice to the developer.

Dwr Cymru - Provides advice to developer.

Principal Valuer - No comment.

Risca Town Council - Raises objection on highway safety grounds.

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Cont....

ANALYSIS

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

Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. It is considered that the proposed development has been designed to accord with this guidance as the site is bounded to the east, south and west by existing residential development and to the north by the canal, only one dwelling is proposed; and the proposed use will not detrimentally impact on the amenity of neighbouring properties. Although the site is relatively small, it is considered that the proposed development has been well designed to utilise the shape of the site whilst respecting the character of the surrounding area. Issues such as potential privacy distances between the proposed and existing dwellings will be controlled at reserved matters stage.

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

Comments from Consultees: Objection is raised by Risca Town Council on highway safety grounds, i.e. narrow road and blind bend, but the Transportation Engineering Manager does not raise similar concerns. No objection is raised by internal Consultees subject to conditions.

Comments from public: None.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

Cont....

Planning application 14/0096/OUT - continued

- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) 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. The scheme shall include all non-mains drainage and where appropriate demonstrate that permeability tests have confirmed the suitability of the ground on site for soakaway(s) that can be situated such that their discharge will not affect adjacent land, structures or highways. 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.
- 06) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the building hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual of the area.

Cont....

Planning application 14/0096/OUT - continued

- 07) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 08) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 09) Unless otherwise agreed in writing with the Local Planning Authority, the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4m x 43m. No obstruction or planting when mature exceeding 0.9m in height above the adjacent footway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interests of highway safety.
- 10) Parking for the development shall be provided in accordance with LDP5 Car Parking Standards.
REASON: To ensure that adequate parking facilities are provided within the curtilage of the site.
- 11) Any boundary treatment fronting Navigation Road shall be limited in height to 0.9m.
REASON: In the interests of highway safety
- 12) This permission does not grant any consent for the arrangement of windows and internal rooms at the development hereby approved, details of which shall be agreed with the Local Planning Authority at the reserved matters stage.
REASON: For the avoidance of doubt as to the extent of this consent.

Cont....

Planning application 14/0096/OUT - continued

- 13) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new development at 21 Navigation Road, shall be submitted to the Local Planning Authority for their written approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Government's Planning Policy Wales (2010) and TAN 5 Nature Conservation and Planning (2009).
- 14) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species in the new development at 21 Navigation Road, shall be submitted to the Local Planning Authority for their written approval. The approved details shall be implemented before the new dwelling hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales (2-12) and paragraph 1.4.3 of Tan 5 Nature Conservation and Planning (2009).

Advisory Note(s)

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

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



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Atgynhwyd o fapiau yr Arolwg Ordnans gyda chaniatad rheolwr Llyfrfa ei Mawrhydi hawlfraint y Goron. Mae atgynhyrchu heb awdurdod yn torri hawlfraint y Goron. Gall hyn arwain at aflwynid neu achos sifil. Cyngor Bwrdeistref Sirol Caerphilly, 100025372, 2014.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0122/COU 04.03.2014	Mr A Cribb 6 Greenwood Cottage Woodland Place Pengam Blackwood NP12 3QX	Change the use of the ground floor from A1 (hair dressing salon) to A3 (kebab fast food takeaway) 19 High Street Fleur-de-lis Blackwood NP12 3UD

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: 19 High Street, Fleur-de-lis, Blackwood. The property is located within the settlement boundary and is situated within a terrace, on the eastern side of High Street. A commercial property comprising a children's clothes shop with two offices above is located to the southern side at no.21 and 21a High Street, and a general stores with above-shop living accommodation is located to the northern side at no.17 High Street. There are two residential properties immediately opposite the premises together with mixed-use properties. An area of open land is located to the rear of the property.

Site description: The property is a vacant commercial, three-storey property, with two-storey rear annexe, last used as a hairdressers and beauty salon. The property has a traditional, wooden shop front with pedestrian access, which steps immediately onto the front pavement. There is a small rear garden, which provides an external bin storage area for the business. There is pedestrian rear access but no vehicular rear access.

Development: Full planning permission is sought in respect of the change of use of the ground floor of the premises from Class A1 of the Town and Country Planning (Use Classes) Order 1987 - currently a hairdressing salon, to an A3 use - Restaurant and cafe (Fast Food Kebab takeaway).

Dimensions: The footprint of the ground floor of the premises has maximum dimensions of 17.4m x 5.8m.

Ancillary development, e.g. parking: None.

Cont....

Planning application 14/0122/COU - continued

PLANNING HISTORY

P/99/0483 - Renew shop front - Granted 16.07.99.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - within the settlement boundary

Policies:

Strategic Policies

SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place Making,
SP21 - Parking Standards

Countywide Policies

CW2 - Amenity, CW3 - Design Considerations - Highways, CW15- General locational
constraints, supplementary planning guidance contained in LDP5 - Parking standards,

NATIONAL POLICY

Planning Policy Wales, 6th Edition, February 2014, Chapter 4 - Planning for Sustainability,
TAN 12 - Design, TAN

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of
this planning application.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to conditions concerning odour control,
refuse storage and hours of operation.

Cont....

Planning application 14/0122/COU - continued

Dwr Cymru - Confirms that both foul water and surface water discharges must be drained separately from the site and no net increase of surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system and a suitable grease trap should be fitted to prevent entry into the public sewerage system. A copy of its comments and advisory note will be forwarded to the applicant.

Police Architectural Liaison Officer - Has no objections to the development.

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Extent of advertisement: The application has been advertised on site and 13 neighbouring properties have been consulted.

Response: 17 letters received, including one from the Britannia, Fleur-de-Lys and Pengam Community Group.

Summary of observations:

- Litter
- Noise
- Smell
- Too many takeaways within High Street
- Vermin/seagulls
- No adequate means of fire escape from first and second floors
- On-street parking problems
- No rear access for bin collection
- Anti social behaviour
- Obesity

SECTION 17 CRIME AND DISORDER ACT

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

There are no specific crime and disorder implications material to the determination of this planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Cont....

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

The proposal is for a change of use of the ground floor of the premises from former hairdressers to a Class A3 hot food takeaway. The property is situated on the east side of the High Street frontage, which has a mix of commercial properties and dwellings. The main issues in the determination of this planning application are considered to be the compatibility of the use with neighbouring properties, the likely effects of the development on the amenity of local residents and perceived nuisance problems associated with hot food takeaways and finally in terms of highway safety.

Policy CW2 of the LDP considers amenity and local residents claim the proposed use would be detrimental to the amenity of the locality in terms of noise, odour and general disturbance, especially late at night. Although there are houses and residential flats in the terraces on both sides of High Street, these are interspersed with shops and other businesses that make up the local village centre. In this village centre location, there is bound to be some bustle and liveliness at most times of the day and evening. Whilst the concerns of local residents can be appreciated, any, behaviour and litter problems would not be so significant in this location as to justify refusal. The applicant has not indicated the hours of opening but these may be restricted in accordance with the Head of Public Protection's recommendations, which are considered acceptable in this location.

Although, local residents say that this proposal would add a cumulative impact of hot food takeaways in the locality, these total 4 in number along the High Street and comprise two Chinese takeaways, a Fish and Chip shop and a Kebab Shop and is not considered excessive in this mixed use location. It is also noted that the latest time these premises are open is 11.30 pm on a Saturday. Attention has also been brought to the fact that the village has a public house, bakery, butchers and general stores selling either hot or cold food. However, competition is not a planning matter and the provision of such facilities is normally demand led.

It is noted that at the time of writing this report there is only one vacant shop in the village. Commercial premises along the High Street are varied and include General stores, post office, pharmacist, greengrocers, bakers, butchers, florist, estate agents, betting shop, Christian book shop, offices and vehicle repair garage.

Cont....

Planning application 14/0122/COU - continued

There are other commercial premises, which provide leisure facilities, which are usually open into the late evenings and include a community centre, rugby football club, private members club, and workingmen's institute, which again all add to the vitality of this village centre. However, any anti-social behaviour associated with any of these premises within the village centre is a police matter. The police have been consulted in respect of this application and whilst there have been anti-social behaviour issues on High Street, Fleur-de-lis, very few have been linked to the night-time economy. As a result they have no objections to this application but would wish to see the opening hours of any new establishment in line with existing local trading.

Local residents have raised issues regarding potential litter; odour nuisance and disposal of waste but these matters may be addressed by attaching appropriate conditions to any consent.

One objection has been raised alleging that there is no adequate means of fire escape from the first and second floors of the building, however this is not a planning matter but has been referred to the Fire Safety Officer.

Finally, a local resident has raised the issue of fast food takeaways and obesity. This Local Planning Authority has no policies relating to such matters, although even if such policies were in place it would be difficult to justify a refusal in this location where there are already a number of takeaways.

Comments from Consultees: The concerns of the statutory Consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: These are addressed above.

Other material considerations: None.

In conclusion it is considered, the proposed development does not conflict with local plan policies and subject to the imposition of appropriate conditions is acceptable in planning terms.

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.

Cont....

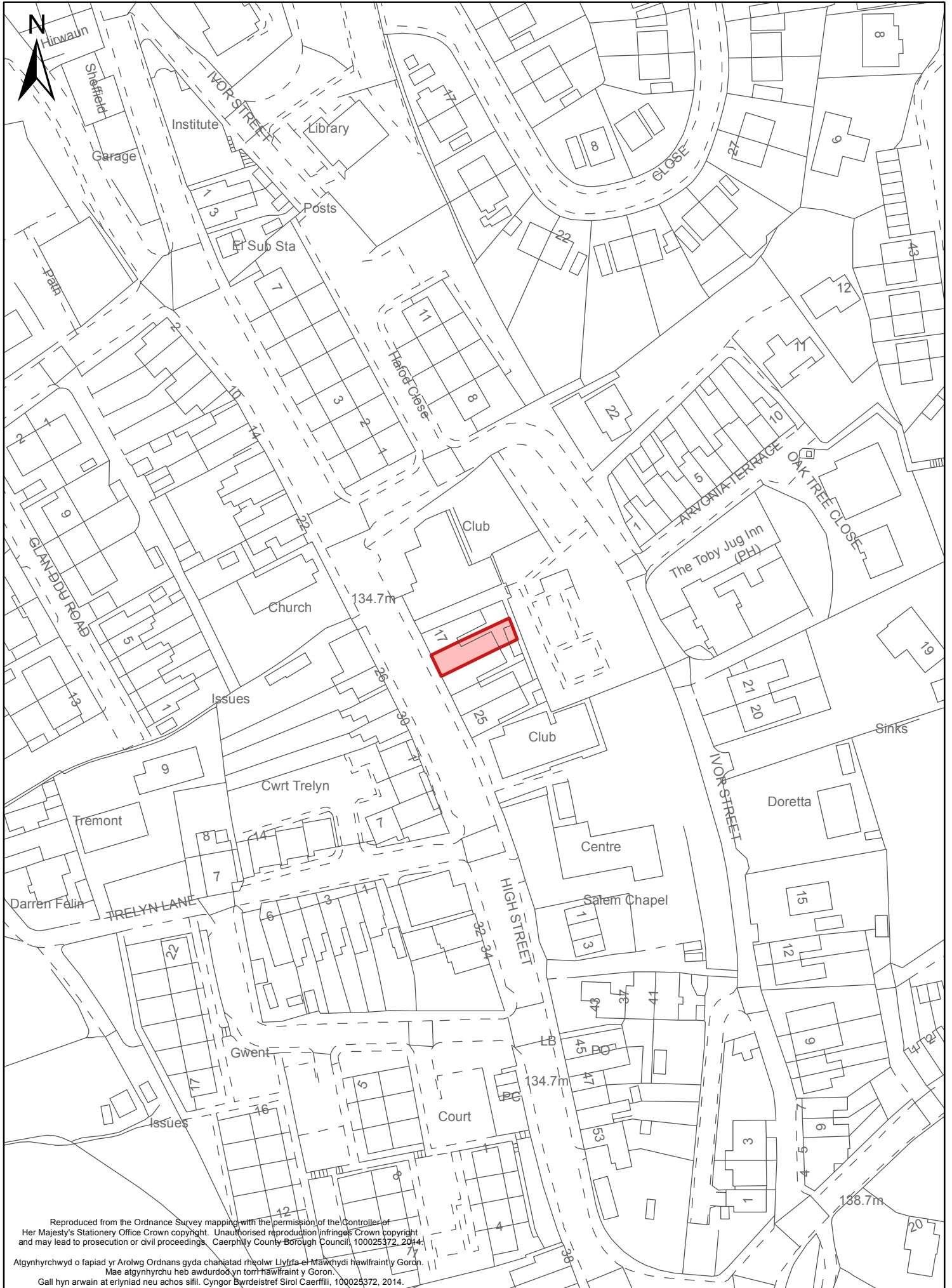
Planning application 14/0122/COU - continued

- 02) 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.
- 03) Prior to the commencement of the development a scheme for on-site refuse storage (including any open-air storage facilities) and for waste material awaiting disposal (including details of any screening) shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the first occupation of the development.
REASON: In the interests of public health and the amenity of the area.
- 04) The use hereby permitted shall not be open to customers outside the following times:(a) 07.00 hours to 23.00 hours Monday to Saturday, and (b) 07.00 hours to 22.00 hours Sunday.
REASON: In the interests of residential amenity.

Advisory Note(s)

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

The applicant is advised of the comments of Dwr Cymru/Welsh Water.



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Gall hyn arwain at erlyniad neu achos sifil. Cyngor Bwrdeistref Sirol Caerffili, 100025372, 2014.

PREFACE ITEM

APPLICATION NO. PE/14/0183

APPLICANT(S) NAME: Hanson UK

PROPOSAL: Postpone first periodic review of conditions

LOCATION: Cwm Leyshon Quarry, Draethen

Background

The Environment Act 1995 provides for the 15 yearly review of planning conditions at mining sites. The first periodic review date for each site falls on the date 15 years after the date either when new conditions were determined under an initial review or from the date of the most recent substantive permission for the site. If no application is made by the relevant date, the permission(s) cease to have effect except as regards restoration requirements.

Upon receipt of a valid application the Local Planning Authority (LPA) must determine the conditions to which each mineral permission is to be subject within three months of the date of receipt. The council may attach any conditions that may be imposed on the grant of planning permission for minerals development and may add to or substitute for existing conditions. If the LPA does not give notice of its decision within three months of receipt of the application, the conditions submitted in the application are deemed to be approved.

The principle of the permission is not in question and the LPA may not refuse permission for the development but up-to-date, modern conditions can be imposed. However, if conditions are imposed which have the effect of imposing a restriction on working rights compared to the existing conditions, land owners or mineral owners whose interests have been adversely affected will be entitled to claim compensation from the LPA. This may occur if the new conditions restrict the size of the area for winning and working of minerals, the depth permitted for winning and working of minerals, the height of mineral waste tips, the rate at which mineral may be extracted, the end date for mineral working or the total quantity of minerals that may be extracted.

The initial review of conditions for Cwmleyshon Quarry was determined on 27 October 2000 and the three extant permissions are subject to conditions regulating working, restoration and aftercare of the site. The decision notice is attached at Appendix A. On 21 November 2013 the council, in accordance with the provisions of the 1995 Act, served a reminder that the first periodic review would be due before 27 October 2015.

Cont....

The 1995 Act provides that a mineral site owner may apply to postpone the review date if the conditions are adequate. The application must set out the existing conditions, explain why the applicant considers them to be satisfactory and specify a substitute date for the first periodic review. Hanson applied on 20 February to postpone the first periodic review date until 27 October 2025.

If no decision is made within three months of the application to postpone the review being received, it is deemed to be approved.

Cwmleyshon Quarry.

Quarrying of limestone commenced on a small scale in the early part of the twentieth century, providing material for lime kilns at the site. Between 1967 and 1969 production was mechanised and reached 300,000 tonnes per annum in the early 1970s. Mineral production ceased in December 1985, although mineral was removed from stockpiles after that date. The plant has been demolished but Hanson states that the quarry is held in reserve and is maintained in a condition where stone extraction can resume should market conditions allow it.

The applicant's case for postponement

The applicant seeks a postponement because it considers the existing conditions to be adequate. The quarry is located in a rural setting with few residential properties nearby and the company comments that at the initial review 24 conditions were applied, including excavation limits, restriction on output, a requirement for a detailed working scheme, restriction on hours of operation and mitigation measures for potential environmental impacts.

In addition, mineral extraction was prohibited in an undisturbed piece of land adjacent to the entrance and on a strip of land on the eastern flank of the Cwmleyshon valley.

The company draws attention to the following guidance, which it considers relevant:

Paragraph 82 of MPG7: The Reclamation of Mineral Workings advises that where a site is subject to satisfactory conditions providing for restoration and aftercare, there should be no need to alter them.

Paragraph 56 of MPG2 (1988) states that in applying the principles of planning conditions to mineral working, the economics of the industry is amongst the important factors to be considered and that LPAs should avoid imposing a multitude of minor obligations.

Cont....

The existing condition 20, requiring progressive restoration of the site, is consistent with the advice in paragraphs 100 and 101 of Minerals Technical Advice Note 1: Aggregates. Conditions 21 and 23 provide for aftercare for a five-year period.

In light of the relevant guidance the company concludes that the conditions in force for Cwmleyshon remain satisfactory and a postponement of the review date for ten years would avoid an unnecessary review in line with paragraph 153 of MPG14.

Consultation

Senior Engineer (Land Drainage): Before commencement of development, the applicant should submit to the LPA comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with, as required by the Flood and Water Management Act 2010.

Comment: The existing conditions deal with prevention of pollution to watercourses (condition 17) and the provision of suitable drainage for the restored site (condition 20). Circular 11/95: Use of conditions in planning permission advises that conditions that duplicate the effect of other legislation or regulatory regimes should be avoided. Since the Flood and Water Management Act 2010 requires these details to be submitted a planning condition is not necessary.

Head of Public Protection: No objection

Assessment

The guidance in Minerals Planning Guidance 14 – Environment Act 1995: Review of Mineral Permissions states that if the LPA considers the existing conditions to be satisfactory it must allow the application but may state a different date from that proposed by the applicant for the next review. This would avoid an unnecessary review and any postponement should be for a period of 10 – 15 years rather than a small extension of time. If the LPA does not consider the existing conditions to be satisfactory, the application to postpone the review should be refused.

Since the existing conditions were determined in 2000, the Caerphilly County Borough Local Development Plan to 2021 has been adopted. The policies are relevant to the conditions (but not the principle of the mineral permission). Minerals Planning Policy Wales 2000 and Minerals Technical Advice Note 1: Aggregates 2001 are also relevant in considering the adequacy of the conditions.

Cont....

Preface PE/14/0183 - Continued

The purpose of the periodic review is to ensure that the conditions attached to mineral permissions do not become outdated with the passage of time (MPG14, para.173). Guidance on the preparation of schemes of conditions is contained in MPG 14 along with model conditions. This guidance was considered when the existing conditions were agreed. The approach to determination of conditions under the periodic review follows that for the initial review except that there is no distinction between active and dormant sites and a liability for compensation will always arise where an LPA determines conditions different to those submitted and the effect of those conditions is to restrict working rights further than before the review.

Circular 11/95, which provides guidance on planning conditions generally, was in force when the existing conditions were agreed in 2000 and continues to be relevant. New informal advice on conditions applicable to mineral development was issued in 2011 by the Planning Officers Society for Wales Minerals and Waste Topic Group, and this included model conditions. The existing conditions are consistent with the circular and the POSW advice.

Preface PE/14/0183 - Continued

Consultation with the relevant organisations has not identified any areas where the current conditions are lacking. The main issues at the site were addressed in 2000 as far as possible within the constraints of the initial review (Cwmleyshon was classed as an active site for the purposes of the review because it had been operational between 22 February 1982 and 6 June 1995) and no new issues have emerged in the intervening period.

Conclusion

It is, therefore, considered that the conditions currently attached to the permission (reference P/98/0823) for Cwmleyshon Quarry are adequate to satisfactorily regulate operations at the site for a further ten years.

Recommendation.

That the Local Planning Authority agrees to substitute 27 October 2025 for 27 October 2015 as the first periodic review date and that Hanson UK be informed accordingly.



Caerphilly County Borough Council,
Pontllanfraith,
Blackwood, NP2 2YW.
Tel: (01495) 226622 or Fax: (01495) 235013



ENVIRONMENT ACT 1995

ENVIRONMENT ACT 1995: INITIAL REVIEWS

NOTICE UNDER PARAGRAPH 10 OF SCHEDULE 13 TO THE ENVIRONMENT ACT 1995

I give notice that:

The CAERPHILLY COUNTY BOROUGH Council, in the accompanying notice of determination of your application dated 28th August, 1998 reference P/98/0823 for the approval of conditions in respect of the site at Cwmleyshon Quarry, Draethen, Nr. Caerphilly have determined conditions which differ in some respect from the proposed conditions set out in your application.

The effect of condition No. 3 as compared with the effect of the conditions, other than any restoration or aftercare conditions, to which the relevant planning permissions were subject immediately prior to the making of the accompanying determination, is to restrict working rights in respect of the site.

The working rights so restricted are RATE OF OUTPUT OF MINERAL FROM THE SITE.

In the opinion of the authority, the effect of the restriction identified above would not be such as to prejudice to an unreasonable degree either the economic viability of operating the site or the asset value of the site. In reaching that opinion, the authority have had regard to the guidance issued by the National Assembly in MPG 14.

You have the right to appeal to the Secretary of State against the authority's opinion. If you wish to appeal you must give notice to the National Assembly within 6 months of the date of this notice.

DATED: 27/10/00

A handwritten signature in black ink, appearing to be "P. Jones".

CHIEF PLANNING OFFICER
ON BEHALF OF CAERPHILLY
COUNTY BOROUGH COUNCIL



Caerphilly County Borough Council,
Pontllanfraith,
Blackwood, NP2 2YW.
Tel: (01495) 226622 or Fax: (01495) 235013



ENVIRONMENT ACT 1995

INITIAL REVIEW OF MINERAL SITES - DETERMINATION OF CONDITIONS

APPLICATION NO:P/98/0823

APPLICANT
A.R.C. SOUTH WALES LIMITED,

CANAL ROAD,
CWMBACH,
ABERDARE.
CF44 0AG

AGENT
M.M. FRAMPTON,
SENIOR ESTATES SURVEYOR,
CANAL ROAD,
CWMBACH,
ABERDARE.
CF44 0AG

WHEREAS on 28/08/98 you submitted an application for the DETERMINATION OF UPDATED PLANNING CONDITIONS TO BE ATTACHED TO THE PLANNING PERMISSIONS AT THE QUARRY at CWMLEYSHON QUARRY, DRAETHEN, MACHEN, NEWPORT.

The Caerphilly County Borough Council, as the Local Planning Authority hereby determines that the development shall be subject to the Conditions specified below:-

Schedule A - Permission Reference No. 399/181/72. The following Conditions shall apply to the development authorised by planning permission Ref. 399/181/72 dated 8th September, 1975 in relation to the land edged Blue on Drawing No. C126/ROMP3 and hereinafter referred to as the "Permission Area."

- (1) The winning and working of minerals and the depositing of mineral waste shall cease not later than 21st February, 2042.
- (2) The limits of excavation shall be those defined by the plan and sections shown on Drawing Nos. C126/ROMP5 and C126/ROMP6 respectively insofar as they relate to the permission area.
- (3) The output of mineral from the site which includes the land subject of planning permissions 399/181/72, 399/Z/170 and CR935 shall not exceed a total level of 900,000 tonnes over any period of 3 years.
- (4) From the Resumption Date the operators shall maintain records of their monthly output and shall make such records available to the Local Planning Authority at any time upon request.
- (5) The operators shall provide the Local Planning Authority with not less than 21 days prior written notice of the Resumption Date.
- (6) Except in the case of emergency the sole means of access for the quarry shall be from the main quarry entrance off the Rudry - Draethen Road as indicated on Drawing No. C126/ROMP1.



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ENVIRONMENT ACT 1995

(7) No loaded lorries shall leave the quarry unsheeted except those carrying stone in excess of 500mm size.

(8) Measures shall be taken, in accordance with a scheme to be submitted to and approved by the Local Planning Authority, to ensure that, after the Resumption Date, vehicles leaving the quarry do not deposit mud, dust or other debris onto the public highway.

(9) The access referred to in Condition (6) above shall be widened at the permission boundary to allow two way traffic in accordance with a scheme to be submitted to and agreed by the Local Planning Authority and thereafter implemented prior to the Resumption of working.

(10) Within 3 months of the Resumption Date, a working scheme setting out the general manner in which the quarry is to be worked shall be submitted for the approval of the Local Planning Authority. After the date of its approval, the development of the quarry shall be carried out strictly in accordance with the working scheme unless otherwise agreed in writing with the Local Planning Authority.

(11) The working scheme referred to in Condition (10) above shall include, inter alia, details of the following:-

- i) The phasing and direction of quarry workings.
- ii) The configuration and height of the quarry faces and the width of the benches.
- iii) The location of the sites to be used for the disposal of overburden and/or quarry waste.
- iv) The location and maximum height of stockpiles.
- v) The final form and limits of excavation.
- vi) The maximum depth of working.
- vii) The location of plant.
- viii) The proposed fencing of boundaries.
- ix) Proposals for the treatment or restoration of waste deposits or redundant quarry faces.
- x) The location and design of main haul routes within the quarry.



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(12) Except in the case of Emergency as defined below, or as may be otherwise approved in writing by the Local Planning Authority, quarrying operations shall only be carried out between the following hours:

0700 hours and 1800 hours Monday to Friday.

0700 hours and 1300 hours Saturdays.

No quarrying operations shall take place on Sundays, Bank Holidays or National Holidays except with the prior written approval of the Local Planning Authority. For the purposes of this condition "Quarrying Operations" shall mean the stripping of overburden, the development of the quarry faces (including drilling) and the operation of the primary crusher or any replacement thereof.

(13) The emission and propagation of dust within the quarry shall be contained and minimised by the use of effective dust control measures in accordance with a scheme to be submitted to and approved by the Local Planning Authority within three months of the Resumption Date.

Such measures shall include:-

- (i) The provision of a mobile spraying unit to be maintained in efficient working order and use so as to ensure that haul roads and other areas subject to vehicular traffic are kept adequately damped down during periods of dry weather.
- (ii) The use of suitable dust suppression systems on crushing plant and drilling equipment.

(14) Best practicable measures, in accordance with a scheme to be submitted for the approval of the Local Planning Authority within three months of the Resumption Date shall be taken to minimise noise arising as a result of activities within the Quarry. Such measures shall include:-

- (i) All vehicles and mobile plant shall be fitted with effective exhaust silencers which shall be maintained in good and efficient working order.
- (ii) All machinery in intermittent use shall be shut down in the intervening periods between use or throttled down to a minimum.
- (iii) All vehicles plant and machinery shall be maintained in good



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mechanical condition so that extraneous noise from machinery vibration is kept to a minimum.

(15) Within six months of The Resumption Date a scheme for blasting operations shall be submitted for the approval of the Local Planning Authority. After the date of its approval, all blasting operations shall be carried out only in accordance with the scheme or such variation as may first be approved in writing by the Local Planning Authority. The scheme for blasting operations shall specify:-

- i. Except in the case of emergency no blasting operations to be carried out except between the hours of 1000 and 1600 Monday to Friday and not at all on Saturdays, Sundays, Bank Holidays or National Holidays.
- ii. Limitations on all blasting operations to ensure that ground vibration measured as peak particle velocity does not exceed specified levels at the nearest residential property existing at The Determination Date.
- iii. Any secondary breaking of stone to be by mechanical means only.
- iv. The Local Planning Authority to be given at least 24 hours notice of blasting operations upon request for such periods as may be specified from time to time. Authorised officers of the Caerphilly County Borough Council and such other persons as may be appropriate to accompany them shall be afforded such facilities, assistance and co-operation as may be necessary to enable noise, vibration or other tests to be carried out during blasting operations.
- v. Monitoring by the quarry operators of the effect of ground vibration generated by all blasting operations within the quarry and the Local Planning Authority to be given access to blasting records upon request.
- vi. Blasting to be controlled so that materials are not projected beyond the boundaries of the excavation area.
- vii. A warning siren to be sounded immediately prior to blasting operations taking place.
- vii. Notification of the requirements of the scheme for blasting operations to be given to the quarry manager, shot firer or other



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appropriate persons who from time to time may be involved in blasting or drilling operations within the quarry.

- ix. Measures to reduce the effects of air over pressure arising from blasting operations having regard to blast design, method of initiation of blasts and, as far as is reasonably practicable, to weather conditions prevailing at the time of initiation.

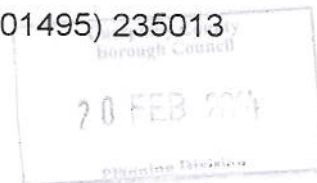
(16) Until such time as the scheme for blasting operations referred to in Condition 15 above is approved, from the Resumption Date blasting operations shall be controlled to ensure that:-

- i. Except in the case of emergency no blasting operations be carried out except between the hours of 1000 and 1600 Monday to Friday and not at all on Saturdays, Sundays, Bank Holidays or National Holidays.
- ii. All blasting operations shall take place in such a way as to ensure that ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 8mm per second in 95% of all blasts and no individual blast shall exceed a peak particle velocity of 12mm per second as measured at the nearest residential property existing at The Determination Date. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
- iii. Any secondary breaking of stone shall be by mechanical means only.
- iv. The Local Planning Authority shall be given at least 24 hours notice of blasting operations upon request for such periods as may be specified from time to time and authorised officers of the Caerphilly County Borough Council and such other persons as may be appropriate to accompany them shall be afforded such facilities, assistance and co-operation as may be necessary to enable noise, vibration and other tests to be carried out during blasting operations.
- v. The quarry operators shall monitor the effect of ground vibration generated by blasting operations within the quarry and the Local Planning Authority shall be given access to blasting records upon request.
- vi. A warning siren shall be sounded immediately prior to blasting operations taking place.



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- vii. All exposed detonating cord shall be buried by an appropriate depth of quarry fines prior to detonation.
- viii. Notification of the requirements of this condition is given to the quarry manager, shot firer or or any other appropriate persons who from time to time may be involved in blasting or drilling operations within the quarry.
- ix. Measures shall be taken to reduce the effects of air overpressure arising from blasting operations having regard to blast design, method of initiation of blasts and, as far as is reasonably practicable, to weather conditions prevailing at the time of initiation.

(17) Any oil, fuel, lubricant, paint, solvent or other potential contaminant within the quarry shall be stored in suitable impermeable enclosures to prevent such material contaminating any soil forming material or entering a watercourse or groundwater.

(18) Within three months of the Resumption Date the operator shall submit for the approval of the Local Planning Authority a scheme for the identification, protection and management of all trees within the Permission Area and within the control of the operator being outside the limits of excavation described in Condition (2) which are intended to be retained. Once the scheme has been approved it shall be implemented in full and complied with throughout the duration of the planning permission unless otherwise agreed in writing by the Local Planning Authority.

(19) The stripping of any topsoil/subsoil/overburden and trees within the permission area shall be carried out strictly in accordance with a scheme to be submitted to and approved by the Local Planning Authority prior to any such operations commencing. The Local Planning Authority shall be notified in writing of the quantities of topsoil/subsoil recovered during soil stripping operations and no such materials, including turf, shall be removed from the quarry.

(20) Within two years of the Resumption Date the operator will submit a Progressive Restoration Scheme for the approval of the Local Planning Authority. The Progressive Restoration Scheme will outline the general principles for the restoration of the quarry and should include details of:-

- (i) The nature of the intended afteruse of the quarry.
- (ii) The sequence and phasing of restoration (insofar as it is reasonably possible to supply such details at the time of submitting a scheme).



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- (iii) The re-spreading over the floor and benches of the excavated areas of overburden, quarry waste, subsoil and topsoil.
- (iv) The methods to be employed in planting trees on redundant quarry benches.
- (v) The proposed final configuration and levels of any restored areas.
- (vi) Measures for the effective drainage of any restored areas.
- (vii) The grass seeding of any restored areas as may be proposed.
- (viii) A timetable for the implementation of restoration works.
- (ix) Measures to mitigate the impact of the development on protected species of nature conservation value, including the provision of appropriate habitats.

All restoration works shall be carried out in accordance with the scheme as approved unless otherwise agreed in writing with the Local Planning Authority.

(21) A detailed Restoration Scheme identifying full restoration proposals for the site in accordance with the broad principles of the Progressive Restoration Scheme required by Condition (20) above shall be submitted for the approval of the Local Planning Authority twelve months prior to the expiry of this permission or within three months following permanent cessation of quarrying at the site, whichever is the sooner. The detailed restoration scheme shall include details of the quantities and sources of all topsoil, subsoil, soil making materials and general fill making material together with proposals for the removal of plant and buildings and measures for reinstating the areas formerly occupied.

(22) The detailed restoration scheme approved under Condition (21) above shall be implemented in full and completed within two years of the date of its approval or such other period as may be agreed in writing with the Local Planning Authority.

(23) At the same time as the scheme under Condition (21) is submitted there shall be submitted an aftercare scheme for approval by the Local Planning Authority. The scheme shall provide for a five year maintenance period and shall specify such steps as are required to bring land restored within the quarry to an adequate standard for the proposed afteruse.

(24) Within 6 months of the Resumption Date an assessment shall be made of archaeological resources within the permission area and measures shall be taken to record such features and to protect, maintain and enhance such features where appropriate within the area which lies between the area of excavation



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shown on Plan Ref. C126/ROMP5 and the boundary of the permission in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

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

- (1) To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 and to avoid doubt as to the duration of this permission.
- (2) To avoid doubt as to the extent of excavation and to protect against any adverse effect on the quantity or quality of groundwater supplies in the surrounding area.
- (3) To prevent a substantial increase in traffic generated by the site in the interests of highway safety and in the interests of local amenity.
- (4) In order that the Local Planning Authority can monitor the output of the site.
- (5-9) In the interests of highway safety and the amenity of nearby residents.
- (10&11) To facilitate future landscaping and restoration works, to control the height and form of quarry faces, in the interests of public safety and to protect the safety and amenity of nearby residents.
- (12) To protect the amenity of nearby residents.
- (13&14) To reduce the risk of dust and noise nuisance in the vicinity of the quarry and thereby lessen the environmental impact of the operation.
- (15&16) To limit blasting operations so as to protect the amenities of local residents and users of nearby land or premises from the impact of excessive ground vibration or air overpressure, dust and flying debris and to ensure the assimilation of quarrying into the area at the minimum social and environmental cost.
- (17) To protect against pollution of groundwater, watercourses and water supplies in the surrounding area.
- (18-23) To ensure that mineral extraction is properly planned, controlled and carried out in the interests of visual amenity and environmental protection throughout the duration of quarrying operations and to provide for the early restoration of the excavated area to productive use once limestone extraction has ceased.
- (24) To protect the known archaeological resources within the permission area as far as possible.

DEFINITIONS

For the purpose of the new planning conditions the following words and phrases shall have the meaning given:-



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Determination Date - means the date upon which the application for approval of conditions under paragraph 9 of Schedule 13 to the Environment Act 1995 is determined or deemed to have been determined by the Local Planning Authority.

Resumption Date - means the date notified to the Local Planning Authority in accordance with Condition 5 above as being the date upon which operations for the winning and working of minerals are to be resumed at Cwmleyshon Quarry. N.B. the removal of stone from existing stockpiles will not constitute the resumption of working.

The Quarry - means all those lands at Cwmleyshon Quarry shown edged red on Drawing No. C126/ROMP 1 together with any lands additional thereto shown edged blue or green on C126/ROMP2.

Emergency - means any circumstances in which the operator has reasonable cause for apprehending injury to persons or serious damage to property.

Schedule B Permission Ref. 399/Z/1970.

The new planning conditions set out below shall apply to the development authorised by the planning permission Ref. 399/Z/1970 dated the 17th February, 1967 in relation to the land shown edged yellow on Drawing No. C126/ROMP3 and hereinafter referred to as the "Permission Area."

As 1-24 of schedule A with the following exceptions:-

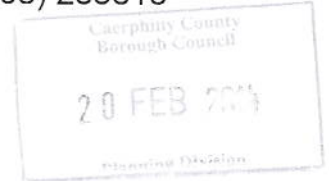
(2) The limits of excavation shall be those defined by the plan and sections shown on Drawing Nos. C126/ROMP5 and C126/ROMP6 respectively insofar as they relate to the permission area.

No excavations shall be carried out within the area shown cross hatched YELLOW on Drawing No. C126/ROMP3.

(18) Within three months of the Resumption Date the operator shall submit for the approval of the Local Planning Authority a scheme for the identification, protection and management of all trees within the permission area (being outside the limits of excavation described in Condition 2) which are intended to be retained. In particular the scheme shall include details of a management programme for those trees within the area hatched yellow on Drawing No. C126/ROMP3. Once the details of the scheme have been approved they shall be implemented and complied with in full throughout the duration of the planning permission unless otherwise agreed in writing with the Local Planning Authority.



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Reasons

As Schedule A 1-24.

Schedule C - Permission Ref. CR935.

The new conditions set out below shall apply to the development authorised by the planning permission Ref. CR935 dated 6th January, 1954 in relation to the land shown edged PURPLE on Drawing No. C126/ROMP3 and hereinafter referred to as the "Permission Area."

As 1-24 of schedule A with the following exceptions:-

(2) The limits of excavation shall be those defined by the Plan and sections shown on Drawing Nos. C126/ROMP5 and C126/ROMP6 respectively insofar as they relate to the permission area.

No excavations shall be carried out within the area on the eastern flank of the Cwmleyshon Valley shown hatched PURPLE on Drawing No. C126/ROMP3.

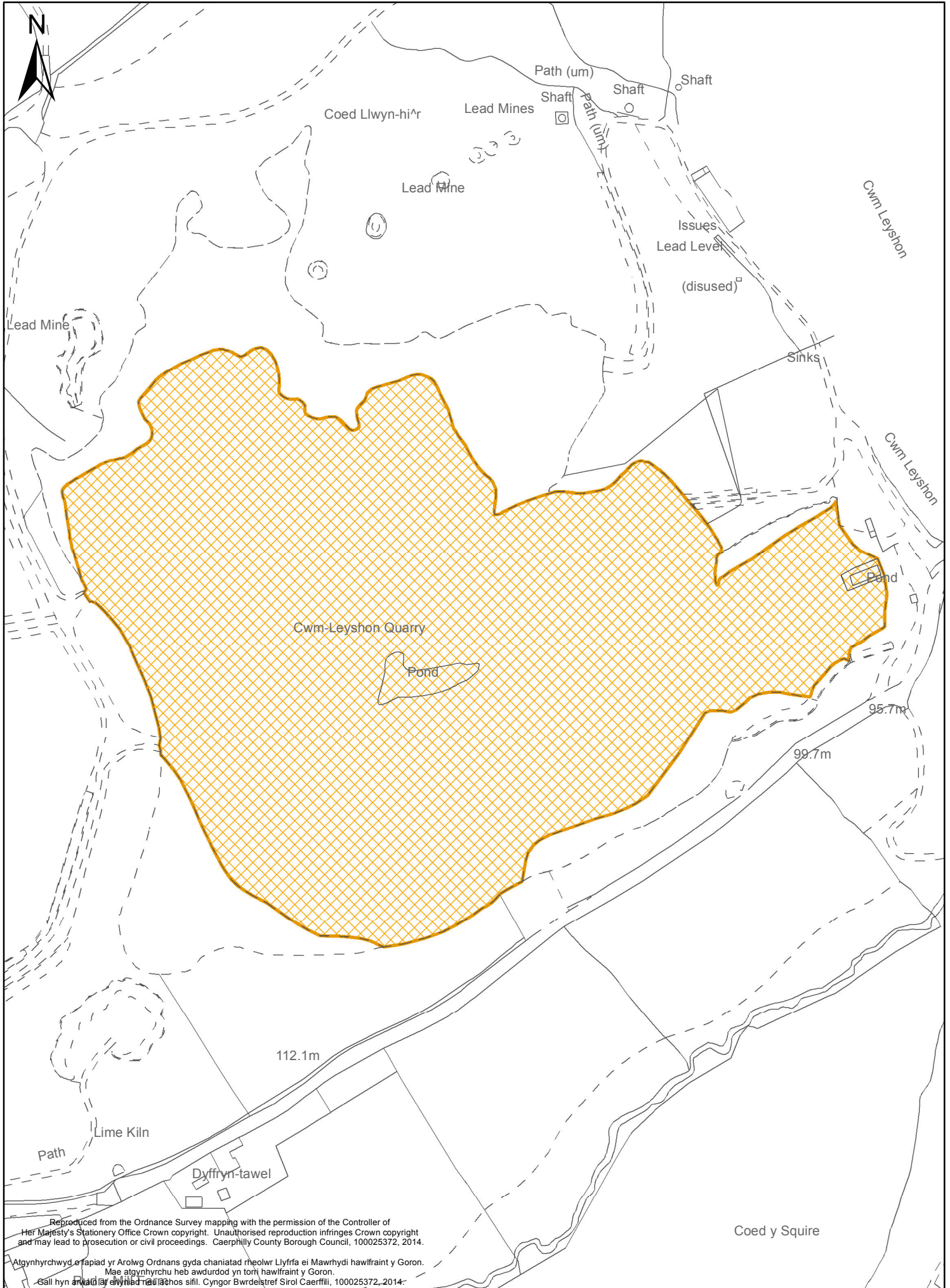
(18) Within six months of the Resumption Date the operator shall submit for the approval of the Local Planning Authority a scheme for the identification and protection of all trees within the permission Area (being outside the limits of excavation described in condition 2) which are intended to be retained. In addition the scheme shall include details of a management programme for those trees abutting the public highway on the southern boundary of the quarry, such trees to be identified on a plan to be submitted to and approved by the Local Planning Authority. Once the details of the scheme have been approved it shall be implemented and complied with in full throughout the duration of the planning permission unless otherwise agreed in writing with the Local Planning Authority.

Reasons

As schedule A 1-24

DATED: 27/10/00

CHIEF PLANNING OFFICER



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Atgynhychwyd o fapiaid yr Arolwg Ordnans gyda chaniatod rheolwr Llyfrfa ei Mawrhydi hawffraint y Goron. Mae atgynhychu heb awdurdod yn torri hawffraint y Goron. Gall hyn arwain at achos sifil. Cyngor Bwrdeistref Sirol Caerffili, 100025372, 2014.

PREFACE ITEM

APPLICATION NO. 11/0650/FULL

APPLICANT(S) NAME: Mr L Richards

PROPOSAL: Erect new housing development comprising of 13 detached and 1 pair of semi-detached dwellings

LOCATION: Land Adj To Former Waterloo Works Machen
Caerphilly CF83 8NL

1. At the Planning Committee held on the 9th April 2014 Members resolved to defer this application for a further report to the next Committee containing suitable conditions should approval of the development be granted. The original report of your Officers is attached to this preface item as an appendix. This report concluded that the proposal was unacceptable as it involved development contrary to a range of Adopted Local Development Plan policies and Welsh Government Guidance. This conclusion is still held by your Officers, however, if Members are of a mind to approve the application the following Section 106 provisions and planning conditions are suggested for consideration.
2. The application will be deferred for the completion of a Section 106 Agreement, the terms of which are standard in this area of the County Borough. These are as follows:
 - (i) A contribution to Strategic Highway Improvements based on the number of dwellings (i.e. 15 units x £5,500 = £82,500).
 - (ii) A contribution to Education Provision calculated as follows:
15 units x 0.35 x £7,000 = £36,750.
 - (iii) The provision of affordable housing on the basis of 40% of the proposed units.
 - (iv) The fourth element of the Section 106 is specific to the site and was offered in principle by the applicant in a letter dated 12th December 2012 whereby additional tree-planting and also scrub and tall hedge planting was offered on land owned by the applicant in the vicinity of the site.
 - (v) A scheme relating to the offered planting scheme shall be submitted, which shows the location, tree species and planting densities involved along with the short and long term management proposals and the long term management costs of the scheme (i.e. over 25 years).

Cont....

This latter sum cannot be agreed until the details of the scheme are finalised.

It is considered that those requirements are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. Upon completion of the signing of the Section 106 Agreement the consent would be issued subject to the conditions identified below.

Notwithstanding this situation, it should be noted that should the Section 106 Agreement not be signed before 1st July 2014 then the matter will be dealt with by way of the Community Infrastructure Levy (CIL) for items (i) and (ii), and the Section 106 for the affordable housing and the tree planting scheme.

The rate of payment set for CIL has been set at £40.00 per square metre for residential development.

3. Suggested conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2) Prior to the construction of the external surfaces of the development hereby approved, details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 3) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

Cont....

- 4) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work an 'Interim Certificate' carried out in relation to each dwelling by an accredited body, certifying that each dwelling shall achieve Code for Sustainable Homes (Version 3) Level 3 and one credit under 'Ene1 - Dwelling Emission Rate', shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 5) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) with or without modification, no fences, gates, walls, hedges or other means of enclosure whatsoever shall be erected or planted without the approval of the Local Planning Authority other than those indicated on the approved plans.
REASON: To retain the open character of the development in the interests of visual amenity.
- 8) Prior to their first use, the proposed shared private driveways and parking areas shall be completed in materials as approved by the Local Planning Authority to ensure loose stones or mud etc are not carried on to the public highway.
REASON: In the interest of highway safety.

Preface 11/0650/FULL - Continued

- 9) There shall be no vehicular access to or from the road that runs from Newport Road to Waterloo, other than the single point of access indicated on drawing number 11/0009 101 C, unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interest of highway safety.
- 10) Prior to the occupation of any dwelling hereby approved the proposed means of access shall be laid out, constructed and maintained thereafter with vision splays of 2.4m x 70m. No obstruction or planting when mature exceeding 900mm shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interest of highway safety.
- 11) Notwithstanding the submitted plans, no works shall commence on site until after full engineering details of the road layout with sections, street lighting and surface water drainage etc have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.
REASON: In the interest of highway safety.
- 12) The dwellings shall not be occupied until the areas indicated for parking of motor vehicles have been laid out in accordance with the submitted plans and agreed in writing with the Local Planning Authority. Thereafter those areas shall not be used for any purpose other than the parking of motor vehicles.
REASON: In the interest of highway safety.
- 13) Development Plateau Levels are to be set no lower than 54 metres Above Ordnance Datum (AOD) in accordance with Section 8.2 Paragraph 2 and Section 9 Point 14 of the approved FCA produced by Hyder Consulting (UK) Ltd, Reference 01-WX55487-NER-02 dated July 2010.
REASON: To reduce and manage the risk of flooding to the proposed development and future occupants and users.
- 14) No development shall take place until a scheme for the provision of compensatory flood storage has been submitted to and approved in writing by the Local Planning Authority. The compensatory flood storage scheme shall be in accordance with Section 8.3 Paragraph 2, Appendix A – Figures A1, A2 and Section 9 – Point 11 of the approved FCA produced by Hyder Consulting (UK) Ltd, Reference 01-WX55487-NER-02 dated July 2010.
REASON: To reduce and manage the risk of flooding to the proposed development and future occupants and users.

Cont....

- 15) No development shall take place until such a time as a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall:
- Limit the surface water run-off generated by the 1% (1 in 100 year) storm event so that it will not exceed 4 litres/second/hectare, in accordance with Section 4.2 Table 4-1 and Section 9 – Point 5 of the FCA produced by Hyder Consulting (UK) Ltd, Reference 01-WX55487-NER-02 dated July 2010.
 - Provide 421 cubic metres of attenuation storage to achieve the above runoff rate, in accordance with Section 4.2 paragraph 4 of the above referenced FCA.
 - Detail surface water management during construction.
 - Detail adoption and management proposals to ensure the designed scheme remains effective for the lifetime of the development.

REASON: To manage the risk of flooding from surface water run-off into the adjacent watercourses and/or River Rhymney resulting from the development.

- 16) Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the watercourse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:
- Plans showing the extent and layout of the buffer zone.
 - Details of the planting scheme (for example, native species, local provenance).
 - Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.
 - Details of any footpaths, fencing.

REASON: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

Cont....

- 17) Prior to the commencement of development, a detailed method statement for the removal or long-term management/eradication of Japanese knotweed and Himalayan balsam on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed and Himalayan balsam during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
REASON: Japanese knotweed and Himalayan Balsam are invasive plants, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.
- 18) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 19) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.
- 20) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.

Cont....

Preface 11/0650/FULL - Continued

- 21) Prior to the commencement of the development hereby approved, a construction phase dust mitigation scheme must be submitted to and agreed, in writing, with the Local Planning Authority. Thereafter, this agreed scheme shall be employed to deal with any dust arising from the development.
REASON: In the interests of residential amenity.

- 22) Prior to the commencement of the development hereby approved, a construction phase noise scheme (to include proposed hours which the developer intends to work) must be submitted to and agreed in writing with the Local Planning Authority. Thereafter, this agreed scheme shall be employed to deal with any noise arising from the development.
REASON: In the interests of residential amenity.

Informatives: Adopted LDP policies of relevance: CW15, CW6 and CW4.

Advice – Transportation Engineering Manager, Natural Resources Wales, Gwent Police, Head of Public Protection, Wales & West Utilities and Western Power Distribution.

4. As required by Planning Policy Wales, Natural Resources Wales (NRW) has been advised of the Committee's resolution to grant planning permission in this case. At the time of report preparation, no response had been received, and any future comments will be reported to Members at Committee.

5. Planning Policy Wales also states that the Local Planning Authority should have good reasons if it approves a development which is a departure from the adopted development plan, or is contrary to the Welsh Government's stated planning policies, the advice of a statutory Consultee, or the written advice of its Officers, and those reasons should be recorded in the Committee's minutes.

Five reasons for refusal were recommended by Officers relating to the site's location in a flood zone, its location outside settlement, its adverse impact on an SLA and a SINC, the loss of trees protected by a TPO, and in that last respect being contrary to Planning Policy Wales.

Cont....

Preface 11/0650/FULL - Continued

Based on the discussion at Planning Committee, it is suggested that the following would appear to be the reasons Members would disagree with the Officer recommendation in this case:

- (i) Flood zone: the application is supported by a Flood Consequences Assessment that addresses the issue of flooding at this site.
- (ii) Location outside settlement: this is a minor incursion adjacent to a very large housing development at the former paint works.
- (iii) Impact on SLA and SINC: Members visited the site and did not conclude that the impact on the SLA would be adverse. Also, a satisfactory Nature Conservation Survey was submitted in support of the scheme.
- (iv) Loss of trees protected by TPO: Members assessed the trees at the site visit and did not consider them worthy of retention.
- (v) Development contrary to PPW: as (iv) above.

These, and any other reasons suggested by Members, should be recorded if Committee is minded to grant planning permission.

- 6. Section 38 of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. For the reason set out in the attached report, Officers consider that this proposal is contrary to the development plan and the material considerations do not lead to the opposite conclusion.
- 7. TAN 15 states that development will only be justified in a flood zone if it is necessary to assist or be part of a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement: OR its location is necessary to contribute to key employment objectives supported by the local authority to sustain an existing settlement or region; AND it concurs with the aims of PPW and meets the definition of previously developed land. None of those criteria is satisfied in this case
- 8. Policy CW15 of the LDP prevents development outside settlements unless it is associated with agriculture, forestry or minerals; the conversion of existing buildings; recreation, leisure or tourism; public utilities; or land reclamation. None of those criteria applies in this case.

Cont....

Preface 11/0650/FULL - Continued

9. The Council's Ecologist and Tree Officer support the concern raised about the impact of the development on the SINC and the protected trees respectively. The development would have an adverse impact on the SLA, and would be contrary to PPW.

Recommendation: That planning permission is refused for the reasons set out in the attached report but if Members are minded to grant permission it should be subject to the conditions in paragraph 3 above, with the reasons in paragraph 5 recorded in the minutes.

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 SINC 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....

Application No. 11/0650/FULL Continued

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....

Application No. 11/0650/FULL Continued

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.

Cont....

Application No. 11/0650/FULL Continued

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.)."

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.

Cont....

Application No. 11/0650/FULL Continued

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.

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.

Cont....

Application No. 11/0650/FULL Continued

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.
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.

Cont....

Application No. 11/0650/FULL Continued

- 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).
 - 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.
-

DEFERRED FOR SITE VISIT



PLANNING COMMITTEE - 9TH APRIL 2014

SUBJECT: SITE VISIT - CODE NO. 11/0650/FULL - ERECT NEW HOUSING DEVELOPMENT COMPRISING OF 13 DETACHED AND 1 PAIR OF SEMI-DETACHED DWELLINGS, LAND ADJACENT TO FORMER WATERLOO WORKS, MACHEN, CAERPHILLY, CF83 8NL.

REPORT BY: DEPUTY CHIEF EXECUTIVE

PRESENT:

Councillor D. G. Carter – Chairman
Councillor W. David – Vice Chairman

Councillors Mrs E. Aldworth, H. Davies, Mrs J. Gale, L. Gardiner, N. George, R.W. Gough, D. Havard, Mrs B. Jones and Mrs J. Summers.

1. Apologies for absence were received from Councillors M. Adams, J. Bevan, Mrs. E. Stenner and Mrs G. D. Oliver
2. The Planning Committee deferred consideration of this application on 12th March 2014 for a site visit. Members and Officers met on site on Tuesday 25th March 2014.
3. Details of the application to erect new housing development comprising of 13 detached and 1 pair of semi-detached dwellings, on the land adjacent to the former Waterloo Works, Machen, Caerphilly were noted.
4. Those present viewed the site, walked the site area in order to determine its boundary and examined the layout plan submitted with the application to fully appreciate the proposals.
5. Members were asked to note that the site is located outside the settlement limits identified in the Adopted LDP, lies within a Site of Interest for Nature Conservation (SINC) and is also part of a Special Landscape Area (SLA). Officers confirmed that a Tree Preservation Order (TPO) was in place with regard to the sites alder woodland. The site is also located entirely within a C1 flood Zone and was noted to have failed two of the four test requirements of TAN15 (Development and Flood Risk).
6. Members sought clarification as to the position of the settlement boundary in relation to the development site. Officers confirmed the boundary limits and identified the position of the development as outside the settlement limits. Reference was made to the flood risk and the Flood Consequence Assessment submitted by the applicant. Officers acknowledged that this submission did comply with test (iv), which related to the potential consequences of a flood however the site failed to meet tests (i), and (iii).

A Local Ward Member confirmed that he had visited the site throughout the winter and advised that no flooding had been noted. The Member also referenced further studies

submitted by the applicant not only with regard to flooding but also concerning the conservation value of the site. Officers reiterated the position of the Council's Ecologist and Arboricultural Officer in considering this submitted information and the objections that they have raised in this regard. However it was felt by some Members having seen the woodland in question that it did not present an important conservation feature. It was also noted that the applicant would be willing to undertake a replacement planting scheme in order to mitigate the trees lost through the development.

7. Members again referenced the settlement boundary limits and the close proximity of an adjacent site which had been the subject of a Council resolution to grant permission for 545 dwellings and a school, subject to the completion of a S106 Agreement (yet to be signed) particularly as the boundaries between the two sites had been in dispute. Concerns were also expressed at the length of time taken with this particular application. Officers confirmed that the position of the adjacent site as within the settlement boundary had been based on the existing development area occupied by the Former Cray Valley paint Works site. In terms of the history of the application, Officers confirmed that two applications for the residential development of this land had been submitted (the first was refused in 2010) whilst the current application had remained undetermined since the summer of 2011. The issues, relating to both applications however remained the same.

A Member expressed concern that to proceed with the application against the Officer's recommendation would go against the Council's own governing document and would be a serious breach of the LDP. Clarification was sought as to the legal consequence of this action and the Principal Solicitor confirmed that failure to following the Councils own policies and processes could result in a judicial view.

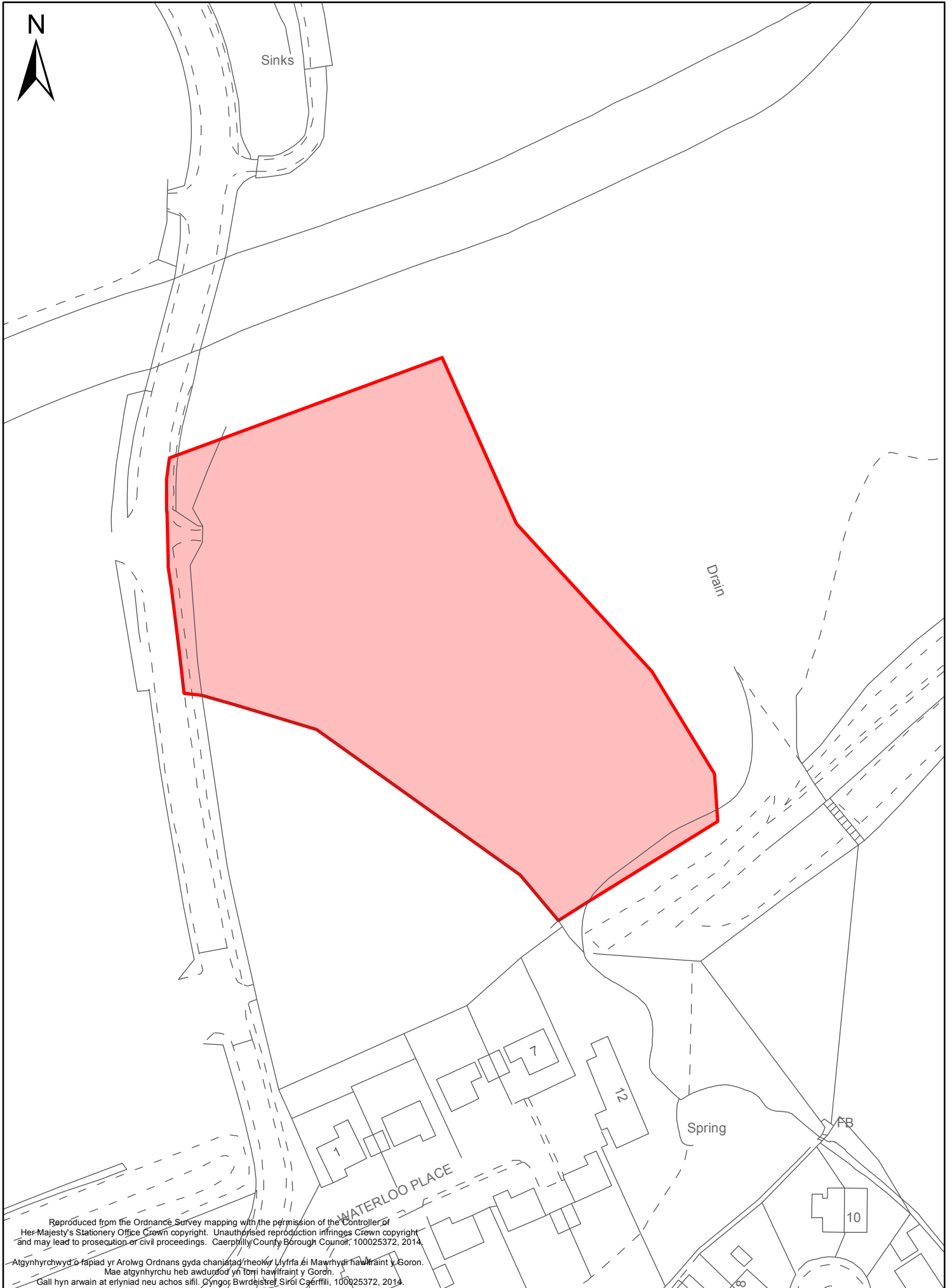
A Member expressed the view that the best way forward would be for the applicant to submit an application for the sites to be included within the settlement boundary as part of the current LDP review and await the outcome of that process.

8. Officers confirmed that statutory objections had been received from the Countryside and Landscape Services Section, the County Arboricultural Officer and Strategic Planning, and following advertisement to 10 neighbouring properties, advertisement in the press and a site notice being posted, a number of responses on the proposal had been received from Total Limited. Details are contained within the Officer's report.
9. 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 unacceptable and Officers recommended that permission be refused.
10. A copy of the report submitted to the Planning Committee on 12th March 2014 is attached. Members are now invited to determine the application.

Author:	E. Sullivan	Committee Services Officer, Ext. 4420
Consultees:	G. Lewis	Principal Planner
	J. Rogers	Principal Solicitor
	M. Noakes	Senior Engineer (Highway Development Control)
	A. Brown	Environmental Health Officer

Appendices:
Appendix 1 Report submitted to Planning Committee on 12th March 2014

Defer for approval



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Atgynhychwyd o fapiaid yr Arolwg Ordnans gyda chaniatod/rheolwr Llyfrfa a'i Mawrhydi hawlfraint y Goron. Mae atgynhychu heb awdurdod yn torri hawlfraint y Goron. Gall hyn arwain at erlyniad neu achos sifil. Cyngor Bwrdeistref Sirŏl Caerffili, 100025372, 2014.

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 30 metres'. 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').

Members also asked when the night club closed for business. Confirmation has been received that the nightclub closed at the end of July 2013.

Cont....

Preface 13/0703/FULL - Continued

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. In this respect, the Email from Mr. Roger Booth, Gwent Police Architectural Liaison Officer, is copied here:-

"As you are aware you have received incident data in the past sourced from police.uk which has been provided to give some indication of the issues in the area of the subject premises. I have searched the same web site for the months June 2013 to December 2013 but specifically for incidents on or near Pentrebane Street, Caerphilly. Between these months only one incident (of theft) was reported (in August) on or near Pentrebane Street albeit there are a number of incidents on or around the length of Cardiff Road, Caerphilly which are:-

December 2013 = 4 anti social behaviour
Nov.13 = 6 anti social behaviour
Oct.13 = 2 anti social behaviour
Sept.13 = 1 anti social behaviour, 1 robbery and 1 violence
Aug.13 = 1 anti social behaviour, 1 damage, 2 theft
July 13 = 1 burglary, 2 theft"

A follow-up telephone conversation with Mr. Booth revealed that the above information is freely available to members of the public on the internet website POLICE.UK

In order to provide Members with more information, a search by the case officer of the same website from which the Gwent Police Architectural Liaison Officer gets his information revealed the following:-

Incidents in Pentrebane Street (between Cardiff Road and Bradford Street)

December 2013 = 1 burglary
Nov.13 = No crime
Oct.13 = No crime
Sept.13 = No crime
Aug.13 = 1 theft
July 13 = No crime
June 13 = 1 vehicle crime

May 13 = No crime
April 13 = 1 anti-social behaviour
March 13 = 1 anti-social behaviour, 1 criminal damage and arson
February 2013 = 1 anti-social behaviour
January 2013 = No crime
December 2012 = No crime

Cont....

Preface 13/0703/FULL - Continued

Incidents on or near Pentrebane Street (including Cardiff Road and Bradford Street)

December 2013 = 6 anti-social behaviour, 1 criminal damage and arson, 1 drugs, 1 other crime, 1 burglary

Nov.13 = 1 anti-social behaviour, 2 burglary, 1 drugs, 1 other theft, 1 violence and sexual offences

Oct.13 = 2 anti-social behaviour

Sept.13 = 1 anti-social behaviour, 1 robbery, 1 violence and sexual offences

Aug.13 = 1 anti-social behaviour, 1 criminal damage and arson, 2 other theft, 1 shoplifting

July 13 = 1 burglary, 1 other theft, 1 shoplifting

June 13 = 2 anti-social behaviour, 1 vehicle crime

May 13 = 4 anti-social behaviour, 1 criminal damage and arson, 3 shoplifting

April 13 = 2 anti-social behaviour, 1 criminal damage and arson, 1 other theft

March 13 = 5 anti-social behaviour, 1 other crime, 1 other theft, 1 vehicle crime, 1 criminal damage and arson

February 2013 = 4 anti-social behaviour, 1 burglary, 1 other theft

January 2013 = 4 anti-social behaviour, 1 criminal damage and arson, 2 drugs

December 2012 = 5 anti-social behaviour, 1 other theft, 1 violent crime

Comment

When the assimilated information is compared it clearly indicates an increase in crime and anti-social behaviour when the search area is increased beyond Pentrebane Street. This is not surprising as the wider search area includes Cardiff Road, where there are a number of public houses.

It is difficult to draw any helpful conclusions, because, (1) there is no information about the time of day that any of these incidents took place, and (2) it can't be assumed that any of the incidents are directly connected to any clientele of Pulsars.

Taking the months of December 2012 and December 2013 out of the statistics, there is a noticeable reduction in anti-social behaviour between the periods of Jan to July 2013 (when Pulsars was still open), and August to November 2013 (after Pulsars had closed). However, there is insufficient evidence to assume that there is any direct correlation, because the information does not indicate whether or not the incidents took place on nights when Pulsars was open to the public.

Cont....

Preface 13/0703/FULL - Continued

Finally, Members drew attention to the information required by Conditions 6 and 12, indicated in the recommendation. These conditions require noise schemes to be submitted prior to commencement of development and first use of the night club respectively. Members had indicated that the applicant should be 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. The applicant has indicated that due to the financial implications of providing the requested information, he will only provide this as a discharge of planning conditions if planning permission is granted.

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.

Recommendation: That planning permission is GRANTED in accordance with the recommendations in the attached report.

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.

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

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 Pentrebanne 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

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).

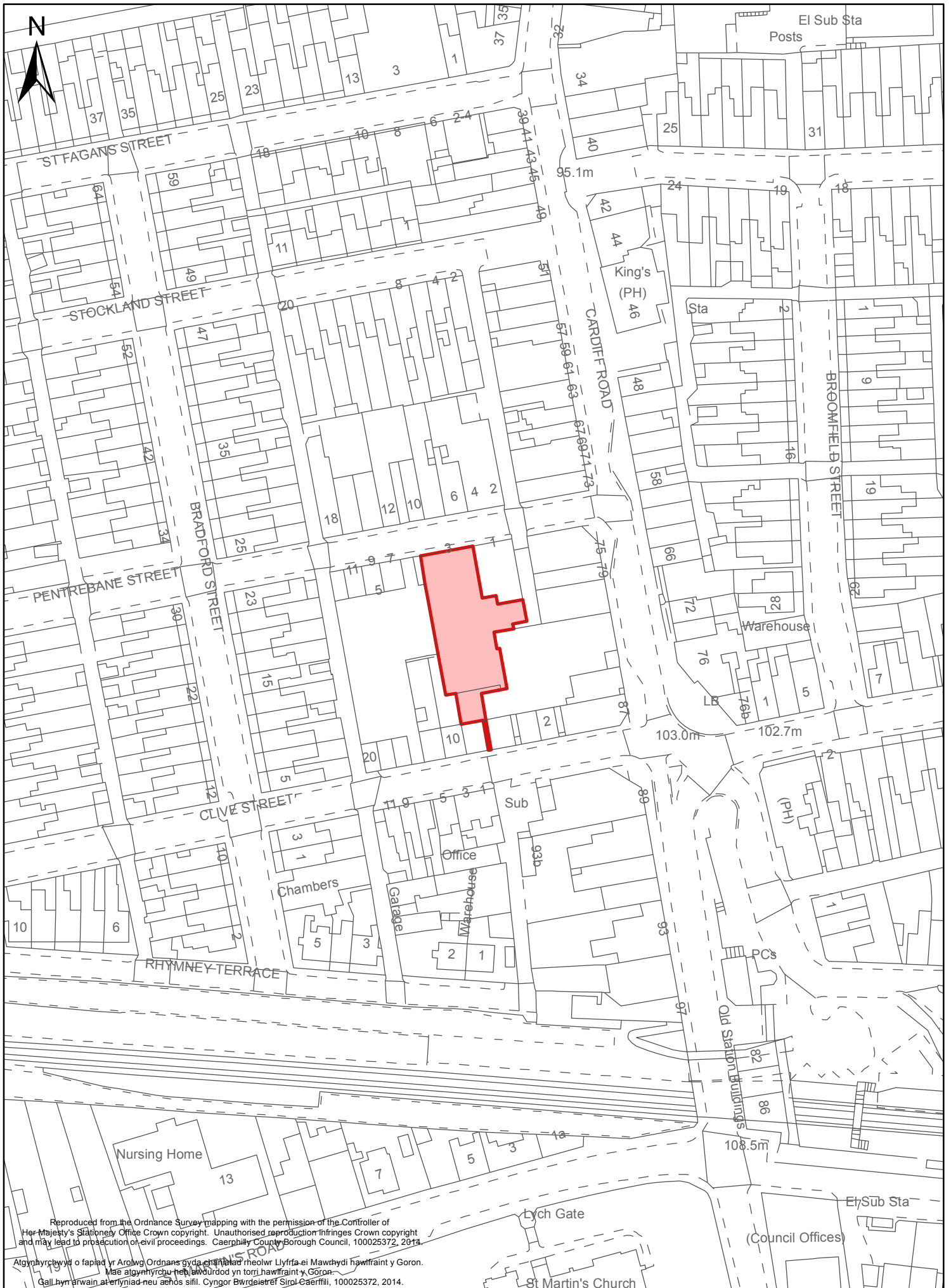
To the rear elevation of the main terrace in Bradford Street – 42m (137).

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.

DEFERRED FOR FURTHER INFORMATION



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Atgynhychuwyd o fapiaid yr Arolwg Ordnans gyda eiddoedd rheolwr Llyfrfa-ei Mawrhydi hawffraint y Goron. Mae atgynhychu heb awdurdod yn torri hawffraint y Goron. Gall hyn arwain at erlyniad neu achos sifil. Cyngor Bwrdeistref Sirol Caerffili, 100025372, 2014.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0837/LA 29.11.2013	Caerphilly County Borough Council - Education Ms S Aspinall Ty Penallta Tredomen Park Ystrad Mynach Hengoed Caerphilly CF82 7PG	Erect new two/three storey teaching block, bus turning area, parking and external works Y Gwyndy - Ysgol Gyfun Cwm Rhymni Pontygwindy Road Caerphilly CF83 3HG

APPLICATION TYPE: Local Authority Application

SITE AND DEVELOPMENT

Location: This application relates to land within the boundary of the existing St. Ilan Secondary School, which is sited off Pontygwindy Road (B4263) Caerphilly. This land is located approximately half a mile to the north of Caerphilly Town Centre and has a frontage with this classified road.

Site description: The school was closed at the end of the 2008/2009 academic year, however since that time refurbishment and extensions to the existing Pheonix Block have now been completed, as the first phase of this scheme. This part of the site is currently being used as a functioning school building. The remainder of the buildings, which mainly comprise the Grade II Listed Building, known as the Gwyndy Block, are currently awaiting refurbishment and further extensions to accommodate a Welsh Medium Primary School.

The site is bounded by housing and a fire station to the north. To the south it borders an open schoolyard area, which is thereafter bounded by the Nant yr Aber watercourse. To the east it backs onto the existing school buildings. To the west again runs the Nant yr Aber, on the opposite bank of which is located Plasyfelin Primary School.

This area of the site was partly occupied by tennis courts however these have become neglected and dilapidated since the school closed some 5 years ago.

Cont....

Planning application 13/0837/LA - continued

Development: The development applied for is a new block, which is attached to the main school by an extension off the first phase. The block is mainly long and rectangular in design, and comprises a two-storey element where it adjoins the existing school along with a three-storey element which projects outwards towards the north-western boundary. This latter element has a floor area measuring 45 metres x 20 metres and mirrors the design solution employed in the new sports hall constructed as part of the first phase.

The two-storey element accommodates the new main entrance, along with a large internal atrium space. The three-storey part of the building provides for 26 classrooms (serving a range of subjects), along with offices, staff rooms, storage and breakout areas.

Dimensions: The site area of the school is indicated as being 6.7 hectares in total. The building subject specifically to this application will provide for additional gross floor space totalling 4,200 square metres. This will more than double the existing gross floor area of 4,031 square metres.

The two-storey section serving the main entrance has a height of 7.5 metres approximately and has a flat roof. The main three storey element has a general height of approximately 11.5 metres with a projecting mono-pitched section which houses glazing and ventilation louvres and results in a further 2.5 metres being added to the height in the central section of the roof.

Materials: The walls are to be finished in facing brickwork and render with the roof covered in standing seamed aluminium, with an anti-glare coating.

Ancillary development, e.g. parking: The external works allow for bus-turning and 9 bus-parking areas along with 22 standard car-parking spaces and 5 motor cycle bays. These are located in the north-western corner of the site, which is the area of the school in which this third phase of the development is taking place.

PLANNING HISTORY

5/5/91/0351 Provide new teaching block and links to existing buildings - Granted 06.09.1991.

5/5/93/0228 Erect two storey mobile classroom - Granted 30.06.1993.

5/5/93/0229 Replace existing mobile classroom - Granted 30.06.1993.

11/0398/LA Refurbish existing school building, demolish existing sports hall and changing facilities and construct new sports hall and changing rooms - Granted 20.02.2012.

12/0358/LA - Refurbish existing school building, demolish existing sports hall and changing facilities and construct new sports hall and changing rooms - Granted 05.07.2012.

Cont....

Planning application 13/0837/LA - continued

13/0335/LA - Refurbish and extend existing Grade II Listed former Gwynndy Girls School to provide improved facilities for the relocation of Ysgol Gynradd Gymraeg Caerffili - Granted 05.09.13.

13/0336/LBCC - Refurbish and extend existing Grade II Listed former Gwynndy Girls School to provide improved facilities for the relocation of Ysgol Gynradd Gymraeg Caerffili - Granted 13.08.13.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is not allocated for a specific land-use in the plan, however it is located on an existing school site and is within the settlement boundary identified in that plan.

Policies: The policies of relevance in this plan are as follows:-

1. CW2 - Amenity.
2. CW15 - General Locational Constraints.
3. SP6 - Place Making.

NATIONAL POLICY: The proposal will also be assessed against Planning Policy Wales (Edition 6, Feb. 2014) and Technical Advice Note 12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes, the overall school site area exceeded the 0.5 Hectare threshold for screening Schedule 2 proposals.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This part of the school site is not within the high-risk area. As such The Coal Authority were not consulted.

Cont....

CONSULTATION

Principal Valuer - raised no objection to the proposal.

Natural Resources Wales - considered the submitted Flood Consequences Assessment and commented that it had no objection to the application. It did however require the imposition of conditions relating to the setting of finished floor levels, and a scheme of surface water disposal to be attached to any consent granted.

Transportation Engineering Manager - considered the conclusions contained in the submitted Transport Statement to be acceptable. Conditions relating to various highway safety matters are requested to be imposed.

Senior Engineer (Land Drainage) - makes a range of comments on land drainage and surface water matters, some of which require to be conditioned whilst others are to be passed on as written advice.

Head Of Public Services - comments that any additional any additional waste bins should be accommodated on site.

Head Of Public Protection - has considered a number of reports submitted with the application (e.g. Bus noise, Air Quality, Site Investigation) and concluded that the proposal is acceptable subject to the imposition of conditions relating to lighting levels, noise, odour and dust mitigation measures, waste arrangements and the installation of a grease trap within the drainage system.

Dwr Cymru - makes no adverse comments regarding this application. It comments on matters relating to the adopted drainage system and requests a condition be imposed relating to a scheme for the integrated drainage of the site.

Police Architectural Liaison Officer - has not commented directly on this matter however separate discussions have taken place with the police regarding the security of the overall school buildings. It is indicated by the applicant that such discussions will continue in respect to this site.

Wales & West Utilities - comments that it has have apparatus within the application site area.

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

Conservation & Design Officer - has made no comment on this proposal. This phase of the school's redevelopment is at the rear of the buildings and is therefore away from the listed building which occupies the area of the site which fronts onto Pontygwindy Rd.

Cont....

ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site and press notices along with 33 direct neighbour consultation letters.

Response: One response was received.

Summary of observations: This referred to inaccuracies in the submitted plans. However based on the limited information supplied the respondent was advised to attend the department and seek clarification of the matters referred to and then to write in with specific objections/concerns. No further correspondence was submitted in this regard.

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 adversely impact on the issue of crime and disorder in this area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The application was accompanied by a comprehensive Ecological Report which the Council's Ecology Section confirmed was acceptable and demonstrated that there were no issues raised which affected a protected wildlife species.

ANALYSIS

Policies: The responses to the policies of relevance are as follows:-

Policy CW2 contains a number of criteria against which all applications are assessed. These are: -

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

Cont....

Planning application 13/0837/LA - continued

With regard to Criterion A, the extensions and other refurbishment works are all well located within the curtilage of the school site. The extension is linked closely with the existing built fabric of the school and as such provides a relatively compact arrangement. It must be recognised that the new elements of the school (i.e. phases 1 and 3) have to be sited so as not to adversely impact on the Grade II Listed Building, which faces Pontygwindy Rd. As such the location of this extension in the north-western section of the site, reduces its visual effect from the main road considerably.

The most potentially sensitive impact of the extension is on the residential development at Waun Fach Flats, located to the north of the school. When completed the building will be located 45 metres away from the nearest residential building. This is considered to be acceptable in both amenity and privacy terms. It should also be acknowledged that the bus parking/drop-off point is in this area. As such a noise report, specifically relating to this issue and its impact on the nearest residential properties, was required by the Head of Public Protection. The conclusions contained in the report were sufficient to satisfy your officers that the matter could be adequately addressed.

In the circumstances it is considered that the requirements of Criterion A are met.

Criterion B refers to site over-development and its impact on the remaining curtilage and its surroundings. In this regard the school has substantial grounds (i.e. 6 Hectares) and whilst much of this lies to the south of the existing buildings, there is still a buffer of undeveloped land between the school buildings and the surrounding built development. It is not considered that over-development is an issue in this instance.

There has been a school on this site since 1933. It has served the area up until its closure in 2008/2009. As such its compatibility with the surrounding land uses is historically secure. Those surrounding uses have remained relatively unchanged, other than the first phase of the school reopening last year. Consequently the relationship between the site and its surroundings has not altered. Criterion C is therefore satisfied.

The final requirement of this policy refers to the impact of the development on the viability of neighbouring land uses. It is not considered that this is applicable in this instance.

The second LDP policy of relevance is CW15, which relates to general locational constraints. Two criteria contained in this policy are of relevance, the first of these seeks to ensure that any development does not prejudice the allocated use of adjacent land, whilst the second requires development to accord with the role and function of the settlement in which they are located.

Cont....

Planning application 13/0837/LA - continued

With regard to the first of these, it is evident that the relationship between the longstanding land uses remains unaffected by this proposal. The development applied for is an extension to and an up-grading of the existing facility and does not seek the introduction of a use which could adversely affect/impact on its surroundings. Where the extension comes nearer to the surrounding built development than was previously the case, care has been taken to ensure that the residential amenities of the nearest dwellings are adequately protected.

In respect to the issue of its compatibility with the role and function of the settlement, the position of the school being well sited in respect to the community it serves, is one which is felt to accord with these criteria.

The final LDP policy to be considered in respect to this development is SP6. The basis of this policy is to allow the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment. In this regard the current development has been designed to complement the existing building and to also provide access for people with disabilities. The proposed building is designed to achieve a BREEAM Excellent rating thereby making it a more sustainable structure. It is considered that these changes have been designed not to visually detract from the historic fabric of the Grade II Listed Building located at the front of the site. The setting of the listed building will be preserved.

For the above reasons it is considered that the Local Development Plan policies of relevance are complied with.

National guidance, in the form of Planning Policy Wales contains general advice relating to sustainable development, whilst TAN 12 (Design) seeks to promote sustainability through good design.

In this regard the extension, applied for, has been designed to achieve resource efficiency and provide a sustainable building, whilst also having an identity as a 21st Century learning facility.

In the circumstances it is considered that there are no policy objections to this proposal.

Comments from Consultees: None of the standard Consultees raise objection which could sustain a refusal of permission. A number do however raise issues which require to be dealt with by the imposition of conditions attached to any consent granted.

The application was accompanied by a detailed Ecological Report which has been fully considered by officers of the ecology section, who have confirmed that they are satisfied with the level of information provided and are supportive of the proposal, subject to conditions relating to habit replacement and species protection.

Cont....

Planning application 13/0837/LA - continued

Comments from public: The one comment received contained insufficient information to address any relevant issues. In any event the impact of the extension on the nearest residential properties was considered carefully and the distance between the two (i.e. 45 metres) is considered to be adequate and acceptable.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 03) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.
- 04) Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
REASON: In the interests of residential amenity.

Cont....

Planning application 13/0837/LA - continued

- 05) 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.
- 06) 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.
- 07) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.
- 08) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 09) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the use of the building 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.
- 10) 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 of the building hereby approved.
REASON: To prevent pollution.

Cont....

Planning application 13/0837/LA - continued

- 11) The finished floor level of the proposed Phase 3 extension shall be set at 0.2m above existing ground levels as stated within the FCA (Mott MacDonald, Nov 2013).
REASON: To ensure the built development is flood free during a 1 in 100 year flood event including climate change in compliance with TAN15 Table A1.14.

- 12) As part of the requirements of Condition 13) of this permission no development shall take place until such a time as a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall:
Ensure that run-off from the development will not exceed that of the existing site
Allow for the effects of climate change and ensure the schemes/systems remains effective for the lifetime of the development
REASON: To prevent flooding elsewhere by managing surface water run-off resulting from the development and reduce the risk of surface water flooding to the proposed development

- 13) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work on site an 'Interim Certificate' issued by an accredited body, certifying that the development shall achieve Building Research Establishment Environmental Assessment Method (BREEAM) overall level 'Very Good' and achieve the mandatory credits for 'Excellent' under issue 'Ene1 - Reduction of CO²',(in accordance with the standards in effect at the date this permission is granted), shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Ministerial Interim Planning Policy Statement 01/2009 or any statement revoking and re-enacting the Statement in part or in full.

- 14) Unless otherwise agreed in writing with the Local Planning Authority, no building hereby permitted shall be occupied until a 'Final Certificate' issued by an accredited body, certifying that the building has achieved Building Research Establishment Environmental Assessment Method (BREEAM) overall level 'Very Good' and achieved the mandatory credits for 'Excellent' under issue 'Ene1 - Reduction of CO²' (in accordance with the standards in effect at the date this permission is granted), has been provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Ministerial Interim Planning Policy Statement 01/2009 or any statement revoking and re-enacting the Statement in part or in full.

Cont....

- 15) Prior to the commencement of work on site details of the replacement hedgerow, including its species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the replacement hedgerow shall be planted within 12 months of the completion of the development.
REASON In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 16) As part of the illumination scheme required by Condition 04) of this permission a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy which forms part of the overall illumination scheme.
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.
- 17) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the development shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) and TAN 5 Nature Conservation and Planning (2009).
- 18) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

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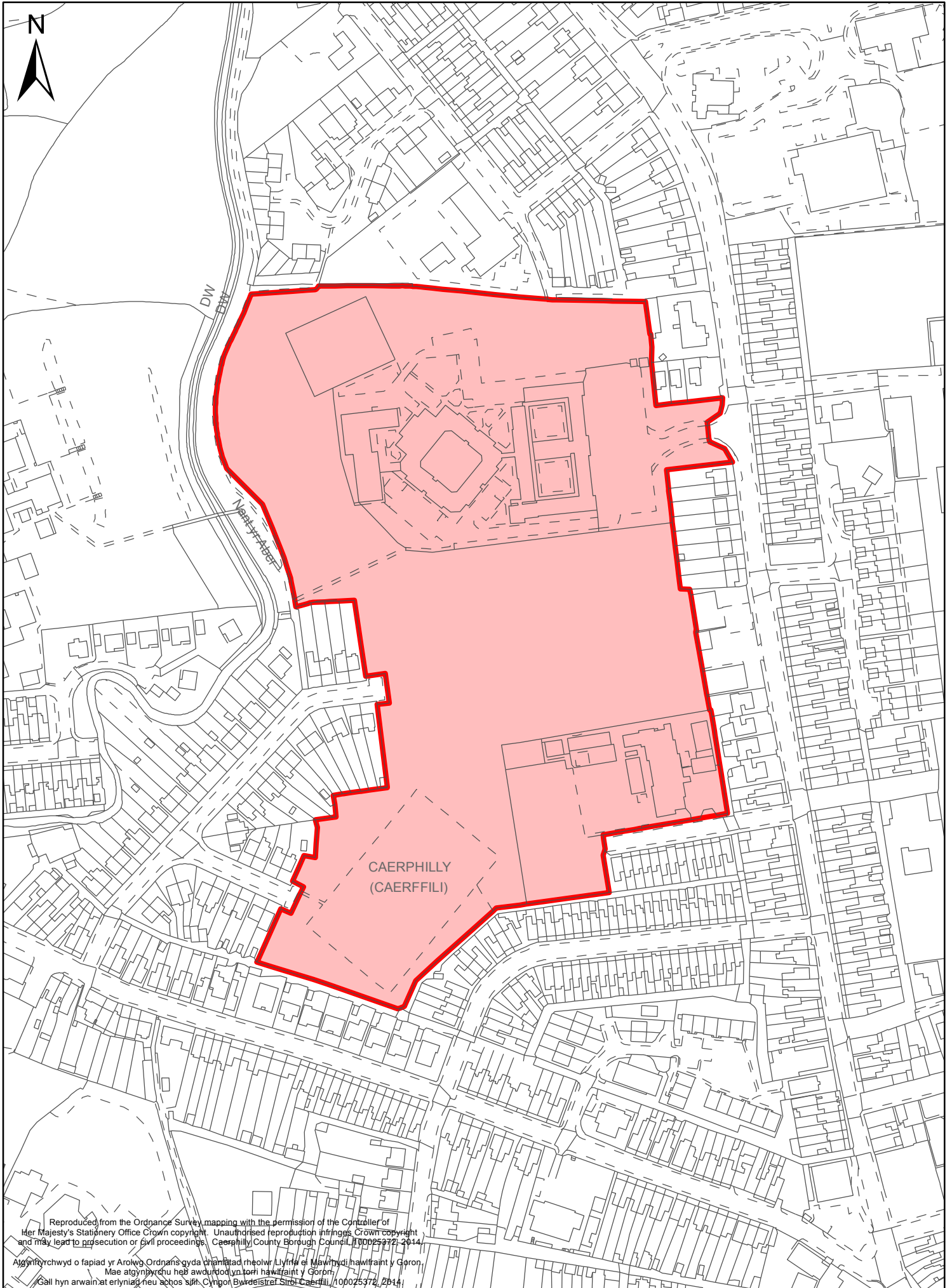
Planning application 13/0837/LA - continued

- 19) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species shall be submitted to the local planning authority for approval. The approved details shall be implemented before the new extension hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales (2-12) and paragraph 1.4.3 of Tan 5 Nature Conservation and Planning (2009).
- 20) Prior to the commencement of any work on site, details of the new species rich grassland, including its species composition, details of the timing, implementation and a 5 year grassland management plan shall be submitted to the local planning authority for approval. The approved details shall be complied with and the replacement grassland shall be created/planted once the building works are complete.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and Policy contained in Welsh Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009)

Advisory Note(s)

Please find attached the comments of Natural Resources Wales; Dwr Cymru; Wales and West Utilities; Council's Ecologist; Senior Engineer (Land Drainage) that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW15 and SP6.



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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0094/COU 12.02.2014	Aktons 76 Cardiff Road Caerphilly CF83 1JR	Change of use from A1 retail to A2 financial services and first floor flat, residential bathroom extension at rear and provide new shopfront and alterations 60 Cardiff Road Caerphilly CF83 1JQ

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The site, 60 Cardiff Road, Caerphilly, is located on the east side of the street, and the front elevation has a westerly aspect, facing Pentrebane Street.

Site description: The premises are a ground floor retail (A1) unit, currently vacant, of a two-storey property, with a first floor used as storage in connection with the ground floor use.

Development: The proposal is for a change of use from a Use Class A1 retail outlet to a mixed use as A2 financial and professional service use on ground floor and first floor residential flat. In addition, the proposal includes a first floor rear extension to provide a bathroom for the flat, and a new shop front and alterations for the ground floor use.

Dimensions: The retail unit ground floor area measures 13m x 4.5m, and the proposed flat, with the proposed extension, would also be 13m x 4.5m.

Materials: The external walls are rendered stone, and the roof is interlocking concrete tiles. The shop front is typical of a 1970s design.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

P/04/1358 - Change the use to shoe repairs, key cutting and leather goods - Granted 12.10.04.

13/0872/CLPU - Obtain a Lawful Development Certificate for the proposed use of the first floor as a single flat - Not yet determined.

Cont....

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Land within the settlement boundary and a principal town centre.

Policies: Policies SP5 (Settlement Boundaries); CW14 (Use Class Restrictions - Retail); CW2 (Design Considerations - Amenity); CW3 (Design Considerations - Highways).

NATIONAL POLICY Planning Policy Wales (2014) and Technical Advice Note 4: Retail and Town Centres.

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 is in an area where a mining risk assessment is not necessary.

CONSULTATION

Strategic & Development Plans - No objection.

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

Caerphilly Town Council - raises objection for the reasons:

- i) The reduction in shops selling in the town centre is having an adverse effect on Caerphilly; and
- ii) Too many shops with 'dead frontage' on Cardiff Road.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

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ADVERTISEMENT

Extent of advertisement: 8 neighbours were notified by letter, and a site notice displayed.

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?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: The Council's Local Development Plan 'Objective 22' seeks to "Maintain the vitality, viability and character of the County Borough's town and village centres, and re-establish them as a focus for economic activity and community pride". Key to this Objective is promoting footfall and allowing change to increase economic activity.

In assessing this application for change of use from A1 retail to a mixed use as A2 use and a residential flat, in the principal centre, the key considerations are given to Policy CW14.

Policy CW 14 provides policy constraints that aim to maintain the character, vitality and viability of the principal town centres, through placing restrictions on changes to the use of A1 retail units to other uses, unless the centre as a whole has been subject of a vacancy rate greater than 10% over a period exceeding the previous 12 months.

In terms of Policy CW14, the last vacancy rate (October 2013) is under 10%, although this has been the first year in six that it has dropped below 10%. In respect of Policy CW14, the proposal to change the use of the ground floor of the premises to an A2 use would be contrary to the policy.

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However, it is important to consider the positive effects an operating unit will have over a potentially empty unit and from this perspective consideration needs to be given to whether the unit meets the intentions of Objective 22 in promoting footfall and increasing economic activity. An empty unit does not promote footfall, whereby a unit in occupation will have benefit to some degree. In this case the proposed use is for a Class A2 professional and financial services use, of which the applicant has subsequently more specifically identified it as use by an estate agency. Whereas the impact on footfall generated by most A2 uses would be unlikely to be significant, it is considered that the footfall generated by an estate agency, is very likely to be similar to that of an A1 retail unit.

Thus, with the attachment of a planning condition that would constrain the use of the premises to only as an estate agency within the A2 Use Class, the proposed change of use is considered to be acceptable. The proposed use would provide employment opportunities similar to that of an A1 use.

On both counts it is considered that the proposed change of use would realise a significant enough contribution to outweigh the policy objection and allow the exception to Policy CW14.

The proposal includes other aspects, specifically a first floor residential flat, with a small first floor rear extension to provide a bathroom. There would be no policy objections to this part of the proposal and there are no objections to this aspect from any of the Consultees.

A third aspect to the proposals is a replacement shop front, details of which are incomplete. Details of the shopfront would be required by planning condition.

As such it is considered that the proposal to change the use of the ground floor of the unit from A1 to A2 use is acceptable, along with the other elements of the application and it is recommended that permission subject to conditions is granted.

Comments from Consultees: Comments included in the analysis above.

Comments from public: None.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the

Cont....

provisions of Section 91 of the Town and Country Planning Act 1990.

- 02) The premises shall be used for an estate agency and for no other purpose (including any other purpose in Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification without the approval of the Local Planning Authority.

REASON: In the interests of retaining control over the use of the premises.

- 03) Prior to the commencement of development details of the materials to be used in the construction of the proposed replacement shop front shall be submitted to and approved in writing by the Local Planning Authority. Development shall be in accordance with the approved details.

REASON: In the interests of visual amenity.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW14.



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Atgynhychwyd o fapiaid yr Arrolwg Ordnans gyda chaniatod rheolwr Llyfrfa a Mawrhydi-hawffraint y Goron. Mae atgynhychu heb awdurdod yn torri hawffraint y Goron.

Gall hyn arwain at ehyriad neu achos sifil. Cyngor Bwrdeistref Sirol Caerffili, 100025372, 2014.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0103/RET 21.02.2014	Mr M Davies 19 Cae'r Fferm Caerphilly CF83 2QB	Retain the change of use from a domestic garage to a dog grooming facility 19 Cae'r Fferm Caerphilly CF83 2QB

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: On the south-eastern side, at the eastern end of Cae'r Fferm, Caerphilly.

House type: The host dwelling is a semi-detached house with a detached garage located to the front of the property.

Development: Retain the change of use from a domestic garage to a dog grooming facility.

Dimensions: External dimensions of the garage remain unchanged.

Materials: External finishes of the proposal remain unchanged except for the installation of a new upvc door to the eastern wall.

Ancillary development, e.g. parking: Provision of off-street parking spaces. It should be noted that one of the spaces is undersized therefore only two off-street spaces have been provided that comply with the adopted standards.

PLANNING HISTORY

P/99/0688 - Erect extension to side of property for use as utility room, toilet and bedroom - Granted 07.10.99.

P/05/0307 - Erect conservatory - Granted 25.04.05.

12/0636/COU - Change the use from domestic garage to commercial dog grooming, replacing the metal garage door with white upvc door to front and rear of garage - Refused 02.11.12.

12/0884/COU - Change the use from domestic garage to accommodate a dog grooming facility - Granted 11.04.13.

Cont....

Planning application 14/0103/RET - Continued

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: SP6 (Place Making), SP21 (Parking Standards), CW2 (Amenity) and CW3 (Design Considerations - Highways).

Supplementary Planning Guidance LDP 5: Car Parking Standards.

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager - Raises objection on the grounds that the development would generate extraneous traffic into what is a mainly residential area, and in the absence of adequate off-street parking facilities the development would generate additional on-street parking in the turning head, to the detriment of highway safety. Particular attention is drawn to the limited size of the parking spaces.

Head Of Public Protection - Raises no objection subject to a condition regarding hours of operation.

Dwr Cymru - has requested that the applicant contact its Developer Services should they wish to connect to the public sewer.

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ADVERTISEMENT

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

Response: Two letters have been received in support of the scheme.

Summary of observations: Below are the comments of two users of the facility, which are as follows:

1. "Each time I have taken my dog to said property, I have not had any problems parking directly outside whilst I dropped my dog off, nor when I then picked him up some 3 hours or so later. Every time I have always been able to park legally, have not caused an obstruction, and have conversed with some of the neighbours who have never suggested that any difficulty was being caused.

"Over the past year, Mrs Llewellyn-Davies has worked very hard to build up a solid returning client base, offering a very professional one-to-one dog grooming service. As she only has one client at a time, this means that there is no constant stream of clients arriving or departing. The result is that whilst clients need to come to the property twice, they are not staying for any length of time and would in fact be there for considerably less time than friends or family visits, which by their very nature tend to be of much greater length."

2." I have taken my dog to said property on a couple of occasions and I have not had any problems parking on Mrs Llewellyn-Davies's driveway whilst I dropped my dog off. Neither have I had any problem with parking when I've collected my dog. I have also taken and collected my sister's dog from the property and again was able to park on Mr MJ Davies' driveway.

"On each and every occasion, I have been able to park legally and not cause any obstruction or cause any of the residents any problems. Mr MJ Davies offers a professional dog grooming service on a one to one basis, so there is no volume of traffic simultaneously arriving to drop their pets off. Each time that I have dropped off or collected my own dog or my sister's dog, I have been the only customer there."

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.

Cont....

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.

ANALYSIS

Policies: It should be noted that the previous application was given a temporary consent to allow the Council to monitor the impact of the business on the residential area. The application has been considered in accordance with local plan policies and national planning guidance.

The main issues to be considered in the determination of this planning application are the compatibility of the use with surrounding land uses, the impact of the change of use upon highway safety and also in terms of residential amenity.

In terms of amenity the applicant seeks the retention of the change of use of a domestic garage to a dog-grooming parlour. The property is located in a residential cul-de-sac and is surrounded by residential properties. As such, it is considered that the proposed use of the building should be considered closely with regard to its impact on the surrounding land uses. Having monitored the use for the past 12 months the Council's Head of Public Protection has received no complaints and considers the use to be acceptable in residential amenity terms subject to condition. Conditions limiting the use to the applicant, hours of operation, the number of dogs and the use of the garage are recommended.

In terms of highway safety it should be noted that the Council's Transportation Engineering Section has raised objection on the following grounds. The supporting information states that the proposed development involves the paving over of the forecourt to allow for access and parking. As has been highlighted in the previous applications the original garage is classed as a parking space and as such must be replaced. Supplementary Planning Guidance LDP5: Car Parking Standards states that the minimum size requirements for a parking space are 4.8 metres in length by 2.6 metres in width. Whilst it is acknowledged that three parking spaces could be plotted on site the space in front of the garage building would be rendered unusable by the presence of vehicles in the other two spaces and the close proximity of the site boundary and public footway.

Cont....

Planning application 14/0103/RET - Continued

The two parking spaces proposed would provide the replacement parking space for the host dwelling and one operational space for the business but no customer parking. However, with the proposed use to be operated by the occupants of 19 Cae'r Fferm it would be reasonable that the operational and residential spaces could be considered one and the same with the second space available on site being utilised for customer parking. As such it is considered that, subject to a condition linking the business to the host property, the proposal would have no detrimental impact on highway safety and would be acceptable in this instance.

Planning Policy Wales states that local planning authorities should adopt maximum parking standards rather than minimum standards. This street is a residential cul-de-sac where there are no evident highway problems. Three spaces can be fitted on the site although one will be shorter than the standard at 4.75m. Also access to one will be blocked by the other two, but that is often the case at residential properties. The introduction of low-key commercial visits to the property will not aggravate traffic generation and parking to such an extent as to justify refusal.

As a result the proposal would have no unacceptable impact on the amenity of the adjacent properties or land, would not result in the over-development of the site and would have no detrimental impact on the safe, effective and efficient use of the transportation network. As such the proposed development is in accordance with Policies SP6, CW2 and CW3 in the Adopted Caerphilly County Borough Local Development Plan up to 2021, Supplementary Planning Guidance LDP5, Planning Policy Wales (2012) and TAN 12: Design.

Comments from consultees: The comments of Consultees are considered above.

Comments from public: The only comments received support the scheme and no letters objecting to the proposal have been submitted.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

- 01) The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking/turning of vehicles in connection with the development hereby permitted and the use of the property as a dwelling.
REASON: In the interests of highway safety.

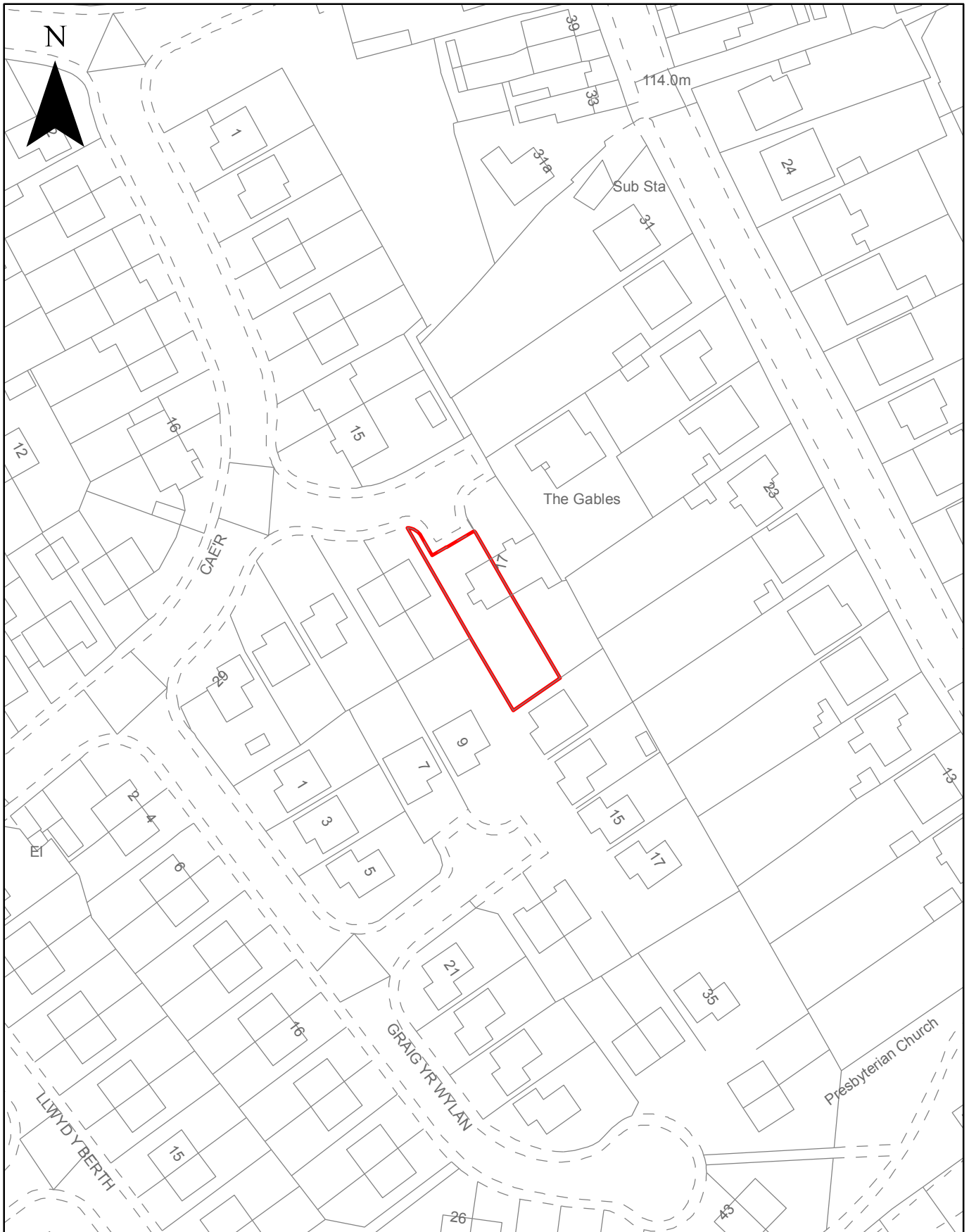
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Planning application 14/0103/RET - Continued

- 02) The garage subject of the approved dog grooming parlour shall only be used in association with the main dwelling at 19 Cae'r Fferm, Caerphilly and shall at no time comprise a separate unit of accommodation occupied separately from the dwelling.
REASON: In the interests of highway safety.
- 03) The use hereby permitted shall not be open to customers outside the following times 0900 to 1500hrs Monday to Friday, and no dogs shall be kept overnight on the premises in connection with the permitted use.
REASON: In the interests of residential amenity.
- 04) No more than two dogs shall be kept on the site at any one time in association with the dog grooming salon use hereby approved.
REASON: In the interests of highway safety.
- 05) The permission hereby granted shall only enure for the benefit of the applicant subject of this consent and his wife and so long as they are resident at 19 Cae'r Fferm, Caerphilly, CF83 2QB.
REASON: In the interests of residential amenity.

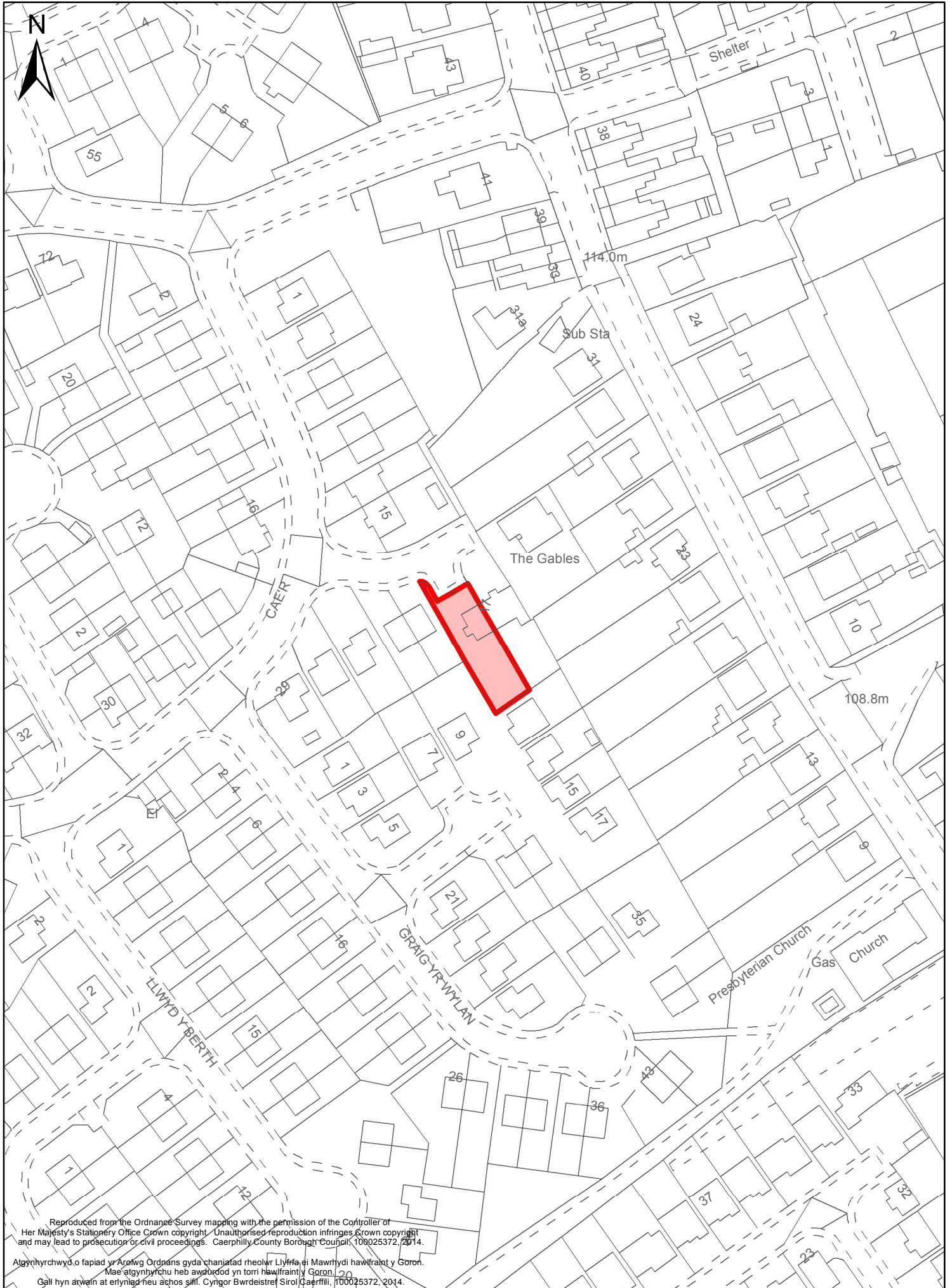
Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: SP6, CW2 and CW3.



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Atgynhychwyd o fapiad yr Arolwg Ordnans gyda chaniatod rheolwr Llyfrfa ei Mawrhydi hawlfraint y Goron. Mae atgynhyrchu heb awdurdod yn torri hawlfraint y Goron. Gall hyn arwain at erlyniad neu achos sifil. Cyngor Bwrdeistref Sirol Caerffili, 100025372, 2014.



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APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	<u>PROPOSAL & LOCATION</u>	<u>DECISION</u>
14/0080/FULL 05.02.2014	Mr & Mrs N Pentland 2 Bedwlwyn Street Ystrad Mynach Hengoed CF82 7AL	Construct a detached dwelling with associated groundworks and access etc. Red Cross Lisburn Road Ystrad Mynach Hengoed	Granted 01.04.2014
14/0085/FULL 06.02.2014	Mr N Burnett 2 Ger Y Felin Pontllanfraith Blackwood NP12 2GP	Erect extension to existing double garage 2 Ger Y Felin Pontllanfraith Blackwood NP12 2GP	Granted 01.04.2014
14/0101/FULL 17.02.2014	M Howells Architectural Services Mr J Paddington 26 Melfort Road Newport NP20 3FQ	Demolish existing single-storey lean-to extension and erect double-storey extension 5 Upper Viaduct Terrace Crumlin Newport NP11 3PH	Granted 01.04.2014
14/0104/FULL 19.02.2014	Mr & Mrs G Pritchard 5 Clos Trefeddyg Machen Caerphilly CF83 8PL	Erect single-storey rear sun room 5 Clos Trefeddyg Machen Caerphilly CF83 8PL	Granted 01.04.2014
14/0113/FULL 27.02.2014	Miss M Southern 3 Church View Woodfieldside Blackwood NP12 0BS	Erect extension to replace two lean-to's to provide a larger kitchen area 3 Church View Woodfieldside Blackwood NP12 0BS	Granted 01.04.2014
13/0542/FULL 17.07.2013	Forgeband Properties Ltd Brynheulog House Old Parish Road Hengoed CF82 7HU	Replace existing building with 2 No. detached houses Carlton Heights Victoria Road Maesycwmmmer Hengoed	Granted 02.04.2014
14/0048/FULL 20.01.2014	Mr M Wiltshire 70 Half Acre Court Caerphilly CF83 3SU	Erect detached dwelling Plot 7 The Meadows Waterloo Machen	Granted 02.04.2014

14/0086/LA 07.02.2014	CCBC Building Consultancy Mrs S Winters Unit 1 Woodfieldside Business Park Blackwood NP12 2DG	Erect single-storey extension for a new classroom and store and provide two additional car parking spaces Abercarn Primary School Abercarn Newport NP11 5LH	Granted 02.04.2014
14/0105/FULL 19.02.2014	Mr Booth 81 Mill-race Abercarn Newport NP11 4TP	Erect storm porch to front elevation 81 Mill-race Abercarn Newport NP11 4TP	Granted 02.04.2014
14/0068/COU 31.01.2014	Mr S Davies 20 Windsor Street Caerphilly CF83 1FW	Change the use of existing shop into a tattoo studio 31 Windsor Street Caerphilly CF83 1FW	Granted 03.04.2014
14/0083/RET 06.02.2014	Mr & Mrs Webb 16 Darren Close Porset Caerphilly CF83 3BZ	Retain single-storey side extension 16 Darren Close Porset Caerphilly CF83 3BZ	Granted 03.04.2014
14/0078/FULL 04.02.2014	Mrs R Evans New Bethel Chapel New Bethel Road New Bethel Mynyddislwyn Blackwood	Re-build boundary wall/retaining structure New Bethel Chapel New Bethel Road New Bethel Mynyddislwyn	Granted 04.04.2014
14/0074/FULL 31.01.2014	Mr J Khehra 192 Bedwas Road Caerphilly CF83 3AU	Erect a first floor extension to front elevation (domestic) and a single-storey extension to rear elevation (retail) 192 Bedwas Road Caerphilly	Granted 07.04.2014
14/0090/FULL 10.02.2014	J Collins 9 Heol Pwllypant Energlyn Caerphilly CF83 2ND	Erect single-storey extension to side and rear and install new dormer roof 9 Heol Pwllypant Energlyn Caerphilly CF83 2ND	Granted 07.04.2014
14/0052/FULL 23.01.2014	Mr P Tolley 2 Park Close Henllys Cwmbran Torfaen NP44 6HH	Erect two holiday chalets and associated works Land To The Rear Of St Theodore's Church Cwmfelinfach Newport	Refused 08.04.2014

14/0093/COU 11.02.2014	Mr D Jones The White Hart Inn 19 Church Street Bedwas Caerphilly CF83 8EA	Change the use from public house to private dwelling White Hart Inn 19 Church Street Bedwas Caerphilly	Granted 08.04.2014
13/0204/NCC 18.03.2013	Lisvane Riding School Ltd Forest View Cefn-Porth Road Lisvane Cardiff CF14 0SN	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 bridleway/horse track adjacent to Rudry Road Lisvane Riding School Ltd Forest View Cefn-Porth Road Lisvane	Granted 09.04.2014
14/0117/FULL 03.03.2014	Mr & Mrs A Symons 31 King Street Cwmfelinfach Newport NP11 7HL	Erect single-storey sitting room extension and first floor bedroom extension on top of existing kitchen to no. 31 King Street, incorporating alterations to roof of extension to no. 29 King Street 29 & 31 King Street Cwmfelinfach Newport	Granted 10.04.2014
14/0097/FULL 14.02.2014	Mr G Best 8 Station Terrace Brithdir New Tredegar NP24 6JT	Demolish existing rear extension and construct two-storey rear extension 8 Station Terrace Brithdir New Tredegar NP24 6JT	Granted 11.04.2014
14/0034/RET 15.01.2014	Graig Y Rhacca Partnership Scheme Mr I Racz 59 -71 Grays Gardens Graig-y-rhacca Caerphilly CF83 8TQ	Retain front and rear flat-roofed extensions Graig-y-rhacca Community Resource Centre 59 - 71 Grays Gardens Graig-y-rhacca Caerphilly	Granted 14.04.2014
14/0098/FULL 17.02.2014	AJM Sewing Mr J Mellor The Old Chapel - AJM Morgan Street New Tredegar NP24 6AE	Erect single-storey extension to enlarge existing workshop The Old Chapel - AJM Morgan Street New Tredegar NP24 6AE	Granted 14.04.2014

14/0099/FULL 18.02.2014	Lovell Partnerships Ltd River House Gwaelod-Y-Garth Ynys Bridge Court Cardiff CF15 5YY	Erect a meter cupboard Apartments A - F 14 Beech Tree View Caerphilly CF83 1DX	Granted 15.04.2014
14/0100/LA 19.02.2014	Caerphilly County Borough Council Mr R Lloyd Unit B5 Tir-y-berth Depot New Road Tir-y-berth Hengoed CF82 8AU	Install new play facility on former play area site Land South Of Warne Street Fleur-de-lis Blackwood	Granted 15.04.2014
14/0106/RET 19.02.2014	Mr R Adams 47 Lewis Street Aberbargoed Bargoed CF81 9DZ	Retain the change of use from sandwich bar (B1/B2/B8) to cafe and takeaway (A3) Unit 29-30 Bowen Industrial Estate Aberbargoed Bargoed	Granted 15.04.2014
14/0110/FULL 24.02.2014	Mr M Hammond 27 Rhyd-Y-Gwern Close Porset Caerphilly CF83 3NN	Extend small 2 bedroom bungalow into 3 bedrooms, re- arrange existing layout with extension providing new kitchen, lounge, living area, hallway and integral garage 27 Rhyd-Y-Gwern Close Porset Caerphilly CF83 3NN	Granted 15.04.2014
14/0126/FULL 04.03.2014	Mr P Wright 60 Ludlow Street Caerphilly CF83 1GH	Construct a two storey rear extension enlarging kitchen and repositioning bathroom to first floor 60 Ludlow Street Caerphilly CF83 1GH	Granted 15.04.2014
13/0722/COU 08.10.2013	Mr R Howells Ty Mynydd 33 Ffordd Erw Caerphilly CF83 1RY	Convert first and second floor shop premises into two, two- bedroom apartments 73 Cardiff Road Caerphilly CF83 1FP	Granted 16.04.2014

13/0737/NCC 09.10.2013	Mr C Barnard Rustics Bungalow Coronation Terrace Rhymney Tredegar NP22 5EX	Vary conditions 3 and 4 of planning permission 08/1166/OUT to extend the period of time within which to submit reserved matters and commence development Land At J And M Memorials Coronation Terrace Rhymney Tredegar	Granted 16.04.2014
14/0108/CLEU 20.02.2014	Mrs E Shrubbs Sun Hill Bryncelyn Nelson Treharris CF46 6HL	Obtain a Lawful Development Certificate for the existing garage conversion and porch Sun Hill Bryncelyn Nelson Treharris	Granted 16.04.2014
14/0111/CLEU 25.02.2014	Mr S James 1 Willow Cottage Manmoel Blackwood NP12 0RW	Obtain a Lawful Development Certificate for the existing use as a domestic dwelling 3 Wyloed Lodge Court Manmoel Village Manmoel Blackwood	Granted 16.04.2014
14/0069/FULL 31.01.2014	Mr W Bennett 12 Station Terrace Brithdir New Tredegar NP24 6JT	Erect first floor extension to rear of property 12 Station Terrace Brithdir New Tredegar NP24 6JT	Granted 17.04.2014
14/0082/FULL 05.02.2014	Kenton Floors Mr N Ker Woodpecker House 29 Pantglas Industrial Estate Bedwas Caerphilly CF83 8DR	Provide new offices and office facilities over two storeys within the existing warehouse and erect a new adjoining warehouse Kenton Floors Woodpecker House 29 Pantglas Industrial Estate Bedwas	Granted 17.04.2014
14/0102/FULL 18.02.2014	Mr J Pisani Gamekeepers Cottage Cefn Mably Park Michaelston-Y-Fedw Cardiff CF3 6LP	Erect an orangery to the south east side elevation and a porch to the front elevation Gamekeepers Cottage Cefn Mably Park Michaelston-Y- Fedw Cardiff	Refused 17.04.2014
14/0127/FULL 05.03.2014	Mr A Grant 11 Bryngwyn Watford Caerphilly CF83 1ES	Erect a raised car parking platform 11 Bryngwyn Watford Caerphilly CF83 1ES	Granted 17.04.2014

14/0089/FULL 10.02.2014	Mr G Osborne 14 Aeron Place Gilfach Bargoed CF81 8JA	Erect two-storey rear extension for ground floor kitchen and bathroom with first floor bedroom/wc 14 Aeron Place Gilfach Bargoed CF81 8JA	Granted 23.04.2014
13/0228/CON 02.04.2013	Trustees Of Greenhaf Family Land Mr & Mrs Greenhaf Mill Cottage Draethen Newport NP10 8GB	Demolish stone store Plot Adjacent To Twyn House Draethen Newport	Granted 24.04.2014
13/0300/COU 23.04.2013	Mr A Draper Ebenezer Chapel Carno Street Rhymney Tredegar NP22 5EA	Change the use of the redundant Ebenezer Chapel to two residential dwellings Ebenezer Chapel Carno Street Rhymney Tredegar	Granted 24.04.2014
14/0121/FULL 03.03.2014	Miss D S Matthews 17 Legion's Way Gelligaer Hengoed CF82 8DX	Erect single-storey rear conservatory 17 Legion's Way Gelligaer Hengoed CF82 8DX	Granted 24.04.2014
14/0123/FULL 04.03.2014	Mr G Davies Managers House Penyfan Leisure Park Manmoel Road Manmoel Blackwood NP12 0HY	Erect a single-storey extension to the rear of the existing property Managers House Penyfan Leisure Park Manmoel Road Manmoel	Granted 24.04.2014
14/0125/CLEU 04.03.2014	Mr F Wavell Graig Farm Llancayo Street Bargoed CF81 8TF	Obtain a Lawful Development Certificate for the continued use of a dwelling in breach of the agricultural occupancy condition (e) of planning permission 5/5/85/0104 Graig Farm Llancayo Street Bargoed CF81 8TF	Granted 24.04.2014

14/0134/FULL 10.03.2014	CTIL And Vodafone C/o Caip Limited Mr I Waterson 51 Heath Road Wellington Telford Shropshire TF1 3EQ	Remove the existing 15m Flexicell Type E monopole and replace in the same location with a 17.5m Jupiter Type S monopole and install two equipment cabinets to enable the base station to provide sharable 2G, 3G and 4G RF coverage for Vodafone and O2 Vodafone And Telefonica CTIL 128375 Caerphilly Road Tredomen	Granted 24.04.2014
14/0146/FULL 13.03.2014	Mr A Creedy 18 Lon Uchaf Caerphilly CF83 1BR	Erect single-storey extension to rear 18 Lon Uchaf Caerphilly CF83 1BR	Granted 24.04.2014
13/0304/LBC 24.04.2013	Mr A Draper Ebenezer Chapel Carno Street Rhymney NP22 5EA	Change the use of redundant chapel to two residential dwellings Ebenezer Chapel Carno Street Rhymney NP22 5EA	Granted 25.04.2014
13/0819/LBC 20.11.2013	Mr M Davies 3 The Row Draethen Newport NP10 8GD	Remove existing extension and replace with new extension 3 The Row Draethen Newport NP10 8GD	Granted 25.04.2014
14/0046/LBC 17.01.2014	Mr M Reader 15 Garden Suburbs Pontywaun Newport NP11 7GB	Install a conservation rooflight at the rear of the property 15 Garden Suburbs Pontywaun Newport NP11 7GB	Granted 25.04.2014
14/0115/FULL 28.02.2014	Mr G Perry Ravenswood Medart Place Crosskeys Newport NP11 7DJ	Erect two-storey extension to rear of dwelling plus alteration works Ravenswood Medart Place Crosskeys Newport	Refused 25.04.2014
14/0119/FULL 03.03.2014	Mrs G Jones 29 Penllwyn Street Cwmfelinfach Newport NP11 7HE	Erect first floor bathroom and bedroom extension 29 Penllwyn Street Cwmfelinfach Newport NP11 7HE	Granted 28.04.2014
14/0160/FULL 20.03.2014	Mr M Duggan 33 Sword Hill Caerphilly CF83 2AG	Convert integrated garage into a playroom/nursery 33 Sword Hill Caerphilly CF83 2AG	Granted 28.04.2014

14/0164/OUT 21.03.2014	Woodbridge Asset Management Ltd Mr N Jones C/o Lambert Smith Hampton Mr D Barry Longcross Court 3 Callaghan Square Cardiff CF10 5BT	Form a new access and lay out a new storage area with associated boundary fencing Land Adjacent To Unit 6 Oakwood Close Pen-y-fan Industrial Estate Pen-y-fan Newport	Granted 30.04.2014
14/0166/COU 24.03.2014	Mr T Morris 10 Cefn Y Fferm Oakdale Blackwood NP12 0EZ	Change the use from Class A2 of the Town and Country Planning (Use Classes) Order 1987 to a tattoo and body piercing parlour 223 High Street Blackwood NP12 1AL	Granted 30.04.2014
14/0170/NOTT 24.03.2014	Vodafone Limited C/o Galloway Estates Limited Mr J Bird 63 Haslucks Green Road Shirley Solihull West Midlands B90 2ED	Remove existing tower and replace with a 15m high Hutchinson Jupiter S2 steel monopole Land At Enkon Products Ltd North Road Newbridge Newport	Prior Approval Not Required 30.04.2014
14/0180/RET 27.03.2014	Asda Stores Ltd C/o Deloitte LLP Mr P Gleave 1 City Square Leeds West Yorkshire LS1 2AL	Retain seasonal canopy Asda Cliff Road Blackwood NP12 0NT	Granted 30.04.2014
14/0131/NCC 07.03.2014	Mr D J Watkins 9 Penywaun Close Oakdale Blackwood NP12 0BL	Vary condition 14 of planning consent P/03/1659 to convert garage to study 9 Penywaun Close Oakdale Blackwood NP12 0BL	Granted 02.05.2014
14/0132/ADV 07.03.2014	Stanford Williams Ltd Mr P Stanford-Williams Unit C 271 - 273 High Street Blackwood NP12 1AW	Divide existing sign for use by two businesses Unit C 271 - 273 High Street Blackwood NP12 1AW	Granted 02.05.2014

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

APPLICATION NUMBER DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/97/0981 31.10.97	Undertake initial review of planning conditions under the Environment Act 1995 for resumption of quarrying at Blaengwynlais Quarry, Blaengwynlais, Nr Caerphilly.	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.	Amended plans submitted. Carrying out reconsultation.
11/0594/OUT 27.10.11	Erect residential development on Land Adj To Groeswen Farm, Groeswen Road, Groeswen, Cardiff.	Awaiting comments of consultees.
11/0630/NCC 01.09.11	Vary conditions (3) and (4) of previous planning consent 06/0172/OUT (erect residential development) to extend permission beyond expiration dates on Land West Of Coronation Terrace, Senghenydd, Caerphilly.	Awaiting information on road layout.
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.	Considering amended plans.
12/0379/FULL 18.05.12	Erect two-storey side extension and front gable, rear balcony and revised car parking arrangement at Tab Life Centre Tram Road, Pontllanfraith, Blackwood	Awaiting advice from NRW.

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 views of consultees.
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.	Awaiting consultees views on wildlife.
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.	Awaiting consultees views about wildlife.
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.
12/0705/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.
13/0351/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.
13/0487/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.
13/0520/OUT 11.07.13	Erect a 4 bedroom detached dwelling with integral garage at Graig Cottage The Graig Cwmcarn Newport	Subject to further discussion and consideration.
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.	Awaiting bat survey.
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.	Awaiting bat survey.
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.
13/0548/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, Pontywindy Industrial Estate, Caerphilly.	Subject to discussion concerning additional information.

13/0667/NCC 13.09.13	Vary Condition 1 of planning consent 07/1524/FULL (Construct 87 dwellings with associated garaging and car parking) to extend the period within which the development can commence at Suflex Estate Newport Road Pontymister Risca	Awaiting information about flooding.
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.
13/0732/MIN 10.10.13	Mine approximately 6 million tonnes of coal from the Nant Llesg Surface Approximately 478.1 Ha Of Land West And South-West Of Rhymney, North And West Of Pontlottyn And Fochriw And Wholly Within The County Borough Of Caerphilly	Subject to further discussion and consideration.
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.

13/0799/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.
13/0803/FULL 08.11.13	Erect agricultural workers dwelling at Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly CF83 2TT	Considering financial and functional information.
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.
13/0820/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.
13/0862/COU 20.12.13	Change of use from public house/hotel (A3) to a community facility (sui generis use), with the erection of a new entrance lobby and an extension to provide a function room at Ty Yn Y Pwll Hotel Newport Road Trethomas Caerphilly CF83 8BR	Considering amended plans.
13/0873/OUT 23.12.13	Erect housing development (eight dwellings) on Land At Park Road Newbridge Newport	Subject to discussions with Local Member about drainage.
13/0875/COU 24.12.13	Convert barn into dwelling at Gwern-y-domen Gwern-y-domen Farm Lane Rudry Caerphilly	Considering ecological information.
14/0024/FULL 13.01.14	Erect new residential development of four 6 bedroom dwellings with associated external works, parking and new garden areas, plus new access road and footpaths at Fwrrwm Ishta Inn 68 Commercial Road, Machen Caerphilly.	Subject to further discussion and consideration.
14/0025/OUT 13.01.14	Erect dwelling at 2-4 Coed Moelfa Road Abercarn Newport NP11 5LF	Awaiting information about impact on trees.

14/0030/RM 14.01.14	Seek approval of the reserved matters regarding access, appearance, landscaping, layout and scale reserved under planning application 13/0219/NCC to construct three new dwellings on Land South Of Alma Cottages Bedwas Caerphilly	Awaiting sections.
14/0045/NCC 17.01.14	Vary condition 01 of planning consent 08/0900/FULL (Construct commercial development, ground floor retail, first floor offices with external works) to extend the period within which the development can commence on Land At 2, 4 & Former Beulah Methodist Church Pontygwindy Road Caerphilly	Subject to further discussion and consideration.
14/0070/FULL 31.01.14	Erect extension to retail section of service station and relocate valetting and car wash facilities at St David's Service Station & Unit C Pengam Road Industrial Estate, Pengam Road, Pengam	Awaiting amended plans concerning highway matters.
14/0073/LA 31.01.14	Erect a pedestrian and cycle bridge at Bargoed Woodland Park, Commercial Street, Aberbargoed, Bargoed	Awaiting views of consultees.
14/0088/FULL 10.02.14	Erect two-storey side and single-storey rear extension at Halt Farm Pentwynwyn Road, Rudry, Caerphilly	Awaiting wildlife survey.
14/0092/FULL 11.02.14	Erect temporary agricultural residential dwelling to facilitate new enterprise at Fferm Pont Carreg, Land Off Rhyd Y Gwern Lane, Machen, Caerphilly	Awaiting additional information about financial and functional justification.
14/0107/OUT 20.02.14	Erect two residential dwellings with integral garages on Land To The Rear Of 1, 2 & 3 Bedwellty Road, Aberbargoed Bargoed	Awaiting amended plans concerning highway matters.
14/0118/FULL 03.03.14	Erect ground floor and first floor extension to provide a first floor to the bungalow, change the use of 101 square metres of pasture land to create a driveway, remove and replant 15 metres of hedgerow and install photovoltaic roof panels at Brynteg, Pandy Lane Llanbradach, Caerphilly	Awaiting amended plans concerning highway matters.
14/0120/FULL 28.02.14	Erect single-storey garage with storage area on Land Opposite 8 Fields Park Terrace, Crosskeys, Newport	Awaiting amended plans concerning design.

APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT

APPLICATION NUMBER & DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/05/1091 25.07.05	Erect fifteen new dwellings on Land adjacent to Marne Street, Cwmcarn.	Draft agreement sent to Solicitors for consideration. Reminder sent. On hold pending resolution of issues at Cwmcarn school.
P/05/1683 23.11.05	Erect residential development at Austin Grange, Bartlett Street, Caerphilly.	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.	Draft agreed. Waiting for plan to be agreed.
08/1112/FULL 02.10.08	Separate five bedroomed detached property to provide two dwellings at 57 Pen-Y-Cae, Mornington Meadows, Caerphilly.	Subject to discussion about new property owner.
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.	Waiting for part of the site to be released from charge held by Santander so they do not have to be party to the Agreement.

10/0667/FULL 02.09.10	Renew planning permission P/05/1313 to construct two dwellings and associated external works on Land Within Curtilage Of Ty Gwyn Rhyd Y Gwern Lane, Machen Caerphilly.	Waiting for Solicitors details.
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. Solicitors still trying to resolve covenant issue with Property. Asked Solicitors if they will proceed with agreed or if they need covenant issue resolved first.
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.
12/0269/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.
12/0371/FULL 15.05.12	Erect two detached three-bedroom houses on Land Adjacent to 88 Abernant Road, Markham, Blackwood.	New instruction.
12/0441/FULL 07.06.12	Demolish existing chapel and erect four 1 bed apartments in a single block at Chapel, De Winton Terrace Llanbradach, Caerphilly	Sent final letter warning applicant file will be closed if no response.

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 can't get any correspondence to applicant. Planning Officers to consider reporting back to Planning Committee. File closed.
12/0518/FULL 09.07.12	Erect dormer bungalow based on previously lapsed outline permission (P/04/1637) at Barry Bungalow Brynhyfryd, Energlyn, Caerphilly.	Planning in discussions with applicant over the plan.
12/0531/OUT 07.08.12	Erect mixed residential development comprising of fifteen new build dwellings at Land At Station Approach, Risca, Newport.	Sent draft and waiting for comments.
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.	Engrossments sent out. Waiting for signed docs and legal fees.
13/0227/FULL 02.04.13	Construct dwelling on Plot Adjacent To Twyn House, Draethen, Newport	Requested title evidence.
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.	Sent draft for approval.
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.
13/0456/FULL 20.06.13	Erect two flats at Land Adjoining 201 Bedwas Road, Caerphilly,	Sent documents to the Solicitors. Chased.
13/0479/FULL 02.04.13	Erect new house at Former Holly House Nursing Home, Victoria Road Fleur-de-lis, Blackwood.	Waiting advice from Ecologist.

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	Received drafts approved.
13/0669/FULL 13.09.13	Erect new dwelling at 23 Commercial Road, Machen, Caerphilly.	The land is being sold so set out options for moving the 106 forward to the applicants Solicitors.
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. Chased.
13/0756/FULL 17.10.13	Erect disabled bungalow and associated external works on Land Adjacent To 27 Oakfield Street Llanbradach, Caerphilly.	New instruction.
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 drafts.
13/0797/FULL 07.11.13	Erect detached dwelling with off road parking and associated works at 9 Coed-Yr-Eos, Caerphilly.	Sent agent letter.
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 Solicitors letter. Chased.
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.	Awaiting further instruction to draft agreement.
13/0865/FULL 20.12.13	Construct three detached houses with ancillary works on Land at Glyn Derwen, Llanbradach, Caerphilly.	Requested Solicitors details.

13/0869/OUT 19.12.13	Erect housing development (6 no. 3 bedroom dwellings) at Former Newbridge Clinic, Ashfield Road Newbridge, Newport.	Requested Solicitors details.
14/0019/FULL 10.01.14	Erect detached dormer bungalow and car port on Land Adjoining Ty'n Derwen, White Hart, Machen, Caerphilly.	Requested Solicitors details.

OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
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
14/0005/REF 13/0856/COU	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 at 3 Coronation Buildings, Cwmfelinfach, Newport, NP11 7HP	12.03.14
14/0006/REF 13/0745/RET	Mr R M Chartres Glas Fryn Twyn-Gwyn Road Cwmfelinfach Newport NP11 7AX	Retain off road parking and hardstanding for caravan on Land Adjacent To Glas Fryn Twyn-Gwyn Road Cwmfelinfach Newport NP11 7AX	20.03.14

14/0007/REF 12/0437/FULL	Mr & Mrs L T Hogg Llwyncelyn Draethen Caerphilly NP10 8GB	Demolish detached garage and construct single dwelling and external works at Llwyncelyn, Draethen Caerphilly	09.04.14
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APPEAL DECISIONS

APPEAL REF/ PLANNING APP NO.	PROPOSAL & LOCATION	APPEAL DECISION/ DATE	COMM/ DEL
13/0026/REF 13/0558/OUT	Erect a detached dwelling with associated groundworks, access and car parking at Claremont, Brynhoward Terrace, Oakdale, Blackwood.	Dismissed 07/04/14	DEL