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## **PREFACE ITEM**

APPLICATION NO. 11/0471/FULL

APPLICANT(S) NAME: Mr John Bellas

PROPOSAL: Construct garden shed/store and works to access path

LOCATION: 36 Garden Suburbs, Pontywaun, Crosskeys

The above planning application for works to the access path to the rear of 30-36 Garden Suburbs, to include steps at the eastern extent of the pathway where it rises up onto a hardstanding area, as well as the construction of a garden shed/store to the south of the access path, was reported at Planning Committee on 2<sup>nd</sup> November 2011 with a recommendation for approval for the proposed works.

The application was deferred by Elected Members to allow a site visit to be undertaken. Further to the issues raised at that site meeting, the application was deferred for further information in relation to land ownership and the structural integrity of existing retaining structures onsite. Although it has taken a significant amount of time due to the submission, consideration and further consultation with neighbouring properties regarding these land ownership, structural calculations for retaining works, and amended site layouts, the applicant has now amended the scheme to address and overcome the concerns raised by residents and the Local Planning Authority.

The application as originally proposed was for the retention of works that diverted the line of the original rear private right of way. However, as some of these works have been undertaken on land outside of the ownership of the applicant, the scheme has now been amended so the proposed steps are located on land owned by the applicant.

The proposed steps now rise at the eastern extent of the private right of way, cutting into the raised hardstanding owned by the applicant, before turning through 90 degree to rise up onto the hardstanding. Detailed cross sections and a block plan have been submitted, and the proposed works are considered acceptable in terms of their setting, scale and design. A condition is recommended to control the use of appropriate materials.

In terms the proposed outbuilding/shed, it is considered that the structure has been appropriately designed in terms of its setting and scale. Given the distance of the proposed structure from the nearest dwellings, it is not considered that the development would impact on the amenity of adjacent properties by way of any overlooking or overbearing effect. A condition will be attached to any permission requiring details to be submitted and approved regarding the use of appropriate materials for the external finishes of the structure, to ensure the development integrates with the surrounding area

**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 external surfaces of the development including the associated retaining wall shall not be constructed until details of the materials to be used have been 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.

## **PREFACE ITEM**

APPLICATION NO. 11/0471/FULL

APPLICANT(S) NAME: Mr J Bellas

PROPOSAL: Construct garden shed/store and works to access path

LOCATION: 36 Garden Suburbs Pontywaun Newport NP11 7GB

The determination of the above planning application for a garden outbuilding and works to the rear access path was deferred at Planning Committee on 2<sup>nd</sup> November 2011 for a Members' site visit. The outcome of this site visit resulted in Officer's being asked to investigate the concerns raised regarding the correct land ownership certificates being signed on the planning application.

This matter was subsequently resolved, and the correct landowners were notified and the correct land ownership certificates were signed by the applicant. The application was then further delayed whilst Officer's sought additional information in relation to amended site layout details, details of the boundary treatments, cross sections of the site, and structural calculations for the retaining works undertaken immediately adjacent to the rear access path. This information has now been submitted, and the immediately adjoining neighbours consulted by way of letter.

The original recommendation remains the same for the following reasons. Whilst the Conservation and Design Officer suggests that the proposed shed/storage building does not mimic other examples of original outbuildings in the Conservation Area it is important to note that the proposed development is not located within the Conservation Area, and will not be prominent in the public realm. The proposed structure will be sited on land adjacent to the private access path serving the rears of Nos. 30-38 Garden Suburbs. Notwithstanding this, it is considered that the proposed structure has been well designed in terms of its setting and scale, and a condition will be attached to any permission to ensure appropriate finishes are used for the external walls, roof, doors and windows of the structure.

In relation to the works to the rear access path, which includes the diversion of the pathway, it should be noted that as the pathway is a private right of way, its diversion is a private legal matter between the interested parties. However, it is considered that the proposed works to the path which include edging the path with concrete and repairing eroded areas with compacted hardcore/dust is acceptable, and do not detrimentally impact the adjoining conservation area. Similarly, it is not considered that the works at the top of the path, which include diverting the pathway, have a detrimental impact on the adjoining conservation area. Whilst it is acknowledged that the area is currently in an untidy state, this is principally as a result of the applicant ceasing works further to the intervention and advice from the Council's Enforcement Officer.

Along the boundary of the access path, the applicant proposes to construct a stone faced wall that gradually steps down to respect the topography of the site. This proposed boundary treatment is considered acceptable in terms of its scale and design, and again, a condition will control the use of appropriate materials.

RECOMMENDATION - That planning permission be GRANTED subject to the conditions in the attached report and an additional condition to encompass the additional plans that have been submitted.

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DEFERRED FOR A SITE VISIT



## PLANNING COMMITTEE – 15TH MAY 2013

**SUBJECT: SITE VISIT - PREFACE ITEM CODE NO. 11/0471/FULL - CONSTRUCT GARDEN SHED/STORE AND WORKS TO ACCESS PATH, 36 GARDEN SUBURBS, PONTYWAUN, NEWPORT, NP11 7GB.**

**REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE**

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PRESENT:

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

Councillors N. George and D.M. Gray

1. Apologies for absence were received from Councillors Mrs G. Oliver and H. Davies and from J. Rogers (Principal Solicitor).
2. The Planning Committee deferred consideration of this application on the 13th March 2013 for a site visit. Members and Officers met on site on Thursday 11th April 2013.
3. Details of the application to construct garden shed/store and works to access path, 36 Garden Suburbs, Pontywaun, Newport, NP11 7GB were noted.
4. Those present viewed the site from the footpath and surrounding area and examined the initial plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that although the site is located partly within the Garden Suburbs conservation area the works proposed were outside. The works to the rear footpath were confirmed and Members noted the position, setting and scale of the proposed outbuilding/shed.
6. Members raised concerns in relation to the construction of the rear path and were advised that a Building Inspector had visited the site and made recommendations to the applicant in order to ensure its structural integrity. Members were also concerned that the position of the shed and rear path would cause drainage issues for neighbouring properties and Officers confirmed that due to the limited scale of the development it was unlikely to impact on land drainage.

7. The Local Ward Member requested an update on the position of a further report from the Conservation Officer and disputed the conservation area boundary. He was also concerned that the appropriate land ownership certificates had not been submitted. Officers confirmed that the report would be made available upon completion and agreed to seek further clarification in relation to the boundary and certificate issues in order to be fair to all parties and provide feedback at the next appropriate Planning Committee. Concerns were also expressed with regard to the loss of land identified for soft landscaping at the proposed Hillary Rise development. Officers confirmed that as the developer had gone into receivership such landscaping was unlikely to take place. In relation to the 'rights of way' issues Officers confirmed that this was a private legal matter between the interested parties.
8. Officers confirmed there were no statutory objections, and following advertisement to 18 neighbouring properties, advertisement in the press and a site notice being posted, 7 letters of objection and an email from the local Councillor were received. Details of objections are within the Officer's original 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 acceptable and Officers recommended that permission be granted.
10. A copy of the report submitted to the Planning Committee on 13th March 2013 is attached. Members are now invited to determine the application.

Author: E.Sullivan                      Committee Services Officer, Ext. 4420  
Consultees: T. Stephens                Development Control Manager

Appendices:

Appendix 1    Report submitted to Planning Committee on 13th March 2013



Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0471/FULL 15.06.2011	Mr J Bellas 36 Garden Suburbs Pontywaun Newport NP11 7GB	Construct garden shed/store and works to access path 36 Garden Suburbs Pontywaun Newport NP11 7GB

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application property is located within the Garden Suburbs development, Pontywaun.

House type: Two-storey end of terrace property.

Development: Erection of garden outbuilding/shed to rear of property, as well as retention and completion of works to access path and steps.

Dimensions: The proposed outbuilding/shed measures 4.9 metres in width and 3.9 metres in depth.

Materials: The new boundary walls in place and proposed shed are of concrete blockwork construction. Part of the wall has already been finished with facing stonework.

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

### PLANNING HISTORY

P/99/0201 Erect two bedroomed detached bungalow - Refused 10.06.99.

P/00/0847 Construct hardstanding and erect wall and gates - Granted 20.10.00.

P/02/0641 Erect summer house and shed to rear of property - Granted 26.07.02.

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## **Application No. 11/0471/FULL Continued**

### **POLICY**

#### LOCAL DEVELOPMENT PLAN:

Site Allocation: The site is located within the Settlement Boundary, and partly within the Garden Suburbs Conservation Area but the works proposed are outside the Conservation Area.

Policies: Policy CW2 (Amenity).

NATIONAL POLICY: Planning Policy Wales and TAN 12 (Design).

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

### **CONSULTATION**

Conservation & Design Officer - Considers that the impact on the conservation area and listed buildings should be taken into account.

Group Manager (Transportation Planning) - No objection.

### **ADVERTISEMENT**

Extent of advertisement: 18 neighbouring properties were consulted and a notice was placed on site and in the press.

Response: Seven letters of objection were received, and an e-mail from the local Councillor.

#### Summary of observations:

- Alleged extension of boundaries of property;
- Loss of privacy;
- Alteration of existing footpath;
- Use of inappropriate materials;
- Alteration of neighbouring boundary;
- Trees cut down in conservation area;
- Impact on drainage;

Cont

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Application No. 11/0471/FULL Continued

- Shed out of keeping with adjacent listed buildings;
- Works started prior to submission of planning application;
- Query over land ownership;
- Public right of way fenced off;
- Proposed construction works within a conservation area;
- Listed building consent has not been sought;
- Loss of area of land identified for soft landscaping for proposed development at Hillary Rise.

### SECTION 17 CRIME AND DISORDER ACT

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

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### **ANALYSIS**

Policies: Turning first to the proposed outbuilding/shed, it is considered that the structure has been appropriately designed in terms of its setting and scale. Given the distance of the proposed structure from the nearest dwellings, it is not considered that the development would impact on the amenity of adjacent properties by way of any overlooking or overbearing effect. A condition will be attached to any permission requiring details to be submitted and approved regarding the use of appropriate materials for the external finishes of the structure, to ensure the development integrates with the surrounding area.

In terms of the proposed works to the rear footpath that provides access to 30-38 Garden Suburbs, the applicant proposed concrete edging to the existing path and the repair of eroded areas with compacted hardcore/dust, whilst maintaining natural drainage. The existing steps will be replaced with an extended ramp projecting into the car parking area which is located to the south east of 30-36 Garden Suburbs. A timber handrail up to the existing raised hardstanding will also be provided. It is considered that these works to the existing rear pathway are acceptable in terms of their setting and materials, and will not detract from the visual amenity of the area. Again, a condition will be attached to any permission to ensure the use of appropriate materials for the external finishes of the proposed boundary walls. At present it appears that the applicant intends to use facing stonework on the blockwork walls.

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Application No. 11/0471/FULL Continued

The impact of the development will not have a significant effect on the adjacent conservation area in terms of the need to pay special attention to the desirability of preserving or enhancing its character or appearance. Nor will it have an adverse impact on the neighbouring listed buildings when having special regard to the desirability of preserving them or their setting or any features of special architectural or historic interest which they possess.

Comments from consultees: The Group Manager (Transportation Planning) raises no objection to the proposed development.

The Conservation and Design Officer has raised no objection to the application but requests further details regarding proposed finishes to the outbuilding.

Comments from public: Alleged extension of boundaries of property - This does not appear to be the case based on Officer site visits. However, that is a private matter.

Loss of privacy - The window of the proposed shed is located approximately 22 metres away from the nearest property. Such a distance is considered acceptable in planning terms.

Use of inappropriate materials - The walls have yet to be completed and a condition will be attached to any permission to ensure appropriate materials are used for the external finishes of the development.

Alteration of neighbouring boundary - If indeed the case, this is a legal matter between the two landowners.

Trees cut down in conservation - The trees that have been cut down are outside the conservation area.

Impact on drainage - Due to the limited scale of the development, it is unlikely to impact on land drainage.

Shed out of keeping with adjacent listed buildings - The proposed shed is located outside of the conservation area. Furthermore, a condition will be attached to any permission to ensure the use of appropriate materials.

Works started prior to submission of planning application - The commencement of works were brought to the attention of the Council's Enforcement officer, who subsequently informed the applicant that planning permission was required. There is scope under planning legislation to consider applications in retrospect.

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Application No. 11/0471/FULL Continued

Query over land ownership - Details of land ownership have been submitted by the applicant that show all of the land within the application site being within their land ownership.

Public right of way fenced off - The footpath to the rear of 30-36 Garden Suburbs is a private right of way, and if this private pathway is blocked by any party this represents a private legal matter between the interested parties.

Proposed construction works within a conservation area - The works are located outside of the conservation area.

Listed building consent has not been sought - As the works do not involve any alterations or extension to a Listed Building, consent is not required in this instance.

Loss of area of land identified for soft landscaping for proposed development at Hillary Rise - As the land in question is within the ownership of the applicant, such soft landscaping as part of a separate development could only be delivered with the consent of the landowner.

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 external surfaces of the development including the associated retaining wall shall not be constructed until details of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.

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Application No. 11/0471/FULL Continued

Advisory Note(s)

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

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DEFER FOR SITE VISIT



## PLANNING COMMITTEE – 7TH DECEMBER 2011

**SUBJECT: SITE VISIT - CODE NO. 11/0471/FULL - CONSTRUCT GARDEN SHED/STORE AND WORKS TO ACCESS PATH, 36 GARDEN SUBURBS, PONTYWAUN, NEWPORT, NP11 7GB.**

**REPORT BY: CHIEF EXECUTIVE**

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PRESENT:

Councillor J.Criddle – Chairman  
Councillor J.O.Evans – Vice Chairman

Councillors D.M. Gray

9. The Planning Committee deferred consideration of this application on the 2nd November 2011 for a site visit. Members and Officers met on site on Wednesday 16th November 2011.
10. Details of the application to construct garden shed/store and works to access path, 36 Garden Suburbs, Pontywaun, Newport, NP11 7GB were noted.
11. Those present viewed the site from the footpath and surrounding area and examined the initial plans submitted with the application to fully appreciate the proposals.
12. Members were asked to note that although the site is located partly within the Garden Suburbs Conservation Area the works proposed are outside the conservation area. The shed itself has been appropriately designed in terms of its setting and scale and given the distance to the nearest dwellings would not have an impact on residential amenity. The dimensions of the shed were confirmed as 4.9m in width and 3.9m in depth. The proposed works to the rear footpath were to provide concrete edging to the existing path and repair the eroded areas; the existing steps would be replaced with a ramp and a timber handrail provided. Members noted that construction on the pathway had been partly completed; works were suspended by the applicant on the advice of the Council's Enforcement Officer, pending the outcome of this application.
13. Members raised concerns in relation to the 'rights of way' to the footpath particularly in relation to properties 30-36 Garden Suburbs and the changes made to the route path by the applicant. Officers confirmed that this was a

private right of way and as such represents a private legal matter between the interested parties.

6. Members raised concerns in relation to the alterations to the external boundary of the development site, it was felt that the proposed works would adversely affect the character of the conservation area. Officers confirmed that the proposed works were located outside of the conservation area, however any possible impact on the conservation area itself had been given significant consideration and conditions would be attached to any permission to ensure the use of appropriate materials. It was noted that the Conservation and Design Officer had raised no objections to the application.
7. Concerns were expressed in relation to the work done without the knowledge or permission of the landowners involved. The Local Ward Member advised that the land within the application site belongs to 3 other owners and the developer Edenstone Homes; the applicant had not notified nor sought permission from the joint owners.

Officers advised that further investigations would be required in order to fully address the issues raised, the outcome of which would be reported back to the next appropriate committee.

8. Officers confirmed there were no statutory objections, and following advertisement to 18 neighbouring properties, a site notice being posted and press advertisement, 7 letters of objection and an email from the local Councillor had been received. Details of objections are within the Officer's original report. Members noted that 2 letters additional letters had been received which subject to the appropriate conditions supported the application.
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 acceptable and Officers recommended that permission be granted.
10. A copy of the report submitted to the Planning Committee on 2nd November 2011 is attached. Members are now invited to determine the application.

Author:	E.Sullivan	Committee Services Officer, Ext. 4420
Consultees:	T. Stephens	Development Control Manager
	M. Noakes	Senior Engineer (Highway Planning)

Appendices:

Appendix 1 Report submitted to Planning Committee of 2nd November 2011



Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0873/OUT 21.01.2014	Llanover Estate Mr M Lennon 23A Gold Tops Newport NP20 4UL	Erect housing development (eight dwellings) Land At Park Road Newbridge Newport

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The application site is located on land to the east of Park Road, Newbridge.

Site description: Vacant sloping grassland.

Development: Outline permission is sought for the erection of 8 dwellings consisting of four detached dwellings, and four semi-detached properties.

All matters apart from access are reserved. An indicative layout has been submitted that shows the proposed dwellings equally spaced across the site from south to north.

The site access would be off Park Road, between Plots 2 and 3 towards the southern end of the site.

#### Dimensions:

Dimensions (upper and lower limits for height, width and length of each building): Height: 7.86 - 12.45 metres, Length: 9.35 - 9.56 metres, Width: 5.23 - 8.1 metre.

Materials: No details provided.

Ancillary development, e.g. parking: The indicative layout shows off-street parking proposed within the curtilage of each dwelling.

### PLANNING HISTORY

No previous planning history.

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Application No. 13/0873/OUT Continued

## **POLICY**

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement boundary.

Policies: SP5 (Settlement Boundaries), SP7 (Planning Obligations), SP15 (Affordable Housing Target), CW2 (Amenity), CW3 (Design Considerations - Highways) and CW11 (Affordable Housing).

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is not within a coal mining referral area.

## **CONSULTATION**

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

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

Dwr Cymru - Provides advice to the developer regarding sewerage and drainage.

CCBC Housing Enabling Officer - Requests 10% (1 dwelling) affordable unit to be secured by way of Section 106 Agreement.

Police Architectural Liaison Officer - No objection subject to advice.

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Application No. 13/0873/OUT Continued

Countryside And Landscape Services - Raises no objection, but mentions the difficulties in establishing a suitable landscaping scheme on such steep gradients. However, such details can be agreed at reserved matters stage.

Senior Arboricultural Officer (Trees) - No tree onsite.

Principal Valuer - No comment.

## **ADVERTISEMENT**

Extent of advertisement: 32 neighbouring properties were consulted and a site notice was displayed near the application site.

Response: Two responses were received.

Summary of observations: - Highway safety concerns regarding proposed entrance and speed of vehicles using Park Road.

## **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.

Is this development Community Infrastructure Levy Liable? This is an outline application. The CIL regulations require that CIL liabilities are calculated when reserved matters applications are submitted as until the reserved matters stage it is not necessarily clear as to the exact level of CIL liable floorspace.

## **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.

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## Application No. 13/0873/OUT Continued

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, north and west by existing residential development and to the south by open space and allotments gardens; a relatively low density is proposed; and the proposed use will not detrimentally impact on the amenity of neighbouring properties. Adequate privacy distances are maintained between the proposed houses and the existing properties to the west, which are at least 21 metres away, and the properties to the east, which are over 30 metres away.

Given the steep topography of the site, significant earth works are proposed along the eastern edge of the site, backing onto the rears of the properties along Ashfield Road. In places the existing ground level will be increased by up to 6-7 metres, with the land battered at an angle of up to 45 degrees in place, i.e. a gradient of 1 in 1. However, this 'bank' is located at least 15 metres from the rear elevations of the nearest properties, and therefore it is not considered that such a landscape feature will have an unacceptable overbearing impact on the properties below.

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.

Policy CW11 states that on sites accommodating 5 or more dwellings, or exceeding 0.15 hectares in gross site area, an element of affordable housing will be required. For the Newbridge area, the target for affordable housing is 10%. Therefore of the eight proposed dwellings, one unit will need to be an affordable unit. This will be controlled by way of the Section 106 Agreement.

A Section 106 Agreement will be required to secure the requirements of the Housing Officer, and that must meet the following tests:

(a) It is necessary to make the development acceptable in planning terms.

Policy CW11 requires the provision of affordable housing.

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Application No. 13/0873/OUT Continued

(b) It is directly related to the development.

Affordable housing can only be secured as part of a housing development.

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

In view of the need for affordable housing and the planning commitment to securing such provision, one house out of eight is considered reasonable.

Comments from consultees: No objection is raised subject to conditions and advice.

Comments from public: The Transportation Engineering Manager raises no objection to the proposed access onto Park Road subject to a condition requiring an adequate visibility splay to be provided and maintained at all times.

Other material considerations: None.

RECOMMENDATION that (A) the application is DEFERRED to allow the applicant to enter into a Section 106 Agreement in relation to affordable housing. On completion of the Agreement (B) that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of appearance, landscaping, layout and scale; (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.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the appearance, landscaping, layout and scale 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.

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Application No. 13/0873/OUT Continued

- 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) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before any of the residential units to which they relate is occupied and thereafter they shall be maintained free of obstruction for the collection of refuse, recycling, food and garden waste.  
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.
- 06) 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.
- 07) 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.
- 08) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.  
REASON: To protect public health.

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Application No. 13/0873/OUT Continued

- 09) 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.
- 10) 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.
- 11) 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.
- 12) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the buildings 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 amenity of the area.
- 13) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.  
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

Cont...

Application No. 13/0873/OUT Continued

- 14) 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.
- 15) The proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4m x 90m. No obstruction or planting when mature exceeding 0.6m 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
- 16) Prior to beneficial occupation of the development a pedestrian link shall be provided between the rear of the development and the adopted lane which lies to the east of the site, in a manner to be agreed in writing with the Local Planning Authority,  
REASON: In the interests of highway safety.
- 17) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining works on site full engineering details and structural calculations for the proposed retaining works, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed retaining works additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.  
REASON: In the interests of highway safety.

Cont...



Application No. 13/0873/OUT Continued

- 18) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.  
REASON: In the interests of highway safety.
- 19) The gradient for the proposed access shall be no steeper than 1:20 for the first 15m and 1:12 thereafter, unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 20) Parking throughout the development shall be provided in accordance with the Local Planning Authority's Adopted Supplementary Planning Guidance LDP5 Car Parking Standards.  
REASON: To ensure adequate off-street parking provision to serve the development.
- 21) The internal carriageway shall have a minimum width of 5.5m for the entirety of its length.  
REASON: In the interests of highway safety.
- 22) Provision shall be made to provide replacement parking within the curtilage of the site for the spaces lost by the demolition of the 4 garages which currently occupy the site, unless otherwise agreed in writing with the Local Planning Authority. Such provision shall be completed before the development hereby approved is first occupied and in accordance with details to be agreed with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 23) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.  
REASON: In the interests of the visual amenity of the area.

Cont...

Application No. 13/0873/OUT Continued

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, CW3 and CW11.

Please find attached the comments of Welsh Water, Senior Engineer (Land Drainage), Transportation Engineering Manager, Head of Public Protection, Police Architectural Liaison Officer, Housing Enabling Officer and Council's Landscape Architect that are brought to the applicant's attention.

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## **PREFACE ITEM**

APPLICATION NO. NA/14/0001

APPLICANT(S) NAME: Mr S Lloyd

PROPOSAL: A single 225kw wind turbine (up to 65.3m blade tip height) with associated hard standing area, substation/transformer and boundary fencing

LOCATION: Land adjoining Unit 3 Pengarnddu Industrial Estate, Dowlais Top, Merthyr Tydfil

1. Merthyr Tydfil County Borough Council has sought this Council's observations on a planning application to erect a single wind turbine on land at Pengarnddu Industrial Estate, north of Dowlais. The application site relates to a vacant plot of land on the northern edge of an established industrial estate, the site being approximately 780 metres from the administrative boundary between Merthyr CBC and Caerphilly CBC, 2.9 km from Butetown and 3.2 km from Rhymney.
2. The proposed development comprises the erection of a 225kW wind turbine (for a period of 25 years) that would measure up to 50 metres high to the hub of the turbine, with a three bladed rotor having a diameter of 29 metres. The turbine would have a maximum blade tip height of 65.3 metres and would have a non-reflective grey finish. The proposals include electrical infrastructure and a crane hardstanding.
3. Having considered the potential impact upon the landscape character of the Special Landscape Area and this part of the upper Rhymney Valley for the proposed Pen Bryn Oer turbines and the proposed Nant Llesg surface mine the Divisional Landscape Architect does not believe that a single turbine of this size will cause a "significant adverse" impact / effect upon the Landscape Character of this part of the County Borough.
4. He notes that the ZTV and study area of 10 km suggests that the potential exists for the top 25 metres of the turbine tower and the full height of the blade to be visible from the Special Landscape Area in the vicinity of Llechryd, Pen Bryn Oer and Rhymney hill a distance of approximately 4-4.5 km from the site. The nacelle and turning blade may be visible from elevated parts of Rhymney and Mynydd Bedwellte above Abertysswg and New Tredegar.

He does not believe the visual impact of a single turbine of this size will cause a "significant adverse" impact / effect on these areas. The only photo-viewpoint within Caerphilly County Borough was taken from the public footpath at Bryn Oer patches close to Rhas Las farm. It is accompanied by a wire frame drawing which indicates that the viewer is likely to see 3 no. turbines on Pengarnddu Industrial estate from this viewpoint.

5. A study area radius of 15 Km has been chosen to assess potential cumulative impact of this and other constructed, consented or at planning turbine applications. The Pen Bryn Oer and Gelliwen turbines are notably absent from the list of turbines considered for cumulative impacts, but perhaps their date of registration was after the cut off date for this Landscape and Visual Impact Assessment. The map showing "Pengarnddu single turbine and screened wind turbine developments, suggests that the most significant cumulative impact will be experienced in views from the north west, west and south west of the site. None of these areas are within Caerphilly County Borough. The upper parts of Rhymney, parts of Llechryd, Pen Bryn Oer and Rhymney Hill, Mynydd Bedwellte and Cefn Brithdir all have the potential to see the proposed turbine, the two others at Pengarnddu and up to three other turbines within the same view. The cumulative assessment does not appear to consider the potential cumulative impact of the turbine with other large-scale infra-structure developments such as Nant Llesg.
6. He concludes that on the basis of the information available he has no objection to the proposed turbine as he believes its potential impact upon the County Borough will be no greater than "neutral - minor adverse." He remains as ever concerned about the potential, cumulative impact of wind turbine development on the north of the borough, however in this instance he does not believe the addition of this single turbine within the industrial setting will tip the balance, whereby the proposal would be unacceptable due to cumulative impact.
7. The Transportation Engineering Manager advises that the applicant should provide a Traffic Management Plan which provides a detailed report on the proposed route to be taken to the application site. This should include the adequacy of the route and provide details of any improvements required to the highway network to allow the movement of the abnormal loads. The plan will need to indicate full consultation and approval with neighbouring Authorities which the loads pass through, consultation and approval with the Welsh Government and South Wales Police Liaison Transport Officer who co-ordinates the safe passage of the vehicles and consultation and approval with the Highways Agency.

8. The Head of Public Protection has both reviewed the submitted details and discussed the development with an Environmental Health Officer from Merthyr CBC. Whilst that officer has no concerns about this turbine in isolation, she has some concerns with the potential cumulative impacts of the development with other wind turbines which are either granted permission or are in the planning system in the surrounding area. She has therefore recommended a condition be attached to any permission that may be granted which takes account of this concern.
9. The Head of Public Protection notes that the nearest noise sensitive property (a single isolated dwelling) within Caerphilly County Borough has a fairly large separation distance of circa 1.4km away from the proposed wind turbine development and concludes that noise and shadow flicker impacts for borough residents are considered to be unlikely.

## **RECOMMENDATION**

Taking into account the aforementioned comments it is concluded that the effect of the proposed turbine on this Borough is acceptable. It is therefore recommended that Merthyr Tydfil CBC be advised that this Council raises no objection to the application and that the comments should be forwarded to Merthyr for their consideration.

## **PREFACE ITEM**

APPLICATION NO. 12/0269/NCC

APPLICANT(S) NAME: Newbridge Construction Ltd

PROPOSAL: 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

LOCATION: Land At Gellideg Industrial Estate, Gellideg Lane Maesycwmmmer, Hengoed

This application was reported to the Planning Committee on 7<sup>th</sup> August 2013 (copy of report attached) at which time the committee resolved not to accept the application to vary the original Unilateral Undertaking to reduce the level of affordable housing from 25% to 10%.

In the light of that resolution, and in line with the resolution of committee on 18<sup>th</sup> July 2012 (copy of report attached) i.e. that determination of the application be deferred to allow the applicant to enter into a Section 106 Agreement to secure the obligations contained within the Unilateral Undertaking that accompanied the original application, the applicants were asked whether they were willing to enter into the planning obligation with the provision of 25% affordable housing as contained within the original Unilateral Undertaking.

Since that time the applicants have been continuing to consider the viability of the site and attempting to establish a practical way forward to progress the site. They have recently written to the Authority and advised that they consider there are now a number of other factors which should be taken into consideration, these factors being:

1. The decision that has been taken by Planning Committee in respect of the Hawtin Park application (08/0752/OUT) in which the applicants also raised the matter of viability and that a 25% level of affordable housing could not be sustained. Following further negotiation with those applicants, the Committee accepted a level of 15% of affordable housing. Taking into account that Hawtin Park is a greenfield site whilst Gellideg Heights is a brownfield site with attendant costs of reclamation, the applicants believe the public interest would be served by the Authority agreeing to 15% affordable housing at Gellideg Heights. This would be an increase on the 10% previously offered, and considered by officers to be acceptable.

2. There currently exists a significant deficit in the housing land supply within Caerphilly, with the recently published 2013 Joint Housing Land Availability Survey (JHLAS) (March 2014) confirming a 2.9 years supply. This shows a continued decrease from the 2011 and 2012 supply of 4.5 years and 3.5 years respectively.
3. Technical advice Note 1 'Joint Housing Land Availability Studies' requires that the results of JHLAS should be treated as a material consideration in determining applications for new housing and "where a current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies."

Taking these factors into account the applicants consider that a level of 15% affordable housing should be accepted at Gellideg Heights.

Officers have previously concluded that the viability of the site is an issue and that a level of affordable housing provision lower than the original 25% is reasonable in those circumstances. As indicated above, the level of 10% previously offered was acceptable to officers, but not this committee. The proposed increase in the level of affordable housing to 15% is to be welcomed and is supported by officers.

In considering the level of affordable housing the committee should be mindful of the following:-

- A. As stated in Policy CW11 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2021, the affordable housing targets should be treated as indicative because site specific requirements will depend on factors including current market conditions and recent viability assessments.
- B. The Council's Adopted Supplementary Planning Guidance LDP1 provides an opportunity for the issue of viability to be considered on a site specific basis.
- C. The lack of a five-year housing land supply has been identified as a matter of concern that needs to be addressed and is one of the key factors that has prompted the decision to formally review the LDP. The current position regards the housing supply as described by the applicant in point 2 above is correct.

- D Technical Advice Note 1 'Joint Housing Land Available Studies' makes it clear that when the land supply is below the five year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies.
- E The development is in accordance with local and national planning policy.
- F The development provides a clear opportunity to deliver housing, both market sector and affordable, to assist in meeting the housing needs in the short term.

Taking into account these factors, together with those put forward by the applicant, it is considered that a 15% level of affordable housing is acceptable and that this obligation in the section 106 Agreement should be varied accordingly.

However, as from 1<sup>st</sup> July the terms of the 106 Agreement are affected by the new Community Infrastructure Levy Regulations. This means that infrastructure included in the approved Regulation 123 list will be funded through the Council's CIL charging schedule and not via a Section 106 Agreement. The obligations in the Unilateral Undertaking relate to the following:

- (i) Provision of affordable housing.
- (ii) Provision of an education contribution.
- (iii) Road improvement comprising a contribution towards the cost of alteration to existing traffic regulations orders and the transfer of an area of land for the purpose of possible highway improvement.
- (iv) Ecological mitigation both within the site and off site.

The education contribution and transfer of land for possible highway improvement would fall into the list of infrastructure that can be funded through CIL so would not be included within the 106 Agreement. The calculation of that CIL charge would be made at the Reserved Matters application stage. The remainder of the obligations still meet the tests required in respect of planning obligations.

**RECOMMENDATION** that the obligations in the original Unilateral Undertaking be varied to provide a level of affordable housing of 15% and the deletion of those works that will be subject to CIL liabilities, and following the completion of the variation, the planning permission be granted subject to the conditions set out in the report to the 18<sup>th</sup> July 2012 committee.



Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0190/FULL 31.03.2014	Mr & Mrs D Stanwyck 11 Central Avenue Cefn Fforest Blackwood NP12 3JU	Construct a two-storey extension to rear of dwelling 11 Central Avenue Cefn Fforest Blackwood NP12 3JU

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application property is situated on the junction of Central Avenue with Penybryn Avenue.

House type: The application property is a semi detached dwelling with front and rear gardens. The property has an existing single storey extension to the rear and a detached garage in the rear garden which is at a higher level than the house. Both the dwelling and the garage are finished in render with a tiled roof. The property to the rear of the application site at number 73 Penybryn Avenue is at right angles to it such that the pine end faces the rear of the host dwelling. It is also at a higher level. The adjacent dwelling also has a single storey rear extension.

Development: The application seeks full planning consent for the erection of a two storey extension to the rear of the dwelling. The extension will replace the existing single storey extension and will accommodate a w.c, store, kitchen and dining room on the ground floor and an additional bedroom on the first floor. The extension will be longer at ground floor level than at first floor and will have an apex roof to the first floor with a lean to roof above the longer part of the ground floor.

Dimensions: The extension measures 6m wide by 4.7m long at ground floor and 3m long at first floor.

Materials: To match the host dwelling.

Ancillary development, e.g. parking: None.

Cont...

Planning Application No. 14/0190/FULL Continued

**PLANNING HISTORY:**

11/0758/FULL - Retain and complete replacement boundary walls and shed -  
Granted 29.11.2011.

**POLICY**

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries), CW2 (Amenity), CW3 (Design Considerations: Highways), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on extensions and conservatories.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: -  
"The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design.

**CONSULTATION**

Transportation Engineering Manager - No objection.

Cont...

## **ADVERTISEMENT**

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: An objection was received from the neighbouring landowner and her property was visited by the Planning Officer.

### Summary of observations:

1. The proposed extension will have an overbearing impact on the neighbouring dwelling.
2. It will cause loss of light.
3. Construction work will have a detrimental impact on the health of the neighbours.
4. Increased heating costs.
5. Loss of view.

## 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? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

## **ANALYSIS**

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main point to consider in the determination of this application is the effect the proposal will have on the amenity of the neighbouring dwelling. In that regard it should be noted that Supplementary Planning Guidance says the following in terms of avoiding overshadowing of neighbouring dwellings:-

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## Planning Application No. 14/0190/FULL Continued

"Extensions and conservatories should not cast large shadows onto neighbour's houses or gardens. As a general rule single storey extensions near to a ground floor window of any principal room in an adjoining property, should be no longer than 4 m, whilst two-storey extensions in the same circumstances should be no longer than 2 metres. A 'principal room' can be defined as one of the main rooms of a house, such as a living room, main bedroom and dining room.

Unless the context allows otherwise, those dimensions could be increased to a maximum of 6m and 4m respectively, where the extension does not breach a line taken at 45 degrees from the centre of the nearest ground floor window of any principal room in an adjoining property, and it would not have an overbearing effect or an adverse impact on outlook."

In this instance the ground floor element of the proposal projects out more than 4m from the main back wall of the host dwelling. However the neighbouring dwelling has a 3.35m long single storey rear extension with French doors, the centre of which are some 2.2m away from the proposed extension. As such the ground floor element of the extension does not project beyond a line drawn at 45 degrees from the centre line of those French doors.

With regard to the first floor it is accepted that the extension is longer than the 2m suggested above. However, in assessing the impact of the extension on the first floor window of the neighbouring house it has to be noted that the effect of a first floor extension on a first floor window is no different to the effect of a ground floor extension on a ground floor window. Also, as there is an existing single storey extension at the neighbouring dwelling the proposal would not impact on the French doors mentioned above. In that regard it is felt that a 3m long extension would be acceptable in this instance as the impact on the neighbouring dwelling is in line with adopted design guidance.

Comments from consultees: No objections raised.

Comments from public:

1. The question of overbearing impact is considered above.
2. Loss of light is not considered to be an issue in this instance due to the north facing orientation of the dwellings whereby the rear of the dwelling is already in shade for most of the day.
3. The construction process for a development of this nature is a small and transient part of the overall proposal. Given the nature of the proposal it is not considered that impacts of construction should prejudice the determination of this application.

Cont...

Planning Application No. 14/0190/FULL Continued

4. Increased heating costs should not prejudice the determination of this planning application. Appropriate insulation will be secured through the Building Regulations.
5. Loss of view is not a material planning consideration.

Other material considerations: It should be noted that the originally submitted scheme proposed the demolition of the existing garage and the erection of a new garage. As this was considered to be unacceptable in planning terms the applicant has removed it from the proposals.

In conclusion it is considered that the proposal is acceptable in planning terms as the design of the extension is in keeping with the host dwelling and there would be no unacceptable detrimental impact on the amenity of the neighbouring dwelling.

**RECOMMENDATION that Permission be GRANTED**

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development hereby approved relates to the details received on 13th June 2014 by the Local Planning Authority.  
REASON: For the avoidance of doubt as to the details hereby approved.

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.

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0210/COU 04.04.2014	Dylan Jones Retail C/O RPS Planning & Development Mr R Bowen Park House Greyfriars Road Cardiff CF1 3AF	Change use of the Former Nelson Police Station (sui generis) to a pizza delivery/takeaway (Use Class A3) Former Nelson Police Station Dynevor Terrace Nelson Treharris CF46 6PD

**APPLICATION TYPE:** Change of Use

**SITE AND DEVELOPMENT**

Location: The application site is situated on the western side of Dynevor Terrace approximately 150m from the roundabout at High Street.

Site description: The application property is a single storey rendered building with a slate roof which is a purpose built building formerly used as a Police Station. The building currently comprises a public reception room to the front with offices behind and a double integral garage to the rear. It is sited at the southern end of the Town Centre car park with a vehicle repair garage to the south, dwellings to the east and west and the car park and then the main bus terminal to the north. The site is also fronted by Dynevor Terrace, which is the Classified B4225 main road from Gelligaer, Trelewis and Bedlinog to the A472 and A470 to the south west.

Development: The application seeks full planning consent for the change of use of the property from a Police Station to a Pizza delivery/takeaway falling within Use Class A3. The premises are proposed to be open from 11.00hrs to 23.00hrs 7 days a week. A vent and extractor fan are proposed to be attached to the side elevation of the property with no other external alterations. The integral garage is to be converted into a cold store and washing up area.

Dimensions: The building is irregular in shape having overall measurements of 17m by 10.5m.

Materials: Not applicable.

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Application No. 14/0210/COU Continued

Ancillary development, e.g. parking: None.

## PLANNING HISTORY

P/97/0597 - Erect new police station - Granted 11.09.97.

## **POLICY**

### Site Allocation

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP2 (Development Strategy - Development in the Northern Connections Corridor), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), CW2 (Amenity), CW3 (Design Considerations: Highways), CW8 (Protection of Community and Leisure Facilities), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints), CW16 (Locational Constraints - Retailing).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 3.1 of Planning Policy Wales (Edition 6. Feb. 2014) gives guidance on the matters to be considered when taking planning decisions.

National Planning Guidance contained in Technical Advice Note 12 - Design.

## **CONSULTATION**

Nelson Community Council - Raises objection to the application for the following reasons: -

1. Detrimental impact on residential amenity.
2. Noise and smell nuisance.
3. Loss of privacy.
4. Increase in traffic.

Head Of Public Protection - Subject to the imposition of conditions the detrimental effect on residential amenity will be mitigated.

Cont...

Application No. 14/0210/COU Continued

Transportation Engineering Manager - No objection subject to conditions requiring 3 parking spaces within the curtilage of the site and restricting the type and size of delivery vehicles.

Dwr Cymru - No objection subject to conditions.

## **ADVERTISEMENT**

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: 38 letters of objection and a petition containing 479 signatures were received.

### Summary of observations:

1. Effect on residential amenity, especially in the evenings.
2. Attraction of vermin.
3. Out of keeping with the character of the area.
4. There is no need for this development.
5. Noise nuisance from customers, delivery drivers and external equipment.
6. Car parking problems in Dynevor Terrace.
7. Unpleasant odours from cooking.
8. The proposed opening hours could be extended thereby exacerbating any detrimental impact.
9. No description of the external signage has been provided.
10. Decrease in property values.
11. Loss of public open space.
12. Anti social behaviour.
13. Loss of privacy.
14. The building should be retained as a Police Station.

## 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? Takeaways can attract anti-social behaviour, particularly in the evening, but in view of the site's relative proximity to the centre of Nelson where there are other late night uses, such as public houses, this is a matter that would be best controlled by the Police.

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## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

## **ANALYSIS**

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are the objections raised by members of the public, which are dealt with in turn below.

1. Residential amenity is a wide ranging issue but is taken in this instance to refer to late night noise and disturbance that may be associated with an A3 use and disturbance during opening hours from additional vehicles in the vicinity of the premises. With regard to the first issue it is noted that there are residential dwellings to the east (front) and west (rear) of the application site and as such the proposed use could have a detrimental impact on the amenity of those dwellings. However, it should also be noted that this is a mixed use area on the edge of Nelson village centre. In Policy SP4 (Settlement Strategy) of the Local Development Plan, Nelson is identified as a Local Centre based on its function as a major employer, retail centre, provider of services and centre of population. It is expected that in these local centres there would be a wider range of services to meet the needs of a wider area and not just of the immediate community surrounding the site.

It should also be noted that there is an existing vehicle repair garage and a car sales garage situated immediately to the south of the application site and a public car park serving the village centre and a bus terminus to the north of the site. Finally it should be noted that the site is fronted by the B4225, which is the main route from the communities of Gelligaer, Trelewis and Bedlinog to the A472 and A470 to the south west of the site.

Cont...

## Application No. 14/0210/COU Continued

It is against this backdrop that the application has to be considered and the Local Planning Authority has to consider whether the use proposed would significantly increase either the activities that currently operate at the above mentioned sites or indeed those that could operate without the benefit of further planning consent. It is accepted that at present both the garage and the bus terminus are either not operational in the evenings or are infrequently used, but there are no controls over either use that would prevent an intensification of the current operations and as such this must be taken into account. The applicants have also submitted information in relation to the number of staff to be employed at the premises, the expected level of custom at low and peak times and the type of cooking and extraction equipment to be used at the premises.

The Head of Public Protection has considered all of these issues and raised no objection subject to the imposition of suitable conditions regarding noise and odour suppression, hours of operation and control over external lighting. In that regard it is not considered that the proposal would have a detrimental impact on the residential amenity of the area such that it would justify refusal of this application.

2. With regard to the possible attraction of vermin, this is a matter for the Food Hygiene team within Public Health and Protection. However, it is considered that it would be prudent to impose a condition requiring the provision of adequate waste storage within the site.
3. As discussed above, the application site is situated in a mixed use area on the edge of the village centre and with commercial uses adjacent. As such it is not considered that the proposed use would be out of keeping with the character of the area.
4. Whether there is a need for this development or not is essentially a matter for the market to decide as competition is not a material planning consideration. Policy CW16 of the Local Development Plan provides criteria to consider in the determination of applications for retail development outside of the Principal Town Centres. In that regard it is considered that the proposed development will not undermine the vitality and viability of nearby Principal Town Centres nor the Council's retail strategy. The unit is less than 1000sq m in floor area and is to serve neighbourhood needs, therefore it is not considered to be contrary to this policy.

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Application No. 14/0210/COU Continued

5. Noise and disturbance is similar to the objection discussed at number 1 above. Again it should be noted that Public Health and Protection have raised no objection to this application. The application site is situated within a mixed use area where an increase in noise would normally be expected. It is accepted that there are residential properties to the east and west of the site but it is felt that any impact on the amenity of these properties by virtue of noise and disturbance would not be sufficient to warrant refusal of the application. It should also be noted that the proposed opening times for the premises are 11.00hrs to 23.00hrs and it is not considered that these hours are excessive and indeed are in line with a number of other similar establishments in the village centre, which are also in close proximity to residential properties.
6. With regard to potential car parking problems it should be noted that, having considered the likely traffic generation associated with the proposed use, the Transportation Engineering Services Manager has raised no objection to the application. Whilst the application property does not have any space to provide off street car parking for customers, it is situated immediately adjacent to a public car park intended to serve the village centre. It is acknowledged that a number of residents from Dynevor Terrace use this car park and it is alleged that the car park is over subscribed during evenings and weekends when the Pizza takeaway is likely to be at its busiest. However, officers of the Authority have visited the site on numerous occasions during the evening and at weekends and on each occasion there were ample spaces available for customers to use. In that regard it is considered that it would be unreasonable to refuse the application on the basis of a lack of adequate off street parking provision. With regard to the possibility of illegal parking occurring in the vicinity of the site case law suggests that it is debatable whether this is a material planning consideration and is likely to hinge on whether such parking would in itself pose a danger to highway safety. In this instance it is considered unlikely that this would be the case and as such refusal of the application would not be justified on this ground. It should also be noted that the Transportation Engineering Services Manager has suggested the imposition of a condition requiring the provision of three parking spaces for staff. These would have to be provided on the yellow hatched area to the front of the existing double garage. It is considered that this would still leave sufficient space for vehicles to manoeuvre around the car park.

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Application No. 14/0210/COU Continued

7. Given the nature of the food cooked in this instance and the extraction system proposed it considered that odour would not be an issue here. It is also considered that there is sufficient separation distance from the application property to the nearest residential properties that adequate extraction equipment could be installed irrespective of the type of food to be cooked at the premises and as such it would be difficult to justify the imposition of a condition controlling the use.
8. The possibility for the extension of the operating hours is a matter that would have to be considered should an application be submitted. It is not in itself a reason to justify the refusal of this application if the hours of operation proposed now are considered to be acceptable. The Local Planning Authority would have regard for the proximity of residential properties in considering any future applications. The hours of operation proposed here are considered to be acceptable as discussed above.
9. Signage falls within a separate regime of control to land use planning and as such a separate application for consent to display may need to be submitted.
10. Loss of property values is not a material planning consideration.
11. No public open space will be lost as a result of this development.
12. Anti social behaviour is a matter for the Police although it is a material planning consideration. In this instance and having regard for the proposed opening times and the location of the site it is not felt that anti social behaviour should prejudice the determination of the application.
13. Loss of privacy would not be so significant as to justify a refusal of permission.
14. Policy CW8 of the Local Development Plan seeks to protect community facilities. Criterion B of that Policy states that the loss of such facilities is acceptable provided that it can be demonstrated that it is surplus to requirements. The loss of Nelson Police Station is an operational decision made by Gwent Police. As a result it is accepted that the use of the building as a police station is no longer required and as such the proposal complies with Policy CW8. It should also be noted that it is not for the Local Planning Authority to consider whether an alternative use to that proposed is more or less acceptable than that applied for as it can only consider what is before it.

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Application No. 14/0210/COU Continued

Comments from consultees: No objections raised.

Comments from public: Addressed above.

Other material considerations: In conclusion, it is considered that the proposed use would not have an unacceptable effect on the residential amenity of the area, there is adequate parking within the vicinity of the site to accommodate the use, noise and odour issues can be adequately dealt with by the imposition of appropriate conditions and the loss of the community facility is acceptable in this instance. There would be no loss of open space and devaluation of property, and anti social behaviour would not be significant. It is also considered that the proposal complies with national planning guidance and local plan policy and therefore it 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.
- 02) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Drawing no. B8310-AEW-14017-00-DR-PRELIM-OO1 and letter received from RPS dated 22nd May 2014. Drawing no. JPW0366-001 received on 22nd April 2014 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) 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 and associated plant and equipment. The measures included in the approved scheme shall be implemented prior to the first occupation of the building 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.

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Application No. 14/0210/COU Continued

- 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) The use hereby permitted shall not be open to customers outside the following times: 11.00 hours to 23.00 hours Monday to Sunday.  
REASON: In the interests of residential amenity.
- 07) Notwithstanding the submitted plans, prior to the commencement of the use hereby approved details shall be submitted to and approved in writing by the Local Planning Authority which provide 3 off-street parking spaces, designated for the use of staff and despatch drivers associated with the business, within the curtilage of the site. Such provision shall be completed in accordance with the agreed details prior to the use hereby approved commencing and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.  
REASON: In order to ensure the provision of adequate off street car parking in the interests of highway safety.
- 08) Articulated vehicles associated with the use hereby approved shall not deliver to the premises. Delivery vehicles shall be limited to a rigid trailer type vehicle (FTA Design LG Rigid Vehicle) not exceeding 10.5m in length.  
REASON: In the interests of highway safety.

Advisory Note(s)

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

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0226/FULL 08.05.2014	Bryn Group C/o Barton Willmore Mr M Roberts Greyfriars House Greyfriars Road Cardiff CF10 3AL	Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) Land At Bryn Quarry Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The site is located at Gelliargwellt Uchaf Farm near Gelligaer. The farm lies 9km north west of Caerphilly, 0.8km south west of Gelligaer and 1.5km north east of Nelson. The farm is a dairy farm with land between Gelligaer, Nelson and Trelewis. Recently, there have been a number of non agricultural developments at the farm, including a small sandstone quarry, an in-vessel composting facility, green waste open windrow composting, and waste recycling and recovery. Access is from the B4254 Gelligaer to Trelewis Road.

Site description: The site has been used for waste management for a number of years under temporary consents, originally in connection with agricultural improvement at the farm involving landfill. Permission was refused in 2011 for the use of the site on a permanent basis for waste recycling and transfer. The applicant appealed against the decision and permission for the use of the site for waste recycling and recovery together with a new materials recycling facility (MRF) building was granted by a Planning Inspector in 2013.

The site forms an area of flat land adjacent to the farmhouse and farm yard and surrounded by landscaped bunds. The embankments of the man made plateau which supports the development have now been graded and grassed to be used for agriculture.

Development: It is proposed to erect a building to accommodate a materials recycling building (MRF).

Dimensions: Overall footprint 9.3m by 8.3m with a height to ridge of 12.64m.

Materials: Concrete and profile steel sheet cladding in dark green.

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Application No. 14/0226/FULL Continued

Ancillary development, e.g. parking: As existing.

### PLANNING HISTORY

5/5/93/0500 Change use of land to use as a Waste Transfer Station Granted - 07.10.1993.

5/5/94/0196 Change use of land to use as a waste transfer station - Granted 22.06.1994.

5/5/94/0809 Renew consent 5/5/93/0500 to use land as a waste transfer station - Granted 15.03.1995.

5/5/95/0362 - Improve agricultural land by means of landfilling of inert waste - Granted 19.10.95.

5/5/96/0044 - Amend condition (e) of planning consent 5/5/95/0362 - Granted 19.03.96.

P/97/1033 - Improve agricultural land by means of landscaping inert waste - Granted 27.02.98

P/98/0378 - Continue use as a waste transfer station - Granted 31.07.98.

P/99/0549 - Amend operations at and extend area of transfer station - Granted 23.09.99.

P/00/0383 - Develop green composting facility - Granted 05.10.00.

P/00/0771 - Develop horse riding facility on land that is principally reclaimed landfill - Granted 28.02.02.

P/01/0234 - Continue use as an extension to waste transfer station - Granted 02.08.01.

P/03/1555 - Amend Condition (1) of planning permission P/00/0383 from 5 years to 25 years for the green composting facility - Granted 04.03.04.

P/03/1567 - Develop in-vessel composting facility incl. a waste reception building, closed vessels, open windrow area and drainage controls and access - Granted 30.04.01.

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Application No. 14/0226/FULL Continued

P/04/1256 - Retain picking belt at waste transfer station - Granted 07.10.04.

P/04/1912 - Develop an in-vessel composting facility, including waste reception building and closed vessel canopy, open windrow areas, drainage controls and access - Granted 11.03.05

P/05/0370 - Replace and extend existing building to house new milking parlour - Granted 12.05.05.

P/05/0944 Construct building to enclose existing waste sorting area within waste transfer station - Granted 19.08.2005.

P/05/1038 - Vary Conditions (4), (8) and (16) of Consent Ref. P/01/0234 - Granted 06.10.05.

P/05/1103 - Vary Condition (4) opening hours, Condition (3) operation of shredder and Condition (5) height of windrows on Planning Application P/03/1555 - Granted 13.10.02.

07/1082/FULL - Erect building to enclose existing materials, recycling facility and retain and complete associated earthworks and hardstanding - Refused 24.04.09.

08/0675/NCC - Delete Condition 16 of planning permission ref. P/01/0234 to operate waste transfer station on a permanent basis - Refused 24.04.09.

09/0228/NCC Delete Condition 16 and amend Condition 15 of previous consent 07/0063/NCC in respect of hours to receive waste, hours of operation and type of materials to be received - Granted 25.03.2010.

09/0968/FULL - Erect building to incorporate anaerobic digestion facility with associated engineering and landscaping works - Withdrawn 02.11.10.

10/0429/RET - Retain and complete earthworks - Granted 04.11.10.

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused 08.12.2011 Allowed on appeal 12/0020/REF 28.03.2013.

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Application No. 14/0226/FULL Continued

11/0226/FULL Provide permanent operation of materials recycling facility and erection of new building - Refused 07.12.2011. Allowed on Appeal 28.03.2013.

11/0227/NCC Delete condition 13 of planning permission ref 10/0429/RET to remove requirement to reduce height of bund to 1 metre above the adjoining ground level - Granted 08.12.2011.

## **POLICY**

### LOCAL DEVELOPMENT PLAN

Site Allocation: This site is outside the settlement within a special landscape area and a sandstone safeguarding area.

Policies: NH1. Special Landscape Area, MN 1.2 Quarry Buffer Zone, MN2 Coal Safeguarding Area, Sandstone Safeguarding Area, County Wide Policies, in particular CW2 Amenity, CW4 Natural Heritage Protection, CW5 Protection of the Water Environment, CW15 General Locational Constraints, CW22 Locational Constraints Minerals and CW23 Mineral Site Buffer Zones.

NATIONAL POLICY Planning Policy Wales 2014, Technical Advice Note 21: Waste 2014.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. A coal mining risk assessment has been carried out by the applicant and the Coal Authority has commented on it.

## **CONSULTATION**

Transportation Engineering Manager – No objection subject to conditions.

Head Of Public Protection - No objection subject to the comments on the previous application (11/0226/FULL) being applied.

Strategic & Development Plans - No objection.

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Application No. 14/0226/FULL Continued

Countryside And Landscape Services – The Divisional Landscape Architect had advised as follows: “I have considered the Addendum to the May 2011 Landscape and Visual Impact Assessment submitted with this application. I agree with conclusions reached in this addendum that the proposed revision to the building will have very similar landscape and visual effects to that of the approved recycling building. I believe the existing landscape structure of earth mounds and tree planting, put in place for previous applications is maturing nicely and is sufficiently robust to accommodate the increase in building height and length without creating any significant additional effects on either the landscape character of the area of views into the site from the surrounding area. I therefore have no objection to the application.”

Police Architectural Liaison Officer - No objection.

Merthyr Tydfil County Borough Council - No objection.

Glam/Gwent Archaeological Trust - No objection. The proposed building will be in an area of significantly disturbed ground and, as our understanding of the archaeological resource has not changed, it remains our opinion that the proposal will not impact on the listed building or its setting, and it is not likely that archaeological features would be disturbed by the proposed development.

Conservation & Design Officer - No objection to the revised design and materials.

Rights Of Way Officer - Footpath 262 Gelligaer crosses the site and must not be obstructed. Footpaths 166 and 180 Gelligaer abut the Southern boundary of the site for information.

The Coal Authority - The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment report. The coal mining legacy potentially poses a risk to the proposed development and intrusive site investigation work should be undertaken to establish the exact situation. The Coal Authority recommends a condition be attached to any consent granted to require the site investigation before the development is commenced and to ensure that any remedial work identified in the investigation as being necessary is carried out before the development takes place.

## **ADVERTISEMENT**

Extent of advertisement: The application has been advertised by means of a site notice, press notice and letters to 61 individual properties near the site.

Response: No representations have been received.

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Application No. 14/0226/FULL Continued

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? The proposed development will not have a significant effect on crime and disorder in the local area.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. A survey was carried out and no evidence was found, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

### **ANALYSIS**

Policies: The site is outside settlement boundaries where there is normally a presumption against waste development except that which cannot reasonably be located elsewhere. However, in allowing the 2013 appeal the inspector stated:-

" I conclude that in this instance the ADF and the MRF each comprise waste management facilities that cannot reasonably be located elsewhere, and that as a consequence both proposals accord with criterion (iv) of LDP policy CW15 part C. As such, both proposals are developments identified by policy CW15 as permissible in a location outside the settlement boundaries defined in the LDP."

The inspector also found that the MRF building was in accord with the principles and requirements concerning protection of landscape character and the appearance of the countryside and that no distinctive features of the Special Landscape Area would be harmed. The council raised concern about the scale of the MRF building but the inspector noted that the footprint of the blocks of farm buildings on higher ground to the north of the site was significantly larger and he also took account of the screening effect of the existing landscaped bund around the site.

The principle of the development has, therefore, been established and the main considerations in this application are the additional impacts the larger building would have on visual amenity and landscape character, together with any additional environmental impacts in terms of noise, dust and air quality.

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## Application No. 14/0226/FULL Continued

The site is within the buffer zone for the small sandstone quarry at the site. However, it is unlikely that the quarry would extend in the direction of the MRF because of the characteristics of the site and the MRF building is not in any case a "sensitive development" for the purposes of policy CW23, which seeks to reduce conflict between mineral extraction and other land uses by restricting new sensitive development within the buffer zones identified in the LDP.

The site is also within minerals safeguarding areas for coal and sandstone, which seek to protect resources of minerals that may be required in the future from development that would sterilise the resource. Coal extraction in the local area ceased many years ago and there has been no recent interest in renewed working of the resource. The site is within the same ownership as Bryn Quarry and it can be assumed that the applicant has no plans to extend the quarry in the vicinity of the application site.

The MRF would contribute positively to sustainable waste management by processing up to 75,000 tonnes of waste per annum with recycling rates approaching 90 per cent. This is in line with national policies in Planning Policy Wales 2014 and TAN 21 2014 supporting the government's aim to minimise the landfill of waste and to maximise recycling and recovery.

Comments from Consultees: No objections raised.

Comments from public: None received.

Other material considerations: This is an application to revise the design of the MRF building that was allowed on appeal in 2013 (application reference 11/0226/FUL). The building that was approved was an industrial style steel framed building and the application included external storage bays for recycled materials. The main changes now proposed are:

- The external storage bays are omitted to give additional manoeuvring space for vehicles.
- The building is larger to accommodate additional materials storage internally.
- The picking station is relocated within the building in a straight line, which benefits the operation as turns can cause jams.

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## Application No. 14/0226/FULL Continued

It is not proposed to increase the throughput of waste. The applicant states that the new design will have a number of benefits including reduced airborne dust and emissions as material will be stored and handled within the building, reduced noise because the operations will take place under cover, more efficient and safer working conditions and improved segregation of wastes, which will improve recycling rates.

The approved building measured approximately 43m by 50m externally with a floorspace of 2,115 square metres. The proposed building has a floorspace of 5,280 square metres and is approximately 0.2 metres higher than the approved building at 12.64m. The main building measures approximately 65m by 60m with an extension to the rear measuring 31m by 43m. The plans show a steel framed building with lower concrete walls and upper walls and roof clad with profiled steel sheet in dark green, similar in style to the one approved in 2011.

The principle of the development has been established by the appeal decision in 2013, both in terms of the location of the development in the countryside and in terms of the landscape impact. Although the building considered at appeal was significantly smaller in scale than the current proposal, the inspector gave weight to the mitigation provided by the bund and the existing and proposed tree planting, which he said would prevent views into the site from Nelson, the A472 between Ystrad Mynach and Nelson, the B4254 Gelligaer Road, Llancaiach Fawr and from Parc Penallta. While the site would be visible from public footpaths to the south, the inspector noted that there was scope to improve the perimeter planting and the interests of anyone using the public rights of way would not be unacceptably affected by the development.

The revised building is only marginally higher than the building approved on appeal and would still be effectively screened by the boundary bunds and planting. The footprint extends forward of and to the rear and sides of the approved building but would still be screened by the peripheral bunds and the tree planting which will mature over the next five to ten years.

The environmental impacts of the MRF were not reasons for refusal in 2011. The application does not propose to increase throughput or HGV movements. The processes are essentially the same as the previous application. If the sorting and recycling operations were carried out within the building, as is the applicant's intention, it is reasonable to expect that noise and dust would be contained more effectively. Head of Public Protection has raised no objection to the development subject to the previous conditions being imposed again.

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**Conclusion: On balance, although the proposed building is significantly larger than the building previously approved, as confirmed by the Divisional Landscape Architect who has raised no objection to the application, it would be effectively screened by existing and proposed bunds and tree planting, which will mature in the medium to long term. In addition, more of the activities at the site would take place under cover, reducing the potential for noise and dust impacts. Recycling rates could also improve because stockpiles, especially soils, would be protected from the weather. The facility would also make a significant contribution to providing the capacity required to meet the government's targets for diverting waste from landfill.**

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development to which this application relates shall be begun not later than the expiration of five years from the date of this permission.  
REASON: To comply with the statutory time limit for commencement.
- 02) The development hereby approved shall be carried out in accordance with the following plans:  
Site Layout plan BQ-RRF-2014-012revA  
Proposed Site Layout BQ-RRF-2014-003revB  
Proposed Floor Plan BQ-RRF-2014-004revB  
Building Layout BQ-RRF-2014-01revA  
Elevations BQ-RRF-2014-008revB  
Elevations BQ-RRF-2014-073revB  
Cross Section BQ-RRF-2014-006revB  
Proposed Roof Plan BQ-RRF-2014-005revB  
Existing BQ-RRF-2014-002revA  
REASON: To define the permission by reference to the approved plans.
- 03) The building hereby approved shall be used only as a materials recycling facility and for no other purpose.  
REASON: To regulate the waste process in the interests of local amenity.
- 04) The sorting, screening and processing of waste material on the site shall take place solely within the waste recycling building hereby approved.  
REASON: To regulate the waste process in the interests of local amenity.

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Application No. 14/0226/FULL Continued

- 05) The waste types deposited, stored and treated at the site shall be as shown on Plan reference BQ-RRF-2014-011revA.  
REASON: To regulate the details of the waste process in the interests of local amenity.
- 06) Any material not specified in condition 5 that is received at the site shall be stored in impervious covered containers and removed from the site within 24 hours of its receipt.  
REASON: To regulate the details of the waste process in the interests of local amenity.
- 07) No material shall be stored outside the building except stockpiles as indicated on plan reference BQ-RRF-2014-003revB and the stockpiles shall not exceed five metres in height.  
REASON: To define the details of the waste process in the interest of local amenity.
- 08) Operations authorised by this permission, including vehicles entering or leaving the site, shall not take place except between the hours of:  
07.00 to 18.00 Monday to Friday  
07.00 to 13.00 Saturday  
and shall not take place on Sundays or Bank or Public Holidays, other than as indicated below.
- In addition, the site may be open solely for the receipt of waste from Civic Amenity Sites between the following hours:  
13.00 to 16.00 Saturday  
07.00 to 16.00 Sunday and Bank or Public Holidays.  
REASON: To protect the amenities of local residents and visitors to the area.
- 09) No operations shall take place on site until a scheme and programme for the suppression of dust, including provision for monitoring of the scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with that approved scheme and programme.  
REASON: To minimise the impacts on residential amenity.
- 10) Between the hours of 07.00 and 18.00, the noise levels arising from the development shall not exceed 45 dB (LAeq) (1 hour), freefield at any of the following noise sensitive properties: Green Acres; Top Hill Farm; Claerwen Estate; Llancaiach Isaf Farm.  
REASON: To minimise the impacts on residential amenity.

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Application No. 14/0226/FULL Continued

- 11) Details of the location, height, design, sensors, and luminance of external lighting, which shall be designed to minimise the potential nuisance of light spillage on adjoining properties and highways shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. Thereafter the provision of external lighting at the site shall be solely in accordance with those approved details.  
REASON: To minimise the impacts on residential amenity and on European protected species.
- 12) The development shall not be commenced until a scheme indicating the facilities and/or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway and any remedial measures to be put in place to clear the highway of any such material has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved throughout the duration of the development.  
REASON: In the interests of highway safety.
- 13) No development shall take place until a scheme for the management of surface water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first use of the MRF building and shall include:
- All surface water run-off shall be collected and stored in underground tanks.
  - The timing of development.
  - Management of surface water during the construction phase.
  - Details of the capacity and depth of the attenuation tanks, and
  - Maintenance of the scheme.
  - The development shall be operated in accordance with that approved scheme.
- REASON: To guard against pollution.
- 14) Prior to the commencement of development, a working method statement to cover all construction works shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in compliance with the approved scheme. The scheme shall include details of timing of works, methods used for all channels and bankside works, location and storage of plant, machinery, fuels, storage, access routes, protection of areas of ecological sensitivity and importance and site supervision. Thereafter the development shall be carried out in accordance with the agreed method statement.  
REASON: To control the impacts of the construction phase of development, including dealing with contamination and invasive plants.

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Application No. 14/0226/FULL Continued

- 15) If, during the construction of the development, contamination not previously identified is found to be present at the site, no further development shall be carried out until the developer has submitted and received written approval from the Local Planning Authority for a remediation strategy detailing how the unsuspected contamination will be dealt with. The development shall be carried out in accordance with that approved scheme.  
REASON: To control the impacts of the construction phase of the development, including dealing with contamination and invasive plants.
- 16) 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: To control the impacts of the construction phase of the development, including dealing with contamination and invasive plant species.
- 17) No development shall take place until full details of bunding and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.  
REASON: In the interests of protecting the amenity of the local area.
- 18) Trees, shrubs and hedges planted in accordance with the approved planting scheme shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To protect the amenity of the local area.

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Application No. 14/0226/FULL Continued

- 19) Prior to the commencement of operations hereby permitted, measures shall be taken for the protection of trees and hedgerows from damage in accordance with precise details which shall be submitted to and approved in writing by the Local Planning Authority. The means of protection shall include:
- i) measures to prevent disturbance to, soil levels within the root spread of the tree or hedgerow.
  - ii) protective fencing around the trunk in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The means of protection shall be retained until all plant, equipment and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected and the ground levels within these areas shall not be altered without the prior written agreement of the Local Planning Authority.
- REASON: To protect the amenity interests of the local area.
- 20) The maximum volume of material to be imported to the MRF directly via the public highway shall not exceed 74,999 tonnes per annum (1st January to 31st December). Upon the request of the Local Planning Authority, the site operator shall provide details on a quarterly basis of the tonnage of material received at the site.
- REASON: In the interests of highway safety and to protect residential amenity.
- 21) Prior to the first use of the proposed new MRF building hereby approved the existing MRF building shall be painted in a colour to be agreed in writing with the Local Planning Authority.
- REASON: To ensure the satisfactory external appearance of the development.
- 22) Prior to the commencement of development samples of the materials to be used for the external surfaces of the proposed new MRF building hereby approved 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: To ensure the satisfactory external appearance of the development.

Advisory Note(s)

The following policies of the Adopted Caerphilly County Borough Local Development Plan up to 2021 are relevant to the conditions attached to this consent: CW2, CW3, CW4, CW5, CW15 and CW19.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0297/RET 06.05.2014	Mr N Cleverley Gelli-haf Bungalow Rock Villas Argoed Blackwood NP12 0AD	Retain detached two-storey training facility and gymnasium Gelli-haf Bungalow Rock Villas Argoed Blackwood NP12 0AD

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

**SITE AND DEVELOPMENT**

Location: The application property is situated at the northern end of Rock Villas on the western side of the A4048.

House type: The application property is a detached bungalow within a large curtilage. The dwelling is elevated up above the highway and the site is bounded by mature hedgerows. At the time of the site visit a new building was under construction on the site and had been completed up to first floor window head height.

Development: The application seeks full planning consent for the retention and completion of the erection of a new building to house a gym for the applicant. The new building would be a two storey rectangular shaped building with an apex roof and double French doors and five windows to the front elevation. There would also be windows in the pine ends of the building with an external staircase providing access to the first floor of the building on the northern elevation.

The applicant has submitted a supporting statement with the application stating personal reasons for the need for the structure. It is stated that the applicant is a professional sportsman operating at the highest level and as such the facility is needed to enable him to prepare properly for future sporting events. The other points are summarised below:

The ground floor will contain a boxing ring, the first floor will contain strength and conditioning equipment, a sauna and an ice bath.

A local gym that he used closed down, and other gyms are very public, often crowded and do not allow the necessary focus to prepare for a professional fight.

Application No. 14/0297/RET Continued

Because of the previous refusals the ceiling heights at both floors are at the minimum of 2.15m. That amendment has reduced the out of character impact, and there are two-storey houses the other side of the bungalow.

Photos have been submitted of houses next to bungalows in New Tredegar.

There are no neighbours affected by the proposal.

The applicant feels the process has been prolonged unnecessarily and he is frustrated because the proposal is an important facility for his professional career.

Dimensions: The proposed building measures 12.9m by 5.9m by 6.1m high.

Materials: To match the host dwelling.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY

12/0491/FULL Erect detached building for training room to side of property for private use - Granted 24.08.12.

13/0251/RET Retain two-storey building as a private training facility - Refused 03.06.13.

14/0021/RET Retain a two-storey detached training facility - Refused 11.03.14.

## **POLICY**

### Site Allocation

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP5 (Settlement Boundaries), CW2 (Amenity), CW3 (Design Considerations: Highways), CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Application No. 14/0297/RET Continued

Guidance Note 3 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on garages and outbuildings.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: -  
"The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design.

## **CONSULTATION**

Transportation Engineering Manager - No objection.

## **ADVERTISEMENT**

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: None.

Summary of observations: None.

## **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.

Cont...

## **ANALYSIS**

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. In determining this application the main point for the local planning authority to consider is the scale and design of the proposed building. With regard to the scale of the proposal, guidance note 3 of supplementary planning guidance LDP7 states 'an outbuilding must be smaller in scale and subservient to the house' and garages and outbuildings should normally not be in the front of domestic properties and should not be over dominant in relation to the existing and surrounding properties. In this instance it should be noted that the proposed building is higher than the host dwelling and given its location to the north of the dwelling and on elevated ground it dominates that dwelling to an unacceptable extent. Consequently, the proposal fails to comply with the adopted design guidance.

With regard to the design of the building it is considered that its appearance, in particular its front elevation has the feel of a dwelling rather than that of an outbuilding. It is also felt that the tall and narrow profile of the building when viewed from the north together with the alien external staircase to the north elevation of the building presents an incongruous feature that does not complement the character of the host property contrary to the advice contained in Guidance Note 1 of supplementary planning guidance LDP7.

Whilst it is noted that some amendments have been made to the building to reduce its height from 7.5m to 6.1m, it is not felt that this has been sufficient to overcome the concerns previously raised. Indeed the bulk of the building has only been changed by a small degree with the pitch of the roof being reduced in order to achieve the lower ridge height. This has had the effect of increasing the harm that the proposal has in terms of its design relationship with the host dwelling whilst not reducing the height of the building sufficiently such that it is still higher than the adjacent bungalow.

Comments from consultees: No objections raised.

Comments from public: None.

Other material considerations: With regard to the personal circumstances cited by the applicant Paragraph 3.1.6 of Planning Policy Wales states: -

Cont...

Application No. 14/0297/RET Continued

“3.1.6 Unless otherwise specified, a planning permission runs with the land and it is seldom desirable to provide for any other arrangement. Exceptionally, even though such considerations will rarely outweigh the more general planning considerations, the personal circumstances of occupiers, personal hardship or the difficulties of businesses which are of value to the local community, may be material to the consideration of a planning application. In such circumstances, permission may be granted subject to a condition that it is personal to the applicant. Authorities should bear in mind that personal permissions will hardly ever be justified for works or uses that will remain long after the personal circumstances of the applicant have changed.”

In this instance it is clear that the structure to be retained would be able to remain at the site long after the applicant has either sold the property or indeed retired from the sport and therefore removing the personal circumstances which may have justified the building. In that regard it is considered that the personal circumstances of the applicant do not outweigh the harm that the building causes as discussed above.

RECOMMENDATION that Permission be REFUSED

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

- 01) The proposed building, by virtue of its height, would not be smaller in scale or subservient to the host dwelling and would therefore dominate and be out of character with the existing dwelling. The proposal therefore fails to comply with Guidance Note 3 of the Local Planning Authority's adopted Supplementary Planning Guidance LDP7 - Householder Development, and Planning Policy Wales (2014) and Technical Advice Note 12 - Design.
  - 02) The design of the building does not complement the character of the existing dwelling and as such the proposal is contrary to Guidance Note 1 of the Local Planning Authority's adopted Supplementary Planning Guidance LDP7 - Householder Development, and Planning Policy Wales (2014) and Technical Advice Note 12 - Design.
-



## **PREFACE ITEM**

APPLICANT(S) NAME: Newport City Council

PROPOSAL: Installation of a ground mounted photovoltaic (solar electricity) plant (18mw), including the erection of transformers and other ancillary equipment, tracks, drainage, fencing, CCTV, landscaping and all associated building and engineering operations, for use for a period of up to 25years affecting public rights of way 400/61, 400/62 and 400/63

LOCATION: Land north of and adjacent to M4, Began Road, Cardiff

1. Newport City Council has requested observations from this Council with regard to an application for the installation of a ground mounted photovoltaic (solar electricity) plant (18Mw), including the erection of transformers and other ancillary equipment, tracks, drainage, fencing, CCTV, landscaping and all associated building and engineering operations, for use for a period of up to 25 years. The site is 44.78ha in area, and 69,840 solar panels would be erected.
2. This Council also received a copy of a letter of objection from a Newport resident in relation to the above application. Their comments can be summarised as follows:
  - With a 25 year life span the panels' usefulness could be superseded by a new technology.
  - The development is on high-grade arable farming land, which could only be utilised for rough grazing following the development.
  - Hazardous and busy lanes will serve the site, which are unsuitable for the traffic using them with the proposed fence limiting visibility
  - Due to the lie of the land the development will be seen for several miles to the north changing the nature of the area from countryside to industrial.
  - The noise from the transformers could prove a nuisance for local residents.
3. Transportation Engineering, Public Protection and Countryside and Landscape Officers have been consulted on the proposal and their observations are as follows:

4. The Transportation Engineering Manager has no adverse comments to make regarding the application but requests that the following is considered/assessed by Newport City Council:
  - Newport's Highway Authority should consider the impact of the construction traffic by way of agreeing a Construction Traffic Management Plan and agreeing with this Council if it affects Caerphilly CBC in any way.
5. Head of Public Protection has no adverse comments to make regarding the application but request that the following is considered/assessed by Newport City Council.
  - It is suggested that the Local Authority take into consideration the noise from the transformer unit(s) and request that noise details and location of the transformer unit(s) are submitted and agreed in writing with the LPA prior to construction. This will allow the authority to implement appropriate noise attenuation if necessary.
  - Construction noise/dust mitigation conditions may be necessary. This will be dependant on the size of the Solar Electricity Plant.
6. Countryside and Landscape Services do not believe the potential significance of this proposal upon the County Borough is sufficient to warrant an objection to the proposal on Landscape grounds.
7. Having considered the comments of the local residents and in view of the comments of the Council's own consultees it is recommended that the Transportation Engineering and Public Protection Sections' comments be forwarded to Newport City Council and informed that this Council has no objections to be proposal on this basis.

**RECOMMENDATION:** That Newport City Council be advised that this Council has no objection to the scheme subject to the above comments.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0347/NCC 27.05.2014	Grwp Gwalia C/O Nathaniel Lichfield & Partners Ltd Mr C Kosaner Helmont House Churchill Way Cardiff CF10 2HE	Vary condition 5 of planning consent 12/0343/FULL (Demolish existing garage/service building and erect independent hospital, landscaping and associated infrastructure works) to allow for the use of the building within use class C2 Ty Anwen The Bryn Trethomas Caerphilly CF83 8GL

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

#### SITE AND DEVELOPMENT

Location: This application relates to a new building on part of the former C.A.T.S. transport site which fronts onto The Bryn, in Bedwas. The site is located fairly centrally in the Bedwas area.

Site description: The application site is roughly rectangular in shape, and is bounded to the north by a surgery, to the south by a social club and Transport Depot, which now has permission for redevelopment for housing. To the east is a bowling green and clubhouse, and to the west runs The Bryn, on the other side of which stands a small development designed as older persons' bungalows.

The site is itself relatively flat, and was previously occupied by three large maintenance buildings related to the transport operation based at the site. It is now occupied by a newly built hospital granted permission (our reference 12/0343) in September 2012.

Development: The permission for the hospital was subject to the following condition.

"The premises shall be used for a Hospital and for no other purpose (including any other purpose in Class C2 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."

Cont...

Application No. 14/0347/NCC Continued

Grwp Gwalia would now like to operate the building as a mental health residential care facility, also within Use Class C2 for a temporary period. Supporting information submitted with the current application gives the following background:

"The Welsh Government has recently introduced an 'All Wales Framework' for the operation of independent hospitals that took effect from 1st April 2014. In order for the permitted facility to be registered on the All Wales Framework, the independent hospital would need to have been ready for occupation on 1 April 2014. As building works at the site will not be completed until July 2014 it has not been possible for the facility to be registered on the All Wales Framework."

"The next opportunity to join the Framework is August 2015. A further 3 month accreditation period follows which means that the completed facility will not be able to be used as an independent hospital for women with enduring mental health needs until autumn 2015 at the earliest."

"This is clearly not a viable position for our client and presents a significant delay for the tangible economic benefits associated with the scheme to be enjoyed by the local community."

An open C2 permission would allow the applicants to revert back to the original use in the future. They suggest the following condition.

"The premises shall only be used for purposes in Use Class C2 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."

The proposed mental health residential care home would cater for less dependent patients that require less formal care. The patients would be housed on a short term, temporary basis as a means of progression back into normal life. The total number of jobs generated during this interim period would be 25.

Ancillary development, e.g. parking: The staff parking area shows 15 spaces, 1 of which is for disabled use, along with 8 bicycle spaces.

#### PLANNING HISTORY

07/0354/OUT - Redevelop site for residential purposes - Granted 11.03.2011.

12/0343/FULL - Demolish existing garage/service building and erect independent hospital, landscaping and associated infrastructure works - Granted 06.09.2012.

Cont...

Application No. 14/0347/NCC Continued

## **POLICY**

### LOCAL DEVELOPMENT PLAN

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

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

1. SP 3 - Development Strategy in the Southern Connections Corridor.
2. CW 15 - General Locational Constraints.
3. CW 2 - Amenity.
4. CW 3 - Design Considerations - Highways.

### NATIONAL POLICY

National Planning Guidance is set out in Planning Policy Wales (Edition 4, Feb. 2011). Also of relevance are the following Technical Advice Notes: TAN 12, Design, TAN 22, Planning for Sustainable Buildings.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

### COAL MINING LEGACY

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

## **CONSULTATION**

Dwr Cymru - Rises no objection to the application but makes a number of detailed drainage comments that are required to either be conditioned or passed on by way of written advice to the applicant.

Transportation Engineering Manager - In relation to the previous application after discussing a number of issues relating to the level of car-parking and the terms of the Travel Plan, he was satisfied that the application was acceptable subject to conditions relating to parking and cycle spaces, vision splays, materials and a revised Travel Plan. The same would apply to the current application.

Head Of Public Protection - No objections received.

Cont...

Application No. 14/0347/NCC Continued

Senior Engineer (Land Drainage) – No objections received.

Wales & West Utilities - No objections received.

Western Power Distribution - No objections received.

Police Architectural Liaison Officer - Had no objection to the previous application. Discussions were undertaken between the police and the developer to ensure that the building will achieve the standard for the full "Secured by Design" award for hospitals.

Head Of Public Services - No objections received.

CCBC Housing Enabling Officer - No objections received.

Social Services (Mental Health / Adult Services) - No objections received.

The Coal Authority - No objections received.

Countryside And Landscape Services - No objections received.

Conservation & Design Officer - No objections received.

Bedwas, Trethomas & Machen Community Council - No comments received at the time of report preparation.

## **ADVERTISEMENT**

Extent of advertisement: Thirteen neighbours have been consulted, and it has been advertised on site and in the press.

Response: None.

## **SECTION 17 CRIME AND DISORDER ACT**

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? It is not considered that the determination of this application will be detrimental to the issues of crime and disorder in this area. Gwent Police were consulted on the original proposal and raised no objection to it. They had discussions with the applicant's agent in respect to achieving a 'Secured By Design' award for hospitals.

Cont...

Application No. 14/0347/NCC Continued

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### **ANALYSIS**

Policies: The principle of a building at this site to accommodate a hospital was considered when application 12/0343 was determined in 2012. Consideration must now be given as to whether there are any sound reasons for objecting to the extension of the use of the premises to other purposes that fall within Class C2 of the Town and Country Planning (Use Classes) Order 1987. That class encompasses residential institutions and includes the following:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.

Policy CW15 (General Locational Constraints) contains criteria of relevance. These are as follows:

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

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

In respect to the latter requirement the proposed C2 facility is considered to complement the role and function of the settlement in terms of its scale and purpose. As such this criterion is also considered to be satisfied.

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

Cont...

Application No. 14/0347/NCC Continued

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

With regard to the first of these the site is surrounded by a mixture of leisure, residential and medical uses, and the impact of the current proposal on the amenity of those uses is considered to be of an acceptable level. There is a large Listed Building (i.e. Bedwas Workman's Institute) located to the southwest of the site. This building does not share a boundary with the site and fronts onto Newport Road, as opposed to The Bryn. In the circumstances it is not considered that the proposal affects the Institute, or its setting in a detrimental way.

The issue of overdevelopment is not relevant as the current proposal relates to the use of the premises.

With regard to the proposed use, the applicant has indicated that the proposed mental health residential care home would cater for less dependent patients that require less formal care. The patients would be housed on a short term, temporary basis as a means of progression back into normal life. In planning terms, such a use is considered acceptable in a residential area.

Criterion D refers to new residential development and is not strictly relevant in this instance. As such the requirements of this policy are satisfied.

The final Local Development Plan policy refers to CW3 (Design Considerations - Highways). The applicant submitted a Highways Statement, including a Travel Plan, to address the issues contained in this policy in support of the previous scheme. These include matters such as adequate parking provision and the safe, efficient and effective use of the transportation network. The Transport Engineering Manager has considered the information provided and, subject to the use of conditions, considers that the highway safety issues can be adequately dealt with.

In the circumstances there are no LDP policy objections to this proposal. However, Class C2 includes use as a residential school, college or training centre. Those uses differ from the approved use and the currently proposed use sufficiently, particularly in terms of traffic generation, to justify excluding them from any consent.

Cont...



Application No. 14/0347/NCC Continued

Comments from Consultees: There are no objections from consultees.

Comments from public: There are no objections from the public.

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 premises shall be used for purposes falling within Class C2 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 apart from use as a residential school, college or training centre.  
REASON: To maintain adequate control of the site's use in the interests of highway safety.
- 03) All works of foul, land and surface water drainage agreed by the Local Planning Authority in respect of application 12/0343/FULL shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by adequate drainage.
- 04) Measures agreed in accordance with Condition 06) of planning permission 12/0343/FULL shall be implemented before the development is occupied.  
REASON: In the interests of public health.
- 05) The building shall not be occupied or its use commence until a report has been submitted to and approved in writing by the Local Planning Authority that verifies that the required works have been undertaken in accordance with the remediation strategy.  
REASON: To protect public health.
- 06) Parking provision provided in accordance with conditions 14) and 17) of planning permission 12/0343/FULL shall be completed prior to the occupation of the development and thereafter maintained free of obstruction for the parking of motor vehicles only.  
REASON: In the interests of highway safety.

Cont...

Application No. 14/0347/NCC Continued

- 07) The travel plan agreed in accordance with condition 18) of planning permission 12/0243/FULL shall be implemented in accordance with that condition.  
REASON: In the interests of highway safety.
- 08) Unless otherwise agreed in writing with the Local Planning Authority a final certificate as required by condition 21) of planning permission 12/0343/FULL shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.  
REASON: To comply with Planning Policy Wales.
- 09) Prior to the occupation of the development boundary treatment shall be provided in accordance with details agreed in accordance with condition 22) of planning permission 12/0343/FULL.  
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.

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0487/FULL 28.06.2013	S Pugh & Sons Pughs Garden Village Ty Nant Road Morganstown Cardiff CF15 8LB	Erect new dwelling for nursery manager associated with Pughs Garden Centre Nursery Gwaun Gledyr Uchaf Nursery Gypsy Lane Groeswen Cardiff CF15 7UP

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: This site is on an established horticultural nursery on the west side of Gypsy Lane, a rural road that runs from Penrhos up to Groeswen.

Site description: The site of the proposed development is at the northeastern end of the nursery and adjoins the curtilage of the neighbouring house, Garreg Llwyd.

Development: It is proposed to erect a dwelling for a nursery manager. The nursery supplies and is part of Pugh's Garden Centre, which is based in Morganstown and Wenvoe. The building would be two-storey, of simple conventional design, providing kitchen, study and sitting room at ground floor, and three bedrooms and bathroom at first floor. A single garage is also proposed.

Dimensions: The dwelling would be 8.2m deep, 6.8m wide, and 8m high to the ridge. The garage would measure 6.5m deep, 4.8m wide, and 5m high to the ridge. The site has an area of 0.12 ha.

Materials: It is proposed to finish the walls with painted render, and use Bath stone cills. The roof would be finished with slate.

Ancillary development, e.g. parking: Additional parking would be provided within the curtilage of the new dwelling.

### PLANNING HISTORY

5/5/90/0396 - Erect polytunnels and store for horticultural production - Granted 18.07.90.

Cont...

Application No. 13/0487/FULL Continued

5/5/91/0115 - Erect detached horticultural workers house with detached double garage - Granted 14.08.91.

P/99/0373 - Remove occupancy condition (E) of planning consent  
5/5/91/0115 - Granted 26.08.99.

P/03/1630 - Erect conservatory and first floor extension - Granted 29.01.04.

P/05/0052 - Erect single-storey side extension - Granted 10.03.05.

## **POLICY**

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside the settlement within a special landscape area (SLA) and a sandstone safeguarding area.

Policies: The following should be taken into account: Policies SP5 - Settlement Boundaries, SP8 - Minerals Safeguarding, SP10 - Conservation of Natural Heritage, SP21 - Parking Standards, CW2- Amenity, CW3 - Design Considerations - Highways, CW15 - General Locational Constraints, CW19 - Locational Constraints: Rural Development and Diversification. Supplementary Planning Guidance contained in LDP5 - Car Parking Standards, and LDP10 - Buildings in the Countryside, is also relevant.

NATIONAL POLICY Planning Policy Wales (2014), TAN 6 - Planning for Sustainable Rural Communities, TAN 12 - Design, and TAN 22 - Planning for Sustainable Buildings should be taken into account.

### 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? No.

## **CONSULTATION**

Transportation Engineering Manager - No objection subject to conditions concerning parking.

Cont...

Application No. 13/0487/FULL Continued

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

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

Dwr Cymru - No objections subject to advice to be passed on to the developer about sewerage

Countryside And Landscape Services - No objections received.

Minerals Officer - No objections received.

## **ADVERTISEMENT**

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

Response: One letter of objection has been received from the occupants of the adjoining property.

Summary of observations: It is pointed out that their house was previously approved as the manager's dwelling, but in 1999 a successful case was made for the removal of the occupancy condition. They wish to protect the value of their property, which is very secluded, there are no houses within sight or hearing, and the new house will be in full view from their drive.

## 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 would not be a significant impact on crime and disorder.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy Liable? Yes – The CIL liability for this development is approximately £6,120.00. This is an illustrative calculation for the purposes of this report, and is not the final liability that would be applied.

Cont...

## **ANALYSIS**

Policies: The main issue that needs to be considered with regard to this application is the principle of allowing a house in this rural location where development is not normally granted planning permission. Policy CW15 of the LDP states that:

Development proposals will be considered against the following criteria, where they apply:

- 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.

It is the first of those criteria - the association with agriculture, which includes horticulture - that must be considered in this case.

Welsh Government TAN6 states that new permanent dwellings should only be allowed to support established rural enterprises providing:

- a) There is a clearly established existing functional need,
- b) The need relates to a full-time worker, and does not relate to a part-time requirement,
- c) The enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so,

Cont...

Application No. 13/0487/FULL Continued

- d) The functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned,
- e) Other normal planning requirements, for example siting and access, are satisfied.

To that end, the application is supported by the appropriate information prepared by an agricultural consultant. That document concludes as follows:

- The need for a dwelling has arisen due to the current upsurge in consumers demanding more locally produced plants rather than relying upon imports. The nursery produce is fed into the applicant's garden centres at Radyr and Wenvoe and the proximity of the plant source means that the garden centres can be very flexible in their supply arrangements.
- There is an essential need for the key worker to live on-site to monitor and provide crop protection for the young, vulnerable plants in the nursery. In the absence of close care and attention the plants are susceptible to cold snaps, excessive heat and moisture stress, all of which can cause cosmetic damage and major loss of plants which would jeopardise the viability of the nursery element of the wider garden centre business.
- The site employs two full-time staff and an additional 2.5 full-time workers during peak periods of spring and early summer. This level of staffing accords with university research and published documentation and demonstrates that the dwelling would be occupied by a worker engaged full-time on the unit.
- The business accounts for the past three years demonstrate that the limited company, of which the nursery is a part, is a very significant business with high levels of profitability each year. The balance sheet shows that borrowings are controlled with assets far in excess of liabilities. Net assets are increasing every year.
- A five-year budget demonstrates that the nursery will gradually improve profitability under a new management regime with the benefit of the proposed dwelling. A new manager was due to take up the position in September 2013 following the retirement of the current one. An on-site dwelling would be necessary to attract the appropriate calibre of manager.
- There are no other dwellings which are suitable and available to meet the identified need as an on-site dwelling would be necessary to monitor and respond rapidly to adverse conditions in the protected cropping areas and be available to unload unexpected deliveries of produce at any time.

Cont...

Application No. 13/0487/FULL Continued

- The dwelling is suitably located to meet the functional needs of the nursery, enabling the applicant to monitor both the glasshouses and polytunnels and to monitor the entrance track for security purposes.

The Council employed its own agricultural consultant to review the case for a dwelling at this nursery, and he concluded that the scale of the nursery would provide labour for one full-time person with seasonal workers, the enterprise is profitable (although the existing and future profits are exceptional for this type and size of nursery), but a nursery of this type could be managed by a worker living in the locality. He emphasises that the main out-of-hours workload is in the Spring, and the nursery's activities are less demanding during the remainder of the year.

In reply, the applicants' consultant commented that the element of close contact is very important for the high value operation carried out at the nursery. The thrust of his argument is that large nurseries where a limited number of plant types are grown, and a single glasshouse is occupied by one species can more easily be monitored remotely. Automated systems can be employed to control the environment within one glasshouse, and alarm systems are capable of detecting sudden drops in temperature, humidity, light or ventilation. However, the applicants grow a wide variety of plants, some sensitive, sometimes no more than 50 to 100 of one type, that take up a small part of a glasshouse or polytunnel. In that case, the environment has to be regulated manually, and therefore requires an on-site presence, and is more labour intensive. The enterprise crops on an all-year-round basis, and the plants are of a higher value than those produced by larger, monoculture nurseries. As this is an area where the pool of specialist horticulture workers is limited, a house on site will be needed to attract the appropriately qualified manager to the site.

The applicants have also drawn to the Council's attention a case where our consultant supported an agricultural worker's dwelling at a nursery, but in his view the cases are very different. This current case involves a nursery of some 950 square metres whereas the other one was at a nursery of 15,000 square metres.

The applicants have asked that the application be determined. If it is refused, they will appeal against the decision. Having considered the extensive information supplied by the applicants and the Council's own consultant, it is considered on balance that the tests set out in TAN 6 have not been fulfilled, and that there is an objection in principle to the proposed dwelling.

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## Application No. 13/0487/FULL Continued

The neighbouring house, Garreg Llwyd, was permitted in 1991 as a horticultural worker's dwelling in association with this nursery. The occupancy condition was removed in 1999 when the current applicants made the case that small producers such as themselves had become uncompetitive and unprofitable due to the entrance of large multiple stores into the market. The house was subsequently sold. Fifteen years have now passed since that decision was made, and from the evidence submitted by the applicants, they have coped with the competition within the industry by specialising in a greater variety of better quality plants. Therefore, whilst it is unfortunate that Garreg Llwyd is not available to provide accommodation at the nursery, that should not weigh in the balance against the current proposal.

The site is within an SLA but the development would not harm its appearance or character. The site is relatively flat, and screened by hedges. There are already structures at the site, and houses nearby, and the introduction of one additional house would be acceptable in that context. It would not be a very large house and its impact could be further mitigated by removing permitted development rights for extensions and outbuildings. The design of the house is acceptable, and there are no highway objections to the scheme.

The site is also within a sandstone safeguarding area but there is no realistic prospect of any attempt being made to recover that resource in the near future.

Garreg Llwyd is a large house that extends virtually to the boundary of the application site, but there are no significant windows in its side elevation. It would be faced by the side elevation of the proposed dwelling which would be located some 9 metres from the common boundary. On that basis, there would not be any significant harm to the amenity of those neighbours.

Comments from Consultees: The comments of consultees can be accommodated by condition.

Comments from public: The impact of the development on the amenity of the neighbours, and the issue of the second agricultural dwelling at this site have been considered above. Property value is not a material planning consideration, and whilst the character of the surroundings of the neighbouring property will change, the harm will not be significant from a planning point view, nor would it justify a refusal of permission.

Other material considerations: None.

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Application No. 13/0487/FULL Continued

RECOMMENDATION that Permission be REFUSED

- 01) It is considered that residential accommodation to support the nursery subject of this decision could be found in the close locality and therefore the proposed development is contrary to policies SP5 and CW15 of the Caerphilly County Borough Local Plan up to 2021 - Adopted November 2010, and TAN 6 Planning for Sustainable Rural Communities.
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APPLICATIONS AWAITING COMPLETION OF A SECTION 106  
AGREEMENT

<b>APPLICATION NUMBER &amp; DATE RECEIVED</b>	<b>DESCRIPTION &amp; LOCATION OF DEVELOPMENT</b>	<b>COMMENTS</b>
P/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.
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. Getting sealed ready.
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. Documents with Solicitors for signing
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. Draft with Solicitors for comments.
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, Maesycwmmer, Hengoed.	Subject to discussions between Planning Officer and Applicants about terms of agreement. Negotiations still ongoing. Re-sent draft.
12/0371/FULL 15.05.12	Erect two detached three-bedroom houses on Land Adjacent to 88 Abernant Road, Markham, Blackwood.	Draft with Agent.
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. No response file closed.
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. No update.
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. Docs being signed by other side. Told they will be returned by Monday for completion.
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	Sent drafts.
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. Chased.
13/0511/OUT 08.07.13	Demolish Goodrich Hotel and erect residential development and associated works at Goodrich Hotel, Van Road, Caerphilly.	Sent engrossments.
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	Completed.
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 engrossments for signature.
13/0797/FULL 07.11.13	Erect detached dwelling with off road parking and associated works at 9 Coed-Yr-Eos, Caerphilly.	Require title evidence.

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.	Drafts with other side.
13/0865/FULL 20.12.13	Construct three detached houses with ancillary works on Land at Glyn Derwen, Llanbradach, Caerphilly.	Sent amended drafts.
13/0869/OUT 19.12.13	Erect housing development (6 no. 3 bedroom dwellings) at Former Newbridge Clinic, Ashfield Road Newbridge, Newport.	Queried title evidence.
14/0019/FULL 10.01.14	Erect detached dormer bungalow and car port on Land Adjoining Ty'n Derwen, White Hart, Machen, Caerphilly.	Requested title evidence.
13/0875/COU 24.12.13	Convert barn into dwelling at Gwern-y-Domen, Gwern-y-Domen Farm Lane, Rudry.	Queried title evidence.
14/0232/FULL 15.04.14	Erect detached house and garage at Land Adjacent To 88 Abernant Road, Markham, Blackwood.	Sent Solicitors letter.

**APPEAL DECISIONS**

<b>APPEAL REF/ PLANNING APP NO.</b>	<b>PROPOSAL &amp; LOCATION</b>	<b>APPEAL DECISION/ DATE</b>	<b>COMM/ DEL</b>
14/0004/REF 13/0775/FULL	Erect new boundary wall at 21 St Peters Drive, Blackwood, NP12 2ER	Dismissed 10/06/14	DEL

OUTSTANDING APPEALS

<b>APPEAL REF/ PLANNING APP. NO.</b>	<b>APPELLANT</b>	<b>PROPOSAL &amp; LOCATION</b>	<b>DATE APPEAL REGISTERED</b>
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
14/0006/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



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

<b>APPLICATION NUMBER DATE RECEIVED</b>	<b>DESCRIPTION &amp; LOCATION OF DEVELOPMENT</b>	<b>COMMENTS</b>
P/97/0981 31.10.97	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.
10/0518/FULL 16.07.10	Erect single detached dwelling and garage at Old Mill House, Draethen, Newport.	Subject to further discussion and consideration.
11/0594/OUT 27.10.11	Erect residential development on Land Adj To Groeswen Farm, Groeswen Road, Groeswen, Cardiff.	Awaiting comments of consultees.
11/0630/NCC 01.09.11	Vary conditions (3) and (4) of previous planning consent 06/0172/OUT (erect residential development) to extend permission beyond expiration dates on Land West Of Coronation Terrace, Senghenydd, Caerphilly.	Awaiting information on road layout.
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.
12/0379/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.
12/0735/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.
13/0196/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.
13/0353/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.
13/0520/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, Pontygwindy 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.
13/0793/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.
13/0830/FULL 26.11.13	Erect extension to existing garage at Highwinds New Bryngwyn Road Newbridge	Subject to further discussion concerning impact on neighbour.
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.
14/0045/NCC 17.01.14	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.

14/0070/FULL 31.01.14	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.
14/0088/FULL 10.02.14	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.
14/0092/FULL 11.02.14	Erect two-storey side and single-storey rear extension at Halt Farm Pentwynwyn Road, Rudry, Caerphilly	Awaiting wildlife survey.
14/0118/FULL 03.03.14	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.
14/0120/FULL 28.02.14	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.
14/0129/NCC	Erect single-storey garage with storage area on Land Opposite 8 Fields Park Terrace, Crosskeys, Newport	Awaiting amended plans concerning design.
14/0130/RM 06.03.14	Seek approval of the reserved matters regarding appearance, layout and scale in connection with the residential development approved under planning application P/06/0671 at Plot 3 Church View Bedwellty Road Aberbargoed	Subject to further discussion and consideration.
14/0133/RET 07.03.14	Retain the allotment site with numerous allotment plots, parking provisions, storage sheds and boundary fencing at Graig-y-rhacca Community Allotments Addison Way Graig-y-rhacca Caerphilly	Awaiting details about extent of site.
14/0143/FULL 12.03.14	Erect two-storey double garage to side of property at Ty Bryn King's Hill Hengoed	Subject to further discussion and consideration.

14/0152/FULL 17.03.14	Erect detached four bedroom dwelling, drop kerb to front for vehicle access and provide retaining wall to rear to level garden, incorporating the removal of the front privet hedge at 14 Brynheulog Road Newbridge Newport	Awaiting amended plans for design and dwelling.
14/0165/FULL 24.06.14	Construct a new two-storey, six bedroom dwelling house (C3) with associated landscaping and car parking to replace demolished dwelling at 2 Glyn Glas Thornhill Caerphilly	Subject to further discussion and consideration.
14/0169/RET 24.03.14	Retain garage at Knightswood St David's Avenue Woodfieldside Blackwood	Subject to further discussion and consideration.
14/0172/FULL 25.03.14	Convert existing first floor offices into two self-contained one bedroom flats at 1 & 2 Station Terrace Caerphilly	Subject to further discussion and consideration.
14/0205/COU 02.04.14	Change the use to a five tent glamping site at Land At Cheywoone Machen Caerphilly	Subject to further discussion and consideration.
14/0215/FULL 07.04.14	Construct a detached bungalow and garage at Former Maerdy Garage Site Maerdy House Wellington Way Rhymney	Subject to further discussion and consideration.
14/0216/FULL 07.04.14	Change the use from Goldmine Bar to form four dwellings at The Goldmine Bar And Grill Bridge Street Newbridge	Awaiting information from NRA.
14/0224/NOT 09.04.14	Demolish single-storey stone/block built building with corrugated sheet roof at Rhydri Primary School Machen Caerphilly	Awaiting method statement.
14/0227/COU 15.04.14	Change the use of vacant A1 shop to a beauty, hair and tanning salon to be 'sui generis' at 1 Ffrwd Terrace Llanbradach Caerphilly	Subject to discussion concerning parking.
14/0228/FULL 15.04.14	Erect extensions with internal alterations and refurbishments at Colinton St Martin's Crescent Caerphilly	Subject to further discussion and consideration.
14/0236/FULL 14.04.14	Install 60m high meteorological mast for a period of two years to measure wind speed and direction at Land North-East Of Graig-yr-hufen Farm Graig-yr-hufen Road Senghenydd Caerphilly	Subject to further discussion and consideration.
14/0242/OUT 16.04.14	Construct 4 No. two bedroom terrace type dwellings at Land Opposite 164 - 174 Jubilee Road Elliot's Town New Tredegar	Awaiting further information about highways.

14/0250/LA 17.04.14	Change the use of 6 car parking spaces to public space and erect public artwork with associated landscaping at Hanbury Road Car Park North Lane Bargoed	Awaiting views of consultees.
14/0271/FULL 30.04.14	Erect a dwelling at Land Adjacent To 10 Coed-Y-Pica Abertridwr Caerphilly CF83 4ET	Subject to further discussion and consideration.

