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**Date: 2nd November 2016**

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 9th November, 2016** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

**Chris Burns**  
INTERIM CHIEF EXECUTIVE

## AGENDA

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest.	

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

- |   |   |  |
|---|---|--|
| 3 | Planning Committee held on 12th October 2016. |  |
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1 - 10

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



To receive and consider the following report(s): -

**Planning Applications Under The Town And Country Planning Act - North Area: -**

4	Preface Item Code No. 15/0567/OUT - Land at Oakdale Golf Course, Oakdale Golf Course Lane, Blackwood.	11 - 40
5	Code No. 16/0506/OUT - Plot 2, Land Adjacent to Islwyn Indoor Bowls Centre, Gelli Lane, Pontllanfraith, Blackwood.	41 - 50
6	Code No. 16/0507/OUT - Plot 1, Land Adjacent to Islwyn Indoor Bowls Centre, Gelli Lane, Pontllanfraith, Blackwood.	51 - 60
7	Code No. 16/0508/OUT - Plot 4, Land Adjacent to Islwyn Indoor Bowls Centre, Gelli Lane, Pontllanfraith, Blackwood.	61 - 70
8	Code No. 16/0509/OUT - Plot 3, Land Adjacent to Islwyn Indoor Bowls Centre, Gelli Lane, Pontllanfraith, Blackwood.	71 - 80
9	Code No. 16/0510/OUT - Plot 5, Land Adjacent to Islwyn Indoor Bowls Centre, Gelli Lane, Pontllanfraith, Blackwood.	81 - 90
10	Code No. 16/0617/OUT - Land South of The Glade, Wyllie, Blackwood.	91 - 104
11	Code No. 16/0668/OUT - Land to the North of Car Park, Aiwa Technology Park, North Celynen, Newbridge.	105 - 118
12	Code No. 16/0820/FULL - Cefn Bach Farm, Cefn Road Upper, Deri, Bargoed.	119 - 124

**Planning Applications Under The Town And Country Planning Act - South Area: -**

13	Preface Item Code No. 15/0459/RET - Chris Howell Timber and Landscaping Supplies, Nantgarw Road, North UI, Caerphilly.	125 - 134
14	Code No. 16/0626/FULL - Ty yn y Pwll Hotel, Newport Road, Trethomas, Caerphilly.	135 - 148
15	Code No. 16/0676/FULL - Pen yr Heol Las Farm, Heol Las, Energlyn, Caerphilly.	149 - 156
16	BT Payphone Boxes.	157 - 160
17	Planning Committee Site Visits.	161 - 168

To receive and note the following information item(s): -

18	Applications determined by delegated powers.	169 - 182
19	Applications which are out of time/not dealt with within 8 weeks of date of registration.	183 - 186
20	Applications awaiting completion of a Section 106 Agreement.	187 - 190
21	Appeals outstanding and decided.	191 - 194

**Circulation:**

Councillors M.A. Adams, J. Bevan, D. Bolter, D.G. Carter (Chair), Mrs P. Cook, W. David (Vice Chair), J.E. Fussell, Ms J. Gale, L. Gardiner, R.W. Gough, C. Hawker, A.G. Higgs, A. Lewis, K. Lloyd, Mrs G.D. Oliver, D. Rees, J. Simmonds, Mrs E. Stenner, Mrs J. Summers and J. Taylor

And Appropriate Officers

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## PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 12TH OCTOBER 2016 AT 5PM

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#### PRESENT:

Councillor D.G. Carter - Chair  
Councillor W. David - Vice-Chair

#### Councillors:

M. Adams, J. Bevan, Mrs P. Cook, J.E. Fussell, R.W. Gough, C. Hawker, A.G. Higgs, A. Lewis, K. Lloyd, D. Rees, J. Simmonds, Mrs E. Stenner and J. Taylor

Cabinet Member for Regeneration, Planning and Sustainable Development -  
Councillor K. James

#### Together with:

T. Stephens (Development Control Manager), R. Crane (Solicitor), C. Powell (Principal Planner), P. Den Brinker (Team Leader East), C. Boardman (Area Senior Planner), E. Rowley (Area Senior Planner), M. Davies (Team Leader South), M. Noakes (Senior Engineer, Highway Planning), M. Godfrey (Senior Environmental Health Officer), M. Headington (Acting Parks Manager), H. Morgan (Senior Committee Services Officer).

#### 1. APOLOGIES

Apologies for absence had been received from Councillors D. Bolter, Ms. J. Gale, L. Gardiner, Mrs G.D. Oliver and Mrs J. Summers.

During the course of the meeting, the Chair advised that Councillor Gardiner is currently unwell and Members asked that their best wishes be sent to him.

#### 2. DECLARATIONS OF INTEREST

A declaration of interest was received at the beginning of the meeting from Councillor W. David in relation to application 16/0692/FULL. Details are minuted with the respective item.

#### 3. MINUTES - 14TH SEPTEMBER 2016

RESOLVED that the minutes of the Planning Committee held on 14th September 2016 (minute nos. 1 - 11) be approved and signed as a correct record.

**PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - NORTH AREA**

**4. CODE NO. 16/0692/FULL - 2 OAK TREE CLOSE, FLEUR-DE-LIS, BLACKWOOD**

Councillor W. David declared an interest in that the mother of the objector was a former member of staff and left the Chamber when the application was discussed.

Councillor D.V. Poole spoke on this application and left the meeting following his contribution.

Mr W. Davies spoke in objection to the application and Mr M. Swain, the applicant's agent, spoke in support of the application.

It was noted that the application had been subject to a site visit on Monday 10th October 2016.

Following consideration of the application it was moved and seconded that the recommendations contained in the Officer's report be approved. By a show of hands, and in noting there was 1 against and 1 abstention, this was agreed by the majority present.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of the permission: CW2 and CW3;
- (iii) the applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com).

This Standing Advice is valid from 1st January 2015 until 31st December 2016.

**5. CODE NO. 16/0373/OUT - LAND SOUTH OF A472 (MAFON ROAD), TY DU, NELSON, TREHARRIS**

It was noted that the comments of the Ecologist are now available and whilst there are no objections in principle, a number of additional conditions have been proposed.

Councillor Mrs A. Blackman spoke on this application.

Mrs P. Baldwin spoke on behalf of the residents and Mr D. Barry, the applicant's agent, spoke in support of the application.

It was noted that the application had been subject to a site visit on Monday 10th October 2016. A briefing note on the issues raised was tabled at the meeting, summarised by the Officer and is appended to these minutes.

Following consideration of the application it was moved and seconded that subject to an amendment to condition 05 and the following additional conditions, the recommendations contained in the Officer's report be approved. By a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) the application be deferred to enable the completion of a Section 106 Agreement to require 25% affordable housing;
- (ii) upon completion of the agreement planning permission be granted in accordance with the conditions contained in the Officer's report; the amendment of condition 05 the following additional conditions;

**Amended condition 05**

The development hereby approved shall not be occupied until there have been completed the following off site pedestrian and transport improvements:

- (1) A pelican crossing over the A472 south of No 5 Heol Harri Lewis.
- (2) A 2 metre wide pedestrian link from the Co-operative food store along the southern side of the A472 to the proposed pedestrian site entrance to the east of the food store and
- (3) On the same side of the road within the length of the required link footpath a bus layby together with a bus shelter .
- (4) Provision of a bus shelter on the A472 east bound approach.
- (5) Provision of pedestrian tactile crossing points to A472 Mafon Road/Dynevor Terrace roundabout that shall include the repositioning of the existing pedestrian crossing point from the application site onto the island on Mafon Road to a position to the west of the island, together with control barriers to direct pedestrians and appropriate signage to warn motorists of the crossing on both sides of the island.

**Reason**

To ensure the adequate and safe pedestrian access to and from the site.

**Additional Condition (25)**

Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, and a Welsh Government derogation licence is required, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

**Reason**

To ensure adequate protection to protected species.

**Additional Condition (26)**

The reserved matters shall include details of retained areas of woodland adjacent to the existing streams within the site, together with areas of species rich grassland and new woodland planting.

**Reason**

To ensure adequate protection to protected habitats and species.

**Additional Condition (27)**

Prior to the commencement of the development hereby approved a 25 year nature conservation and landscape management plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall thereafter be complied with.

**Reason**

To ensure adequate protection to protected habitats and species.

**Additional Condition (28)**

Site clearance operations that involve the destruction and or removal of vegetation, including felling clearing or removal of trees or shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, unless otherwise approved in writing by the Local Planning Authority prior to their removal/felling/clearing.

**Reason**

To ensure that breeding birds are not adversely affected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

**Additional Condition (29)**

Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese knotweed, Himalayan Balsam and Rhododendron on site. The treatment of the aforementioned species shall be carried out in accordance with the approved details

**Reason**

To ensure the removal of invasive species.

- (iii) the applicant be advised that Rights Of Way advise that Footpaths 9 and 10 in the Community of Caerphilly cross the site. The line of Claimed Right of Way also crosses the site. The Public Rights of Way will require a legal order to be in place prior to any works affecting the current line. It is recommended that the matter is discussed with the Public Rights of Way section in the early stages as these processes can take time to resolve;
- (iv) the applicant be advised that the Head of Public Services advises that the Authority does provide kerbside collections for refuse, recycling and green waste, with the onus upon the Developer to provide suitable off road storage near the proposed public highway for one 240L refuse bin, one 240L recycling bin and one food caddy per dwelling;
- (v) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of the permission: CW10, CW2, CW3 and CW4;
- (vi) the applicant be advised of the comments of Dwr Cymru/Welsh Water and Natural Resources Wales;
- (v) the development as submitted does not propose the importation of any soils or hardcore it is advised that where it is necessary for materials to be imported onto site to comply with the requirements of condition number 13 of this planning permission (a scheme to deal with



contamination), details of testing for contamination will be sought for 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.

- (vi) Section 71ZB(1) of the Town and Country Planning Act 1990 requires that notice be given to a Local Planning Authority before beginning any development to which a relevant planning permission relates, and must be in the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 or in a form substantially to the like effect.

**6. CODE NO. 16/0613/FULL - MARKHAM RESERVOIR TANK, COMMON ROAD, MARKHAM**

Following consideration of the application it was moved and seconded that the recommendations contained in the Officer's report be approved. By a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of the permission: CW2 and CW3.

**PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - SOUTH AREA**

**7. CODE NO. 16/0385/FULL - LAND AT GRAIG-YR-HUFEN ROAD, SENGHENYDD, CAERPHILLY**

Following consideration of the application it was moved and seconded that subject to the following additional conditions, the recommendations contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that:

- (i) subject to the conditions contained in the Officer's report and the following additional conditions this application be granted;

**Additional Condition (21)**

The turbines shall be sited in accordance with the locations shown on the approved layout drawing.

**Reason**

In the interests of residential amenity.

**Additional Condition (22)**

In the event that the proposed turbine model for installation differs from the machine utilised in the noise information submitted, a revised noise impact assessment report shall be submitted, demonstrating that predicted noise levels indicate likely compliance with the noise levels stated in Condition (03).

### **Reason**

In the interest of residential amenity.

- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of the permission: CW2, CW3 and CW4;
- (iii) the applicant be advised that the archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member;
- (iv) the applicant be advised of the comments from Dwr Cymru/Welsh Water, Wales and West Utilities, Senior Engineer (Land Drainage) and British Telecom;
- (v) the applicant be advised that the proposed service track utilises part of Footpath 30 in the community of Caerphilly. The path must remain open for access at all times, unless the appropriate temporary closure order is in place. Measures must be taken for the safety of users, whether this be banksmen, separate tracks or a temporary closure.

### **8. CODE NO. 16/0622/OUT - LAND TO REAR OF 20 CHURCH STREET, BEDWAS, CAERPHILLY**

It was noted that the application had been subject to a site visit on Monday 10th October 2016.

Following consideration of the application it was moved and seconded that the recommendations contained in the Officer's report be approved. By a show of hands this was unanimously agreed.

RESOLVED that:

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of the permission: CW2, CW3 and CW4;
- (iii) the applicant be advised of the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and the Council's Ecologist;
- (iv) the applicant be advised that Section 71ZB(1) of the Town and Country Planning Act 1990 requires that notice be given to a Local Planning Authority before beginning any development to which a relevant planning permission relates, and must be in the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 or in a form substantially to the like effect;
- (v) the applicant be advised that before any vehicle crosses the public footway, a properly formed vehicular crossover must be provided, the constructional details of which must be agreed with the Highway Authority. The applicant should ring (01495) 235323 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the

work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

**9. PREFACE ITEM CODE NO. 16/0533/LA - LAND ADJ TO OLD NANTGARW ROAD, GROESWEN**

Following consideration of the application it was moved and seconded that subject to the additional condition contained within the preface report, the recommendations contained in the Officer's original report be approved. By a show of hands, and in noting there was 1 against and 1 abstention, this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's original report (except condition 2 will now refer to the amended plan submitted and subject to an additional condition), this application be granted;

**Amended Condition (2)**

The development shall be carried out in accordance with the following approved plans and documents:

Drawing no. PL01 (Site Location Plan)

Drawing no. PL02 (General Arrangement ) Rev A

Drawing no. PL03 (Building Requirements) Rev A

Drawing no. PL04 (Tree Requirements)

Drawing no. PL05 (Miscellaneous Details)

**Reason**

To ensure that the development is carried out only as approved by the Local Planning Authority

**Additional Condition (14)**

The proposed access and exit points on Old Nantgarw Road shall provide visibility splays of 2.4m x 70m. No obstruction or planting exceeding 900mm in height shall be placed or allowed to grow within the visibility splay areas.

**Reason**

In the interests of highway safety.

- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of the permission: CW2 and CW3;
- (iii) the applicant be advised of the comments of the Senior Engineer (Land Drainage), The Coal Authority, Countryside and Landscape Services, Senior Arboricultural Officer, Natural Resources Wales and Dwr Cymru/ Welsh Water.

**10. WELSH GOVERNMENT CONSULTATION PROPOSED CHANGES TO HOW ENVIRONMENTAL IMPACT ASSESSMENTS APPLIES TO TOWN AND COUNTRY PLANNING**

Members were advised that Welsh Government (WG) is currently running a consultation on proposed changes to how Environmental Impact Assessment applies to Town and Country Planning. The proposals were summarised in the report along with the suggested answers to the questions asked by WG. Details of the paper can be read in full in the consultation section on the Welsh Government website.

It was noted that the consultation paper sets out proposals for transposing the provisions of an EU 2014 EIA Directive and making other changes to national legislation. It sets out their proposals on Third party screening requests, screening and scoping timeframes, co-ordination, consultation and participation in the decision making process, monitoring of significant effects, penalties and enforcement, competent experts and purchase notices under Section 141 of the Town and Country Planning Act 1990.

Having fully considered the consultation questions and Officer's responses as detailed in the report, it was moved and seconded that the report be noted and the responses be forwarded to Welsh Government as part of the consultation process. By show of hands this was unanimously agreed.

## **11. WELSH GOVERNMENT CONSULTATION APPEALS, COSTS AND STANDARDS DAILY AMOUNTS**

It was reported that Welsh Government (WG) is currently running a consultation about changes to appeals, costs and standard daily amounts. The proposals were summarised in the report along with the suggested answers to the questions asked by WG.

Members were advised that the proposals contained in this consultation paper are intended to ensure a more proportionate, cost effective and streamlined process which meets the needs of all parties. It is intended to increase the speed of decisions, thereby promoting growth and providing greater certainty for developers and communities, increase transparency through better communication and exchange of information among all parties to promote public participation and public confidence in the appeal process and increase fairness for all involved through ensuring good behaviour among all parties. Details of the paper can be read in full in the consultation section on the Welsh Government website.

Having fully considered the consultation questions and Officer's responses as detailed in the report, it was moved and seconded that the report be noted and the responses be forwarded to Welsh Government as part of the consultation process. By show of hands this was agreed.

## **12. ITEMS FOR INFORMATION**

The following items were received and noted: -

- (1) Applications determined by delegated powers;
- (2) Applications which are out of time/not dealt with within 8 weeks of date of registration;
- (3) Applications awaiting completion of a Section 106 Agreement;
- (4) Appeals outstanding and decided.

The meeting closed at 6.25pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 9th November 2016, they were signed by the Chair.

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CHAIR

**MEMBERS SITE VISIT - 10TH OCTOBER 2016****PLANNING APPLICATION REFERENCE: CODE NO. 16/0373/OUT****LOCATION: LAND SOUTH OF A472 MAFON ROAD, TY DU, NELSON, TRESHARRIS****DATE OF SITE VISIT: 10TH OCTOBER 2016****MEMBERS PRESENT:** Councillors W David (Vice Chair), M. Adams, S. Morgan and A. Lewis**OFFICERS PRESENT:** Paul den Brinker, Mark Noakes, Maria Godfrey

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The meeting was opened by Cllr David.

Paul den Brinker explained that the site is allocated for employment in the approved local development plan and a copy of that plan was produced to show the extent of the site. The description of the application was read out and the illustrative plan showing a layout of residential and employment uses was produced for examination. The points of pedestrian access and the location of bus stop were noted. An affordable housing contribution of 25% was also noted. It was explained that the site has been identified for employment for a number of years without any development coming forward.

Cllr Morgan raised a question regarding the additional traffic flows onto the very busy A4672 and the safety of pedestrians crossing in the vicinity of the roundabout. Mark Noakes explained that the application is supported by a traffic assessment that concludes the additional traffic can be accommodated within the existing capacity and it was pointed out that the adopted LDP employment use would likely produce significantly higher volumes of traffic. With regard to pedestrian movements some improvements would be required in the vicinity of the roundabout although the pedestrian crossing would be the safer but possibly slightly longer route.

Further questions were raised regarding the possibility of higher density residential developments being considered at a later stage. Paul den Brinker explained that it is always possible for a developer to apply for an alternative development. In further discussion it was questioned whether a cap should be placed on the number of dwellings. Mark Noakes explained that from the Highway perspective this could be challenging in terms of justification, but in any event it was pointed out that the description of the development is "up to 200 dwellings" obviating the need for a cap.

There was discussion regarding off site highway improvements in the locality of the Railway Inn. It was pointed out that whilst such works had been discussed in the past with particular regard to additional land and traffic onto Llanfabon Road as an extension of the employment allocation in the review of the LDP, this has now been shelved.

It was questioned as to whether the scheme could provide for the lost leisure facilities that previously existed on this site but have now been lost. Paul den Brinker explained that the leisure requirement should be for the needs of the proposed dwelling only.

The purpose of the ponds shown on the illustrative layout was raised. It was explained that these are water features often used to attenuate water flows from site to drainage receptors. It was suggested that the sewerage system in the locality is at capacity and it was pointed out that Welsh Water have not raised a capacity objection.

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# Agenda Item 4

## PREFACE ITEM

APPLICATION NO. 15/0567/OUT

APPLICANT(S) NAME: Persimmon Homes East Wales

PROPOSAL: Erect residential development of up to 175 units including open space provision, access and parking arrangements

LOCATION: Land At Oakdale Golf Course Oakdale Golf Course Lane Oakdale Blackwood

On the 7<sup>th</sup> April 2016 the above development was refused planning permission for the following reason: -

01. The proposed development is premature in the light of the review of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 and therefore would prejudice the Development Plan Inspector's ability to reach a balanced decision on the provision of housing land in the county borough, and remove the public's opportunity to comment on the allocation of the application site for housing through that review process.

This application had been reported back to Members for reasons to refuse on 6<sup>th</sup> April 2016. Three reasons were offered, 2 of which it was explained could not be defended at appeal and accordingly the third reason (above) was selected by Members. At that time the review of the LDP was in progress and a result was likely to have been forthcoming in the not too distant future. Since that date the replacement plan has been withdrawn (11<sup>th</sup> October 2016), thus opportunities to increase the housing land supply through the development plan process are now a number years away. Also at the time the reason for refusal was issued the housing land supply was down to 1.9 years but it has since fallen to only 1.5 years. Therefore there is no reasonable prospect that the reason for refusal can be defended if an appeal is lodged.

At the time of writing this report an Appeal against the reason for refusal is in the process of being lodged with the Planning Inspectorate.

With regard to the Appeal lodged with the Inspectorate, the Council must explain a material change in circumstances has occurred since the planning decision to refuse consent was taken. At the time the planning decision to refuse was taken the consultation process regarding the Deposit Replacement Caerphilly County Borough Local Development Plan up to 2031 period had begun on 11 February 2016 and was proposed to end on the 23 March 2016.

Cont....

Application No. 15/0567/OUT Continued

However the consultation period was extended to run up to the end of the 22 April 2016 when it was noted that one of the Appendices of the Habitat Regulation Assessment was omitted from the documentation that was made available on the LDP web page.

A decision to withdraw the deposit replacement plan has now been taken and previous intentions to reach a conclusion within imminent time lines will not now be met. In making the decision to withdraw the plan Members had regard to the 4654 individual or organisation representations and five notable petitions, mostly objecting to allocations within the plan. Members considered and debated a number of related matters, specifically:

- The rapidly changing regional context and growing momentum for the need for a Strategic Development Plan for the region;
- A formal request from Rhondda Cynon Taff to prepare a Joint Local Development Plan; and
- The need to undertake a second consultation in respect of the evidence underpinning the delivery of the two proposed Strategic Sites in order to address WG concerns.

Members agreed at Council on 19<sup>th</sup> July 2016 that subject to Ministerial approval, to formally withdraw the Deposit Replacement LDP and seek further discussions with WG and the local authorities within the Cardiff Capital Region regarding the possible development of a strategic development plan. It was confirmed at a meeting with the WG Minister on 28<sup>th</sup> September 2016 that Ministerial approval for plan withdrawal is not presently a requirement of the LDP regulations and that the decision to withdraw the Replacement LDP is a matter for the Council to determine. This was reported back to Council on 11<sup>th</sup> October 2016 and the review of the Local development Plan has now been formally withdrawn. Consequently the reason for refusal cannot now carry the weight that it was given at the time the planning decision was taken. The reason was based on the opportunity the LDP review would give the public to comment on new housing allocations. That opportunity does not now exist. As a result of this material change in circumstance the Planning Authority cannot support the reason for refusal.

It would be unreasonable to pursue the reason for refusal and in order to minimise the Council's exposure to costs the Planning Inspectorate and the appellants should be advised as soon as possible that the Local Planning Authority will not be defending this reason for refusal.

Recommendation: That the Planning Inspectorate and appellants be advised that the Council will not be defending the reasons for refusal for the reasons set out above.



Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0567/OUT 19.08.2015	Persimmon Homes East Wales Mr J Price Llantrisant Business Park Llantrisant Rhondda Cynon Taf CF72 8YP	Erect residential development of up to 175 units including open space provision, access and parking arrangements Land At Oakdale Golf Course Oakdale Golf Course Lane Oakdale Blackwood

**APPLICATION TYPE:** Outline Application

SITE AND DEVELOPMENT

Location: The application site is part of a Golf course that is to the south of the settlement of Oakdale.

Site description: Access to the site is via the existing golf course entrance onto Llwyn On Lane where there is something of a break in the building line. The area identified includes the clubhouse, the golf driving range building, the car park, parts of the course and a small field behind Nos. 2 to 14 Waungoch Road. A public right of way enters the site from the east and joins with the lane that runs through the site from the north to the south. The Nant Philkins runs through the site east to west.

Development: Outline consent is sought for residential development. All matters except access are reserved. At the entrance there is an existing pond that is shown re-sited to accommodate the proposed access.

Dimensions: The site measures approximately 5 hectares and is of an irregular shape. The indicative master plan illustrates a layout of 175 dwellings with an area of public open space comprising approximately 25% of the site situated to the southwest section. The scale parameters of the proposed dwellings are as follows:-

Minimum	Maximum
Width 4.12	8.88
Depth 6.29	10.12
Height 7.30	10.70

Cont....

Application No. 15/0567/OUT Continued

## PLANNING HISTORY 2005 TO PRESENT

P/05/0561- Erect one detached house - Refused 06.10.05.

P/05/1682 - Erect two storey dwelling to be used as holiday let - Granted 16.02.06.

P/06/0392 - Erect two dormer bungalows - Granted 01.06.06.

06/0753/FULL - Erect extension to driving range - Granted 25.01.07.

11/0095/FULL - Erect two dormer bungalows with associated groundworks, access and car parking - Granted 31.03.11.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is part of an existing golf course. It lies outside the settlement boundary of Oakdale and is not allocated for residential use, the proposal therefore represents a departure from the plan. Part of the site lies within a sandstone safeguarding area.

### Policies:

#### Strategic Policies

SP2 - Development Strategy in the Northern Connections Corridor, SP4 - Settlement Strategy, SP5 - settlement boundaries, SP6 - Place making, SP7 - Planning Obligations, SP8 - Minerals Safeguarding, SP10 - Conservation of Natural Heritage, SP14 - Total Housing Requirements, SP15 - Affordable Housing Target, SP21 - Parking Standards.

#### Countywide Policies

CW1 - Sustainable Transport, Accessibility and Social Inclusion, CW2 - Amenity, CW3 - Design considerations - Highways, CW4 - Natural Heritage Protection, CW5 - Protection of Water Environment, CW6 - Trees, Woodland and Hedgerow protection, CW10 - Leisure and Open space provision, CW11 - Affordable Housing Planning obligation, CW15 - General locational constraints, CW22 - Locational constraints - Minerals, supplementary planning guidance contained in LDP1 - Affordable Housing Obligations, LDP4 - Trees and Development, LDP 5 - Parking standards, LDP6 - Building Better Places to Live.

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## NATIONAL POLICY

- Planning Policy Wales (Edition 7, July 2014);
- Technical Advice Note 1: Joint Housing Land Availability Studies (2015);
- Technical Advice Note 2: Planning & Affordable Housing (2006);
- Technical Advice Note 11: Noise (1997);
- Technical Advice Note 12: Design (2014);
- Technical Advice Note 18: Transport (2007).

Other policy related matters that constitute material considerations are:-

The 5 year Housing Land Supply.  
 The Annual Monitoring Report.  
 The Local Development Plan Revision.

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? - Yes.

Was an EIA required? - No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - No.

### CONSULTATION

Rights Of Way Officer - It is explained that Footpath FP42 crosses the site and must be protected at all times and should the line be affected a legal order must first be confirmed.

Head Of Public Protection - No objection subject to conditions that include a scheme of acoustic glazing and construction controls.

CCBC Housing Enabling Officer - 25% affordable housing is required in accordance with a mix based on the predicted 175 residential units.

Senior Engineer (Land Drainage) - No objection is raised. Advice is provided regarding land drainage and water features that may be present on site.

Outdoor Leisure Development Officer - No objection subject to the provision of appropriate leisure facilities.

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Head Of Public Services - No objection is raised and it is explained that the Council offer a kerbside only refuse/recycling collection service.

Transportation Engineering Manager - No objection subject to conditions.

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

Wales & West Utilities - Advice is provided regarding the presence of services within the application site and adjacent to it.

Police Architectural Liaison Officer - The Designing Out Crime officer raises no objection. The Traffic Management Advisor notes that there are traffic calming measures that should restrict mean speeds to around 20 mph, but recommends a speed analysis to ensure there is no adverse affect upon visibility splays. It is also suggested that traffic calming be considered within the application site. (These suggestions have been passed to Transportation Engineering Manager and could be resolved at the reserved matters stage.

Strategic & Development Plans - The overall conclusion is that the need to increase the housing land supply over-rides the fact that this site lies outside the settlement boundary and therefore there is no objection to the development in principle.

Natural Resources Wales - No objection or comments.

Minerals Officer - It is explained that the site is within a Pennant Sandstone safeguarding area and that the proposed development should be considered premature prior to the current review of the Local Development Plan unless there is an overriding residential need.

Chief Fire Officer - It is advised that the applicant be mindful of the fire service need for adequate water supplies for fire fighting and adequate access routes for fire fighting appliances. Advice is provided regarding water supply and clearances for vehicles.

Countryside And Landscape Services - The Landscape Architect is satisfied that the development should not have significant adverse effects upon the landscape character or visual amenity. It is pointed out that significant trees and hedgerows should where possible be kept outside private gardens and this should be required by condition. The ecologist has considered the submitted ecological information and raises no objection subject to conditions regarding protected species and habitat maintenance.

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Application No. 15/0567/OUT Continued

Senior Arboricultural Officer (Trees) - No objection subject to tree protection measures.

Glam/Gwent Archaeological Trust - No objection is raised and advice is provided regarding the archaeological history of the site.

### ADVERTISEMENT

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

Response: Six letters been received and a petition with 240 signatures.

### Summary of observations:

- It is pointed out that the traffic to the proposed development will have to pass through residential streets that are already congested/gridlocked, restricted by parked cars particularly during events such as rugby matches and other leisure activities. One area that is very difficult for vehicles to pass is Maesygarn Road when the primary school is opening/closing.
- Traffic calming is suggested as a possible safety solution.
- The capacity of local schools will be "overstretched" as will local GP facilities.
- There will be "huge health and safety implications" resulting from the heavy house building traffic.
- All the residents in the locality should have been sent neighbour notification letters regarding the proposed development.
- It is implied that the proposal is the result of the limited amount of LDP residential land and therefore will be the subject of lower planning criteria.
- The application site is "Green Belt".
- One letter has been received from a property that has a right of way through the site seeking to ensure that the lane is maintained, even though it is shown only as a pedestrian route.
- An assurance is sought that the access and the trees that bound it will be managed to enable the safe passage of heavy goods vehicles.
- It is pointed out that the current exit of the pedestrian route/lane at its junction with Llwyn On Lane has very poor visibility and it is suggested that this could be made worse by the proposed development.

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- Surface water from the existing golf course and driving range passes into a culvert and any increase in surface water may exacerbate erosion.
- Existing sewer capacity is not adequate.
- The submitted travel plan is flawed in that people will generally use their cars rather than public transport.
- One writer suggests that an assurance has been given that "there would be no dwellings to the north west of the existing driving range."
- There is an urgent need for recreational facilities that would be lost if the golf course is redeveloped.
- There are a number of protected species on site "Barn Owls, Bats, Door Mice and Foxes". The submitted wildlife survey is biased.
- Public rights of way would be extinguished.
- The countryside should be preserved particularly as there is a supply of unsold houses in the locality.
- Near by "waterways" would be in danger of contamination.
- The construction of the dwellings will cause environmental damage and pollution.
- A preferable site for residential development would be Oakdale Colliery.
- The identity of the Oakdale model village will be adversely affected by the volume of properties proposed.

SECTION 17 CRIME AND DISORDER ACT

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

Is this development Community Infrastructure Levy liable? Development proposals are not liable for CIL at the outline planning permission stage. The calculation is made at the reserved matters stage when the amount of residential floorspace is known.

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### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No - There is bat activity on site but the application site does not include bat roosts and adequate ecological mitigation can be achieved.

### ANALYSIS

Policies: The site comprises the existing site of the golf club car park, driving range, clubhouse and northern part of the golf club. A lane runs north to south through the centre of the application site, separating the driving range from the golf course, clubhouse and car park. It is proposed that this lane will be retained. The indicative master plan identifies an access to the site from east of the drainage pond off Llwyn On Lane.

The site in question is unallocated and lies outside of the settlement boundary. The north-eastern field was submitted as part of the candidate site process for the LDP (site reference E115 Land at Llwyn On Crescent), but the golf club itself was not submitted previously.

### Strategy Policies

The site is located within the Northern Connections Corridor (NCC). Policy SP2 Development Strategy - Development in the NCC indicates that development will be focused on both brownfield and greenfield sites that have regard for the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; makes the most efficient use of existing infrastructure; protect the natural heritage from inappropriate forms of development and capitalise on the economic opportunities offered by Oakdale/Penyfan Plateau.

Planning Policy Wales sets out the definition of previously developed land as "that which is or was occupied by a permanent structure and associated fixed surface infrastructure." Excluded from the definition are a number of uses including land in built up areas that has not been developed previously, for example parks, recreation grounds and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings. It is considered that the golf course itself would also fall within this category and should be considered greenfield, along with the driving range and field to the north of the golf course. However, the large car park and clubhouse area and driving range buildings would be considered to be brownfield. The development of a greenfield site is acceptable in this strategy area in accordance with the policy and the site is well served by footpaths and bus routes.

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The potential impact of development on the natural heritage of the site is discussed further below.

The site lies outside of the settlement boundary, as defined by Policy SP5 Settlement Boundaries of the LDP. The settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. The settlement boundary serves to promote the full and effective use of land and thus concentrate development within settlements; prevent the coalescence of settlements and fragmented development and prevent inappropriate development in the countryside. The application is clearly contrary to Policy SP5 of the Adopted LDP.

In this location, the settlement boundary has been drawn to include the properties fronting on to Llwyn On Lane, but the buildings associated with the golf club have been excluded from the settlement boundary. It is considered that the brownfield element of the site (the car park and buildings) would be a logical rounding off given the pattern of the built form in this area, but the key issue is whether the extension to include the greenfield element to the south, which extends further into the countryside, is acceptable.

It is noted that the whole golf course is not included within the application boundary, as this would be an incongruous extension into open countryside. The southern boundary instead is not drawn to a defensible boundary on the ground, as the golf course is clearly open in nature. It is recognised that a new boundary is shown on the master plan will be created by a hedgerow on the southeast and road on the southwest. Notwithstanding the delineation of the existing settlement boundary, it is considered that the boundary as shown in the planning application, whilst extending into the countryside, would relate well to existing development and be a suitable rounding off. Any further extension south into the golf course would, however, be unacceptable.

Policy SP6 Place Making requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. The proposed layout should be assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that the requirements of SP6 are fully met.

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## Application No. 15/0567/OUT Continued

It should be noted that the Oakdale Conservation Area lies directly north of Llwyn On Lane and the design will need to be sensitive to this. The Conservation and Design Officer has been consulted regarding the potential impact this scheme may have on the conservation area. No in principle objection is raised, it is pointed out that at the reserved matter stage design issues will receive closer scrutiny with regard to the character of the conservation area, as well as its context in general.

Policy SP10 Conservation of Natural Heritage recognises the natural heritage as a positive asset that enriches people's quality of life. In this context Policy SP10 indicates that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Policy SP10. The illustrative plan demonstrates that natural features such as the existing pond and hedgerows can be utilised.

The site is not subject to any natural heritage designations, but it does adjoin Sites of Importance of Nature Conservation (SINC) at NH3.97 Nant Philkins Fields to the east of the site and NH 3.89 Coed Cwm Philkins to the south. The Council's Ecologist has been consulted and has not raised objection.

Policy SP14 Total Housing Requirements makes provision for 10,269 dwellings for the 15-year period 2006 to 2021. This represents 1,644 (19%) residential units more than the 8,625 units required to meet the dwelling housing requirement identified for the plan period. The 19% over-allocation allows for flexibility and choice in recognition of the fact that not all sites will be developed.

The Annual Monitoring Report (AMR) is the main mechanism for reviewing the relevance and success of the LDP and identifying any changes that might be necessary. The main principle of the monitoring process is to identify when the revision of the LDP should take place.

The Council has prepared four reports to date, the most recent of which was considered by Council in October 2015. It is evident from the AMR that new housing has not been delivered at the levels required in the first half of the plan period. Policy SP14 indicates that there is a housing requirement for 8,625 new dwellings to be delivered to meet identified need over the plan period. In order to meet this need an average of 575 dwellings needs to be delivered per annum. The 4th AMR indicated that 4,052 units had been delivered (49% of the total housing requirement) up to March 2015.

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## Application No. 15/0567/OUT Continued

Therefore there is a need for a further 4,573 dwellings to be developed over the remainder of the plan period i.e. by 2021 to meet the total housing requirement for the plan period.

National indicators are also included within the AMR for housing land supply and notably these require housing land supply to be monitored based on the residual method as outlined in Technical Advice Note 1: Joint Housing Land Availability Studies (2015). TAN 1 seeks to ensure that there is a genuine 5 year land supply available, and thus categorises sites to indicate those that can be included within the 5 year land supply. Using this method of calculation the 2015 JHLAS indicated that there is only 1.9 year supply available.

It is acknowledged that the housing land supply figure is a material consideration in determining planning applications for housing. It is further acknowledged that where the 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 development plan and national planning policies (Para 6.1 TAN 1).

The lack of 5-year housing land supply is a matter of concern that needs to be addressed if the overall housing requirement is to be met within the plan period. The 2015 AMR recognises the need to address this ongoing issue and recommendation R2 of the report states: "the 2015 Annual Monitoring Report has indicated that there is a continuing need to address the lack of a five year housing land supply." Furthermore, recommendation R3 states "the Council endeavours to prepare the Replacement LDP in a timely manner and in doing so undertake full consultation with residents of the County Borough."

## Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires development proposals that are likely to generate a significant number of trips to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling and that appropriate infrastructure is included in the layout to facilitate short trips on foot. It is noted that the site is in close proximity to bus stops and is in walking distance to Oakdale village centre and local primary school. Furthermore, the potential to connect to the existing lane as a potential cycle and pedestrian link is acknowledged. The Transportation Engineering Manager has been consulted and has not raised objection.

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## Application No. 15/0567/OUT Continued

Policy CW2 Amenity indicates that development proposals must ensure that the proposal would not result in over-development of the site or its surroundings. Furthermore, the policy indicates that the proposed use would need to be compatible with the surrounding land uses. Its location in a residential area would mean that the principle of housing is acceptable. However, it is recognised that Croespenmaen Industrial Estate is just over 200m from the site boundary across open fields and the potential noise conflict is a matter that should be considered. Furthermore, there is a social club in close proximity on Llwyn On Lane, which may be a further source of conflict. Environmental Health has considered the noise aspect and no objection is raised subject to conditions.

Policy CW3 Design Considerations - Highways states that development proposals must meet a number of highways requirements including that the new access roads are designed to an appropriate standard. It is noted that a Traffic Assessment has been submitted with the application and in this respect the Transport Engineering Manager's view has been sought on the proposed access arrangements as they relate to Policy CW3; no objection is raised subject to conditions.

CW6 Trees, Woodland and Hedgerow Protection identifies criteria against which developments containing trees will be permitted, and states that development will only be permitted where development proposals have made all reasonable efforts to retain, protect and integrate trees within the development. The proposed layout will result in the loss of a number of trees on the golf course and this would need to be considered by the Arboricultural Officer to determine whether this would be acceptable. The Arboricultural Officer has considered the proposal and raises no objection subject to tree protection measures that may be required by condition.

CW8 Protection of Community and Leisure Facilities indicates that proposals that would result in the loss of a community or leisure facility will not be permitted except where a comparable replacement facility can be provided by the developer either on or off site or it can be demonstrated that the facility is surplus to requirements. The applicant has provided a report that details a pattern of decline in golf club memberships with a number of reported drops of 17 to 20% in membership in the UK in the years since 2004. The applicant has provided figures that suggest the golf course has lost 52% of income from the driving range during the years 2004 to 2014 with operational losses in 6 of the last 10 years. There has been a general decline in turnover of 46% over the same period with the most serious decline in the more recent years.

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## Application No. 15/0567/OUT Continued

The report also suggests that as there are 10 other golf courses within a 12.5km radius of Oakdale, most of which have 18 holes compared to the 9 at the application site, the attraction of other sites and pattern of falling interest in this golf course demonstrate that its closure will not be contrary to CW8.

Policy CW10 on Leisure and Open Space Provision requires sites of 10 or more dwellings to make provision for well-designed useable space as an integral part of the development and appropriate children's play and outdoor sports provision either on or off site. The proposal does include a large open area within the application boundary in the western part of the site, which is overlooked by housing. However, it does not appear that any formal facilities have been proposed within the master plan. This should be resolved at reserved matters and a condition may be imposed to that effect.

CW11 Affordable Housing Planning Obligation identifies that there will be a requirement to seek to negotiate affordable housing. An indicative target of 25% is identified in this area.

CW22 Locational Constraints - Minerals identifies that development proposals which may impact on minerals safeguarding areas will be considered against a number of criteria, including that the applicant can demonstrate that the mineral is no longer of any value, it can be extracted prior to the development taking place or there is an overriding need for the development. The site lies within a Sandstone Safeguarding Area and the Mineral Officer's views on the value of the sandstone in this area has been provided and no objection is raised. It is also recognised that there is a need for market and affordable housing in the County Borough as a whole that the development of this site could contribute to.

## Deposit Replacement Local Development Plan

This site was submitted to the Council as part of the Candidate Sites process for residential use and has been assessed as being in accordance with the proposed growth strategy for the County Borough. This site is still being assessed, but the consultation responses received to date indicate that the site is suitable for further consideration as an allocation in the Deposit Replacement LDP

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Application No. 15/0567/OUT Continued

#### Policy Conclusion

The site lies outside the settlement boundary of Oakdale and is contrary to the provisions of Policy SP5. Notwithstanding this, it is well located to the existing settlement and would constitute a logical rounding off to the settlement encompassing an area of brownfield land and part of the greenfield golf course and driving range.

The Council is required to ensure that there is a genuine 5-year supply of housing land available within the county borough and therefore the lack of 5-year supply is a material consideration in determining this application. The Council in its consideration of the 2015 Annual Monitoring Report has indicated that there is a continuing need to address the lack of a five year housing land supply and granting planning permission for this site would help to achieve this. The development of the application site for housing would deliver much needed housing, including affordable housing, in an area of considerable housing need.

On balance, subject to there being sufficient justification for the loss of the facility, the need to increase the housing land supply outweighs the fact that this site lies outside the settlement boundary and therefore there is no objection to the development in principle.

If members are minded to permit development on the site, then in order to ensure that the site can genuinely contribute toward the 5 year housing land supply, it would be appropriate to specify that development should commence within three years from the date that outline consent is granted (as opposed to the usual five years), with reserved matters submission within one year instead of three

#### Comments from Consultees:

Rights Of Way Officer - It is explained that footpath FP42 crosses the site and must be protected at all times and should the line be affected a legal order must first be confirmed. This advice should be passed to the applicant.

The Head Of Public Protection raises no objection subject to conditions that include a scheme of acoustic glazing and construction controls. This may be required by condition.

The CCBC Housing Enabling Officer explains that 25% affordable housing is required and suggests it should be in accordance with a mix based on the predicted 175 residential units. This may be required through a Section 106 Agreement.

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Application No. 15/0567/OUT Continued

The Outdoor Leisure Development officer raises no objection subject to the provision of facilities appropriate to the size of development proposed. This should include areas of well designed open space that benefit from good access and surveillance, a suitably scaled equipped play area and a suitably scaled all weather sports court. This may be required by condition.

The Senior Engineer (Land Drainage) raises no objection is raised. Advice is provided regarding land drainage and water features that may be present on site, this should be passed on to the applicant.

The Head Of Public Services raises no objection is raised and it is explained that the Council offer a kerbside only refuse/recycling collection service. This advice should be passed on to the applicant.

The Transportation Engineering Manager has considered the submitted transport assessment and does not raise objection to the increased flows of traffic. It is also to be noted that the submitted Transport Assessment has been assessed by an independent consultants that also conclude the additional traffic flows can be accommodated within the existing highway network. Conditions are recommended to require adequate visibility at the site entrance, adequate parking provision within the site and a 1.8m wide footway along the site boundary fronting Llwyn On Lane, which shall be constructed in permanent materials and be completed prior to beneficial occupation of the development. These details may be required by condition except the parking provision, which is part of the layout to be determined at reserved matters, however the parking requirement may be passed on to the applicant as advice. Traffic calming has been suggested by the Police and local residents. The Transportation Engineering Manager has considered this suggestion and such measures can only be justified on a statistical accident basis, which is not supported in this case.

Dwr Cymru raises no objection and provides advice regarding drainage that should be passed on to the applicant.

Wales & West Utilities provide advice is provided regarding the presence of services within the application site and adjacent to it. This advice should be passed on to the applicant.

Police Architectural Liaison Officer - The Designing Out Crime officer raises no objection. The Traffic Management Advisor notes that there are traffic calming measures that should restrict mean speeds to around 20 mph, but recommends a speed analysis to ensure there is no adverse affect upon visibility splays.

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## Application No. 15/0567/OUT Continued

It is also suggested that traffic calming be considered within the application site. (These suggestions have been passed to the Transportation Engineering Manager as explained above).

Strategic & Development Plans have explained the policy considerations that are reported in detail above. The overall conclusion is that the need to increase the housing land supply over-rides the fact that this site lies outside the settlement boundary and therefore there is no objection to the development in principle.

The Minerals Officer has explained that the site is within a Pennant Sandstone safeguarding area and that the proposed development should be considered premature prior to the current review of the Local Development Plan unless there is an overriding residential need. The Strategic & Development Plans section has considered the overriding need and no objection is raised regarding prematurity.

The Chief Fire Officer has advised that the applicant be mindful of the fire service need for adequate water supplies for fire fighting and adequate access routes for fire fighting appliances. Advice is provided regarding water supply and clearances for vehicles. This advice should be passed on to the applicant.

Countryside and Landscape Services: The Landscape Architect is satisfied that the development should not have significant adverse effects upon the landscape character or visual amenity. It is pointed out that significant trees and hedgerows should where possible be kept outside private gardens and this should be required by condition. The ecologist has considered the submitted ecological information and raises no objection subject to conditions regarding protected species and habitat maintenance.

The Senior Arboricultural Officer (Trees) raises no objection subject to tree protection measures that may be imposed by condition.

No objection has been received from Glamorgan Gwent Archaeological Trust and Natural Resources Wales.

Comments from public:

Six letters been received and a petition with 240 signatures and the objections detailed above are considered in turn below.

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## Application No. 15/0567/OUT Continued

The main objection is the impact of the proposed development in terms of increased traffic through the residential streets. It is pointed out that the traffic to the proposed development will have to pass through residential streets that are already congested/gridlocked, restricted by parked cars particularly during events such as rugby and other leisure activities. One area that is very difficult for vehicles to pass in Maesygarn Road when the primary school is opening/closing. The Transport Engineering Manager has considered the additional traffic flows and they have been assessed by independent consultant, the conclusion is that they are acceptable from a planning point of view.

There will be "huge health and safety implications" resulting from the heavy house building traffic. Traffic calming is suggested as a possible safety solution. This suggestion has been considered by the Transportation Engineering Manager and traffic calming is not considered necessary.

It is suggested that the capacity of local schools will be "overstretched" as will local GP facilities. The introduction of CIL is intended to provide for infrastructure investment such as schools. This is CIL liable development. Doctors' surgeries dentists etc are services that should follow demand.

It is suggested that all the residents in the locality should have been sent neighbour notification letters regarding the proposed development. The development has been advertised in accordance with statutory advertisement procedures.

It is implied that the proposal is the result of the limited amount of LDP residential land and therefore will be the subject of lower planning criteria. It is the case that limited housing land supply is a material planning consideration, it does not follow that planning criteria are necessarily lower and each case should be considered upon its merit.

It is suggested that the application site is "Green Belt." Green belt is a specific planning designation that has not been adopted by this Council.

One letter has been received from a property that has a right of way through the site seeking to ensure that the lane is maintained, even though it is shown only as a pedestrian route. The outline proposal does not show this route curtailed. An assurance is sought that the access and the trees that bound it will be managed to enable the safe passage of heavy goods vehicles. This presumably is a request to assure access for large vehicles to the writer's farm. Again the outline proposal does not indicate the curtailment of the route.

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## Application No. 15/0567/OUT Continued

The trees referred to are probably along a section of the lane that is outside the application site and therefore not a current planning consideration. It is pointed out that the current exist of the route at its junction with Llwyn On Lane has very poor visibility and it is suggested that this could be made worse by the proposed development. The illustrative layout does not show any change to this junction.

It is suggested that surface water from the existing golf course and driving range passes into a culvert and any increase in surface water may exacerbate erosion. This is also a matter that may be determined at reserved matters. At this point in time no material objection has been received from the land drainage officer.

It is suggested that the existing sewer capacity is not adequate. Dwr Cymru/Welsh Water has not raised such an objection.

The submitted travel plan is flawed in that people will generally use their cars rather than public transport. Travel plans are a material planning consideration and this has been taken in account by the Transportation Engineering Manager.

One writer suggests that an assurance has been given that "there would be no dwellings to the north west of the existing driving range." Any such assurance would not be a planning consideration.

There is an urgent need for recreational facilities that would be lost if the golf course is redeveloped. Policy CW8 does require that it be demonstrated that where a leisure facility is to be lost that it be demonstrated that there is a suitable alternative or that the facility is surplus to requirement. This matter has been fully considered above.

There are a number of protected species on sit "Barn Owls, Bats, Door Mice and Foxes". It is suggested the submitted wildlife survey is biased. The Council's Ecologist has considered that submitted details and is satisfied that the proposed development is acceptable subject to conditions.

Public Rights of Way would be extinguished. This is not proposed.

It is suggested that the countryside should be preserved particularly as there is a supply of unsold houses in the locality. The unsold houses in the locality are not sufficient to supply the local housing need. The preservation of existing land use should be considered upon its merit.

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Application No. 15/0567/OUT Continued

The claims that near by "waterways" would be in danger of contamination, that the construction of the dwellings will cause environmental damage and pollution are not substantiated.

It is suggested that a preferable site for residential development would be Oakdale Colliery. Again it is a fundamental planning principle that each case should be considered upon its merit.

The identity of the Oakdale model village will be adversely affected by the volume of properties proposed. It is the case that Llwyn On Lane is the boundary of the conservation area, but the application site is not within the conservation area, as the illustrative layout indicates the site frontage onto Llwyn on Lane is limited and fronted with a pond. Any visual impact with regard upon the conservation area would be very limited.

Other material considerations: - 25% affordable housing is required in accordance with Policy CW11. The Housing Enabling Officer has recommended a mix based on the predicted 175 residential units of 10 one-two person bed flats, 12 two-bed four person houses, 5 three-bed five person houses and one four-bed seven person house. At this stage the application should therefore be deferred to enable the completion of a Section 106 Agreement that will require 25% affordable housing provision based on the mix set out above. The Agreement would be necessary to make the scheme comply with the adopted planning policy in the LDP that seeks to secure the provision of affordable housing. It is directly related to the development in that affordable housing will be sought on a residential development. At 25% the scale of affordable housing will be reasonably related in scale and kind to the development and the type required is based on that identified by the Council's Housing Officer. Upon completion of the Agreement planning permission should be granted subject to conditions.

RECOMMENDATION that (A) a decision is DEFERRED to allow the applicants to enter into a Section 106 Agreement as set out above. On satisfactory completion of the Agreement (B) Permission be GRANTED subject to the following condition(s)

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

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

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Application No. 15/0567/OUT Continued

- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
 REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.  
 REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of three 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) 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.
- 06) Prior to the commencement of the development hereby approved, a construction phase noise scheme (to include proposed hours which the developer intends to work) shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented as agreed.  
 REASON: To control noise arising from the development.
- 07) Prior to the commencement of the development hereby approved, a construction phase dust mitigation scheme shall be submitted to and agreed, in writing, with the Local Planning Authority. Thereafter, the construction phase shall be carried out in accordance with the agreed.  
 REASON: To control any dust arising from the construction phase.

Cont....

Application No. 15/0567/OUT Continued

- 08) Prior to commencement of the development hereby approved details of a scheme of glazing shall be submitted to and agreed in writing by the Local Planning Authority for a glazing system to be fitted to all windows of habitable rooms facing the Croespenmaen Industrial Estate. The glazing system shall be capable of achieving an internal LAeq level of 30 dB(A) measured over an 8 hour period (2300 - 0700) in bedrooms and 35 dB(A) in all other habitable rooms measured over 16hour LAeq (0700 - 2300). The glazing scheme shall be carried out in accordance with the approved details before first use of the dwellings to which it relates.  
 REASON: To protect the residential amenity of occupants from noise from the Industrial Estate
- 09) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
 REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 10) No site or vegetation clearance associated with the development hereby approved shall take place until a detailed methodology for the capture and translocation of reptiles on site, including details of any proposed remedial measures and details of the receptor site/s, has been submitted to and agreed in writing with the Local Planning Authority. The measures shall be carried out in accordance with the agreed details.  
 REASON: To ensure that reptiles are protected.
- 11) In the event that development commences after April 2016, no site clearance work shall be undertaken unless an updated Badger survey has been undertaken, and the results and any necessary mitigations measures, submitted to and agreed in writing with the Local Planning Authority. The clearance works shall be undertaken in accordance with the agreed details.  
 REASON: To ensure that badgers are protected.

Cont....

## Application No. 15/0567/OUT Continued

- 12) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.
- 13) The retained pond shall be protected and managed for amphibians in accordance with a 5 year management plan to be submitted to and agreed in writing by the Local Planning Authority before the commencement of any works on site. That plan shall include the timing of its implementation.  
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales Tan 5 Nature Conservation and Planning (2009).
- 14) Prior to the commencement of works associated with the development hereby approved, a landscaping scheme including at least 75% native and local provenance tree, shrub and wildflower species shall be submitted to the Local Planning Authority for approval. The agreed details shall be carried out in the first planting or seeding season following the completion of the development. Any trees or plants which within a period of five 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 biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 15) The following activities must not be carried out under any circumstances:  
a) no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.  
b) no works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.  
c) no equipment, signage, fencing, tree protection barriers, materials, components, utilities, vehicles or structures shall be attached to or supported by a retained tree.

Cont....

## Application No. 15/0567/OUT Continued

d) no mixing of cement or use of other materials or substances shall take place within a Root Protection Area (RPA), or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA.  
e) no alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity.

- 16) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats within the proposed development shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before any the part of the development to which it relates is first occupied.  
REASON: To provide roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 17) Prior to the commencement of any works on site associated with the development hereby approved, details of the provision of nesting sites for bird species (House martin, House sparrow, Starling, Swallow and Swift) in the proposed development shall be submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be implemented before any part of the proposed development to which it relates is first occupied.  
REASON: To provide nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 18) Prior to the commencement of works associated with the development hereby approved, a 5-year hedgerow management plan, which shall include details of the timing of its implementation, shall be submitted to the Local Planning Authority for approval.  
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).

Cont....

## Application no. 15/0567/OUT Continued

- 19) Notwithstanding the submitted master plan details shall be submitted at reserved matters that shall take into account the need to provide appropriate leisure facilities to meet the needs of the residents of the proposed development. Those

facilities shall include areas of well designed open space that benefit from good access and surveillance, a suitably sized equipped play area and a suitably sized all weather sports court.

REASON: To comply with Policy CW10 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

- 20) Prior to the commencement of work on site details of land drainage including full engineering details of the extended pond at Llwyn On Lane shall be submitted to and agreed in writing with the Local Planning Authority and shall be carried out in accordance with the agreed details in accordance with a timetable to be agreed as part of those details.

REASON: In the interests of land drainage.

- 21) Prior to the commencement of work on site a Tree Protection Plan (TPP) shall identify the root protection areas of all trees to be retained on site and shall be shown as a plan overlaying the proposed site layout and be accompanied by an Arboricultural Method Statement (AMS). A suitably qualified arboriculturist shall prepare them both. The TPP shall graphically illustrate where all necessary Construction Exclusion Zones (CEZs) are required in order to protect retained trees from any adverse impact from the proposed development. The TPP and AMS shall detail in full any necessary protection measures required in order to enforce CEZs (i.e. a tree protection barrier), as well as any other measures such as ground protection or special methodologies such as no-dig constructions wherever they may be arboriculturally necessary. The AMS shall also detail all site access details with regard to retained trees' wellbeing, as well as provide all relevant detail of site storage and compound facilities for the duration of the proposed development.

REASON. To ensure the protection of retained trees.

- 22) Prior to beneficial occupation of any part of the development hereby approved a 1.8m wide footway along the site boundary fronting Llwyn On Lane shall be constructed in permanent materials the design of which shall have been agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety.

Cont....

Application No. 15/0567/OUT Continued

23) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 33 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.

REASON: In the interests of highway safety.

24) The travel plan hereby approved is that submitted on 6th November 2015

REASON: To encourage the use of a variety of transport options.

Advisory Note(s)

Please find attached the comments of Rights of Way Officer, South Wales Fire and Rescue Service, Wales & West Utilities, Council's Ecologist, Senior Arboricultural Officer, Glamorgan Gwent Archaeological Trust and Head of Public Services that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW6 and LDP4.

At reserved matters the parking provision throughout the development should accord to the requirements of LDP5 Car Parking Standards.

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**DEFERRED FOR SITE VISIT**



**PREFACE ITEM****APPENDIX**

APPLICATION NO. 15/0567/OUT

APPLICANT(S) NAME: Persimmon Homes East Wales

PROPOSAL: Erect residential development of up to 175 units including open space provision, access and parking arrangements

LOCATION: Land At Oakdale Golf Course Oakdale Golf Course Lane Oakdale Blackwood

The above application was deferred by Committee on 9<sup>th</sup> December 2015 for a Members' site visit. That visit took place on 21<sup>st</sup> December 2015. Members viewed the site and its surroundings. In particular Maes-Y-Garn Road leading to Rhiw Syr Dafydd School was viewed and members discussed the impact of the proposed development upon pedestrian movements related to the school. Officers were requested to provide a summary of the submitted traffic impact assessment and its conclusions. That summary has been delayed because the applicant has requested that the application be deferred to enable revised details of the access to be submitted. The summary is now provided below.

Summary: The Transport Assessment submitted with the application clearly indicates that there is sufficient capacity within the existing road network to accommodate the additional traffic movements created by the development. The traffic generated along Maes-Y-Garn Road would result in an additional 29 vehicles per hour (two way movements) in the peak am (08.00 – 09.00) and 41 vehicles (two way) in the peak pm (17.30 – 18.30). Only the am peak coincides with school opening/closing times. At that am peak the additional traffic amounts to a 6.8% increase, this is not significant. The later pm peak represents an increase of 21.2% but this is outside the school closing time. The Authority has recently commenced works on the 'Oakdale safe routes in communities project', which proposes to implement a 20mph speed limit, a zebra crossing and traffic calming measures in the vicinity of Rhiw Syr Dafydd and Ysgol Cwmraeg Cwm Derwen Primary Schools to improve highway safety for pedestrians. In conclusion, given the relatively low volume of additional traffic movements generated by the development and the pedestrian safety improvements being implemented by the Authority, it is considered that the development will not have a detrimental impact.

The applicant has now advised that the access does not need to be amended and the application may proceed as proposed.

Cont....

Application 15/0567/OUT Continued

The applicant has also requested an additional condition be attached to any planning consent granted. The condition requires:

“The submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the principles described and illustrated in the Design and Access Statement (Date xxx), and in accordance with the Parameters Plans (Drawing nos xxx).

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development”.

The requested condition is considered acceptable subject to the following variation:

25) Subject to the conditions hereby imposed (above) and other appropriate planning criteria, the submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the principles described and illustrated in the Design and Access Statement received on 13.08.2015 and in accordance with the Master Plans, Drawing No MP01 received on 03.08.2015 and in accord with the detailed reserved matters planning considerations.

REASON: To ensure that the development takes the form agreed by the Local Planning Authority.

It should be noted that the application site is allocated in the Deposit LDP, which is now open to public consultation, as approved by Council on 3<sup>rd</sup> February 2016 (Ref No H1.35).

With regard to the weight that is to be attached to the Deposit LDP Planning Policy Wales explains:

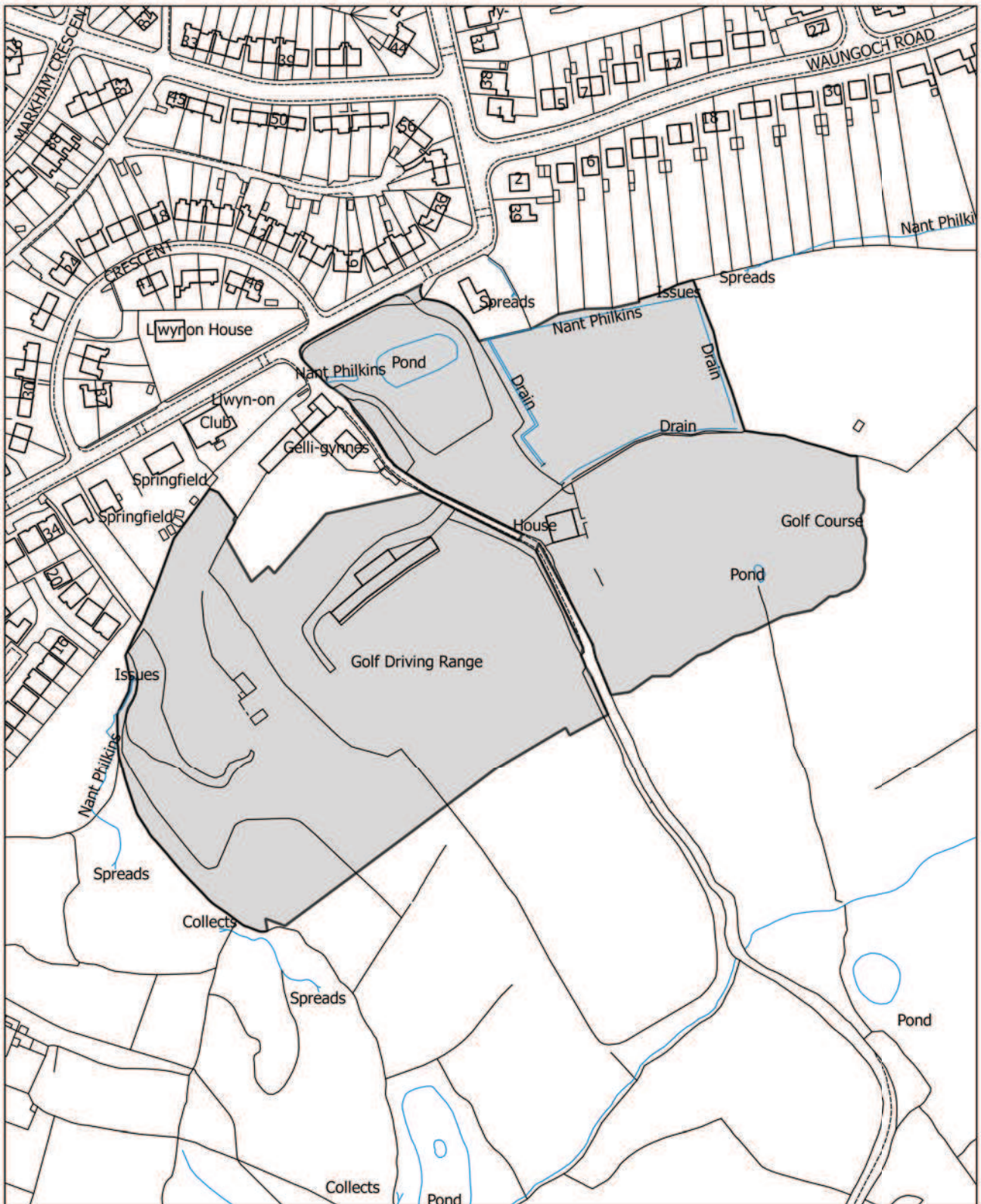
2.8.1 - The weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, Local Planning Authorities will need to consider carefully the underlying evidence and background to the policies.

Cont....

Application 15/0567/OUT Continued

RECOMMENDATION: That planning permission is deferred in accordance with the recommendation in the attached report to allow a Section 106 Agreement to be concluded following which permission be granted subject to the conditions set out in that report and the additional condition in this report.

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# Agenda Item 5

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0506/OUT 25.06.2016	Mr J Powell 7 Gellideg Lane Maesycwmmmer Hengoed CF82 7SD	Erect a residential self-build dwelling Plot 2 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood

**APPLICATION TYPE:** Outline Application

## SITE AND DEVELOPMENT

Location: The application site is located adjacent to Islwyn Bowls Club. The site is accessed via Gelli Lane, Pontllanfraith, Blackwood.

Site description: The site is a large undeveloped area of open space bounded by mature trees within the settlement boundary of Blackwood. The topography of the site is relatively flat.

Development: The application seeks outline planning consent for the erection of a single detached dwelling with all matters other than access reserved for future consideration. The indicative layout plan shows the provision of one dwelling and the creation of a vehicular access leading off Gelli Lane to serve the frontage of the site.

Dimensions: The total area of the plot measures approximately 860 square metres. The proposed dwelling will have minimum dimensions of 11 metres in width by 12 metres in depth and 9 metres in height whilst the maximum dimensions are 13 metres in width by 14.5 metres in depth and 11 metres in height.

Materials: Not specified.

Ancillary development, e.g. parking: Vehicle turning head with access road to the north of the site.

There are four other applications in for four single dwellings on the remainder of the site.

## PLANNING HISTORY 2005 TO PRESENT

P/06/0083 - Erect storeroom extension added onto new extension to provide storage and alleviate noise from main hall - Granted - 03.03.2006.

Cont....

Application No. 16/0506/OUT Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

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

Policies: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW7 (Protection of Open Space), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligations), CW15 (General Locational Constraints) and advice contained within the council's adopted supplementary planning guidance LDP 5 (Car Parking Standards), LDP6 (Building Better Places to Live) and LDP 7 (Householder Developments).

NATIONAL POLICY Planning Policy Wales Edition 8 (January 2016) and TAN 12: Design (March 2016).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

### COAL MINING LEGACY

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

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Dwr Cymru - Provide advice.

Principal Valuer - No comments.

CCBC Housing Enabling Officer - Development triggers affordable housing policy in 25% area.

Cont....

Application No. 16/0506/OUT Continued

Police Architectural Liaison Officer - No comment.

### ADVERTISEMENT

Extent of advertisement: A site notice was erected near the application site and nine neighbours were notified by letter.

Response: None.

Summary of observations: Not Applicable.

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? There are no specific crime and disorder implications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The site lies within the mid-range viability area where CIL is charged at a rate of £25 per square metre, however as this application is for outline permission CIL is not calculated at this stage.

### ANALYSIS

Policies: As the application site is located within the Settlement Boundary as identified in the Adopted LDP, the presumption is in favour of development providing material planning considerations do not indicate otherwise. In this instance, those material planning considerations are the compatibility of the proposed use with surrounding land uses, the effect of the development upon the character of the surrounding area, and also the impact on highway safety.

In policy terms, the development of the site would be consistent with Policy SP5 of the LDP i.e. it promotes the full and effective use of urban land and serves to concentrate development within the existing settlement.

Cont....

Application No. 16/0506/OUT Continued

Policy CW2 of the LDP sets out criteria relating to amenity. It states that development should not have an unacceptable impact on the amenity of adjacent properties or land; should not result in the over-development of the site and/or its surroundings; and the proposed use is compatible with the surrounding land-uses.

It is considered that the proposed development accords with all of these criteria, as the proposed use is residential in a primarily residential area; the development sits towards the front of the site to allow access/parking and a large rear amenity space to take advantage of the shape of the plot; and the proposal will not detract from the amenity of the surrounding area.

Policy CW3 of the LDP sets out criteria in terms of highway design considerations. This Council's Transportation Engineering Manager has raised no objection to the development subject to conditions being access and vision splays as future residential exit the site. Appropriate levels of off-street parking will be agreed at reserved matters stage.

Policy CW10 states that for site with a gross site area of over 0.3 hectares, developers should make provision for useable open space to serve the development. As the application has been submitted with a further four applications on the adjoining land, each enjoying large private amenity areas, it is not considered necessary to require on-site public open space to serve the proposed development.

Policy CW11 relates to Affordable housing planning obligations, and states:

Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

Where there is evidence of need, the Council will seek to negotiate the following affordable housing targets of: 25% in the Northern Connections Corridor (excluding Newbridge) and

As the current application, along with the four other applications currently being considered on the adjoining land, proposes 5 dwellings on a site exceeding 0.15ha in gross area, the proposal triggers the above Policy.

Cont....



Application No. 16/0506/OUT Continued

However, it has come to light that on smaller, self-build sites of less than 10 dwellings, it is often difficult to secure on-site provision of affordable housing in accordance with the above policy, given the various land owners and subsequent difficulties with associated Section 106 legal agreements.

Based on these encountered difficulties, the Council is in the process of updating LDP1: Affordable Housing Obligations. Paragraph 9.2.1 of the draft document relates to off-site provision of affordable housing, and states that off-site provision of affordable housing, to be secured by way of a commuted sum, may include circumstances where the development is for a self-build scheme where the overall number of plots is less than 10.

As the application site is located within the 'Northern Connections Corridor' area in accordance with Policy CW11, the overall scheme would require the provision of 1 affordable unit. This contribution to off-site provision of affordable housing would be in the form of a commuted sum of £55,328 (final figure to be confirmed) that would be secured by way of a Section 106 Agreement. Given that the cumulative five plots are to be developed by individual self-builders, a Section 106 agreement to secure each payment of £11,065.60, appears to be the best method to secure this contribution. The developer has agreed to make such a contribution by way of a 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.

(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, a commuted sum to provide one affordable unit off-site by way of a commuted sum is considered reasonable.

Based on the above considerations, the proposed development accords with relevant national and local planning policies, and is recommended for approval subject to the applicant entering into a Section 106 Agreement to make a commuted sum towards affordable housing provision in the area.

Cont....

Application No. 16/0506/OUT Continued

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

Comments from public: None.

Other material considerations: None.

Recommendation:(A) That the application is deferred to allow the completion of a Section 106 Agreement as set out in the above report. Upon completion of the Agreement (B) that outline planning permission is granted subject to the following conditions.

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

Cont....

Application No. 16/0506/OUT Continued

- 05) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) Prior to the 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) 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.
- 08) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.  
REASON: In the interests of highway safety.
- 09) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 23 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety.
- 10) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Cont....

Application No. 16/0506/OUT Continued

- 11) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried in accordance with the agreed scheme.  
REASON: To ensure adequate protection to protected species.
- 12) Prior to the commencement of works on site, details of the garden boundary fence/wall to be erected along the inside of the existing woodland belt, in order to exclude the woodland belt from within the garden boundaries, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and shall be implemented before the new dwelling hereby approved is first occupied.  
REASON: to ensure the protection of bat foraging habitat.
- 13) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new property at Plot 2 Land Adjacent to Islwyn Indoor Bowls Club, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 14) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, or Swift) in the new property at Plot 2 Land Adjacent to Islwyn Indoor Bowls Club, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

Advisory Note(s)

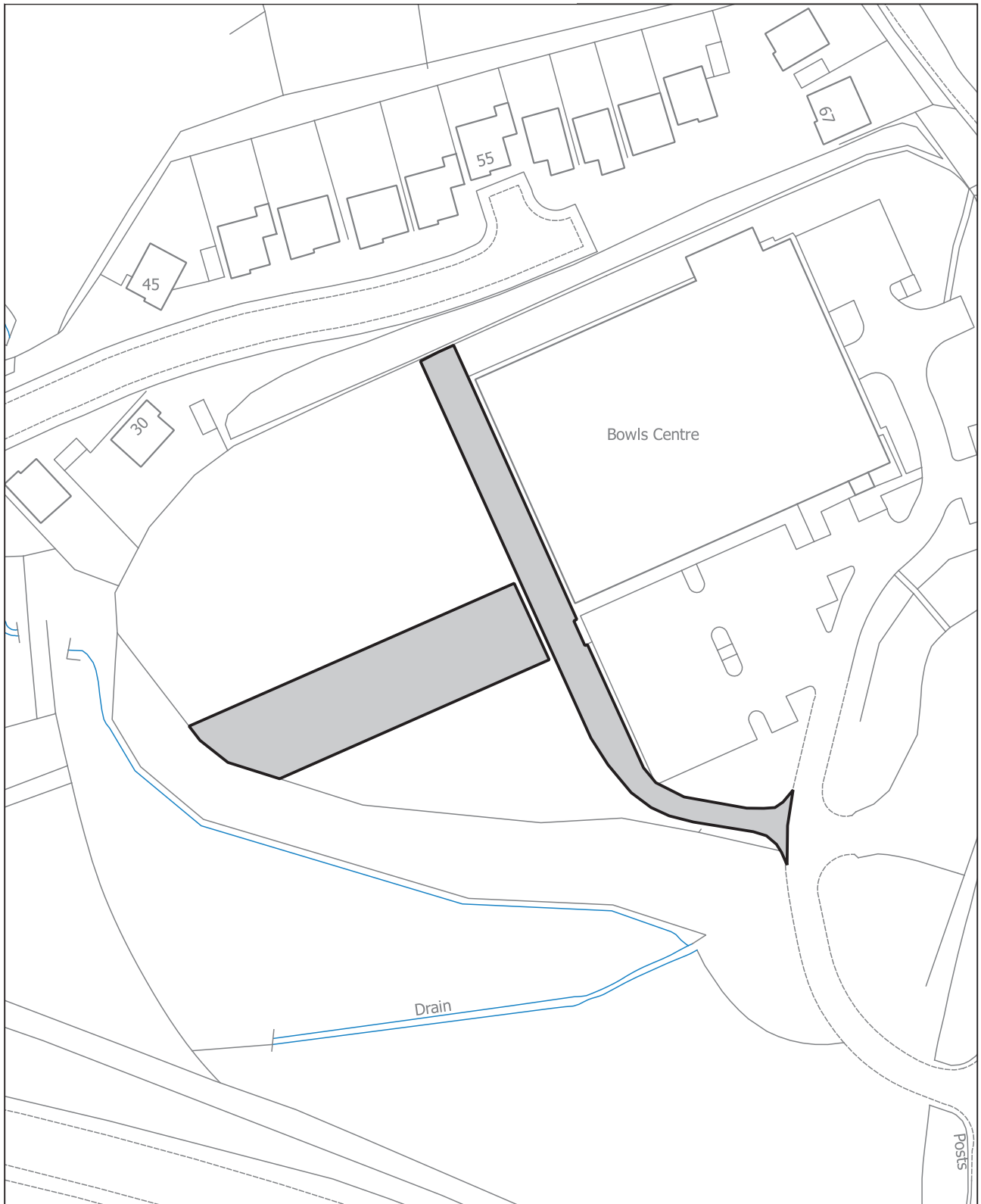
The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, CW3, CW6.

Cont....

Application No. 16/0506/OUT Continued

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

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# Agenda Item 6

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0507/OUT 24.06.2016	Mr M Williams 4 Caldicot Close Grove Park Blackwood NP12 1HH	Erect a residential self-build dwelling Plot 1 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood

**APPLICATION TYPE:** Outline Application

## SITE AND DEVELOPMENT

Location: The application site is located adjacent to Islwyn Bowls Club. The site is accessed via Gelli Lane, Pontllanfraith, Blackwood.

Site description: The site is a large undeveloped area of open space bounded by mature trees within the settlement boundary of Blackwood. The topography of the site is relatively flat.

Development: The application seeks outline planning consent for the erection of a single detached dwelling with all matters other than access reserved for future consideration. The indicative layout plan shows the provision of one dwelling and the creation of a vehicular access leading off Gelli Lane to serve the frontage of the site.

Dimensions: The total area of the plot measures approximately 911 square meters. The proposed dwelling will have minimum dimensions of 11metres in width by 12 metres in depth and 9 metres in height whilst the maximum dimensions are 15 metres in width by 14.5 metres in depth and 11 metres in height.

Materials: Not specified.

Ancillary development, e.g. parking: Vehicle turning head with access road to the north of the site.

There are four other applications in for four single dwellings on the remainder of the site.

## PLANNING HISTORY 2005 TO PRESENT

P/06/0083 - Erect storeroom extension added onto new extension to provide storage and alleviate noise from main hall - Granted - 03.03.2006.

Cont....

Application No.16/0507/OUT Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

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

Policies: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW7 (Protection of Open Space), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligations), CW15 (General Locational Constraints) and advice contained within the council's adopted supplementary planning guidance LDP 5 (Car Parking Standards), LDP6 (Building Better Places to Live) and LDP 7 (Householder Developments).

NATIONAL POLICY Planning Policy Wales Edition 8 (January 2016) and TAN 12: Design (March 2016).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

### COAL MINING LEGACY

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

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Dwr Cymru - No objection subject to advice.

Principal Valuer - No comment.

CCBC Housing Enabling Officer - Development triggers affordable housing policy in 25% area.

Cont....



Application No. 16/0507/OUT Continued

Police Architectural Liaison Officer - No comments.

### ADVERTISEMENT

Extent of advertisement: A site notice was erected near the application site and nine neighbours were notified by letter.

Response: None.

Summary of observations: Not Applicable.

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? There are no specific crime and disorder implications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The site lies within the midrange viability area where CIL is charged at a rate of £25 per square metre, however as this application is for outline permission CIL is not calculated at this stage.

### ANALYSIS

Policies: As the application site is located within the Settlement Boundary as identified in the Adopted LDP, the presumption is in favour of development providing material planning considerations do not indicate otherwise. In this instance, those material planning considerations are the compatibility of the proposed use with surrounding land uses, the effect of the development upon the character of the surrounding area, and also the impact on highway safety.

In policy terms, the development of the site would be consistent with Policy SP5 of the LDP i.e. it promotes the full and effective use of urban land and serves to concentrate development within the existing settlement.

Cont....

Application No. 16/0507/OUT Continued

Policy CW2 of the LDP sets out criteria relating to amenity. It states that development should not have an unacceptable impact on the amenity of adjacent properties or land; should not result in the over-development of the site and/or its surroundings; and the proposed use is compatible with the surrounding land-uses.

It is considered that the proposed development accords with all of these criteria, as the proposed use is residential in a primarily residential area; the development sits towards the front of the site to allow access/parking and a large rear amenity space to take advantage of the shape of the plot; and the proposal will not detract from the amenity of the surrounding area.

Policy CW3 of the LDP sets out criteria in terms of highway design considerations. This Council's Transportation Engineering Manager has raised no objection to the development subject to conditions being access and vision splays as future residential exit the site. Appropriate levels of off-street parking will be agreed at reserved matters stage.

Policy CW10 states that for site with a gross site area of over 0.3 hectares, developers should make provision for useable open space to serve the development. As the application has been submitted with a further four applications on the adjoining land, each enjoying large private amenity areas, it is not considered necessary to require on-site public open space to serve the proposed development.

Policy CW11 relates to Affordable housing planning obligations, and states:

Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

Where there is evidence of need, the Council will seek to negotiate the following affordable housing targets of: 25% in the Northern Connections Corridor (excluding Newbridge) and

As the current application, along with the four other applications currently being considered on the adjoining land, proposes 5 dwellings on a site exceeding 0.15ha in gross area, the proposal triggers the above Policy.

Cont....

Application No. 16/0507/OUT Continued

However, it has come to light that on smaller, self-build sites of less than 10 dwellings, it is often difficult to secure on-site provision of affordable housing in accordance with the above policy, given the various land owners and subsequent difficulties with associated Section 106 legal agreements.

Based on these encountered difficulties, the Council is in the process of updating LDP1: Affordable Housing Obligations. Paragraph 9.2.1 of the draft document relates to off-site provision of affordable housing, and states that off-site provision of affordable housing, to be secured by way of a commuted sum, may include circumstances where the development is for a self-build scheme where the overall number of plots is less than 10.

As the application site is located within the 'Northern Connections Corridor' area in accordance with Policy CW11, the overall scheme would require the provision of 1 affordable unit. This contribution to off-site provision of affordable housing would be in the form of a commuted sum of £55,328 (final figure to be confirmed) that would be secured by way of a Section 106 Agreement. Given that the cumulative five plots are to be developed by individual self-builders, a Section 106 Agreement to secure each payment of £11,065.60, appears to be the best method to secure this contribution. The developer has agreed to make such a contribution by way of a 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.

(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, a commuted sum to provide one affordable unit off-site by way of a commuted sum is considered reasonable.

Based on the above considerations, the proposed development accords with relevant national and local planning policies, and is recommended for approval subject to the applicant entering into a Section 106 Agreement to make a commuted sum towards affordable housing provision in the area.

Cont....

Application No. 16/0507/OUT Continued

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

Comments from public: None.

Other material considerations: None.

Recommendation:(A) That the application is deferred to allow the completion of a Section 106 Agreement as set out in the above report. Upon completion of the Agreement (B) that outline planning permission is granted subject to the following conditions.

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

Cont...

Application No. 16/0507/OUT Continued

- 05) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) Prior to the 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) 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.
- 08) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.  
REASON: In the interests of highway safety.
- 09) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 23 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety.
- 10) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Cont....

Application No. 16/0507/OUT Continued

- 11) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried in accordance with the agreed scheme.  
REASON: To ensure adequate protection to protected species.
- 12) Prior to the commencement of works on site, details of the garden boundary fence/wall to be erected along the inside of the existing woodland belt, in order to exclude the woodland belt from within the garden boundaries, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and shall be implemented before the new dwelling hereby approved is first occupied.  
REASON: to ensure the protection of bat foraging habitat.
- 13) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new property at Plot 1 Land Adjacent to Islwyn Indoor Bowls Club, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 14) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, or Swift) in the new property at Plot 1 Land Adjacent to Islwyn Indoor Bowls Club, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

Advisory Note(s)

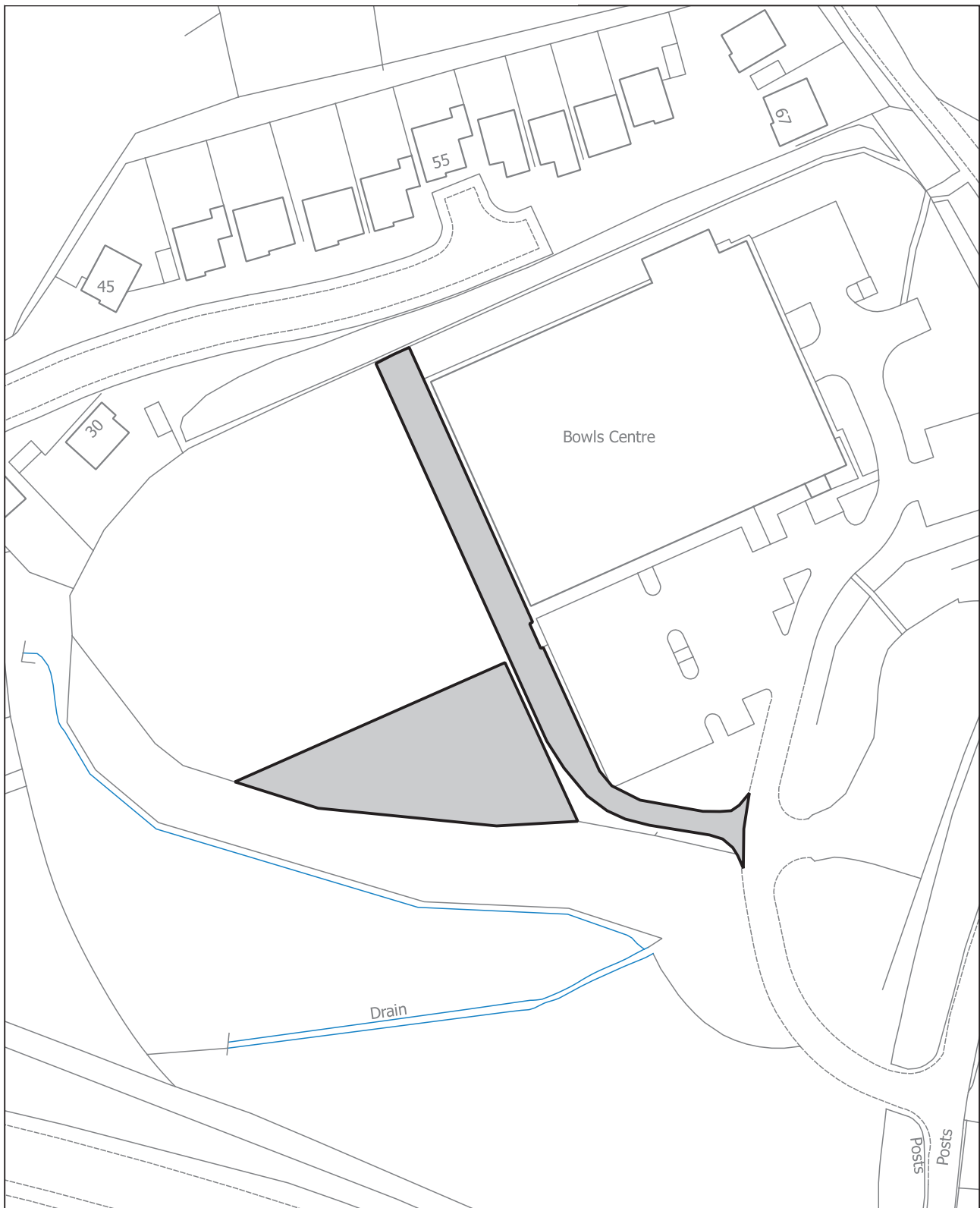
The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, CW3, CW6.

Cont....

Application No. 16/0507/OUT Continued

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

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# Agenda Item 7

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0508/OUT 25.06.2016	Mr J Pope 8 Penallta Villas Ystrad Mynach Hengoed CF82 7GH	Erect a residential self-build dwelling Plot 4 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood

**APPLICATION TYPE:** Outline Application

## SITE AND DEVELOPMENT

Location: The application site is located adjacent to Islwyn Bowls Club. The site is accessed via Gelli Lane, Pontllanfraith, Blackwood.

Site description: The site is a large undeveloped area of open space bounded by mature trees within the settlement boundary of Blackwood. The topography of the site is relatively flat.

Development: The application seeks outline planning consent for the erection of a single detached dwelling with all matters other than access reserved for future consideration. The indicative layout plan shows the provision of one dwelling and the creation of a vehicular access leading off Gelli Lane to serve the frontage of the site.

Dimensions: The total area of the plot measures approximately 830 square metres. The proposed dwelling will have minimum dimensions of 11 metres in width by 11 meters in depth and 9 meters in height whilst the maximum dimensions are 12.5 metres in width by 15 metres in depth and 10.5 metres in height.

Materials: Not specified.

Ancillary development, e.g. parking: Vehicle turning head with access road to the north of the site.

There are four other applications in for four single dwellings on the remainder of the site.

## PLANNING HISTORY 2005 TO PRESENT

P/06/0083 - Erect storeroom extension added onto new extension to provide storage and alleviate noise from main hall - Granted 03.03.16.

Cont....

Application No. 16/0508/OUT Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

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

Policies: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW7 (Protection of Open Space), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligations), CW15 (General Locational Constraints) and advice contained within the council's adopted supplementary planning guidance LDP 5 (Car Parking Standards), LDP6 (Building Better Places to Live) and LDP 7 (Householder Developments).

NATIONAL POLICY Planning Policy Wales Edition 8 (January 2016) and TAN 12: Design (March 2016).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

### COAL MINING LEGACY

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

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Dwr Cymru - Provide advice.

Principal Valuer - No comment.

CCBC Housing Enabling Officer - Development triggers affordable housing policy in 25% area.

Cont....

Application No. 16/0508/OUT Continued

Police Architectural Liaison Officer - No comment.

### ADVERTISEMENT

Extent of advertisement: A site notice was erected near the application site and nine neighbours were notified by letter.

Response: None.

Summary of observations: Not Applicable.

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? There are no specific crime and disorder implications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Is this development Community Infrastructure Levy liable? The site lies within the mid-range viability area where CIL is charged at a rate of £25 per square metre, however as this application is for outline permission CIL is not calculated at this stage.

### ANALYSIS

Policies: As the application site is located within the Settlement Boundary as identified in the Adopted LDP, the presumption is in favour of development providing material planning considerations do not indicate otherwise. In this instance, those material planning considerations are the compatibility of the proposed use with surrounding land uses, the effect of the development upon the character of the surrounding area, and also the impact on highway safety.

In policy terms, the development of the site would be consistent with Policy SP5 of the LDP i.e. it promotes the full and effective use of urban land and serves to concentrate development within the existing settlement.

Cont....

Application No. 16/0508/OUT Continued

Policy CW2 of the LDP sets out criteria relating to amenity. It states that development should not have an unacceptable impact on the amenity of adjacent properties or land; should not result in the over-development of the site and/or its surroundings; and the proposed use is compatible with the surrounding land-uses.

It is considered that the proposed development accords with all of these criteria, as the proposed use is residential in a primarily residential area; the development sits towards the front of the site to allow access/parking and a large rear amenity space to take advantage of the shape of the plot; and the proposal will not detract from the amenity of the surrounding area.

Policy CW3 of the LDP sets out criteria in terms of highway design considerations. This Council's Transportation Engineering Manager has raised no objection to the development subject to conditions being access and vision splays as future residential exit the site. Appropriate levels of off-street parking will be agreed at reserved matters stage.

Policy CW10 states that for site with a gross site area of over 0.3 hectares, developers should make provision for useable open space to serve the development. As the application has been submitted with a further four applications on the adjoining land, each enjoying large private amenity areas, it is not considered necessary to require on-site public open space to serve the proposed development.

Policy CW11 relates to Affordable housing planning obligations, and states:

Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

Where there is evidence of need, the Council will seek to negotiate the following affordable housing targets of: 25% in the Northern Connections Corridor (excluding Newbridge) and

As the current application, along with the four other applications currently being considered on the adjoining land, proposes 5 dwellings on a site exceeding 0.15ha in gross area, the proposal triggers the above Policy.

Cont....

Application No. 16/0508/OUT Continued

However, it has come to light that on smaller, self-build sites of less than 10 dwellings, it is often difficult to secure on-site provision of affordable housing in accordance with the above policy, given the various land owners and subsequent difficulties with associated Section 106 legal agreements.

Based on these encountered difficulties, the Council is in the process of updating LDP1: Affordable Housing Obligations. Paragraph 9.2.1 of the draft document relates to off-site provision of affordable housing, and states that off-site provision of affordable housing, to be secured by way of a commuted sum, may include circumstances where the development is for a self-build scheme where the overall number of plots is less than 10.

As the application site is located within the 'Northern Connections Corridor' area in accordance with Policy CW11, the overall scheme would require the provision of 1 affordable unit. This contribution to off-site provision of affordable housing would be in the form of a commuted sum of £55,328 (final figure to be confirmed) that would be secured by way of a Section 106 Agreement. Given that the cumulative five plots are to be developed by individual self-builders, a Section 106 Agreement to secure each payment of £11,065.60, appears to be the best method to secure this contribution. The developer has agreed to make such a contribution by way of a 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.

(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, a commuted sum to provide one affordable unit off-site by way of a commuted sum is considered reasonable.

Based on the above considerations, the proposed development accords with relevant national and local planning policies, and is recommended for approval subject to the applicant entering into a Section 106 agreement to make a commuted sum towards affordable housing provision in the area.

Cont....

Application No. 16/0508/OUT Continued

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

Comments from public: None.

Other material considerations: None.

Recommendation:(A) That the application is deferred to allow the completion of a Section 106 Agreement as set out in the above report. Upon completion of the Agreement (B) that outline planning permission is granted subject to the following conditions.

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

Cont....

Application No. 16/0508/OUT Continued

- 05) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) Prior to the 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) 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.
- 08) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.  
REASON: In the interests of highway safety.
- 09) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 23 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety.
- 10) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Cont....

Application No. 16/0508/OUT Continued

- 11) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried in accordance with the agreed scheme.  
REASON: To ensure adequate protection to protected species.
- 12) Prior to the commencement of works on site, details of the garden boundary fence/wall to be erected along the inside of the existing woodland belt, in order to exclude the woodland belt from within the garden boundaries, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and shall be implemented before the new dwelling hereby approved is first occupied.  
REASON: to ensure the protection of bat foraging habitat.
- 13) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new property at Plot 4 Land Adjacent to Islwyn Indoor Bowls Club, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 14) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, or Swift) in the new property at Plot 4 Land Adjacent to Islwyn Indoor Bowls Club, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

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, CW6.

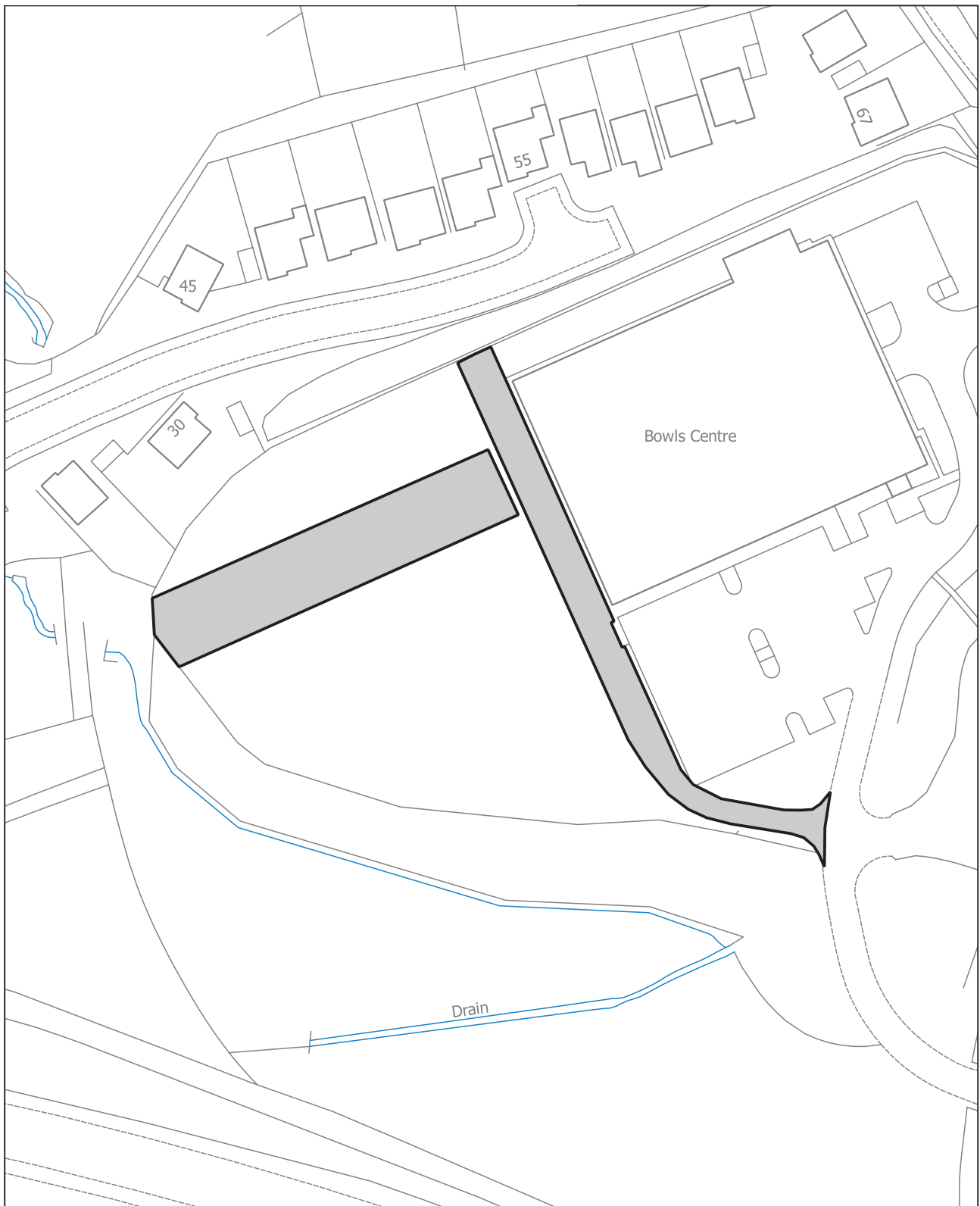
Cont....



Application No. 16/0508/OUT Continued

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

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# Agenda Item 8

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0509/OUT 25.06.2016	Mr J Thomas 2 The Boundary Blackwood NP12 1FE	Erect a residential self-build dwelling Plot 3 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood

**APPLICATION TYPE:** Outline Application

## SITE AND DEVELOPMENT

Location: The application site is located adjacent to Islwyn Bowls Club. The site is accessed via Gelli Lane, Pontllanfraith, Blackwood.

Site description: The site is a large undeveloped area of open space bounded by mature trees within the settlement boundary of Blackwood. The topography of the site is relatively flat.

Development: The application seeks outline planning consent for the erection of a single detached dwelling with all matters other than access reserved for future consideration. The indicative layout plan shows the provision of one dwelling and the creation of a vehicular access leading off Gelli Lane to serve the frontage of the site.

Dimensions: The total area of the plot measures approximately 857 square metres. The proposed dwelling will have minimum dimensions of 11 metres in width by 12 metres in depth and 9 metres in height whilst the maximum dimensions are 13 metres in width by 14.5 metres in depth and 11 metres in height.

Materials: Not specified.

Ancillary development, e.g. parking: Vehicle turning head with access road to the north of the site.

There are four other applications in for four single dwellings on the remainder of the site.

## PLANNING HISTORY 2005 TO PRESENT

P/06/0083 - Erect storeroom extension added onto new extension to provide storage and alleviate noise from main hall - Granted - 03.03.2006.

Cont....

Application No. 16/0509/OUT Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

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

Policies: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW7 (Protection of Open Space), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligations), CW15 (General Locational Constraints) and advice contained within the council's adopted supplementary planning guidance LDP 5 (Car Parking Standards), LDP6 (Building Better Places to Live) and LDP 7 (Householder Developments).

NATIONAL POLICY Planning Policy Wales Edition 8 (January 2016) and TAN 12: Design (March 2016).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

### COAL MINING LEGACY

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

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Dwr Cymru - Provide advice.

Principal Valuer - No comments.

CCBC Housing Enabling Officer - Development triggers affordable housing policy in 25% area.

Cont....

Application No. 16/0509/OUT Continued

Police Architectural Liaison Officer - No comment.

### ADVERTISEMENT

Extent of advertisement: A site notice was erected near the application site and nine neighbours were notified by letter.

Response: None.

Summary of observations: Not Applicable.

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? There are no specific crime and disorder implications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The site lies within the mid-range viability area where CIL is charged at a rate of £25 per square metre, however as this application is for outline permission CIL is not calculated at this stage.

### ANALYSIS

Policies: As the application site is located within the Settlement Boundary as identified in the Adopted LDP, the presumption is in favour of development providing material planning considerations do not indicate otherwise. In this instance, those material planning considerations are the compatibility of the proposed use with surrounding land uses, the effect of the development upon the character of the surrounding area, and also the impact on highway safety.

In policy terms, the development of the site would be consistent with Policy SP5 of the LDP i.e. it promotes the full and effective use of urban land and serves to concentrate development within the existing settlement.

Cont....

Application No. 16/0509/OUT Continued

Policy CW2 of the LDP sets out criteria relating to amenity. It states that development should not have an unacceptable impact on the amenity of adjacent properties or land; should not result in the over-development of the site and/or its surroundings; and the proposed use is compatible with the surrounding land-uses.

It is considered that the proposed development accords with all of these criteria, as the proposed use is residential in a primarily residential area; the development sits towards the front of the site to allow access/parking and a large rear amenity space to take advantage of the shape of the plot; and the proposal will not detract from the amenity of the surrounding area.

Policy CW3 of the LDP sets out criteria in terms of highway design considerations. This Council's Transportation Engineering Manager has raised no objection to the development subject to conditions being access and vision splays as future residential exit the site. Appropriate levels of off-street parking will be agreed at reserved matters stage.

Policy CW10 states that for site with a gross site area of over 0.3 hectares, developers should make provision for useable open space to serve the development. As the application has been submitted with a further four applications on the adjoining land, each enjoying large private amenity areas, it is not considered necessary to require on-site public open space to serve the proposed development.

Policy CW11 relates to Affordable housing planning obligations, and states:

Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

Where there is evidence of need, the Council will seek to negotiate the following affordable housing targets of: 25% in the Northern Connections Corridor (excluding Newbridge) and

As the current application, along with the four other applications currently being considered on the adjoining land, proposes 5 dwellings on a site exceeding 0.15ha in gross area, the proposal triggers the above Policy.

Cont....

Application No. 16/0509/OUT Continued

However, it has come to light that on smaller, self-build sites of less than 10 dwellings, it is often difficult to secure on-site provision of affordable housing in accordance with the above policy, given the various land owners and subsequent difficulties with associated Section 106 legal agreements.

Based on these encountered difficulties, the Council is in the process of updating LDP1: Affordable Housing Obligations. Paragraph 9.2.1 of the draft document relates to off-site provision of affordable housing, and states that off-site provision of affordable housing, to be secured by way of a commuted sum, may include circumstances where the development is for a self-build scheme where the overall number of plots is less than 10.

As the application site is located within the 'Northern Connections Corridor' area in accordance with Policy CW11, the overall scheme would require the provision of 1 affordable unit. This contribution to off-site provision of affordable housing would be in the form of a commuted sum of £55,328 (final figure to be confirmed) that would be secured by way of a Section 106 Agreement. Given that the cumulative five plots are to be developed by individual self-builders, a Section 106 Agreement to secure each payment of £11,065.60, appears to be the best method to secure this contribution. The developer has agreed to make such a contribution by way of a 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.

(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, a commuted sum to provide one affordable unit off-site by way of a commuted sum is considered reasonable.

Based on the above considerations, the proposed development accords with relevant national and local planning policies, and is recommended for approval subject to the applicant entering into a Section 106 agreement to make a commuted sum towards affordable housing provision in the area.

Cont....

Application No. 16/0509/OUT Continued

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

Comments from public: None.

Other material considerations: None.

Recommendation:(A) That the application is deferred to allow the completion of a Section 106 Agreement as set out in the above report. Upon completion of the Agreement (B) that outline planning permission is granted subject to the following conditions.

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

Cont....



Application No. 16/0509/OUT Continued

- 05) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) Prior to the 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) 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.
- 08) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.  
REASON: In the interests of highway safety.
- 09) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 23 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety.
- 10) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Cont....

Application No. 16/0509/OUT Continued

- 11) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried in accordance with the agreed scheme.  
REASON: To ensure adequate protection to protected species.
- 12) Prior to the commencement of works on site, details of the garden boundary fence/wall to be erected along the inside of the existing woodland belt, in order to exclude the woodland belt from within the garden boundaries, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and shall be implemented before the new dwelling hereby approved is first occupied.  
REASON: To ensure the protection of bat foraging habitat.
- 13) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new property at Plot 1 Land Adjacent to Islwyn Indoor Bowls Club, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 14) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, or Swift) in the new property at Plot 1 Land Adjacent to Islwyn Indoor Bowls Club, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

Advisory Note(s)

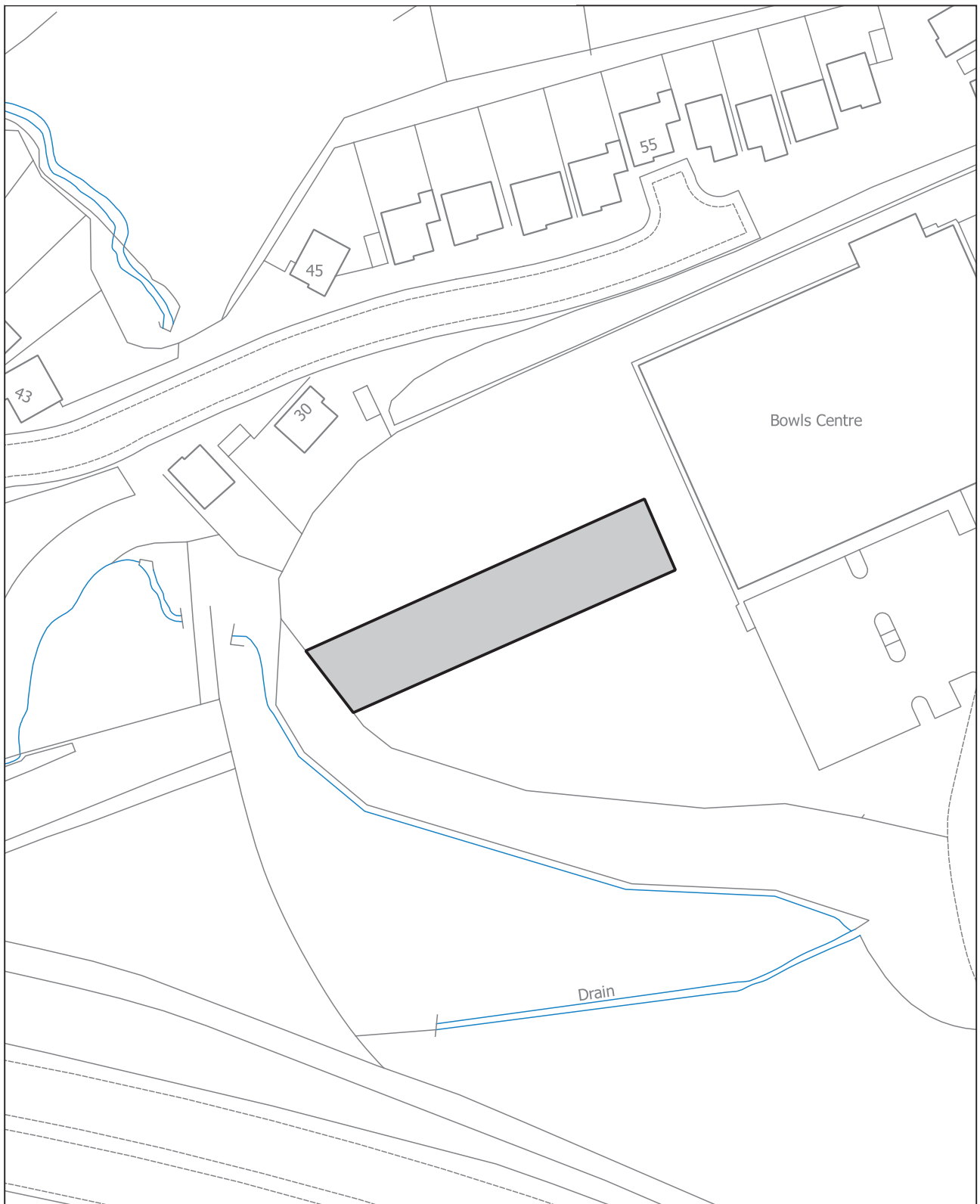
The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, CW3, CW6.

Cont....

Application No. 16/0509/OUT Continued

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

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# Agenda Item 9

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0510/OUT 25.06.2016	Mr M Pope 9 Penallta Villas Ystrad Mynach Hengoed CF82 7GH	Erect a residential self-build dwelling Plot 5 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood

**APPLICATION TYPE:** Outline Application

## SITE AND DEVELOPMENT

Location: The application site is located adjacent to Islwyn Bowls Club. The site is accessed via Gelli Lane, Pontllanfraith, Blackwood.

Site description: The site is a large undeveloped area of open space bounded by mature trees within the settlement boundary of Blackwood. The topography of the site is relatively flat.

Development: The application seeks outline planning consent for the erection of a single detached dwelling with all matters other than access reserved for future consideration. The indicative layout plan shows the provision of one dwelling and the creation of a vehicular access leading off Gelli Lane to serve the frontage of the site.

Dimensions: The total area of the plot measures approximately 840 square metres. The proposed dwelling will have minimum dimensions of 11 metres in width by 11 metres in depth and 9 metres in height whilst the maximum dimensions are 12.5 metres in width by 15 metres in depth and 10.5 metres in height.

Materials: Not specified.

Ancillary development, e.g. parking: Vehicle turning head with access road to the north of the site.

There are four other applications in for four single dwellings on the remainder of the site.

## PLANNING HISTORY 2005 TO PRESENT

P/06/0083 - Erect storeroom extension added onto new extension to provide storage and alleviate noise from main hall - Granted 03.03.16.

Cont....

Application No. 16/0510/OUT Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

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

Policies: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW7 (Protection of Open Space), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligations), CW15 (General Locational Constraints) and advice contained within the council's adopted supplementary planning guidance LDP 5 (Car Parking Standards), LDP6 (Building Better Places to Live) and LDP 7 (Householder Developments).

NATIONAL POLICY Planning Policy Wales Edition 8 (January 2016) and TAN 12: Design (March 2016).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

### COAL MINING LEGACY

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

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Dwr Cymru - Provide advice.

Principal Valuer - No comments.

CCBC Housing Enabling Officer - Development triggers affordable housing policy in 25% area.

Cont....

Application No. 16/0510/OUT Continued

Police Architectural Liaison Officer - No comments.

### ADVERTISEMENT

Extent of advertisement: A site notice was erected near the application site and nine neighbours were notified by letter.

Response: None.

Summary of observations: Not Applicable.

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? There are no specific crime and disorder implications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The site lies within the mid-range viability area where CIL is charged at a rate of £25 per square metre, however as this application is for outline permission CIL is not calculated at this stage.

### ANALYSIS

Policies: As the application site is located within the Settlement Boundary as identified in the Adopted LDP, the presumption is in favour of development providing material planning considerations do not indicate otherwise. In this instance, those material planning considerations are the compatibility of the proposed use with surrounding land uses, the effect of the development upon the character of the surrounding area, and also the impact on highway safety.

In policy terms, the development of the site would be consistent with Policy SP5 of the LDP i.e. it promotes the full and effective use of urban land and serves to concentrate development within the existing settlement.

Cont....

Application No. 16/0510/OUT Continued

Policy CW2 of the LDP sets out criteria relating to amenity. It states that development should not have an unacceptable impact on the amenity of adjacent properties or land; should not result in the over-development of the site and/or its surroundings; and the proposed use is compatible with the surrounding land-uses.

It is considered that the proposed development accords with all of these criteria, as the proposed use is residential in a primarily residential area; the development sits towards the front of the site to allow access/parking and a large rear amenity space to take advantage of the shape of the plot; and the proposal will not detract from the amenity of the surrounding area.

Policy CW3 of the LDP sets out criteria in terms of highway design considerations. This Council's Transportation Engineering Manager has raised no objection to the development subject to conditions being access and vision splays as future residential exit the site. Appropriate levels of off-street parking will be agreed at reserved matters stage.

Policy CW10 states that for site with a gross site area of over 0.3 hectares, developers should make provision for useable open space to serve the development. As the application has been submitted with a further four applications on the adjoining land, each enjoying large private amenity areas, it is not considered necessary to require on-site public open space to serve the proposed development.

Policy CW11 relates to Affordable housing planning obligations, and states:

Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

Where there is evidence of need, the Council will seek to negotiate the following affordable housing targets of: 25% in the Northern Connections Corridor (excluding Newbridge) and

As the current application, along with the four other applications currently being considered on the adjoining land, proposes 5 dwellings on a site exceeding 0.15ha in gross area, the proposal triggers the above Policy.

Cont....



Application No. 16/0510/OUT Continued

However, it has come to light that on smaller, self-build sites of less than 10 dwellings, it is often difficult to secure on-site provision of affordable housing in accordance with the above policy, given the various land owners and subsequent difficulties with associated Section 106 legal agreements.

Based on these encountered difficulties, the Council is in the process of updating LDP1: Affordable Housing Obligations. Paragraph 9.2.1 of the draft document relates to off-site provision of affordable housing, and states that off-site provision of affordable housing, to be secured by way of a commuted sum, may include circumstances where the development is for a self-build scheme where the overall number of plots is less than 10.

As the application site is located within the 'Northern Connections Corridor' area in accordance with Policy CW11, the overall scheme would require the provision of 1 affordable unit. This contribution to off-site provision of affordable housing would be in the form of a commuted sum of £55,328 (final figure to be confirmed) that would be secured by way of a Section 106 Agreement. Given that the cumulative five plots are to be developed by individual self-builders, a Section 106 Agreement to secure each payment of £11,065.60, appears to be the best method to secure this contribution. The developer has agreed to make such a contribution by way of a 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.

(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, a commuted sum to provide one affordable unit off-site by way of a commuted sum is considered reasonable.

Based on the above considerations, the proposed development accords with relevant national and local planning policies, and is recommended for approval subject to the applicant entering into a Section 106 Agreement to make a commuted sum towards affordable housing provision in the area.

Cont....

Application No. 16/0510/OUT Continued

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

Comments from public: None.

Other material considerations: None.

Recommendation:(A) That the application is deferred to allow the completion of a Section 106 Agreement as set out in the above report. Upon completion of the Agreement (B) that outline planning permission is granted subject to the following conditions.

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

Cont....

Application No. 16/0510/OUT Continued

- 05) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) Prior to the 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) 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.
- 08) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.  
REASON: In the interests of highway safety.
- 09) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 23 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety.
- 10) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Cont....

Application No. 16/0510/OUT Continued

- 11) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried in accordance with the agreed scheme.  
REASON: To ensure adequate protection to protected species.
- 12) Prior to the commencement of works on site, details of the garden boundary fence/wall to be erected along the inside of the existing woodland belt, in order to exclude the woodland belt from within the garden boundaries, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and shall be implemented before the new dwelling hereby approved is first occupied.  
REASON: To ensure the protection of bat foraging habitat.
- 13) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new property at Plot 5 Land Adjacent to Islwyn Indoor Bowls Club, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 14) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, or Swift) in the new property at Plot 5 Land Adjacent to Islwyn Indoor Bowls Club, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

Advisory Note(s)

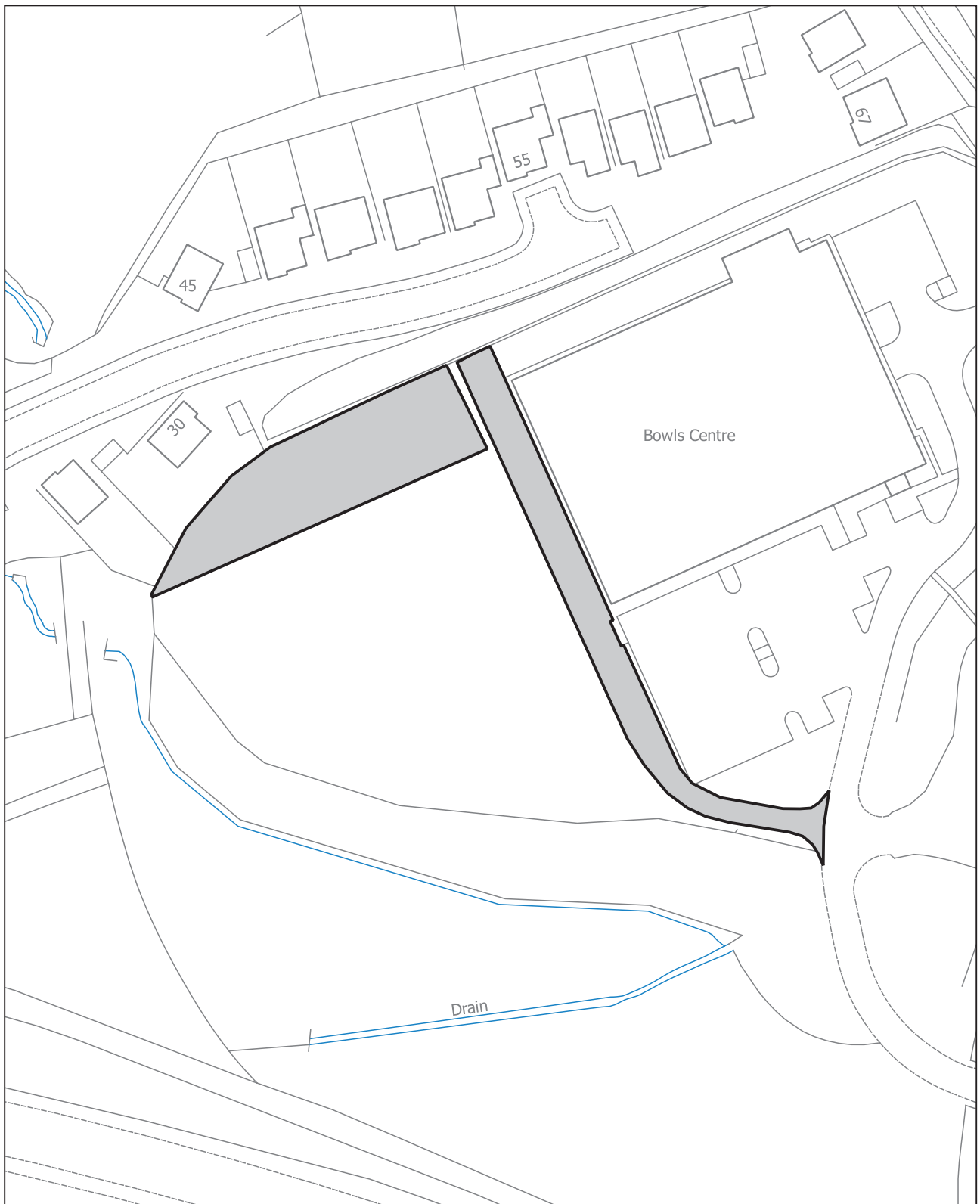
The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, CW3, CW6.

Cont....

Application No. 16/0510/OUT Continued

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

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# Agenda Item 10

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0617/OUT 05.08.2016	Mr M Howell Gelliwen Farm Bedwellty Road Markham Blackwood NP12 0PP	Erect 16 dwellings Land South Of The Glade Wyllie Blackwood

**APPLICATION TYPE:** Outline Application

## SITE AND DEVELOPMENT

Location: The application site is located on land to the south of the existing residential development known as The Glade in Wyllie.

Site description: Vacant land adjacent to existing residential development.

Development: Outline planning permission is sought to erect 16 dwellings with associated access and refuse vehicle turning facilities. All matters are reserved at present but the submitted plan shows a road extending southwards with dwellings on either side.

Dimensions: Scale parameters for each dwelling are indicated as:  
Height: Maximum - 12m, minimum - 9m;  
Width: Maximum - 10.5m, minimum - 8m;  
Length: Maximum - 10.5m, minimum - 8m.

The site has an area of 0.8 hectares.

Materials: Not specified.

Ancillary development, e.g. parking: Access road with two refuse vehicle turning heads.

## PLANNING HISTORY 2005 TO PRESENT

09/0908/FULL - Alter site road and turning area - Granted 30.04.10.

14/0607/FULL - Erect two detached houses, access road and turning head - Granted 06.11.14.

Cont....

Application No. 16/0617/OUT Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

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

Policies: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW7 (Protection of Open Space), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligations), CW15 (General Locational Constraints) and advice contained within the council's adopted supplementary planning guidance LDP 5 (Car Parking Standards), LDP6 (Building Better Places to Live) and LDP 7 (Householder Developments).

NATIONAL POLICY Planning Policy Wales Edition 8 (January 2016) and TAN 12: Design (March 2016).

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

### COAL MINING LEGACY

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

### CONSULTATION

CCBC - 21st Century Schools - No comments.

Head Of Public Protection - No objection subject to conditions in respect of contamination.

CCBC Housing Enabling Officer - Development triggers affordable housing requirement at 10%, i.e. 2 dwellings.

Senior Engineer (Land Drainage) - No objection subject to condition and advice to developer.

Minerals Officer – No comments.

Cont....



Application No. 16/0617/OUT Continued

Countryside And Landscape Services - No objection to the proposal subject to amended layout removing plots formerly identified as Plots 1-11. These plots have been re-located as part of the amended layout.

Outdoor Leisure Development Officer - Requests area of open space be provided in line with the requirements of Policy CW10 of the adopted LDP. This matter can be controlled by way of condition.

Head Of Public Services - Provides advice to the developer regarding refuse collection.

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

Dwr Cymru - Provides advice to the developer and request condition relating to drainage.

Police Architectural Liaison Officer - No response.

Wales & West Utilities - No comments.

Western Power Distribution - No comments.

Strategic & Development Plans - Provides planning history for the application site, and outlines the Council's current position in relation to the Joint Housing Land Availability Study (2016), which indicates the Council has a 1.5 year land supply. Based on this significant shortfall no objection is raised to the proposal subject to the proposal complying with all other material planning considerations and relevant planning policies.

### ADVERTISEMENT

Extent of advertisement: Nine neighbours were consulted by way of letter and a site notice was displayed near the application site.

Response: Five objections were received.

### Summary of observations:

- Existing road serving site incapable of taking additional traffic generated by proposed development;
- Disruption to existing residents caused by heavy plant machinery during construction;
- Noise and pollution during works;
- Detrimental impact on character of village;

Cont....

Application No. 16/0617/OUT Continued

- Lack of turning head to serve existing development
- Outside settlement boundary as defined in Local Development Plan;
- Unacceptable linear development;
- Appropriate land has been allocated elsewhere in the village of Wyllie, i.e. the site known as 'Land at Pen-y-Cwarel Road (allocated in LDP for housing).

#### 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.

#### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes. New residential floor space in the Mid Viability Zone chargeable at a rate of £25 per square metre of internal floor space (to be calculated at reserved matters stage).

#### ANALYSIS

Policies: This is an outline application with all matters reserved for the erection of 16 houses on the southern edge of Wyllie. The application has been considered in accordance with local plan policies and national planning guidance as referred to above. The main issues considered to be relevant to the determination of this planning application are the relationship of the application site to the existing settlement boundary, its compatibility with surrounding land uses, and highway safety.

The application site is located outside of the defined settlement boundary, that bounds the site along its northern. Therefore the site is currently classed as open countryside, and therefore the development is contrary to Policy SP5 of the Local Development Plan (LDP).

Policy SP5 (Settlement Boundaries) states:-

"The Plan defines settlement boundaries in order to:

A Define the area within which development would normally be allowed, taking into account material planning considerations;

Cont....

Application No. 16/0617/OUT Continued

- B Promote the full and effective use of urban land and thus concentrate development within settlements;
- C Prevent the coalescence of settlements, ribbon development and fragmented development;
- D Prevent inappropriate development in the countryside."

Technical Advice Note (TAN) 1 relates to Joint Land Availability Studies which are required in order to monitor the provision of market and affordable housing. Under TAN 1 Local Planning Authorities have a duty to ensure that sufficient land is genuinely available to provide a 5 year supply of land for housing.

Paragraph 5.1 of TAN1 states:

"The results of the Joint Housing Land Availabilities Studies should be treated as a material consideration in determining planning applications for housing. Where the 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. In addition, local planning authorities must take steps to increase the supply of housing land."

The Council's housing land supply, as agreed in the latest Joint Housing Land Availability Schedule is only 1.5 years, compared with the requirement in Planning Policy Wales and TAN 1 to maintain a 5 year supply. The housing land supply is a material consideration in planning applications and the deficit in Caerphilly County Borough Council's housing land supply and remedying this shortfall should be considered a high priority in the determining suitable planning application, such as this one. For these reasons, although the 16 proposed dwellings are located outside of the defined settlement boundary, the lack of a 5 year housing land supply is a material planning consideration, and adds considerable weight in support of the proposed development.

In reference to the criteria contained in Policy SP5, the development as originally proposed, i.e. 24 detached dwellings arranged in a linear layout was considered to represent ribbon development contrary to Policy SP5. The applicant has amended the scheme to 16 dwellings located either side of the access road, thereby overcoming the ribbon development objection. It is considered that the 16 dwellings now represents a far more effective use of land in accordance with this policy. Whilst it would inevitably encroach into the countryside, the extent of the development has been determined to a degree by the existing terrace on the opposite side of the valley, i.e. Nos. 1-30 Pontgam Terrace.

Cont....

Application No. 16/0617/OUT Continued

Policy SP7 (Planning Obligations) states:-

"The Council will seek to secure Planning Obligations (S106 Agreements) where they are necessary to remove obstacles to planned development, meet local needs and make development more sustainable. Such obligations will include:

- A Infrastructure for walking, cycling, public transport, parking;
- B Schools and ancillary facilities;
- C Community facilities;
- D Strategic highway improvements in the Northern and Southern Connections Corridors;
- E Flood defence measures required to mitigate the risk of flooding;
- F Formal and informal open and leisure space;
- G Affordable housing; and
- H Other facilities and services considered necessary."

A Section 106 Agreement will form part of any planning permission to secure the required element of affordable housing, 10% in this instance (2 dwellings based on the proposed 16 units). The development site is also CIL liable at a rate of £25 per sq. metre of internal floor area. Such monies will contribute to the above local needs and will be calculated at reserved matters stage.

SP15 (Affordable Housing Target). The Council will seek to deliver through the planning system at least 964 affordable dwellings between 2006 and 2021 in order to contribute to balanced and sustainable communities. The proposed development will contribute 2 dwellings (depending on the reserved matters) towards this target.

Policy CW2 (Amenity) states that:-

"Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

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

Cont....

Application No. 16/0617/OUT Continued

The proposed development is bounded to the north by existing residential development, and the development of the site will not have an unacceptable impact on the amenity of these surrounding residential developments. Furthermore, the site benefits from established hedgerows/tree lines along its eastern edge that will soften the impact of the proposed development in the landscape, particularly from the other side of the valley. A landscaping condition may be attached to a reserved matters application to ensure this is the case. The proposed development is of a reasonable density given its edge of settlement location, and therefore it is not considered that the development represents an over-development of the site.

CW3 (Design Considerations - Highways) states:-

- "A. The proposal has regard for the safe, effective, and efficient use of the transportation network;
- B. The proposal ensures that new access roads within development proposals are designed to a standard that:
  - i. Promotes the interests of pedestrians, cyclists and public transport before that of the private car, and
  - ii. Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve
- C. Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008;
- D. Where access onto a highway is required the proposal takes account of the restrictions relevant to the class of road as designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity."

The Transportation Engineering Manager is satisfied with the proposed access to the development site, and road network within the development, and raises no objection subject to conditions.

CW10 (Leisure and Open Space Provision) states:-

"All new housing sites capable of accommodating 10 or more dwellings or exceeding 0.3ha in gross site area will be required to make adequate provision for:

- A. Well-designed useable open space as an integral part of the development; and
- B. Appropriate formal children's play facilities either on or off site and
- C. Adequate outdoor sport provision either on or off site,
- D. To meet the needs of the residents of the proposed development."

Cont....

Application No. 16/0617/OUT Continued

Although no open space is shown on the submitted plans, the layout of the development is a reserved matter and therefore a condition will be attached to the planning permission requiring details of a local area of play be provided as part of any reserved matters application, in accordance with Policy CW10.

CW11 (Affordable Housing Planning Obligation) states:-

"Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A Accommodate 5 or more dwellings or
- B Exceed 0.15ha in gross area."

The application site is located within the area defined as the Rest of Caerphilly (including Newbridge) Area which has an affordable housing target of 10%.

A Section 106 Agreement will be required to secure the requirement of the Housing Enabling Officer, i.e. the provision of 10% affordable housing onsite, which equates to 2 dwellings on the basis of the submitted plans, and 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 and that can only be secured through a S106 Agreement.

(b) It is directly related to the development.

The 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.

The amount of affordable housing is based on the requirements set out in the LDP which has been through an examination and been adopted.

Comments from Consultees: No objection subject to conditions and advice.

Comments from public:

1. Existing road serving site incapable of taking additional traffic generated by proposed development - The Transportation Engineering Manager does not raise objection to the proposal based on the existing road network serving the site.

Cont....

Application No. 16/0617/OUT Continued

2. Disruption to existing residents caused by heavy plant machinery during construction - Although it is inevitable that such vehicles will pass existing dwellings during construction this reason would not warrant a refusal of planning permission.
3. Noise and pollution during works - If the development were to result in noise or pollution during construction works, the Council's Environmental Health department have appropriate powers to remedy such issues.
4. Detrimental impact on character of village - It is not considered that the proposed development would detract from the character of the existing village given its modest scale and relationship to existing The Glade development.
5. Lack of turning head to serve existing development - This is an ongoing enforcement matter and the determination of the current application will determine the best course of action to remedy this issue.
6. Outside settlement boundary as defined in Local Development Plan - This issue has been addressed above. Given the lack of a 5-year housing land supply, it is not considered that the settlement boundary issue outweighs the requirement for new housing in this instance.
7. Unacceptable linear development - It is considered that the amended layout (received 05.10.2016) overcomes this issue.
8. Appropriate land has been allocated elsewhere in the village of Wyllie, i.e. the site known as 'Land at Pen-y-Cwarel Road (allocated in LDP for housing) - Land adjacent to Pen-y-Cwarel Road (H1.50) is identified in the Adopted LDP for the provision of 56 houses within the residential settlement of Wyllie. The 2016 Joint Housing Land Availability Study categorises H1.50 as 'category 3', indicating that the site is unlikely to come forward in the 5 year period and should not be used in determining the 5 year housing land supply calculation. On this basis it is not considered that a 'Settlement Strategy' argument outweighs the need for new housing.

Other material considerations: In the recently allowed (May 2016) appeal decision of Land at Cwmgelli, Blackwood (Appeal Ref: APP/K6920/A/15/3137884), a site considered to be very similar to the application site, i.e. located at the edge of settlement, within a green wedge, and identified as a Candidate site for housing in the Deposit LDP, the Inspector made the following comments:

"The proposed development conflicts with national and local policies relating to the protection of the countryside and Green Wedges. Planning Policy Wales states that substantial weight should be given to any harmful impact that a development would have on a Green Wedge and inappropriate development should not be allowed except in very exceptional circumstances. It is necessary, therefore, to consider whether there are any very exceptional circumstances to overcome the harm to the Green Wedge."

Cont....

Application No. 16/0617/OUT Continued

"The Council cannot demonstrate a 5 year housing land supply and has not been able to do so since the LDP was adopted. The latest Joint Housing Land Availability Study concluded that the Council could only demonstrate a 1.9 year housing land supply. Technical Advice Note 1; Housing (TAN 1) advises that where land supply falls below 5 years, considerable weight should be given to increasing supply subject to development plan and national policies being met. As stated above that is not the case here but, in my view, the extent of the shortfall weighs heavily in favour of development that can proceed without causing harm to its surroundings."

"The Council can only demonstrate a 1.9 year housing land supply. This is well short of what should be provided and the proposed development would provide much needed housing and affordable housing. The emerging LDP is seeking to address the current housing shortfall but, if found sound, won't be adopted for at least 18 months. It is acknowledged that the site lies in a sustainable location and I consider that the development can proceed without causing unacceptable harm to its surroundings. In my view, there is an overriding need for this development and these factors combine to constitute the very exceptional circumstances to outweigh the conflict with national and local policies described above."

The above appeal decision is significant to the application site given the similarity in terms of its location, i.e. edge of settlement, as well as the Inspector referring to the Council's 1.9 year housing land supply as representing very exceptional circumstances (now at 1.5 years). It is accepted that the development will encroach on the countryside, however, given the lack of an adequate housing land supply it is not considered that this encroachment into the countryside outweighs the need to provide additional housing in accordance with Technical Advice Note (TAN) 1.

RECOMMENDATION that (A) The application is Deferred to allow the completion of a Section 106 Agreement as set out in the report. 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 the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.

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

Cont....



Application No. 16/0617/OUT Continued

- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) Prior to the 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) 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.

Cont....

Application No. 16/0617/OUT Continued

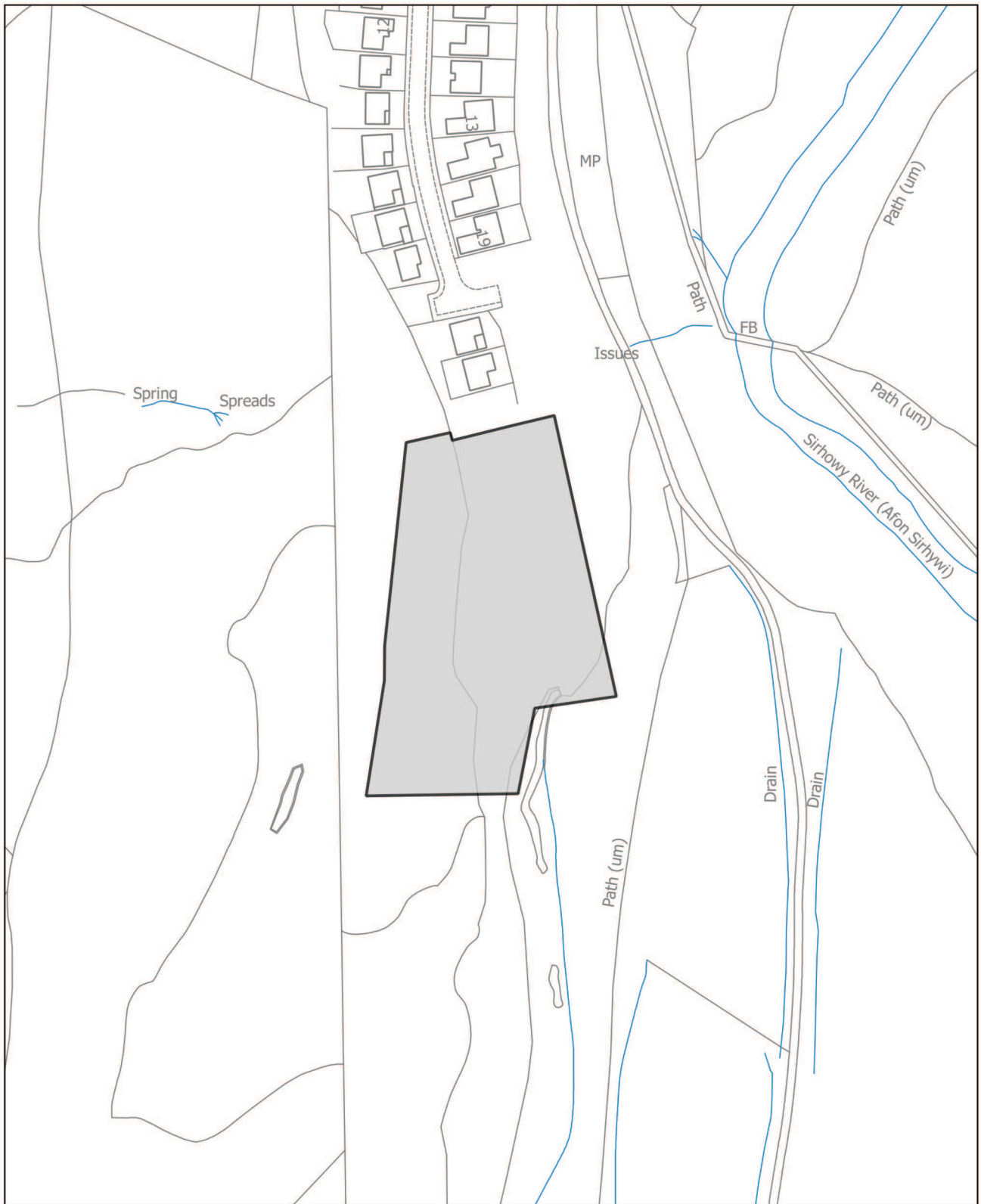
- 08) The details submitted in respect to Condition 01) shall provide for open spaces and play areas to include the provision of a Locally Area of Play (LAP). These details shall be submitted and agreed in writing with the Local Planning Authority and thereafter implemented prior to the occupation of any dwellings that adjoin or overlook those areas of formal play.  
REASON: To ensure that the site is provided for in respect to formal play provision.
- 09) The development shall be carried out in accordance with the following approved plans and documents:  
Drawing Number: 160211/AR/FE/102, Revision P03, General Arrangement: Site Layout Plan as Proposed, received 05.10.2016.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

Please find attached the comments of Senior Engineer (Land Drainage) and Dwr Cymru/ Welsh Water that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission:  
Policy CW2, CW3, CW6, CW10, CW11.

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# Agenda Item 11

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0668/OUT 29.07.2016	SRJ And JG Partnership Mr R Gambarini C/o RPS Planning & Development Mr D Williams Park House Greyfriars Road Cardiff CF10 3AF	Erect residential development Land To North Of Car Park Aiwa Technology Park North Celynyn Newbridge NP11 5AN

**APPLICATION TYPE:** Outline Application

## SITE AND DEVELOPMENT

Location: The application site is an area of land to the north of an existing car park within the "Technology Park" industrial estate east of Newbridge adjacent to the A467.

Site description: The site comprises approximately 1.36 hectare of former colliery land that has become lightly wooded in more recent years. There is an informal track running through it from the A467 to North road via a footbridge over the River Ebbw. The land is not currently in use.

Development: This is an application made in outline with all matters reserved except access.

An indicative layout has been submitted that shows 45 dwellings at the site. The access point is via an approved phase of residential development that connects directly onto the shared access road from the industrial estate which leads out onto the A467 via a traffic light controlled junction.

### Dimensions:

The upper and lower limits for height, width and length of each building are as follows:

Maximum 9m width, 12m length, 3 storey height.

Minimum 6m width, 9m length, 2 storey height.

Materials: To be agreed at reserved matters stage.

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

Cont....

Application No. 16/0668/OUT Continued

### PLANNING HISTORY 2005 TO PRESENT

14/0604/OUT - Erect residential development - Refused 06.08.2015 - Allowed On Appeal 15.04.2016.

### POLICY

#### LOCAL DEVELOPMENT PLAN

##### Site Allocation:

The application site is identified for secondary employment - EM2.14 North Celynen Newbridge. It is also within a Site of Importance for Nature Conservation (SINC).

##### Policies:

SP5 (Settlement Boundaries), SP6 (Place Making), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing), CW13 (Use Classes Restrictions Business and Industry) and EM2 (Employment Sites Protection), NH3.12 (Sites of Importance for Nature Conservation).

#### NATIONAL POLICY

Planning Policy Wales (2014) encourages development in locations that increase accessibility by modes other than private car, within existing urban areas, and at higher densities (para. 4.7.4). It also states a preference for the use of brownfield land (para. 4.9.1).

TAN 1 Joint Housing Land Availability.

TAN 11 Noise.

TAN 15 Flooding.

#### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

Cont....

Application No. 16/0668/OUT Continued

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, and the comments of The Coal Authority are discussed later in the report.

### CONSULTATION

The Coal Authority - The Authority recommends that the LPA impose a Planning Condition requiring site investigation works prior to the commencement of development.

Countryside And Landscape Services - The Landscape Architect raises no objection subject to conditions. The Ecologist raises no objection subject to conditions and a Section 106 Agreement to manage off-site mitigation measures for the loss of SINC land.

CCBC Housing Enabling Officer - No objection subject to the provision of 10% affordable housing.

Senior Engineer (Land Drainage) - It is explained that there may be historic culverting within the site that should be taken into account at reserved matters. It is suggested that detailed surface water drainage should be agreed prior to determination of the outline application, a condition is recommended. Drainage advice is provided for the applicant.

Head Of Public Services - Advice is provided regarding waste collection.

Outdoor Leisure Development Officer - No objection subject to well-designed public open space provision.

Transportation Engineering Manager - No objection is raised, subject to conditions.

Police Architectural Liaison Officer - No objection is raised. Advice regarding the reserved matters is provided.

Wales & West Utilities - No objection is raised and advice is provided regarding the presence of gas services.

Network Rail - No objection. Advice is provided regarding security and the development of adjacent land.

Cont....

Application No. 16/0668/OUT Continued

### ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 22 neighbouring properties have been consulted.

Response: No response has been received.

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? It is not expected that the proposed development will have a significant impact upon crime and disorder.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? This is an outline application CIL will become liable at reserved matters.

### ANALYSIS

#### Policies:

SP5 (Settlement Boundaries): The application site is within the settlement boundary and therefore in accordance with policy.

SP6 (Place Making): This policy requires that proposals should contribute to creating sustainable places. The site is within the settlement boundary, which would make more efficient use of the land within that boundary and reduce pressure for development outside the settlement. Combined with the already approved phase it would offer a larger quantum of development which may provide at reserved matters for features such as more useable combined public open space.

CW1 (Sustainable Transport, Accessibility and Social Inclusion): The Phase 1 part of this site has been considered by an appeal inspector who held that its connections to the town were adequate.

Cont....



Application No. 16/0668/OUT Continued

CW2 (Amenity): The appeal Inspector also considered amenity with regard to the part of the site that is closer to the employment site to the south. This phase is further away from that employment site and therefore is a less significant issue than has been allowed at appeal.

CW3 (Design Considerations highways): No objection has been raised by the Transportation Engineering Manager subject to conditions.

CW4 (Natural Heritage Protection): The proposal has been considered by the Council's Ecologist and no objections are raised subject to conditions.

CW10 (Leisure and Open Space Provision): This policy requires the provision of useable public open space. The Appeal Inspector has imposed this requirement with regard to the land to the south and the same condition may be re-imposed.

CW11 (Affordable Housing): The site lies within an area that is subject to an affordable housing target of 10%, this provision may be required by a Section 106 Agreement.

CW13 (Use Classes Restrictions Business and Industry): This policy explains the use class restrictions to be applied within the hierarchy of employment uses. Given that the proposed change of use is to non-employment use the key consideration is whether or not policy EM2 is applicable, this is considered below.

EM2 (Employment Sites Protection): The site is allocated in the approved development plan for employment use. The Appeal Inspector in regard to the land to the south concluded that "The loss of an allocated secondary employment site and conflict with the relevant LDP Policies in this regard count against the proposal. I conclude that the proposal complies with national and development plan policies apart from this one issue. In this case the evidence shows that there is a considerable over-supply of employment land with an intention to release the site in the LDP review. There is also a shortage of housing land of 1.9 years rather than the required 5 years. The proposal would add to the supply of housing land. I have found there to be little or no substance to the other reasons for refusal on the basis of the evidence presented to the inquiry. The Council has accepted that there is no evidence to substantiate any of the reasons for refusal. I consider that the benefits of the scheme in terms of increasing the supply of housing outweigh the loss of this employment land." It is to be noted that the Inspector's conclusion related to an area of land that had previously been in employment use, it had functioned as a car park, albeit the use had ceased and at the time of the appeal it was not in use. That site had been on the market for a significant period of time without drawing significant interest. The application site has not been in employment use and is vacant, whilst it has not been marketed there is no reason to assume it would draw any more interest than the site to the south. Therefore the Inspector's conclusion still holds true.

Cont....

Application No. 16/0668/OUT Continued

NH3.12 (Sites of Importance for Nature Conservation). The site includes part of a SINC that runs along the river corridor. Currently on the site are young broad leaved trees that have started to grow in the last 10 to 15 years. The application is accompanied by an Ecological Statement that has been considered by the Council's Ecologist. Compensatory enhancements on nearby land have been offered in the Statement to mitigate for the loss of the trees. The Ecologist is satisfied that these measures are adequate and they may be secured by a Section 106 Agreement.

Planning Policy Wales (2014) encourages development in locations that increase accessibility by modes other than private car, within existing urban areas, and at higher densities (para. 4.7.4). It also states a preference for the use of brownfield land (para. 4.9.1). With regard to the national policy and the TAN the Inspector who approved the development of the land immediately to the south (Phase 1) concluded: "Planning Policy Wales and TAN 1 state that LPAs must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing. The latest housing land availability figures for Caerphilly County Borough are contained within the 2015 JHLAS, published July 2015. The parties at the inquiry agreed that Caerphilly has 1.9 years residential land supply based on the residual method. This demonstrates that the LDP is not delivering the required housing supply, despite its evidence base referred to by the objector. This evidence base has become out of date. Whatever the reasons for the lack of deliverable sites this does not alter the fact that the housing land supply is less than the 5 years required. In situations where housing land supply is less than five years TAN 1 confirms that this should be treated as a material consideration in determining planning applications for housing and that the need to increase supply should be given considerable weight when dealing with planning applications, provided the development would otherwise comply with national planning policies." This view still holds true and it is to be noted that the housing land supply has now dropped to 1.5 years.

TAN 11 Noise. Noise was also an issue considered by the appeal inspector at phase 1. The issue of noise at phase one was principally concerned with disturbance from the employment site to the south. This application site is much further away from that noise source.

TAN 15 Flooding: The site contains an area of Zone B which is a precautionary category designed to raise the awareness of flooding, accordingly this advice should be passed on to the applicant.

Comments from Consultees:

The Coal Authority recommends a Planning Condition requiring site investigation works prior to the commencement of development. The same condition was required at phase 1.

Cont....

Application No. 16/0668/OUT Continued

The Landscape Architect and Ecologist raise no objection subject to conditions and a section 106 agreement to manage off-site mitigation measures for the loss of SINC land.

CCBC Housing Enabling Officer raises no objection subject to the provision of 10% affordable housing, this may be secured through a Section 106 Agreement.

Senior Engineer (Land Drainage) has explained that there may be historic culverting within the site that should be taken into account at reserved matters. It is suggested that detailed surface water drainage should be agreed prior to determination of the outline application. A condition is recommended should planning permission be granted.

Head of Public Services has raised no objection and provided regarding waste collection.

Outdoor Leisure Development Officer has raised no objection subject to well-designed public open space provision.

Transportation Engineering Manager has raised no objection subject to conditions.

Police Architectural Liaison Officer, Wales & West Utilities and Network Rail have raised no objection and provided advice

Comments from public: None.

Other material considerations: In the previous phase the applicant offered to use best endeavours to undertake to tidy and clean the underpass to the North Road in order to address concerns that had been raised regarding its condition. This phase will share the same footpath link. The Appeal Inspector has stated with regard to the previous concern that: "The appellant argued that as an obligation that runs with the land, it has substantive legal effect and can be enforced. The appellant referred to a case where a similar obligation had been used that was considered by the courts. It was held that an obligation to use best endeavours should normally be held to be an enforceable obligation unless the object intended to be procured by the endeavours is too vague or elusive to be itself a matter of legal obligation or the parties have provided no criteria on the basis of which it is possible to assess whether best endeavours have been, or can be used. The object in this case is clear i.e. to improve and maintain the underpass. The UU also clearly sets out what constitutes best endeavours. The above legal test is therefore met." Therefore in this application it is considered that again the improvement of the route through the underpass should be required through the 106 Agreement.

Cont....

Application No. 16/0668/OUT Continued

RECOMMENDATION: (A) This application be deferred to enable the completion of a Section 106 Agreement (including unilateral undertaking) that will require the provision of 10% affordable housing, the management of the off-site ecological compensation measures and that the applicant shall use best endeavours to improve and maintain the underpass to North Road.

(B) Upon completion of the Section 106 Agreement planning permission should be granted subject to the following conditions:

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

Cont....

Application No. 16/0668/OUT Continued

- 05) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the development hereby approved commences and those details shall include any existing land drainage that passes through the site. The development shall be carried out in accordance with the agreed details before the relevant part of the development is brought into use.  
REASON: To ensure that the development is appropriately drained.
- 06) Details of an area of open space with formal children's play equipment within the site shall be submitted as part of the reserved matters. The approved area of open space with formal children's play equipment shall be provided in accordance with the approved details before 50% of the approved dwellings are occupied and shall thereafter be permanently retained.  
REASON: To ensure the provision of adequate open space to serve the needs of the proposed occupants.
- 07) Details of off-highway collection areas for refuse, recycling, food and garden waste shall be submitted as part of the reserved matters. The approved collection areas shall be completed before the residential units to which they relate are occupied and shall thereafter be permanently retained for the storage and collection of refuse, material for recycling and food or garden waste only.  
REASON: To provide for the collection of waste and recyclable materials.
- 08) Prior to the occupation of 50% of the dwellings hereby approved, the proposed 3m wide footway/cycleway, the line of which is indicated on the Indicative Site Layout plan marked with an orange dashed line (the "Pedestrian Link), shall be completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.  
REASON: To provide pedestrian access to North Road.

Cont....

- 09) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.  
REASON: In the interest of the health of the proposed occupants.
- 10) A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same shall be submitted to and approved by the Local Planning Authority, prior to the occupation of any approved building. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be submitted to the Local Planning Authority at the end of every subsequent 12 month period and approved in writing to demonstrate the effectiveness of the monitoring and maintenance carried out. In the event that the remediation objectives are not achieved within the monitoring period, a revised remediation scheme and verification plan shall be submitted to and approved in writing by the local planning authority within two months following the end of the monitoring period. Any further works necessary shall be undertaken within an agreed timescale until the remediation objectives are achieved and reports confirming the same have been submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interest of the health of the proposed occupants.
- 11) Details of a buffer zone of a minimum 7 metres in width along the eastern boundary of the site with the River Ebbw shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters submission. The development shall be completed in accordance with the agreed details and thereafter the approved buffer zone shall be permanently maintained free of any development.  
REASON: To ensure adequate access to the river bank.

Cont...

- 12) The development hereby approved shall not take place until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained thereafter in perpetuity.  
REASON: The site has a history of previous mining activity.
- 13) The reserved matters submissions shall include details of noise attenuation measures to protect the residents of the proposed dwellings from noise associated with the nearby roads and industrial premises. These measures shall include but not be limited to 2.1m high acoustic barriers along the site boundaries in specified locations and mechanical ventilation as necessary. The approved noise attenuation measures shall be incorporated in full into the proposed development and permanently retained thereafter.  
REASON: In the interest of the amenity of the proposed occupants.
- 14) Prior to the occupation of the dwellings hereby approved, a footpath link to the pedestrian footpath adjacent to the A467 (along the frontage of "Phase One"), shall be completed in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.  
REASON: To provide pedestrian access to the adopted highway.
- 15) A detailed programme for the provision the highway both vehicular and pedestrian, details of construction, completion with regard to the phase one and future maintenance shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site. The development shall be carried out in accordance with the agreed programme and construction details, the highway shall be maintained thereafter as agreed.  
REASON: To ensure adequate access to the dwellings hereby approved.
- 16) Prior to the commencement of the development hereby approved, a landscape and ecological management plan for land within the application boundary shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with.  
REASON: To ensure adequate protection to habitats and protected species.

Cont....

Application No. 16/0668/OUT Continued

- 17) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed and maintained thereafter in accordance with the approved strategy.  
REASON: To ensure measures are taken to safeguard the habitat of bats, in the interests of biodiversity.
- 18) Prior to the commencement of development, a badger survey shall be undertaken of the development site and where possible of suitable habitat in the surrounding area within 30 metres of the site boundary, to ascertain the presence of badgers, badger setts, pathways and foraging habitat. The survey methodology shall be submitted for the prior approval of the Local Planning Authority. The results of the survey along with any necessary mitigation measures shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. The approved measures shall be carried out in accordance with the agreed details.  
REASON: In the interests of biodiversity and to safeguard a protected species (Protection of Badgers Act 1992).
- 19) No development or site or vegetation clearance shall take place until a detailed methodology for capture and translocation of reptiles on site including details of any proposed remedial measures has been submitted to and agreed in writing with the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.  
REASON: To ensure that reptiles are protected.
- 20) Site clearance operations that involve the destruction and removal of vegetation, including felling clearing or removal of trees and shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, unless otherwise agreed in writing by the Local Planning Authority to ensure that breeding birds are not adversely affected.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Cont....



Application No. 16/0668/OUT Continued

- 21) Prior to the commencement of development a Construction Environmental Method Statement shall be prepared that sets out measures to protect retained features, including inter alia tree protection for retained trees, otter and badger working protocols, and shall be submitted and agreed in writing with the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.  
REASON: to ensure that retained habitats and protected species are protected.
- 22) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow or Swift) and provision of roosts and a means of access for bats in the new properties at the application site, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the occupation of the new properties.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

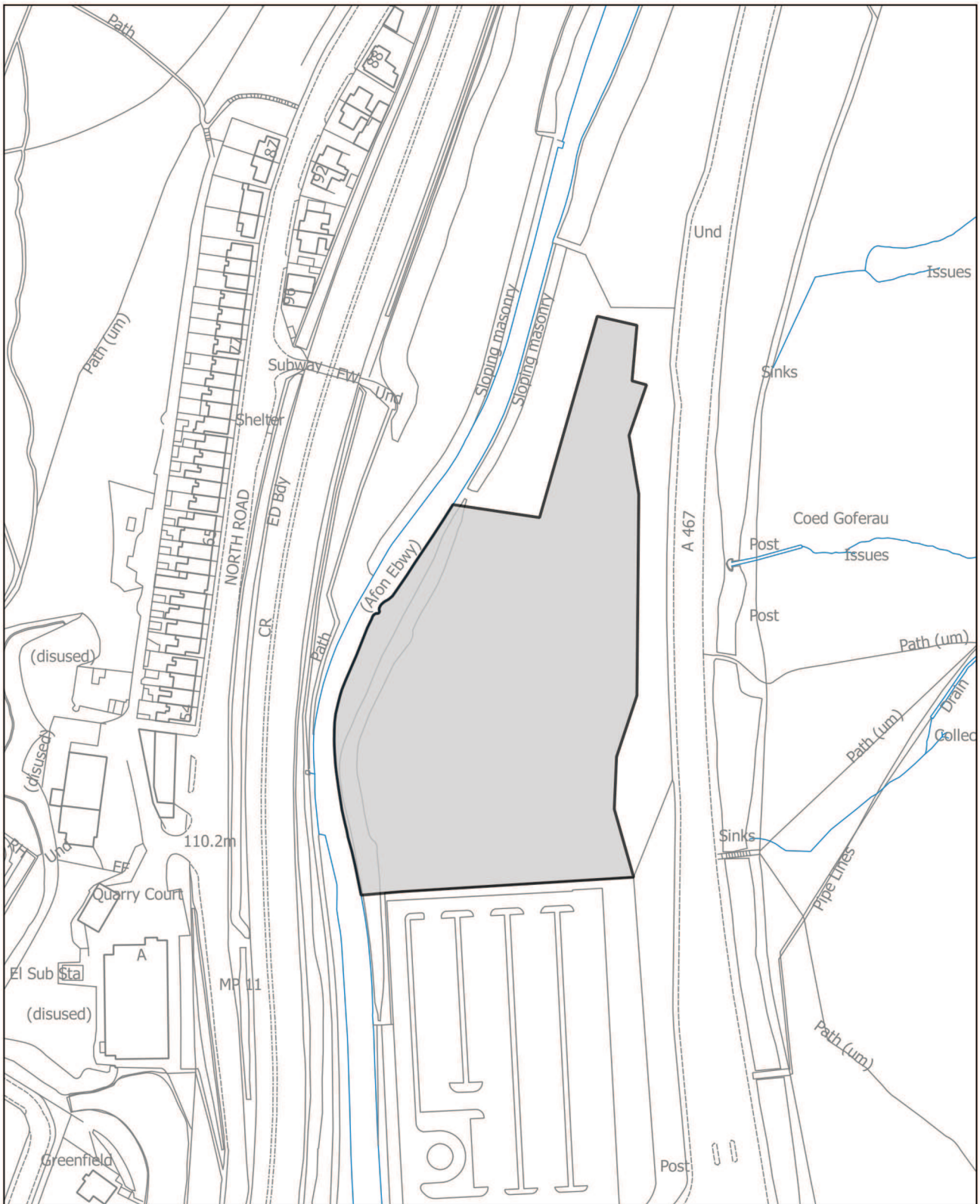
Advisory Note(s)

Please find attached the comments of Wales and West Utilities, Senior Engineer (Land Drainage), Network Rail, The Coal Authority, Head of Public Services and Police Architectural Liaison Officer that are brought to the applicant's attention.

The site contains an area of Zone B flood risk category as defined in Welsh Government TAN15 Development and Flood Risk, which advises a precautionary approach to indicate where site levels should be checked against extreme flood level. If the flood levels are greater than the flood levels used to define adjacent extreme flood outline there is no need to consider flood risk further.

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions attached to this consent: CW2, CW3 and CW4.

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# Agenda Item 12

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0820/FULL 16.09.2016	Mr C Williams Cefn Bach Farm Cefn Road Upper Deri Bargoed CF81 9GW	Erect new agricultural shed for the storage of haylage bales and storage Cefn Bach Farm Cefn Road Upper Deri Bargoed CF81 9GW

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is situated approximately 450 metres outside and to the west of settlement boundary of Deri.

Site description: The application site is a part of a field parcel within Cefn Bach farm. The farmhouse is set within a cluster of outbuildings with some in a poor state of repair. The application site is a relatively flat area of land in the corner of a field to the east of the farmhouse and adjacent to a dry stone wall and low lying bund. Access to the building will be via the existing field gate.

Development: The application seeks full planning consent for the erection of an agricultural building. The building will be used to store hay bales and as a temporary lambing shed during the spring months. The application is being reported to Committee as the applicant is related to an employee of the Council.

Dimensions: The proposed building measures 12.2 metres in width by 31.5 metres in length, with a height of 4 metres to the eaves and 5.4 metres to ridge height.

Materials: Plastic coated sheeting and steel doors.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY 2005 TO PRESENT

None.

Cont....

Application No. 16/0820/FULL Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The land is located outside the settlement boundary.

Policies: CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

NATIONAL POLICY Planning Policy Wales Edition 8 (January 2016) and TAN 12: Design (March 2016).

### 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 land is located within an area where no report is required, however standing advice will be provided to the applicant.

### CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to the applicant submitting a scheme for the storage of foodstuffs, and the storage and disposal of waste and manure and implementing the agreed details.

Senior Engineer (Land Drainage) - Based on the nature and location of the proposed development, no comments are offered from a flood risk perspective.

Countryside And Landscape Services - No objection subject to bird breeding provision incorporated into the development.

### ADVERTISEMENT

Extent of advertisement: A site notice was erected near the application site. Due to the isolated location of the site, there were no neighbouring properties evident in close proximity to notify.

Cont....

Application No. 16/0820/FULL Continued

Response: None.

Summary of observations: Not Applicable.

#### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? There are no specific crime and disorder implications material to the determination of this application.

#### 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.

#### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No the development is not CIL liable.

#### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application seeks full planning consent for the erection of an agricultural building on an established upland farm. The main points to consider in the determination of this application is whether the building is acceptable in design terms and whether the building would impact upon the character and appearance of the rural landscape.

The barn is required in connection with the farm activities and is an appropriate form of development outside the settlement boundary. The building is considered to be acceptable in terms of its design, has been kept to a minimum scale and is proportionate to the amount of hay that will need to be stored. Its siting is well related to the existing group of farm buildings and will not look out of place in the rural countryside. Furthermore, there would be no impact in terms of amenity for the nearest residential properties. The proposal therefore accords with Policies CW2 and CW15 of the Caerphilly County Borough Local Development Plan up 2021 - Adopted November 2010.

Comments from consultees: No objections raised.

Cont...

Application No. 16/0820/FULL Continued

Comments from public: None.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Site location plan received on 16.09.2016.  
Elevations, roof plan and floor plan received on 16.09.2016.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the first use of the agricultural building hereby approved a scheme for the storage of foodstuffs, and the storage and disposal of waste and manure shall be implemented in accordance with details that shall be agreed in writing with the Local Planning Authority.  
REASON: To prevent pollution.
- 04) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (Swallow) on the new agricultural shed at Cefn Bach Farm, Deri, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new agricultural shed hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.

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 CW15.

Cont....

Application No. 16/0820/FULL Continued

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

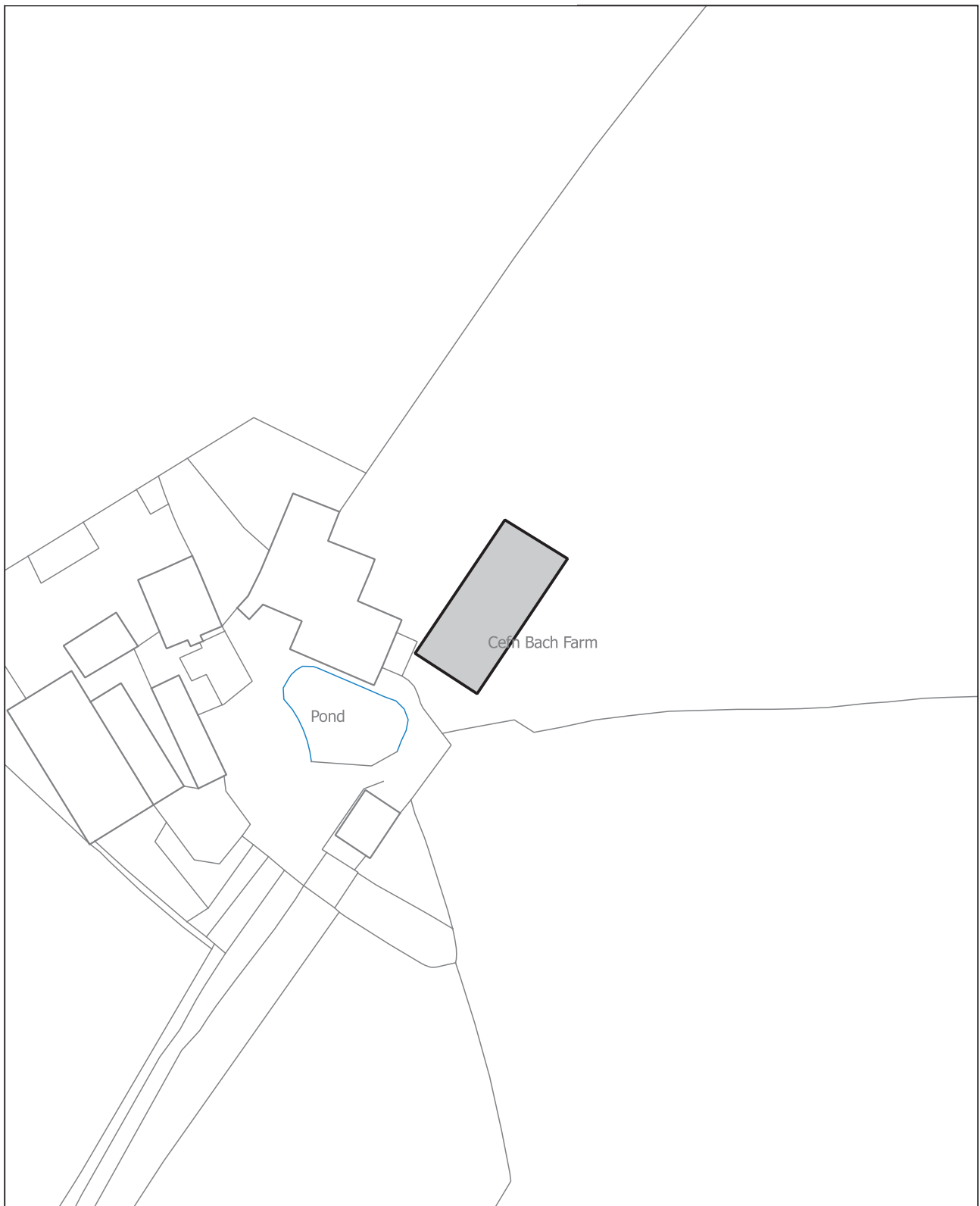
Further information is also available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com).

This Standing Advice is valid from 1st January 2015 until 31st December 2016.

Please find attached the comments of the Council's Ecologist that are brought to the applicant's attention.

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# Agenda Item 13

## PREFACE ITEM

APPLICATION NO. 15/0459/RET

APPLICANT(S) NAME: Chris Howell Timber And Landscaping Supplies

PROPOSAL: Retain the installation of a biomass unit incorporating flues and railway container housing kiln

LOCATION: Chris Howell Timber And Landscaping Supplies  
Nantgarw Road North UI Caerphilly CF83 1AQ

A copy of the planning report (attached) was considered at the Planning Committee held on the 13<sup>th</sup> January 2016.

Following consideration of the application, and in taking into account the comments received at the meeting, the application was deferred to allow further discussion between Officers and the applicant in relation to the proposed operating conditions of the biomass equipment installed within the designated site.

Since that time the applicant has installed flue cowls at the top of the two biomass flues which are designed to improve efficiency and reduce smoke emissions. The applicant has also provided a letter from the owner of Castle Fires & Stoves, Caerphilly which states that they have inspected the biomass system and provided the applicant with a maintenance schedule to clean and service them at regular intervals. The letter also states that electric fans have been fitted to the biomass system to improve efficiency.

Visits to site have been made by both Planning and Environmental Health Officers and no unacceptable levels of emissions or odour (smoke) have been observed being emitted from the flues during those visits.

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

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0459/RET 07.07.2015	Chris Howell Timber And Landscaping Supplies Nantgarw Road North UI Caerphilly CF83 1AQ	Retain the installation of a biomass unit incorporating flues and railway container housing kiln Chris Howell Timber And Landscaping Supplies Nantgarw Road North UI Caerphilly CF83 1AQ

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

SITE AND DEVELOPMENT

Location: The application site is a Timber Yard to the north of Nantgarw Road. To the north and east of the site are business uses. To the west are business uses including a Petrol Station. A rear lane and row of terrace houses fronting Nantgarw Road are located to the south.

Development Description: This application seeks planning permission for the retention of two biomass units on the northern side of the Timber Yard incorporating two flues and associated roof covering structure and a steel container housing a kiln for drying wood to be used as fuel in the biomass unit.

Dimensions: The boilers and storage container/kiln are located within the timberyard in an area approximately 10m by 7m. The container is approximately 6m by 2.5m with a height of 2.8m. The two biomass boilers have stainless steel flues with a diameter of approximately 0.3m and a height of approximately 9 metres above ground level. The boilers are covered by a partially open timber/steel supported roof structure with a height ranging from 2.7m to 3m.

Materials: The storage kiln is a dark green steel container and the flues for the biomass boilers are a polished stainless steel appearance. The biomass boilers are contained within an area partially covered by a corrugated steel/plastic roofing with support steel/timber framed structure

Ancillary development, e.g. parking: None.

Cont'd.....

Application No. 15/0459/RET Continued.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 Adopted - November 2010.

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), SP6 (Place making).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: 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? Not Applicable.

CONSULTATION

Chief Fire Officer - Offers no objection to the development. Recommends that the developer should consider the need for the provision of: -

- (a).adequate water supplies on the site for firefighting purposes; and
- (b).access for emergency firefighting appliances.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to conditions

Senior Engineer (Land Drainage) - Request conditions on surface water and land drainage.

Caerphilly Town Council - Objects to the Proposal due to increase in smoke in vicinity causing concern to residents.

Cont'd.....

Application No. 15/0459/RET Continued.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to nearby properties.

Response: 10 representations objecting to the development have been received.

Summary of observations:

The matters raised in the objections received can be summarised as:

- Risk to Health of residents (some vulnerable) from emissions both from site and combined with existing pollutants
- Reference to ailments attributed to the development including sore throats, coughs and breathing problems.
- 24 hour nature of the burning and lack of oversight outside working hours.
- Safety risk due to fire hazard/explosion
- Proximity to houses
- Cannot spend time in gardens as the acrid smell of smoke makes eyes burn and affects breathing.
- Clothes cannot be dried outside due to smell
- Negative impact to air quality and cumulative effect with traffic pollution
- Have to keep doors and windows shut due to smell
- Makes people feel unsafe
- Proximity of Petrol Station and car mechanics businesses
- Not suitable in residential area
- Complaints about business over a number of years
- Proximity of Combustible materials.

In addition two Councillors have raised concerns in relation to the development and in addition photographs were provided showing smoke being emitted from the development.

Cont'd.....

Application No. 15/0459/RET Continued.

During the course of the application the applicants provided a supporting statement in relation to the need for the development summarised as:-

- The company joined the Renewable Heat Initiative Scheme in order to generate and use renewable energy in accordance with current Government Policy in order to reduce the use of fossil fuels.
- The Biomass Units were installed at substantial cost by a recognised Specialist installer utilising their extensive experience.
- The height of the flues was set in order to reduce the impact of the development and in our opinion does not pose a significant nuisance.
- There are two mobile phone masts in the locality which have a far greater visual impact.
- The second boiler which powers a Kiln enables the applicants to dry the wood and reduce the moisture content which added value into the timber and thus making the process far more efficient. The whole process is a cycle to which bio energy is the key to their sustainability for the future.
- The Applicants now utilises 100% of their product from this site and no longer have to dispose of otherwise previous waste product to North Wales or Devon at a great cost and a drain on the business during a very trying economical time.
- As a result of the cost savings two jobs have been created and removal of this facility will result in an immediate loss of jobs.
- This is a new on-going project for the Applicants, there have been issues they have incurred along the way but with the fitting of the Kiln which was achieved whilst the business was still working, is now complete. This will help them greatly to improve the burning process and will benefit everyone and the environment in the future.
- Refers to other businesses in the area and alleges previously there have been instances of the burning of polluted materials which escalated unrest in the local area for which the Applicants were unfairly blamed.
- Alleges that a petition raised by one of the local residents has been left in the nearby fuel garage asking all customers to sign, the majority of these customers do not reside anywhere near the area and should never have been included in this petition.
- Notes the Council have not received any complaints whatsoever from immediate business neighbours.

#### 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 crime and disorder will be materially affected by the development.

Cont'd.....

Application No. 15/0459/RET Continued.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Not liable as no floorspace created by the development.

ANALYSIS

Policies: This application was submitted following a complaint after the erection of the biomass flues and was subject to a Planning Enforcement investigation and the applicant has sought to regularise the development by way of the current retrospective planning application. The operation of the biomass boilers is considered to be an ancillary operation to the main use of the site as a Timber Yard as the biomass boilers are providing heat to the Timber Yard offices and utilising waste timber product from the timber yard as the fuel.

The main consideration of the application is the effect of the development on the amenity of the area and the nearby residential properties as well as the visual impact of the development.

Impact on Amenity

Adopted Local Development Plan Policy CW2 (Amenity) requires development to have no unacceptable impact on the amenity of adjacent properties or land. In this instance there have been significant concerns raised by the objectors in relation to the operation of the biomass boilers and in particular concern in relation to safety and impact on health of emissions from the flues. The Council's Environmental Health Officer has visited the site and viewed the operation which includes the drying of timber in the kiln prior to being used, and also the start up procedure of the operation. Following detailed consideration of the operation the Environmental Health Officer has offered no objection to the proposal subject to the imposition of planning conditions including restricting the use of the biomass units to using non treated virgin timber and its off cuts and a condition requiring a record to be kept and made available demonstrating that the wood must first have been dried within the on-site kiln to provide a moisture content of less than 25%.

Cont'd....

Application No. 15/0459/RET Continued.

The case officer has made a number of visits to the site and has considered the photographic evidence submitted by a Councillor. It is acknowledged that the amount of smoke being emitted from the two flues varied but was generally considered to be low, and walking the rear lane behind the residential properties on Nantgarw Road no unacceptable level of odour was detected. The photographic evidence supplied indicates that on occasion the smoke generated by the development is significantly greater than that observed during site visits and in addition it must be noted that atmospheric conditions including wind direction and speed will affect the spread and impact of any emissions. The representations received from local residents indicate that there have been problems with the operation of the unit; however, the measures proposed by the Environmental Health Officer seek to minimise the generation of smoke and provide a requirement for the operator to keep a record of the preventative measures taken. No substantive evidence has been provided in relation to health issues and the Environmental Health officer is content with the development.

In relation to concerns raised over fire risk the Fire Authority were consulted and offered no objection to the development.

#### Visual Impact

The Visual impact of the development is considered to be low when considered within the context of the site as a whole. The flues are visible above the Timber Yard but are seen in conjunction with existing industrial buildings and other vertical structures such as telecommunication masts. The boilers, canopy and container whilst glimpsed from the rear lane are seen within the general timber yard and are not considered to harm the character of the area.

It is considered that the development subject to the conditions requested by the Environmental Health Officer is acceptable and accords with relevant adopted Local Development Plan Policies.

Comments from consultees: The drainage officer requested a condition on drainage however the details submitted indicate that run off from the canopy is stored and used for cleaning the site. As such it is considered that the imposition of a condition is unnecessary.

Comments from public: Have been addressed in the body of this report.

Other material considerations: None.

Cont'd.....

Application No. 15/0459/RET Continued.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

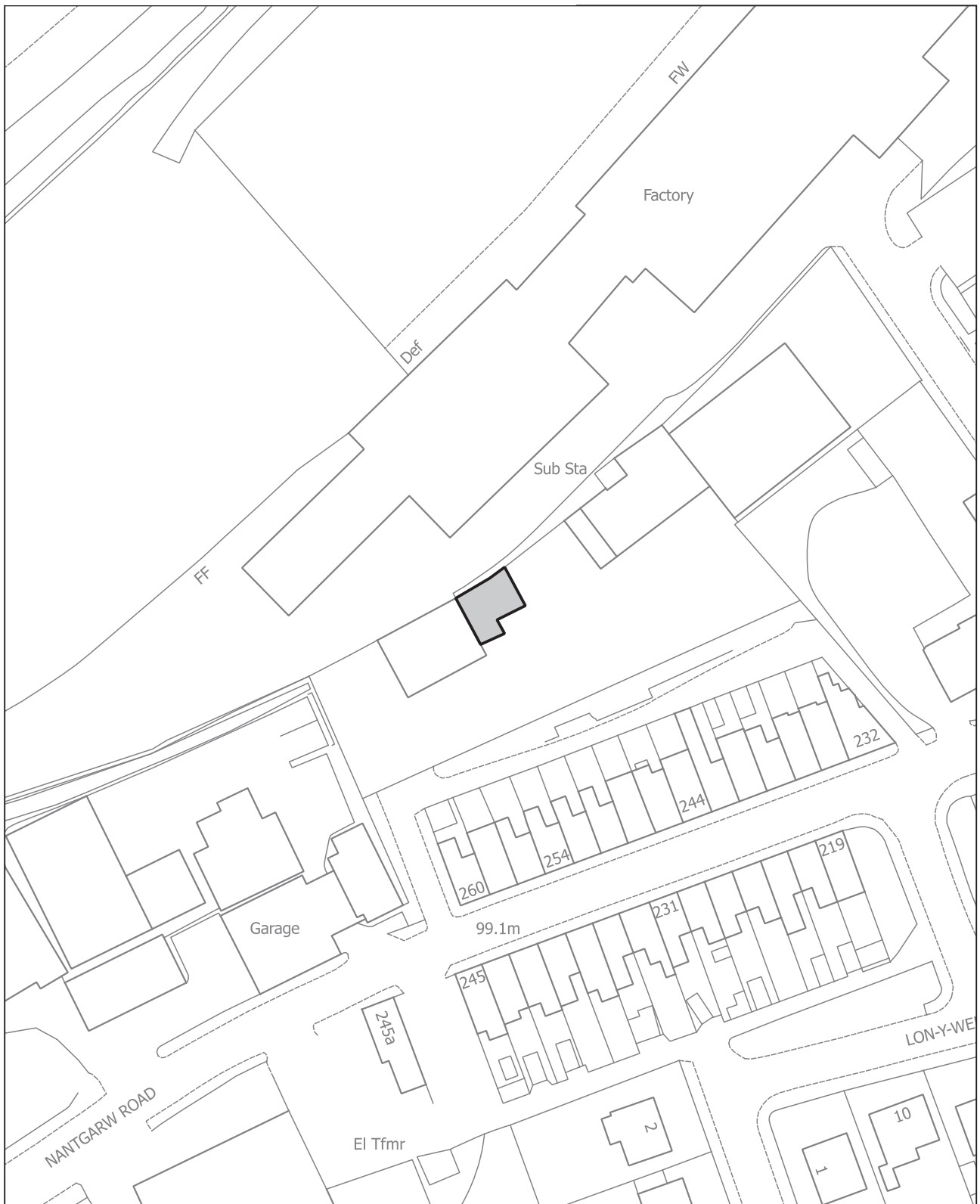
- 01) The only wood permitted to be burned within the biomass units hereby approved is clean, non treated virgin timber and its off-cuts.  
REASON: In the interests of Public Health.
- 02) Prior to loading the biomass units, wood must be internally stored within the kiln and dried to a moisture content of less than 25%.  
REASON: In the interests of residential amenity.
- 03) An up to date register shall be kept at the site and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the recording of monitoring of moisture content of wood fuel used in the biomass boilers subject to this application.  
REASON: To provide a record of compliance with condition 2 in the interest of the amenity of nearby sensitive receptors.
- 04) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
  - Location Plan received 07/07/15)
  - Site Plan and elevations, RJ Morris drawing (received 07/07/15)  
(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.

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, SP6.

Please find attached the comments of The Fire Authority that are brought to the applicant's attention.





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# Agenda Item 14

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0626/FULL 28.09.2016	Pontcanna Development Ltd Mr Voyle 26 Park View Greyfriars Road Cardiff CF10 3AL	Demolish existing structures and construct a 32 bed care home facility with associated external works Ty Yn Y Pwll Hotel Newport Road Trethomas Caerphilly CF83 8BR

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is situated on the northern side of Newport Road, Trethomas.

Site description: The application site is the site of the now vacant Ty Yn Y Pwll Hotel public house. The site comprises the building itself which is a large extended two storey building finished in render with a slate roof. The building is on the western part of the site with the remainder being taken up by garden and storage areas for the public house with a car park on the easternmost part.

The site is within a mixed use area with retail properties to the south and east, residential properties to the north and north east and a village green to the west. There is also a school to the north of the site with a war memorial immediately to the east.

Development: The application seeks full planning consent for the erection of a 32 bed care home. The submitted plans indicate the construction of a large three storey building occupying the majority of the site with access, car parking, turning, servicing and deliveries all being accommodated to the side and rear of the building. This would be a modern largely pitch roofed structure with some monopitch roofs to certain sections. The accommodation would comprise of a range of service rooms, a reception lounge areas and 8 en-suite, self-contained bedrooms on the ground floor, a further 15 bedrooms on the first floor with waiting rooms and lounge areas, and 9 bedrooms on the second floor with waiting rooms and lounge areas.

Dimensions: The application site has maximum measurements of 50m by 35m. The proposed building has maximum dimensions of 40m by 29.5m by 9.2m high.

Cont....

Application No. 16/0626/FULL Continued

Materials: The proposed building will be finished in a mixture of face brickwork, render, stone, and a composite cladding system with a slate and rubberised roof.

Ancillary development, e.g. parking: A total of 13 parking spaces are proposed.

### PLANNING HISTORY 2005 TO PRESENT

11/0711/FULL - Erect 2 no. two-storey semi-detached three-bedroom dwellings, provide car parking and reconfiguration of the car parking and amenity area serving the former Public House - Granted 29.05.12.

13/0862/COU - Change of use from public house/hotel (A3) to a community facility (sui generis use), with the erection of a new entrance lobby and an extension to provide a function room - Granted 30.05.14.

12/0185/OUT - Convert, part demolish and extend former public house forming 3 no. three bedroom units and erect 2 no. three bedroom semi-detached dwellings, provide private amenity space, car parking and associated works - Decline to Determine 16.07.14.

15/1112/FULL - Demolish existing structures and construct a 50 bed care home facility with associated external works - Refused 18.01.16.

### POLICY

Local Development Plan: Within settlement limits.

#### Policies

Local Development Plan: SP3 (Development Strategy in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW15 (General Locational Constraints).

Adopted Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development. The following Paragraphs are relevant to the determination of this application:-

1.1 The quality of the places we live in has an impact on all aspects of life. How well they are designed will influence how safe we feel, how easy it is to walk round, whether we have shops, community facilities and schools nearby, whether our children have safe places to play. It will also affect whether there is good access to public transport and a good choice of homes in which to live. It is essential that the places we create embody the principles of good urban design.

Cont....

Application No. 16/0626/FULL Continued

1.2 Caerphilly County Borough Council (CCBC) is committed to achieving good design, as is the Welsh Assembly Government (WAG). Good design is a key aim of the Planning System and Planning Policy Wales (WAG 2010) requires that Local Development Plans (LDPs) provide clear policies setting out a local authorities design expectations. Technical Advice Note 12: Design (TAN 12) [WAG 2002] gives advice to local planning authorities on how design may be facilitated within the planning system.

A good movement network allows people to move around freely and easily, through a variety of transport modes. New development should be accessible to all and should be successfully integrated into the existing surrounding area. It is vital that the pattern of accessibility and ease of movement is designed hand in hand with measures to reduce crime and create safe and secure streets, spaces and buildings.

Development should respond to the character and local distinctiveness of site. The character and context of any development is created by the form of the development, the landscape, culture and biodiversity - all of which are locally distinctive. These elements have often built up over a considerable time and help create a 'sense of place'. The character and context of a site should influence design positively so that development does not simply replace what was there but reflects and responds to changes in local circumstances. If the context to a development has been compromised by an earlier stage of development it should not be seen as a reason to perpetuate what has been done before.

Opportunities should be sought to deliver high quality sustainable development that reflects the technologies and aesthetics of the 21st century and creates a strong sense of place.

Often there is a perception that innovative 'contemporary' design conflicts with established patterns of settlement and traditional styles of architecture. In reality architectural styles and traditions have evolved numerous times in the past in response to changing social and economic conditions. There is no reason why design which uses modern materials and responds to contemporary aesthetics should not fit in with context as well as more traditional forms of development.

When the merits of 'contemporary' versus 'traditional' architecture are considered the debate often revolves around the style of the building itself. Often some of the most important design issues related to character and context are totally overlooked. These can be simple issues like building setback, plot width, building height or verticality. If these are responded to appropriately then architecture using modern materials and construction methods, with styling that reflects aesthetics of the 21st century, can be entirely in-keeping with character and context.

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

Cont....

Application No. 16/0626/FULL Continued

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2016) 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

Head Of Public Protection - No objection subject to conditions in respect of fume control, drainage, waste collection, light shrouding and noise and dust mitigation.

Senior Engineer (Land Drainage) - It is recommended that a comprehensive land drainage scheme be submitted prior to works commencing on site.

Transportation Engineering Manager - No objection subject to conditions in respect of parking, deliveries and rainwater run-off.

Director Of Social Services - Raises concern with regard to the type of care to be provided at the property and the need for such provision in the County Borough.

Countryside And Landscape Services - Would like conditions imposed in respect of materials and landscaping.

The Coal Authority - Requires the provision of a site investigation report prior to the commencement of works on site.

Bedwas, Trethomas & Machen Community Council - Raise objection to the application on the grounds of the loss of the 'historic' pub,

Dwr Cymru - Provides advice to be conveyed to the developer.

Police Architectural Liaison Officer - No objection.

Wales & West Utilities - Provides advice to be conveyed to the developer.

Conservation & Design Officer - No objection.

Cont....

Application No. 16/0626/FULL Continued

### 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? Yes.

European protected species have been identified by a survey.

The Local Authority must apply the following three tests to the planning application:

(i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

(ii) There is no satisfactory alternative

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied and answered as follows:

(i) The application property is currently in a dilapidated state, which has a detrimental impact on the visual amenity of the area. The site is also subject to anti-social behaviour and as such re-development of the site would be in the interests of public health and public safety and reasons of overriding public interest.

Cont....

(ii) The development could not be carried out without demolishing the existing building on site. As stated above the existing property is in a dilapidated state and is not fit for conversion into a care home. The building is also not of a size that conversion would lead to a building that is viable in terms of the number of bedrooms that are provided. To do nothing to the building would leave the dilapidated structure in place and would not provide the care home, which the applicant suggests is required in the area.

(iii) A Pipistrelle Maternity Roost is presumed to be present within the building. This was agreed through discussions with the Council, Natural Resources Wales and Wildwood Ecology. The proposed development will therefore result in disturbance to bats, however, adequate mitigation, compensation, enhancement and recommendations have been put forward in the Bat Survey Report and will also be included in the Bat Method Statement. Some of the recommendations include the supervision of high risk works by a competent licensed bat ecologist e.g. removal of ridge tiles, hanging tiles, soffits and barge boards, the installation of a Schwegler Type 2F bat box on a nearby tree prior to demolition of the on-site building. The exact location is to be agreed with the ecologist prior to the works commencing, the creation of new bat features within the new structure along with a sensitive planting scheme of fruiting trees and pollen/nectar rich plants of native origin. Bat features are to be two bat tubes within the west and southern wall, and two ridge access points using the existing ridge tiles with small gaps within the mortar i.e. using a piece of dowel to create a 3m access gap in the mortar under the tile. The new structure's roof lining will be bitumen felt (Type 1F) to prevent any bats that roost within the building in the future from becoming entangled in any breathable roofing membrane fibres and degrading this type of membrane and placing conditions on the application to ensure that the mitigation will be implemented. The favourable conservation status of the species is therefore unlikely to be affected by this development, as the mitigation measures will maintain and enhance the roosting opportunities for Pipistrelle bats at this location.

Is this development Community Infrastructure Levy liable? No.

## ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application seeks full planning consent for a care home within a mixed use area within the settlement limits of Trethomas and as such the principle of the development is considered to be acceptable. However, each application has to be considered against Local Plan Policy and normal development control criteria and in that regard the main points to consider in the determination of this application are the size and design of the proposed building and the impact of the development on the visual and residential amenity of the area.

Cont....



Application No. 16/0626/FULL Continued

It should be noted that a previous application for a larger building was refused as the design was too modern and it would have an unacceptable impact on the amenities of the properties to the rear.

As a result of the previous refusal this application has been subject to pre-application discussions in order to overcome the previous objections. The result is a building that is more traditional in style whilst having a number of modern design features. In that regard it is considered that whilst the design is modern, as stated in Supplementary Planning Guidance LDP6, it should not be perceived that contemporary design conflicts with traditional styles of architecture. Provided that the developer has considered the context of the site and used traditional style features such as set back, building height and fenestration, then a modern design can be perfectly in keeping with the traditional character of the area.

In this instance it is considered that the traditional character of the area has been considered in the design of the building. The design uses traditional apex roofs and materials, has a vertical emphasis to its fenestration and is of a similar scale as the terrace of properties to the east. The building has also been sited towards the front of the site in keeping with the traditional character of properties in the area and as such the design of the building is considered to be acceptable.

The siting of the building has also moved it to the front of the site and away from the dwellings at the rear such that a distance of approximately 21m is now achieved. It is considered that the reduction in the height and scale of the building, together with the increased distance mean that the amenity of those dwellings is adequately protected and therefore the proposal complies with Policy CW2 of the Local Development Plan.

Comments from consultees: The comments raised by the Director of Social Services are not material to the determination of this application. However, a note will be attached to this decision advising the applicant to liaise with Social Services prior to the submission of any subsequent application.

The comments of all other consultees can be adequately addressed by conditions imposed requiring the submission of further details.

Comments from public: Whilst no objections were raised in respect of this application, several concerns were brought to light on the previous application. It is felt that it would be prudent to consider those issues here as follows:-

1. Loss of the Public House. The Local Planning Authority has to consider the application before it and the loss of the public house has no bearing on the determination of this application.

Cont....

Application No. 16/0626/FULL Continued

2. Highway safety, parking and access. No objections are raised by the Transportation Engineering Manager and it is considered that the proposal is acceptable in highway safety terms. The access to the site is considered to be acceptable and adequate off street parking is proposed. It is not considered that the development would increase traffic to a degree that would justify refusal of the application.
3. No objection has been received from statutory consultees in terms of drainage. In that regard it is considered that the drainage in the area is acceptable to take the development.

Other material considerations: None.

In conclusion it is considered that the application is acceptable in planning terms subject to the imposition of suitable conditions.

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 shall be carried out in accordance with the following approved plans and documents: Design and Access Statement, Plans A100, A101, A102, A103, A104, A105, A106A and JG01, Site Location Plan, Demolition Method Statement, Coal Mining Risk Assessment, Sustainability Points Calculator and Bat Survey.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.

Cont....

Application No. 16/0626/FULL Continued

- 04) The development shall not come into beneficial use until space has been laid out within the site in accordance with the approved plan for 13 cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The spaces shall not thereafter be used for any purpose other than parking.  
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.
- 05) The proposed parking area shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. are not carried on to the public highway.  
REASON: In the interests of highway safety.
- 06) Articulated vehicles 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.
- 07) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.  
REASON: To ensure adequate protection to protected species.
- 08) Prior to the removal of roofing materials, and any demolition works associated with the Tyn Yn Y Pwll Hotel building, a detailed Method Statement prepared by a competent ecologist shall be submitted for the approval of the Local Planning Authority. The Bat Method Statement shall include inter alia details of the method of tile removal, ecological supervision and any necessary bat mitigation measures. The removal of roofing materials and demolition of the Ty Yn Y Pwll Hotel shall be carried out in accordance with the approved Bat Method Statement unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To ensure adequate protection to protected species.

Cont....

Application No. 16/0626/FULL Continued

- 09) Bat activity surveys to monitor the new bat roosts within the development hereby approved shall be carried out by a competent ecologist between May to August for a minimum of 2 years post-completion of the development and the results submitted to the Local Planning Authority annually together with any recommendations of the ecologist for amendments to the approved scheme arising from the survey results. The approved amendments shall be implemented in full.  
REASON: To provide information on the success of the bat roost mitigation, in the interests of biodiversity.
- 10) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.  
REASON: To ensure adequate protection to protected species and in the interests of residential amenity.
- 11) The development hereby approved shall be carried out fully in accordance with all of the Recommendations made in Section 05 of the Bat Survey Report dated September 2016, prepared by Wildwood Ecology. The development shall be undertaken fully in accordance with the approved details and drawings unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure adequate protection to protected species.
- 12) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow or Swift) in the new building/care home at Ty Yn Y Pwll Hotel, Newport, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building/care home hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 13) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.

Cont....

Application No. 16/0626/FULL Continued

- 14) 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.
- 15) 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.
- 16) 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.
- 17) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development comes into beneficial use.  
REASON: In the interests of the visual amenities of the area.
- 18) A grease trap, details of which shall be agreed with the Local Planning Authority prior to installation, shall be installed in the foul drainage system prior to the commencement of the use hereby approved.  
REASON: To prevent pollution.
- 19) Prior to the commencement of the development there shall be submitted for the approval of the Local Planning Authority a scheme of intrusive investigations of any coal workings on site together with a report of the findings of those investigations and any mitigation measures required as a result of those findings. The development shall thereafter be carried out in accordance with those details.  
REASON: In order that adequate measures are put in place to ensure the safety of the development in respect of past mine workings.

Cont....

Application No. 16/0626/FULL Continued

20) 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.

21) 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.

#### Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW4.

Please find attached comments from Dwr Cymru/Welsh Water, Council's Ecologist, The Coal Authority, Wales and West Utilities, Director of Social Services and Countryside and Landscape Services.

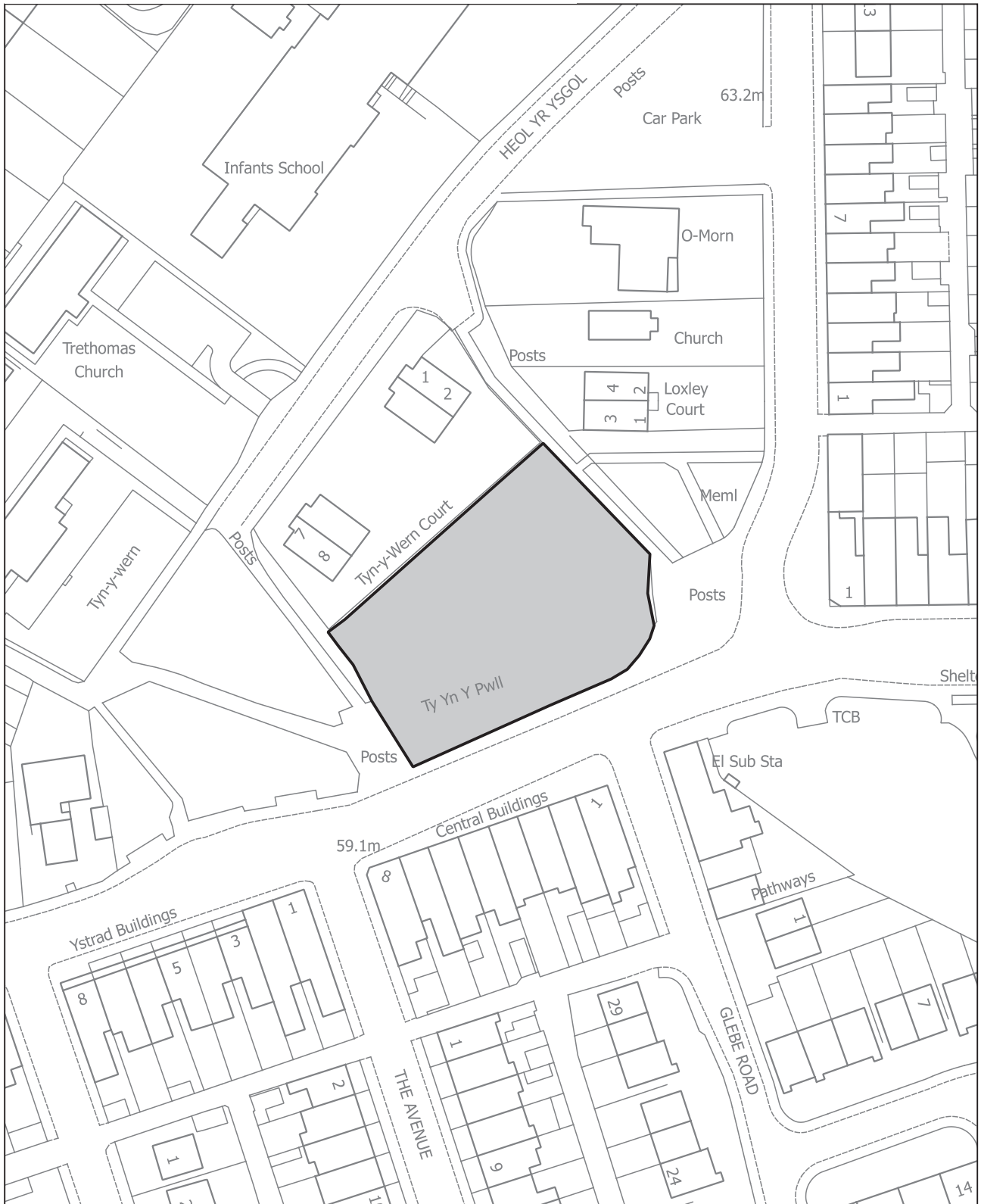
Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

Cont....

Application No. 16/0626/FULL Continued

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

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# Agenda Item 15

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0676/FULL 09.08.2016	Mr T Jones Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly CF83 2TT	Construct an agricultural worker's dwelling Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly CF83 2TT

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The site is located north of the existing farm yard at Pen Yr Heol Las Farm, Energlyn. The farm is sited on the hillside overlooking the southern part of Llanbradach. It is accessed via the mountain road off Heol Las. The site is totally contained within the boundary of the existing farm holding.

Site description: The dwelling is proposed to be built on relatively flat, undeveloped ground which is at a slightly higher level than the adjoining farm buildings.

Development: The proposed dwelling is a bungalow which provides for three-bedrooms, a kitchen/diner/living room, toilet and bathroom along with a utility room. The dwelling is proposed for the accommodation of an additional farmworker to assist in the operation of this agricultural enterprise. The submission included an "Essential Needs Appraisal", which seeks to address the policy requirements of Technical Advice Note 6, Planning for Sustainable Rural Communities.

Dimensions: The dwelling has a footprint measuring 117 square metres approximately. It has a height of 2.5 metres to eaves and 5 metres to the apex of the roof. The curtilage of the property is shown as being roughly 0.3 hectares in area.

Materials: The building is indicated as being finished in rendered blockwork with composite roofing tiles.

Ancillary development, e.g. parking: The drawings do not show specific on-site parking arrangements however the curtilage of the dwelling allows for the provision of three car-parking spaces within its boundary.

Cont....

Application No. 16/0676/FULL Continued

### PLANNING HISTORY 2005 TO PRESENT

06/0239/OUT - Erect agricultural workers dwelling - Refused - 04.01.2007.

11/0575/FULL - Replace planning permission 09/0043/FULL for a 5 kwhr wind turbine with an application for a 500 kwhr turbine (the existing planning permission is for a turbine with a 12m tower, this application is for a turbine with a 50m tower) - Withdrawn - 31.10.2012.

13/0803/FULL - Erect agricultural workers dwelling - Refused - 11.09.2014.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located in the open countryside well outside the settlement boundary identified in the plan. It is therefore not specifically allocated for any defined purpose. It is however positioned within a Special Landscape Area and abuts the southern corner of a Site of Interest for Nature Conservation.

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

1. SP5 - Settlement Boundaries;
2. CW15 - General Locational Constraints;
3. NH1 - Special Landscape Areas.

NATIONAL POLICY Planning Policy Wales, TAN 6 (Planning for Sustainable Rural Communities) and TAN 12 (Design).

#### 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 in respect of parking.

Head Of Public Protection - No objection.

Cont....

Application No. 16/0676/FULL Continued

Senior Engineer (Land Drainage) - No objection subject to a drainage condition.

Dwr Cymru - No objection.

Countryside And Landscape Services - No objection.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of a site notice.

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. The site is disturbed ground that lies within an existing agricultural use and is therefore of low ecological value.

Is this development Community Infrastructure Levy liable? Yes. It is subject to the rate of £40.00 per square metre. This gives a total of  $102.01 \times £40.00 = £4,080.40$ .

### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main policy consideration of this proposal is the assessment of agricultural need for a Second dwelling on an established enterprise in accordance with the requirements of Paragraph 4.5 of TAN 6. In this regard the applicant provided a supporting document in the form of an Essential Needs Appraisal. This sought to confirm that the proposal for a second dwelling complied with the tests contained in the TAN. These tests are as follows:-

1. The financial test to provide evidence of the economic sustainability of the justifying enterprise and identify the size of dwelling that the enterprise can sustain, ensuring that the size of the dwelling is commensurate with its functional need and financial justification.

Cont....

Application No. 16/0676/FULL Continued

2. The other dwellings test to identify whether there is an existing dwelling or building suitable for conversion on the enterprise or dwelling in the locality that could meet the identified functional need.

3. Other normal planning requirements test to demonstrate that the dwelling is suitably located to fulfil its identified need and to minimise impact on the wider environment.

The submitted appraisal was considered by the Council's external agricultural adviser, who concluded that TAN 6 offers greater support for established enterprises to provide a second dwelling, but the justification for a second dwelling has to be robustly made. His assessment also had regard for the decision of the Planning Inspector in respect of application 13/0803/FULL, who considered the merits of the proposal prior to dismissing that appeal. In his view he felt that the projected business plan and the affordability of the proposed dwelling are now acceptable and a justification for a second dwelling is financially justified. The enterprise will pay the required 50% of a full time workers salary and there is a need for such provision in relation to the needs of the farm.

However, he did raise concerns in respect of the ongoing financial stability of the enterprise with particular regard for the ability to afford the construction and maintenance of the dwelling. In response to this the applicant has stated that he is more than capable of constructing the dwelling himself whilst complying with Building Regulations as he would carry out much of the work himself with expert craftsmanship provided at cost in lieu of shooting rights on his land. In that regard he claims that the dwelling could be constructed for in the region of £50,000. Whilst the Planning Inspector disputed this figure, and the applicant has not provided a detailed breakdown of the projected costs, it is considered that it would be more than possible to construct a modest dwelling of the size and design shown in the submitted plans for that cost. In that regard it is considered that the financial tests are met.

With regard to the other dwellings test it should be noted that the Planning Inspector accepted that the needs of the enterprise could not be met by any other dwellings in the area and there are no other buildings on site that could be converted.

In conclusion it is considered that in respect to the policy position the application is successful on the basis that the second dwelling appraisal under TAN 6 has proven that there is a need for the dwelling at this location and that the farming enterprise can support the construction of the dwelling and the wages for the worker. In that regard the proposal complies with National Planning Guidance contained in TAN 6 and Local Plan Policy contained in the Caerphilly County Borough Local Development Plan.

Comments from consultees: No objections raised.

Comments from public: None.

Cont....

Application No. 16/0676/FULL Continued

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents: O.S. Location Plan, Design and Access Statement, Accounts for the Year Ended 31st March 2013, Unaudited Financial Statement for the Year Ended 31st March 2014, Unaudited Financial Statement for the Year Ended 31st March 2016, Balance Sheet 31st March 2015, Balance Sheet 31st March 2016, The Agricultural Budgeting & Costing Book, Proposed Elevations Plan, Proposed Layout Plan, Essential Needs Appraisal and Letter from Applicant Dated 8th October 2016.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The occupancy of the dwelling shall be restricted to those:
  - a. solely or mainly working or last working on a rural enterprise in the locality where there is or was a defined functional need; and the widows, widowers or civil partners of the above and any resident dependants; or if it can be demonstrated that there are no such eligible occupiers, to those:
  - b. who would be eligible for consideration for affordable housing under the Local Authority's Housing Policies; and the widows, widowers or civil partners of the above and any resident dependants.REASON: An unrestricted residential occupation would be contrary to local and national policy.
- 04) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.

Cont...

Application No. 16/0676/FULL Continued

- 05) Notwithstanding the approved plans before the dwelling hereby approved comes into beneficial use 3 off-street parking spaces shall be provided within the curtilage of the site in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.  
REASON: In the interests of highway safety.
- 06) The development shall not be occupied until a means of vehicular access has been constructed in accordance with details that shall have first been submitted to and agreed in writing with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 07) Notwithstanding the submitted plans, prior to the commencement of works on site a detailed plan of the exact location of the proposed dwelling at a scale of 1:200 or 1:500 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
REASON: For the avoidance of doubt as to the location of the dwelling hereby approved.
- 08) No development or site/vegetation clearance shall take place until a detailed reptile Mitigation Strategy/Reptile Method Statement has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.  
REASON: To ensure that reptiles are protected.
- 09) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new property at Pen Yr Heol Las, Energlyn, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning policy Wales and Tan 5 Nature Conservation and Planning.

Cont....

Application No. 16/0676/FULL Continued

- 10) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow or Swift) in the new property at Pen Yr Heol Las, Energlyn, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.

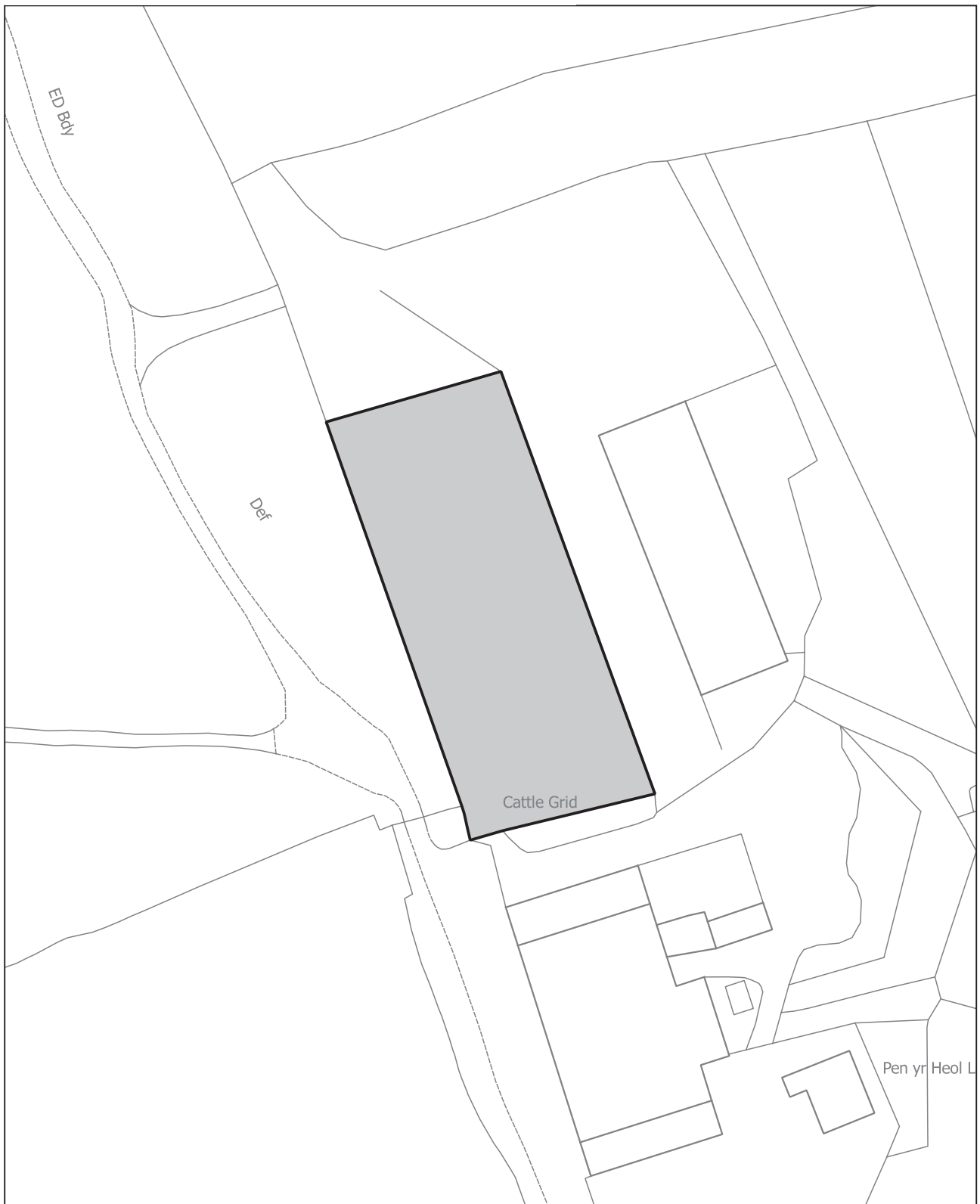
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW4.

Please find attached comments from the Council's Ecologist and Senior Engineer (Land Drainage).

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## PLANNING COMMITTEE – 9 NOVEMBER 2016

**SUBJECT: BT PAYPHONE BOXES**  
**REPORT BY: CORPORATE DIRECTOR - COMMUNITY SERVICES**

### 1. PURPOSE OF REPORT

- 1.1 To consider a consultation from BT about the closure and removal of their telephone boxes in the borough.

### 2. SUMMARY

- 2.1 BT has consulted this Council about the closure and removal of its telephone boxes. All the members of the Council and the clerks of the community councils have been advised of the proposals.
- 2.2 Only one objection has been raised to the removal of a specific phone box.

### 3. LINKS TO STRATEGY

- 3.1 The report takes account of the adopted Caerphilly County Borough Local Development Plan up 2021.

### 4. THE REPORT

- 4.1 A consultation was received from BT on 5 September 2016 about the removal of 41 public payphones. The period for consultation responses closes on 3 December 2016. The payphones in question are:

Address	Post code	No. of calls in last 12 months
High Street, Nelson	CF46 6HB	69
Hengoed Avenue, Cefn Hengoed	CF82 7HT	0
Penybryn Terrace, Penybryn	CF82 7GG	7
Main Road, Maesycwmmmer	CF82 7PJ	7
The Square, Glan y Nant	NP12 3XF	102
Highfield Crescent, Aberbargoed	CF81 9DW	0
Gwerthonor Place, Gilfach	CF81 8JQ	29

New Road, Deri	CF81 9GJ	40
Upper Gelligroes	NP12 2HT	0
High Street, Argoed	NP12 0HQ	1
Woodland Road, Pontllanfraith	NP12 2LS	0
Glen View, Hollybush	NP12 0SQ	0
Groveside Road, Oakdale	NP12 0DN	48
Fleur de Lys Ave, Pontllanfraith	NP12 2NU	148
The Crown, Pontllanfraith	NP12 2HE	1

Newbridge Road, Pontllanfraith	NP12 2LB	1
Hafodyrynys	NP11 5BE	110
Treowen Road, Newbridge	NP11 3DL	0
Old Pant Road, Newbridge	NP11 5BZ	8
West End, Abercarn	NP11 4TG	8
St Lukes Surgery, Abercarn	NP11 5GR	168
Main Street, Crumlin	NP11 4PT	4
Twyn Place, Abercarn	NP11 5JX	0

John Street, Cwmcarn	NP11 7EH	0
Duffryn Terrace, Wattsville	NP11 7QN	0
Commercial Road, Machen	CF83 8PG	0
Herbert Avenue, Risca	NP11 6JS	0
Meadow Crescent, Risca	NP11 6NN	0
Maerdy View, Rhymney	NP22 5LH	0
Carno Street, Rhymney	NP22 5QP	0
Hill Street, Rhymney	NP22 5JE	3

Moores Row, Fochriw	CF81 9JT	7
Caerphilly Road, Senghenydd	CF83 4FW	1
Porset Drive, Caerphilly	CF83 1PJ	37
Garth Place, Rudry	CF83 3DL	0
Pandy Road, Bedwas	CF83 8EH	9
First Avenue, Caerphilly	CF83 2SD	0
Rudry, Caerphilly	CF83 3EB	0
Van Terrace, Rudry	CF83 3EE	0

Bowls Terrace, Caerphilly	CF83 2RD	53
Court Road, Caerphilly	CF83 2QW	2

- 4.2 The letter from BT advises that they placed a notice in each box in early August inviting comments about its closure to be sent to the local planning authority. No comments have been received as a result of that publicity. Local communities can adopt a red box for £1. BT also advises that the use of payphones has declined by over 90% in the last decade due to the use of mobile phones. They draw attention to an Ofcom report which found that most people do not view payphones for most consumers in most circumstances.
- 4.3 The next stage in the process is to express an intention to adopt a payphone, or to object or to raise no objections to its removal.
- 4.4 Members and the clerks to the community councils were consulted about this matter on 7 and 8 September 2016 respectively. Responses have been received from three local members stating the following:
- there is still a role for telephone boxes as not everyone has a mobile phone, there are also blind spots for mobiles in a lot of areas
  - it is difficult to argue with the figures regarding the usage of the payphones
  - will the cable connection be taken away, or left to be reinstated if ever needed?

There has been one verbal request from a member about the possibility of listing telephone boxes. There are 2 telephone boxes (both listed grade II) within Caerphilly county borough that have been listed by Cadw.

- Telephone call-box on Groeswen Road, Groeswen (K6 type introduced in 1936)
- Telephone call-box outside the former Pioneer Hotel, Ynysddu (also K6)

Cadw is not currently commissioning fieldworkers throughout Wales to survey buildings and structures with a view to them being 'listed'. It is very rare now to come across ones that have not been considered. It is probable that when the re-surveying was being undertaken by Cadw (1996-2005), they would have considered all during that 'sweep' to see if any met the criteria, and only those mentioned above qualified.

- 4.5 Gelligaer Community Council has raised an objection to the removal of the box at Glan y Nant because of the level of usage (102 calls in the last 12 months). They have made this comment directly to BT and if their objection is not upheld they have expressed a wish to adopt the box. BT have noted the objection pending this Council's reply.
- 4.6 In view of the limited response to the consultation process, and the difficulties the Council would face in objecting to their removal because of the low usage levels it would be hard to justify their retention. The intention would be to remove the boxes permanently. It is recommended that no objections are raised. However, the objections raised by Gelligaer Community Council should be passed on to BT.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 There are no equalities implications in respect of the Council's role and decision on this matter.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 None.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 None.

## **8. CONSULTATIONS**

- 8.1 None.

## **9. RECOMMENDATIONS**

- 9.1 That objections are raised on behalf of Gelligaer Community Council to the removal of the telephone box at Glan y Nant on the basis of its usage and its contribution to the character of the area.

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 As set out in the report above.

## **11. STATUTORY POWER**

- 11.1 The Town and Country Planning Act 1990 and related acts and statutes.

Author: Tim Stephens - Interim Head of Planning

Consultees: All members, and clerks to the community councils.

Background Papers: None.

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## PLANNING COMMITTEE – 9 NOVEMBER 2016

**SUBJECT: PLANNING COMMITTEE SITE VISITS**  
**REPORT BY: CORPORATE DIRECTOR - COMMUNITY SERVICES**

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### 1. PURPOSE OF REPORT

1.1 To review the new Planning Committee site visit procedure

### 2. SUMMARY

- 2.1 This report briefly considers the new site visit procedure introduced in 2015, with the first site visit taking place in March. Site visits are now held on the Monday before Planning Committee, and they involve applications that are being reported to the immediately up and coming committee. This avoids applications being deferred for a site visit at Planning Committee, thereby introducing delay into the decision process.
- 2.2 An email was sent to all the members of the Council on 11 July asking for their opinion about the new procedure, and nine replies were received which were largely positive, the only concern raised was the loss of the informal arrangements for the public to comment following the close of the site meeting..
- 2.3 The new procedure is working well and should be adopted on a permanent basis.

### 3. LINKS TO STRATEGY

3.1 The report takes account of the adopted Caerphilly County Borough Local Development Plan up 2021.

### 4. THE REPORT

- 4.1 In support of the Planning (Wales) Act 2015 the Royal Town Planning Institute (RTPI) undertook research into the operation of planning committees in Wales to provide evidence on their efficiency and effectiveness. In recent consultations Welsh Government has proposed that submissions for planning permission should be made directly to them where LPAs are considered to be failing to determine applications within a reasonable timescale. In addition, as of October 2015 failure to determine 'householder' applications within 16 weeks, and all other applications within 24 weeks, will result in the return of the planning application fee. The determination of applications was often prolonged because proposals had to be reported to Planning Committee first before a site visit was authorised and held. There was therefore an urgent need to consider an alternative.
- 4.2 The recommendations of the Royal Town Planning Institute were as follows. Site visits should:
- Be held on an exceptional basis for major applications. Where required they should be identified by officers in consultation with the Chair, and based on clear published criteria;
  - There should be provision for members to ask for a committee site visit but this should be done early, in advance of the committee meeting at which the application is being discussed;

- They should only be allowed where the benefit is expected to be substantial;
- They should take place prior to the first committee meeting at which the application is to be determined;
- Public speaking should not be allowed;
- Site visits should occur no more than a week prior to the committee meeting at which the application is being discussed;
- The full committee need not attend site visits, and all members attending the committee meeting at which the application is reported should be able to vote whether or not they attended the site visit.

4.3 To enable the introduction of a procedure compliant with those recommendations, the following changes were proposed in November 2015:

- If members wish an application to be reported to Planning Committee, and be the subject of a site visit, they should advise the case officer, or in their absence, any other officer of the Development Management team, in writing (including email) within 21 days of receiving the weekly list of planning applications.
- At this time this will apply to all applications, not just major ones although that restriction may be imposed on the Council in due course if the RTPI recommendations are embodied in secondary legislation. A further Report will be presented to members regarding the progress of the RTPI recommendations in the future. The clear intention of the amended proposals is to reduce the number of formal site visits. Members are now encouraged to go to the sites themselves, discuss proposals with officers, and look at the presentations that officers now e-mail to Planning Committee members before committee.
- Any request for a formal site visit will have to comply with the following criteria:
  - Illustrative material is insufficient to convey the issues
  - A judgment is required on visual impact
  - The setting and surroundings are relevant to the determination of the application
  - The site has not been visited recently by the Planning Committee in relation to another planning application
- All site visits will take place on the Monday before Planning Committee for applications being reported to that committee.
- All members of the Council (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.
- Applicants, their agents and members of the public will not be allowed to speak at the site visits, apart from providing matters of information or clarification; the informal meeting with the public that has become part of the custom and practice of this Council will end so that the site visits are undertaken in a more formal manner.
- Committee Services will arrange the site visits but will not attend to take minutes. A briefing note will be prepared by planning officers and will be presented to the Planning Committee confirming that a site visit has taken place, and providing a summary of any additional information received or matters arising from the site visit.
- Requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances, e.g. where a councillor was incapable of notifying officers of the need for a site visit when the application for planning permission was first publicised. For reasons stated above, it is hoped that the current numbers of site visits will reduce significantly.
- The Planning Code of Practice, which was adopted on 31 July 2007, will still apply except where it is modified by the procedure set out above. An extract showing the changes is attached as an appendix.

4.4 These changes were agreed at Planning Committee on 4 November 2015, and reported to Council on 17 November. Council agreed the changes subject to their review after six months from the date of implementation. The first site visit took place in March so that period expired in September. The Constitution was amended in May.

- 4.5 All the members of the Council were consulted about the new procedure by email on 11 July 2016. Nine replies were received, and the issues raised are summarised below:
1. It can be difficult to cover a number of major site visits in a day, especially if they are in different parts of the borough
  2. It is important that members hear the concerns of the public
  3. Holding site visits on a Monday means they are fresh in the memory at Planning Committee
  4. Holding the visits on Monday only may clash with members' other commitments.

4.6 The general impression is that the new site visit procedure is working well. The local planning authority (LPA) has to consider all possible means of reducing the time taken to deal with applications in view of the aforementioned advice from the RTPi, the pressure from Welsh Government to ensure that at least 80% of planning applications are determined within 8 weeks, along with the potential penalty of having to return the planning fee. Officers have introduced other measures to address these matters: there is now a weekly meeting of case officers and consultees about all planning applications so that contentious issues are identified early in the process, and the opportunity is taken to set target dates for the determination of applications either at Committee or by delegated powers. The Annual Performance Report (APR) for 2015/16 indicates that 66% of all planning applications were determined within the required timescales. This was the third lowest percentage in Wales and was below the 80% target. Only 8 out of 25 LPAs in Wales met the 80% target. However, this LPA's average masks the significant improvements made in the last two quarters of 2015/16, and are continuing to be made in the first quarter of 2016/17 as shown in the table below.

Quarter	Percentage of applications determined within the statutory timescale
Apr/Jun 2016	86.1%
Jan/Mar 2016	79.3%
Oct/Dec 2015	68.6%
Jul/Sep 2015	59%
Apr/Jun 2015	62%

- 4.7 The following comments are offered in respect of the matters raised by members using the same numbers as in paragraph 4.5.
1. There was one occasion where a number of major applications some distance from each other were the subject of site visits on the same day. This is not a regular occurrence so it should not be a significant problem. However, the procedure could be amended to permit flexibility where it is not possible to travel to all sites in one day. The important thing from an efficiency point of view is that they take place before the Planning Committee.
  2. The Council had over many years adopted an informal procedure where at the end of each site visit, members of the public (and applicants or their agents) were allowed to address or ask questions of the councillors and officers. Concerns were expressed about this procedure by the Council's Interim Monitoring Officer because it was not minuted formally and the procedure had in the past resulted in complaints arising out of the lack of formal minutes of the discussions and allegations of lack of openness and transparency. It should be noted that the purpose of a site visit is to observe the site and gain a better understanding of the issues. They should not be used as a lobbying opportunity by objectors or supporters of the application. For these reasons there is no officer recommendation to reinstate the informal procedure.
  3. This comment is noted, and it is hoped that the site visit along with the electronic presentation sent to members before the Planning Committee assists in the decision making process.
  4. This has not caused any problems to date. If the problem does arise, the member prevented from attending the site visit should bring any concerns to the attention of a fellow ward member or the Chair or Vice Chair of the Planning Committee beforehand so that they can be considered at the site visit.

**5. EQUALITIES IMPLICATIONS**

- 5.1 As far as is possible, consideration will be given to the communication and physical access requirements at the site being visited, for elected members and members of the public. It must be recognised however that the site being visited may currently be physically inaccessible but be subject to a planning application that would make that site accessible.

**6. FINANCIAL IMPLICATIONS**

- 6.1 None

**7. PERSONNEL IMPLICATIONS**

- 7.1 None

**8. CONSULTATIONS**

- 8.1 Gail Williams - Interim Monitoring Officer

**9. RECOMMENDATIONS**

- 9.1 To recommend to Council that having reviewed the new site visit procedure the relevant changes to the Council's Constitution are made permanent subject to the Council's Monitoring Officer being authorised to make the following amendments:

1. Where it is impractical to undertake all approved site visits on the Monday before the Planning Committee, the visit/s may take place on any day subject to the visit/s taking place before the Planning Committee to which the application/s is/are being reported.

**10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 As set out in the report above.

**11. STATUTORY POWER**

- 11.1 The Town and Country Planning Act 1990 and related acts and statutes.

Author: Tim Stephens - Interim Head of Planning

Background Papers: None.

Appendix

Revised Draft Site Visit Protocol



## 10. SITE INSPECTIONS

### Purpose of site inspections

- 10.1 Site inspections are fact-finding exercises to allow members to make a more informed decision than would be possible from reading the officer's report and considering the views expressed at the Planning Committee meeting.
- 10.2 The sole purpose of site inspections is to allow the chairperson and vice chairperson and other members to look at the site and its surroundings. In conducting the site visit, the members will not formally debate the application, express a prior opinion, lobby for any particular decision or come to any decision.

### Requests for Committee site inspections

- 10.3 If members wish an application to be reported to Planning Committee, and be the subject of a site visit, they should advise the case officer, or in his/her absence, any other officer of the Development Management team, in writing (including email) within 21 days of receiving the weekly list of planning applications.  
~~Requests by members for site inspections in respect of committee cases should wherever possible be made to the chairperson of the Planning Committee or the Chief Planning Officer, in writing at least 48 hours before the committee to which the application is being reported. Such a request should indicate why a site visit is necessary. Early notification allows the clerk of the committee to advise members of the public who may otherwise have attended the committee not to do so. The Chief Planning Officer will consult with the chairperson before deciding whether to agree to the member's request. Similarly, if the chairperson receives a request, he should consult with the Chief Planning Officer. Members may also request a site visit at the Planning Committee and should indicate why a site visit is necessary.~~
- 10.4 Site visits should ~~only~~ be allowed on the basis of a request from either the chairperson or vice-chairperson, or from any local member ~~or any member~~ excluding an adjoining ward councillor whether or not a member of the committee. It is expected that local members will already be familiar with the site. Members are encouraged to go to the sites themselves, discuss proposals with officers, and look at the presentations that officers now e-mail to Planning Committee members before committee.
- 10.5 Site visits may also be arranged, at the behest of the ~~Chief Planning Officer~~ Head of Planning and Regeneration or Development Control Manager when they consider that there are particular site issues that members should be aware of prior to the determination of the application.

### Criteria for agreeing to hold site inspections

- 10.6 Any request for a formal site visit will have to comply with the following criteria:
- o Illustrative material is insufficient to convey the issues
  - o A judgment is required on visual impact
  - o The setting and surroundings are relevant to the determination of the application
  - o The site has not been visited recently by the Planning Committee in relation to another planning application

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10.75 Requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances, e.g. where a councillor was incapable of notifying officers of the need for a site visit when the application for planning permission was first publicised. Site visits requested after the application appears on the committee report delay determining the application. While the decision whether or not to undertake an inspection in such circumstances is a matter for the Planning Committee, members shall only make such visits where the Planning Committee cannot otherwise make an appropriately informed decision and the inspection would have substantial benefit. Examples where a site visit would not normally be appropriate include where:

- The member simply disagrees with the conclusion reached in the report.
- The member wishes to consider boundary or neighbour disputes.
- Loss of property values
- Any issues that are not material planning considerations.
- Where councillors have already visited the site within the last 12 months, except in exceptional circumstances.

Where there is any dispute about the need for a site visit the final decision will be taken by the Chair and/or Vice Chair of the Planning Committee in consultation with the Head of Planning and Regeneration and/or the Development Control Manager

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#### **Notification of site visits**

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10.8 All site visits will take place on the Monday before Planning Committee for applications being reported to that committee. All members (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.

Committee Services will arrange the site visits but will not attend to take minutes. A briefing note will be prepared by planning officers and will be presented to the Planning Committee confirming that a site visit has taken place, and providing a summary of any additional information received or matters arising from the site visit.

#### **Attendance at site inspections**

10.96 Site visits will normally be attended by the chairperson and vice-chairperson of Planning Committee, ward members and appropriate officers. ~~Where appropriate adjoining ward members will be invited and in exceptional circumstances the whole of the committee.~~ All members (subject to declarations of interest) will be entitled to attend the site visits, and all Planning Committee members will be encouraged to attend.

10.107 Members may through the chairperson ask questions of officers to clarify factual matters relevant to the site inspection.

10.118 If a request is received from a third party to inspect the site from a different location, the members, as a group, should take the view whether to do so. Unless there are good reasons not to do so, such a request should normally be acceded to but only if all participants at the site inspection are extended the same invitation.

### **Attendance at site inspections**

- | 10.129 Members may only enter onto the site with the permission of the site owner who has the right of attendance at the site inspection.
- | 10.130 The public do not have a right of access to a site but may attend and view the site by way of public vantage points or on site with the consent of the owner.
- | 10.144 Applicants, their agents and members of the public will not be allowed to speak at the site visits, apart from providing matters of information or clarification; the informal meeting with the public that has become part of the custom and practice of this Council will end so that the site visits are undertaken in a more formal manner.  
~~The public cannot address the meeting.~~
- | 10.152 If a member finds it necessary to visit a site alone, he or she shall view it from public vantage points only, seek to avoid discussion with interested parties and, if dialogue occurs, make it clear that a decision will be taken when the Planning Committee has discussed it after the site inspection.
- | 10.163 **Members are reminded that the rules of declarations of interest apply to site visits, and that if a member has an interest that would require the member to withdraw from a Planning Committee, the member is not entitled to attend the site meeting.**

### **Conduct at site inspections**

- | 10.174 The inspection will be chaired by the chairperson or vice chair of the Planning Committee who will ensure that it is conducted as a single meeting and in an orderly fashion.
- | 10.185 The planning officer will give a brief summary of the application and the site inspection issues at the beginning of each site visit.
- | 10.196 Members of the Planning Committee attending the site inspection shall not make comments that would create an impression that they have already formed a view on the merits of the application.
- | 10.1720 Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.
- | 10.4821 Non-Committee members may address their colleagues on issues of fact pertaining to the site context.
- | ~~10.19 The applicant or members of the public will not be permitted to address members during the site inspection, but may be asked to clarify issues of fact by the chairperson.~~
- | ~~10.20 Once the formal site meeting is concluded at the chairperson's discretion, and depending on the time available, an informal discussion may be held with the applicant, any agent, and any members of the public. In such a situation members and officers should continue to abide by this code.~~

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# Agenda Item 18

## APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
16/0683/FULL 08.08.2016	Mr G Symonds Hawthorn Cottage Llangynidr Road Beaufort Ebbw Vale NP23 5EY	Erect detached dwelling and integral garage Plot 2 Land Adjoining 88 Abernant Road Markham Blackwood	Granted 04.10.2016
16/0695/COND 09.08.2016	Mr T Howell 3 Station Place Risca Newport NP11 6PX	Discharge conditions 5 (land drainage) and 7 (soil contamination) of planning consent 10/0627/FULL to (Demolish existing bungalow and construct a pair of semi- detached dwellings with associated parking and external works) 49 Gladstone Street Crosskeys Newport NP11 7PL	Decided - Discharge of Conditions 04.10.2016
16/0556/FULL 01.07.2016	Mr D Hurd Hen-dy-Cerbyd Chapel Of Ease Abercarn NP11 5LH	Erect a two-storey extension to include lounge and additional bedroom Hen-dy-Cerbyd Abercarn Newport NP11 5LH	Granted 05.10.2016
16/0625/COU 18.07.2016	Mr J W Hinder 55A Cardiff Road Bargoed CF81 8PA	Convert the ground floor of 56 Cardiff Road to form an extension of bar area for 55 Cardiff Road 55 & 56 Cardiff Road Bargoed CF81 8PA	Granted 05.10.2016
16/0703/NCC 10.08.2016	Mr C Clarke The Croft 2 Church Street Machen Caerphilly CF83 8PJ	Vary condition 3 of planning consent 13/0124/OUT (Erect detached dwelling house) to extend the time period within which the development can commence Land Adjacent To 2 Rose Cottages Church Street Machen Caerphilly	Granted 05.10.2016

15/0202/FULL 15.04.2015	Mr N Morgan 62 St Christophers Drive Caerphilly CF83 1DD	Erect single-storey shower room extension to rear of house 62 St Christopher's Drive Caerphilly CF83 1DD	Granted 06.10.2016
15/0798/ADV 23.12.2015	Stonegate Porter Tun House 500 Capability Green Luton LU1 3LS	Erect signage Kings Arms 46 Cardiff Road Caerphilly CF83 1JQ	Granted 06.10.2016
16/0615/TPO 13.07.2016	Mrs S Jones 32 Griffin Drive Penallta Hengoed CF82 6AH	Reduce height of the main birch trees by 3-4 metres, remove dead sections of all trees and raise the lower inner crown foliage tips to 2 metres Woodland To The Rear Of 26 - 32 Griffin Drive Penallta Hengoed	Granted 06.10.2016
16/0694/NMA 08.08.2016	Chevler Ltd Reed House Tir-y-berth Industrial Estate New Road Tir-y-berth CF82 8AU	Seek approval of a non- material amendment to planning consent 15/0135/FULL (Refurbish two existing factory units including the over-cladding of roofs and walls, replacement of windows, minor re-planning of welfare facilities and the creation of external breakout/smoking area) to remove existing cladding and replace with new composite cladding system Reed House Tir-y-berth Industrial Estate New Road Tir- y-berth	Granted 06.10.2016
16/0754/NMA 19.08.2016	Admiral Building Solutions Mr P Griffiths Office 1B Bedwas Court Bedwas House Industrial Estate Caerphilly CF38 8HX	Seek a non-material amendment to planning consent 11/0318/FULL (Re- develop former Workingmens Club, part demolish existing rear buildings, erect side extension and convert to four 2 bed flats) to modify internal layout of flats, modify external fenestration and modify existing basement level to accommodate parking and the provision of a garage door Ystrad Mynach Sports & Social Club 38 Penallta Road Ystrad Mynach Hengoed	Granted 06.10.2016

14/0855/FULL 23.12.2014	United Welsh Housing Association Mr P Seaborne C/o Asbri Planning Ltd Mr B Davies Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS	Erect residential development and associated works Land At Watford Road Caerphilly	Granted 07.10.2016
16/0274/FULL 29.04.2016	Mr A Jeremiah Moondance 34 West Drive Porthcawl Bridgend CF36 3HS	Erect hay barn extension to existing stable The Old Granary Old Nantgarw Road Nantgarw Cardiff	Granted 07.10.2016
16/0335/FULL 12.04.2016	Mr K Mills 104 Jim Driscoll Way Grangetown Cardiff CF11 7JR	Erect new dwelling Land Rear Of 39 Highfield Road Pontllanfraith Blackwood NP12 2EB	Granted 10.10.2016
16/0680/ADV 05.08.2016	Greggs PLC Mrs S Humphries B3 Mucklestone Business Centre Mucklestone Market Drayton Shropshire TF9 4FB	Erect one new fascia sign, one new hanging sign and two internal window graphics Greggs PLC Unit A 43 Tredegar Street Risca	Granted 10.10.2016
16/0712/FULL 15.08.2016	Mr D Summers 8 Badham Close Caerphilly CF83 1SH	Erect a two-storey extension to the rear of the property and small porch to front 8 Badham Close Caerphilly CF83 1SH	Refused 10.10.2016
16/0715/FULL 15.08.2016	Mr A Paget 46 Penybryn Terrace Penybryn Hengoed CF82 7GG	Construct a car parking hardstanding 46 Penybryn Terrace Penybryn Hengoed CF82 7GG	Granted 10.10.2016
16/0721/FULL 17.08.2016	Mr J Jones 47 Hill Street Rhymney Tredegar NP22 5JH	Erect first floor side extension above garage to enlarge bedroom 47 Hill Street Rhymney Tredegar NP22 5JH	Granted 10.10.2016

16/0800/TCA 12.09.2016	Mrs E Bevan 5 Rhyd Y Gwern Lane Draethen Newport NP10 8GH	Reduce crown of 2 beech trees by two metres in height and spread 4 & 5 Rhyd Y Gwern Lane Draethen Newport NP10 8GH	Granted 10.10.2016
16/0720/FULL 16.08.2016	H C Capel & Sons Mr C Capel Fairview Garage Pengam Road Pengam Blackwood NP12 3QY	Renovate and provide access door changes to the front and rear elevation on the existing building Units A And A1 Block A Pinewood Court St Davids Industrial Estate	Granted 11.10.2016
16/0774/NOTD 31.08.2016	Natural Resources Wales Ty Cambria 29 Newport Road Cardiff CF24 0TP	Demolish building and substructure NRW Rudry Area Office Graig Llan Office Maenllwyd To Rudry Common Rudry	Prior Approval Not Required 11.10.2016
16/0341/COND 04.05.2016	WRW Construction Ltd Mr C Prosser Anchor Point North Dock Llanelli Carmarthenshire SA15 2LF	Discharge condition 09 (soil testing scheme) of planning consent 09/0469/OUT (Erect residential development with associated vehicle access, car parking and services, other ancillary uses and activities) Land At Former Coal Yard Llancaiach View Nelson Treharris	Decided - Discharge of Conditions 12.10.2016
16/0745/LA 18.08.2016	Caerphilly County Borough Council Mr B Hopkins Assistant Director - Education Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG	Erect single-storey extension to junior block Plasyfelin Primary School Lewis Drive Caerphilly CF83 3FT	Granted 12.10.2016
16/0613/FULL 15.07.2016	Ms L Cochrane Pencwuarra Farm Bedwellty Road Markham Blackwood NP12 0PP	Convert existing water tank into single residential dwelling Markham Reservoir Tank Commin Road Markham Blackwood	Granted 13.10.2016



16/0622/OUT 18.07.2016	Mr P Percival 6 Black Prince Road Castell Maen Caerphilly CF83 2XP	Construct a pair of semi-detached 2 bed dwellings with on-site parking facilities Land To Rear Of 20 Church Street Bedwas Caerphilly	Granted 13.10.2016
16/0700/FULL 11.08.2016	Mr G Harris 12 Heol Bryn Fab Nelson Treharris CF46 6JF	Erect garage 12 Heol Bryn Fab Nelson Treharris CF46 6JF	Granted 13.10.2016
16/0710/RET 15.08.2016	Mr C Jones Tyr Hendre Pant-Du Road To Tydu Road Llanfabon Treharris CF46 6PG	Retain the extension of the curtilage into agricultural land Tyr Hendre Pant-Du Road To Tydu Road Llanfabon Treharris	Granted 13.10.2016
16/0737/FULL 22.08.2016	Mr J Tiley 74 Bailey Street Deri Bargoed CF81 9HW	Erect a two-storey rear extension 74 Bailey Street Deri Bargoed CF81 9HW	Granted 13.10.2016
16/0747/TPO 23.08.2016	Mr J Hughes Redroofs Nant-Yr-Helyg Bute Town Rhymney Tredegar NP22 5QX	Remove tree G2/1 and clean canopy of dead wood, remove low branches overhanging the shed (approximately 3 inch diameter at the main stem and cut back the branch tips overhanging the greenhouse by 1 - 1.5 metres of tree G2/2 (Tree Preservation Order 38/80/RVDC) Redroofs Nant-Yr-Helyg Bute Town Rhymney	Granted 13.10.2016
16/0657/TPO 26.07.2016	Mrs L Dufeu 45 Cefn Mably Park Michaelstone-Y-Fedw Cardiff	Provide various tree works (TPO No. 13/01/CCBC) Land At Cefn Mably Park Michaelston-Y-Fedw Cardiff	Granted 14.10.2016
16/0688/COND 08.08.2016	Mr G Jones Ty Cwm Lower Road Elliotstown New Tredegar NP24 6EB	Discharge condition 5 (driveway materials) of planning consent 10/0913/FULL (Construct new detached 4 bedroom dwelling) Ty Cwm Lower Road Elliot's Town New Tredegar	Decided - Discharge of Conditions 14.10.2016

16/0705/FULL 12.08.2016	Premier Inn Hotels Ltd C/o Walsingham Planning Miss V Harper Brandon House King Street Knutsford Cheshire WA16 6DX	Site external kitchen extractor unit and carry out minor external alterations together with internal reconfiguration to facilitate ancillary customer breakfast room Premier Travel Inn Corbetts Lane Pwllpant Caerphilly	Granted 14.10.2016
16/0727/LA 19.08.2016	Caerphilly County Borough Council Mr G Cooper Urban Renewal Team Regeneration And Planning Service Tredomen House Tredomen Business Park Ystrad Mynach Hengoed CF82 7WF	Replace existing outbuilding and provide associated landscaping and access improvement works Community Regeneration Office 1 Hafod Deg Resource Centre High Street	Granted 14.10.2016
16/0728/CONC 19.08.2016	Caerphilly County Borough Council Mr G Cooper Urban Renewal Team Regeneration And Planning Service Tredomen House Tredomen Business Park Ystrad Mynach Hengoed CF82 7WF	Obtain Conservation Area Consent to replace existing outbuilding, associated landscaping and access improvement works Community Regeneration Office 1 Hafod Deg Resource Centre High Street	Granted 14.10.2016

16/0736/COND 19.08.2016	Mr M Bryant 45 Parkwood Drive Bassaleg Newport NP10 8JT	Discharge conditions 4 (storage), 5 (drainage), 6 (hedgerow enhancement), 8 (external surfaces) and 9 (access and parking) of planning consent 16/0186/FULL (Site two steel storage containers (for agricultural tools, materials, pig and sheep feed, fertilizer, chemicals for weed control and security for quad trailer) and erect a stable (for one horse and the storage of hay and tack)) Land At Rhyswg Fawr Rhyswg Farm Lane Cwmcarn Newport	Decided - Discharge of Conditions 14.10.2016
16/0742/FULL 19.08.2016	H C Capel & Sons Mr C Capel Fairview Garage Pengam Road Pengam Blackwood NP12 3QY	Erect eastern and western factory extensions to existing factory building Units A & A1 Pinewood Court (Block A) St Davids Industrial Estate Pengam	Granted 14.10.2016
16/0761/COND 24.08.2016	POBL Mr N Taylor Exchange House The Old Post Office High Street Newport NP20 1AA	Discharge conditions 2 (drainage) and 14 (hard and soft landscaping) of 14/0831/FULL (Erect residential development of 13 dwellings and associated external works on vacant land) Land Rear Of Woodbine Road Blackwood	Decided - Discharge of Conditions 14.10.2016
16/0765/COU 25.08.2016	Mrs J Gatehouse 13 Greenfield Place Abertridwr Caerphilly CF83 4EN	Change of use from a greengrocers shop to a tattoo and piercing shop Shop Unit 4 Thomas Street Abertridwr Caerphilly	Granted 14.10.2016
16/0730/COND 08.09.2016	Mr S Pipkin Telegraph House Calenick Street Truro TR1 2SF	Discharge condition 19 (drainage) and condition 20 (proposed watercourse) of planning consent 13/0483/FULL (Install three wind turbines) approved on appeal (APP/K6920/A/14/2221852) Land At Bryn-Oer Merthyr Road Rhymney	Decided - Discharge of Conditions 14.10.2016

16/0729/RET 19.08.2016	Clean Earth Energy Ltd Mr G Davies Unit 2A Bess Park Road Wadebridge Cornwall PL27 6HB	Retain as-built access track and field entrance used to service a single wind turbine (previous planning application ref 15/0499/FULL) Castell Llwyd Farm Heol Las Nelson Treharris	Granted 17.10.2016
16/0733/FULL 22.08.2016	Mr R Venn 15 Ty'n Y Parc Abertridwr Caerphilly CF83 4ED	Convert integral garage to living room 15 Ty'n Y Parc Abertridwr Caerphilly CF83 4ED	Granted 17.10.2016
16/0744/FULL 22.08.2016	Mr S Broughton Rockville Newport Road Machen Caerphilly CF83 8NZ	Erect a two-storey side extension Rockville Newport Road Machen Caerphilly	Granted 17.10.2016
16/0555/FULL 30.06.2016	Mr A Blake 13 Commercial Street Pontymister Risca Newport NP11 6AW	Erect a single storey kitchen extension 13 Commercial Street Pontymister Risca Newport	Granted 18.10.2016
16/0687/ADV 08.08.2016	Papa John's Mr S Russell Unit C Bowls Court Bowls Terrace Penyrheol Caerphilly CF83 2RD	Provide an internally LED illuminated main fascia sign comprising of aluminium sign box PVC/vinyl skin to face an internally illuminated LED aluminium and acrylic projection sign and a poster frame fitted inside the shopfront with LED illuminated edges Unit C Bowls Court Bowls Terrace Penyrheol	Granted 18.10.2016
16/0751/FULL 23.08.2016	Miss M Durman 38 Priorsgate Oakdale Blackwood NP12 0EL	Erect a single-storey side extension 38 Priorsgate Oakdale Blackwood NP12 0EL	Granted 18.10.2016

16/0505/COND 16.06.2016	CCBC - Education Mrs K Cole Ty Penallta Tredomen Park Ystrad Mynach Hengoed Caerphilly CF82 7PG	Discharge conditions 03 (Amended Traffic Management Plan), 06 (Tree Protection) and 07 (Capital Asset Valuation for Trees) of planning consent 16/0044/LA (Upgrade existing school playing fields to a 3G artificial area to allow for rugby, football and a 200m running track, erect a minimum 5m high security fence, designate an area as MUGA pitches with a surrounding fence at minimum 2.4m height and provide floodlighting to the 3G pitch only, along with pedestrian lighting to the pathways (Phase IV)) Y Gwyndy - Ysgol Gyfun Cwm Rhymni Pontygwindy Road Caerphilly CF83 3HG	Decided - Discharge of Conditions 19.10.2016
16/0743/FULL 23.08.2016	Mr & Mrs V Lusardi 9 Gordon Close Blackwood NP12 1EP	Erect single storey extension to side and rear of bungalow 9 Gordon Close Blackwood NP12 1EP	Granted 19.10.2016
16/0757/RET 24.08.2016	Mrs H Morris 16 Clos Coed Duon Highfields Blackwood NP12 1FP	Retain decking 3.7m wide 24 Greensway Abertysswg Tredegar NP22 5AR	Granted 19.10.2016
16/0689/COND 08.08.2016	Mr K James The Cwtch Lower Road Elliot's Town New Tredegar NP24 6EB	Discharge condition 5 (driveway materials) of planning consent 10/0912/FULL (Construct new detached 4 bedroom dwelling) The Cwtch Lower Road Elliot's Town New Tredegar	Decided - Discharge of Conditions 20.10.2016
16/0722/COU 18.08.2016	New Eagle SA Vora Urvashi 102 Ealing Road Wembley HA0 4TH	Convert second-floor vacant premises above numbers 123, 125 and 127 High Street into 3 new residential units, infill flat roof portion to rear of property to increase internal floor area providing access directly off High Street via door adjacent to number 127 123 & 125 - 127 High Street Blackwood NP12 1AB	Granted 20.10.2016

16/0760/RET 25.08.2016	Mr T Webster 47 Tanybryn Pontymister Risca Newport NP11 6JR	Retain garden shed 47 Tanybryn Pontymister Risca Newport	Granted 20.10.2016
16/0762/FULL 25.08.2016	Bank Of Ireland Mrs L Dadswell ATM And Self Service Operations Room B29 Ground Floor IT Centre Cabinteely Dublin Ireland	Install ATM through the shopfront glazing Shop Unit 3 Newport Road Trethomas Caerphilly	Granted 20.10.2016
16/0763/ADV 25.08.2016	Bank Of Ireland Mrs L Dadswell ATM And Self Service Operations Room B29 Ground Floor IT Centre Cabinteely Dublin Ireland	Install advertising collar to surround the ATM Shop Unit 3 Newport Road Trethomas Caerphilly	Granted 20.10.2016
16/0768/FULL 30.08.2016	Mr & Mrs R Edwards 4 Lon Uchaf Caerphilly CF83 1BR	Erect single-storey rear extension with alterations to existing dwelling, erect a new single-storey detached store to rear amenity area and provide alterations to existing parking area 4 Lon Uchaf Caerphilly	Granted 20.10.2016
16/0770/COND 30.08.2016	Mr S Rogers 15 Groves Road Newport NP20 3SP	Discharge Condition 9 (materials) of previous consent 14/0832/RM 15 Ty Gwyn Lane Aberbargoed Bargoed CF81 9AN	Decided - Discharge of Conditions 20.10.2016
16/0675/NMA 03.08.2016	Mr G Parsons 24 Tor View Bedwas Caerphilly CF83 8HE	Seek approval of a non- material amendment to planning consent 14/0253/FULL (Erect single- storey front and rear extensions and relocate garage) to alter boundary fence to solid block built wall and to adjust the shape of the patio 24 Tor View Bedwas Caerphilly	Refused 24.10.2016

16/0716/FULL 16.08.2016	Greggs Plc Mrs S Humphries B3 Mucklestone Business Centre Mucklestone Market Drayton Shropshire TF9 4FB	Repaint shopfront, infill right hand door and hole with matching plaster 16-18 High Street Newbridge Newport NP11 4EZ	Granted 24.10.2016
16/0717/ADV 16.08.2016	Greggs Plc Mrs S Humphries B3 Mucklestone Business Centre Mucklestone Market Drayton Shropshire TF9 4FB	Erect signage 16-18 High Street Newbridge Newport NP11 4EZ	Granted 24.10.2016
16/0769/FULL 30.08.2016	Mr C Jones 126 St Gwladys Avenue Bargoed CF81 8SZ	Erect a single storey rear extension and front porch 126 St Gwladys Avenue Bargoed CF81 8SZ	Granted 24.10.2016
16/0771/FULL 30.08.2016	Mr D Williams 4 Aster Close Ty Sign Risca Newport NP11 6HL	Convert side extension from a one-storey to a two-storey extension 4 Aster Close Ty Sign Risca Newport	Granted 24.10.2016
16/0773/COU 31.08.2016	Bedwas Self Storage Ltd Mr C Lovering Unit 1B Bedwas Court Bedwas House Industrial Estate Bedwas Caerphilly CF83 8HX	Change of use from Curves gym back to general office space use Unit 1C Bedwas Court Bedwas House Industrial Estate Bedwas	Granted 24.10.2016
16/0777/COND 01.09.2016	Mrs M Eades Cwm Cylla Bungalow (2) Heol-Y-Felin Cefn Hengoed Hengoed	Discharge condition 2 (bat survey) of previous consent 16/0118/FULL (Refurbish property including a replacement roof and porch) Cwm Cylla Bungalow (2) Heol-Y-Felin Cefn Hengoed Hengoed	Decided - Discharge of Conditions 24.10.2016

16/0780/COND 02.09.2016	KFC (GB) Ltd Orion Gate Guildford Road Woking GU22 7NJ	Discharge condition 3 (timber store and cycle rack details) of previous consent 16/0306/FULL (Provide new entrance door, relocate fire exit door, provide general decoration, form new external store and bin store within yard and provide new cycle) KFC 1 North Court High Street Blackwood	Decided - Discharge of Conditions 24.10.2016
16/0783/FULL 05.09.2016	Mr O Jones 1 Ty Treharne Ty Gawla Isaf To Rhymney River Cefn Mably Cardiff CF3 6LP	Erect single storey extension to increase retail area and additional toilet block and cafe/lounge area Cefn Mably Lakes Bridge Farm Ty Gawla Isaf To Rhymney River Cefn Mably	Granted 24.10.2016
16/0840/NMA 26.09.2016	Grove Dental Practice Mr J O'Shea 28 Penallta Road Ystrad Mynach Hengoed CF82 7AN	Seek approval of a non-material amendment to planning consent 14/0559/FULL (Demolish lean-to outbuilding and construct a single-storey rear extension) to increase the width of the extension by 25cm Dental Surgery 28 Penallta Road Ystrad Mynach Hengoed	Granted 24.10.2016
16/0854/NMA 29.09.2016	Mr G Elliot C/o Mr M Morgan 9 School Street Aberbargoed CF81 9DA	Seek approval of a non-material amendment to planning application 15/1120/COU (Change use from B2 general industrial (garage workshop) to 2 no C3 flat units housed in a new building) for the removal of one first floor rear window and the addition of roof lights and a front window to the new second floor 30 Broomfield Street Caerphilly CF83 1FY	Granted 24.10.2016
16/0732/FULL 22.08.2016	Mrs A Dirar 21 Heol Rhos Caerphilly CF83 2BE	Erect rear extension 21 Heol Rhos Caerphilly CF83 2BE	Granted 25.10.2016



16/0822/COND 20.09.2016	POBL Mr N Taylor Exchange House The Old Post Office High Street Newport NP20 1AA	Discharge condition 18 (Contamination - soil import testing) of planning consent 14/0831/FULL (Erect residential development of 13 dwellings and associated external works on vacant land) Land Rear Of Woodbine Road Blackwood NP12 1QF	Refused 25.10.2016
16/0856/NMA 29.09.2016	Mrs & Mrs D Davies 26 Chez Nous Sunny Bank Terrace Machen Caerphilly CF83 8PY	Seek approval of a non- material amendment to planning application 15/0158/FULL (Erect extensions to existing dwelling and construct a double garage) to change from timber cladding to wood plastic composite Chez Nous 26 Sunny Bank Terrace Machen Caerphilly	Granted 25.10.2016
16/0735/TCA 17.08.2016	Mr G Stevens 21 Maesycoed Terrace Tredomen Hengoed CF82 7BU	Dismantle oak tree to ground level 21 Maesycoed Terrace Tredomen Hengoed CF82 7BU	Refused 26.10.2016
16/0772/FULL 31.08.2016	Mr Jones 41 Ffordd Erw Caerphilly CF83 1RY	Erect first floor side extension 41 Ffordd Erw Caerphilly CF83 1RY	Granted 26.10.2016
16/0387/COU 17.05.2016	Mr & Mrs M Bettinson Bridge Croft Kennels Tir Adam Uchaf Farm Heol Adam Gelligaer Hengoed CF82 8FU	Change the use of dog kennels to holiday-let accommodation Bridge Croft Kennels Tir Adam Uchaf Farm Heol Adam Gelligaer	Granted 27.10.2016
16/0449/COU 06.06.2016	Mr R Parfitt Highwinds New Bryngwyn Road Newbridge NP11 4NF	Demolish and re-construct the east gable wall in rendered blockwork, convert the existing church into one dwelling and convert the adjoining building into two dwellings Beulah Baptist Church North Road Newbridge Newport	Granted 27.10.2016
16/0734/RET 17.08.2016	Mrs T Phillips 3 Clos Gwynle Caerphilly	Retain summer house on previously retained decking 3 Clos Gwynle Caerphilly	Granted 27.10.2016

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# Agenda Item 19

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

APPLICATION NUMBER DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/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.
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.
13/0799/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.
13/0809/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.
14/0328/FULL 19.05.14	Erect a detached six bedroom dwelling on Land Adjacent To Brook House Pandy-Mawr Road Bedwas Caerphilly	Awaiting amended plans.
15/0060/COU 22.01.15	Convert first and second floors to 6 No. one bedroom flats at 1 Pentrebane Street Caerphilly	Awaiting additional information.
15/0278/RET 10.04.2015	Retain metal recycling centre at Unit 15 Darren Drive, Prince Of Wales Industrial Estate, Abercarn	Awaiting additional information about parking space and wildlife.
15/0348/COU 20.05.16	Change the use of part of ground floor and first floor to add three flats to existing A1 use at 101 - 103 Commercial Street Pontymister, Risca	Extension of time agreed and subject to further discussion.

15/0440/CON 30.06.16	Demolish former health centre building at 1st Oakdale Scout Group, Oakdale Scout Hall, Kincoed Road, Oakdale	Subject to further discussion and consideration.
15/0466/FULL 30.06.16	Erect single-storey lounge/dining extension plus two-storey extension, rebuilding garage with ground floor study and first floor bedroom at 10 Cwrt Pantycelyn, Pontllanfraith, Blackwood	Additional information requested.
15/0502/COU 13.07.15	Change of use of the first and second floors from offices to 6 residential flats at Caerphilly Indoor Market 5 Pentrebanne Street, Caerphilly	Re-consulting on amended plans.
15/0708/FULL 06.11.15	Erect outhouse and garden retaining walls at Shangri La, Bryn Road Pontllanfraith, Blackwood	Subject to further discussion and consideration.
15/1175/FULL 25.11.15	Erect B1/B2/B8 units together with associated parking/servicing At Phase 5 Dyffryn Business Park, Ystrad Mynach Hengoed.	Awaiting wildlife information.
16/0208/OUT 05.03.16	Erect up to 200 dwellings and access with all other matters reserved at Catnic Pontypandy Industrial Estate Caerphilly	Subject to further discussion and consideration.
16/0427/FULL 01.06.15	Erect detached dwelling and garage on Land South Of Glendale, Van Road Caerphilly	Considering affordable housing considerations.
16/0544/COND 27.06.16	Discharge condition 3 (land drainage), 4 (contamination) and 5 (imported materials) of 15/0556/FULL at Unit 5 Lawrence Court, Greenway Bedwas House Industrial Estate Bedwas, Caerphilly	Awaiting views of consultees.
16/0554/COND 01.07.16	Discharge conditions 2 (external surfaces), 3 (drainage), 4 (boundary treatment), 5 (contamination), 6 (structural calculations), 7 (finished levels), 8 (parking) and 9 (private driveway and turning area) of Planning Application 16/0321/FULL (Construct a two-storey, four bedroom detached house with detached garage) at Plot 2 17 Homeleigh Newbridge Newport	Awaiting views of consultees.

16/0579/COND 07.07.16	Discharge Conditions 10 (invasive species), 11 (invasive species), 15 (bat protection), 17 (contamination) and 20 (hard and soft landscaping) Condition 2 (land drainage) and Condition 7 (engineering details) of planning consent 15/0408/FULL (Demolish former derelict buildings and erect 29 residential units and associated works) at Crumlin Mining School Site Mining School Hill Crumlin Newport	Awaiting views of consultees.
16/0671/NCC 29.07.16	Vary condition 21 of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to re-locate the landscape bund because of land stability issues at Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed	Subject to further discussion and consideration.
16/0693/COND 08.08.16	Discharge condition 1 (commencement), condition 2 (approved plans), condition 3 (photographic schedule), condition 4 (window designs), condition 5 (ceiling) and condition 6 (surface water and land drainage) of previous consent 16/0151/LBC (Carry out various renovation works) at Argoed Baptist Chapel High Street Argoed Blackwood	Awaiting views of consultees
16/0723/COND 1808/16	Discharge conditions 3 (contamination - scheme) and 5 (contamination - validation) of planning consent 13/0784/FULL (Demolish former primary school and develop site for 26 affordable residential units, access arrangements and associated works) at Aberbargoed Primary School (Infants) 2 Heol Ysgol Newydd Aberbargoed Bargoed	Awaiting views of consultees
16/0724/FULL 18.08.16	Erect extension to detached apartment at The Coach House The Row To Gwern-Y-Goytre Draethen Newport	Subject to further discussion and consideration.
16/0741/FULL 18.08.16	Erect detached garage at Plasyfelin 18 Morgan Street Caerphilly	Subject to further discussion and consideration.

16/0748/FULL 23.08.16	Convert existing stone barn into a single dwelling at Gwerna Hall Barn Pandy Lane Ystrad Mynach Hengoed	
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# Agenda Item 20

## APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT

APPLICATION NUMBER & DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/06/0037 13.01.06	Redevelop site incorporating 545 residential units and 2.5 acres for a primary school at Waterloo Works, Machen.	Received draft agreements. Waiting for internal comments. Arranging meeting as some clauses not suitable for HA.
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. File closed due to no progress.
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.	Position being reviewed because of lack of response from Applicants about the S106. Waiting for confirmation from Planning is application been refused. File closed due to no response from Planning.
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.	In discussions as to how best to proceed in light of CIL. Still in discussions with Solicitors. Other side asked for meeting. Asked for instructions from Planning.
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. Told works have been undertaken. Planning said to hold file in abeyance while they investigate. Told may be a while due to issues. Planning waiting for ecological report. Planning will contact applicant again. Waiting to hear from Planning.
14/0239/NCC 16.04.14	Vary condition 3 of 09/0688/OUT (Erect residential development) to extend the time period for the approval of reserved matters on Land At Albertina Road Treowen Newport	Completed.

15/0156/NCC 12.03.15	Vary condition 3 of planning consent 10/0215/OUT (Erect residential development with alterations to existing access) to extend the period of time to submit reserved matters by a further three years at Quarry Court North Road, Newbridge, Newport	Sent engrossments for signature.
15/0442/OUT 30.06.16	Erect residential development comprising approximately 18-20 houses and 8 flats on Land At Abertridwr Road, Penyrheol, Caerphilly	Waiting for instructions regarding housing clauses. Chased.
15/0563/OUT 31.07.15	Erect up to 50 dwellings and access with all other matters reserved at Land At Ty-Mawr, Ty-Mawr Farm Lane, Croespenmaen, Newport	Waiting for information from Housing to put in Agreement.
16/0016/NCC 08/01/16	Vary condition 1 of planning consent 2/06678 (Quarrying of Grit stone. 8.5 hectares) to extend the consent end date/expiry date to 31st December 2027 at Hafod Quarry Hafod Fach Lane Abercarn Newport	Reviewing documentation.
16/0017/NCC 08/01/16	Vary condition 1 of planning consent 2/07947/T (Storage of overburden from adjacent Quarry) to extend the consent end date/expiry date to 31st December 2027 at Hafod Quarry Hafod Fach Lane Abercarn Newport	Reviewing documentation.
16/0076/OUT 28/01/16	Erect residential development on Land To The North Of Meadowland Close Caerphilly	Waiting for Solicitors details.
16/0085/NCC 05/02/16	Vary conditions 03 and 04 of planning permission 13/0058/NCC to extend the period of time for the submission of reserved matters and the commencement of the development at Land Off Pencoed Avenue Cefn Fforest Blackwood	Waiting for instructions from housing.



16/0373/OUT 12.05.16	Provide a mixed use development comprising residential development of up to 200 dwellings, including the development of approximately 50 affordable homes, and the development of 3.8ha (approximately 6,300sqm) of B1 employment units, plus associated access, diversion of haul route, car parking, diversion of public rights of way, drainage, public open space, landscaping and associated engineering operations on Land South Of A472 (Mafon Road) Ty Du, Nelson, Treharris	Waiting for Solicitors details.
16/0614/FULL 15.07.16	Erect 5 No. 4 bedroom detached dwellings on Land At St Lukes Church Chapel Gardens Abercarn	Waiting for Solicitors details.

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# Agenda Item 21

## OUTSTANDING APPEALS

<b>APPEAL REF/ PLANNING APP. NO.</b>	<b>APPELLANT</b>	<b>PROPOSAL &amp; LOCATION</b>	<b>DATE APPEAL REGISTERED</b>
15/0012/REF 15/0038/OUT	Land Matters Limited C/O Savills Mrs M Lewis 12 Windsor Place Cardiff CF10 3BY	Erect residential development with associated public open space, landscaping and highways infrastructure including a new highway access from Pandy Road and footpaths and requiring the installation of new services and infrastructure and other ancillary works and activities at Land North Of Pandy Road Bedwas Caerphilly	23.11.2015
16/0007/NONDET 16/0074/NCC	Dr M A Alam 21 St Peters Drive Libanus Fields Blackwood NP12 2ER	Vary condition 1 of planning consent 10/0902/FULL (Erect new house and integral garage) to extend the period of time within which to commence development at 45 Gelynos Avenue Argoed Blackwood NP12 0AT	18.04.16
16/0009/COND 15/0781/ROMPS	Mr C Payne 17F Hall Street Blackwood Caerphilly	First periodic review of planning conditions (Environment Act 1995) at The Senghenydd Minerals Site Graig-yr-hufen Road Senghenydd, Caerphilly	27.06.16
16/0010/REF 16/0399/FULL	Mr C Clements 4 Gellideg Heights Maesycwmmer Hengoed	Construct a first-floor and associated works to existing bungalow, reconfigure rooms to provide 3 first floor bedrooms and living/dining study to ground floor at 4 Gellideg Heights Maesycwmmer Hengoed CF82 7RL	10.10.16

16/0011/REF 16/0640/FULL	Mr & Mrs Lees 44 Pandy Road Bedwas Caerphilly CF83 8EJ	Erect a two-storey four bedroom house Land Adjacent To Swyn-y-Nant 76A Heol-Y-Ddol Caerphilly	17.10.16
16/0012/REF 16/0595/COU	Mr L Smart 12 Parry Terrace Crumlin Newport NP11 3DR	Change the use of dwellinghouse (C3(a)) to house in multiple occupation (C4) 4 Woodside Terrace Hafod-Yr-Ynys Road Crumlin, Newport NP11 5EW	17.10.16
16/0013/REF 16/0576/OUT	Mr L Cheballah 17 Caradoc Close St Mellons Cardiff	Construct one 2 bedroom detached dwelling with on- site parking Land Opposite 174 Jubilee Road Elliot's Town New Tredegar NP24 6PA	17.10.16

**APPEALS DECIDED**

<b>APPEALS DECIDED APPEAL REF/ PLANNING APP NO.</b>	<b>PROPOSAL &amp; LOCATION APPEAL</b>	<b>DECISION/ DATE</b>	<b>COMM/ DEL</b>
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None.

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