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For all enquiries relating to this agenda please contact Emma Sullivan
(Tel: 01443 864420 Email: sullie@caerphilly.gov.uk)

Date: 4th January 2017

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 11th January, 2017** 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

A G E N D A

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest.	
<p>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.</p> <p>To approve and sign the following minutes: -</p>	
3 Planning Committee held on 14th December 2016.	

1 - 6

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 | 16/0668/OUT - Land To North Of Car Park, Aiwa Technology Park, North Celynen Newbridge. | 7 - 26 |
| 5 | 16/1015/LA - Area of Informal Open Space Adjacent to Penrhiwbengi Lane, Oakdale. | 27 - 32 |
| 6 | 16/1006/COU - Former Somerfield Stores, Unit A, 12 The Market Place, Blackwood. | 33 - 40 |
| 7 | 16/1057/NOTEL - Land Adjacent to Pen Bryn Oer Wind Farm, Rhymney. | 41 - 46 |

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

- | | | |
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| 8 | 16/0871/FULL - Land North of 260 Pontygwindy Road, Caerphilly. | 47 - 54 |
| 9 | 16/0883/FULL - Nelson Rugby Football Club and Llwyn-yr-eos Playing Field, Heol Llyswen, Nelson. | 55 - 62 |
| 10 | Consultation on a Proposal for Regulations Required by the Historic Environment (Wales) Act 2016 and Four Guidance Documents. | 63 - 72 |

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

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| 11 | Applications determined by delegated powers. | 73 - 82 |
| 12 | Applications which are out of time/not dealt with within 8 weeks of date of registration. | 83 - 86 |
| 13 | Applications awaiting completion of a Section 106 Agreement. | 87 - 90 |
| 14 | Appeals outstanding and decided. | 91 - 94 |

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

Agenda Item 3



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 14TH DECEMBER 2016 AT 5PM

PRESENT:

Councillor W. David - Vice-Chair - Presiding

Councillors:

M. Adams, Mrs P. Cook, J.E. Fussell, Ms. J. Gale, R.W. Gough, C. Hawker, A.G. Higgs, A. Lewis, K. Lloyd, Mrs E. Stenner, J. Taylor

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), A. Pyne (Area Senior Planner), M. Davies (Team Leader South), M. Noakes (Senior Engineer, Highway Planning), G. Mumford (Environmental Health Officer), H. Morgan (Senior Committee Services Officer)

APOLOGIES

Apologies for absence had been received from Councillors J. Bevan, D. Bolter, D. Carter, L. Gardiner, Mrs G.D. Oliver, D. Rees, J. Simmonds, Mrs J. Summers and the Cabinet Member for Regeneration, Planning and Sustainable Development - Councillor K. James.

1. DECLARATIONS OF INTEREST

A declaration of interest was received from Councillor W. David in relation to Agenda Item 4 - 16/0656/FULL. Details are minuted with the respective item.

2. MINUTES - 9TH NOVEMBER 2016

RESOLVED that the minutes of the Planning Committee held on 9th November 2016 (minute nos. 1 - 18) be approved and signed as a correct record.

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

3. CODE NO. 16/0656/FULL - LAND TO THE EAST OF EAST VIEW TERRACE, BARGOED

Councillor W. David declared a prejudicial interest in that his son Councillor H. David, in his capacity as Assembly Member, has objected to the application on behalf of local residents and left the Chamber when the application was discussed.

Councillor A. Lewis was moved to the Chair for this item only.

It was noted that the application had been subject to a site visit on Monday 12th December 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 the following additional conditions, the recommendations contained in the Officer's report be approved. By a show of hands, and in noting there was 1 against, this was agreed by the majority present.

It was noted that the ward members had requested that there be consultation with themselves, local residents and United Welsh Housing Association.

RESOLVED that: -

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

Additional Condition (14)

Prior to the commencement of any work on site a Construction Method shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide all details in relation to construction on the site together with a scheme for the management of traffic associated with the construction activities at the site, including deliveries and workers vehicles and the construction of a temporary access from Angel Lane. The development shall be carried out in accordance with the plan.

Reason

In the interests of highway safety.

Additional Condition (15)

The dwellings hereby approved shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans to the satisfaction of the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason

In the interests of highway safety.

Additional Condition (16)

The proposed parking areas shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. is not carried on to the public highway.

Reason

In the interests of highway safety.

Additional Condition (17)

No surface water run-off shall drain on to the public highway.

Reason

In the interests of highway safety

Additional Condition (18)

Notwithstanding the submitted plans there shall be no vehicular access to the rear of the site along the lane to the rear of number 1a to 7A Eastview Terrace unless otherwise agreed in writing by the Local Planning Authority.

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 this permission: CW2, CW3 and SP10;
- (iii) the applicant be advised of the comments of Cymru/Welsh Water, Senior Engineer (Land Drainage), Gwent Police and Wales and West Utilities together with the information from the Council's Ecologist.

4. CODE NO. 16/0897/FULL - PEN BRYN OER, MERTHYR ROAD, RHYMNEY

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 policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is relevant to the conditions of the permission: CW2.

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

5. CODE NO. 16/0665/FULL - FORMER CWM IFOR PRIMARY SCHOOL SITE, CAERPHILLY

Following consideration of the application it was moved and seconded that subject to the deletion of condition 04 and its replacement with a new condition and an amendment to the Officer's recommendations to enable the completion of a Section 106 Unilateral Obligation, 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 Unilateral Obligation;
- (i) upon completion of the Section 106 Unilateral Obligation, subject to the conditions contained in the Officer's report, the deletion of condition 04 and its replacement with a new condition this application be granted;

New Condition (4)

A Landscape Management Plan, including

- (a) long term design objectives,

(b) management responsibilities, and

(c) maintenance schedules for all landscape areas, other than domestic gardens, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.

The Landscape Management Plan shall be carried out as agreed.

Reason

To ensure that the landscaping is maintained in the interests of the visual amenity of the area.

- (ii) the applicant be advised of the comments of the Senior Engineer (Land Drainage), the Council's Ecologist, Countryside and Landscape Services, Wales and West Utilities, The Coal Authority, Transportation Engineering Manager and Head Of Public Services;

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites.

Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencingdistance-of-mine-entries>.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

This Informative Note is valid from 1st January 2015 until 31st December 2016.

- (iii) 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 this permission: CW2, CW3, CW11, SP6.

6. CODE NO. 16/0919/COU - UNIT 4 RIVER BANK COURT, NEWPORT ROAD, TRETHOMAS, CAERPHILLY

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 policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is relevant to the conditions of the permission: CW2.

7. CODE NO. 16/0950/COU - MANCHESTER HOUSE, 1 CLIFTON STREET, CAERPHILLY

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 CW4;
- (iii) the applicant be advised of the comments of Dwr Cymru/Welsh Water.

8. 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 5.35pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 11th January 2017, they were signed by the Chair.

CHAIR

MEMBERS SITE VISIT

PLANNING APPLICATION REFERENCE: 16/0656/FULL

PROPOSED DEVELOPMENT: Erect a development of 10 no dwellings and associated works

LOCATION: Land to the east of East View Terrace, Bargoed

DATE OF SITE VISIT: 12th December 2016

MEMBERS PRESENT: A Lewis and C Hawker.

The following points were raised by members, and the answers provided:

- Cllr D Price requested that the application be deferred to allow a Ward Member to speak at the next available committee as neither she nor Cllr Carter would be available and Cllr D T Davies had declared an interest. As discussed at the meeting this matter has been referred to the Council's Legal section who have commented as follows.
 - Planning committee would not normally be deferred because a local member was not available to attend to speak except where formal notice is given under the challenge procedure set out in the constitution. However, in most cases, if a local member cannot attend and wishes to speak, it would be usual for that member to ask a fellow ward member or adjacent ward member to speak or read out a prepared statement on their behalf.
- Cllr D T Davies requested that the application be deferred to enable members and the public to be consulted on the Construction Method Statement (CMS) submitted by the developer.
 - It was explained at the site visit that the submitted CMS was provided for information purposes in order to establish that construction access could be achieved via Angel Lane and that a condition would be attached to any consent granted requiring the submission and approval of a final version of the CMS prior to the commencement of works on site. Members were advised by the Planning Officer that it was common on larger schemes for such conditions to be attached to consents as this allowed the appointed contractor to submit a detailed scheme setting out how the development would be carried out. Such a scheme would include details in relation to noise dust, hours of working, site compound, construction access etc. This matter has also been referred to the Council's Legal Section and they have advised that "This can be adequately dealt with by condition, which would be the usual practice. If granted, the applicant would need to apply for discharge of that condition to comply with the planning permission and the authority have the ability to control that by first approving the plan."
- Members queried why the access to the dwellings could not be provided off Angel Lane in line with the construction access.
 - The first thing to note is that the current proposal to provide access off East View terrace is considered to be acceptable in planning terms and it is against that background that a decision has to be made. The developers were requested to consider whether access to the dwellings could be obtained off Angel Lane they have stated that for construction and development reasons this is not possible. As the proposal is considered to be acceptable in planning terms it would not therefore be reasonable to require the developers to amend the scheme to provide access off Angel Lane. This matter was explained to the members at the site visit.

Agenda Item 4

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 Celyn Newbridge NP11 5AN

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

NOTE: This is an application that was deferred without any consideration of the officer report from the Committee on 09.11.16. It is presented again and this time includes additional objections that have been received, and revised details that seek to mitigate those objections.

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.

Cont...

Application No. 16/0668/OUT Continued

Materials: To be agreed at reserved matters stage.

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

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 Development and Flood Risk.

Cont....

Application No. 16/0668/OUT Continued

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? 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.

Cont...

Application No. 16/0668/OUT Continued

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

ADVERTISEMENT

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

Response: One response has been received from the occupants of the neighbouring employment site to the south, and two letters have been received from departments of the Welsh Government supporting the objections of the employment site. A reply to the objections raised has been provided by the applicant and a further response to that reply has been received from the applicant's legal representative, which in turn has been followed by a further letter from the applicant's representative.

Summary of observations: The following objections have been raised by the occupants of the employment site to the south:

1. Security Risk

The company has previously expressed concern relating to the perceived risk to security measures which are in operation who manufacture defence components for national and international customers. It is suggested that residential development built in such close proximity would jeopardise security and cause an insurmountable concern for its clients to the extent that the manufacturing element of its business may be taken elsewhere.

2. Planning Matters

- a. Loss of an allocated Secondary Employment site (EM2.14).
- b. Conflict with the primary employment uses at Axiom (Classes B1, B2 and B8).
- c. Development of a greenfield site, within a SINC and Ancient Woodland designation within the site boundary.
- d. Safety concerns regarding the proposed access arrangements in and around the development.

The two letters received from the Welsh Government Departments are from an Assembly Member and the Director of the Department for Economy and Infrastructure. Both raise the point that the security concern of the employment site owner could lead to the loss of employment if the company decides to relocate. One of the letters states that "Welsh Government Officials have seen correspondence" that the company has received that indicates a concern if residential development were to be allowed. However the Company "are unable to submit hard evidence of their customers worries to the Planning Committee."

Cont....

Application No. 16/0668/OUT Continued

The applicant's agent has responded to the Assembly Member's letter of objection and amongst other things points to the previous appeal inquiry where no tangible evidence was provided to support the security issues raised. It is explained that the application site was purchased from the owners of the employment site who placed no restriction upon its future use or access. Also it is pointed out that the parts of the employment site have been allowed by the owner to be occupied by companies such as Royal Mail with no apparent risk to security and with regard to disturbance that the site is already in close proximity to residential properties in Newbridge.

The applicant's legal representatives have responded pointing out that whilst the sale of the land did not include any restriction, the original sale of the land was covered by a legal covenant restricting it to business use but that restriction is now "no longer effective". It is explained that whilst uses such as a sorting office through the Christmas period could include numbers of casual workers the security threat from residential occupations is higher because workers would typically be controlled through security arrangements (security gates) and they would not be there at night. Notwithstanding the appeal decision further residential properties would increase security risk.

The concerns of the objectors has been allayed to a certain extent by the outcome of discussions between Council officers and the applicant about an alternative access to the site which is discussed in the analysis section of this report.

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.

Cont...

ANALYSIS

Policies:

SP5 (Settlement Boundaries): The application site is within the settlement boundary and therefore the proposal is 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.

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.

Cont....

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 for the current application site.

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.

Cont....

Application No. 16/0668/OUT Continued

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 Development and Flood Risk: The site contains an area that falls within Zone B which is a precautionary category designed to raise the awareness of flooding. If site levels are greater than the flood levels used to define adjacent extreme flood outline there is no need to consider flood risk further. This matter can be resolved by condition.

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.

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. This is an outline application and drainage is to be considered at reserved matters. A condition is recommended should planning permission be granted.

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

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

Cont....

Application No. 16/0668/OUT Continued

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: One objection has been raised by the employment company to the south. That objection has also been supported in letters received from an Assembly Members and from the Welsh Government Department for Economy and Infrastructure. The following objections have been raised and principally refer to the same issues that were considered at the phase one application:

1. Security Risk

The company has previously expressed concern relating to a perceived risk to security measures at their employment site regarding the phase one application. That application was considered at appeal by an Inspector who has stated that the company "had threatened to re-locate its business with the consequent loss of employment to the area, were planning permission to be granted. This assertion was the basis for the Council's reason for refusal. Its objection fails to provide any supporting evidence to show why the introduction of housing on the appeal site would lead to any perceived lack of security. No detail on the nature of operations or how security systems would be affected was provided. There was no explanation of why the development of the appeal site as proposed would lead to any perceived lack of security. There are already residential properties located as close to the objector's operations as the proposed development. The unit in the northern part of the Axiom building has been let to tenants without any apparent concerns regarding the threat to security. Past use of the unit involved outside employees parking on the appeal site (prior to 2011). The objector's premises are secured by fences and a gatehouse. The objection referred to a perceived risk to security measures as the business has international defence customers. There is no evidence of how security would be compromised by the proposal or of any intention to re-locate if the proposal is approved. In these circumstances, the weight to be given to this matter is very low".

The objector has restated his concerns about the impact of the proposed residential development on security, and officers of the Council have been shown documents from customers of the company that support those concerns. The threat arises mainly from the need to review security measures at the premises because of the changed circumstances near the factory, and the potential loss of orders during the year or so whilst that review is being undertaken. In response to those concerns, officers have secured the agreement of the applicants to the residential development that was allowed at appeal being accessed directly from the A467 via a revised traffic light junction, thereby separating the employment and residential accesses.

Cont....

Application No. 16/0668/OUT Continued

Discussions are taking place with Welsh Government about the funding of those alterations.

The objector has been advised of the alternative access arrangements and has, in summary, made the following comments:

- Objections to the Phase 2 development proposal on highway safety grounds will be withdrawn subject to the following points.
- Objection has also been on the grounds of impact on security and that relates not only to the access proposal but also to the principle of housing development adjacent to the factory. They cannot withdraw their objection to the principle of housing development. It will be for officers to report to committee members the relevant material issues.
- The new access proposal sits outside of the red line of the Phase 2 proposal and is in fact within the Phase 1 proposal which has already been approved. In light of this any grant of planning permission for the Phase 2 proposal will have to be subject to a Grampian Condition precluding commencement of any works in relation to Phase 2 until the new access at Phase 1 has been constructed and is fully operational.
- A Section 106 Agreement will be required to bind both the Phase 1 and Phase 2 land with the landowner and applicant covenanting not to carry out any works in relation to Phase 2 until the new access at Phase 1 is constructed and fully operational, and not to carry out any works in relation to Phase 1 until the new access has been approved by a Section 73 permission varying the Phase 1 planning permission, and not to occupy the Phase 1 development until the new access is constructed and operational.
- The Section 106 Agreement will also have to include a covenant not to access the existing access road from the Phase 1 development and to have a revised layout approved by a Section 73 permission or non-material amendment showing that there will be no access from the Phase 1 proposal onto the existing access road.
- The withdrawal of the objection on highway access grounds will also be subject to the applicant confirming in writing that it accepts that the new access arrangement is necessary for planning purposes, and that without the implementation of this proposal the Phase 2 proposal will not be acceptable in planning or highway terms, and that the requirement to follow the steps set out above is lawful and consistent with national planning policy and guidance.

The applicants have amended the Design and Access Statement that they submitted with the current scheme to show Phase 2 served by an access from Phase 1 that leads to the amended traffic light junction. The Council cannot modify the planning permission granted on appeal for Phase 1 which utilises the access shared with the factory to the south.

Cont....

However, the likelihood is that the two phases will be developed as one, and it would be reasonable, in view of the security concerns and the impact that may have on employment in the locality to require the developer to enter into a legal agreement which would require Phase 2 to be developed on the basis of the amended junction, which would effectively ensure that Phase 1 would use the same access. That can be secured by Section 106 and an appropriate condition.

2. Planning Matters

a. Loss of an allocated Secondary Employment site (EM2.14). With regard to the phase one site which had been laid out and used as an employment car park the Inspector explained that

"The LDP provides 102 hectares (ha) of land for employment use under Policy SP16 and protects the site for employment use under Policies EM2 and CW13, as secondary employment site EM 2.14. However, this is not the end of the matter. The site is protected as a secondary employment site, which is at the lowest end of the spectrum of protection in the LDP. The Plan is in the process of being reviewed and latest information suggests that only around 4 ha of the 102 ha has been taken up to date. The Council commissioned an independent report that concluded the appeal site was in a poor location and an alternative use should be promoted if possible. The consultation version of the revised Plan accordingly proposes to indicate the site as white land only. The Council considered the proposal against the tests in TAN 23 and concluded that several of the criteria for the employment site to be released were met. TAN 23 only requires one criterion to be met to satisfy the test."

"The appellants' have undertaken marketing of the site since 2006. Copies of letters sent to potential buyers were provided. Whilst this may not have included the measures suggested by the objector (Axiom), the site has been offered for sale. There has been very little interest in the site. The only offer was from Axiom in 2015, some 10 years after Axiom had sold the site to the appellants. This offer was 50% of the original sale price. The objector has stated that the site is needed for expansion. However, the evidence was that this is not the case because a part of its premises is not used and is being marketed to let. There is no evidence of any demand for the site for employment purposes. The objector's evidence on the need for this employment site to be retained is either out-of-date or is general to the South Wales and not specific to this site."

"The loss of an allocated secondary employment site and conflict with the relevant LDP Policies count against the proposed alternative use. The weight to be attached is reduced by the above factors."

Cont....

The second phase that is the subject of this application has not been put to the market, however given that planning permission has been granted for residential use of the phase one site this is now not relevant and the Inspector's conclusions regarding the loss of the employment land remain valid.

b. Conflict with the primary employment uses at employment site to the south (Classes B1, B2 and B8). It is the case that since the appeal decision regarding the phase one site, planning permission and a lawful development certificate have more recently been issued for B2 and B8 uses which can have more significant impact upon the amenity of residential uses and residential uses could in turn curtail those employment uses. However this phase of residential development is more than 140 metres north of the employment uses in question and in between is the approved phase of residential development. If a 140 metre buffer were drawn around the employment site it would include large parts of Newbridge and Pantside. There are few employment sites within the County Borough that achieve this level of separation from residential development.

c. Development of a greenfield site, within a SINC and Ancient Woodland designation within the site boundary. This concern has been addressed by the Council's Ecologist and is explained above. The objector has also raised a concern regarding flood risk under this heading and that too is addressed above. Under this heading the objector has quoted previous WAG comments of the Council's land allocation in the LDP expressing the adequacy of the housing land supply and it is suggested that there are preferable alternative sites. Whilst the quoted comments may have been appropriate at that time (2009) seven years on they do not accord with the current situation or the appeal Inspector's conclusion regarding the first phase:

"Planning Policy Wales and TAN 1 states 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."

Cont....

Application No. 16/0668/OUT Continued

"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."

It is to be noted that since the appeal inspector's conclusions the supply of housing land has fallen and now stands at only 1.5 years adding further weight to the appeal Inspector's conclusions.

d. Safety concerns regarding the proposed access arrangements in and around the development. Particular concern has been raised with regard to pedestrians. The Transportation Manager has raised no concern in terms of Highway safety. The objector explains that the section of the road leading to the traffic light controlled junction is not adopted and suggests that an agreement (section 38) would be necessary for its adoption but that the adoption maintenance could conflict with or not meet the objector's security standards. This matter has now been resolved by the agreement to the alternative access discussed above.

The two letters from the Welsh Government that have been received principally draw attention to the security issue raised and discussed above.

Another letter from the agent's representative in response to the letter from the objector's legal representative draws attention (amongst other things) to the apparent implication that the security concern is possibly an objection to all development on the application site. That letter goes further to question: "There are existing residential properties closer to and overlooking the Axiom site than those proposed within Phases 1 and 2. It is assumed Axiom's security protocols operate on a 24 hour 7 days a week basis if its site is as sensitive and required to be as secure as it suggests. One must therefore question what difference the Phase 2 application proposals truly make?" Officers of the Council have established the extent of the security concerns and their implications for the business and are satisfied that alternative access arrangements are justified.

Cont....

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.

RECOMMENDATION: (A) This application be deferred to enable the completion of a Section 106 Agreement 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. The agreement shall also set out the mechanism and trigger by which the revised junction is provided.

(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.

Cont...

Application No. 16/0668/OUT Continued

- 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) 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 road. These measures shall include but not be limited to 2.1m high acoustic barriers along the site road boundary 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 commencement of work on site a report shall be submitted to and agreed in writing with the Local Planning Authority indicating how the development hereby approved will address the location within a Zone B as defined in TAN 15 Development and Flood Risk and in particular the precautionary framework set out in Figure 1 of that document.
REASON: To address potential flood risk.
- 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.

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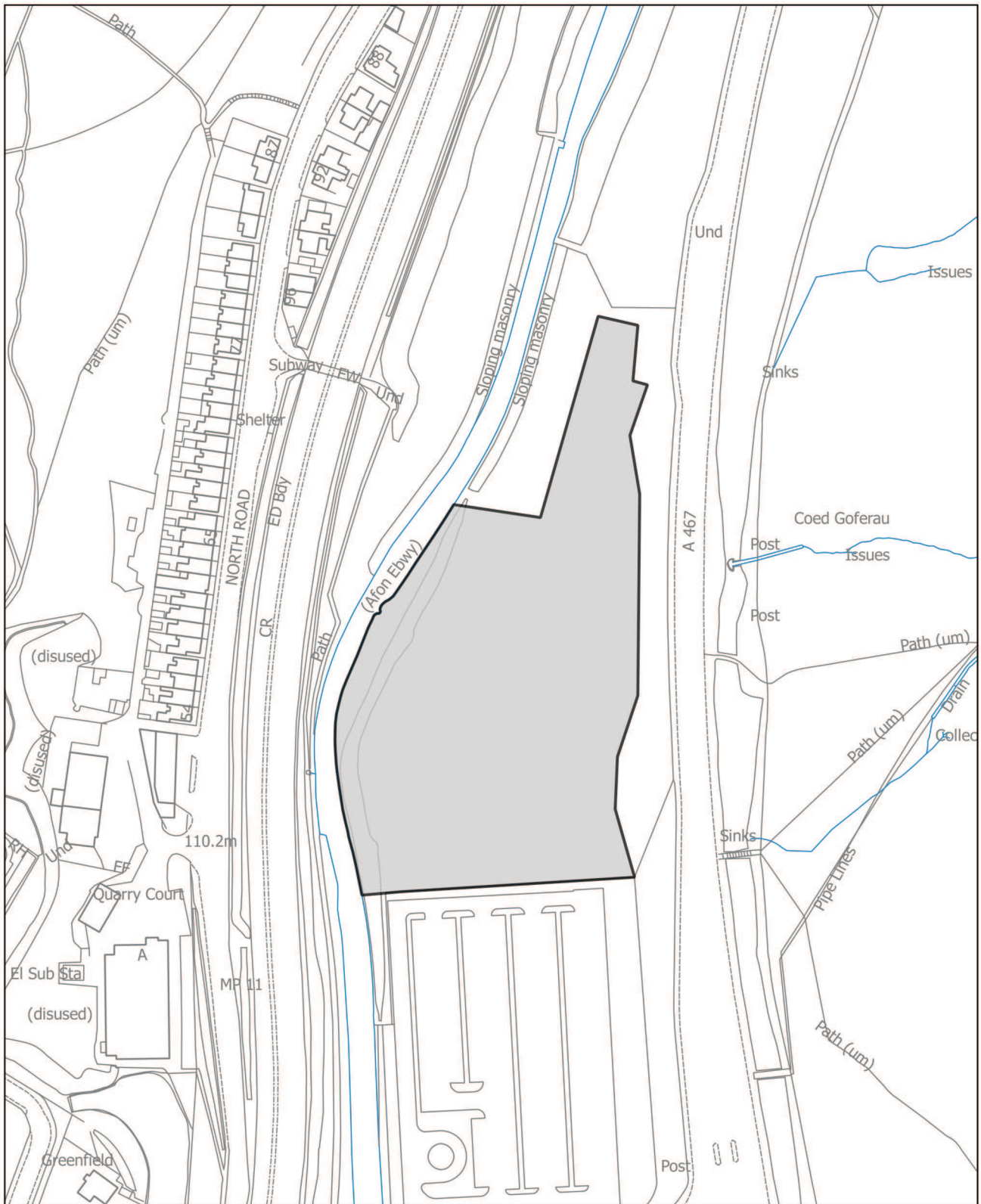
Application No. 16/0668/OUT Continued

- 21) Prior to the commencement of development a Construction Environmental Method Statement shall be prepared that sets out measures to protect retained features, including tree protection for retained trees, otter and badger working protocols, and shall be 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 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).
- 23) The development hereby approved shall not commence until the amended traffic light junction on the A467 as shown on RPS Drawing No. JPW0343-008 entitled 'Indicative Site Layout' received by the Local Planning Authority by e-mail on 16 December 2016, has been installed.
REASON: To minimise the impact of the development on neighbouring employment uses.

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 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.



Agenda Item 5

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/1015/LA 16.11.2016	CCBC Mrs C HARRY Corporate Director Education And Community Services Penallta House Tredomen Park Ystrad Mynach Hengoed CF82 7PG	Formalise an existing desire route through an area of council owned public open space to provide a surfaced and well lit path including a new 3m tarmac surface, street lighting, SUDS drainage, fencing and a gated entrance/hardstanding for maintenance purposes Area Of Informal Open Space Adjacent To Penrhiwbengi Lane Oakdale Blackwood

APPLICATION TYPE: Local Authority Application

SITE AND DEVELOPMENT

Location: Existing footpath route from Penrhiwbengi Lane to the new Islwyn High School.

Site description: Area of undeveloped land adjacent to allotment garden.

Development: Formalise and surface existing desire route leading from Penrhiwbengi Lane to the new Islwyn High School. Street lighting, motorcycle inhibitor barriers and fencing/gates are also proposed.

Dimensions: The footpath will be 3 metres in width and approximately 110 metres in total length.

Materials: Tarmac footpath and timber post and rail fence. Metal field gate and motorcycle inhibitor barriers.

Ancillary development, e.g. parking: Five street lighting columns.

PLANNING HISTORY 2005 TO PRESENT

None.

Cont....

Application No. 16/1015/LA Continued

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection).

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

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

CONSULTATION

Countryside And Landscape Services - No objections.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - No objection.

Principal Valuer - No comments.

ADVERTISEMENT

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

Response: None at time of report preparation (19.12.2016).

Summary of observations: Not applicable.

Cont....

Application No. 16/1015/LA Continued

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? No.

ANALYSIS

Policies: The proposal is to formalise and surface existing desire route leading from Penrhiwbengi Lane to the new Islwyn High School. This will involve widening the access track and finishing it with tarmac. Street lighting, sustainable drainage and motorcycle barriers are also proposed as part of the scheme. It is considered that the proposed works are acceptable in terms of their impact on visual amenity and highway safety, and therefore comply with the relevant policies contained in the Local Development Plan. The materials and drainage solution submitted as part of the scheme are considered acceptable and therefore no conditions are required in relation to these elements.

Comments from consultees: No objections.

Comments from public: None at time of report preparation (19.12.2016).

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

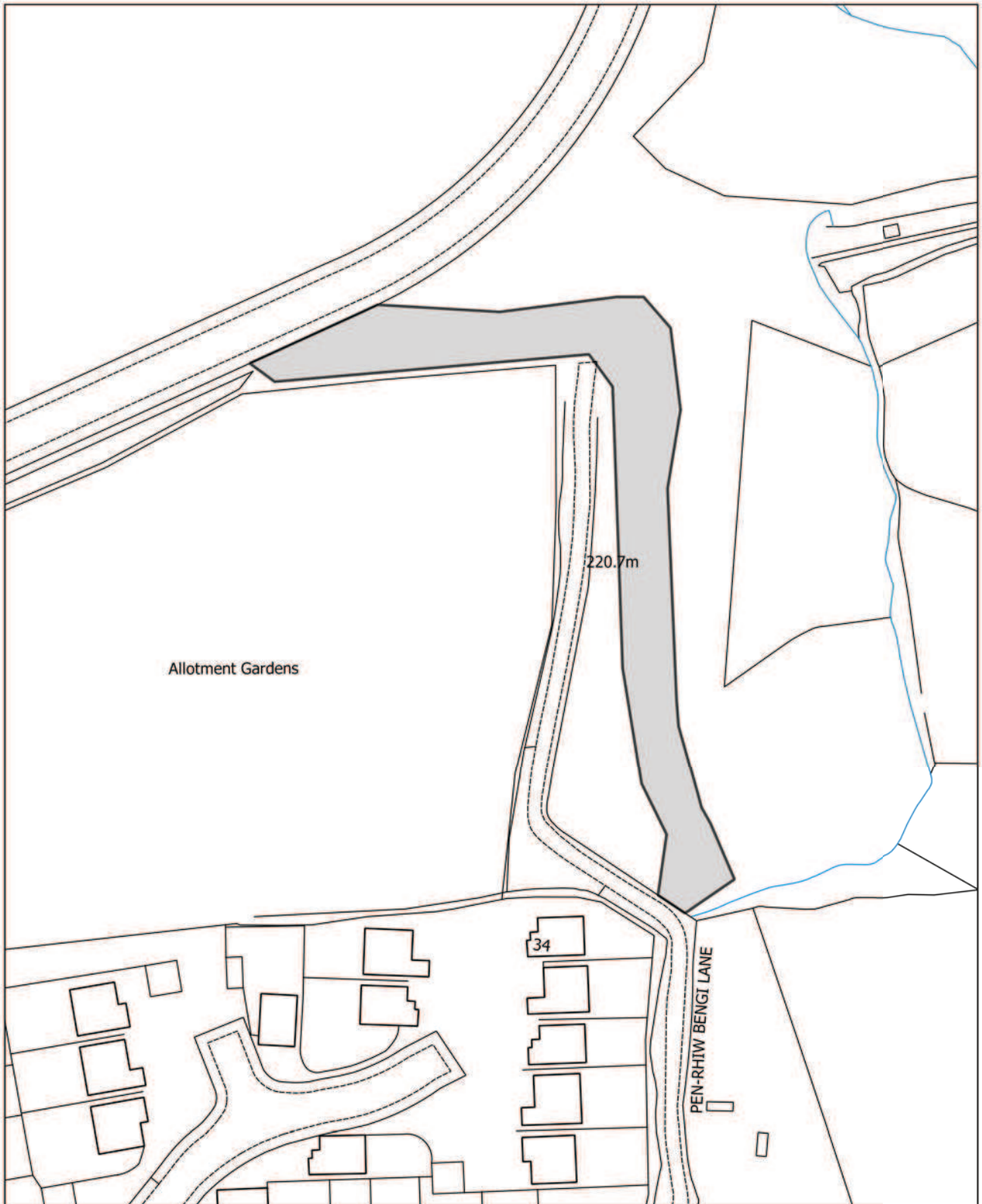
This permission is subject to the following condition(s)

- 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.

Cont....

Application No. 16/1015/LA Continued

- 02) The development shall be carried out in accordance with the following approved plans and documents:
Drawing PL/CLS/LAN/2/E17 - 1, Proposals and Site Location Plan, received 16.11.2016.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
-



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Agenda Item 6

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/1006/COU 18.11.2016	Blackmarsh Properties Ltd C/o Montagu Evans LLP Mrs L Turner 5 Bolton Street London W1J 8BA	Subdivide existing A1 retail unit into three units, provide associated changes to the external appearance and servicing arrangements, and change the use of one new unit from A1 retail to D2 gym Former Somerfield Stores Unit A 12 The Market Place Blackwood NP12 1ZP

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is located on the Market Place, Blackwood.

Site description: Vacant former supermarket and associated car park.

Development: It is proposed to sub-divide the existing retail unit into three smaller units measuring 840 sq. metres (Unit 23A), 929 sq. metres (Unit 23B) and 209 sq. metres (Unit 23C). It is also proposed to change the use of Unit 23B from A1 retail to D2 (leisure) gym use.

A new shopfront and entrance will be created for each of the three units.

Dimensions: Floor areas specified above.

Materials: Not applicable.

Ancillary development, e.g. parking: Removal of existing entrance canopy.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

Cont....

Application No. 16/1006/COU Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement boundary as well as the defined Principal Town Centre of Blackwood.

Policies: Policy SP2 (Development Strategy - Development in the Northern Connections Corridor), SP6 (Place Making), SP17 (Promoting Commercial Development), CW2 (Amenity), CW3 (Design Considerations - Highways), CW14 (Use Class Restrictions - Retail).

NATIONAL POLICY Planning Policy Wales (9th Edition), Technical Advice Note 4: Retailing and Commercial Development (2016), Technical Advice Note 23: Economic Development (2014).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to conditions relating to noise control and hours of operation for the gym element.

Principal Valuer - No comment.

Strategic & Development Plans - No objection based on proposed uses and commercial vacancy rate for Blackwood Town Centre.

Cont....

Application No. 16/1006/COU Continued

ADVERTISEMENT

Extent of advertisement: 19 neighbouring properties/commercial premises were consulted by way of letter and a site notice was displayed near the application site.

Response: 8 letters of objection have been received at time of report preparation (20.12.2016).

Summary of observations:

- Blackwood does not require such a large gym;
- Unit should be used for A1 retail;
- Impact on Local Authority owned leisure centres;
- Enough gyms in the area already;
- New gym not locally owned;
- May cause smaller gyms in the area to close;
- Detrimental impact on highway safety by way of increased traffic movements to and from the site.

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? No. The proposed D2 (leisure) use is CIL exempt, and the premises already benefit from a lawful A1 use.

Cont....

ANALYSIS

Policies: As the application site is located within the identified Principal Town Centre, Policy CW14 is relevant. It states:

"Development proposals incorporating a change of use from class A1 retail premises to another use will be subject to the following restrictions:

- A Within identified Principal Town Centres, changes of use of the ground floors of class A1 retail premises to other use will only be permitted where:
 - i The commercial vacancy rate of the centre has been over 10% for over a year and
 - ii For a change to residential use the property is located on the edge of centre..."

The commercial vacancy rate of the town centre is currently 11.2% (based on the 2016 survey) and has been over 10% for a year. Therefore the proposed D2 use is not considered to be contrary to this policy.

Paragraph 7.2.2 of planning Policy Wales (PPW) (9th Edition) relates to planning for economic development. It states that in considering proposals Local Planning Authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh social and environmental considerations.

The Welsh Government's objectives for retailing and town centres are to:

- Promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
- Sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and
- Improve access to, and within, retail and commercial centres by all modes of transport, especially walking, cycling and public transport.

Paragraph 10.1.5 explains that although retailing (A1 uses) should continue to underpin retailing and commercial centres, it is only one of the factors which contribute towards their vibrancy. Policies should encourage a diversity of uses in centres. Other appropriate retail and commercial centre uses are financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), educational and other non-residential establishments (D1), leisure (D2) and certain other sui generis uses.

Cont....

Application No. 16/1006/COU Continued

Mixed use development should be encouraged to promote lively centres as well as to reduce the need to travel to visit a range of facilities. Leisure uses can benefit retail and commercial centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy.

PPW acknowledges the importance of 'vibrancy' and 'viability'. Vibrancy reflects how busy and diverse a retail centre is at different times and in different parts, and in the attractiveness of the facilities and character which draw in trade whilst viability refers to the ability of the centre to attract and retain investment not only to maintain an existing centre but to allow for adaptation to changing needs.

Planning Policy Wales and Technical Advice Note 4 advocate a positive approach to determining planning applications where an economic benefit to the wider area is realised. The proposal should therefore be considered in the context of the economic benefits that it is likely to bring; the proposal will bring a vacant unit back into beneficial re-use, will provide increased employment opportunities, is likely to encourage footfall in to the town with linked trips, provides diversification with a suitable commercial leisure use and will serve to enhance the vitality of the area. Therefore it is considered that the proposed development would provide a positive change to Blackwood Town Centre.

In terms of the external physical works to facilitate the sub-division of the existing unit, it is considered that the new front facade and shopfronts are acceptable in terms of their setting, scale, materials and design. Separate advertisement consent may be required depending on the type of signage proposed.

Comments from Consultees: No objection is raised by consultees subject to conditions.

Comments from public:

1. Blackwood does not require such a large gym - This is a matter that the market will determine. This is not a matter to be controlled by planning.
2. Unit should be used for A1 retail - The application premises have been vacant for a significant period of time. Based on the relevant planning policy analysis outlined above, the proposed use is considered acceptable.
3. Impact on Local Authority owned leisure centres - Competition is not a planning matter.
4. Enough gyms in the area already - This is a matter that the market will determine.
5. New gym not locally owned - This is not a planning matter.
6. May cause smaller gyms in the area to close - Competition is not a planning matter.

Cont....

Application No. 16/1006/COU Continued

7. Detrimental impact on highway safety by way of increased traffic movements to and from the site - The Transportation Engineering Manager raises no objection to the proposed development based on the existing lawful use of the premises.
8. Late night activity will encourage 'boy racer' element back into Blackwood - If the hours of operation result in anti-social behaviour in the car park associated with the development, this would be a police matter.

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) No individual unit shall be occupied until a scheme for that particular unit has been submitted to and approved in writing by the Local Planning Authority for the control of noise emanating from the building and associated plant and equipment. The measures included in the approved scheme shall be implemented prior to the first occupation of the building that they relate to and thereafter the measures shall be operated in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenities of the area.
- 03) Prior to the occupation of each individual unit, details of all external and roof mounted plant/machinery associated with the proposed uses shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.
REASON: In the interests of the amenities of the area.

Cont....

Application No. 16/1006/COU Continued

- 04) The use hereby permitted shall not be open to customers, nor deliveries taken at or dispatched outside the following times:

A1 use -

- (a) 07.00 hours to 23.00 hours Monday to Saturday, and
(b) 07.00 hours to 22.00 hours on Sunday.

D2 use -

- (a) 06.00 hours to 23.00 hours Monday to Saturday, and
(b) 06.00 hours to 22.00 hours on Sunday.

REASON: In the interests of residential amenity.

- 05) 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.

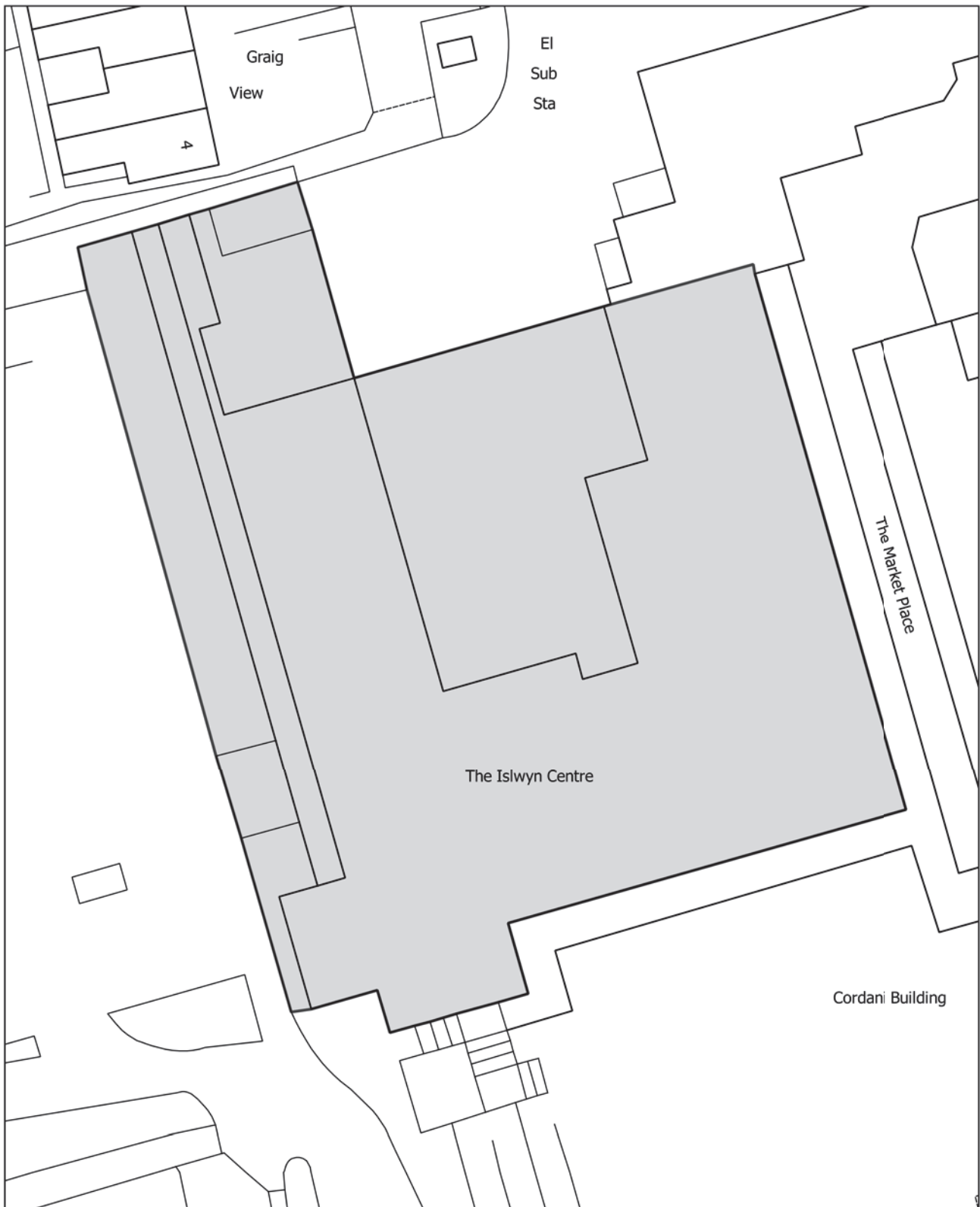
- 06) There shall be no access for vehicles to the existing parking facilities to the west of the premises subject of this consent before 06.30 hours or after 23.15 hours. Access shall be controlled by means of a barrier which shall be maintained in place and prevent access during those hours.

REASON: In the interests of residential amenity.

Advisory Note(s)

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

Please find attached the comments of Head of Public Protection 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
16/1057/NOTEL 05.12.2016	Western Power Distribution Dyffryn Bach Terrace Church Village Pontypridd CF38 1BN	Erect 33kv overhead line approximately 2,280 metres in length supported by wooden H poles Land Adjacent To Pen Bryn Oer Wind Farm Rhymney Tredegar

APPLICATION TYPE: Electricity Line Notification

SITE AND DEVELOPMENT

Location: The site lies to the north of Rhymney and to the south of Llechryd.

Site description: The site comprises common/agricultural land.

Development: An application has been made to the Secretary of State for Energy for consent under the Electricity Act 1989 to route 2150m of 33kV overhead cables from the approved wind farm site at Pen Bryn Oer, which is a point north of Upper Ras Bryn Oer Farm in a westerly direction. The cables will be supported by 29 wooden H poles.

Dimensions: 2300m in length, including a 100m section of buried cable immediately to the south of Butetown.

Materials: Wooden H poles.

Ancillary development, e.g. parking: Potential deviation of 25m either side of the line shown on the submitted plan.

PLANNING HISTORY 2005 TO PRESENT

12/0039/FULL - Erect a temporary 50m high anemometry mast for 24 months to monitor and collect wind speed and wind direction data on a site - Granted - 08.06.2012.

13/0483/FULL - Install three wind turbines and construct associated infrastructure on land used for grazing, the maximum height to blade tip of each turbine will be 110m above existing ground level and infrastructure associated with the wind turbines including on-site access tracks, lay-bys and turning areas, with ditch culverts where required, permanent crane hardstanding areas and external switchgear buildings for each turbine, a substation, underground on-site electrical cabling and the creation of a temporary construction compound and laydown area - Refused - 10.04.2014.

Cont....

Application No. 16/1057/NOTEL Continued

15/1114/COND - Discharge Condition 18 (Traffic Management Plan) and Condition 23 (Construction Method Statement) of planning consent 13/0483/FULL - Decide - 05.01.2016.

15/1084/COND - Discharge Condition 7b (noise compliance), Condition 8 (maximum height and position), Condition 10 (external appearance), Condition 14 (siting, external finishes), Condition 21 (shadow flicker), Condition 24 (electro-magnetic interference) of previous consent 13/0483/FULL approved on appeal - Decide - 07.01.2016.

16/0581/NOTEL - Erect 33kv overhead line approximately 2,150 metres in supported by wooden poles H poles in the parish of Rhymney as shown by a solid red line. Objection Raised 04.08.2016.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside settlement boundaries identified in the adopted LDP.

Policies: Policy SP6 (Place Making), CW2 (Amenity), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW15 Locational Constraints, NH1.1 (Special Landscape Area - Upper Rhymney Valley), LE3.1 (Protection of Country Parks - Parc Bryn Bach Rhymney/Tredeggar), TM1.1 (Tourism Proposals - Parc Bryn Bach, Rhymney/Tredeggar).

The following LDP policies are relevant; CW15 Locational Constraints, CW2 Amenity, MN1.2 Mineral site buffer zone, MN2.6 Coal safeguarding area, NH1.3 Special Landscape Area, SP8 and CW22 Sandstone safeguarding.

NATIONAL POLICY Planning Policy Wales Ed 8 January 2016. Technical Advice Note 8: Planning for Renewable Energy, July 2005.

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.

Cont...

±

Application No. 16/1057/NOTEL Continued

CONSULTATION

National Grid - No objection.

Countryside And Landscape Services - No objection.

Head Of Public Protection - No objection. Provides advice to the developer.

Glam/Gwent Archaeological Trust - No objection.

Senior Engineer (Land Drainage) - No objection.

ADVERTISEMENT

Extent of advertisement: Two neighbouring properties were consulted by way of letter and a site notice was displayed near the application site.

Response: No response.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No. The development does not involve the creation of new floorspace.

Cont....

Application No. 16/1057/NOTEL Continued

ANALYSIS

Policies: No objection was raised to a previous Notification for the proposed overhead power lines (16/0827/NOTEL). Further to this notification it has come to light that the previously submitted route of the power cables needs to be diverted due to the Local Authority protecting an area of land for the future expansion of the Rhymney Cemetery. Therefore a new notification has been submitted for the amended line, which includes a buried section of cabling along the southern boundary of Butetown.

The proposed development has been considered in the context of national and local policy. The proposal is consistent with Local Development Plan policy CW15, Criterion C (iv) in that it is to provide infrastructure that cannot reasonably be located elsewhere. Furthermore, based on information submitted by the applicant to justify the requirement for a new line, i.e. the existing infrastructure is incapable of accommodating the new power line, no objection is raised by the Landscape Architect.

Comments from Consultees: The Councils Landscape Architect raises no objection on landscape grounds.

The Senior Engineer (Land Drainage) raises no objection.

GGAT raises no objection based on submitted details.

The Head of Public Protection raises no objection subject to advice to the developer.

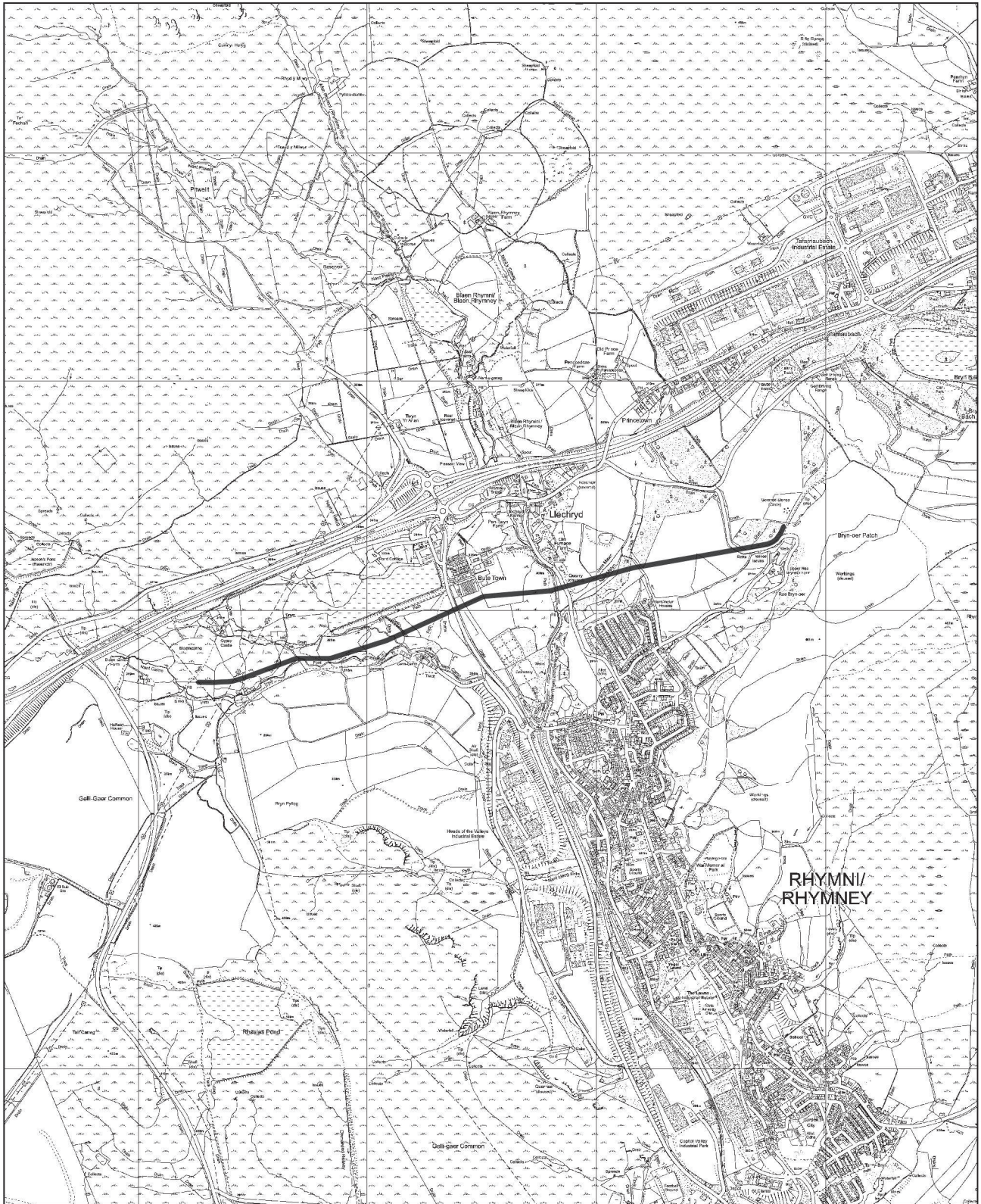
Comments from public: None.

Other material considerations: None.

RECOMMENDATION: No objections are raised to the proposed power line.

Advisory Note(s)

Please find attached the comments of Glamorgan Gwent Archaeological Trust and Head of Public Protection 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
16/0871/FULL 31.10.2016	Bailey Hire Ltd Mr Wells Unit 15E Bedwas House Industrial Estate Caerphilly CF83 8DW	Erect four new residential dwellings and associated engineering works Land North Of 260 Pontygwindy Road Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is situated on the eastern side of Pontygwindy Road on its junction with the access road to Catnic.

Site description: The application site is an area of grassed land situated on a junction and adjacent to the main road from Pwll y Pant roundabout to Caerphilly. The site is undulating and slopes from south to north and from west to east. There is a small overgrown area of trees and shrubs in the southern part of the site adjacent to the dwelling at number 260 Pontygwindy Road. There are dwellings to the south and east of the site with the Catnic site to the north and Pontygwindy Road and then industrial buildings to the west.

Development: The application seeks full planning consent for the erection of four detached dwellings. There would be three dwellings sited along the road frontage onto Pontygwindy Road with a further dwelling set at 90 degrees to those dwellings and facing the Catnic Access Road. There would be three house types with House Type B1 having its roof plane facing the road and Type B2 being gable fronted, whilst House Type A would be a larger double fronted dwelling. All of the dwellings will have four bedrooms with off street parking and detached garages.

Dimensions: House Type A measures 8.1m wide by 11m long by 8.4m high. House Types B1 and B2 measure 5.775m wide by 9.5m long by 8.7m high. The single garage for plots 2 and 3 measure 6.43m long by 3.43m wide by 3.9m high and the double garage for Plots 1 and 4 measures 6.43m long by 6.645m wide by 4.9m high.

Materials: Face brickwork with concrete tiled roofs.

Ancillary development, e.g. parking: A new access with vision splays is to be created off the Catnic link road together with landscaping for each of the plots including trees to the front gardens of the dwellings.

Cont....

Application No. 16/0871/FULL Continued

PLANNING HISTORY 2005 TO PRESENT

08/0787/FULL - Stockpile imported materials (1 year) - Granted 12.09.2008.

P/04/1325 - Erect residential development including retained open space, associated access roads, site remediation and demolition of Mackworth Grange - Granted 01.02.2010.

10/0658/RM - Erect 57 units and associated works (Phase 1) - Granted 21.01.2011.

11/0255/NCC - Delete conditions 14 and 15 of previous planning consent 10/0658/RM - Granted 25.08.2011.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

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

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

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

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions in respect of parking and vision splays.

Cont....

Application No. 16/0871/FULL Continued

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

Senior Engineer (Land Drainage) - No objection subject to the submission of a drainage scheme.

ADVERTISEMENT

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

Response: Objections were received in respect of the original scheme but the objections from number 260 Pontygwindy Road have now been removed. The objections from number 2 Waun Draw had not been removed at the time of writing the report.

Summary of observations:

1. Overbearing impact.
2. Loss of privacy.
3. Building noise and disruption.
4. Highway congestion both during and after construction.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
None.

EU HABITATS DIRECTIVE

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

Is this development Community Infrastructure Levy liable? Yes. Based on a total floor area of 407 square metres at £40 per square metre a total CIL amount of £16280 is payable.

Cont....

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 residential development on land that is situated within a mixed use residential and industrial area but on land that is unallocated for any use in the Local Development Plan. In that regard it is considered that the principle of the development is acceptable in planning terms. The scheme originally submitted proposed to erect a dwelling immediately adjacent to the boundary with the property at number 260 Pontygwindy Road and it was considered that this would have had a detrimental impact on the amenity of that dwelling. Similarly the dwelling on Plot 4 was sited such that it would have had a detrimental impact on the amenity of the dwelling at number 2 Waun Draw (on the Kingsmead development). The scheme has now been amended in order to move the dwellings away from those properties with intervening distances of 7.4m and 13.8m respectively and the impact is considered to be acceptable. There would also be no loss of privacy to either of these dwellings.

The layout of the dwellings is considered to be acceptable and there is sufficient parking turning and access within the site. The proposed landscaping is considered to be vital in order to provide some screening of the adjacent roads from the dwellings and as such this should be controlled by condition.

Comments from consultees: No objections raised. Whilst the Head of Public Protection has requested the provision of a 2m high close boarded fence along the Pontygwindy Road elevation in order to mitigate noise it is not considered that this would be acceptable from an urban design perspective given the highly visible location of the site. In that regard it is considered that on balance the need to provide housing to meet the Council's current deficiency in the 5 year land supply, and the urban design requirements, outweigh any concerns with regard to noise issues on this site.

Comments from public: The concerns of residents have partially been addressed in the amendments made to the latest scheme. It is no longer considered that there would be any overbearing impact or loss of privacy as a result of this development.

Building noise and disruption is an inevitable part of any construction site but is only considered to be a transient part of any small housing scheme. In any event it is considered that hours of working on site could be controlled by condition and this would make any impact acceptable in planning terms.

Cont....

Application No. 16/0871/FULL Continued

The Transportation Engineering Manager has been consulted on this application and has raised no objection. Whilst this small development would lead to an increase in vehicles using the local highway network it is not considered that this would be sufficient to warrant the refusal of this application. Also, as stated above the access to the site is considered to be acceptable in highway safety terms.

Other material considerations: None.

In conclusion it is considered that the proposal is acceptable in planning terms subject to the imposition of suitably worded 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: 1362-SLP-01A, 1362-TP-01A, 1362-LP-01A, 1362-BLK-01, 1362-SS-01, 1362-HTA-01, 1362-HTB1-01, 1362-HTB2-01, 1362-GAR-01, 1362-GAR-02-03, 1362-D-01, 1362-D-02, 15160-100C and the Drainage Strategy by Shear Design.
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.
- 04) 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.

Cont....

Application No. 16/0871/FULL Continued

- 05) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 06) 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.
- 07) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.
REASON: In the interests of highway safety.
- 08) Prior to their first use the proposed shared private driveway and parking provision shall be constructed in permanent materials as approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
- 09) No surface water from the development shall drain on to the public highway.
REASON: In the interests of highway safety.
- 10) 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.

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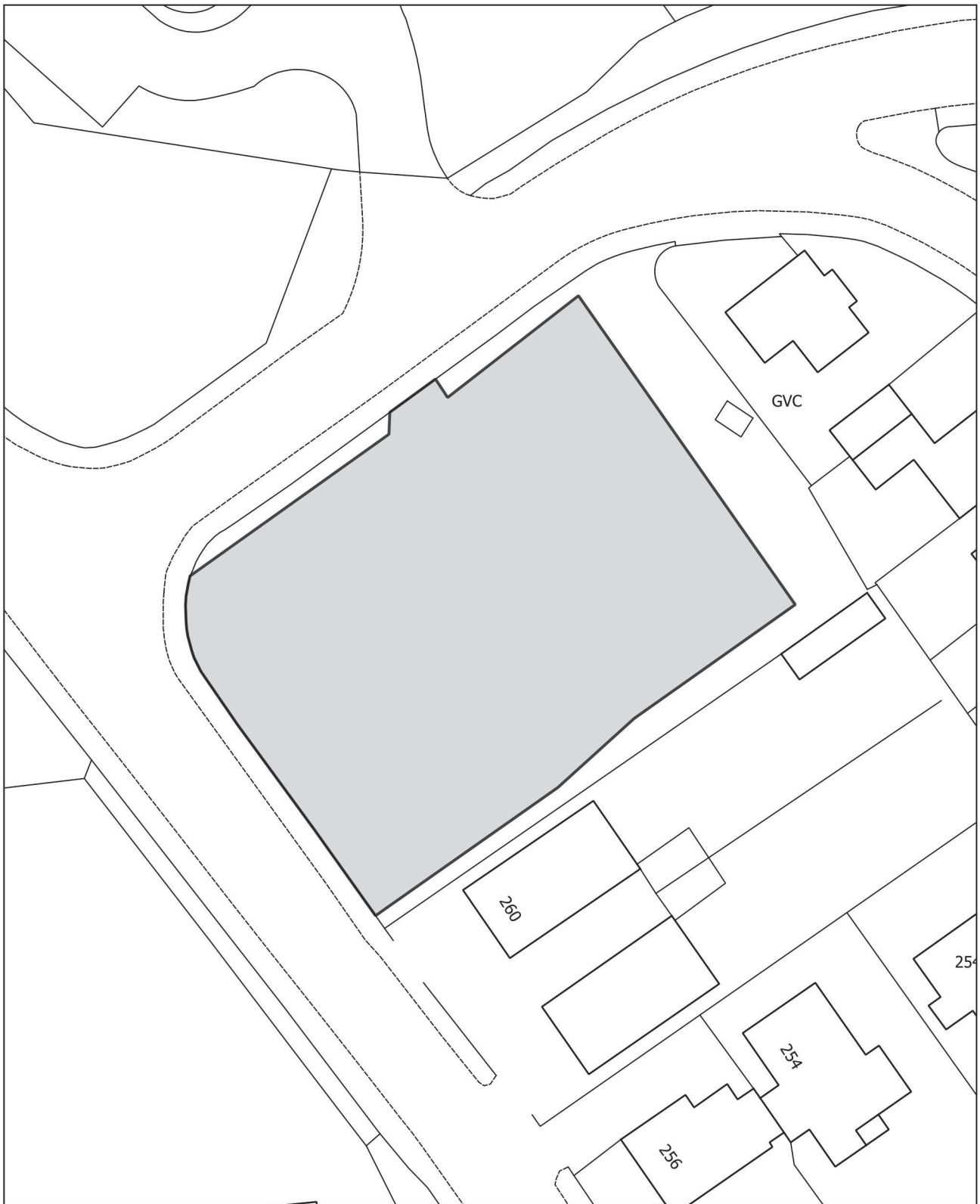
Application No. 16/0871/FULL Continued

- 11) 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.
- 12) 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.
- 13) Prior to the commencement of works on site a scheme shall be submitted for the installation of glazing on road-side habitable rooms capable of achieving an internal Lmax level of 45 dB(A). The Development shall be carried out in accordance with the approved details before first use of the dwellings hereby approved.
REASON: In the interest of residential amenities from the noise from Pontywindy Road.
- 14) No construction works shall take place outside the hours of 08.00 hrs to 17.30 hrs Monday to Friday, 09.00 hrs to 13.00 hrs on Saturdays and no work at all on Sundays or Bank Holidays.
REASON: In the interests of residential amenity.

Advisory Note(s)

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

Please find attached comments from Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and the Council's Ecologist.



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Agenda Item 9

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0883/FULL 26.10.2016	Shared Access, Vodaphone And CTIL C/o Pegasus Planning Group Ltd Mr R Morison First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL	Replace existing 6 no. 15m tall floodlights with new 6 no. 15m tall floodlights in re-arranged layout, including one floodlight affixed at 15m to 20m tall climbable monopole to support 3 no. telecommunications antennae for shared use by Vodafone and Telefonica, which together with the installation of 2 no. dishes and 4 no. ground based equipment cabinets will provide 2G, 3G and 4G mobile electronic communication services from the installation Nelson Rugby Football Club And Llwyn-yr-eos Playing Field Heol Llyswen Nelson Treharris

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Site description: Rugby ground located to the south-west of Shingrig Road, Nelson. The clubhouse is located at the north-east side of the pitch, residential properties on Lon-Y-Celyn are located on the north-west end of the pitch and on the south-east end of the pitch by residential properties on Lan Y Parc and Heol Llyswen. A playing field is adjacent to the south-west side of the pitch.

Cont....

Application No. 16/0883/FULL Continued

Development: The application seeks full planning permission to replace existing floodlights at Nelson Rugby Football Club with six new flood light columns including one column which is dual purpose to accommodate both floodlighting and telecommunications equipment. Also proposed are ancillary ground level equipment cabinets to serve the floodlighting and telecommunications equipment to be located in the vicinity of the north-west corner of the pitch. The lighting columns and monopole will be evenly spaced around the two longer sides of the pitch with three on the north-east side of the pitch and three on the south-west side of the pitch.

Dimensions: Five of the floodlight columns are 15 metres tall and the sixth at the north-west corner is a 20 metres high monopole to facilitate the provision of telecommunications equipment in addition to floodlights.

Materials: Galvanised metal finish to lighting columns and monopole. Green painted finish to equipment cabinets.

Ancillary development, e.g. parking: Telecommunications and electrical equipment cabinets and Retaining walls.

PLANNING HISTORY 2005 TO PRESENT

08/0399/FULL - Carry out alterations and extension to existing club house building to provide new first floor level lounge with balcony facility and new stair compartment access - Granted 29.05.2008.

POLICY

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

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

Policies: CW2 (Amenity), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY

Paragraph 13.15 gives advice on Development management and noise and lighting and sets out the criteria to be considered.

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

Technical Advice Note 19 - Telecommunications.

Cont....

Application No. 16/0883/FULL Continued

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within a low risk area.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - Objects to the development on the basis of the adverse impact on amenity of the new floodlights on the nearby residential properties.

Senior Engineer (Land Drainage) - No comment from a drainage/ flood risk perspective.

Joint Radio Company Limited - No objections.

Principal Valuer - No objections.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 730 nearby properties and premises.

Response: Two representations have been received.

Summary of observations:

- The existing lights appear to be directed at their property and create significant light pollution.
- Would support the current application if conditions are added to restrict hours of operation and ensure lighting is directed away from their property downward onto pitch.
- Object to the development as the mobile tower is adjacent to their property.
- Raises Health concerns in relation to the telecommunications equipment.
- New floodlights will allow evening training sessions adversely impacting the area due to parking constraints.
- Current parking problems in the area.

Cont....

Application No. 16/0883/FULL Continued

- Existing antisocial behaviour from the Rugby Club.
- Telecommunications equipment can confuse local bee population returning to hives putting the bee project in the allotment at risk.
- Devaluation of property for the monetary gain of the Rugby Club.

SECTION 17 CRIME AND DISORDER ACT

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

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? Not applicable as no new floorspace created by the development.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main issues are the visual impact of the development, impact of floodlighting on nearby sensitive receptors, and health considerations.

The proposed development will replace the existing floodlight columns with new structures. At present the ground has two 15 metre columns in a more centralised position close to the clubhouse on the north east side of the pitch and four 15m high columns on the south-west side of the pitch. The existing two columns on the north-east side have two sets of floodlights at differing heights and the four columns on the south-west side have floodlights affixed to the top of the columns. Five of the replacement floodlight columns will be the same height as the existing columns and represent a very similar form of development. The new dual purpose monopole which is 20 metres overall in height, provides floodlights at 15 metres high with the additional 5 metres comprising of telecommunications antennas and dishes.

Cont....

Application No. 16/0883/FULL Continued

It is considered that when comparing the overall proposed development including the new positions of the floodlight columns and higher and wider monopole, that the overall visual impact will be broadly similar to the existing appearance of the rugby ground. It is considered that the development has an acceptable visual impact on the character of the area according with adopted Local Development Plan Policy SP6 (Placemaking).

In relation to the proposed floodlighting the application includes a floodlight assessment drawing. This drawing includes obtrusive light compliance report data which assess the impact of the proposed new flood lighting on the residential properties in both Lon Y Parc and Lon Y Celyn. In each calculation presented on the drawing the result is shown as a 'Fail' of the test with exceedances in illumination (Lux levels) of between three and seven times the allowed test threshold of 10 Lux. Clarification was sought from the agent who provided an additional report from the Flood Light installation company. That follow up report highlighted the general age of the existing floodlights, the substandard nature of the current illumination for the rugby pitch and noted that some of the existing flood lights were not operational. The report is not considered to contain a comprehensive assessment of the impact of the existing floodlighting levels on the surrounding properties, containing some light levels taken surrounding the pitch and a theoretical doubling of the levels to account for non operational floodlights. The report also indicates that further shielding could be provided to reduce the level of lighting but does not provide any detailed analysis of any resultant improvement to neighbouring properties. It is therefore considered that the submitted details do not provide justification for the exceedance Lux levels in the proposed new lighting scheme. The Environmental Health Officer has reviewed the submitted information and objects to the proposals due to the adverse impact upon the amenity of surrounding properties.

In respect of the telecommunications equipment proposed the applicant has included within the application a justification for site selection and a declaration of conformity for radio frequency guidelines of the International Commission on Non-Ionizing Radiation for Public Exposure. It is considered this accords with the recommendations of Technical Advice Note 19 (Telecommunications) in relation to Telecommunications equipment and public health.

It is considered that the development will have an acceptable visual appearance and the telecommunications equipment would represent an acceptable form of development. However it is considered that the applicant has failed to adequately demonstrate that the impact of the floodlighting in terms of light spill on the adjacent residential properties on Lon Y Celyn which are in close proximity to the north-west end of the pitch and also properties located to the south east on Lan Y Parc would be acceptable in the impact on amenity levels of occupiers of those properties. The application is recommended for refusal for this reason.

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

Cont....

Application No. 16/0883/FULL Continued

Comments from public:

- The existing lights appear to be directed at their property and create significant light pollution.
The application is recommended for refusal due to the impact on surrounding residential properties from light pollution.
- Would support the current application if conditions are added to restrict hours of operation and ensure lighting is directed away from our property downward onto pitch.
The application is recommended for refusal due to the impact on surrounding residential properties from light pollution.
- Object to the development as the mobile tower is adjacent to their property.
The visual impact of the proposed monopole has been assessed and is considered acceptable.
- Raises Health concerns in relation to the telecommunications equipment.
The applicant has submitted information showing the equipment would conform to international guidelines.
- New floodlights will allow evening training sessions adversely impacting the area due to parking constraints.
Were the proposal deemed acceptable in other regards consideration could be given to hours of operation.
- Current parking problems in the area.
The Transport Engineering Manager has raised no objections.
- Existing antisocial behaviour from the Rugby Club.
This is not deemed relevant to the current application.
- Telecommunications equipment can confuse local bee population returning to hives putting the bee project in the allotment at risk.
The Council's Ecologist has reviewed the application and raised no issues with the proximity of the allotment.
- Devaluation of property for the monetary gain of the Rugby Club.
This is not a material planning consideration.

Other material considerations: None.

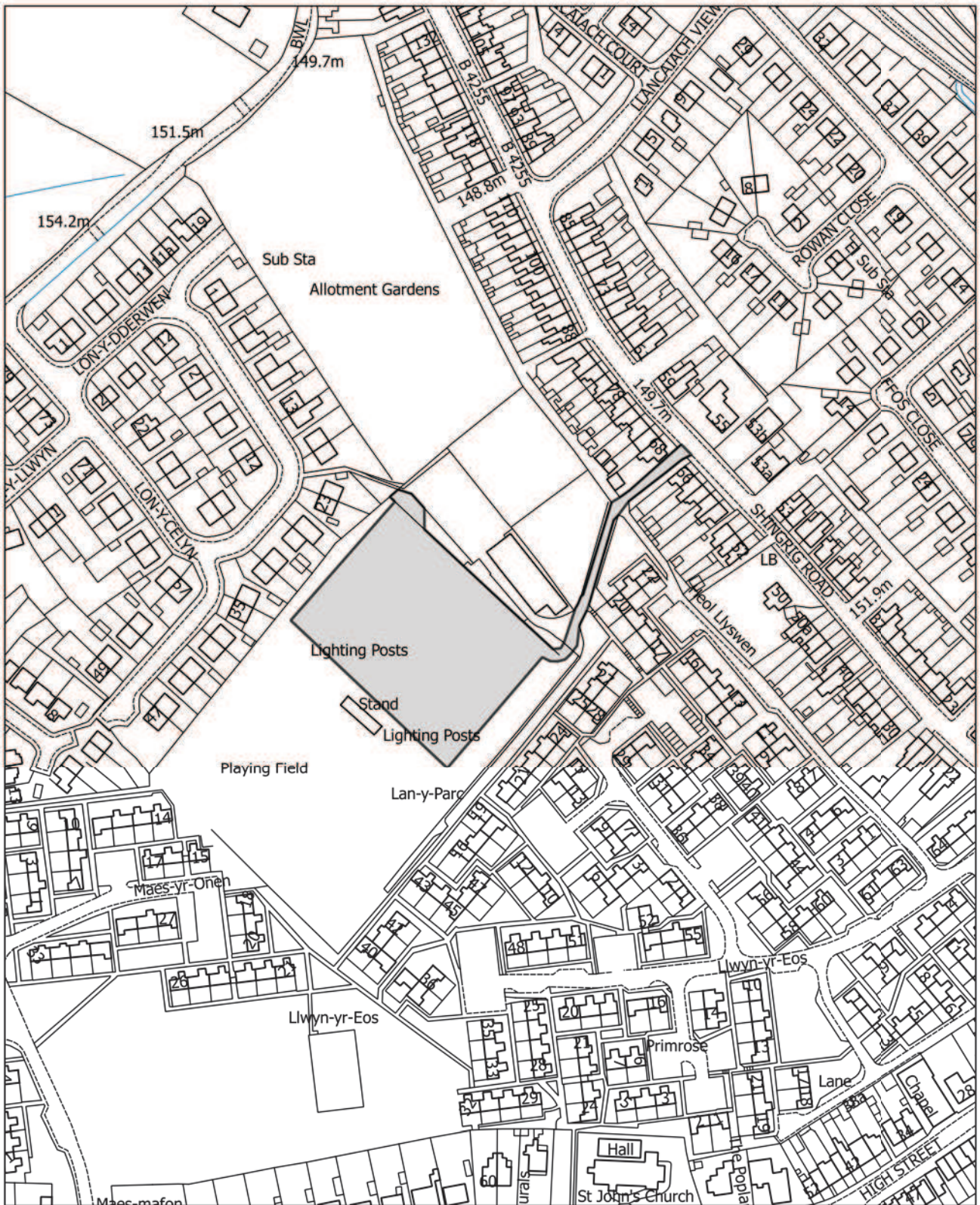
RECOMMENDATION that Permission be REFUSED

Cont...

Application No. 16/0883/FULL Continued

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

- 01) The applicant has failed to demonstrate that the proposed floodlighting will have an acceptable impact on the amenity of neighbouring properties contrary to Adopted Local Development Plan Policy CW2 (Amenity) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
-



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PLANNING COMMITTEE - 11 JANUARY 2017

**SUBJECT: WELSH GOVERNMENT CONSULTATION DOCUMENT
'CONSULTATION ON A PROPOSAL FOR REGULATIONS
REQUIRED BY THE HISTORIC ENVIRONMENT (WALES) ACT 2016
AND FOUR GUIDANCE DOCUMENTS'**

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to advise Members that Welsh Government (WG) has launched its second in a series of consultation documents in relation to the Historic Environment entitled 'Consultation on a proposal for regulations required by the Historic Environment (Wales) Act 2016 and four guidance documents.' It is seeking comments by 13 January 2017.
- 1.2 A summary of the main components of this consultation is provided below and the report also provides the proposed officer response to the questions raised by WG for Member consideration.
- 1.3 Copies of the Background Papers to this report are available for view on the Members portal.

2. SUMMARY

- 2.1 The report summarises the key considerations proposed in the consultation document and four guidance documents and those most pertinent to Caerphilly County Borough Council.
- 2.2 This consultation seeks views on a proposal for regulations to establish procedures for the review of decisions to designate historic assets and draft statutory guidance on the compilation and use of historic environment records (Annex 1). Both are required by provisions of the Historic Environment (Wales) Act 2016.
- 2.3 It also presents three pieces of draft best-practice guidance for consideration. These have been developed as components of a wider programme to improve the protection and management of the Welsh historic environment that is linked to the implementation of the Historic Environment (Wales) Act 2016. These three draft annexes are as follows:-

Annex 2 – Managing Listed Buildings at Risk in Wales
Annex 3 – Managing Change to Registered Historic Parks and Gardens in Wales
Annex 4 – Managing Historic Character in Wales
- 2.4 Following the closing date of 13 January 2017, all responses are to be analysed and considered by WG.

3. LINKS TO STRATEGY

- 3.1 In its strategic plan for 2011-16, the *Programme for Government*, the WG sets out its vision for the nation:

Healthy people living productive lives in a more prosperous and innovative economy; safer and more cohesive communities with lower levels of poverty and greater equality; a resilient environment with more sustainable use of our natural resources and a society with a vital sense of its own culture and heritage.

- 3.2 The importance of the historic environment in realising that vision for Wales is acknowledged in the *Programme*, with one of its specific aims being to ‘enrich the lives of individuals and communities through culture and heritage.’
- 3.3 The WG’s approach to the promotion of the sustainable management of the historic environment in line with the objectives of the *Programme for Government* is detailed in the *Historic Environment Strategy for Wales* and its associated ‘Headline Action Plan.’
- 3.4 The goal of the *Strategy* is a well-protected and accessible historic environment that will contribute to the quality of life and quality of place and enhance people’s life chances.
- 3.5 The WG’s vision is that:
- The Welsh historic environment should be sustainably managed so it can continue to deliver meaningful social, economic and environmental benefits to the people of Wales.*
- 3.6 The historic environment is also recognised as an important factor in regeneration. This role is highlighted in *Vibrant and Viable Places*, the Welsh Government’s regeneration framework, published in 2013.
- 3.7 The WG considers the historic environment to be central to Wales’ culture and its character and contributes to our sense of place and cultural identity. It is vital that the historic environment is appreciated, protected, actively managed and made accessible for the general well-being of present and future generations.
- 3.8 The Welsh Ministers have wide-ranging powers to protect and support the historic environment in Wales, and have a duty to make appropriate arrangements to promote sustainable development.
- 3.9 The Well-being of Future Generations (Wales) Act 2015 places duties on public bodies requiring them to act in accordance with the ‘sustainable development principle’ (i.e. requiring the body to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs). That Act also establishes well-being goals which include achieving ‘a Wales of vibrant culture and Welsh language’, described as ‘a society that promotes and protects culture, heritage and the Welsh language’. A properly protected, conserved and enhanced historic environment can improve the quality of life and well-being for everyone.
- 3.10 In policy terms, the historic environment is defined as:
“All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and deliberately planted or managed.”
- 3.11 An historic asset is:
“An identifiable component of the historic environment. It may consist or be a combination of an archaeological site, a historic building or area, historic park and garden or a parcel of historic landscape. Nationally important historic assets will normally be designated.”
Taken together and set within their cultural context, historic assets contribute to the character and sense of place of different parts of Wales.

- 3.12 The Historic Environment (Wales) Act 2016, which received Royal Assent on 21 March 2016, makes important improvements to the existing systems for the protection and management of the Welsh historic environment. It also forms the foundation for an integrated package of secondary legislation, new and updated planning policy and advice, and guidance on a wide range of topics. Taken together, these support and promote the careful management of change in the historic environment in accordance with current conservation philosophy and practice.
- 3.13 Planning policy and advice provide the cornerstone for the management of change in the historic environment through the planning system. A twelve-week consultation on a revised historic environment chapter (chapter 6) for *Planning Policy Wales* (PPW) came to an end on 13 June 2016. The chapter, amended in light of the consultation responses, was re-named as '*The Historic Environment*' and published as Chapter 6 of Edition 9 on 18 November 2016. The draft of the new *Technical Advice Note 24: the Historic Environment* (TAN 24) was the subject of a further consultation over the summer. It closed on 3 October and an analysis and the final version of *Technical Advice Note 24* will be issued in Spring 2017.
- 3.14 In parallel with the consultation on *Technical Advice Note 24*, Welsh Government sought views on several proposals for regulations and best-practice guidance documents. They are now considering the responses and aim to introduce the regulations and publish final versions of the guidance in Spring 2017.
- 3.15 Further consultations will take place in 2017 on additional proposals for secondary legislation to implement provisions of the Historic Environment (Wales) Act 2016 and further guidance documents.
- 3.16 The Key Objectives relevant in the Caerphilly County Borough Local Development Plan up to 2021 (Adopted November 2010) are to:-
- 22 Maintain the vitality, viability and character of the County Borough's town and village centres and re-establish them as a focus for economic activity and community pride.
 - 23 Maintain, enhance and develop a hierarchy of town and village centres which are easily accessible, and which meet the needs of all sections of the population.
 - 24 Protect and enhance the overall quality of the historic natural and built environment of the County Borough.
- 3.17 The Council adopted its Conservation Strategy for the Historic Environment 2014 – 2019 entitled 'The Value of Historic Places' in November 2014. This Strategy seeks to highlight the opportunities provided by the county borough's historic environment to help regeneration, tourism and education opportunities across the entire county borough. Importantly, it seeks to highlight opportunities to positively and beneficially conserve, enhance and where appropriate preserve the historic environment for its intrinsic value and as an important historic asset for the people and the communities that live alongside these features.

4. THE REPORT

- 4.1 The Welsh Government (WG) issued its 'Consultation on a proposal for regulations required by the Historic Environment (Wales) Act 2016 and four guidance documents' for public consultation purposes.
- 4.2 This consultation covers five subjects:
- A Proposal for regulations under the Historic Environment (Wales) Act 2016 to set out procedures for a review of a decision to designate a scheduled ancient monument or listed building (paras 9-54)

- B Draft statutory guidance for certain public bodies – *Historic Environment Records in Wales: Compilation and Use* – as required by the Historic Environment (Wales) Act 2016 (paras 55-60)
- C Draft best-practice guidance: *Managing Listed Buildings at Risk in Wales* (paras 61-65)
- D Draft best-practice guidance: *Managing Change to Registered Historic Parks and Gardens in Wales* (paras 66-69)
- E Draft best-practice guidance: *Managing Historic Character in Wales* (paras 70-73).

A. Proposal for regulations under the Historic Environment (Wales) Act 2016 to set out procedures for a review of a decision to designate a scheduled ancient monument or listed building

- 4.3 The Ancient Monuments and Archaeological Areas Act 1979 requires the Welsh Ministers to compile and maintain a schedule of monuments of national importance. Similarly, the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Welsh Ministers to compile lists of buildings of special architectural or historic interest. The Historic Environment (Wales) Act 2016 amends these 1979 and 1990 Acts to place new obligations on the Welsh Ministers to consult with the owner and occupier and other appropriate persons when considering the designation of an historic asset as a scheduled monument or a listed building or making changes to an existing designation. The 2016 Act also introduces interim protection to apply the majority of the provisions of the 1979 Act or the 1990 Act to a monument or historic building that the Welsh Ministers propose to designate. Furthermore, if the Welsh Ministers schedule a monument, make a material amendment to an entry on the Schedule, or list a building, the 2016 Act gives an owner or occupier the right, in certain circumstances, to request that the Welsh Ministers review the designation decision.
- 4.4 The 2016 Act specifies three review procedures:
- written representations
 - hearing, and
 - public local inquiry.
- 4.5 The Welsh Ministers will appoint the Planning Inspectorate to undertake all reviews on their behalf, who will decide upon the most appropriate procedure, or combination of procedures for a review and its determination will be final. The Welsh Ministers will have to make any changes to the Schedule or a list required by a review decision of the Planning Inspectorate.
- 4.6 It is expected that the provisions of the consultation, interim protection and review will be brought into force in 2017, after the Welsh ministers have made the regulations needed to establish a structure for reviews.
- 4.7 The 2016 Act requires the Welsh ministers to set out in regulations:
- the grounds on which an application for a review may be made;
 - the information that must be provided to, or may be required by, the Welsh Ministers in connection with an application for review;
 - the form and manner in which an application must be made; and
 - the period within which such an application must be made.
- 4.8 The Welsh Ministers can also make any other provision in regulations that they think appropriate in connection with reviews.

- 4.9 The consultation document sets out the proposed arrangements for the conduct of these reviews, which are modelled on the existing systems for planning and listed building consent appeals, i.e.;
- the grounds for review when arriving at a decision to schedule a monument or list a building;
 - when and how a review application should be made;
 - review procedures, whether by written representations, a hearing, or by public local inquiry; as well as the award of costs.

B Draft statutory guidance for certain public bodies – *Historic Environment Records in Wales: Compilation and Use* – as required by the Historic Environment (Wales) Act 2016 (Annex 1)

- 4.10 The 2016 Act requires the Welsh ministers to compile and keep up to date a publicly accessible historic environment record for each local authority area in Wales. The historic environment record provides detailed information about the historic environment for public benefit and use.
- 4.11 The Welsh Ministers have asked the four Welsh archaeological trusts to discharge this duty on their behalf, and preparatory work is underway to bring the provisions into force in 2017. This duty would be undertaken by Glamorgan Gwent Archaeological Trust for the Caerphilly county borough council area.
- 4.12 Each archaeological trust maintains a regional historic environment record and together they provide comprehensive coverage of the whole of Wales. These records are the product of research and investigation and are maintained and updated in accordance with the national and international standards.
- 4.13 The 2016 Act also requires the Welsh Ministers to issue statutory guidance for certain public bodies in Wales – Local and National Park authorities and Natural Resources Wales – on how they may contribute to the compilation of the historic environment records and how they should use the records in the exercise of their functions.
- 4.14 This guidance, *Historic Environment Records in Wales: Compilation and Use (Annex 1)*, explains:
- what historic environment records area;
 - the roles and responsibilities of key organisations;
 - the role of the public bodies in the compilation of the records; and
 - how the public bodies should use the records in the exercise of their functions.
- 4.15 Separate statutory guidance will be made available in due course regarding information on the benchmarks and standards that the Welsh Ministers expect the trusts to adhere to in discharging their duties under the 2016 Act.

C Draft best-practice guidance: *Managing Listed Buildings at Risk in Wales* (Annex 2)

- 4.16 This represents best-practice guidance, which supports Planning Policy Wales – Chapter 6: The Historic Environment (Edition 9 Nov 2016) and *Technical Advice Note 24: The Historic Environment*.
- 4.17 It outlines the critical relationship between a building's condition, use and ownership, and how the careful balance between these elements can be managed to ensure a sustainable future.
- 4.18 The guidance describes the roles and responsibilities of owners, the Welsh Government and local authorities. It shows how policies and programmes to manage listed buildings at risk can be successful, but also explains the statutory powers available to protect listed buildings at risk should they be needed.

- 4.19 Although the guidance focuses on listed buildings at risk, the principles can be applied to managing any historic buildings at risk, such as those identified as locally important. Some of the statutory powers apply only to listed buildings, however.
- 4.20 This guidance is aimed primarily at local authority conservation, planning, housing, regeneration and development departments, as well as Welsh Government departments. It may be of interest to owners, occupiers and agents, as well as local communities and third sector organisations that have a vital role in caring for listed buildings at risk.

D Draft best-practice guidance: *Managing Change to Registered Historic Parks and Gardens in Wales (Annex 3).*

- 4.21 The 2016 Act requires the Welsh Ministers to compile and maintain a register of historic parks and gardens in Wales. This will replace an existing non-statutory register and create a comprehensive record of sites that meet the criteria of historic interest. A review of the entries on the non-statutory register is now being undertaken with the aim of bringing the provisions of the 2016 Act into force in 2017.
- 4.22 This best-practice guidance sets out general principles to follow when considering changes that may have an impact on registered historic parks and gardens. It explains the status of the statutory register of historic parks and gardens in Wales and its place in the planning system, including the roles and responsibilities of owners, local planning authorities, amenity societies and Cadw.
- 4.23 This guidance is aimed principally at owners of registered historic parks and gardens, and agents acting on their behalf. It will help them to understand the implications of owning a registered historic park or garden and manage changes that affect it. This guidance can also be used by owners and managers as a best-practice guide to caring for registered sites. The principles and practices are applicable to all historic parks and gardens in Wales, whether registered or not. This guidance supports PPW – Chapter 6: The Historic Environment and emerging *TAN 24: The Historic Environment*.

E Draft best-practice guidance: *Managing Historic Character in Wales (Annex 4).*

- 4.24 This best-practice guidance, which supports PPW – Chapter 6: the Historic Environment and emerging *TAN 24: The Historic Environment*. It also highlights how an understanding of historic character can be used in many ways beyond the planning system.
- 4.25 This guidance explains why it is important to recognise historic character and use it as an evidence base for conservation, regeneration and planning work. It shows how policies and programmes to manage change can take inspiration from the past to help create and sustain distinctive places for the future.
- 4.26 This guidance does not impose another layer of designation or consent, but encourages the best use of our historic environment to improve the social, economic, environmental and cultural well-being of Wales. This means managing change sustainably, not preventing it.
- 4.27 This guidance is aimed primarily at local authority conservation, planning, housing, regeneration and development departments, as well as WG departments. It will be of interest to local communities and third sector organisations that have a vital role in identifying, promoting and caring for local historic character.

Q 1: Do you agree with the grounds of review for designations of scheduled monuments?

Recommended answer: Yes, the grounds of review in respect of scheduled monuments appear to be appropriate. It is important to note here that it is understood that this relates to both new designations of scheduled monuments or when making changes to an existing designation on the 'schedule.'

Q 2: Do you agree with the grounds of review for designations of listed buildings?

Recommended answer: Yes, the grounds of review in respect of listed buildings appear to be appropriate. It is important to note here that it is understood that this relates to listed buildings to be included on the 'statutory list' as well as those that are to be excluded from the 'statutory list' but not in respect of those where a material amendment is to be made to an entry on the 'list'.

Q 3: Do you agree that a request for a review should be made within 3 months of receipt of a notice of designation? If not, what timescale would be appropriate?

Recommended answer: This timescale appears to be too short. It is suggested that this timescale might be increased to 'within 6 months of receipt of a notice of designation'.

Q 4: Should any other information be required in the review application? If yes, please specify.

Recommended answer: No, the level of information required to be submitted in the review application appears to be appropriate.

Q 5: Do you believe that the procedures outlined are reasonable and fair for all involved in designation reviews? If not, how could they be improved?

Recommended answer: Yes, although some further clarification would be helpful.

Q 6: Do you agree with the measures proposed for the award of costs to deter unreasonable behaviour in designation reviews? If not, how could they be improved?

Recommended answer: Yes, however, there is a need for clarification in the definition of 'unreasonable behaviour.'

Q 7: Does the draft statutory guidance, *Historic Environment Records in Wales: Compilation and Use*, clearly set out the roles and responsibilities of the relevant public bodies? How could this section be improved?

Recommended answer: Yes, however, this document could be more user-friendly in the way it is set out.

Q8: Does the draft statutory guidance, *Historic Environment Records in Wales: Compilation and Use*, give the relevant public bodies adequate guidance on how they may contribute to the compilation of historic environment records? How could this section be improved?

Recommended answer: As answered to Q7 above.

Q9: Does the draft statutory guidance, *Historic Environment Records in Wales: Compilation and Use*, clearly set out how the relevant public bodies should use the historic environment records in the exercise of their functions? How could this section be improved?

Recommended answer: No, this guidance could be improved by being more user-friendly and addressing more specifically how local planning authorities could best use the HER.

Q10: Will the draft guidance, *Managing Listed Buildings at Risk in Wales*, support the more effective management of historic buildings at risk? How could it be improved?

Recommended answer: This guidance could be very much improved by reinforcing the guidance set out in Historic England's 'Stopping the Rot' Guide and making it more appropriate to Wales.

Q11: Does the advice on condition, use and ownership, contained in the draft guidance, *Managing Listed Buildings at Risk in Wales*, cover the key issues? If not, what is missing?

Recommended answer: Yes, it covers that main issues, however, it is questionable as to how practical or useful this document is. The addition of a range of relevant case studies would make this guidance more useful.

Q12: Does the draft guidance, *Managing Change to Registered Historic Parks and Gardens in Wales*, clearly explain the implications of owning an historic park or garden included in the statutory register? How could it be improved?

Recommended answer: Given that there is such a wide range of types and characteristics to those Historic Parks and Gardens on the Register, it is difficult to 'capture' and provide prescriptive and appropriate guidance on them all.

Q13: Will *Managing Change to Registered Historic Parks and Gardens in Wales*, help owners and their agents to manage historic parks and gardens to achieve high-quality, sensitive change? How could it be improved?

Recommended answer: Yes, it provides a useful context and links for Further Information and Contacts.

Q14: Does the draft guidance, *Managing Historic Character in Wales*, clearly explain what historic character is? How could it be improved?

Q15: Does the draft guidance, *Managing Historic Character in Wales*, give sufficient information to support the effective management of historic character? If not, what is missing?

Recommended answer: This guidance is a useful tool and structured approach in firstly understanding what 'historic character' of an area is and as a preliminary framework when identifying areas of special architectural or historic interest, which may go on to meet the criteria for designation as a conservation area. Such a structured approach to understanding historic character is an essential part of conservation area appraisal and review. However, as it stands, it is questionable about how effective this guidance is, as it currently has no legislative 'teeth' or consent processes within the planning system and therefore such 'historic character' that does not meet the statutory criteria for designation, can remain unprotected.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 This report contributes to the Well-being Goals as set out in paragraphs 3.9 - 3.11 in 'Links to Strategy' above.

5.2 The Well-being of Future Generations (Wales) Act 2015 places duties on public bodies requiring them to act in accordance with the 'sustainable development principle' (i.e. requiring the body to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs). That Act also establishes well-being goals which include achieving 'a Wales of vibrant culture and Welsh language', described as 'a society that promotes and protects culture, heritage and the Welsh language'. A properly protected, conserved and enhanced historic environment can improve the quality of life and well-being for everyone.

5.3 In policy terms, the historic environment is defined as:
"All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and deliberately planted or managed."

5.4 An historic asset is:
"An identifiable component of the historic environment. It may consist or be a combination of an archaeological site, a historic building or area, historic park and garden or a parcel of historic landscape. Nationally important historic assets will normally be designated."
Taken together and set within their cultural context, historic assets contribute to the character and sense of place of different parts of Wales.

6. EQUALITIES IMPLICATIONS

6.1 There are no specific equalities implications arising as a result of this report.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising as a result of this report.

8. PERSONNEL IMPLICATIONS

8.1 There are none.

9. CONSULTATIONS

9.1 The report reflects the views of the consultees.

10. RECOMMENDATIONS

10.1 That Members note the status and purpose of this second in a series of consultation documents and four annexed guidance documents in relation to the Historic Environment; and

10.2 That Members recommend Welsh Government be advised of the answers set out in this report.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To make Members aware of the Welsh Government's Consultation document, 'Consultation on a proposal for regulations required by the Historic Environment (Wales) Act 2016 and four guidance documents' and

11.2 That a formal response as outlined be made to WG on behalf of Caerphilly County Borough Council by the 13 January 2017 deadline.

12. STATUTORY POWER

- 12.1 The Historic Environment (Wales) Act 2016
- 12.2 The Planning (Listed Buildings and Conservation Areas) Act 1990
- 12.3 The Ancient Monuments and Archaeological Areas Act 1979
- 12.4 The Well-being of Future Generations (Wales) Act 2015
- 12.5 Local Government Act 1972 (as amended).

Author: Patricia Martin – Principal Conservation & Design Officer

Consultees: Chris Burns – Interim Chief Executive
Christina HARRY – Director of Communities
Tim Stephens – Interim Head of Regeneration & Planning
Rhian Kyte – Team Leader (Strategic & Development Plans)
Cllr Ken James – Cabinet Member for Regeneration, Planning & Sustainable Development
Cllr David G. Carter (Chair)
Cllr Wynne David (Vice Chair)

Background Papers:

Welsh Government Consultation Document 'Consultation on a proposal for regulations required by the Historic Environment (Wales) Act 2016 and four guidance documents.' Date of issue 19 October 2016. Responses by 13 January 2017.

Agenda Item 11

APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
16/0632/FULL 19.07.2016	Mr D Francis 35 Cobden Street Crosskeys Newport NP11 7PF	Erect single-storey extension 35 Cobden Street Crosskeys Newport NP11 7PF	Granted 05.12.2016
16/0861/FULL 05.10.2016	Mr P Fowler 18 Castle Street Caerphilly CF83 1NY	Erect external staircase to provide access to first floor level 18 Castle Street Caerphilly CF83 1NY	Granted 05.12.2016
16/0876/FULL 10.10.2016	Mr & Mrs B Williams Ty Coppi Farm Twyn-Gwyn Road Mynyddislwyn Newport NP11 7AY	Demolish existing stables and store buildings and construct replacement stables and associated groundworks Land West Of Pontgam Terrace Pontgam Lane Ynysddu NP11 7LD	Granted 05.12.2016
16/0877/FULL 10.10.2016	LWH Construction Mr L Hallett 6 Lanelay Farm Talbot Green Llantrisant CF72 9LA	Construct 3 no. three-bedroom terraced dwellings Land Adjacent To 26 Gelynos Avenue Argoed	Granted 05.12.2016
16/0560/FULL 01.07.2016	Mr R Cope Cefn Fawr Farm Michaelston-y-Fedw Cefn Mably CF3 6LP	Erect a first floor extension over existing garage, a rear single- storey extension and ancillary works Cefn Fawr Farm Ty Gawla Isaf To Rhymney River Cefn Mably Cardiff	Granted 06.12.2016
16/0839/COND 26.09.2016	Mrs G Johnson Ael-Y-Bryn House Garth Place To Rhydri Primary School Rudry Caerphilly CF83 3DF	Discharge conditions 3 (landscaping) and 4 (hedgerow protection) of planning application 16/0463/RET (Retain the change of use of land to garden, demolish existing single garage and construct a detached triple garage with upper floor) Ael-y-bryn House Garth Place	Decided - Discharge of Conditions 06.12.2016

		To Rhydri Primary School Rudry Caerphilly	
16/0864/RM 06.10.2016	Easyliving Ltd Mr L Edmunds 55 Bartley Wilson Way Canton Cardiff CF11 8EN	Seek approval of the reserved matters regarding appearance, landscaping, layout and scale in connection with planning consent 13/0793/OUT (Erect two detached dwellings), provide a schedule of periodic site monitoring by an appointed certified arboricultural agent (conditions 5), remove condition 6 due to revised site layout and size of proposed dwellings, approve a scheme of land drainage (condition 9) and approve a construction management plan (condition 10) Land Adjacent To 23 Kingswood Close Hengoed CF82 7LU	Granted 06.12.2016
16/0868/FULL 07.10.2016	Mr Williams 6 Llanfedw Close Porset Caerphilly CF83 3NP	Replace existing garage 6 Llanfedw Close Porset Caerphilly CF83 3NP	Granted 06.12.2016
16/0882/COU 11.10.2016	KLA Dance Institute Ms K Booth Clover Hill Summerfield Hall Lane Maesycwmmmer Hengoed CF82 7RG	Change the use to dance studio Unit 2 Fern Close Pen-y-fan Industrial Estate Pen-y-fan	Granted 06.12.2016
16/0888/LBC 11.10.2016	Mr & Mrs J Flicker Gwaun-y-bara Pentwynngwyn Road Rudry Caerphilly CF83 3DG	Install rooflights to rear elevation and erect porch to side door Gwaun-y-bara Pentwynngwyn Road Rudry Caerphilly	Refused 06.12.2016
16/0889/RET 11.10.2016	Mr T Davies 38 St Andrews Drive Blackwood NP12 2ET	Retain stone wall and new fencing 38 St Andrews Drive Blackwood NP12 2ET	Granted 06.12.2016
16/0851/FULL	Mrs T Payne	Replace existing shopfront	Granted

28.09.2016	Soul Beauty Holistic Therapy 12 Commercial Street Ystrad Mynach Hengoed CF82 7DX	Soul Beauty Holistic Therapy 12 Commercial Street Ystrad Mynach Hengoed	07.12.2016
16/0860/FULL 03.10.2016	Mr H Jones 69 Heol Ysgubor Caerphilly CF83 1SR	Erect a single-storey side and rear extension 69 Heol Ysgubor Caerphilly CF83 1SR	Granted 07.12.2016
16/0866/FULL 07.10.2016	No:1 Home Improvements Mr A Williams 14 Ashgrove Terrace Nelson Treharris CF46 6LS	Erect side conservatory 14 Ashgrove Terrace Nelson Treharris CF46 6LS	Granted 07.12.2016
16/0708/COND 15.08.2016	Mr W Jones By-brook Lodge 13 Old Brewery Lane Rhydney Tredegar NP22 5HT	Discharge conditions 4 (light mitigation - bats), 5 (bat roost provision), 6 (bird protection), 7 (drainage), 8 (contamination) and 17 (site investigation) of application 15/0218/FULL (Erect a residential development of four units) Land At Old Brewery Lane Rhydney Tredegar	Decided - Discharge of Conditions 08.12.2016
16/0815/FULL 16.09.2016	Moulded Foams Ltd C/o RPS Mr D Williams Park House Greyfriars Road Cardiff CF10 3AF	Erect extension to service yard Moulded Foams Ltd 2 Hawtin Park Gelli-haf Pontllanfraith	Granted 08.12.2016
16/0834/RET 26.09.2016	Biffa Waste Services Limited Mr M Harty Rixton Old Hall Manchester Road Rixton Warrington WA3 6EW	Retain the existing landfill gas management compound Biffa Electricity Generation Site Trecatti Landfill Site Fochriw Road	Granted 08.12.2016
16/0895/COND 13.10.2016	Mr A Penny 5 Y Cedrwydden	Discharge conditions 2 (materials), 6 (illumination	Decided - Discharge of

	Highfields Blackwood NP12 1FD	mitigation - bats), 7 (bat protection) and 8 (bird protection) of planning consent 15/0918/FULL (Erect extension and carry out re-roofing and alterations) Yew Tree Cottage New Bethel Road New Bethel Mynyddislwyn	Conditions 08.12.2016
16/0896/FULL 13.10.2016	Mr I Hancox 22 Ogilvie Terrace Deri Bargoed CF81 9JB	Demolish existing garage and replace with new, along with a hardstanding for three cars 22 Ogilvie Terrace Deri Bargoed CF81 9JB	Granted 08.12.2016
16/0902/FULL 17.10.2016	Mr & Mrs Price 43 Gellideg Isaf Rise Maesycwmmmer Hengoed CF82 7RB	Convert garage into a habitable room 43 Gellideg Isaf Rise Maesycwmmmer Hengoed CF82 7RB	Granted 08.12.2016
16/0904/COU 18.10.2016	Loren James Dance Company Miss L James 41 Moorland Road Bargoed CF81 8UL	Change the use from B2 - B8 to D2 to be used as a dance studio Unit R Trecenydd Business Park Trecenydd Caerphilly	Granted 08.12.2016
16/0910/COND 19.10.2016	Messrs Leonard D Morgan 119 - 121 Chepstow Road Maindee Newport NP19 8BZ	Discharge condition 2 (sound insulation) on application 16/0102/FULL (Re-build premises following fire damage) Land At 5 South Shops High Street Newbridge	Decided - Discharge of Conditions 08.12.2016
16/0912/COU 20.10.2016	Mr M Griffiths Rose Cottage 1 Plas Road Fleur De Lis Blackwood NP12 3FJ	Change the use of church to residential St Annes Church Hengoed Road Cefn Hengoed Hengoed	Granted 08.12.2016
16/0915/COND 20.10.2016	Mr F Lodder 24 Llys Cyncoed Oakdale Blackwood NP12 0NQ	Discharge conditions 01 (approved plans), 02 (parking layout) & 03 (gradient) of planning consent 16/0566/NCC (Vary condition 9C of planning consent P/02/1418 to convert garage into habitable room) 24 Llys Cyncoed Oakdale	Decided - Discharge of Conditions 08.12.2016

		Blackwood NP12 0NQ	
16/0977/NMA 10.11.2016	Mrs A Fowler 1 Coed-Y-Pandy Bedwas Caerphilly CF83 8DS	Seek approval of various non-material amendments to planning consent 16/0346/FULL (Demolish garage and replace with a two-storey attic extension to side and rear) 1 Coed-Y-Pandy Bedwas Caerphilly CF83 8DS	Refused 08.12.2016
16/0885/FULL 11.10.2016	Mr S Parr Hen Faes 88 High Street Nelson Treharris CF46 6HB	Remove existing flat roof extension and erect single-storey rear extension and alter the roof of the main dwelling from hip style to gable style Hen Faes 88 High Street Nelson Treharris	Refused 09.12.2016
16/0893/COND 12.10.2016	Mr N Hobbs Newport House Abertysswg Road Rhymney Tredegar NP22 5AE	Discharge of conditions 3 (PD restriction), 4 (vision splay), 5 (driveway materials), 6 (parking layout) and 7 (rainwater run-off) of planning consent 16/0084/COU (Change the use from family home to small residential care home for five service users) Newport House Abertysswg Road Rhymney Tredegar	Decided - Discharge of Conditions 09.12.2016
16/0926/ADV 28.10.2016	Notemachine UK Ltd Ms J Clark Russell House Elvicta Business Park Crickhowell NP8 1DF	Erect integral illumination and screen to the ATM fascia, internally illuminated Free Cash Withdrawals sign above the ATM fascia and blue LED halo illumination to the ATM surround (286.478 cd/m) Home Bargains Pontygwindy Road Caerphilly CF83 3HF	Granted 09.12.2016
16/0929/ADV 28.10.2016	DSGI Plc Maylands Avenue Hemel Hempstead CF83 3GX	Erect various signage Currys Unit 9 Gallagher Retail Park Parc Pontypandy	Granted 09.12.2016
16/0995/NMA 16.11.2016	Mrs M Evans New House Clyde Street Pontymister Risca Newport NP11 6BG	Seek approval of a non-material amendment to planning consent 15/0582/FULL (Erect a single storey extension to the rear elevation and convert the attached garage to residential	Granted 09.12.2016

		use) to change line of wall and change blockwork to K Rend finish New House Clyde Street Pontymister Risca	
16/0574/CLEU 05.07.2016	Mr M Matthews 3 Alma Cottages Bedwas Caerphilly CF83 8FG	Obtain a Lawful Development Certificate for the existing detached garage at the front of the property 3 Alma Cottages Colliery Road Bedwas Caerphilly	Granted 12.12.2016
16/0903/COND 17.10.2016	Mr M Davies C/o HHS Planning Melrose Court Cypress Drive St Mellons Cardiff CF3 0EG	Discharge Conditions 2 (dust mitigation), 3 (noise mitigation), 18 (bin storage), 19 (external materials), 21 (boundary treatments) and 23 (finished floor levels) of planning consent 14/0855/FULL (Erect residential development and associated works) Land At Watford Road Caerphilly	Decided - Discharge of Conditions 12.12.2016
16/0906/RET 18.10.2016	Mr R Gor Llechwen Hall Hotel Craig-Evan-Leyshon Common Road Nelson Pontypridd CF37 4HP	Retain the change of use of existing Jailhouse building to conference room, including all necessary structural repairs associated with the works Llechwen Hall Hotel Craig-Evan-Leyshon Common Road Nelson Pontypridd	Granted 12.12.2016
16/0938/COND 02.11.2016	Asda Supermarkets Ltd Ms C Bedford Asda House Southbank Great Wilson Street Leeds LS11 5AD	Discharge conditions 2 (contamination - soil import testing) and 4 (contamination) of planning consent 16/0066/FULL (Construct an automated petrol filling station) Asda Cliff Road Blackwood NP12 0NT	Decided - Discharge of Conditions 12.12.2016
16/1017/NMA 21.11.2016	United Welsh Housing Association Mr P Seabourne C/o HHS Planning Melrose Court Cypress Drive St Mellons Cardiff CF3 0EG	Seek approval of a non material amendment to planning consent 14/0855/FULL (to erect residential development and associated works) to provide alterations to house type on plots 3, 4, 7-13, 23-28, 31 and 32	Granted 12.12.2016

		Land At Watford Road Watford Caerphilly	
16/1020/NMA 25.11.2016	Mr C Jones Tyr Hendre Pant-Du Road To Tydu Road Llanfabon Treharris CF46 6PG	Seek approval of a non material amendment to planning consent 16/0710/RET (Extension of curtilage to extend garden into agricultural land) to extend the curtilage to 5m at the rear and 10m to the side Tyr Hendre Pant-Du Road To Tydu Road Llanfabon Treharris	Granted 12.12.2016
16/0704/FULL 11.08.2016	Mr D Rowlands 12 The Green Abertysswg Rhymney Tredegar NP22 5AH	Erect new storage shed Land At Nant Celyn Farm Lane Rhymney Tredegar	Granted 13.12.2016
16/0797/COND 09.09.2016	CCBC Ms K Cole Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG	Discharge conditions 6 (reptile mitigation) and 8 (contamination) of planning consent 15/1121/LA (Erect new single-storey Primary School, Nursery and Flying Start Unit including parking and external works) Rhymney Comprehensive School Abertysswg Road Rhymney Tredegar	Decided - Discharge of Conditions 13.12.2016
16/0816/RET 16.09.2016	Mr P Harvard 72 North Road Pontywaun Newport NP11 7FZ	Retain the change of use of the land and the detached single- storey storage building 2 Silver Street Pontywaun Newport NP11 7FX	Granted 13.12.2016
16/0828/OUT 22.09.2016	Mr R Griffiths 12 Newlyn Road Pantside Newbridge NP11 5DA	Erect detached dwelling with associated access and groundworks etc. and seek approval of the access and scale Land South Of 10 Gilboa Road Newbridge NP11 4NJ	Granted 13.12.2016
16/0867/FULL 07.10.2016	Ms L Cochrane Gelliwen Farm Bedwellty Road Markham Blackwood NP12 0PP	Erect two 3-bedroomed cottages Land At Heol-Y-Bedw-Hirion Bedwellty NP12 0BD	Refused 13.12.2016
16/0909/FULL	Mr R Bennett	Erect first floor bedroom	Refused

19.10.2016	25 King Charles Road Pentwynmawr Newbridge NP11 4HF	extension to rear of property over existing annexe 38 Station Street Pentwynmawr Newport NP11 4HQ	13.12.2016
16/0922/FULL 27.10.2016	Mr J & Mrs C Cook 16 Moriah Hill Risca Newport NP11 6PZ	Erect dormer roof extension 16 Moriah Hill Risca Newport NP11 6PZ	Granted 13.12.2016
16/0923/COU 27.10.2016	Caerphilly Chiropractic Centre Mr S Yoxall Old Station Buildings 84 Cardiff Road Caerphilly CF83 1JR	Change use from A1 to D1 and carry out internal alterations to accommodate a chiropractic centre 86 Old Station Buildings 82 - 86 Cardiff Road Caerphilly CF83 1JR	Granted 13.12.2016
16/0873/FULL 05.10.2016	Mr J Mann 12 Clos Graddfa Ystrad Mynach Hengoed CF82 7DL	Erect garage to side of dwelling 12 Clos Graddfa Ystrad Mynach Hengoed CF82 7DL	Granted 14.12.2016
16/0925/RET 28.10.2016	Notemachine UK Ltd Ms J Clark Russell House Elvicta Business Park Crickhowell NP8 1DF	Retain an ATM installed through the existing red vinyl window Home Bargains Pontygwindy Road Caerphilly CF83 3HF	Granted 14.12.2016
16/0946/COND 03.11.2016	Cardiff House Of Sport Ltd C/o M2h Architects 16 Columbus Walk Cardiff CF10 4BY	Discharge Conditions 2 (schedule of works), 3 (painted finishes), 4 (boundary treatments), 5 (roof restoration) and 6 (record of internal listed features) of planning consent 15/0791/LBC (Demolish two single-storey extensions, change use from hotel to residential to accommodate 9 apartments with internal alterations and construct three number 3 bedroom dwellings) Oakdale Hotel Central Avenue Oakdale Blackwood	Granted 15.12.2016
16/0955/COND 07.11.2016	Mr D Harris 43 Hillside Cottages Newport Road Hollybush	Discharge conditions 2 (drainage) and 3 (storage) of planning consent 16/0215/RET (Retain an animal/stock shelter	Granted 15.12.2016

	Blackwood NP12 0SS	and level out an area of land to create a paddock area) 43 Hillside Cottages Newport Road Hollybush Blackwood	
16/0741/FULL 18.08.2016	Mr Jones Plasyfelin 18 Morgan Street Caerphilly CF83 3FQ	Erect detached garage Plasyfelin 18 Morgan Street Caerphilly CF83 3FQ	Granted 19.12.2016
16/0823/COND 21.09.2016	Infinite Renewables Ltd C/o Stratus Environmental Miss F Wray 4245 Park Approach Thorpe Park Leeds LS15 8GB	Discharge conditions 6 (shadow/flicker), 7 (traffic management plan), 9 (archaeological written scheme of investigation), 11 (external surfaces), 13 (land drainage), 15 (anti-collision lighting), 17 (access track materials) and 19 (bat monitoring) of planning consent 13/0824/FULL (Erect a single 1.5MW wind turbine, access track and associated transformer enclosure) Land At Pen-y-fan Industrial Estate Pen-y-fan Newport	Decided - Discharge of Conditions 19.12.2016
16/0907/FULL 19.10.2016	Miss K Hughes 26 Bryngwyn Watford Caerphilly CF83 1ET	Erect single-storey side extension and associated alteration works 26 Bryngwyn Watford Caerphilly CF83 1ET	Granted 19.12.2016
16/0920/FULL 26.10.2016	Mr T Layman 64 Cae Collen Blackwood NP12 1FF	Erect rear single-storey lounge extension 64 Cae Collen Blackwood NP12 1FF	Granted 20.12.2016
16/0927/FULL 28.10.2016	Mr C Garrett 27 Lower Row Bute Town Rhymney Tredegar NP22 5QH	Erect rear boundary wall/enclosure 27 Lower Row Bute Town Rhymney Tredegar	Granted 20.12.2016
16/0934/COND 31.10.2016	Sirius Renewable Energy C/o Stratus Environmental Mr A Stappard 4245 Park Approach Thorpe Park Leeds	Discharge conditions 3 (external finishes), 7 (grid connection route), 8 (grid connection route), 10 (turning facilities), 11 (access), 13 (drainage) and 15 (biodiversity and landscape management plan) of planning consent	Decided - Discharge of Conditions 20.12.2016

	LS15 8GB	14/0455/FULL (Construction of a ground-mounted solar PV generation project and associated works) Land At Darran Farm Argoed Blackwood NP12 0HX	
16/0936/NCC 01.11.2016	Mr T Baker 14 St Davids Avenue Woodfieldside Blackwood NP12 0PD	Vary condition 3 of planning consent 11/0673/NCC to renew unexpired outline application Land Adjacent To Bristol House High Street Argoed Blackwood	Granted 20.12.2016
16/1009/NMA 22.11.2016	Mr A Thomas Fairoak Corbetts Lane Caerphilly CF83 3HX	Seek approval of a non material amendment to planning consent 15/0125/RM (Approve the matters of access, appearance, landscaping, layout and scale of outline application 09/0949/NCC (Erect three two-storey dwellings) to add external pedestrian door to side of garage, create first floor storage to garage, relocate windows, addition of internal stairs to garage and create further parking to front and side of house for seven cars Land At Corbetts Lane Pwllypant Caerphilly	Granted 20.12.2016

Agenda Item 12

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.
15/0348/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 Pentrebane Street, Caerphilly	Re-consulting on amended plans.
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.
16/0579/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.
16/0607/FULL	Construct 4 self-contained apartments with on site car parking, cycle, refuse and amenity facilities at Tredegar Junction Hotel, Commercial Street, Pontllanfraith.	Subject to further discussion and consideration
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
16/0724/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.
16/0748/FULL 23.08.16	Convert existing stone barn into a single dwelling at Gwerna Hall Barn Pandy Lane Ystrad Mynach Hengoed	Subject to further discussion and consideration.
16/0797/CON 09.09.16	Discharge conditions 6 (reptile mitigation) and 8 (contamination) of planning consent 15/1121/LA (Erect new single-storey Primary School, Nursery and Flying Start Unit including parking and external works) at Rhymney Comprehensive School Abertysswg Road Rhymney	Awaiting views of consultees.
16/0829/FULL 24.09.16	Erect extension and remodel the rear of the property to provide additional bedroom and larger kitchen area at 24 Van Terrace Caerphilly	Subject to further discussion and consideration.
16/0886/NCC 11.10.16	Vary condition 1 of planning consent 06/0848/NCC (Reclaim former quarry - operate recycling and transfer station with associated storage) to extend the life of the permission for a further ten years so that the development hereby permitted shall cease not later than 31st December 2027 at Bowen Contractors Ltd Berthgron - Panthraillan Quarry Tydu Road Nelson	Subject to further discussion and consideration.

16/0887/NCC 11.10.16	Vary Condition 1 of planning consent 06/0849/NCC (Reclaim former quarry with inert waste and extend access/haul road to landfill site) to extend the life of the permission for a further five years so that the development hereby permitted shall cease not later than 31st December 2021 at Bowen Contractors Ltd Berthgron - Panthraillan Quarry Tydu Road Nelson	Subject to further discussion and consideration.
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Agenda Item 13

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.
15/0442/OUT 30.06.16	Erect residential development comprising approximately 18-20 houses and 8 flats on Land At Abertridwr Road, Penyrheol, Caerphilly	Sent draft to Solicitors.
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	Sent engrossments.

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	Sent draft.
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	Sent draft.
16/0076/OUT 28/01/16	Erect residential development on Land To The North Of Meadowland Close Caerphilly	Waiting for Solicitors details Draft prepared.
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	Issues with title that we are trying to resolve.
16/0506/OUT	Erect a residential self-build dwelling at Plot 2 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood	Asked for sols details.
16/0507/OUT	Erect a residential self-build dwelling at Plot 1 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood	Asked for sols details.
16/0508/OUT	Erect a residential self-build dwelling at Plot 4 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood	Asked for sols details.

16/0509/OUT	Erect a residential self-build dwelling at Plot 3 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood	Asked for sols details.
16/0510/OUT	Erect a residential self-build dwelling at Plot 5 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood	Asked for sols 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.
16/0617/OUT 15.07.16	Erect 16 dwellings at Land South Of The Glade Wyllie Blackwood	New Agreement.
16/0843/NCC 27.09.16	Vary condition 9 of planning consent 16/0032/FULL (Erect a two-storey mixed development of three apartments and four commercial units with on site car parking, refuse and cycle storage facilities) to extend the opening hours of the commercial unit and for the condition to read 'The use hereby permitted shall not be open to customers outside the following times 07.00 hrs to 23.00 hrs Monday to Sunday.' On Land Adjacent To Fwrrwm Ishta House 68 Commercial Road Machen Caerphilly CF83 8PG	New Agreement.

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Agenda Item 14

OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
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
16/0009/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
16/0011/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

16/0014/REF 16/0521/FULL	Mr G Pearce 40 Cefn Fforest Avenue Cefn Fforest Blackwood NP12 3NN	Erect flat roof single-storey extended lobby to allow disabled motorised buggy to park and turn before exiting at 40 Cefn Fforest Avenue Cefn Fforest Blackwood	07.11.16
16/0015/REF 15/0412/OUT	Redrow Homes Limited Redrow House Copse Walk Cardiff Gate Business Park Cardiff CF23 8RH	Erect residential development of up to 260 dwellings with open space at Land North Of Hendredenny Drive Hendredenny Caerphilly	09.11.16
16/0016/REF 15/0567/OUT	Persimmon Homes East Wales Mr J Price Llantrisant Business Park Llantrisant Rhondda Cynon Taf	Erect residential development of up to 175 units including open space provision, access and parking arrangements at Land At Oakdale Golf Course Oakdale Golf Course Lane Oakdale Blackwood	07.12.16

APPEALS DECIDED

APPEALS DECIDED APPEAL REF/ PLANNING APP NO.	PROPOSAL & LOCATION APPEAL	DECISION/ DATE	COMM/ DEL
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None.

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