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Date: 13th June 2018

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 20th June, 2018** at **5.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meetings and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

Pages

1 To receive apologies for absence.

A greener place Man gwyrddach

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



2 Declarations of Interest.

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

To approve and sign the following minutes: -

- 3 Planning Committee held on 23rd May 2018 1 - 4

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

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

- 4 17/0723/FULL - Oakdale Scout Hall, Kincoed Road, Oakdale, Blackwood, NP12 OLP 5 - 16
- 5 17/1033/FULL - Land At Grid Ref 317269 196829 Coronation Road East Lane, Blackwood 17 - 30
- 6 18/0163/NCC - Land At Tyle Crwth, South West Of Ynysddu, Newport 31 - 42
- 7 18/0090/FULL - The New Forge, Brynhoward Terrace, Oakdale, Blackwood, NP12 0LG 43 - 56
- 8 18/0288/FULL - Ynysddu Nursing Home, Mount Pleasant, Ynysddu, Newport, NP11 7JQ 57 - 62
- 9 18/0170/FULL - Pant-y-trwyn Farm, Mynyddislwyn Mountain Road, Mynyddislwyn, Newport, NP11 7BB 63 - 70
- 10 18/0289/NCC - Gellideg Industrial Estate, Gellideg Lane, Maesycwmmmer 71 - 86

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

- 11 18/0380/FULL - Field Adjacent To 3 Tai Cae Bryn, Groeswen Road, Cardiff 87 - 94
- 12 18/0123/FULL - Land At Grid Ref 321036 188882, Rhyd Y Gwern Lane (South Of Clos Trefeddyg), Machen 95 - 122

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

- 13 Applications determined by delegated powers. 123 - 130
- 14 Applications which are out of time/not dealt with within 8 weeks of date of registration. 131 - 138
- 15 Applications awaiting completion of a Section 106 Agreement.

139 - 140

16 Appeals outstanding and decided.

141 - 142

Circulation:

Councillors M.A. Adams (Chair), Mrs E.M. Aldworth, C. Andrews, A. Angel, J. Bevan, W. David (Vice Chair), M. Davies, J.E. Fussell, R.W. Gough, A.G. Higgs, A. Hussey, B. Miles, Mrs G.D. Oliver, J. Ridgewell, J. Simmonds, J. Taylor, A. Whitcombe, R. Whiting and T.J. Williams

And Appropriate Officers

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PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH
ON WEDNESDAY, 23RD MAY 2018 AT 5:00PM

PRESENT:

Councillor M. Adams - Chair
Councillor W. David - Vice-Chair

Councillors:

M. Adams, C. Andrews, J. Bevan, M. Davies, J.E. Fussell, R.W. Gough, A. Hussey, B. Miles, J. Ridgewell, J. Simmonds, J. Taylor, A. Whitcombe, R. Whiting and T.J. Williams.

Together with:

T. Stephens (Development Control Manager), R. Crane (Solicitor), R. Kyte (Head of Planning and Regeneration), C. Boardman (Area Senior Planning Officer), Lisa Cooper (Assistant Engineer), E. Rowley (Senior Planner), M. Godfrey (Senior Environmental Health Officer), C. Powell (Principal Planner), M. Davies (Principal Planner), A. Pyne (Senior Planner), A. Dredge (Committee Services Officer) and K. Houghton (Committee Services Officer)

Councillor E. Stenner (Cabinet Member for Environment and Public Protection)

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs E.M. Aldworth, A. Angel, A.G. Higgs and Mrs G.D. Oliver.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest received at the commencement or during the course of the meeting.

3. MINUTES – 18TH APRIL 2018

It was moved and seconded that the minutes of the meeting held on the 18th April 2018 be agreed as a correct record and by a show of hands this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 18th April 2018 (minute nos. 1-13) be approved and signed as a correct record.

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

4. PREFACE ITEM CODE NO. 17/1000/FULL – LAND AT GRID REF 316824 201370 (FORMER VIDEO SHOP) ABERNANT ROAD, MARKHAM, NP12 0PR

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands and in noting, there were 5 against and 1 abstention, this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the conditions contained within the Officer's report this application is approved.
- (ii) The applicant be advised of the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), Council's Ecologist and Head of Public Protection.
- (iii) The applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, CW3, CW4, CW5.

5. CODE NO. 17/0723/FULL - OAKDALE SCOUT HALL, KINCOED ROAD, OAKDALE, BLACKWOOD, NP12 0LP.

Councillor R. Saralis and Mrs J. Taylor spoke in objection to the application. The applicant who had been advised declined the opportunity to speak.

It was noted that a site visit took place on Monday 21st May 2018.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved, with two additional conditions that the Plot 2, bedroom 2 at rear be fitted with obscured glass and all rear windows would be require to have tilt opening only. By a show of hands and in noting, there were 11 against and 0 abstentions; the motion was declared lost.

A further motion was then moved and seconded that the application be deferred for a further report for reason for refusal based on the impact of the proposed development on the privacy of neighbouring residential properties and that it would set a precedent of obscuring bedroom windows as an approach to reduce impingement on privacy. By a show of hands and in noting, there were 5 against and 0 abstentions; this was agreed by the majority present.

RESOLVED that the application be deferred for a further report on reasons for refusal based on the impact on residential amenity of neighbouring dwellings and that the proposal would set a precedent of obscuring bedroom windows as an approach to reduce impingement on privacy.

6. CODE NO. 18/0131/FULL - 16 CWMTORLAIS ROAD, NEWBRIDGE, NEWPORT, NP11 4LY

Following consideration of the application it was moved and seconded that the recommendation 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 within the Officer's report this application is approved.

- (ii) The applicant be advised of the following policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2.
- (iii) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

7. CODE NO. 18/0185/LBC - CHRIST CHURCH, PANTDDU ROAD, ABERBEEG.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officer's preface report be approved and by a show of hands and in noting, there were 0 against and 1 abstention, this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the conditions contained within the Officer's report this application is approved.
- (ii) The applicant be advised of the following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW15.

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

8. CODE NO. 17/0935/FULL - LAND AT GRID REF 315722187910 VIRGINIA PARK CAERPHILLY.

Councillor P. Bevan spoke in objection and Mr B. Davies (Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved subject to the inclusion of an addition condition. By a show of hands and in noting, 0 against and 1 abstention; this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the conditions contained within the Officer's report and the following additional condition this application is approved;

Additional Condition 20

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) as shown on approved plans A002, revision C and A003 revision A, the two first floor windows on the south facing side elevation of plot 2 which serve Bedroom 1 and the Kitchen/dining/Living area shall be fixed pane (non-opening) and glazed with obscure glass and any replacement or repair shall only be fixed pane with obscure glass.

Reason

In the interests of residential amenity.

- (ii) The applicant be advised of the comments of The Council's Ecologist, Dwr Cymru/Welsh Water and the Police - Designing Out Crime Officer
- (iii) The applicant be advised of the following policies 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, SP6, SP10.
- (iv) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.

9. 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.

10. 17/0864/FULL – DURISOL UK, UNIT 4 PARKWAY, PEN-Y-FAN INDUSTRIAL ESTATE, PEN-Y-FAN, NEWPORT, NP11 3EF

Due to significant changes to the application it was moved and seconded, without discussion, that the application be deferred for further consideration by Planning Officers. By a show of hands this was unanimously agreed.

The meeting closed at 18.50pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 20th June 2018, they were signed by the Chair.

CHAIR

Agenda Item 4

PREFACE ITEM

APPLICATION NO. 17/0723/FULL

APPLICANT(S) NAME: Mr A Jenkins

PROPOSAL: Construct four linked dwellings with associated ground and access works

LOCATION: 1st Oakdale Scout Group Oakdale Scout Hall
Kincoed Road Oakdale Blackwood

The above planning application for the construction of four two-storey link dwellings on the site of the existing Oakdale Scouts Hut was reported to Planning Committee on 23rd May 2018 with a recommendation for approval subject to conditions. A copy of the previous report is attached as an Appendix.

At the meeting, an amendment was moved and seconded that the application be deferred to allow Officers to produce reasons for refusal on the basis that members were of the opinion that Bedroom 2 in Plot 2 would result in an unacceptable loss of privacy to the rear orangery of No. 1 Hill View Lane; and the obscure glazing of Bedroom 2 in Plot 3 would result in unacceptable amenity for future occupiers of this proposed dwelling.

For the reasons outlined in the original officer's report it remains the recommendation that the application be approved. Whilst the distance between Bedroom 2 of Plot 2 and the side glazed door of the rear orangery of No. 1 Hill View Lane is approximately 16.2 metres, given the angle and levels difference between these two openings, the limited width of the orangery side door, as well as the likely use of Bedroom 2, this relationship is considered to be acceptable. Furthermore, in terms of the obscure glazing of Bedroom 2 of Plot 3, whilst it is acknowledged that this is not ideal in terms of residential amenity of future occupiers of Plot 3, it is considered to be an acceptable compromise to facilitate the delivery of four new dwellings within the settlement boundary given the significant shortfall in the provision of new housing in the County Borough as a whole.

RECOMMENDATION – That planning permission be GRANTED subject to the conditions contained in the original report. However, if Members are minded to refuse the application, the following reasons are suggested:

1. By virtue of its relationship with the rear orangery of No. 1 Hill View Lane, Bedroom 2 of Plot 2 to proposed development would result in a loss of privacy to No. 1 Hill View Lane to the detriment of the residential amenity of its occupier contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 (Adopted November 2010).

Cont'd....

Application No. 17/0723/FULL

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2. The proposed obscurely glazed window at Bedroom 2 of Plot 3, would lead to an unsatisfactory living environment for future occupiers of the dwelling, contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 (Adopted November 2010).

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0723/FULL 11.01.2018	Mr A Jenkins 36 Mountside Risca Newport NP11 6JG	Construct four linked dwellings with associated ground and access works 1st Oakdale Scout Group Oakdale Scout Hall Kincoed Road Oakdale Blackwood NP12 0LP

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on Kincoed Road, Oakdale.

Site description: The site currently comprises the former Scouts Hall building that has been vacant for some time.

Development: It is proposed to erect a terrace of four houses on the site.

Dimensions: The proposed block measures 24.6m in width, 10m in depth, with the dwellings having a height of 5m to eaves level and 8.5m to ridge level.

Materials: Roofs - Concrete interlocking roof tiles.

Walls - Facing brickwork quoin detailing around windows and doors, with render walls.
Upvc windows and doors.

Ancillary development, e.g. parking: Off-street parking provision for 2 cars per dwelling is proposed.

PLANNING HISTORY 2005 TO PRESENT

15/0439/FULL - Demolish former health centre building and construct a pair of semi-detached dwellings with associated ground and access works - Granted 25.08.15.

15/0440/CON - Demolish former health centre building - Granted 28.02.17.

Cont....

Application No. 17/0723/FULL Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the Settlement Boundary as well as the Oakdale Conservation Area.

Policies: Policy SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW15 (General Locational Constraints).

NATIONAL POLICY Planning Policy Wales (9th Edition) Chapter 6: The Historic Environment; TAN12: Design; TAN24: The Historic Environment.

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

Head Of Public Protection - No objection subject to advice.

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

Transportation Engineering Manager - No objection subject to conditions.

Dwr Cymru - Provide advice to the developer.

Countryside And Landscape Services - No objection subject to conditions and advice.

Conservation & Design Officer - No objection subject to conditions and advice.

Cont....

Application No. 17/0723/FULL Continued

ADVERTISEMENT

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

Response: Four responses have been received. Two of the objections have been signed by two and three neighbouring properties respectively, so in total the occupants of six neighbouring properties have raised objection to the proposal. There was also a letter neither objecting nor supporting the proposal but suggesting certain improvements to the scheme as proposed.

Summary of observations:

Objection has been raised on the following grounds:

- Loss of privacy to gardens and bedrooms of nearby properties;
- The development would dominate the plot/represents over-development, that is not sensitive to the setting of the surrounding area;
- Loss of light and outlook to nearby properties;
- Increased pressure on on-street parking;
- Insensitive of the Council to approve two dwellings on the site then consider an application for four dwellings on the site.

Suggested improvements correspondence:

- Hill View Lane should be widened to the same width as the existing main portion (north-west);
- One-way system should be removed;
- Left over triangle of land should be incorporated into plot 1 to prevent it becoming overgrown and untidy in the future.

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. Conditions will be attached to any permission in the interests of biodiversity enhancement.

Cont....

Application No. 17/0723/FULL Continued

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes. New residential dwellings located in the Mid-Range viability area where the chargeable rate per square metre in £25.

ANALYSIS

Policies: The planning application site is located within the settlement boundary as defined in the Adopted Caerphilly Local Development Plan, and therefore the presumption is in favour of development providing material planning considerations do not indicate otherwise. In this instance those material planning considerations are the impact of the proposal on the visual amenity of the surrounding Oakdale Conservation Area; the impact on the residential amenity of nearby existing properties; and the impact on highway safety.

In terms of the impact on the visual amenity of the area, it is noted that immediately to the west of the site are a block of 4 two-storey link properties that were constructed in approximately 2005/2006. These properties were constructed prior to the designation of the Oakdale Conservation Area and exhibit limited architectural merit in terms of fenestration or external finishes. To the east and north of the site are more traditional terraced and semi-detached properties that exhibit design features such as quoin detailing around windows and doors, with a mixture of slate or tiled roofs. It is considered that the proposed dwellings have been well designed in terms of their scale and external finishes, which include red brick quoin details around the windows and doors on the front elevations. On the basis of the submitted plans the Principal Conservation & Design Officer raises no objection to the proposal. The scheme will preserve the character and appearance of the area.

In terms of the potential impact on the residential amenity of nearby properties it is considered that the property most affected by the proposal would be No. 1 Hill View Lane that is located immediately to the west of the application site, and the property to the east of the site, i.e. No. 30 Llwyn-on Road. The rear and side garden of No. 30 Llwyn-on Road is located approximately 18 metres to the east of the front elevations of the proposed dwellings. This privacy distance from bedroom windows into a private garden area is considered acceptable.

Cont....

Application No. 17/0723/FULL Continued

No. 1 Hill View Lane is located 11-14 metres to the west of the proposed development, with no habitable room windows in its side, east facing elevation. There is a first floor landing window, but loss of privacy to a landing window is not considered to warrant a refusal of planning permission. The main impact of the proposed development is the potential loss of privacy to the rear orangery at No. 1 Hill View that was erected approximately 1 year ago. The nearest window in relation to the orangery is a first floor bedroom window in Plot 2, the distance being approximately 16.2 metres. However, views from this bedroom window into the orangery would be limited by virtue of the narrow glass door in the side elevation of the orangery being it's only opening on that elevation. On the basis of these limited views, the difference in levels, and the fact that the bedroom will likely only experience limited use, it is not considered that this impact would warrant a refusal of planning permission. The first floor rear facing windows of Plots 3 and 4 are shown as being obscurely glazed and will therefore not impact on privacy. The distance from Plot 2 to the rear/side garden of No. 1 Hill View Lane is a minimum of 10 metres which is a very common relationship between bedroom windows and neighbouring gardens, and is therefore considered acceptable. The rear rooflights that serve the proposed bedrooms in the attic space of the development are at a height that will not facilitate direct overlooking. Furthermore, by virtue of their position and overall height, it is not considered that the development will result in an unacceptable loss of daylight or sunlight to the rear garden on No. 1 Hill View Lane, with any potential impact only being experienced during morning hours during winter's months when the sun is lower in the sky.

Policy CW3 of the Adopted Local Development Plan relates to parking provision and highway safety. Given the location of the proposed development in close proximity to Oakdale Village Centre and its range of facilities and public transport links, the provision of 2 off-street parking spaces per dwelling (as opposed to the 3 spaces per dwelling as required by the Adopted Car Parking Standards), is considered acceptable as the development score enough sustainability points to warrant a reduction in parking provision.

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

Comments from public:

Objections:

1. Loss of privacy to gardens and bedrooms of nearby properties - This issue has been addressed in the analysis section above.
2. The development would dominate the plot/represents over-development that is not sensitive to the setting of the surrounding area - This issue has been addressed in the analysis section above.
3. Loss of light and outlook to nearby properties - This issue has been addressed in the analysis section above.

Cont....

Application No. 17/0723/FULL Continued

4. Increased pressure on on-street parking - Adequate parking provision has been proposed to serve the development in accordance with the adopted car parking standards.
5. Insensitive of the Council to approve two dwellings on the site then consider an application for four dwellings on the site - each application must be judged on its own individual merits.

Suggested improvements:

- Hill View Lane should be widened to the same width as the existing main portion (north-west);
- One-way system should be removed;
- Left over triangle of land should be incorporated into plot 1 to prevent it becoming overgrown and untidy in the future.

Response: As the triangle of land is not within the ownership of the applicant it is not possible to undertake the road widening as suggested, and therefore the one-way system cannot be revoked as part of this development.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The works hereby permitted shall be begun before the expiry of five years from the date of this permission.
REASON: To comply with the provisions of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
- 02) Prior to the commencement of the development, detailed specifications, materials and finishes to be used in the proposed development including roof tiles and ridges, rooflights, rainwater goods, brickwork and render shall first submitted to the local planning authority for approval.
REASON: To preserve or enhance the character or appearance of the conservation area and for the proper management of the historic environment.

Cont....

Application No. 17/0723/FULL Continued

- 03) The development shall be carried out in accordance with the following approved plans and documents:
Plot 2, Proposed Floor Plan, received 26.04.2018;
Proposed front and rear elevations, received 26.04.2018;
Proposed block layout plan, received 06.04.2018;
Proposed side elevations, received 18.08.2017;
Proposed ground floor plan, received 19.12.2017;
Proposed first floor plan Plot 1 & 2 (Plot 2 superseded by plan received 26.04.2018), received 19.12.2017;
Proposed attic plan, plots 1 & 2, received 19.12.2017;
Proposed ground floor plan, Plot 3 & 4, received 11.01.2018;
Proposed first floor plan, Plot 3 & 4, received 18.08.2017;
Proposed attic plan, Plot 3 & 4, received 18.08.2017;
Site Location Plan, received 18.08.2017.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 04) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 05) No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist and submitted for the approval of the Local planning Authority. The approved measures shall be strictly complied.
REASON: To ensure that reptiles are protected.
- 06) Prior to the commencement of works on site details of the garden boundary fence to be erected along the inside of the existing hedgerow, in order to exclude the hedgerow from within the garden boundaries, shall be submitted to the Local Planning Authority for approval. The approved details shall be strictly complied with and shall be implemented before the new dwellings hereby approved are first occupied.
REASON: In the interest of biodiversity conservation and 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).

Cont....

Application No. 17/0723/FULL Continued

- 07) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new properties at the former Oakdale Scout Hall, Kincoed Road, Oakdale, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 08) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Starling, Swift or House martin) in the new properties at the former Oakdale Scout Hall, Kincoed Road, Oakdale, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 09) Prior to the commencement of works on site a scheme of land and surface water drainage within the site 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 it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 10) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor west facing windows of Plots 2, 3 and 4, as shown on the submitted plans, shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity.

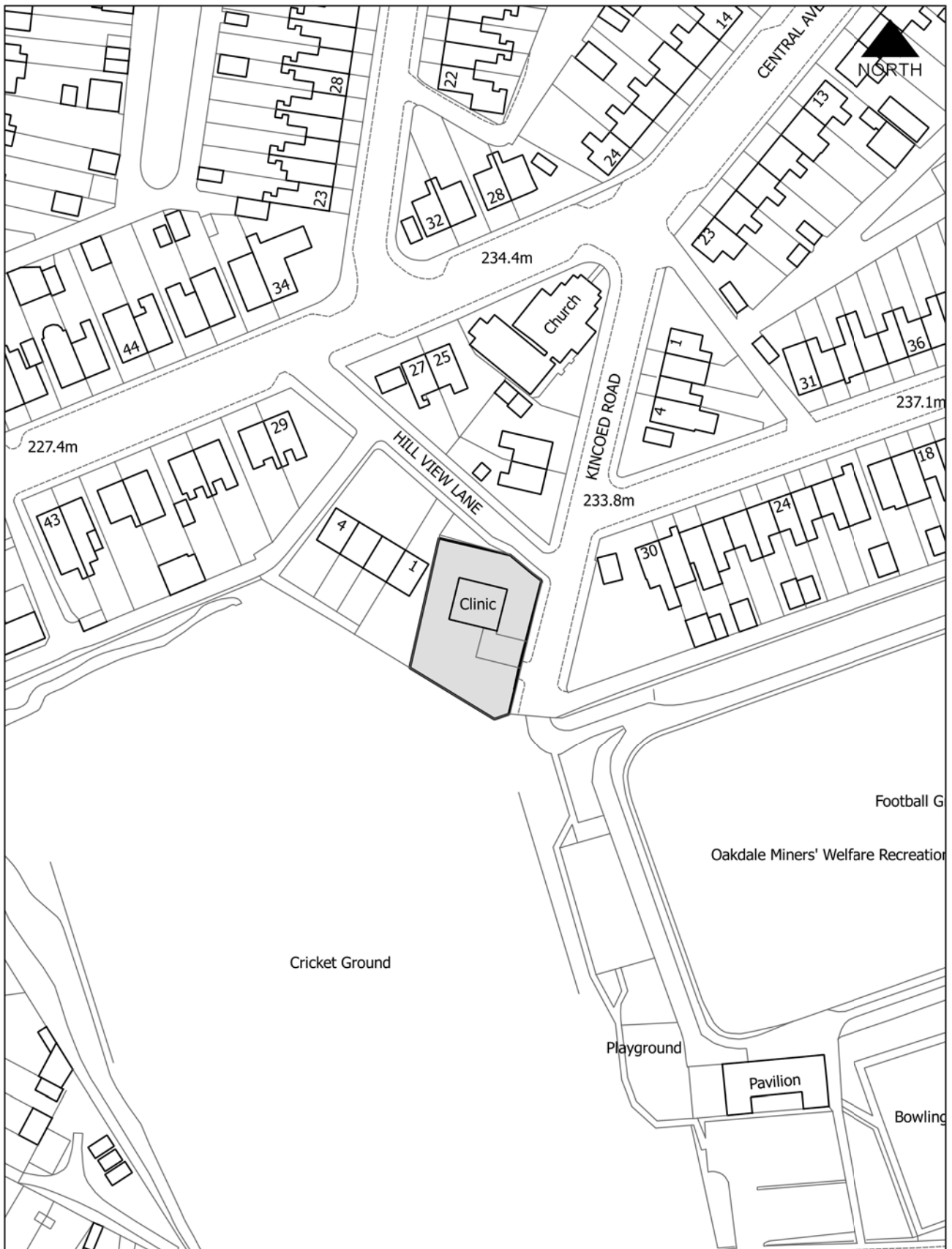
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Application No. 17/0723/FULL Continued

Advisory Note(s)

Please find attached the comments of Welsh Water, Conservation & Design Officer, Senior Engineer (Land Drainage), Head of Public Protection, Countryside and Landscape Services that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, CW3, CW4, CW5.



Agenda Item 5

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/1033/FULL 11.12.2017	Pobl Group Mr Taylor C/o LRM Planning Ltd 22 Cathedral Road Cardiff CF11 9LJ	Construct seven dwellings and associated works, including the creation of a one-way system to serve the development Land At Grid Ref 317269 196829 Coronation Road East Lane Blackwood

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on land to the rear of Gordon Road and Coronation Road, Blackwood.

Site description: Vacant parcel of land within settlement. Currently overgrown vegetation and off-street parking area.

Development: It is proposed to redevelop the land for seven dwellings, to include five two-storey dwellings, and two one-bedroom flats. The site is laid out with the five proposed houses facing east onto the lane that serves the site with off-street parking to the front. The two proposed flats are contained within a single two storey building that faces west, again, with parking to the front.

The development also proposes a one-way system along the rear lane that serves the site. Access will be gained off Gordon Road, and vehicles will exit onto Coronation Road. A separate traffic order application will be required to facilitate this one-way system, and the development will be subject to such a successful traffic order application. This will be controlled by way of a Grampian condition.

Dimensions: Plots 1 & 2 (the two flats) have a footprint that measures 8.1 metres in width, 8.9 metres in depth, with a height of 8.1 metres to ridge level;
Plots 3-5 (three x two-bedroom houses) have a footprint that measures 17.7 metres in width, 8.2 metres in depth, with a height of 8.6 metres to ridge level;
Plots 6 & 7 (a two-bedroom house and a three-bedroom house) has a footprint that measures 11.0 metres in width, 9.6 metres in depth, with a height of 8.6 metres to ridge level.

Cont'd....

Application No 17/1033/FULL Continued

Materials: Walls: Multi brown clay brick, dark brown plinth brickwork. Grey powder coated aluminium cladding.

Roof: Grey metal standing seam roof (zinc or similar powder coated), and integral solar panels.

Doors and windows: Grey composite.

Rainwater goods: Grey metal powder coated.

Ancillary development, e.g. parking: Twelve car parking spaces are proposed, along with a battery store building to serve the proposed flats.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW11 (Affordable Housing Planning Obligation) as well as advice contained in Supplementary Planning Guidance LDP5 (Car Parking Standards).

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

Transportation Engineering Manager - No objection subject to conditions including a condition requiring creation of a one-way system by way of a traffic order.

Cont'd....

Application No 17/1033/FULL Continued

Head Of Public Protection - No objection subject to conditions requiring noise and dust mitigation during construction works.

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

Dwr Cymru - Provide advice to the developer.

CCBC Housing Enabling Officer - Requires the provision of 25% affordable housing onsite, i.e. 2 of the proposed dwellings.

The Coal Authority - No objection based on the submitted Geo Technical and Geo Environmental Report, and concludes that there is no risk to development from past mining.

Ecologist - No objection subject to conditions.

Blackwood Town Council – Object to the development because of their concerns about access to the site.

ADVERTISEMENT

Extent of advertisement: 67 neighbouring properties were consulted by way of letter and a site notice was displayed near the application site.

Response: 17 objection letters have been received to date and a petition has been received signed by 38 signatories.

Summary of observations: - Existing access inadequate to serve proposed development;

- Un-adopted access for refuse collection vehicles;
- Car cutting corner adjacent to the site which is privately owned;
- Danger to pedestrian using the lane;
- Detrimental impact on existing ecology onsite;
- Drainage issues in the area;
- Loss of community facility/play area/green space;
- Disruption during construction;
- Loss of privacy;
- Loss of light;
- Noise impact;
- Loss of community;
- Increased traffic will undermine existing boundary walls;

Cont'd....

Application No 17/1033/FULL Continued

- No street lighting on the rear lane;
- Damage to existing boundary wall of property adjacent to the entrance to the lane off Gordon Road;
- Existing spaces used by social services;
- Flooding of existing lane during heavy rainfall.
- Development it contrary to the Human Rights Act.

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? Ecological surveys have been undertaken and fully assessed by the Council's Ecologist. Based on the findings of these surveys, no objection is raised by the Council's Ecologist subject to conditions.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, new residential dwellings are CIL liable. The site is located in the mid-range viability zone where the charge is £25 per square metre. The developer may benefit from a CIL exemption if the development is for the provision of affordable housing.

ANALYSIS

Policies: The application site is located within the Settlement Boundary and therefore the principle of development is acceptable subject to material planning considerations. In this instance those material considerations are as follows:

1. Impact on visual and residential amenity;
2. Impact on highway safety for pedestrians using the lane as well as vehicles;
3. Ecology.

AMENITY

Policy CW2 relates to Amenity and states:

"Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:
A - There is no unacceptable impact on the amenity of adjacent properties or land;

Cont'd....

Application No 17/1033/FULL Continued

B - The proposal would not result in over-development of the site and/or its surroundings;

C - The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use;

D - Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

The application site is bounded to the north by the properties on Coronation Road, to the east by the lane that runs along the rear boundary of the properties along Lilian Road, and to the south by the properties on Fairfield Close. Along the western boundary of the site is a garage courtyard. The proposed dwellings are located at least 21 metres from any habitable room windows of the surrounding properties and the proposal therefore fully complies with Council adopted guidance in relation to privacy distances. A condition will be attached to the permission requiring the south facing windows of Plot 3 be obscurely glazed to protect the privacy of the properties to the south on Fairfield Close. Also, given the distance of the properties from the nearest residential properties, the development will not result in an unacceptable overbearing or overshadowing impact on any nearby properties. For these reasons the development is considered to be acceptable in residential amenity terms.

In terms of visual amenity, the proposed dwellings have been well designed in terms of their layout, massing and materials, and will result in an attractive development on the site. Given the site is bounded in all direction by existing residential development, the proposal represents an appropriate use of the land that is compatible with surrounding land uses. Each dwelling will benefit from adequate levels of off-street car parking as well as private amenity space, and based on this the proposal does not represent over-development of the site. Based on the above, the proposal is considered to accord with Policy CW2 of the Local Development Plan.

HIGHWAY SAFETY

The highway network that will serve the proposed development are the lanes that run to the rear of Lilian Road and Fairfield Close/BT telephone exchange. A significant element of the proposed development is the requirement, on the part of the developer, to create a one-way system, where entry is gained off Gordon Road, and a user of the lane would be required to exit onto Coronation Road. Whilst the development will generate additional traffic movements along these lanes, the creation of a one-way system will likely improve highway safety and cars will no longer meet along these sections of lane travelling in opposite directions. On this basis the Transportation Engineering Manager does not object to the proposal.

Cont'd....

Application No 17/1033/FULL Continued

Another consideration is the inability to provide a footpath linking the site to Gordon Road or Coronation Road, due to limited carriageway width. Whilst it is usually the case that such pedestrian footpaths are required to serve new development, in this instance, the inability to do so is not considered to warrant a refusal of planning permission. It is understood that the rear lane is already used on a regular basis by pedestrians, and the proposed development will not result in a significant number of additional pedestrian movements per day above this existing usage. Furthermore, the creation of a one-way system will improve pedestrian safety as users of the lane will only have to deal with vehicles coming from one direction. There will also be a requirement by way of condition that the lane from Gordon Road to the site is improved in the interests of highway safety, i.e. the introduction of a rumble strip at the entrance to the lane to slow vehicles down, and by placing several street lighting columns along the route of the proposed one-way system. This element will significantly improve the existing scenario for pedestrians using the lane in the evenings of winter months when it is dark. For these reasons, whilst it is accepted that this is not the ideal scenario, on balance, it is not considered to warrant a refusal of planning permission.

ECOLOGY

Ecological surveys of the site have been undertaken and assessed by the Council's Ecologist. On the basis of these surveys, no objection is raised to the proposal subject to conditions.

OTHER CONSIDERATIONS

Policy CW11 (Affordable Housing Planning Obligation) states that on site that accommodate 5 or more dwellings the provision of an element of affordable housing is required. For the Blackwood area that provision is 25% of the total number of houses proposed, which, in this case would account to 2 of the proposed dwellings. As the applicant is Pobl, i.e. an RSL, this requirement will be controlled by way of condition.

Comments from Consultees: No objection is raised subject to conditions and advice. Blackwood Town Council raise objection to the application on the basis that the highway network serving the site is inadequate, and has been addressed above.

Comments from public:

1. Existing access inadequate to serve proposed development - No objection is raised by the Transportation Engineering Manager subject to conditions, including the requirement to create a one-way system.
2. Inadequate access for refuse collection vehicles - Technical analysis has been undertaken of the suitability of the lane to accommodate refuse vehicles, as well as a trial undertaken by the Local Authority's Refuse collection section. The trial run way successful following the same route as the proposed one-way system.

Cont'd....

Application No 17/1033/FULL Continued

3. Car cutting corner adjacent to the site which is privately owned - The plans have been amended to exclude the small triangle of land and it has been demonstrated that vehicles can turn up the lane without cutting this corner, including refuse vehicles.
4. Danger to pedestrian using the lane - Whilst it is accepted that it would be preferable to provide a pedestrian footpath linking the site to Gordon Road, given the limited width of the lane this is not possible. However, given the likely limited increase in traffic, coupled with the lane already being used by pedestrian, along with the introduction of lighting and a one-way system this issue is not considered to warrant a refusal of planning permission. This view is supported by the Transportation Engineering Manager.
5. Detrimental impact on existing ecology onsite - Ecological surveys of the site have been undertaken and assessed by the Council's Ecologist. On the basis of these surveys, no objection is raised to the proposal subject to conditions.
6. Drainage issues in the area - A land drainage condition will be a requirement of any planning permission to ensure development does not have a detrimental impact on land drainage in the area. Foul drainage is a matter to be controlled by Dwr Cymru/Welsh Water who have raised no objection.
7. Loss of community facility/play area/green space - The site is currently overgrown and the scene of fly tipping. It does not appear to be a well used play facility.
8. Disruption during construction - As with all development there will be an element of disruption during works. However this is inevitable and not a justifiable reason to refuse planning permission. Conditions are recommended in respect of noise and dust control.
9. Loss of privacy - As discussed above, no windows in the proposed development are located within 21 metres of direct view of a window in surrounding existing properties. Therefore the development is acceptable in privacy terms.
10. Loss of light - Given the position of the proposed dwelling, they will not result in a significant overbearing or overshadowing impact on nearby properties.
11. Noise impact - Residential use of the land in a residential area is not an unacceptable impact in terms of noise impact.
12. Loss of community - It is unclear how the creation of new dwellings will impact on the existing community.
13. Increased traffic will undermine existing boundary walls - If damage is caused by vehicles this would be a private legal matter. An increase in the usage of the adopted lane should not undermine existing boundary walls.
14. No street lighting on the rear lane - This would be a requirement of any planning permission and would improve highway safety.
15. Damage to existing boundary wall of property adjacent to the entrance to the lane off Gordon Road - Damage caused by vehicles striking the wall would be a private legal matter.
16. Existing spaces used by social services - This would not warrant a refusal of planning permission.

Cont'd....

Application No 17/1033/FULL Continued

17. Flooding of existing lane during heavy rainfall - A land drainage solution to drain the proposed site would be a planning requirement.

18. Development is contrary to the Human Rights Act - This is a concern that is often raised but there is no conflict in this respect. The planning system by its very nature respects the rights of the individual whilst acting in the interests of the wider community. In this case it is clear that the development complies with the Council's guidance and policies.

Other material considerations: The application represents a good opportunity to provide seven new properties within the settlement boundary in a highly sustainable location. The application site is currently underused and reportedly linked with anti-social behaviour during the evening hours and also used for fly tipping.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

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:
Drawing Number: S.7544-200, One way system proposals to existing lane at rear of Coronation Road/Gordon Road (excluding proposed 1m footway shown) received 07.02.2018;
Site Location Plan received 30.11.2017;
Drawing: 2000-041, Proposed Elevations (2 person 1 bed flat) received 30.11.2017;
Drawing: 2000-042, Proposed Floor plans (Plots 3-5) received 30.11.2017;
Drawing: 2000-043, Proposed Floor plans (Plots 6&7) received 30.11.2017;
Drawing: 2000-044, Proposed Elevation (Plots 3-5) received 30.11.2017;

Cont'd....

Application No 17/1033/FULL Continued

Drawing: 2000-045, Proposed Elevation (Plots 6&7) received 30.11.2017;

Drawing: 2000-050, Proposed Site Plan received 30.11.2017.

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

- 03) 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.
- 04) Prior to the commencement of works on site a scheme of land and surface water drainage within the site 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 it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 05) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the residential of the area.
- 06) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the dwellings hereby approved are first occupied.
REASON: In the interests of the visual amenities of the area.
- 07) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.

Cont'd....

Application No 17/1033/FULL Continued

- 08) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.

REASON: In the interests of the amenity of the area.

- 09) No development or site or vegetation clearance shall take place until a detailed reptile survey has been carried out and the results of the survey, including an impact assessment and if necessary details of any proposed mitigation measures, have been submitted to and approved by the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.

REASOPN: To ensure that reptiles are protected, in the interests of biodiversity.

- 10) The site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

- 11) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention and protection of hedgerows along the northern boundary of the site shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with.

REASON: In the interest of biodiversity conservation and 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).

Cont'd....

Application No 17/1033/FULL Continued

- 12) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new properties at Land at Coronation Road, Blackwood, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 13) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow or Starling) in the new properties at Land at Coronation Road, Blackwood, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 14) 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.
- 15) No works shall commence on site until the implementation of a one way road traffic order running along the lanes serving the site, entering the proposed one-way system off Gordon Road and existing the one-way system onto Coronation Road, has been implemented and is in force.
REASON: In the interests of highway safety.
- 16) The proposed parking area as shown on the approved plans shall be completed in materials that shall have first been agreed in writing with the Local Planning Authority prior to occupation of any of the dwellings hereby approved.
REASON: In the interests of highway safety.

Cont'd....

Application No 17/1033/FULL Continued

- 17) The sections of highway serving the proposed development shall be improved in a manner that shall have first been agreed in writing with the Local Planning Authority prior to occupation of the dwellings hereby approved. These improvements shall include the creation of a 'rumble strip' on the junction of Gordon Road and the lane, and the introduction of street lighting columns.
REASON: In the interests of highway safety.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the south facing windows of Plot 3, as shown on the submitted plans, shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity.
- 19) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and agreed in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the agreed scheme. The scheme shall include:
- a. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than one of the approved housing units.
 - b. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, except where tenants exercise the Right to Acquire under the Housing Act 1996.
 - c. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 - d. Where the development is not carried out by a Registered Social Landlord (RSL) the arrangements for the transfer of the constructed affordable housing to a Registered Social Landlord.
 - e. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing (unless no market housing is provided within the development hereby approved).
- REASON: To ensure that affordable housing is provided in accordance with adopted Council policy.

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: Policies CW2, CW3 and CW11.



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Agenda Item 6

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0163/NCC 28.02.2018	Constantine Wind Energy Mr P Fusco 100 Brand Street Glasgow G51 1DG	Vary condition 12 (Approved plans) of planning consent 15/0774/FULL (Erect a single turbine up to a blade tip height of 76.45m, 50.0m hub height, 52.9m rotor diameter and output of 800kW with associated track access, electric cabinet and crane pad) to install a different model of wind turbine to that which was originally approved Land At Tyle Crwth South West Of Ynysddu Newport

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: Land at Tyle Crwth. The site is located just less than 1 km south west of the settlement of Ynysddu.

Site description: The application site is located within an enclosed upper valley side pastoral landscape, just below the ridgeline of Mynydd Bach / Mynydd y Grug. Coniferous plantations on the western slopes of the Sirhowy Valley form the immediate context of the site to the north, south and define its eastern boundary. To the west of the site is an area of open rough grazing land which forms part of Mynydd y Grug Common and the Special Landscape Area. Within approximately 1km of the application site is the operational Bryn Ysgawen turbine, the top tip of the Bedwas tip complex, the tele-communications mast on the summit of Mynydd Bach and an electricity line mounted on wooden poles.

Development: Permission is sought to amend the turbine type approved by planning permission 15/0774/FULL.

Dimensions: The originally approved turbine measures 76.45m to tip height, 50.0m to hub height, with a 52.9m rotor diameter. The proposed turbine measures 76.5m to tip height, 46m to hub height, with a 61m rotor diameter.

Cont'd....

Application No 18/0163/NCC Continued

Materials: Not specified.

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

PLANNING HISTORY

15/0774/FULL - Erect a single turbine up to a blade tip height of 76.45m, 50.0m hub height, 52.9m rotor diameter and output of 800kW with associated track access, electric cabinet and crane pad - Granted 09.06.16.

17/0182/NMA - Seek approval of a non-material amendment to planning consent 15/0774/FULL (Erect a single turbine up to a blade tip height of 76.45m, 50.0m hub height, 52.9m rotor diameter and output of 800kW with associated track access, electric cabinet and crane pad) to either a 900kW wind turbine with a 50m hub, 54m blade diameter and an overall height of 77m, or to a 900kW wind turbine with a 50m hub, 51.5m blade diameter and an overall height of 75.75m - Granted 05.04.17.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies outside the settlement boundary.

Policies: SP3 (Development strategy - development in the Southern Connections Corridor), SP5 (settlement boundaries), SP10 (conservation of natural heritage, CW2 (amenity), CW3 (design considerations - highways), CW4 (natural heritage protection) and CW15 (general locational constraints).

NATIONAL POLICY

Technical Advice Note 8: Planning for Renewable Energy, July 2005.
Planning Policy Wales (Edition 9).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

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

Cont'd....

Application No 18/0163/NCC Continued

CONSULTATION

Welsh Government - Planning Directorate - No objection.

Landscape Architect - No objection.

Ecologist - No objection.

Natural Resources Wales - No objection subject to comments of Local Authority's Ecologist being sought.

Transportation Engineering Manager - No objection subject to a condition requiring a revised Traffic Management Plan. This is covered by Condition 17 of the original permission.

Senior Engineer (Land Drainage) - No objection.

Rights Of Way Officer - No objection. Provide advice to the developer.

Strategic & Development Plans - No objection.

Police Architectural Liaison Officer - No objection.

National Air Traffic Services - No objection.

Ministry Of Defence - No objection.

Western Power Distribution - No objection.

Glam/Gwent Archaeological Trust - No objection subject to condition attached to original consent.

Joint Radio Company Limited - No objection.

CADW - No objection.

ADVERTISEMENT

Extent of advertisement: 118 nearby properties were consulted by way of letter and a site notice was displayed on a lamppost on Glenview Terrace, Ynysddu.

Response: None.

Cont'd....

Application No 18/0163/NCC Continued

Summary of observations: None.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? A full ecological assessment was undertaken as part of the previous application at the site (15/0774/FULL). The same ecological conditions attached to the original consent will be attached to the new permission. The Council's Ecologist is satisfied with this position.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The site benefits from an extant planning permission (15/0774/FULL) for a wind turbine with a maximum height of 76.45 metres. The proposed alternative wind turbine differs primarily in terms of its rotor diameter, i.e. 61m compared to 52.9m. Therefore the main considerations for the application are the impact the alternative turbine will have in visual and landscape impact terms, and any potential noise implication.

The application was accompanied by a Landscape and Visual Impact Assessment. Based on this report, the Council's Landscape Architect made the following comments.

"With regard to the above application and the additional information supplied by the applicant relating to the proposed model / type of turbine and make, I note the information that the proposed model of turbine and that of the existing turbine will rotate at the same variable rotor speed of 12-24 rpm. This combined with the additional information that both models of turbine as having the same design of tubular tower and same nacelle as the receptor, I therefore concur that the proposed turbine will be perceived to be of a similar design to the existing with the exception of the longer blade length."

Cont'd....

Application No 18/0163/NCC Continued

"In light of the above information and having revisited publicly accessible locations within the settlements Ynysddu, Cwmfelinfach and Wyllie that afford views of both the existing and proposed turbine, I am of the opinion that the revised model, although longer in blade length, this will only be discernible from areas affording direct views of both turbines which fortunately are limited. This combined with the turbines being located at a distance of approximately 720m apart and the models being similar, that this difference will not be seen as significant and therefore I no longer object to the proposed change in model of turbine."

Based on these comments it is considered that the development is acceptable in terms of its visual impact in the landscape and therefore complies with visual amenity element of Policy CW2 of the Adopted Caerphilly Local Development Plan.

In terms of potential noise issues, an updated Noise Assessment was also submitted with the application. On the basis of this report the Head of Public Protection raises no objection to the proposal subject to conditions. Furthermore, due to the history of shadow flicker complaints in the area linked to the Brynysgawen Wind Turbine, a shadow flicker condition will also be applied to the permission.

As the application seeks to vary Condition 12 of Planning Permission 15/0774/FULL, the remaining Conditions attached to that planning permission will remain in place.

Comments from Consultees: No objection subject to the original conditions and advice. The Transportation Engineering Manager requires an updated TMP but this will be controlled by way of the relevant Condition attached to the original planning permission.

Comments from public: None.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

Cont'd....

Application No 18/0163/NCC Continued

- 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 permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from Tyle Crwth wind turbine. Written confirmation of the first export date shall be sent to the Local Planning Authority within one month of the first export date.
REASON: In order to retain effective control over the development.
- 03) Within 25 years from the date when electricity is first generated to the grid, or within six months of the cessation of electricity generation by the wind turbine facility, whichever is sooner, the wind turbine and all associated works/equipment shall be dismantled and removed from the site and the land restored to its former condition in line with a restoration scheme, details of which shall be submitted and approved in writing by the Local Planning Authority.
REASON: In the interests of visual amenity.
- 04) Within the year prior to decommissioning of the site, and during the appropriate survey period prior to decommissioning, a full ecological survey of the site shall be undertaken to inform decommissioning, as required by Condition 03). A survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during commissioning and beyond.
REASON: In the interests of visual amenity and biodiversity.
- 05) Prior to the commencement of the development hereby approved a Habitat Management and Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the mitigation recommendations as outlined in Section 6.6 of the Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal dated March 2015 by Gould Ecology, section 6.1 of the Bat and Nightjar Survey Version 2 dated June 2015 by Gould Ecology, section 6 of the Great Crested Newt Survey version 1 dated June 2015, the Ecological working Methods for the underground cabling and access track improvements works, version 2 dated 21st March 2016 by Gould Ecology, together with details of habitat protection and reinstatement measures,

Cont'd....

Application No 18/0163/NCC Continued

submitted with planning application 15/0774/FULL. The measures in the approved Habitat Management and Mitigation Plan shall be carried out under the supervision of an Ecological Clerk of Works.

REASON: To ensure adequate protection and mitigation for habitats and protected species.

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

REASON: To ensure that plant and animal species which come within the terms of the Conservation (Natural Habitats, etc.) Regulations 1994 (as amended) are effectively protected and that a copy of the WAG development licence is submitted to the Local Planning Authority.

- 07) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

REASON: To ensure the development is served by an appropriate means of drainage.

- 08) The level of noise from the wind turbine (hereby approved) measured at the nearest noise sensitive properties (Not financially involved) shall not exceed the ETSU derived limits stated in the noise report (R7147-1 Rev 2) submitted with this application.

REASON: In the interest of the amenity of noise sensitive properties.

- 09) Within 21 days from the receipt of a written request from the Local Planning Authority and following a noise complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at the operator's expense, engage an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbines at the complainant's property following the procedures described in the attached Guidance Notes or such other guidance as may be agreed in writing by the Local Planning Authority.

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Application No 18/0163/NCC Continued

The independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based, shall be submitted for the approval of the Local Planning Authority within 2 months of the date of the written request, unless otherwise extended in writing by the Local Planning Authority. The assessment recommendations as may be approved in writing by the Local Planning Authority shall be implemented and carried out within a set timescale agreed in writing by the Local Planning Authority.

REASON: In the interest of the amenity of noise sensitive properties.

- 10) Following the commissioning of the wind turbine hereby approved, the power generation, the wind speed and direction data, shall be continuously logged in accordance with a method that shall have been agreed in writing by the Local Planning Authority and such data shall be retained for a period of not less than 24 months and it shall be provided to the Local Planning Authority at its written request within 14 days of such request.

REASON: To monitor the wind turbine use and provide information to the Local Planning Authority to retain effective control.

- 11) Deliveries and construction works associated with the wind turbine hereby approved shall not take place outside the hours of 07.00 and 19.00 Mondays to Fridays, 09.00 and 16.00 Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of residential amenity.

- 12) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:

Block Plan drawing 01 received 17/9/15.

Location Plan drawing 02 received 17/9/15.

Location Plan 2 drawing 03 received 17/9/15.

Turbine elevation received (Drawing No. 1000920) 19/02/2018.

Electrical and cabinet Details - drawing details 2 received 17/9/15.

Route Survey report prepared by Plant Speed received 5/4/16.

Gould Ecology - Ecological Working Methods for the underground cabling and access track improvements dated 21/3/2016.

Tyle Crwth Photomontage Viewpoint Location Plan.

New wire frames received 5/11/2015.

Tyle Crwth Shadow Flicker assessment Rev1, received 5/11/2015.

Landscape and Visual Impact Assessment received 19/02/2018.

Gould Ecology - Bat and Nightjar Survey June 2015 v2.

Cont'd....

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Gould Ecology - Great Crested Newt Survey June 2015 v1.
Gould Ecology - Phase 1 Ecology Survey March 2015.
Noise Impact Assessment Report, received 19/02/2018.
and other supporting information - LVIA received 17/9/15.

(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

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

- 13) Prior to the commissioning of the wind turbine hereby approved it shall be fitted with a control system that automatically shuts down the turbines during times that shadow flicker occurs, in accordance with a Shadow Flicker Mitigation Protocol that shall have been agreed in writing with the Local Planning Authority. The Shadow Flicker Mitigation Protocol shall include:
- 1) The mapping of the turbine and the nearby building window sizes, elevations and orientations of potentially affected buildings.
 - 2) The creation of a computer model of the turbine, together with details of nearby window sizes, elevations, orientation, potential blocking points and room occupancy periods.
 - 3) A Shadow Flicker Assessment to be undertaken in the computer model which details the days and periods in each day that the turbine may cause shadow flicker to the buildings.
 - 4) The times of potential shadow flicker are to be inputted into the turbine control system, which is to be fitted with a sunlight detector.
 - 5) When the control system detects that it is both sunny and is in time of potential shadow flicker then the turbine will shut down until there is no sun or the time passes for potential shadow flicker.
- Unless the Local Planning Authority gives its written consent to any variation.
REASON: To control flicker in the interests of the amenity of potential nearby flicker-sensitive properties.

- 14) Prior to the commencement of the construction of the wind turbine hereby approved the Ministry of Defence shall be notified in writing of the start date for its construction together with confirmation of their maximum height and Ordnance Survey positions.
REASON: To ensure that military flying charts are properly updated.

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Application No 18/0163/NCC Continued

- 15) The external surface finishes/colours of the wind turbine and tower hereby approved shall be light grey, non-reflective semi-matt as described in paragraph 2.09 of the Planning Statement (submitted with planning application 15/0774/FULL), and the lower section of the tower may include graduated colouring to reflect the background. The external surface finishes/colours of the wind turbine and tower shall not include any symbols, signs, logos or other lettering or markings designed to draw attention, and they shall be maintained as hereby approved unless any variation has been first submitted to and then agreed in writing by the Local Planning Authority.
REASON: In the interest of visual amenity.
- 16) The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.
REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 17) No works shall commence on site until after a revised Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority which provides a detailed report on the proposed route to be taken to the application site. This should include the adequacy of the route and provide details of any improvements required to the highway network to allow the movement of the abnormal loads. All improvements must be implemented before the movement of any abnormal load can take place. The plan will need to indicate full consultation and approval with neighbouring Authorities which the loads pass through, consultation and approval with the Welsh Government and South Wales Police Liaison Transport Officer who co-ordinates the safe passage of the vehicles and consultation and approval with the Highways Agency. The development shall be carried out in accordance with the agreed Traffic Management Plan.
REASON: In the interests of highway safety.

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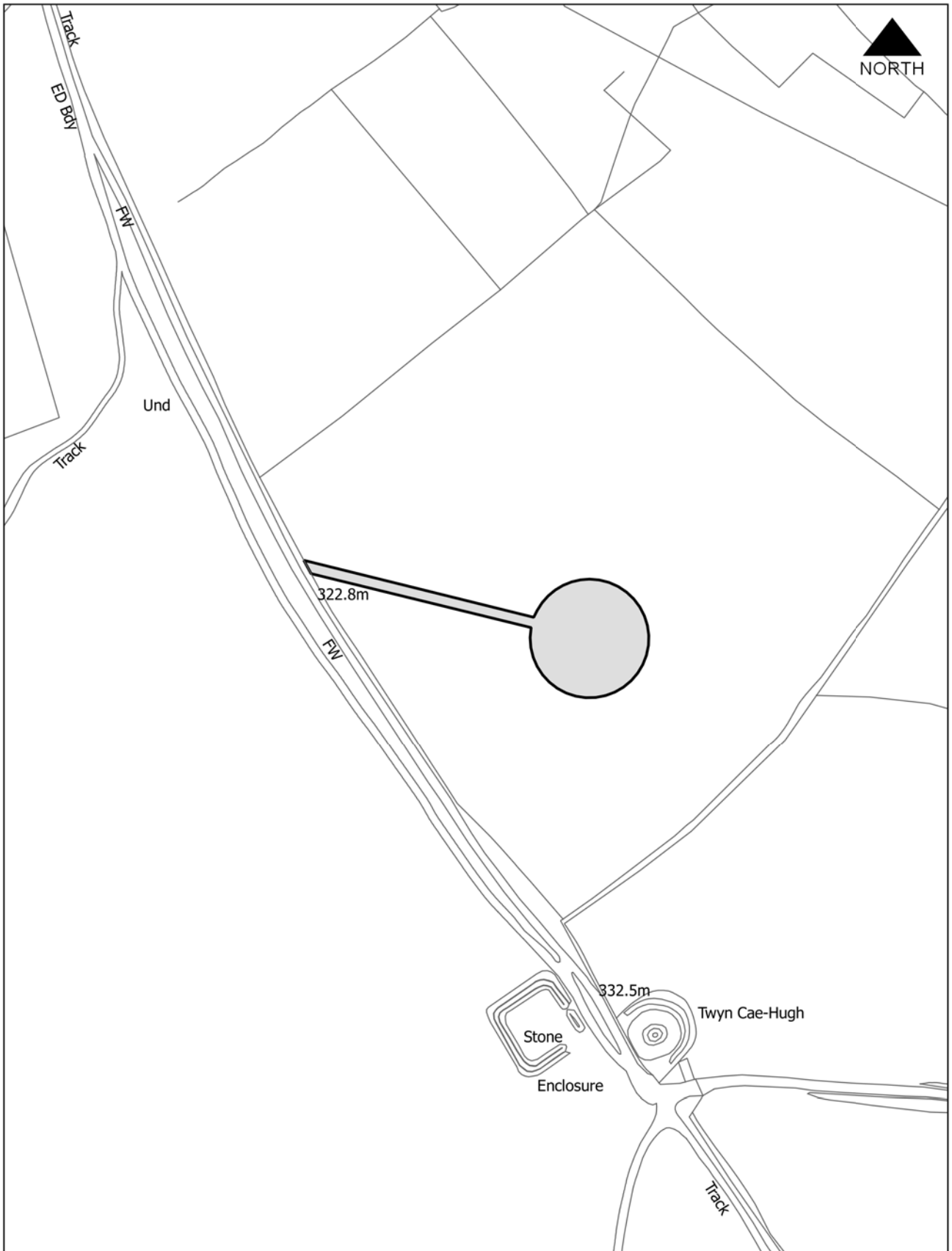
- 18) Prior to the transportation of any AIL turbine components; a highway condition survey along the lane from the A472 Crown Roundabout to the application site shall be carried out and agreed in writing with the Local Planning Authority, which includes a scheme and timetable for the repair of any damage caused by abnormal loads associated with this development. The development shall thereafter be carried out in accordance with those agreed details.
REASON: In the interests of highway safety.

Advisory Note(s)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.

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



Agenda Item 7

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0090/FULL 01.02.2018	Actoris Property Ltd C/o Mango Planning & Development Ltd Mr A Hughes Number Two Waterton Park Waterton Bridgend CF31 3PH	Partly demolish existing building and change the use of the existing Class A3 (public house) and erect new extension to create two Class A1 (retail) units, servicing area, car parking and associated works The New Forge Brynhoward Terrace Oakdale Blackwood NP12 0LG

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on Brynhoward Terrace, Oakdale.

Site description: Existing public house and associated curtilage.

Development: It is proposed to demolish part of the existing building, erect an extension, and sub-divide the resultant building into two A1 retail units.

Dimensions: The resultant building will have a footprint that measures 28m x 20.5m.

Materials: Brickwork and render walls, with an element of cladding on the front elevation, and concrete roof tiles.

Ancillary development, e.g. parking:

PLANNING HISTORY 2005 TO PRESENT

P/05/1303 - Erect decking to rear elevation. Granted 17.11.2005.

07/0100/FULL - Construct timber decking to side elevation of property. Refused 12.07.2007.

Cont'd....

Application No 18/0090/FULL Continued

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW9 (Protection of Rural Commercial Facilities), CW15 (General Locational Constraints), CW16 (Locational Constraints - Retailing).

Supplementary Planning Guidance: LDP5 - Car Parking Standards.

NATIONAL POLICY Planning Policy Wales (9th Edition), Technical Advice Note 4: Retail and Commercial Development (November 2016), Technical Advice Note 12: Design (2016).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

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

CONSULTATION

Ecologist - No objection subject to conditions and advice.

Landscape Architect - Provides advice regarding existing hedgerow along the boundary of the site.

Principal Valuer - No comments.

Head Of Public Protection - No objection subject to conditions.

Transportation Engineering Manager - No objection subject to conditions and Section 106 agreement to secure improved bus stops near the site.

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Application No 18/0090/FULL Continued

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

Strategic & Development Plans - No objection.

Dwr Cymru - Provides advice to the developer.

ADVERTISEMENT

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

Response: In total 139 letters/emails of objection have been received and one letter of support. Of the 140 letters of objection received, 135 are standard letters signed by a total of 291 signatories.

Summary of observations:

1. Loss of existing Co-op from Oakdale village centre;
2. Inadequate parking to serve the development;
3. Concern that parcel to the rear may be developed for housing in the future;
4. Detrimental to highway safety and safety of children attending the nearby school;
5. Potential anti-social behaviour associated with proposed retail use;
6. Danger to pedestrian when vehicles, including delivery vehicles, enter and leave the application site;
7. Litter and noise associated with the development;
8. New retail element would be too far away from elderly residents of Oakdale village centre to walk to the new shop;
9. The proposed use being located adjacent to a planned area of formal public open space would result in anti-social behaviour associated with youth consuming alcohol at the proposed park thereby reducing its availability for children to play;
10. Detrimental impact of 'fast food' retailing on school route;
11. Loss of pub 'b&b' accommodation serving local businesses in area.

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, but anti-social behaviour is considered further in the report where the concerns of local residents are considered.

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Application No 18/0090/FULL Continued

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? An Ecological Impact Assessment was undertaken which included a bat survey (including activity survey) of the existing building. This resulted in the building being classified as having an overall low suitability for roosting bats. Several conditions will be attached to the planning permission in the interests of biodiversity.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes. New A1 retail floor space is chargeable at a rate of £100 per square metre of internal floor space.

ANALYSIS

Policies: The proposal is to part demolish the existing building, erect an extension, and sub-divide the resultant building into two A1 retail premises. It is understood that the larger of the two units (351 sq. metres) is to be operated by the Co-op, and the smaller unit (111 sq. metres) is to be operated by Greggs. The proposal also involves subdividing the existing planning unit, with the parcel along the northern boundary of the application site, known as phase 2, likely being promoted for future residential development. The submitted plans indicate that the development will be served by 16 car parking spaces.

The conversion of the existing building to a shop would not need planning permission, but the current scheme involves the demolition of some two-thirds of the existing structure and the erection of new premises. Hence the need for planning permission.

In planning policy terms the main considerations are the impact of the proposed use, including proposed hours of operation and deliveries, on the residential amenity of nearby properties; the impact on highway safety and adequacy of car parking provision; and the potential impact of the proposal on retail strategy in the wider area.

Policy CW2 relates to Amenity and states:

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

A - There is no unacceptable impact on the amenity of adjacent properties or land;

B - The proposal would not result in over-development of the site and/or its surroundings;

Cont'd....

Application No 18/0090/FULL Continued

- C - The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use;
- D - Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

In relation to Criterion A, it is considered that the proposed use, i.e. a Co-op shop and Greggs bakery, are acceptable uses in close proximity to existing nearby properties, particularly given the existing lawful use of the site, i.e. a public house. The proposed opening hours are 7am - 11pm seven days a week for Unit 1 (Co-op), and 6.30am to 9pm Monday to Saturday and 7.30am until 9pm on a Sunday for the other unit. The earliest deliveries will be 6.30am from Monday - Saturday.

The planning agent has provided information in relation to minimising noise during these early morning deliveries. Such measures include overriding the 'Cyclist aware' voice activation when delivery vehicles are reversing, and 'white noise' reversing alarms, sound suppression measures for the tail lift, pneumatically operated rear shutter doors which removes the impact noise of a standard manual door, etc. The Environmental Health department are satisfied with these proposed measures and consider the proposed delivery hours to be acceptable. Furthermore, no objection is raised to the proposed opening hours. It should be noted that whilst there will be an impact on the properties that adjoin the boundary with the site, this impact should be considered against the backdrop of the existing lawful use of the site, i.e. public house, and its night time activity impacts.

In visual amenity terms it is considered that the proposed development has been well designed in terms of its scale, materials and fenestration, and will not detract from the visual amenity of the surrounding area.

In terms of Criteria B-D, it is not considered that the proposal represents over-development of the site; the proposed uses are compatible with neighbouring land-uses; and the development doesn't affect the viability of existing neighbouring land uses.

The application proposes 16 parking spaces to serve the proposed development. Subject to several conditions, the Transportation Engineer Manager is satisfied with such parking provision. A condition will be included that restricts any outdoor seating/dining provision at the site. This will reduce dwell times at the Greggs unit thereby reducing parking pressure. A Section 106 contribution will contribute to the improvement of the two bus stops nearest to the application to allow improved access arrangements. This could be particularly beneficial to the elderly or disabled who may currently shop at the Co-op in Oakdale village centre and may encounter difficulties is

Cont'd....

Application No 18/0090/FULL Continued

walking to the relocated store. No objection is raised on highway safety or parking provision grounds and therefore the development complies with Policy CW3.

Policy CW16 (Locational Constraints - Retailing) states that outside of the defined Principal Town Centres proposals for new retail stores or for additional retail floorspace will only be permitted where:

A - The vitality and viability of nearby Principal Town Centres will not be undermined, taking into account the cumulative effects of other approved retail developments, recently completed developments and Plan commitments, and

B - The proposal would not undermine the Council's retail strategy, a Town Centre Action Plan or any regeneration plans that the Council has formally approved, or

C - The proposal is:

(i) A new retailing unit of 1000 sq. metres or less in size, or the change of use of such a size, and

(ii) To serve neighbourhood needs, or is ancillary to another commercial use.

The proposed development is less than 1000 sq. metres, will serve neighbourhood needs, and will not undermine the vitality or viability of the nearest Principal Town Centre, i.e. Blackwood. Therefore the development also satisfies this policy.

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

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

Unit 1 will act as a local food store for the community of Oakdale. Given the distance from the village centre of Oakdale, improved bus stop facilities will allow easier access for those who aren't able to walk to the site for whatever reason.

(b) It is directly related to the development.

Improved bus stop facilities will allow customers to access the site without having to rely on private motor vehicles or who aren't able to walk.

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

A figure of £8,036.26 is considered to be fair and reasonable to the proposed development .

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Application No 18/0090/FULL Continued

Based on the above considerations, the development accords with the relevant planning policies and is recommended for approval subject to conditions and the completion of a Section 106 agreement as outlined above.

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

Comments from public:

1. Loss of existing Co-op from Oakdale village centre - This is not a material planning consideration.
2. Inadequate parking to serve the development - The Transportation Engineering Manager raises no objection subject to condition.
3. Concern that parcel to the rear may be developed for housing in the future - The planning statement indicates that it is the future intention to develop the former public house car park area for residential development. However such a proposal will be considered as and when an application is submitted. .
4. Detrimental to highway safety and safety of children attending the nearby school - No objection is raised in highway safety terms by the Transportation Engineering Manager.
5. Potential anti-social behaviour associated with proposed retail use - If the development did lead to an increase in anti-social behaviour this would become a Police matter. The scale of any anti-social behaviour would not be significant as to justify a refusal of permission for a use that is often found in a residential area.
6. Danger to pedestrian when vehicles, including delivery vehicles, enter and leave the application site - The existing access point to the site will be maintained and improved. Again, no objection is raised in highway safety terms by the Transportation Engineering Manager.
7. Litter and noise associated with the development - The proposed use, i.e. commercial, will result in an element of noise, but it is not expected to generate more noise than the existing use. Litter problems would not be so significant as to justify a refusal of this use which can often be found in residential areas, and can be controlled under the legislation.
8. New retail element would be too far away from elderly residents of Oakdale village centre to walk to the new shop - A Section 106 agreement will be required prior to the granting of planning permission. This legal agreement will secure funds to improve the bus stops closest to the site to improve access for the elderly and disabled persons.
9. The proposed use being located adjacent to a planned area of formal public open space would result in anti-social behaviour associated with youth consuming alcohol at the proposed park thereby reducing its availability for children to play - Anti-social behaviour is a Police matter, and the comments at point 5 apply.
10. Detrimental impact of 'fast food' retailing on school route - There are no specific planning policies that relate to this concern.

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Application No 18/0090/FULL Continued

11. Loss of pub 'b&b' accommodation serving local businesses in area - There are no specific planning policies in this respect that would protect such accommodation.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, 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.
- 03) The development shall be carried out in accordance with the following approved plans and documents:
Job No. 173363, Drawing No. AP18B, Proposed Elevations (Retail Units), received 26.01.2018;
Job No. 173363, Drawing No. AP17C, Proposed Elevations (Retail Units), received 26.01.2018;
Job No. 173363, Drawing No. AP16C, Proposed Roof Plan (Retail Units), received 26.01.2018;
Job No. 173363, Drawing No. AP15A, Proposed Ground Floor Plan (Retail Units), received 26.01.2018;
Job No. 173363, Drawing No. AP14F, Proposed Site Plan (excluding outdoor seating element), received 26.01.2018;
Job No. 173363, Drawing No. AP03B, Site Location Plan, received 26.01.2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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Application No 18/0090/FULL Continued

- 04) The site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

- 05) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

REASON: To ensure adequate protection to protected species.

- 06) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection and enhancement of hedgerows within the site shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any enhancement planting shall be planted within 12 months of the completion of the development.

REASON: In the interest of biodiversity conservation and 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).

- 07) Prior to the commencement of any development works on site, details of the provision of mitigation nest/roost sites for Robin/Thrush as recommended in the submitted Ecological Impact Assessment shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.

REASON: To ensure proper measures are taken to safeguard the habitat of protected species present on the application site, in the interests of biodiversity.

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Application No 18/0090/FULL Continued

- 08) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new extension at The New Forge, Brynhoward Terrace, Oakdale, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new extension hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 09) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the new extension at The New Forge, Brynhoward Terrace, Oakdale, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new extension hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with 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).
- 10) No deliveries shall be taken at or dispatched from the site outside the hours of 0630hrs to 1800hrs Monday through to Saturday, and 0800 to 1600 on Sundays and bank holidays.
REASON: In the interests of residential amenity.
- 11) Prior to development commencing on site, details of all external and roof mounted plant/machinery associated with the application 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 interest of public health.
- 12) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.
REASON: In the interest of public health.

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Application No 18/0090/FULL Continued

- 13) The use hereby permitted shall not be open to customers outside the following times:
Unit 1 - 7am to 11pm every day of the week.
Unit 2 - 6.30am to 9pm Monday to Saturday and 7.30am until 9pm on a Sunday.
REASON: In the interests of residential amenity.
- 14) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.
- 15) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 16) 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.
- 17) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splay of 2.4 metres x 59 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.
- 18) The development shall not commence onsite until a means of vehicular access has been constructed in accordance with details that shall have first been submitted to and agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
- 19) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining wall on site full engineering details and structural calculations for the proposed retaining wall, together with certification from an independent chartered civil or structural engineer that the proposals are

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Application No 18/0090/FULL Continued

structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed retaining wall additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.

REASON: In the interests of highway safety.

- 20) Notwithstanding the submitted plans, commercial trading shall not commence until after a delivery strategy plan has been submitted to and approved in writing by the Local Planning Authority. Deliveries to the premises thereafter shall be undertaken in accordance with the approved plan and delivery vehicles shall be restricted in size to that not exceeding 10.06m in length to ensure adequate turning is available within the site.

REASON: In the interests of highway safety.

- 21) There shall be no outdoor sitting/dining provision made available at the site.

REASON: To prevent dwell times of customers using the approved units, in the interests of highway safety.

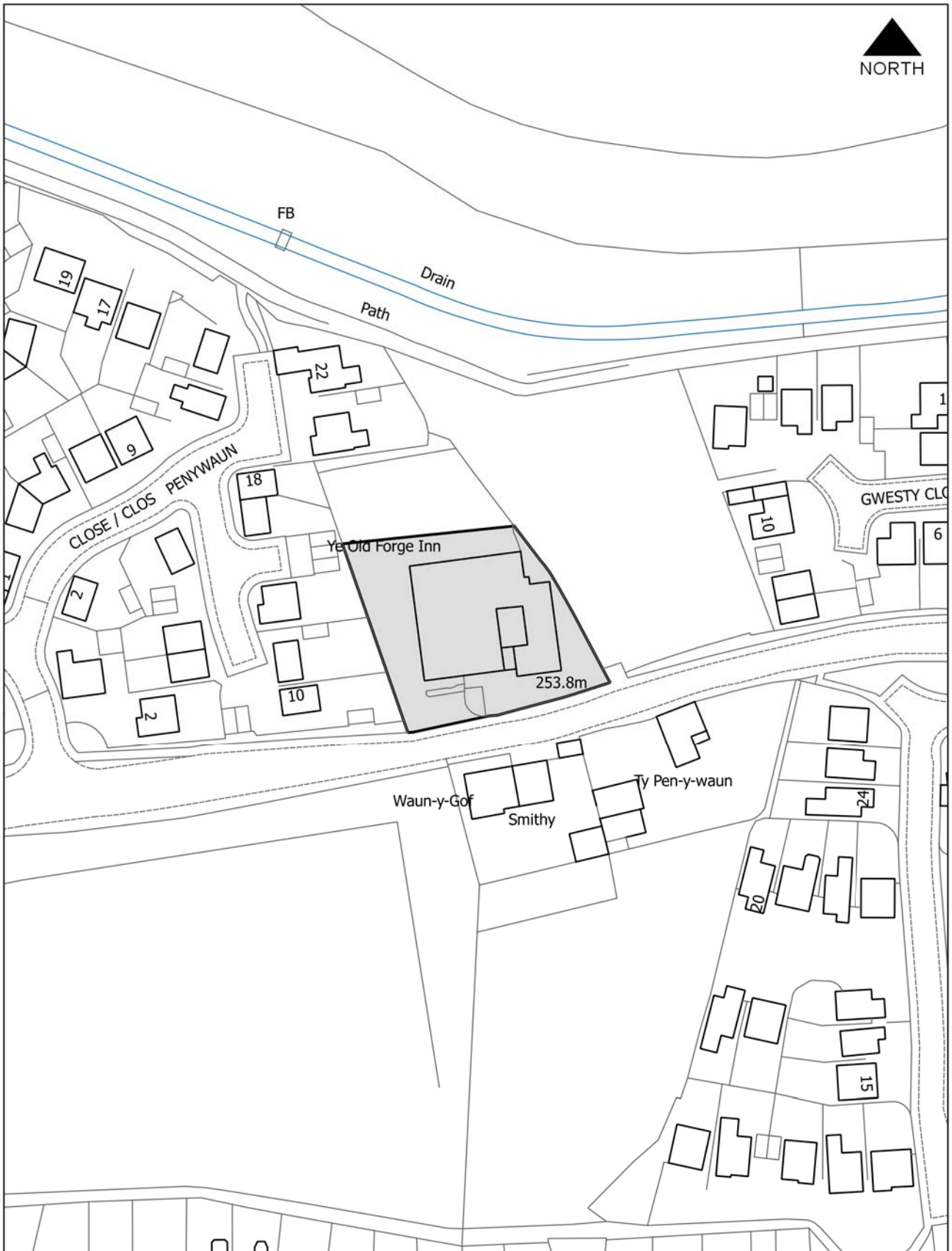
- 22) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.

REASON: To ensure the development is served by an appropriate means of drainage.

Advisory Note(s)

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

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, CW3, CW4, CW5.



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Agenda Item 8

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0288/FULL 28.03.2018	Dream Care Homes (Ltd) Pentax House South Hill Avenue South Harrow HA2 0DU	Erect a single storey extension, outbuildings and associated works Ynysddu Nursing Home Mount Pleasant Ynysddu Newport NP11 7JQ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located at Mount Pleasant, Ynysddu.

Site description: Residential nursing home.

Development: Single storey extension to front elevation and rear outbuilding. This application is reported to Planning Committee because the agent is related to an officer of the Council.

Dimensions: The proposed single storey extension measures 14.0 metres in width, 4.0 metres in depth, with a height of 3.6 metres to ridge level.
The proposed outbuilding measures 8.5 metres in width, 3.0 metres in depth, with a maximum height of 3.8 metres.

Materials: Extension: Natural stone to front elevation, render to side elevation, and concrete roof tiles.
Outbuilding: Render and concrete roof tiles.

Ancillary development, e.g. parking: Replacement disabled access ramp to front of building.

PLANNING HISTORY 2005 TO PRESENT

09/0863/FULL - Erect extensions to existing nursing home to provide additional accommodation and administration facilities - Refused - 01.03.2010.

10/0484/FULL - Erect extensions to an existing nursing home, to provide additional accommodation and administration facilities - Granted - 07.10.2010.

Cont'd....

Application No. 18/0288/FULL Continued

15/0373/NCC - Vary Condition 01 of planning permission 10/0484/FULL (Erect extensions to an existing nursing home, to provide additional accommodation and administration facilities) to extend the period of time within which the development may commence by a further five years - 06.08.2015.

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW15 (General Locational Constraints).

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

Transportation Engineering Manager - No objection.

Senior Engineer (Land Drainage) - No objection subject to requested land drainage condition. However, as the proposed development are located on existing hardstanding area, a land drainage condition is not considered necessary in this instance. Advice will be passed to the developer regarding land drainage.

Ecologist - No objection subject to condition.

ADVERTISEMENT

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

Cont'd....

Application No. 18/0288/FULL Continued

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

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

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The proposed single storey front extension is considered to be acceptable in terms of its setting, scale, fenestration and proposed materials. The development will have no unacceptable impact on the amenity of nearby residential properties by way of any overlooking or overbearing impact.

The rear outbuilding is also considered acceptable in terms of its setting, scale and materials, and given its position below road level will have very limited impact on the amenity of the surrounding area.

On the basis of the above, coupled with no objection having been raised by consultees, the application is recommended for approval subject to conditions.

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

Comments from public: None.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have

Cont'd....

Application No. 18/0288/FULL Continued

been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Application No. 18/0288/FULL Continued

RECOMMENDATION that Permission be GRANTED

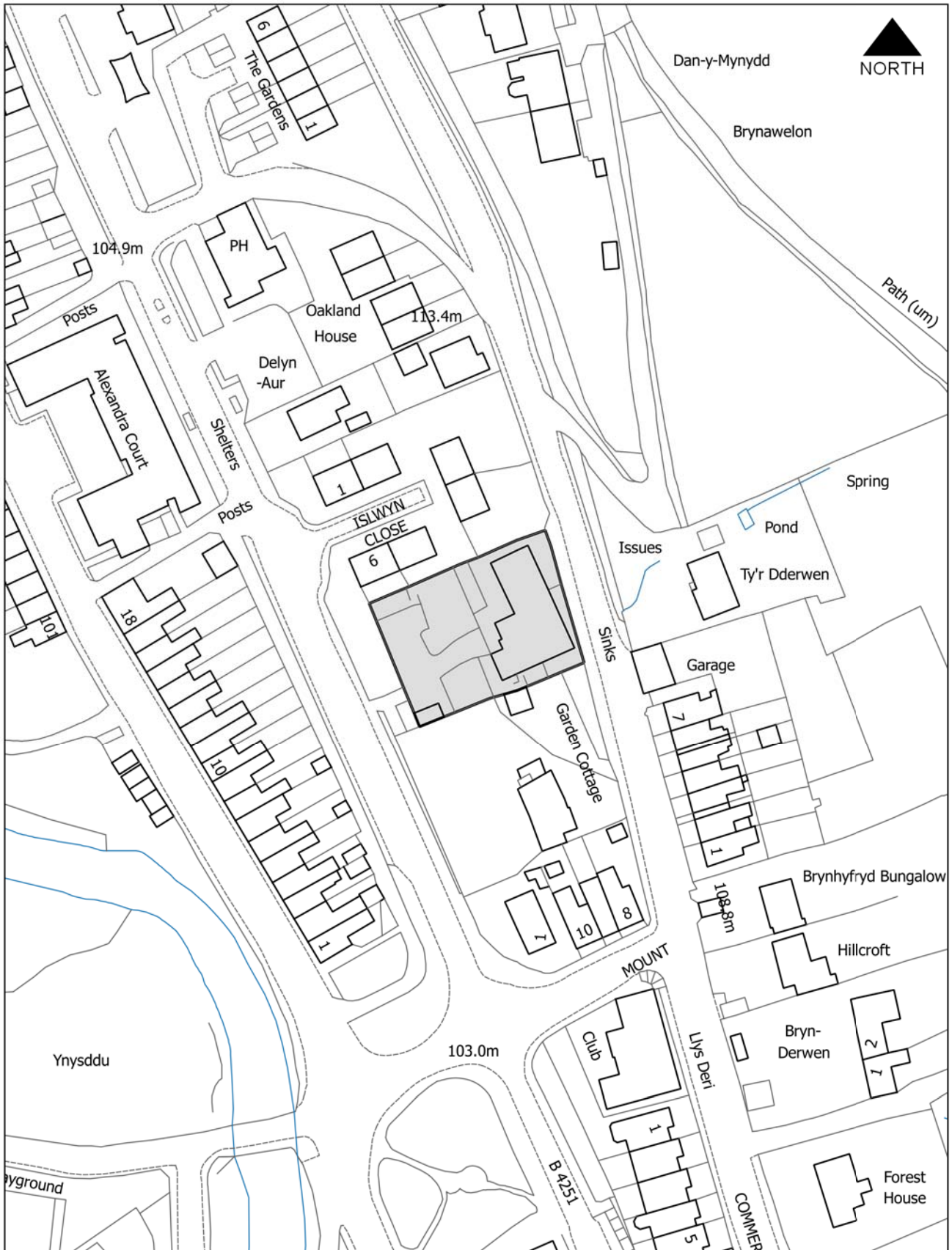
This permission is subject to the following condition(s)

- 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:
Block Plan, received 28.03.2018;
Drawing No. 8, Outbuilding as proposed, received 28.03.2018;
Drawing No. 7 As Proposed, Side Elevations, received 28.03.2018;
Drawing No. 5 As Proposed, Ground Floor Plan, received 28.03.2018;
Drawing No. 4 As Proposed, West Elevation, received 28.03.2018;
Site Location Plan, received 28.03.2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow or Starling) on the new extension at Ynysddu Nursing Home, Ynysddu, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new extension hereby approved is first utilised.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

Advisory Note(s)

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

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission:
Policy CW2, CW4, CW5.



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Agenda Item 9

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0170/FULL 19.03.2018	Mr K Harris Pant-Y-Trwyn Farm Mynyddislwyn Newport NP11 7BB	Construct a general purpose outbuilding containing animal stores and stables, treatment room and ancillary accommodation at ground floor level with equipment and feed storage at mezzanine level Pant-y-trwyn Farm Mynyddislwyn Mountain Road Mynyddislwyn Newport NP11 7BB

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on Mynyddislwyn Mountain Road, Mynyddislwyn.

House type: Farmhouse and associated agricultural land.

Development: It is proposed to erect a two-storey storage building associated with the keeping and breeding of alpacas.

Dimensions: The proposed building measures 18.4 metres in width, 9.3 metres in depth, with a height of 6.9 metres to ridge level.

Materials: Walls: Render with stone feature quoin detailing;

Roof: Spanish slate;

Windows: Brown upvc with stone cills and feature lintels;

Doors: Timber;

Rooflights: Dark grey framed conservation roof windows.

Ancillary development, e.g. parking: Ground re-profiling to create flat plateau.

PLANNING HISTORY 2005 TO PRESENT

None.

Cont'd....

Application No 18/0170/FULL Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located outside of the Settlement Boundary within the Mynyddislwyn Special Landscape Area (SLA).

Policies: Policy SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), and advice contained in Supplementary Planning Guidance LDP10: Buildings in the Countryside (Adopted January 2012).

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

Landscape Architect - Requests a tree survey. However, as the development doesn't affect any remaining trees this is not considered necessary.

Rights Of Way Officer - No objection subject to advice to the applicant.

Head Of Public Protection - No objection subject to conditions relating to the storage of waste and food.

Senior Engineer (Land Drainage) - No objection subject to requested land drainage condition and advice to the applicant. Given the location of the proposed development a land drainage condition is not considered to be necessary.

Transportation Engineering Manager - No objection.

Dwr Cymru - Provides advice to the applicant.

Cont'd....

Application No 18/0170/FULL Continued

Ecologist - No objection subject to biodiversity enhancement conditions and advice being passed to the applicant.

ADVERTISEMENT

Extent of advertisement: A site notice was displayed on a lamppost adjacent to Troed-y-Rhiw Road, which is the primary access route to the site.

Response: Two letters of objection have been received.

Summary of observations: - Impact on footpaths and bridleway adjacent to the application site;
- Applicant did not consult neighbouring property regarding the extent of their plans;
- Concerns regarding future operation of the site as an alpaca breeding and visitor centre;
- Inaccuracy on planning application forms, i.e. application forms state that the development would not be visible from a footpath or bridleway;
- Highway leading to the site incapable of accommodating additional traffic associated with a potential visitors centre.

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 (CIL)

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: Policy CW4 relates to natural heritage protection and states that development proposals that affect SLAs will only be permitted where they conserve and where they appropriately enhance the distinctive or characteristic features of the Special Land Area (SLA). It is considered that the proposed animal shelter has been well designed in terms of its setting, scale, fenestration and external finishes, and will indeed conserve the characteristic features of the Mynyddislwyn SLA. A condition will be attached to the

Cont'd....

Application No 18/0170/FULL Continued

permission requiring samples of external finishes to be submitted and agreed in writing by the Local Planning Authority prior to the commencement of works.

Whilst the building has been designed over two floors, i.e. a ground floor stabling area with associated treatment room, feed store, etc., with equipment and fodder storage at first floor, given the difference in levels on site, such a split level building is appropriate and makes best use of the available space thereby preventing a significantly larger footprint. For this reason the development is considered to be acceptable in terms of its massing. Furthermore, the proposed materials, i.e. Render with stonework detailing and slate roof, are considered to represent high quality finishes that will ensure the development respects its setting within the SLA. For these reasons the development is considered to be acceptable in design terms, and therefore complies with the principles of good design outlined in TAN 12: Design, and will not have an unacceptable impact on the visual amenity of the surrounding area (Policy CW2). A condition will also be attached to the permission requiring hard and soft landscaping details to be agreed to ensure the development integrates as sensitively as possible with the surrounding Mynyddislwyn SLA.

In terms of the potential impact on highway safety (Policy CW3), whilst the Design and Access statement submitted with the application makes reference to the possibility that the aspirations of the applicant may be to create an Alpaca visitor centre, i.e. tourism, the proposed building is being treated as an animal shelter associated with alpaca breeding, i.e. purely an agricultural use. Conditions will be attached to the permission to ensure the building is restricted to an agricultural use only. If a tourism use was proposed at the application site, if the level of this use was deemed to constitute a material change of use of the land, then separate planning permission would be required. On the basis that the building is to be used for purposes associated with agriculture, the Transportation Engineering Manager raises no objection to the proposal.

Comments from consultees: The Council's Rights of Way Officer confirms that the development does not obstruct any public rights of way, but draws the applicant's attention to the position of several rights of way in close proximity to the application site, and the need to maintain access and safety at all times.

The Council's Ecologist raises no objection subject to requested conditions and advice.

The Council's Landscape Architect requests a tree survey. However as the proposed development does not impact on any trees/or the trees that would have been affected have already been removed, this is not considered necessary. It should be noted that the development does not impact on any protected trees.

Cont'd....

Application No 18/0170/FULL Continued

Comments from public:

1. Impact on footpaths and bridleway adjacent to the application site - The Council's Rights of Way Officer has confirmed that the proposed building does not impact on any rights of way, and goes onto provide detailed advice to the developer.
2. Applicant did not consult neighbouring property regarding the extent of their plans - Applicants are not required to consult neighbouring properties on planning proposals.
3. Concerns regarding future operation of the site as an alpaca breeding and visitor centre - As discussed above, depending on the scale of any tourism element, planning permission would be required for a material change of use of the land, including a mixed use of agriculture and tourism.
4. Inaccuracy on planning application forms, i.e. application forms state that the development would not be visible from a footpath or bridleway - Whilst the application forms should confirm the proposed development would be visible from a public right of way, this does not invalidate the application. Furthermore, the Council's Rights of Way officer has visited the site and is fully aware of the proposal and its potential effect on rights of way in the immediate area.
5. Highway leading to the site incapable of accommodating additional traffic associated with a potential visitors centre - Creation of a visitor centre would require planning permission in its own right. The highways department would comment on the suitability of the highway leading to the site if and when such an application were to be submitted.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

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'd....

Application No 18/0170/FULL Continued

- 02) The development shall be carried out in accordance with the following approved plans and documents:
Drawing Number 1020(12)17, Proposed mezzanine floor layout, received 20.02.2018;
Drawing Number 1020(13)17, Proposed elevations, received 20.02.2018;
Drawing Number 1020(11)17, Proposed ground floor layout, received 20.02.2018;
Drawing Number 1020(10)17, Site location and block plans, received 20.02.2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) 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.
- 04) The general purpose outbuilding hereby approved shall be used for agricultural purposes only at all times, and for no other purpose.
REASON: To retain effective control over the development.
- 05) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.
- 06) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
REASON: To ensure adequate protection to protected species.

Cont'd....

Application No 18/0170/FULL Continued

- 07) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new building at Pant Y Trywn Farm, Mynyddislwyn Mountain Road, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 08) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow or House martin) in the new building at Pant Y Trywn Farm, Mynyddislwyn Mountain Road, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

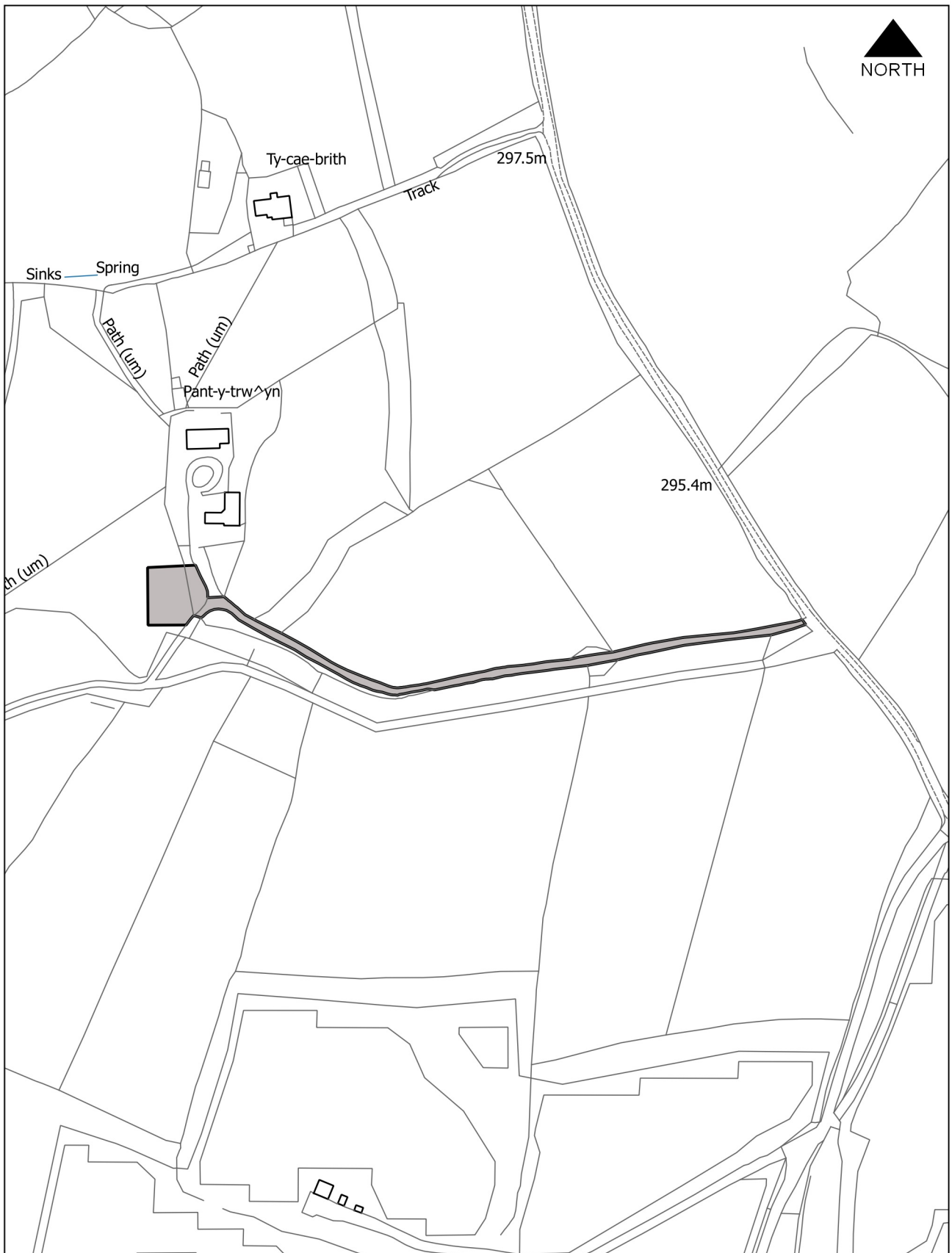
Advisory Note(s)

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

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

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.



Agenda Item 10

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0289/NCC 29.03.2018	Newbridge Construction Ltd C/o Boyer Mr S Barry Third Floor Park House Greyfriars Road Cardiff CF10 3AF	Vary Condition 2 of Planning Permission 12/0269/NCC (Vary Condition 02 of Planning Permission 08/0539/OUT (erect residential development and associated access) to provide a further three years for the submission of Reserved Matters) to provide a further three years for the submission of Reserved Matters Gellideg Industrial Estate Gellideg Lane Maesycwmmmer

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is located to the east of Maesycwmmmer. To the north of the site lies a strip of land previously used for landfill, now restored and re-vegetated with trees and scrub vegetation. The A472 road runs alongside the northern edge of that land. To the east and south lies the Bryn Meadows Golf Club, the boundaries comprising established hedgerows and trees. The western edge of the site is bounded by the road and housing known as Gellideg Heights.

There are existing industrial units to the north and south of the westernmost part of the site.

Site description: The western part of the application site which is within the identified settlement boundary is occupied by three disused industrial/commercial buildings and their curtilage. Access to these buildings is gained direct from Gellideg Lane at a point just north of the access from the lane to Gellideg Heights housing estate. Across the central part of the site the remains of colliery spoil heaps extend from north to south. The northern most part of the heap is still in place and rises to approximately five metres above surrounding ground level. Its surface and slopes are partially vegetated with bramble and gorse, with steep slopes that encroach on to the oak and birch woodland within the north western corner of the site. The ground rises up from 156

Cont'd....

Application No. 18/0289/NCC Continued

metres AOD at its lowest point at the north east extreme of the northern boundary to a height of 170 metres AOD in the southwest corner of the southern boundary alongside the golf course.

Development: In July 2009 a Planning Inspector allowed an appeal against this Council's refusal of planning permission for residential development and associated access on land at Gellideg Heights, Maesycwmmmer, and granted outline planning permission subject to conditions. Condition 2 of that permission requires approval of Reserved Matters to be made no later than three years from the date of the permission. A subsequent renewal of that consent reference 12/0269/NCC was granted in July 2015. Following on from that consent, this application therefore seeks permission to vary Condition 2 to provide a further three years for the submission of Reserved Matters.

The original permission was supported by a Unilateral Undertaking (planning obligation) entered into by the owners of the land. The undertaking included obligations in respect of the provision of affordable housing, a contribution towards education provision, the provision of road improvements, the provision of ecological works, and public open space obligations.

The permission relates to the redevelopment of the site for 95 residential units. With the exception of access all matters were reserved for subsequent approval.

An illustrative layout drawing (the same as submitted with the original application) indicates a scheme for the residential units with associated amenity space, with the provision of a new access road and internal road direct from the A472 linking through the development to Gellideg Heights. The site layout shows low density 4-bed 2-storey houses on the eastern edge of the site next to the golf course, medium density 2/3-bed 2/3-storey houses in the middle, and high density 1/2- bed 3-storey flats and 2/3-bed 2/3-storey houses on the western and north western part. The layout plan also shows an area of public open space, two areas of local play and an ecology buffer located along the southern and eastern boundary. A landscape buffer is also proposed on the western boundary of the site to provide separation between any new housing and the adjoining industrial units.

Dimensions: The application site is 4.13 hectares in size.

Ancillary development, e.g. parking: The proposed access arrangements comprise a new traffic signal controlled junction to the north of the site directly onto the A472 Main Road. The new access would accommodate all vehicles and includes pedestrian and cyclist facilities. Footways are incorporated on both sides of the proposed access road and would link into the existing footway / cycleway network on the A472 . The internal

Cont'd....

Application No. 18/0289/NCC Continued

highway network has been designed to accommodate both domestic and commercial vehicles as the road will serve residential properties and the existing business units off Gellideg Heights. The illustrative layout shows a possible closure of an existing section of Gellideg Heights. It is suggested that this could beneficially permit existing traffic to divert onto the proposed access road through the new development and enable existing residents to use an improved access onto the A472.

PLANNING HISTORY 2005 TO PRESENT

08/0539/OUT - Erect residential development and associated access - Refused 04.12.08. Allowed on Appeal 21.07.09.

12/0269/NCC - Vary Condition 02 of Planning Permission 08/0539/OUT (erect residential development and associated access) to provide a further three years for the submission of Reserved Matters - Granted 14.07.15.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: With the exception of the access link from the site to the A472, the whole of the site is within settlement limits and the western part which was previously occupied by industrial buildings forms part of a larger allocated housing site. The access link is also within a green wedge.

Policies: SP2 (Development Strategy in the Northern Connections Corridor), SP5 (Settlement boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP15 (Affordable Housing target), SI16 (Green Wedges), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Obligation), CW15 (General Locational Constraints), HG1.40 (Allocated housing site) and TR5.5 (Transport Improvement Schemes - A472 Crown Roundabout to Cwm Du Roundabout).

NATIONAL POLICY

Planning Policy Wales 9th Edition November 2016 and Technical Advice Notes 5 'Nature Conservation and Planning', 12 'Design', 18 'Transport'.

Cont'd....

Application No. 18/0289/NCC Continued

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes previously in respect of the original planning application.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? An advisory note will be forwarded to the applicant.

CONSULTATION

Rights Of Way Officer - Confirms the existence of public rights of way within the vicinity of the site and provides advice to be conveyed to the developer.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No adverse comments.

Senior Engineer (Land Drainage) - No objection to the variation of condition applied for subject to conditions.

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

Ecologist - Offers no objection to the variation of condition 2 to provide for a further three years for the submission of reserved matters subject to the original ecological planning conditions being transferred to any new consent. However, several years have elapsed since the original surveys were undertaken so the survey conditions need to request updated surveys.

Landscape Architect - A revised survey should be undertaken to ensure that the root protection areas shown on the indicative plan are still relevant and therefore request a revised tree survey given that the original tree survey was undertaken over 6 years ago and will be out of date.

The Coal Authority - Have no objection to the variation of condition 2 as proposed. They note the submission is supported by a Supplementary Mining Investigation Report, dated March 2017 and prepared by Integral Geotechnique (Wales) Ltd but note that there are no conditions relevant to coal mining legacy imposed on the outline consent.

Cont'd....

Application No. 18/0289/NCC Continued

Maesycwmmmer Community Council - Objects to the application to provide a further 3 years for the submission of Reserved Matters. The Council have been opposed to the application from the beginning and feel that there has been sufficient time to make progress and see no reason for any further delay.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 17 neighbouring properties have been consulted.

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

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

It is not anticipated that the development should give rise to any specific crime and disorder implications.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

In allowing the appeal and granting planning permission for the original application, and following his consideration of all of the ecological evidence presented at the planning inquiry, the Planning Inspector concluded that there was insufficient evidence to conclude that the proposal would adversely affect any nature conservation interests of the site. He did however attach several conditions to the permission in respect of nature conservation issues and there were ecological obligations contained in the Unilateral Undertaking. The Council's Ecologist considers that all of the original conditions should be retained and recommended an additional one requiring an updated bat roost survey.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? This is an outline application and as such Community Infrastructure Levy is not liable until reserved matters are submitted and approved.

Cont'd....

ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local development plan policy and supplementary planning guidance.

The policy context that should apply to the application (see above) has been fully considered and it is concluded that there is no policy objection to permitting another three years for the submission of Reserved Matters subject to the provisions of the Unilateral Undertaking being carried through to the current application in order to ensure compliance with current policy and a revised layout being required which has full regard to relevant National and Local policy. With regards the layout (which is the same one submitted with the original application) the Planning Inspector considered that it failed to address adequately design issues raised in relevant guidance and therefore concluded it was unacceptable, other than in respect of the general alignment of the main connection estate road running between Gellideg Heights and the A472. Officers share that view and therefore recommend that it be reserved for further consideration at the detailed planning stage.

Circular 35/95 'The Use of Conditions in Planning Permissions' states that as a general rule, applications for the renewal of permissions before the expiry of time limits should be refused only where:

- (a) there has been some material change in planning circumstances since the original planning permission was granted (eg. a change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the government of new planning policy guidance material to the renewal application);
- (b) continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area;
- (c) the application is premature because the permission still has a reasonable time to run.

These criteria are considered in turn below.

- (a) There has been a material change in planning circumstances, but this only strengthens the policy stance in favour of the development. At the time of the Planning Inspector's determination of the appeal against the Council's refusal of permission for the original application, part of the application site lay outside the settlement boundary as identified in the Approved Unitary Development Plan and within a green wedge allocated in that Plan. Notwithstanding that policy conflict, the Planning Inspector allowed the appeal and granted planning permission. Currently, with the exception of the access connection with the A472, the whole of the application site lies within the settlement boundary as identified in the Local Development Plan (adopted in November 2010) and is not affected by any other designations (only the access link with A472

Cont'd....

Application No. 18/0289/NCC Continued

remaining in a green wedge, but as indicated above, this would not materially affect the functioning of the green wedge in terms of preventing the coalescence of the villages concerned).

There has been no change in the highway considerations (The Transportation Engineering Manager has raised no objection) or the publication of any new relevant national policy guidance.

(b) The lack of progress in beginning the development to date is not sufficient to contribute to uncertainty, particularly bearing in mind that the developer has been negotiating with this Council in respect of the purchase of land required to enable the proposed new access to the site to be achieved.

(c) The three years for the submission of reserved matters expires on 21st July 2018 so that part of the permission only has a short time to run.

In terms of the remaining planning conditions attached to the original consent, they will be transferred to any new consent; however, condition 22 is removed in line with Welsh Government revised procedure relating to European Protected Species Licensing and a replacement informative will be conveyed to the developer. This aims to reduce the number of pre-commencement conditions attached to a consent.

Comments from Consultees: With regards the objections of the Maesycwmmmer Community Council, they were amongst the issues considered by the Planning Inspector when he assessed the merits of the original application and allowed the appeal and granted planning permission. Their continued objections are therefore not sufficient to support a refusal of the current application.

Comments from public: None received.

Other material considerations: The requirements of the Section 106 obligation are as follows: the provision of affordable housing, the provision of road improvements, the provision of ecological works, and public open space obligations.

There are statutory tests that have to be considered in respect of an obligation that are considered below:

a) It is necessary to make the development acceptable in planning terms. The provision of affordable housing - this is necessary to comply with policies SP15 (Affordable housing target) and CW11 (Affordable housing planning obligation) of the LDP.

A contribution towards education provision - this aspect of the development was considered in respect of the previous renewal of planning consent whereby the contribution was removed because general education contribution is now included in the Community Infrastructure Levy

Cont'd....

Application No. 18/0289/NCC Continued

The provision of road improvements - this is necessary to comply with policy CW3 (Design considerations: highways) of the LDP.

The provision of ecological works - this is necessary to comply with policy SP10 (Conservation of natural heritage) and CW4 (Natural heritage protection) of the LDP.

Public open space obligations - this is necessary to comply with policy CW10 (Leisure and open space provision) of the LDP

(b) It is directly related to the development The requirements are directly related to the development. The local planning authority can only deliver affordable housing by requiring its provision as part of private housing development such as this one. The traffic generated by the development will have an impact on the local highway. There will also be an increased pressure on existing areas of open space, and the need for new ones, and there will be an impact on wildlife.

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

The scale of the provision has been the subject of discussion with the applicants, and has been considered at appeal, and is reasonably related in scale and kind to the proposed scheme.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION (A) that the determination of the application be DEFERRED to allow the applicant to enter into a Variation of Section 106 Obligation to secure the obligations contained within the Unilateral Undertaking that accompanied the original application and ensure compliance with current policy; and (B) on completion of the 106 Obligation the planning permission be GRANTED.

This permission is subject to the following condition(s)

01) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

02) 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.

Cont'd....

Application No. 18/0289/NCC Continued

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

- 03) 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.

- 04) This permission shall not relate to the submitted indicative layout, a revised layout shall be submitted in accordance with Condition 1.

REASON: To clarify the extent of this permission.

- 05) Details of the scale submitted in accordance with Condition 01 shall be substantially in accordance with the scale parameters set out in paragraph 3 of the Planning Inspector's decision letter dated 21/07/09 in respect of planning application Ref. No. 08/0539/OUT.

REASON: To clarify the scale of the development hereby approved.

- 06) No part of the development shall be occupied until such time as a signalised junction on the A472 road and associated access as shown hatched blue on Plan 1 attached to the Unilateral Undertaking (drwg. 0731201-PL-GA-003 D) have been constructed to serve the development in accordance with a detailed scheme based on Drawing No. 2252.011 Rev. B that shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for, inter alia, the following:

a) Dual approach and merge lanes of at least 170m length to the west and east of the proposed junction.

b) Yellow box markings to ensure that vehicles can exit the junction and signage to inform drivers to use both lanes on the approach to the junction.

c) MOVA control together with crossing detectors and kerb side detectors, also a combined pedestrian and cyclist crossing facility to the proposed development access road that will be designed to allow cyclists to cross without dismounting.

REASON: In the interests of highway safety.

- 07) Notwithstanding the submitted plans, no works shall commence on site until details of the spine road layout within the development and linking the development to the A472 and to Gellideg Lane have been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, sections, street lighting and surface water drainage details, and make provision for an appropriately signed 3m wide combined footway and cycleway

Cont'd....

Application No. 18/0289/NCC Continued

link from the A472 and a traffic calming scheme. The approved details of the spine road layout shall be carried out prior to the occupation of any part of the development.

REASON: In the interests of highway safety.

- 08) No dwellings shall be occupied until details of the road layout alterations necessary in conjunction with the proposed closure to vehicular traffic of Gellideg Lane, together with sections, street lighting and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until Gellideg Lane has been closed in accordance with the approved details.

REASON: In the interests of highway safety.

- 09) Notwithstanding the submitted access details, the plans and particulars of the layout submitted in accordance with Condition 01 above shall include details (such details to include sections, street lighting and surface water drainage) of the proposed highways providing access from the spine road referred to in Condition 07 to all dwellings. No dwelling shall be occupied until the section of highway linking it to the spine road has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

- 10) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the buildings when the site is developed.

REASON: In the interests of public health.

- 11) Development shall not commence until the measures in the scheme approved under the terms of Condition 10 above have been implemented.

REASON: In the interests of public health.

- 12) No development shall commence until a detailed engineering scheme for the construction of the access road, showing how the integrity of the Maesycwmmmer Closed Landfill Site including the drainage will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: To prevent pollution.

Cont'd....

Application No. 18/0289/NCC Continued

- 13) 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.
- 14) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water 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.
- 15) The plans and particulars of the landscaping and layout submitted in accordance with Condition 01 above shall include:
(a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres.
(b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
(c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
(d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree. (In this condition a "retained tree" means an existing tree which is to be retained in accordance with the plan referred to at paragraph (a) above).
(e) the details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
(f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
REASON: In the interests of the visual amenity of the area.
- 16) The plans and particulars of the landscaping and layout submitted in accordance with Condition 01 above shall include details of the quantity, size, species, position of all trees to be planted, together with an indication of how they

Cont'd....

Application No. 18/0289/NCC Continued

integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition, all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. The submitted details shall include a schedule and programme of planting: the approved details and schedule shall be implemented in accordance with the approved programme of planting.

REASON: In the interests of the visual amenity of the area.

- 17) The plans and particulars of the landscaping and layout submitted in accordance with Condition 01 above, shall include details of the means of protection and maintenance of the trees, shrubs and hedges referred to at condition 15 above, until they are established.

REASON: In the interests of the visual amenity of the area.

- 18) The plans and particulars of the landscaping and layout submitted in accordance with Condition 01 above, shall make provision for a Local Equipped Area of Play and a kickabout area: these areas shall be provided in accordance with a programme of implementation to be submitted and approved by the Local Planning Authority before construction works commence.

REASON: To ensure that the development is served by play provision for children.

- 19) Works of site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

- 20) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of vegetation clearance on site, pre-clearance surveys for badgers and birds shall be carried out by a suitably qualified ecological surveyor. A copy of the results of the surveys, together with any necessary protection and mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. These protection and mitigation measures shall be implemented as approved.

REASON: To ensure adequate protection to protected species.

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Application No. 18/0289/NCC Continued

- 21) No development or site/vegetation clearance shall take place until an updated bat roost survey has been carried out by a competent ecologist with proven expertise in bat surveying. The results of the survey, together with an updated assessment of the impact of the development on these species and if necessary, details of any proposed remedial measures shall be submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.
- 22) No development or site/vegetation clearance shall take place until details of a translocation programme for any reptiles and amphibians found on the site has been submitted to the Local Planning Authority for approval in writing. Details shall include the installation of one way fencing and provision of refuge area, the location to be agreed with the Local Planning Authority. The measures shall be implemented as approved.
REASON: To ensure adequate protection of protected species.
- 23) No development shall take place until a detailed management plan for the retained areas of informal open space, together with a scheme for the long term management of the existing, retained and newly created habitats, has been submitted to and approved in writing by the Local Planning Authority. The management shall be carried out in accordance with the approved management plan.
REASON: To ensure that the open space and habitats are maintained in the interests of visual amenity and nature conservation.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: SP6, CW2, CW3, CW4.

The applicant is advised of the comments of the Public Rights of Way officer.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the

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Application No. 18/0289/NCC Continued

works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at:

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>



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Agenda Item 11

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0380/FULL 03.05.2018	Mr R Morris C/o C2J Architects & Town Planners Mr R Chichester Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Erect stable block and associated access, parking and stock proof fencing Field Adjacent To 3 Tai Cae Bryn Groeswen Road Cardiff

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on the southern side of Groeswen Road and to the east of No. 3 Tai Cae Bryn.

Site description: The application site is part of a large field parcel measuring approximately 1.9ha. The site itself is at the top of the field and adjacent to Groeswen Road. The site slopes steeply from north to south and is bounded on its southern and western boundaries by a mature hedgerow. The site also wraps around the dwellings at Tai Cae Bryn such that they form the boundary to the north west corner with the remainder of the northern boundary also comprising of a mature hedgerow. The site is semi-improved grassland and shows some signs of having been grazed but it was not in use at the time of the case officer's site visit.

There is an existing five bar gated access in the north east corner of the site with the gate being slightly set back from the roadside. Immediately to the east of the site entrance is the junction of Groeswen Road with Gypsy Lane with Gypsy Lane curving around to the southern boundary of the site. Both Groeswen Road and Gypsy Lane are characterised by the narrowness of the lane with very few passing bays and mature hedgerows on top of hedge banks immediately adjacent to the highway with very little or no grass verges.

Development: The application seeks full planning consent for the erection of a stable block together with ancillary access, parking and turning. The stable block is to be sited in the north west corner of the site adjacent to No. 3 Tai Cae Bryn and would be an L-shaped building with a hipped apex roof. The block would comprise of 6 stables and a

Cont'd....

Application No 18/0380/FULL continued

tack and feed store wrapped around a courtyard. The yard would be extended to the east and would also include the provision of six parking spaces. A new access track would also be provided from the entrance to the yard area. The application site is to be sub-divided from the remainder of the field by a stock proof fence.

Dimensions: The block has overall dimensions of 18.4m by 15.7m and it would be 4.7m high. The yard measures 26m by 18m.

Materials: Rendered walls with a profile sheet roof and timber doors.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

Local Development Plan: Outside settlement limits.

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints), CW19 (Locational Constraints - Rural Development and Diversification) and NH1.3 (Mynydd Eglwysilan Special Landscape Area).

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

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

Supplementary Planning Guidance LDP 10 Buildings in the Countryside gives advice on all development outside settlement limits.

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

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Application No 18/0380/FULL continued

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.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

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

CONSULTATION

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

Landscape Architect - Raises objections to the application in respect of the impact on the landscape character of the area by virtue of the potential loss of hedgerow and the visual impact of the proposed stable block and ancillary development.

CADW - No objection.

Transportation Engineering Manager - No objection subject to conditions requiring the provision of adequate vision splays and passing bays.

Head Of Public Protection - No objection subject to a condition requiring the submission of a scheme for the control of waste.

Senior Engineer (Land Drainage) - No objection.

ADVERTISEMENT

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

Response: One letter of objection was received.

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Application No 18/0380/FULL continued

- Summary of observations:
1. Loss of amenity from noise and smells.
 2. Highway safety having regard for the narrowness of the lane.
 3. Impact on the landscape character of the area.
 4. Compliance with Local Plan policy in respect of the siting of the development.

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? The ecological impacts of this development will be discussed in detail later.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main point to consider in the determination of this application is the impact of the proposal on the landscape character of the area. In that regard it should be noted that the site is located with the Mynydd Eglwysilan Special Landscape Area as defined by Policy NH1.3 of the LDP. Paragraph 3.189 of the LDP states:-

"Three special landscape areas have been identified in the SCC. These areas will be protected from any development that would harm their distinctive features or characteristics. The policy is not designed to preclude development. However, an applicant will need to demonstrate that any development proposal will not have an unacceptable impact on the specific distinctive features or characteristics associated with the SLA."

Policy CW19 for Rural development and diversification also states:-

"CW19 Rural Development and Diversification schemes will be permitted where:
A - They are consistent in scale and compatible with their rural location, including the retention and enhancement of existing natural heritage features.
B - That where buildings are required to deliver the scheme, existing buildings are reused where possible, or the new buildings relate to an existing group of buildings.

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Application No 18/0380/FULL continued

C - They will be complementary to, and not prejudice, the operation of the existing business."

In this instance the application proposes the erection of a relatively large stable block in the corner of a steeply sloping field within the SLA. Whilst the field is surrounded by mature hedgerows, given the steeply sloping nature of the site it is possible to see into the field from medium term views from the south as the hedgerow on the southern boundary is significantly lower than the location of the stable. It should also be noted that, whilst not shown in the submitted plans, having regard for the steeply sloping site, the proposed stables would either require extensive cut and fill operations in order to create a level plateau for the building and the yard or alternatively the stable block would need to be elevated above ground level on its southernmost elevation. Either operation would require extensive groundworks that would create an alien landform in the area. Having regard for the above it is considered that the proposed stable block would have a harmful impact on the distinctive characteristics of the SLA and as such the proposal is contrary to Policy NH1 of the LDP.

With regard to the siting of the stable block itself, it is noted that Policy CW19 of the LDP requires that where new buildings are required to deliver a scheme, that these are related to an existing group of buildings. Whilst the building would be located in close proximity to existing residential buildings along Groeswen Road, the proposed building is not well related to any existing buildings that are in use for the purpose proposed and the existing dwellings in the area are not linked to the development proposed or to the applicant. In that regard it is considered that the proposal is contrary to Policy CW19 of the LDP.

With regard to highway safety it is acknowledged that the Transportation Engineering Services Manager has raised no objection to the proposal subject to the provision of adequate vision splays of 2.4m by 43m and a minimum of 2 passing bays along Groeswen Road and Gypsy Lane. Whilst not detailed in the application and whilst the applicant may have control over sufficient land to provide these it is considered that such works would have a detrimental impact on the landscape character of the area. As stated above Groeswen Road is characterised by tall, mature hedgerows immediately adjacent to the highway with little or no grass verge on either side of the highway. These hedgerows are considered to make a significant positive contribution to the character of the area and any removal of them would be unacceptable. To create a vision splay of 2.4m by 43m along the Groeswen Road frontage of the site would require the removal of a significant portion of the hedgerow in that area and any scheme to plant a replacement hedgerow behind the required vision splay would have a detrimental impact on the character of the area. The same concerns are true of any proposal to provide passing bays along Groeswen Road and Gypsy Lane as there is

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Application No 18/0380/FULL continued

insufficient grass verge to provide the vision splays without having to remove hedgerows. In that regard it is considered that the proposal would be contrary to Policy CW3 of the LDP as it is not possible to have regard for the safe use of the transportation network.

Comments from Consultees: The concerns of the Council's Landscape Architect are addressed above. No other objections were raised.

Comments from public: It is considered that the concerns of the objector in respect of landscape character, highway safety and compliance with Policy are adequately addressed above. In respect of amenity it is acknowledged that the introduction of a new stable block into this field is likely to give rise to more noise and smell than is currently the case but such noises and smells would be common place in countryside locations such as this. Moreover, smells can be controlled by the imposition of conditions in respect of the storage of waste etc. on site. In that regard it is not considered that the impact of the proposal on the amenity of neighbouring dwellings would be significant enough to warrant refusal of the application.

Other material considerations: As stated above, the proposal would require the removal of significant lengths of hedgerow in order to comply with highway safety requirements. As the hedgerows around the site are covered by the hedgerow regulations, they are likely to have significant ecological importance. In order to assess the impact of the proposal on the ecology of the area appropriate surveys would need to be carried out prior to granting planning consent. However, as the proposal is considered to be unacceptable in other respects it is not considered that it would be reasonable to request such surveys in this instance.

In conclusion it is considered that the proposal is unacceptable in planning terms in respect of the impact of the proposal on the landscape character of the area and highway safety as discussed above.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

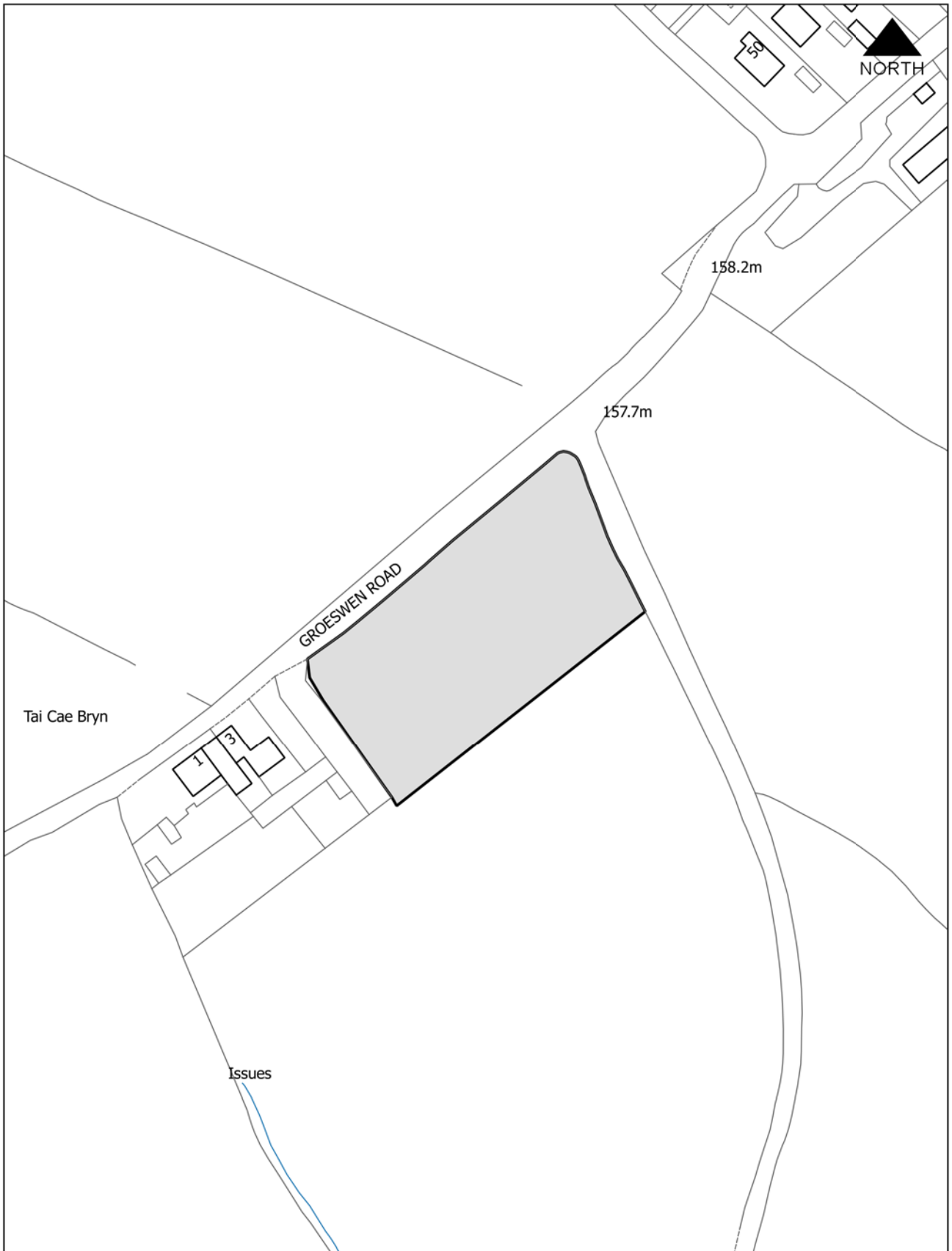
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Application No 18/0380/FULL continued

RECOMMENDATION that Permission be REFUSED

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

- 01) By virtue of its scale and siting and the topography of the site, the proposed development would have a detrimental impact on the landscape character of the area thereby harming the distinctive characteristics of the Mynydd Eglwysilan Special Landscape Area contrary to Policy NH1 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010.
- 02) The proposed development is not well related to an existing group of buildings and is located in a visually prominent location and as such it is contrary to Criterion B of Policy CW19 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010.
- 03) It is not possible to provide adequate vision splays and passing bays to serve the proposed development without having a detrimental impact on the landscape character of the area and without those facilities the proposal would be detrimental to highway safety contrary to Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010.



Agenda Item 12

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0123/FULL 05.02.2018	Studio Developments Ltd C/o CLC The Design Office 19 Heol Y Deri Rhiwbina Cardiff CF14 6HA	Construct three dwellings and external works Land At Grid Ref 321036 188882 Rhyd Y Gwern Lane (South Of Clos Trefeddyg) Machen

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land At Grid Ref 321036 188882, Rhyd Y Gwern Lane, (South Of Clos Trefeddyg), Machen.

Site description: The application site is an irregular shaped land parcel of mainly grassland (circa 0.85ha) located outside but adjacent to the southern boundary of the defined settlement boundary for Machen. The application site is adjacent to an existing housing development of detached dwellings (Clos Trefeddyg) which lies to the north-west with a public footpath adjacent. Numbers 7, 9, 11 and 12 Clos Trefeddyg are adjacent to the application site. To the northern side of the site is an area of woodland subject to a Tree Preservation Order. To the south-west side boundary is hedgerow dividing the application site from Rhyd Y Gwern Lane. The eastern rear boundary is comprised of hedgerow which divides the site from a neighbouring field.

Development: Construct three dwellings and external works.

Plot 1 is a five bedroom detached property with bedroom, shower room, study, utility, garage, kitchen/dining and living room area on the ground floor. At first floor level there is a master bedroom with dressing area and ensuite, two other bedrooms with shared Jack and Jill ensuite, a separate bedroom and bathroom.

Plot 2 is a detached property is a five bedroom detached property with bedroom, shower room, study, utility, garage, kitchen/dining and living room area on the ground floor. At first floor level there is a master bedroom with dressing area and ensuite, two other bedrooms with shared Jack and Jill ensuite, a separate bedroom and bathroom.

Cont'd....

Application No 18/0123/FULL Continued

Plot 3 is a detached property is a five bedroom detached property with bedroom, shower room, study, utility, garage, kitchen/dining and living room area on the ground floor. At first floor level there is a master bedroom with dressing area and ensuite, two other bedrooms with shared Jack and Jill ensuite, a separate bedroom and bathroom.

Dimensions:

Plot 1 - House and Garage is 19.2 metres by 12.8m wide (Maximum extent) with an overall height of 7.9m.

Plot 2 - House and Garage is 19.5 by 9.8m (Maximum extent) with an overall height of 7.9m.

Plot 3 - House and Garage is 16.5 by 15m (Maximum extent) with an overall height of 7.7m.

Materials:

Walls: White render with cedar boarding.

Roof: Single ply membrane with sedum roof.

Ancillary development, e.g. parking: On plot parking.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

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

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

Policies: CW2 (Amenity), CW3 (Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligation), SP3 (Development Strategy - Development in the Southern Connections Corridor), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Placemaking), SP10 (Conservation of Natural Heritage), and SP14 (Total Housing Requirements).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design.

Cont'd....

Application No 18/0123/FULL Continued

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP6 (Building Better Places to Live).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is partially within a High risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Bedwas, Trethomas & Machen Community Council – Raises concern about access.

The Coal Authority - No objection subject to planning condition requiring a site investigation to address Coal mining legacy issues.

Ecologist - Habitats and Vegetation - Notable Species
Native bluebell, a local and declining species was found to be present in the hedgerows on the site.

Notable Habitats

The site contains native hedgerows and also lies immediately adjacent to an offsite native woodland compartment, both of which are listed under Section 7 of the Environment (Wales) Act 2016 as habitats of principal importance for the conservation of biodiversity of Wales.

Native Hedgerow

A native hedgerow forms the south eastern site boundary. This hedgerow can be considered to have high local value. It fulfils its historic function as an effective field boundary and has an associated bank and ditch along its length. It comprises a total of eight native woody species and may possibly attain the status of an "important hedgerow" as defined by the Hedgerow regulations 1997. Native bluebell was recorded in both the native and non-native hedgerows. The hedgerow trees are likely to provide nesting opportunities for common bird species and may also support roosting bats.

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Common reptiles and amphibians may also shelter, forage and hibernate within the earth bank among the roots.

Non Native Hedgerow

The south western boundary also comprises a densely planted conifer hedge and associated earth bank but the main species is Lawson's Cypress. The roadside bank found a number of semi natural woodland indicator species.

Ruderal Vegetation

Tall, coarse species such as docks and thistles are scattered throughout the site, but are particularly frequent in areas which have suffered from past ground disturbance.

Marshy Grassland

The central area of the site comprises marshy grassland, which grades into neutral grassland away from the centre. The area of marshy grassland can be seen to have increased in comparison to the site habitats in 2008.

Species Poor Semi Improved Natural Grassland

This habitat is present around the edges of the site surrounding the patch of marshy grassland.

Barge Ground / Ephemeral Species.

The partly gravelled public footpath which runs along the fence line at the north western site perimeter supports ruderal and ephemeral pioneer species. The intensively shaded area at the site entrance is bare in places but otherwise supports low growing species.

Non Native Invasive Species

Himalayan Balsam has become established within the grassland as scattered individual plants near the topsoil mound. This species is listed on Schedule 9 of the Wildlife and Countryside Act (as amended) and as such it is an offence to cause it to spread in the wild either 'recklessly' or deliberately'. Japanese knotweed was recorded in the 2008 survey in several locations, but was not seen in the recent survey.

Bats

Most of the trees on site appeared unsuitable for occupation by bats with the exception of some oaks on the south eastern site boundary, which had Potential Roost Features (PRF's) such as broken upper limbs and a sycamore which had a large cavity at the base. These were assessed as Category 2B as they had very few potential roost features. Other larger trees elsewhere did not appear to support these features. A Bat Activity Survey was undertaken on the 16th June 2008 by DCE found foraging over the site by three species of bat: Common pipistrelle, a myotis which was attributed to the Whiskered/Brandt's group and Noctule. No bats were suspected as having emerged

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from the trees on the site, which were not assessed as being exceptional regarding bat roosting potential at the time. The grassland habitat on the site and adjacent woodland are highly suitable as a foraging resource for bats, while the boundary hedgerows provide shelter during commuting.

Otter

Otter is well established on the River Rhymney, with existing records from approximately 230m away from the site there are no habitat present on the site which would support this species and it is unlikely to occur on the site unless it was a casual incursion.

Dormouse

A detailed nest tube survey was undertaken in 2008 by DCE. No evidence of dormouse was found on the site at the time. A nut search was also carried out within areas of hazel during the present survey in 2017, but no evidence was found to indicate its current presence on site. Although the eastern boundary hedge and adjacent woodland could potentially support this species and there is some degree of connectivity with the wider countryside where this species is established. It is not considered necessary to carry out future surveys for dormouse, provided that the proposed new tree planting is implemented in full, which would provide a natural buffer between the new development and the retained semi natural habitats. This area should not be open to public access or be incorporated into the gardens.

Badger

Badger has been recorded approximately 500m from the site in recent years and appears to be well established to the north and south east of the site. there was no evidence that this species was present on site although the habitats are suitable to provide a foraging resource. The adjacent woodland could potentially provide a location for a sett, although they are close to human habitation.

Other Mammal Species

A range of common and ubiquitous mammals are likely to occur on site, including species such as rabbit, mice, voles and shrews, etc. these are likely to comprise a mixture of resident species such as brown rat, bank vole or house mouse as well as casual visitors such as fox.

Birds

The survey recorded eight species of bird, either on site or flying over it, namely wood pigeon, blackbird, chaffinch, carrion crow, blue tit, green woodpecker, robin and coal tit. It is likely that a few of these species may nest on site. It is also likely that song thrush and dunnock may also potentially nest on the site.

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Reptiles

No reptiles were seen on site during the survey, but the grassland, soil mounds and hedge banks have the potential to support these species. The scattered wooden debris which was lying on the grassland near the homes may also act as a potential refugia, but only slugs were found beneath when lifted on this occasion. Local recent records of reptiles within the search boundary include common lizard, slow worm, grass snake and adder.

Amphibians

No common amphibians were found on site during the survey, but the grassland and hedge banks could potentially provide shelter and foraging opportunities for these species. Although there are no waterbodies on site for breeding, it is likely that common frog and toad and palmate and smooth newt do occur on the site and also within the surrounding habitats. There are recent records for common frog and toad, palmate newt and smooth newt in the site vicinity, mainly from gardens. There are no records of the rare and specially protected great crested newt anywhere within 1km of the site.

Invertebrates

No pre-existing records of invertebrates for within the search boundary. A range of common and ubiquitous invertebrates were seen on site during the survey, namely tortoise shell butterfly, a caterpillar of the buff tip moth, a dung beetle, common garden snail and yellow meadow ant. Overall the site is assessed as being likely to support a wide range of common and ubiquitous invertebrates associated with marshy grassland and neutral grassland, ruderal vegetation and woodland.

The development proposal is a low impact housing development of two or three residential dwellings with associated infrastructure, gardens, etc. a band of new native woodland is to be planted at the rear of the site, to link the offsite woodland compartment.

Senior Engineer (Land Drainage) - Offers no objection to the development, highlights that the site is situated within an area susceptible to groundwater flooding. Recommends a planning condition requiring details of surface water/land drainage be attached to any permission.

Head Of Public Protection - Environmental Health have no objection subject to conditions on contamination.

Senior Arboricultural Officer (Trees) - Offers no objection to the development subject to the submission of Tree Protection Plan.

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CCBC Housing Enabling Officer - Advises that a commuted sum for off-site affordable housing for the development is £81,014.

Landscape Architect - Offers no objection to the development. Highlights that Tree and hedgerow protection and retention will be vital to help retain the rural character of this edge-of-village location. Recommends that further details are obtained in respect of Landscaping and Tree Protection measures.

Transportation Engineering Manager - No objection subject to planning condition addressing detailed highway considerations.

Dwr Cymru - No objections.

Rights Of Way Officer - There is one Public Right of Way: Footpath 6 in the Parish of Rhydygwern in the area of the proposed development.

There is no objection subject to the following:

The access is shown to cross the public right of way. The levels of the public right of way are not to be altered where the public right of way crosses the access road. Details of the construction to be submitted prior to work commencing;

The footpath if bounded on both sides is to be a minimum of 1.8m wide, and the use of close boarded fence adjacent to the footpath to be limited especially on blind corners to protect the safety of the public using the public right of way;

The path must be protected during construction and remain open and usable at all times, unless a Temporary Traffic Regulation Order is in place.

Strategic & Development Plans - The site is a greenfield site outside of the settlement boundary in the Southern Connections Corridor as defined in the LDP, where the strategy promotes development on previously developed land rather greenfield sites. On this basis, the proposal is not considered to accord with the strategy of the LDP. This conflict with policy needs to be weighed up against other material considerations, including the 5 year land supply. The recent appeal decisions for larger greenfield sites in the same strategy area have seen significant weight afforded to the shortfall in housing, with the sustainability of the location and harm to the surroundings being key factors.

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Whilst Machen is a small village, it is recognised as having a residential function and is served by key facilities including a library, school and shops and bus route. Whilst this site is on the edge of the settlement, it is a logical extension and would be considered to be a sustainable location.

On balance, there is no policy objection to the proposed development subject to all relevant technical considerations being met.

Natural Resources Wales - No objection.

CADW - There are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. Do not wish to comment on the application.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice, press notice and 15 neighbour notification letters were sent. Following the receipt of amended plans a reconsultation has been carried out.

Response: In relation to the initial consultation exercise a letter was received that was submitted on behalf of residents of Clos Trefeddyg from a planning consultancy. This combined letter states it has been prepared on behalf of 20 residents from 12 properties within the street. A separate representation was also received from one of the signatories of the combined letter.

In relation to the reconsultation on amended plans a further joint letter on behalf of residents of Clos Trefeddyg was received stating that they were very disappointed that the developer has made little change to the original plans submitted and has not sought to address the grounds for objection contained in their original objection.

Summary of observations: - Inappropriate Location for development and not in accordance with Local Development Plan Policies.

- The site is not brownfield land as claimed by the applicant.
- Unsuitable access and highway safety matters including danger to children living and playing within the existing housing development.
- The site is in a generally unsustainable location and this is evident by the number of vehicles proposed in the application. As such there will be an over reliance on travel by private car.
- The increase in vehicle movements associated with the proposal will result in an intensification of use of existing infrastructure which is not designed to accommodate the increase, potentially resulting in safety concerns.

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- Size of existing private drive and Visibility from existing driveways onto access road.
- Existing parking problems.
- If the development does proceed access should be from Rhydd Y Gwern lane.
- The design of the proposals does not accord with local policy in terms of parking, as does not appropriately consider the impacts of servicing and waste collection.
- Insufficient privacy distances due to topography and relationship between existing dwellings and the proposed dwellings especially plot 3 leading to overlooking and overshadowing.
 - The proposed housing density does not comply with objectives within national or local policy.
- Adverse Impact on the Public Right of way and scenic nature of an existing walk.
- Impact on nature.
- Surface water flooding may impact existing residents.
- Risk to Stability of Land.
- Housing Land Supply should not be considered relevant as development would not comply with other policies.
- The proposals constitute an inappropriate and unsustainable development of the application site which would have the potential to erode the amenity and privacy of the adjacent residential properties and give rise to unacceptable transport and traffic impacts.
- Application site is within an area designated for Coal Safeguarding under Policy SP8 (Mineral Safeguarding).
- Conflict of interest between the development company and the funding bank.

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?

A survey was carried out and no evidence was found, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is CIL liable, and the application site is located with the Higher Viability Zone, which carries a rate of £40 per square metre of internal floor space.

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ANALYSIS

Policies:

The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance.

The main considerations for the application are the Planning Policy implications of the location of the application site, impact on neighbour amenity and highway considerations.

The application site is located adjacent to but outside of the defined settlement boundary on land now considered to be greenfield and therefore the proposed development is considered to not accord with adopted Local Development Plan Policy SP5 (Settlement Boundaries) and would not accord with the provisions of Policy CW15 (General Locational Constraints). As such it is considered to be a departure from the Local Development Plan. It is noted that all planning applications must be determined in accordance with policies in the Development Plan, unless material considerations indicate otherwise. In that respect material planning considerations that may be weighed up in relation to the application are discussed below.

In relation to National Planning Guidance, Technical Advice Note 1 (Joint Housing Land Availability Studies) indicates that the housing land supply figure is a material consideration in determining planning applications for housing. Specifically paragraph 6.2 of TAN1 states "Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study), the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies. It is noted that at this time Welsh Government are undertaking a public consultation on the possible temporary dis-application of paragraph 6.2. However, to date no decision has been made by Welsh Government and therefore paragraph 6.2 of TAN1 remains relevant to the consideration of this planning application and considerable weight should be given to any Housing land supply shortage.

The consultation response of the Council's Strategic & Development Plans section confirms that the latest Annual Monitoring Report (AMR), which is the main mechanism for reviewing the relevance and success of the Local Development Plan, has identified that there is a need for a further 4,012 dwellings to be developed over the remainder of the plan period (by 2021) to meet the total housing requirement for the plan period. There is a shortfall in the five year land supply as defined by TAN1 which is currently at 2.1 years. The proposed development would therefore make a small contribution to addressing the housing land supply shortfall.

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Planning Policy Wales has the provision of more choice as an objective and states that, "There must be sufficient site suitable for the full range of housing types." This proposal clearly addresses the larger, low density end of that range.

There have been two recent planning appeal decisions on significant greenfield sites outside of the settlement boundary in the same strategy area - Land South of Pandy Road, Bedwas (up to 300 dwellings) issued on 31st January 2017 and Land North of Hendredenny Drive, Hendredenny, Caerphilly (260 dwellings) issued on 4th October 2017.

In the Pandy Road planning appeal decision, the Inspector concluded "Whilst the proposal does not accord with the development plan...the considerable shortfall in housing supply should be given substantial weight and weighs heavily in favour of the proposal."

This stance is reiterated in the Hendredenny planning appeal decision, with the Inspector stating "the extent of the shortfall weighs heavily in favour of development that can proceed without causing harm to its surroundings".

It is however noted that the current application site is on a much smaller scale to those appeal sites and hence the contribution to the land supply would therefore be far less but none the less the current application would contribute towards the shortfall and this remains a material consideration.

In respect of the application site, it is noted that whilst outside of the defined settlement boundary, it is adjacent to the settlement boundary and also existing housing. The site is situated in a relatively well contained land parcel, separated from extensive open countryside by the woodland to the north, hedge lines to the east and south and the Clos Trefeddyg to the west. As such, being a relatively self contained land parcel, it can be considered as rounding off the existing settlement without setting a precedent for extensive encroachment into the open countryside. As noted by the Strategic & Development Plan section whilst Machen is a small village, it is recognised as having a residential function and is served by key facilities including a library, school and shops and bus route. Whilst this site is on the edge of the settlement, it is a logical extension and would be considered to be a sustainable location.

The impact of the proposed development upon the amenity of occupiers of existing properties is also a material planning consideration. The general topography of the area undulates, but broadly rises from north-west to south-east and as such the proposed dwellings would be set at a higher level than the existing dwellings within Clos Trefeddyg. The three dwellings proposed are of a modern appearance and plot 3 is

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closest to numbers 7, 9 and 11 Clos Trefeddyg whose rear amenity space and rear elevations face towards plot 3. The orientation of plot 3 is angled in relation to those dwellings and the north-west facing side elevation has limited fenestration with windows serving a ground floor bedroom and utility room and no upper floor fenestration facing those properties.

In respect of the impact of plot 3 on the current levels of amenity enjoyed by the occupiers of numbers 7, 9 and 11 Clos Trefeddyg, following discussions with the agent revisions to the proposed siting of plot 3 were made to increase the separation distance. This was considered appropriate due to the level differences between the existing dwellings and the proposed dwelling whose ground level would be approximately 3.3 metres higher than those properties in Clos Trefeddyg due to the natural ground levels involved. The revised site plan achieves a separation distance between the footprint of the proposed dwelling on plot 3 and number 11 Clos Trefeddyg in excess of 23 metres. There would be a greater separation distance in respects of number 7 and 9 Clos Trefeddyg. The separation distance achieved between habitable room windows on plot 3 and 7,9 and 11 Clos Trefeddyg would be in excess of 25 metres which taking into account the level difference is considered to avoid any unacceptable overlooking.

The agent has made a further revision in relation to plot 3 seeking to reduce the finished floor level of plot 3 by 1.5 metres. Whilst the ground level of the proposed plot 3 dwelling would still be around 2 metres above the properties in Clos Trefeddyg, given the separation distances, limited fenestration on the relevant elevation of the new dwelling and its angled orientation it is considered that there will be an acceptable impact on neighbour amenity from the proposed dwellings.

The impact of the proposed development on number 12 Clos Trefeddyg is considered acceptable noting that its side elevation faces the application site and the footprint of the dwelling on plot 1 which is the closest proposed dwelling is in excess of 21 metres away. The development would accord with adopted Local Development Plan Policy CW2 (Amenity) in having an acceptable impact on the amenity of occupiers of the existing housing.

The development would be accessed via an existing private drive at the eastern end of Clos Trefeddyg which currently serves numbers 11 and 12 Clos Trefeddyg. The proposed three dwellings would make a total of five properties served from the private drive which is in accordance with the Highway Authority requirements. The Highway Authority have reviewed the planning application and have offered no objections to the proposed development. It is considered that the development would accord with adopted Local Development Plan Policy CW3 (Highways).

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It is noted that the proposed design of the dwellings is different to the adjacent residential housing development with use of a modern design with monopitch roof forms utilising sedum 'green' roofs, solar panels and rendered walls with cedar board cladding and architectural glazing element. It is considered on balance that the proposed contemporary design is acceptable according with adopted Local Development Plan Policy SP6 (Placemaking).

Comments from Consultees: Addressed in the body of the report.

Comments from public:

- Inappropriate Location for development and not in accordance with Local Development Plan Policies.

This has been considered within the body of the report.

- The site is not brownfield land as claimed by the applicant.

The definition of previous developed land is set out within Figure 4.4 of Planning Policy Wales. It identifies a number of exclusions from the definition of previously developed land including "land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings." As evidence of any past use has blended into the landscape, it is considered that the site would not be considered to be previously developed land in policy and is consequently considered to be a greenfield site and has been considered as such in the determination of this application.

- Unsuitable access and highway safety matters including danger to children living and playing within the existing housing development.

The Highway Authority have considered the proposed access arrangements and have offered no objections to the development.

- The site is in a generally unsustainable location and this is evident by the number of vehicles proposed in the application. As such there will be an over reliance on travel by private car;

Whilst Machen is a small village, it is recognised as having a residential function and is served by key facilities including a library, school and shops and bus route. Whilst this site is on the edge of the settlement, it is a logical extension and would be considered to be a sustainable location. Facilities, including bus stops are within walking distance.

- The increase in vehicle movements associated with the proposal will result in an intensification of use of existing infrastructure which is not designed to accommodate the increase, potentially resulting in safety concerns;

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The Highway Authority have considered the application and have not objected to the proposed dwellings. Given the modest size of the development (3 houses) the increase in associated traffic movements would be extremely low, generating an increase well within normally accepted limits as regards the impact on highway safety.

- Size of existing private drive and Visibility from existing driveways onto access road. Noting the limited number of dwellings proposed in this application and served by the existing private drive it is considered that the development would be acceptable. Reference is made in relation to the width of the existing portion of drive (circa 3.6m) that it would be unsuitable for the development. This portion of the private drive is restricted in length to approximately 15 metres. It is noted that the new portion of private drive proposed would be 4.5m and the interface with the existing spur access would be such that cars on the proposed private drive could view the existing portion of Clos Trefeddyg and if necessary pause to allow another vehicle to access over the limited length of 3.6m wide private drive. The existing portion of private drive is surfaced in pavements which differentiates the surface from the rest of Clos Trefeddyg and could function similar to a shared surface. Manual for Streets indicates that "Shared surface streets are often constructed from pavements rather than asphalt, which helps emphasise their difference from conventional streets. Research for MfS has shown that block paving reduces traffic speeds by between 2.5 and 4.5 mph, compared with speeds on asphalt surfaces" (MfS paragraph 7.2.15). A portion of fencing will be required to be removed to facilitate the access onto the application site. In respect of additional fencing to the side of numbers 11 and 12 Clos Trefeddyg these are areas adjacent to their driveways either in front or to the side of the dwellings.

- Existing parking problems

Each property would have parking areas able to accommodate three vehicles and a planning condition is proposed restricting the garages to be used for parking purposes.

- If the development does proceed access should be from Rhydd Y Gwern lane.

Direct access onto Rhydygwern Lane would not be considered to be suitable as it is substandard in terms of its width, forward visibility, horizontal alignment and lack of footways.

- The design of the proposals does not accord with local policy in terms of parking, and does not appropriately consider the impacts of servicing and waste collection.

Parking for the proposed properties is compliant with Supplementary Planning Guidance document LDP5 Car Parking Standards; ample off-street parking is evident for the existing dwellings on Clos Trefeddyg which should not lead to excessive on-street parking to the point where the highway becomes too narrow to facilitate access.

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With regards to service vehicles accessing the new dwellings, the turning head proposed as part of the extended private driveway is of adequate size to accommodate these. In terms of refuse collection, all bins would need to be left on the adopted highway for the bin lorry to collect, as is the case for existing residents;

- Insufficient privacy distances due to topography and relationship between existing dwellings and the proposed dwellings especially in relation to plot 3 leading to overlooking and overshadowing.

Following discussions amendments have been made to plot 3 to increase separation distance and lower the slab level. It is considered the development will have an acceptable impact on neighbour amenity.

- The proposed housing density does not comply with objectives within national or local policy.

It should be noted that the Local Development Plan does not prescribe a density for residential development. One of the key objectives of the LDP is "to ensure an adequate and appropriate range of housing sites are available across the County Borough in the most suitable locations to meet the housing requirements of all sections of the population." The site is not a key transport node and therefore a lower density in this location is appropriate and this accords with advice contained within national guidance (Planning Policy Wales) and Local Development Plan Policy SP6 (Placemaking).

- Adverse Impact on the Public Right of way and scenic nature of an existing walk.

The public right of way is required to be kept open. The Rights of Way Officer has provided advice in this regard which will be provided as an informative to the developer. The application site is not a formally designated open space and the existing housing already impacts on the right of way.

- Impact on nature.

The Council's Ecologist has reviewed the Ecological Assessment submitted with the planning application and has offered no objections to the development. A portion of the rear garden areas of plots 2 and 3 have been identified as an 'Ecology Zone' and tree planting is proposed. A planning condition is proposed to restrict outbuildings on this area.

- Surface water flooding may impact existing residents.

The Land Drainage Officer has reviewed the application and has offered no objection to the planning application. A drainage scheme is required to be submitted prior to the commencement of development. In addition separate legislation requires land owners to address matters related to surface water run off.

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- Risk to Stability of Land.

The Coal Authority have advised that site investigations are required to be submitted for the written agreement of the Local Planning Authority through proposed planning conditions for coal mining and contamination and any remedial measures recommended will have to be complied with by the development.

- Housing Land Supply should not be considered relevant as development would not comply with other policies.

The housing land supply is a material planning consideration and this has been considered in conjunction with both National and Local Planning Policies.

- The proposals constitute an inappropriate and unsustainable development of the application site which would have the potential to erode the amenity and privacy of the adjacent residential properties and give rise to unacceptable transport and traffic impacts.

These concerns have been addressed within the body of this report and on balance the development is considered acceptable.

- Application site is within an area designated for Coal Safeguarding under Policy SP8 (Mineral Safeguarding).

In respect of the designation this site forms a very small part of the much larger Coal Safeguarding Area. No interest in exploiting the Coal resource in this area has been received in a significant period of time and the need for housing as shown through the Housing Land Supply shortfall has to be balanced against such designations. The impact of the site being used for residential is considered to be negligible in terms of the impact on the entire Coal Safeguarding area and it is not considered that a refusal of the application on the basis of its designation within the Coal Safeguarding Area would be appropriate. It is unlikely in any case that permission would be granted for mineral exploration so close to existing housing.

- Alleged conflict of interest between the development company and the funding bank. This is not a material planning consideration.

Other material considerations:

Noting the restricted number of dwellings and a precedent set by a recent approval for a similar of number of dwellings in close proximity to the site (15/0139/FULL The Ranch New Row) it is considered that it would not be reasonable to require public open space to be provided within the development.

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Section 106 requirements must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The proposed commuted sum for affordable housing passes the first two tests in that policy requirement, and due to the nature of the scheme affordable housing cannot be erected on site, but at over £27,000 per plot it cannot be considered to be fairly and reasonably related in scale and kind to the proposal. Housing was recently approved at Islwyn Bowls Club where sums of £13,502 per plot were agreed. That would be a reasonable sum to secure at this site as well giving a total of £40,506.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

It is considered that the development proposed is acceptable noting that whilst outside the defined settlement boundary it would provide a contribution towards the acknowledged Housing Land Supply shortfall and the characteristics of the site, being a well screened and relatively self-contained land parcel would provide a logical extension to the existing settlement not likely to set a precedent for excessive encroachment into open countryside. In relation to concerns over density, whilst it is acknowledged the site would be very low density the only practicable access is a via the existing private drive and the development would result in a total of five dwellings (including the two existing dwellings on Clos Trefeddyg already served from it). This is the maximum numbers of dwelling allowed to be served from a private drive by the Highway Authority and therefore provides a constraint to providing any development at greater density. It is considered on balance that the development is acceptable and is recommended for approval accordingly.

RECOMMENDATION that (A) the application be deferred to allow the applicants to enter into a Section 106 Obligation to provide the following:-

1. A commuted sum payment in relation to Affordable Housing of £40,506.

On completion of the Section 106 Obligation that (B) planning permission is granted subject to the following conditions:

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This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
Site Location Plan, drawing reference 2266-PA-01, received 05.02.18;
Site Plan, drawing reference 2266/PA/03B, received 16.05.18;
Landscaping Plan, drawing reference 2266/PA/04B, received 16.05.18;
Proposed Plans Plot 1, drawing reference received 05.02.18;
Proposed Elevations Plot 1, drawing reference 2266/PA/06, received 05.02.18;
Proposed Plans Plot 2, drawing reference 2266/PA/07, received 05.02.18;
Proposed Elevations Plot 2, drawing reference 2266/PA/08, received 05.02.18;
Proposed Plans, Plot 3, drawing reference 2266/PA/09, received 05.02.18;
Proposed Elevations Plot 3, drawing reference 2266/PA/10, received 05.02.18;
Typical Garden Fencing Detail, drawing reference 2266/PA/11, received 05.02.18;
Site Section Plot 3, drawing reference 2266/PA/20B received 16.05.18.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The roof area of the single storey garage/utility room on plot 3 shall not be used as a balcony, roof garden or similar amenity area.
REASON: In interests of the amenity of neighbours.
- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 05) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
 - a) a plan to a scale and level of accuracy appropriate to the proposal that shows

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Application No 18/0123/FULL Continued

the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,

b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,

c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,

d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,

e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),

f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,

g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),

h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),

i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,

j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,

l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,

m) the details of the working methods to be employed with regard to the access

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for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
q) the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity.

- 06) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the beneficial occupation of the third dwelling of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the visual amenity of the area.

- 07) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.

REASON: To ensure that the development is appropriately drained.

- 08) The demolition or site vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

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- 09) If mature trees along the south eastern boundary originally identified to be retained require felling or tree management work as part of the development hereby approved, a climbing inspection for bats shall be carried out before such works take place, and the results of the survey, together with details of any proposed mitigation measures shall be submitted for the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.
- 10) Prior to the commencement of works on site, details of the garden boundary fence to be erected inside the existing hedgerows, in order to exclude the hedgerows from within the garden boundaries, shall be submitted to the Local Planning Authority for approval. The approved details shall be strictly complied with and shall be implemented before the new dwelling hereby approved is first occupied.
REASON: To ensure the protection of bat foraging habitat.
- 11) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
REASON: To ensure adequate protection to protected species.
- 12) No development or site/vegetation clearance shall take place until a detailed Reptile Mitigation Strategy has been prepared by a competent ecologist and submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure that reptiles are protected.
- 13) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Himalayan Balsam and Japanese Knotweed on site. The treatment of Himalayan Balsam and Japanese Knotweed shall be carried out in accordance with the approved details.
REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act" . Japanese Knotweed and Himalayan Balsam is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

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- 14) The bat tube for roosting bats and the Sparrow Terrace bird box for house nesting birds to be located on plots 1, 2 and 3 as shown on the submitted plans (drawings: 2266/PA/06, 2266/PA/08 and 2266/PA/10) shall be incorporated on the elevations as shown on the submitted plans. The bat tubes and bird boxes shall be incorporated on the buildings before the new properties hereby approved are first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 15) The native hedgerows, retained habitat and ecology zone, shall be protected and managed in accordance with a 5 year management plan to be submitted to and agreed in writing by the Local Planning Authority before the commencement of any works on site. That plan shall include the timing of its implementation.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed in those areas forming the Ecology Zone located to the south-east of the proposed new native hedgerow and associated boundary fencing for plots 2 and 3 on the same side as the proposed 9 pedunculate oak trees as shown on drawing 2266/PA/04A without the approval of the Local Planning Authority.
REASON: In the interests of amenity.
- 17) Notwithstanding the provisions of the Town & Country Planning Act (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) the garages approved as part of this development 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 dwellings hereby approved.
REASON: To ensure that adequate parking facilities are provided within the curtilage of the site.

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- 18) 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.
- 19) The proposed private driveway serving the development shall be constructed in permanent materials to have been first agreed in writing with the Local Planning Authority and shall be completed prior to beneficial occupation of the development hereby approved.
REASON: In the interests of highway safety.
- 20) Rainwater run-off shall not discharge into the highway surface water drainage system.
REASON: In the interests of highway safety.
- 21) 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.
- 22) 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.
- 23) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.

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- 24) Prior to the commencement of development a Site Investigation of the underground strata shall be submitted for the written approval of the Local Planning Authority. The report shall include:
- The undertaking of an appropriate scheme of intrusive site investigations;
 - The findings arising from the intrusive site investigations;
 - A scheme of remedial works.
- The development shall be carried out in accordance with the approved report's recommendations including any remedial works.
REASON: To avoid the possible risk of damage due to mining subsidence.
- 25) Notwithstanding the submitted plans prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the occupation of the dwellings.
REASON: In the interests of the visual amenities of the area.
- 26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved on plot 3 shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.

Advisory Note(s)

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). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should

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wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. 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-influencing-distance-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 or a similar service provider.

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.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: SP6, CW2, CW3, SP10.

Please find attached the comments of The Council's Landscape Architect, Rights of Way Officer, Senior Engineer (Land Drainage), Dwr Cymru/Welsh Water, NRW and The Coal Authority. that are brought to the applicant's attention.

The applicant is reminded that it is an offence to obstruct a public right of way. There is one public right of way in the area of this application. The planning permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under section 257 of the Town and Country Planning Act 1990, provided that the order is made before the development is carried out. If the right of way is obstructed before the Order is made, the order cannot proceed until the obstruction is removed.

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The access is shown to cross the public right of way. The levels of the public right of way are not to be altered where the public right of way crosses the access road. Details of the construction to be submitted prior to work commencing;

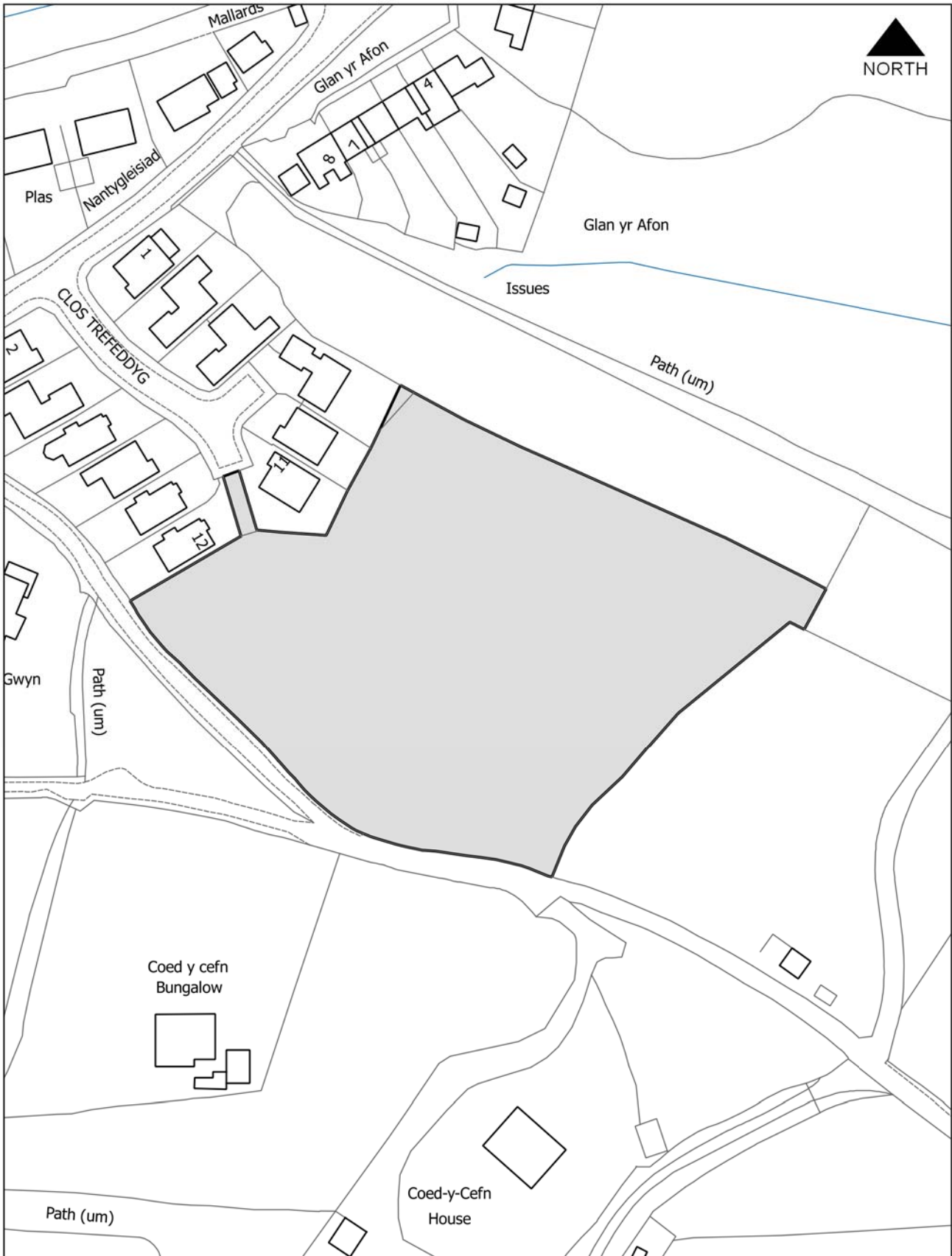
The footpath if bounded on both sides is to be a minimum of 1.8m wide, and the use of close boarded fence adjacent to the footpath to be limited especially on blind corners to protect the safety of the public using the public right of way;

The path must be protected during construction and remain open and usable at all times, unless a Temporary Traffic Regulation Order is in place (Application form available upon request).

The applicant is reminded that it is an offence to obstruct a public right of way. The right of way in the area of the application must remain available for use and the safety of the public using the footpath must be ensured at all times.

Where the access road crosses the public right of way, there will be a need to sign the route of the public right of way. Specification of such to be agreed with the Rights of Way Department in advance.

The public right of way is regularly used by the public, and the site needs to be kept free of obstructions. Should the applicant require further information regarding their responsibilities to the Public Right of Way, they are requested to contact the Rights of Way Officer on 01443 866669.



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Agenda Item 13

APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
18/0259/FULL 20.03.2018	Mr A Pepperall 3 Parc Avenue Caerphilly CF83 3AZ	Erect two storey rear extension 3 Parc Avenue Caerphilly CF83 3AZ	Granted 11.05.2018
18/0282/FULL 27.03.2018	Mr O Hicks 16 The Close Cefn Hengoed Hengoed CF82 7JY	Erect detached garage 16 The Close Cefn Hengoed Hengoed CF82 7JY	Granted 11.05.2018
17/0113/FULL 10.02.2017	Mr M Howell GelliWen Farm Bedwellty Road Markham Blackwood NP12 0PP	Erect 5 No. detached 4- bedroom houses Land To The South Of The Glade Wyllie Blackwood	Granted 14.05.2018
18/0208/FULL 05.03.2018	Mr A Perry 8 High Street Pentwyn-mawr Newport NP11 4HG	Erect single storey rear extension 8 High Street Pentwyn-mawr Newport NP11 4HG	Granted 14.05.2018
18/0227/FULL 09.03.2018	Mr A Grahame 13 Bryn Siriol Penyrheol Caerphilly CF83 2AH	Convert existing garage 13 Bryn Siriol Penyrheol Caerphilly CF83 2AH	Granted 14.05.2018
18/0241/FULL 14.03.2018	Mr I Gibb Tree Tops Upper Tribute Avenue Cwmcarn Newport NP11 7ER	Erect aluminium veranda to front elevation Tree Tops Upper Tribute Avenue Cwmcarn Newport	Granted 14.05.2018
18/0261/FULL 20.03.2018	Motor Fuel Group Building 2 Abbey View Everard Close St Albans AL1 2QU	Erect sales building extension for a new Subway store and relocate jet wash facility to replace the existing Mabon Filling Station Mafon Road Nelson Treharris	Refused 14.05.2018

18/0281/FULL 27.03.2018	Mr & Mrs A Angel 29 King Street Treforest CF37 1RP	Erect sitting room and utility room extension, plus patio/balcony to rear of dwelling 34 Heol Brynteg Ystrad Mynach Hengoed CF82 7EY	Granted 14.05.2018
18/0218/FULL 06.03.2018	Mr M Parker Old Bakery Rear Of 53 Shingrig Road Nelson Treharris CF46 6DU	Erect replacement dormer bungalow 13 Lon Isaf Caerphilly CF83 1BT	Granted 15.05.2018
18/0247/FULL 20.03.2018	Mrs E Howes 5 Central Avenue Oakdale Blackwood NP12 0LW	Remove existing flat roof canopy and erect entrance porch to front of property 5 Central Avenue Oakdale Blackwood NP12 0LW	Refused 16.05.2018
18/0291/FULL 28.03.2018	Mr V John 68 Dol-Y-Pandy Bedwas Caerphilly CF83 8HP	Extend existing garage to the rear elevation 68 Dol-Y-Pandy Bedwas Caerphilly CF83 8HP	Granted 16.05.2018
18/0248/COND 15.03.2018	Lysian Ltd Mr S Rees 73 Cardiff Road Caerphilly CF83 1FP	Discharge conditions 02 (Revised elevations), 03 (Noise control) and 07 (Waste management strategy) of planning consent 15/0069/FULL (Construct a third floor extension to accommodate an additional one bedroom dwelling unit with mixed retail/business use to ground floor) 73 Cardiff Road Caerphilly CF83 1FP	Decided - Discharge of Conditions 17.05.2018
18/0251/FULL 19.03.2018	Mr L Owen Manawel Pandy Road Croespenmaen Newport NP11 3BH	Extend driveway and create turning circle and erect double garage Manawel Pandy Road Croespenmaen Newport	Granted 17.05.2018
18/0267/FULL 22.03.2018	Mr & Mrs H Brunt Y Graig Victoria Road Fleur-De-Lis Blackwood NP12 3UG	Erect first floor bedroom extension above existing garage Y Graig Victoria Road Fleur-de-lis Blackwood	Granted 17.05.2018

18/0272/FULL 22.03.2018	Mr & Mrs Stevens 47 Cedar Way Ystrad Mynach Hengoed CF82 7DR	Erect single storey rear extension 47 Cedar Way Ystrad Mynach Hengoed CF82 7DR	Granted 17.05.2018
18/0325/FULL 10.04.2018	Mrs Hurley Ty Webb Pen-Rhiw Avenue Oakdale Blackwood NP12 0EW	Demolish side extension, erect new kitchen extension and convert existing kitchen into utility room and WC Ty Webb Pen-Rhiw Avenue Oakdale Blackwood	Granted 17.05.2018
18/0457/COND 16.05.2018	Mr A Grahame 13 Bryn Siriol Penyrheol Caerphilly CF83 2AH	Discharge condition 04 (parking) of planning consent 18/0227/FULL (Convert existing garage) 13 Bryn Siriol Penyrheol Caerphilly CF83 2AH	Decided - Discharge of Conditions 17.05.2018
18/0176/COU 22.02.2018	How Refreshing Ltd Mr A Callen C/o C2J Architects & Town Planners Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Change the use of land to residential curtilage to include car parking and retaining wall to serve the housing development Public Open Space Land Adjacent To 135 Jubilee Road Elliot's Town	Granted 18.05.2018
18/0319/LBC 06.04.2018	Mrs N Watkins Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood NP12 0JH	Replace 1980's mock georgian bar windows on upper floor with R9 georgian bar windows Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood	Refused 18.05.2018
18/0252/FULL 19.03.2018	POC Investments Limited Mr S Darling Alexander House Colliery Road Llanbradach Caerphilly CF83 3QQ	Change the use of agricultural land to amenity land for use by adjacent properties as care facilities with use class C2 and the erection of a barn for storage of machinery, live stock and feed The Byre Heol Adam Gelligaer Hengoed	Granted 21.05.2018

18/0274/FULL 26.03.2018	Robinson Manufacturing Ltd Mr M Smy Unit 25-31 Meadow Close Ise Valley Industrial Estate Wellingborough Northants NN8 4BH	Demolish existing weigh bridge building and erect new building with B1 office at ground floor level and A3 canteen for site staff at first floor level Robinson Manufacturing Ltd The Old Quarry Cemetery Road Abercarn	Granted 21.05.2018
18/0285/FULL 27.03.2018	Mr I Mortimore 66 Pontygwindy Road Caerphilly CF83 3HA	Demolish existing garage and re-build 66 Pontygwindy Road Caerphilly CF83 3HA	Granted 22.05.2018
18/0297/COND 03.04.2018	Robert Price And Sons Ltd Mr W Godfrey Park Road Abergavenny NP7 5PF	Discharge condition 3 (drainage) of planning consent 17/0565/FULL (Erect extension to existing detached storage building) Robert Price (Builders Merchants) Ltd 145 Pontygwindy Road Caerphilly CF83 3TD	Decided - Discharge of Conditions 22.05.2018
18/0303/FULL 04.04.2018	Ebenezer Baptist Church Mr C Rich De Winton Terrace Llanbradach Caerphilly CF83 3JY	Erect building alongside Ebenezer Baptist Church to replace former (now demolished) vestry Ebenezer Baptist Church De Winton Terrace Llanbradach Caerphilly	Granted 22.05.2018
18/0308/FULL 05.04.2018	Mr & Mrs Cotterell Beverley Bungalow 61 Pontygwindy Road Caerphilly CF83 3HD	Construct driveway to front of property including dropped kerbs Beverley Bungalow 61 Pontygwindy Road Caerphilly CF83 3HD	Granted 22.05.2018
18/0315/FULL 06.04.2018	Mr P Weedon Glendale Van Road Caerphilly CF83 3RR	Construct new private drive to serve existing properties The Paddock Caerphilly	Granted 22.05.2018

18/0322/TCA 10.04.2018	Morris Properties Mr J Morris 18 Carn-y-Tyla Terrace Abertysswg Tredegar NP22 5AF	Cut back overhanging Beech tree branches Terrace House 9 The Terrace Rhymney Tredegar	Objection raised 22.05.2018
18/0301/COND 03.04.2018	Mr J Pumford C/o WYG Planning And Environment 5th Floor Longcross Court 47 Newport Road Cardiff CF24 0AD	Discharge condtions 04 (woodland management) and 05 (planting plan) of planning consent 17/0880/RET (Retain various reprofiling earthworks to the south/south-east of property and change the use of land to residential curtilage) Green Meadow Cottage Darran Road Risca Newport	Decided - Discharge of Conditions 23.05.2018
18/0283/COND 27.03.2018	United Welsh Housing Association C/o Asbri Planning Ltd Miss L Hallett Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS	Discharge conditions 06 (Lighting), 08 (Bat roosts) and 09 (Nesting birds) of planning consent 16/0665/FULL (Construct 19 residential units and associated works) Land At Grid Ref 314050 188455 Heol Aneurin Penyrheol Caerphilly	Decided - Discharge of Conditions 24.05.2018
18/0293/FULL 28.03.2018	Ludlow Street Investment Corporation Mr T Griffiths 5th Floor Harlech Court West Bute Terrace Cardiff CF10 2FE	Erect agricultural barn and a timber animal field shelter on an existing hardstanding Cefn Carnau Uchaf Farm Cefn Carnau Lane Thornhill Caerphilly	Granted 24.05.2018
18/0337/TPO 12.04.2018	Shappelles Mr P Perry New Cottage The Bridge Ystrad Mynach Hengoed CF82 7ED	Remove two Ash trees (Tree Preservation Order 76/73/MCC) Shappelles New Cottage Dance Centre The Bridge Ystrad Mynach	Granted 24.05.2018

18/0377/NOTA 27.04.2018	Mr J Price Coed Y Gwineu Farm Cefn-Porth Road Lisvane Cardiff CF14 0LB	Erect a steel framed agricultural building for the storage of hay and machinery Coed Y Gwineu Farm Cefn- Porth Road Lisvane Cardiff	Prior Approval Not Required 25.05.2018
18/0244/FULL 14.03.2018	Mr M Williams 34 Lanwood Road Graigwen Pontypridd Rhondda Cynon Taf CF37 2EP	Erect detached residential dwelling with off street parking to front Plot 3 Land At Grid Ref 311590 195097 Heol Fawr Nelson	Refused 29.05.2018
18/0361/CLEU 20.04.2018	Mr J Powell 3 Gellideg Lane Maesycwmmmer Hengoed CF82 7SD	Obtain a Lawful Development Certificate for existing pitched roof over bathroom 20 Gelli-deg Street Maesycwmmmer Hengoed CF82 7QJ	Permitted Development 29.05.2018
18/0320/FULL 06.04.2018	Mrs M C Gyde 1 Bryn-Gwyn Street Bedwas Caerphilly CF83 8BA	Erect first floor side extension for study 1 Bryn-Gwyn Street Bedwas Caerphilly CF83 8BA	Granted 01.06.2018
18/0228/FULL 12.03.2018	Mr C Hughes 1 Dan-Y-Deri Bedwas Caerphilly CF83 8HR	Erect L-shaped UPVC conservatory to rear and side of property 1 Dan-Y-Deri Bedwas Caerphilly CF83 8HR	Granted 04.06.2018
18/0290/COND 26.03.2018	Mr I Javra 48 Penylan Road Penylan Cardiff CP24 3PF	Discharge conditions 01 (Commencement), 02 (Opening hours), 03 (Delivery times), 04 (Noise emanation), 05 (Approved plans), 06 (Parking spaces), 07 (Boundary enclosures), 08 (Refuse storage) and 09 (Scheme of odour/effluvia/fume control) of planning consent 15/0397/COU (Change the use to a cafe/hot food takeaway on ground floor with residential flat on first floor (A2 to A3 and C3)) Bake Station 3 Station Terrace Caerphilly CF83 1HD	Decided - Discharge of Conditions 04.06.2018

18/0329/TPO 09.04.2018	Mr G Mills Lambourne Rise Western Drive Bargoed CF81 8PX	Carry out various works to trees including felling (Tree Preservation Order 26/05/CCBC) Land At Grid Ref 314836 198731 Western Drive Bargoed	Refused 04.06.2018
18/0299/FULL 03.04.2018	Mr & Mrs R Cleaver Gwaun-y-bara House Pentwyngwyn Road Rudry Caerphilly CF83 3DG	Erect single storey extension to side of existing house Gwaun-y-bara House Pentwyngwyn Road Rudry Caerphilly	Granted 05.06.2018
18/0302/COND 03.04.2018	Mr & Mrs G Jenkins 26A The Avenue Ystrad Mynach Hengoed CF82 8BA	Discharge conditions 04 (Bat roost provision) and 05 (Breeding bird provision) of planning consent 18/0105/FULL (Erect two storey side extension and single storey front extension) 26A The Avenue Ystrad Mynach Hengoed CF82 8BA	Decided - Discharge of Conditions 05.06.2018
18/0332/FULL 12.04.2018	Mr J Vaugh Jenmo House Pennar Lane Pentwyn-mawr Newport NP11 4GY	Demolition of existing garage and erect single storey side extension and new front porch Jenmo House Pennar Lane Pentwyn-mawr Newport	Granted 05.06.2018
18/0333/FULL 12.04.2018	Mr R Eidmans 5 Woodland Road Springfield Pontllanfraith Blackwood NP12 2LS	Erect new garage 5 Woodland Road Springfield Pontllanfraith Blackwood	Granted 05.06.2018
18/0425/NMA 09.05.2018	GHR Developments Limited C/o CLC The Design Office 19 Heol Y Deri Rhiwbina Cardiff CF14 6HA	Seek approval of a non-material amendment to planning consent 17/0527/FULL (Construct four detached dwellings and external works) to make various amendments to the approved plans Land Within The Curtilage Of Mountain House 41 Mountain Road Caerphilly	Granted 05.06.2018

17/0809/FULL 18.09.2017	Mr J Jones 47 Hill Street Rhymney Tredegar NP22 5JH	Construct detached house with parking for two vehicles Land At Grid Ref 317801 195546 (Adjacent To 2 Penllwyn Avenue) Pontllanfraith Blackwood	Granted 06.06.2018
18/0292/COU 28.03.2018	Sigma Manufacturing Ltd Mr T Stead Waunfawr Business Centre Newtown Industrial Estate Crosskeys NP11 7PZ	Change the use of factory premises from B8 to B2 Unit 6 Tir-y-berth Industrial Estate New Road Tir-y-berth	Granted 07.06.2018
18/0334/FULL 12.04.2018	Mr J Harry Cherry Lyn New Bryngwyn Road Newbridge Newport NP11 4NF	Construct loft conversion with dormers Cherry Lyn New Bryngwyn Road Newbridge Newport	Granted 07.06.2018
18/0335/FULL 12.04.2018	Mr D Parfitt The Firs Royal Oak Machen Caerphilly CF83 8SN	Construct first floor extension over existing garage, create new porch/access corridor, new front door access steps along with a boundary retaining wall The Firs Royal Oak Machen Caerphilly	Granted 07.06.2018
18/0372/NCC 24.04.2018	Mr S Spillane C/o 8 Beech Grove Victoria Ebbw Vale NP23 8WQ	Vary conditions 06 (Parking provision) and 10 (Approved plans) of planning consent 15/0033/FULL (Erect residential development (3 No. units) to increase the number of parking spaces on site Valley View Court Duffryn Road Brynawel Wattsville	Refused 07.06.2018

Agenda Item 14

LIST OF PLANNING APPLICATIONS WHICH ARE NOT DEALT WITH IN TIME

APPLICATION NUMBER DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
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.
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.
17/0494/FULL 10.06.17	Construct 4 No. detached dwellings with associated drainage, road, access and landscaping on Land at Beili Glas Road Fleur de lis Blackwood	Subject to further discussion and consideration.
17/0551/COU 29.06.17	Change the use of lower ground floor of previous fitness club to one bedroom flat at 17 High Street Llanbradach Caerphilly	Awaiting additional information.
17/0589/FULL 10.07.17	Erect single-storey side and rear extension at Avanate 6 Gellideg Lane Maesycwmmmer	Subject to further discussion and consideration.

17/0681/OUT 07.08.17	Erect residential development together with associated open space, landscaping and parking provision and seek approval of access and scale on Land At Grid Ref 316731 198680) Beaumaris Way Cefn Fforest	Subject to further discussion and consideration.
17/0738/COND 24.08.17	Discharge condition 09 (site investigation report) of planning application 14/0518/NCC (granted on appeal reference APP/K6920/A/15/3084354) (Vary Condition 01 of planning permission 09/0197/NCC (Remove condition (1) from planning application P/04/0219 to erect residential development) to extend the time limit within which development can commence for a further five years) on Land At Grid Ref 315319 197123 Glan-Yr-Afon Lane Fleur-de-lis	Subject to further discussion and consideration.
17/0746/FULL 30.08.17	Remove existing rear single storey lean-to and replace with a two storey rear extension 192 Pandy Road Bedwas Caerphilly	Subject to further discussion and consideration.
17/0804/OUT 18.09/17	Erect up to 350 homes including affordable housing, public open space, a local centre and community building, new vehicular, cycle and pedestrian accesses, associated engineering works and seek approval of access at Virginia Park Golf Club And Driving Range Virginia Park Caerphilly CF83 3SN	Subject to further discussion and consideration.
17/0918/COND 30.10.17	Discharge condition 03 (Highways) , 05 (Land Drainage) , 06 (Surface Water Drainage), 07 (Drainage Scheme), 10 (Remediation Strategy) 17 (Japanese knotweed) and 19 (Lighting Scheme) of planning consent 14/0518/NCC granted on appeal reference APP/K6920/A/15/3084354 (Vary Condition 01 of planning permission 09/0197/NCC (Remove condition (1) from planning application P/04/0219 to erect residential development) to extend the time limit within which development can commence for a further five years) Land At Glan-Yr-Afon Lane Fleur-de-lis	Awaiting view of consultees.

17/0971/NCC 13.11.17	Vary condition 18 of planning permission 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to enable the variation of the approved restoration scheme details to reflect the positioned earth bund and landscaping Gelliargwelt Farm Gelligaer Road Gelligaer CF82 8FY	Subject to discussion and consideration.
17/1045/COND 01.12.17	Discharge Condition 6 (drainage), Condition 10 (site control - dust suppression) and Condition 11 (site control - noise suppression) of Planning Consent 17/0489/FULL (Erect 34 No. residential dwellings and associated works) at Former Gardd Y Craig 106 Commercial Street Pontymister Risca	Awaiting views of consultees.
17/1046/COND 04.12.17	Discharge conditions 7 (Landscaping), 9 (Refuse Collection), 18 (Reptile Method Statement), 20 (Replacement Hedgerow), 21 (Amended Bat Roost Provision), 22 (Amended Breeding Bird provision) of planning application 17/0489/FULL (Erect 34 no. residential dwellings and associated works) at Former Gardd Y Craig 106 Commercial Street Pontymister Risca	Awaiting views of consultees.
17/1095/RM 22.12.17	Seek approval of the reserved matters regarding appearance, landscaping, layout and scale reserved under outline planning permission 15/0567/OUT (granted on appeal reference APP/K6920/A/16/3160200) for residential development of 155 dwellings at Land At Oakdale Golf Course Oakdale Golf Course Lane Oakdale	Awaiting views of consultees.
18/0008/COND 05.01.18	Discharge conditions 8 (Boundary Treatment), 13 (Construction - eng details) and 17 (Trees - Arbor Impact Assessment) of planning application 17/0489/FULL (Erect 34 no. residential dwellings and associated works) Former Gardd Y Craig 106 Commercial Street Pontymister Risca	Awaiting view of consultees.

18/0037/RM 15.01.18	Seek approval of the reserved matters regarding appearance, landscaping, layout and scale reserved under outline planning permission 15/0563/OUT in respect of the construction of 50 residential units, access and associated works Land At Grid Ref 320115 198442 Ty-Mawr Farm Lane Croespenmaen	Subject to further discussion and consideration.
18/0071/COND 22.01.18	Discharge condition 11 (light mitigation strategy) of planning application 15/0567/OUT (granted on APP/K6920/A/16/3160200 - 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	Subject to further discussion and consideration in respect of the reserved matters application for the development of this site.
18/0073/RET 23.01.18	Retain the change of use from B1/B2/B8 use to car sales and tyre sales (sui generis) at Unit 1 Nant Court Glenview Terrace Llanbradach	Subject to further discussion and consideration.
18/0097/COND 26.01.16	Discharge conditions 03 (Coal - Site Investigation) , 09 (Japanese Knotweed Method Statement) and 12 (Dust and Noise Mitigation Scheme) of planning consent 17/0266/LA (Construct new three storey, nine classroom infill block) Newbridge Comprehensive School And Leisure Centre Bridge Street Newbridge	Awaiting view of consultees.
18/0106/COND 31.01.18	Discharge condition 04 (Construction Method Statement) of planning application 15/0567/OUT (granted on appeal reference APP/K6920/A/16/3160200 - 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	Subject to further discussion and consideration in respect of the reserved matters application for the development of this site.

18/0107/COND 31.01.18	Discharge condition 17 (Affordable Housing) of planning application 15/0567/OUT (granted on appeal reference APP/K6920/A/16/3160200 - 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	Subject to further discussion and consideration in respect of the reserved matters application for the development of this site.
18/0122/FULL 05.02.18	Convert and extend existing chapel to 7 No. self-contained apartments with on site parking, cycle and refuse storage facilities at Seion Baptist Church Glenview Terrace Llanbradach	Subject to further discussion and consideration.
18/0153/COND 14.02.18	Discharge conditions 05 (Reptile Mitigation Statement), 06 (Mitigation - illumination bats), 07 (Woodland Exclusion Plan), 08 (Bat roost provision), 09 (Breeding bird provision), 10 (Land drainage) and 11 (Ground investigation) of planning consent 16/0501/OUT (Erect four residential properties and associated works) and condition 09 (Gas monitoring) of planning consent 17/0794/RM (Approve the matters of access, appearance, landscaping, layout and scale for the erection of four residential properties and associated works) Land At Grid Ref 313820 187076 Cae Nant Gledyr Caerphilly	Awaiting views of consultees.
18/0181/RET 23.02.18	Retain and complete works to roof to change from hip to gable and external alterations Mapledene 10 Dan-y-coed Caerphilly CF83 1HU	Awaiting amended elevation.
18/0211/FULL 06.03.18	Erect detached dwelling and detached garage Plot 2 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood	Awaiting views of consultees.

18/0224/COND 08.03.18	Discharge conditions 5 (habitat management and mitigation plan), 7 (land drainage), 13 (shadow flicker mitigation protocol), 14 (MOD), 15 (finishes/colour of wind turbine) and 16 (archaeological brief) of planning consent 15/0774/FULL (Erect a single turbine up to a blade tip height of 76.45m, 50.0m hub height, 52.9m rotor diameter and output of 800kW with associated track access, electric cabinet and crane pad) at Land At Tyle Crwth South West Of Ynysddu	Awaiting views of consultees.
18/0225/COND 08.03.18	Discharge condition 24 (Affordable Housing) of planning consent 17/0489/FULL (Erect 34 No. residential dwellings and associated works) Former Gardd Y Craig 106 Commercial Street Pontymister Risca	Awaiting views of consultees.
18/0255/OUT 19.03.18	Demolish existing buildings and erect residential development with associated works and seek approval of access at Virginia Park Garage Melville Terrace Caerphilly	Awaiting views of consultees.
18/0263/COU 21.03.18	Change the use of unit from B2 (Industrial) to D2 (Assembly and Leisure) at Unit 7 Nine Mile Point Industrial Estate Cwmfelinfach Newport	Awaiting views of consultees.
18/0264/LBC 20.03.18	Carry out remedial works to footbridge, including replacement deck, strengthening, redecorating and the addition of a passenger safety hand rail at Llanbradach Railway Station Plas Cae Llwyd Llanbradach	Awaiting views of consultees.
18/0266/COND 22.03.18	Discharge of conditions 03 (Land drainage), 05 (Bat roost provision), 06 (Bird nesting provision), 07 (Contamination - scheme to treat), 08 (Contamination - soil import testing), 09 (Contamination - validation) and 10 (Site boundary set back and footway) of planning consent 14/0823/FULL (Construct detached residential dwelling with off-street parking) at Plot 1 74 Heol Fawr Nelson Treharris	Awaiting views of consultees.

18/0268/COND 22.03.18	Discharge conditions 15 (Sustainable drainage system) and 16 (Foul and surface water) of planning consent 15/0567/OUT (granted on appeal reference APP/K6920/A/16/3160200 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	Awaiting views of consultees.
18/0279/FULL 26.03.18	Erect single storey rear extension at 22 Morgan Street Caerphilly CF83 3FQ	Subject to further discussion and consideration.
18/0298/COND 03.04.18	Discharge condition 17 (Traffic Management Plan) of planning consent 15/0774/FULL (Erect a single turbine up to a blade tip height of 76.45m, 50.0m hub height, 52.9m rotor diameter and output of 800kW with associated track access, electric cabinet and crane pad) at Tyle Crwth Mountain Road Maesycwmmmer To Machen Ynysddu	Awaiting views of consultees.
18/0311/COU 06.04.18	Change the use of property from retail unit and three bedroom flat to 1 No. one bedroom flat and 1 No. two bedroom flat at Bridge House The Square Church Street Bedwas	Subject to further discussion and consideration.
18/0312/LBC 06.04.18	Change the use of property from retail unit and three bedroom flat to 1 no. one bedroom flat and 1 no. two bedroom flat at Bridge House The Square Church Street Bedwas	Subject to further discussion and consideration.
18/0328/COU 11.04.18	Change the use of former public toilets to Beauty Salon at Public Conveniences High Street Newbridge	Subject to further discussion and consideration.

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Agenda Item 15

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. Can't agree over some clauses regarding Affordable Housing. Waiting for instructions from Planning.
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.
13/0479/FULL 02.04.13	Erect new house at Former Holly House Nursing Home, Victoria Road Fleur-de-lis, Blackwood.	Sent draft for approval.
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	Approved new plan. Change with title so amended draft and sent for approval. Chased. They were in discussions with Trustees solicitors. Chased again.
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	Approved new plan. Change with title so amended draft and sent for approval. Chased. They were in discussions with Trustees solicitors. Chased again.
16/0076/OUT 28.01.16	Erect residential development at Land To The North Of Meadowland Close Caerphilly	Revised plan agreed. Legal to send out agreement for signature.
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. No change.

16/0508/OUT 16.06.16	Erect a residential self-build dwelling at Plot 4 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood	Drafts agreed. Amended plan submitted. Still waiting for everything to be resolved from an application point of view. Not likely to proceed given new applications on list below.
16/0510/OUT 16.06.16	Erect a residential self-build dwelling at Plot 5 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood	Drafts agreed. Amended plan submitted. Still waiting for everything to be resolved from an application point of view. Not likely to proceed given new applications on list below.
17/0088/OUT 03.02.17	Construct housing development of 17 properties at Land At Fair View Garage Pengam Road Pengam Blackwood	Just received title evidence. Numerous issues with title so queried.
17/0616/COU 14.07.17	Convert former night club at second floor level to 7 No. flats (D2 to C3) at Pulsars Niteclub 3A Pentrebane Street Caerphilly	Issues with title and changes to plan. In process of resolving.
17/0617/COU 14.07.17	Convert first and second floors to 6 No. 1 bedroom flats at 1 Pentrebane Street Caerphilly	Issues with title and changes to plan. In process of resolving,
17/0966/FULL 09.11.17	Construct 14 dwellings and associated works at The De-Winton De Winton Terrace Llanbradach Caerphilly	UWHA wish to deal with by way of UU approved document.
17/1079/OUT 15.12.17	Erect detached self-build dwelling at Plot 4 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood	Documents in the process of being signed by the other side.

Agenda Item 16

OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
18/0001/REF 17/0481/FULL	CTIL & Telefonica UK Ltd C/o Clarke Telecom Ms D Perry Unit E Madison Place Northampton Road Manchester M40 5AG	Install a 15m monopole supporting 3 No. antennas, 2 No. dishes, ground based equipment cabinets and ancillary development thereto at Land At Corner Of Central Avenue Ivy Place Oakdale Blackwood	14.03.2018
18/0002/REF 17/1031/FULL	Mr J Davies 6 William Street Fleur-de-lis Blackwood NP12 3UJ	Erect detached dwelling at Land Rear Of 6 William Street Fleur-de-lis Blackwood NP12 3UJ	22.03.2018
18/0003/REF 17/0846/FULL	Ms L Cochrane GelliWen Farm Bedwellty Road Markham Blackwood NP12 0PP	Erect development of affordable housing consisting of 2 no. three bed houses and 1 no. two bed house on Land at Bedwellty Road Bedwellty	02/05/18
18/0004/REF 18/0035/FULL	Mr C Fox 4 Newport Road Pontllanfraith Blackwood NP12 2JN	Construct loft conversion with dormer at 4 Newport Road Pontllanfraith Blackwood NP12 2JN	03/05/18

APPEALS DECIDED

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