

Pecyn Dogfennau Cyhoeddus

Penallta House,
Tredomen Park,
Ystrad Mynach,
Hengoed CF82 7PG

Ty Penallta,
Parc Tredomen,
Ystrad Mynach,
Hengoed CF82 7PG



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Kim Houghton
(Rhif Ffôn: 01443 864267 E-bost: houghtk@caerphilly.gov.uk)

Dyddiad: 12 Chwefror 2019

Annwyl Syr/Fadam,

Bydd cyfarfod **Pwyllgor Cynllunio** yn cael ei gynnal yn **Siambwr y Cyngor - Tŷ Penallta, Tredomen, Ystrad Mynach** ar **Dydd Mercher, 20fed Chwefror, 2019** am **5.00 pm** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Mae pob cyfarfod Pwyllgor yn agored i'r Wasg a'r Cyhoedd. Gofynnir i arsylwyr a chyfranogwyr ymddwyn gyda pharch ac ystyriaeth at eraill. Sylwer y bydd methu â gwneud hynny yn golygu y gofynnir i chi adael y cyfarfodydd ac efallai y cewch eich hebrwng o'r safle.

Yr eiddoch yn gywir,

Christina Harrhy
PRIF WEITHREDWR DROS DRO

A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

A greener place Man gwyrddach

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



Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Ddeddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

3 Pwyllgor Cynllunio a gynhaliwyd ar 23 Ionawr 2019. 1 - 8

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

Ceisiadau Cynllunio O dan Ddeddf Cynllunio Gwlad a Thref - Ardal y Gogledd: -

4 18/1082/FULL - Fferm Gelliargwellt Uchaf, Heol Gelligaer, Gelligaer, Hengoed, CF82 8FY 9 - 18

5 19/0011/FULL - Fferm Gelliargwellt Uchaf, Heol Gelligaer, Gelligaer, Hengoed, CF82 8FY 19 - 28

6 18/0946/COU - 73 Y Stryd Fasnachol, Pont-y-meistr, Rhisga, Casnewydd NP11 6AW 29 - 36

7 19/0012/FULL - 44 Heol Penylan, Argoed, Coed Duon NP12 0AY. 37 - 44

8 18/1059/NCC - Tir ar Fferm y Gelli, Heol Tredegar, Cwm Gelli, Coed Duon. 45 - 58

9 18/1073/FULL - Tir yng Nghyfeirnod Grid 315985 196189, Parc Hawtin, Gelli-haf, Pontllan-fraith. 59 - 76

10 18/1062/FULL - Tir i'r De o Fferm Glanbrynnar, Pontllan-fraith, Coed Duon, NP12 2AS. 77 - 90

11 18/0912/RM - Tir yng Nghyfeirnod Grid 314117 193622, Troedyrhiw, Ystrad Mynach 91 - 102

Ceisiadau Cynllunio dan Ddeddf Cynllunio Gwlad a Thref - Ardal y De:-

12 P/06/0037 - Gweithfeydd Waterloo, Machen. 103 - 146

13 18/0894/FULL - 57 Ffordd Teilo Sant, Watford. Caerffili CF83 1FA 147 - 154

14 18/1017/COU - Trade Sales South Wales, Heol Casnewydd, Tretomos, Caerffili CF83 8BY 155 - 162

15 18/1067/FULL - Uned 6, Parc Manwerthu Gallagher, Parc Pontypandy, Caerffili CF83 3GX. 163 - 172

16 18/1068/ADV - Uned 6, Parc Manwerthu Gallagher, Parc Pontypandy, Caerffili CF83 3GX. 173 - 178

I dderbyn a nodi yr eitem(au) gwybodaeth ganlynol: -

| | | |
|----|---|-----------|
| 17 | Ceisiadau a benderfynwyd gan bwerau dirprwyedig. | 179 - 188 |
| 18 | Ceisiadau sydd allan o amser/heb ddelio â hwy o fewn 8 wythnos i ddyddiad y cofrestrriad. | 189 - 192 |
| 19 | Ceisiadau yn aros i Gytundeb Adran 106 i gael ei gwblhau. | 193 - 196 |
| 20 | Apeliadau yn weddill ac wedi eu penderfynu. | 197 - 200 |

Cylchrediad:

Cynghorwyr M.A. Adams (Cadeirydd), Mrs E.M. Aldworth, C. Andrews, A. Angel, J. Bevan, M. Davies, J.E. Fussell, R.W. Gough, D.T. Hardacre, A.G. Higgs, A. Hussey, B. Miles, Mrs G.D. Oliver, J. Ridgewell, J. Simmonds, J. Taylor, A. Whitcombe, R. Whiting a T.J. Williams

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar www.caerffili.gov.uk. ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn ar ein gwefan <http://www.caerffili.gov.uk/Pwyllgor/Preifatrwydd> neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio griffd2@caerffili.gov.uk neu ffoniwch 01443 863028.

Gadewir y dudalen hon yn wag yn fwriadol



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 23RD JANUARY 2019 AT 5.00 PM

PRESENT:

Councillor M. Adams - Chair

Councillors:

C. Andrews, A. Angel, M. Davies, J.E. Fussell, R.W. Gough, D. Hardacre, A.G. Higgs, A. Hussey, B. Miles, J. Ridgewell, J. Simmonds, J. Taylor, R. Whiting and T.J. Williams

Together with:

R. Kyte (Head of Regeneration and Planning), T. Stephens (Development Control Manager), C. Boardman (Principal Planner), M. Davies (Team Leader South), C. Powell (Principal Planner), A. Pyne (Senior Planner), A. Wilcox (Senior Planner), L. Cooper (Engineer), M. Noakes (Senior Engineer - Highway Planning), M. Godfrey (Senior Environmental Health Officer), R. Crane (Senior Solicitor), R. Barrett (Committee Services Officer)

and

Councillor Eluned Stenner (Cabinet Member for Environment and Public Protection)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs E.M. Aldworth, J. Bevan, Mrs G.D. Oliver, and A. Whitcombe (Vice-Chair).

2. DECLARATIONS OF INTEREST

Declarations of interest were received at the beginning and during the course of the meeting as follows: -

Mr C. Boardman (Principal Planner) and Councillor D. Hardacre - Agenda Item No. 9 - Planning Application: 18/0551/OUT. Details are minuted with the respective item.

3. MINUTES – 5TH DECEMBER 2018

Councillor Mrs B. Miles asked for it to be noted that she had given her apologies for the meeting but had been recorded in the minutes as being present.

It was moved and seconded that subject to the above correction the minutes of the meeting held on the 5th December 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 5th December 2018 (minute nos. 1-16) be approved and signed as a correct record.

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

4. CODE NO. 18/1046/LA - YSTRAD MYNACH PRIMARY SCHOOL, LEWIS STREET, YSTRAD MYNACH, HENGOED, CF82 7AQ

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

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report, this application be granted.
- (ii) The applicant be advised that many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing (03000 653170).
- (iii) The applicant be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Local Authority Ecologists (01443 866616) or Natural Resources Wales (NRW) (03000 653170).
- (iv) The applicant be advised of the comments (attached to the Officer's report) of The Council's Ecologist and the Senior Engineer (Land Drainage).

5. CODE NO. 18/0902/FULL – 24 MILL-RACE, ABERCARN, NEWPORT, NP11 4TL

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 this was unanimously agreed.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report, this application be granted.
- (ii) The applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: SP6, CW2 and CW3.
- (iii) The applicant be advised that many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.
- (iv) The applicant be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400),
- (v) The applicant be advised that properties on Mill Race were constructed on a former colliery site which was remediated during development. The developer is advised that as part of the remediation strategy, a 600mm clean imported cap was placed in garden and soft landscape area for the protection of human health. The developer is advised to apply caution during this development and to ensure that any materials reused on site are not from a level below 600mm.
- (vi) The applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority.

6. CODE NO. 18/1038/COU – UNIT 2A AND 2B, BLOCK C, NEWBRIDGE ROAD INDUSTRIAL ESTATE, PONTLLANFRAITH, BLACKWOOD, NP12 2XF

Following consideration of the application and it being noted that the decision of the Planning Committee could not be issued until expiration of the site notice attached to this application, it was moved and seconded that the recommendation contained in the Officer's report be

approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) Subject to the expiration of the site notice on the 28th January 2019, and the conditions contained in the Officer's report, this application be granted on the 28th January 2019.
- (ii) The applicant be advised that the following policy of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 is relevant to the conditions of this permission: CW13.
- (iii) The applicant be advised of the comments (attached to the Officer's report) of the Council's Head of Public Protection.

7. CODE NO. 18/1042/FULL – 38 HOMELEIGH, NEWBRIDGE, NEWPORT, NP11 4RR

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 this was unanimously agreed.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report, this application be granted.
- (ii) The applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: SP6 and CW2.
- (iii) The applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

- (iv) The applicant be advised that many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.
- (v) The applicant be advised that any development that involves works on land close to a neighbour's land will require agreement under the Party Wall Act. This planning permission is issued having regard to the land ownership certificate submitted by the applicant.

8. CODE NO. 18/1005/FULL – LAND AT FORMER BEDWELLY COMPREHENSIVE SCHOOL, PENGAM ROAD, ABERBARGOED

Councillor J.E. Fussell wished it noted that as he had not been present for the whole of the debate he would not take part in the vote.

Following consideration of the application and the amendment to Condition 14 and the inclusion of an additional condition in relation to electrical charge points for vehicles, 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 was 1 abstention, this was agreed by the majority present.

RESOLVED that: -

- (i) This application be (A) deferred to allow the applicant to enter into a Section 106 Agreement on the basis as set out in the Officer's report and on completion of the Agreement (B) that subject to the amendment to Condition 14 and the aforementioned additional condition (31) and the conditions within the Officer's report, this application be granted.

Amended Condition (14)

Prior to the occupation of any of the dwellings hereby approved 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 relevant dwellings are first occupied.

Reason

In the interests of the visual amenities of the area and to accord with Policy CW2 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

Additional Condition (31)

Unless otherwise agreed in writing with the Local Planning Authority 20% of residential units constructed shall have provision to allow for the installation of electric charge points for vehicles.

Reason

To promote less polluting forms of private travel.

- (ii) The applicant be advised of the comments (attached to the Officer's report) of the Council's Tree Officer, Landscape Architect Officer, Head of Public Protection, Housing Enabling Officer, Senior Engineer (Land Drainage), Head of Public Services, Dwr Cymru/Welsh Water, Wales & West Utilities and Police Architectural.
- (iii) The applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: Policy CW2, CW3, CW4, CW5, CW6, CW10, CW11.

9. CODE NO. 18/0551/OUT – LAND WITHIN THE CURTILAGE OF WEST WINDS, NEW ROAD, GELLIHAF, PONTLLANFRAITH, BLACKWOOD, NP12 2QE

Mr. C. Boardman (Principal Planner) declared a personal and prejudicial interest in that the

Applicant's Agent was his partner. Councillor D. Hardacre declared a personal and prejudicial interest in that the applicant is a friend. Both left the Chamber when the application was discussed.

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 this was unanimously agreed.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report, this application be granted.
- (ii) The applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2, CW3 and CW4.0.

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

10. CODE NO. 18/0415/OUT – LAND AT GRID REF 314932 189096 (ADJACENT TO Y FRON), PWLLYPANT ROUNDABOUT TO COED-Y-BRAIN ROUNDABOUT, PWLLYPANT, CAERPHILLY

Following consideration of the application it was moved and seconded that subject to the inclusion of an additional condition in relation to a turning facility, the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) This application be (A) deferred to enable the completion of a Section 106 Agreement, which requires 40% affordable housing provision comprising 6 x 2 person 1 bedroom units be transferred to the Local Authority or a Registered Social Landlord and built to DQR at a transfer price of £48, 723 and (B) on completion of the Section 106 Agreement and subject to the aforementioned additional condition and the conditions within the Officer's report, Officers be authorised to grant this application.

Additional Condition (14)

A turning facility shall be provided within the curtilage of the site to ensure that service and delivery vehicles can both enter and exit the development in a forward gear at all times. This turning facility shall be provided before the development hereby approved is first occupied, in accordance with details which shall have been first submitted to and approved in writing by the Local Planning Authority. Following the occupation of the development the turning facility shall thereafter be maintained free of obstruction so that vehicles can turn within the facility at all times.

Reason

In the interests of highway safety.

- (ii) The applicant be advised of the comments (attached to the Officer's report) of The Head of Public Protection, Senior Engineer (Land Drainage), Ecologist, Estate Officer, Gwent Police and DWR Cymru/Welsh Water.

- (iii) The applicant be advised that many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roost are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.
- (iv) The applicant be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).
- (v) The applicant be advised that the following policies of the adopted Caerphilly County Borough Local Development Plan up to 2021 are relevant to conditions attached to this consent (Officer's report): Policies CW2, CW3 and CW6.

11. CODE NO. 18/0988/OUT – LAND AT GRID REF 311602 19525, GRAIG TERRACE, SENGHEDYDD

Councillor J. Roberts spoke on behalf of local residents in objection to the application. The applicant, who had been advised, declined the opportunity to speak.

Following consideration of the application it was moved and seconded the application be deferred for reasons for refusal based on highway safety grounds. By a show of hands and in noting there were 10 against, the motion was declared lost.

It was then moved and seconded that subject to the removal of Condition 6 and an additional condition in relation to traffic management during the construction process, the recommendation contained in the Officer's report be approved, and by a show of hands and in noting there were 2 against and 2 abstentions, this was agreed by the majority present.

RESOLVED that: -

- (i) This application be (A) deferred to allow the applicant to enter into a Section 106 Agreement as set out in the Officer's report and upon completion of the Agreement (B) that subject to the removal of Condition (6) and the aforementioned additional condition and the conditions contained within the Officer's report, this application be granted.

Additional Condition (18)

Notwithstanding the submitted plans no works shall commence on site until after a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall provide details of the contractors parking provision within the site, details of the

HGV delivery movements in terms of size, duration and number of vehicles and the provision of a suitable turning area within the site for approval. The works thereafter shall be carried out in accordance with the approved plan.

Reason

In the interests of highway safety.

- (ii) The applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2, CW3 and CW4.
- (iii) The applicant be advised of the comments (attached to the Officer's report) from DWR Cymru/Welsh Water, the Senior Engineer (Land Drainage) and the Council's Ecologist.
- (iv) The applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

12-15. ITEMS FOR INFORMATION

The following items were received and noted: -

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

The meeting closed at 6.20p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 20th February 2019, they were signed by the Chair.

CHAIR

Eitem Ar Yr Agenda 4

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|---|--|
| 18/1082/FULL 20.12.2018 | Bryn Power Ltd C/o Barton Wilmore Mr J Ayoubkhani Greyfriars House Greyfriars Road Cardiff CF10 3AL | Provide demountable building to be used for teaching and welfare facilities and associated works Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY |

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf is a dairy farm with lands between Gelligaer, Nelson and Trelewis. A small quarry was established to the south-east of the farmhouse in the early 1990s and a materials recycling facility and waste transfer station was developed to the west of the farmhouse following an appeal in 2013. An anaerobic digestion (AD) facility has also been developed to the north-west of the farmhouse, following the same appeal. The application site comprises some 0.02 hectares of land within the wider farm site.

Site description: The site is a small area of land within the Anaerobic Digestion facility. It is located to the south east of the digester tanks adjacent to two combined heat and power engines.

Development: The application relates to a demountable building to be used for teaching and welfare facilities. It would be used, the application states, by visiting academics and school children on organised school visits.

Dimensions: The proposed building measures approximately 8 metres by 3.5 metres.

Materials: Plastisol-coated, galvanised steel cladding external wall finish.

Ancillary development, e.g. parking: Parking spaces are provided next to the application site.

Cont'd

PLANNING HISTORY 2005 TO PRESENT

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Granted 08.12.2011.

14/0422/NCC - Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00 - Granted - 12.02.2015.

15/0488/RET - Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility - Granted 10.12.2015.

16/0069/COND - Discharge Condition 12 (external lighting), Condition 13 (wheel and road washing), Condition 14 (surface water drainage), Condition 15 (slurry pipeline), Condition 16 (landscaping), Condition 18 (construction method statement) and Condition 20 (odour management) of planning permission 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) - Decided - 25.04.2016.

18/0087/NCC - Remove condition 12 of planning consent 14/0422/NCC (Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00) to enable the continuation of restricted Saturday and Bank Holiday hours - Granted - 19.04.2018.

18/0085/NCC - Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) - Granted - 19.04.2018.

Cont'd

18/0843/NCC - Vary condition 08 of planning consent 18/0085/NCC (Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours - Granted - 06.12.2018.

POLICY

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

Site Allocation: The site is not allocated for any purpose in the LDP but it is within a Special Landscape Area and outside settlement boundaries.

Policies: The following policies are relevant to the determination of this application: CW15 General Locational Constraints, CW2 Amenity, CW3 Highways design, CW4 Natural Heritage Protection, CW22 Mineral Safeguarding.

NATIONAL POLICY Planning Policy Wales 10 December 2018, Technical Advice Note 21: Waste.

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 site is within the coalfield and within the high risk referral area. The Coal Authority has been consulted.

CONSULTATION

The Coal Authority - The site is within an area of historic unrecorded underground coal mine workings at shallow depth. In view of the nature of the development a coal mining risk assessment is not required but it is recommended that an informative note is attached to any permission granted.

Cont'd

Landscape Architect - No objection subject to the demountable building having a dark colour finish rather than white.

Senior Engineer (Land Drainage) - Should the planning authority be minded to grant permission, we recommend as a minimum the following or similarly worded conditions be appended to any permission:

Condition: 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.
Dwr Cymru - We have no comments to make on the planning application. Information is provided for the applicant.

Gelligaer Community Council - No objections.

Ecologist - There are no ecological issues with the proposed development.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of notices posted in five locations in Gelligaer, Penybryn and Nelson.

Response: No response has been received at the time of writing this report.

Summary of observations: Not applicable in this case.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

Cont'd

ANALYSIS

Policies: Planning applications must be determined in accordance with national policy and the policies in the development plan unless material considerations indicate otherwise. The relevant policies in this case are CW2, CW3, CW15, CW22.

The main considerations in this case are the principle of the development, the impact of the proposed demountable classroom on the amenity of the local area and on the Special Landscape Area, any highways implications, its compatibility with existing development and any impact on the sandstone safeguarding area.

The principle of the development (CW15)

The proposal is for a small additional building within the existing anaerobic digestion facility at the site. The site is outside settlement boundaries but it is within an established waste management facility. The principle of the development has been established by previous consents for waste management development at the site.

Amenity (CW2)

Policy CW2 states that development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land and that the use is compatible with surrounding land uses. The proposal should not result in over-development of the site and should not compromise the viability of existing neighbouring land uses.

The proposed development is compatible with the surrounding development and any additional impact on residential properties in Gelligaer, which are located 550 metres to the north-east, would be negligible. The classroom unit is small-scale and would make use of existing infrastructure in a sustainable way.

Highways and car parking (CW3)

Policy CW3 sets out requirements for new development to ensure the safe, efficient and effective use of the highway network and that it promotes parking, servicing and operational space in accordance with the CSS Wales parking standards.

Visitors to the site would use the facility on a pre-arranged basis, minimising traffic generation. Parking spaces are provided adjacent to the unit to ensure safe access to the building within the operational working area.

Cont'd

Natural heritage protection (CW4)

The site is within NH1.3 Mynyddislwyn Special Landscape Area. Policy CW4 states that development proposals will be permitted where they conserve and where appropriate enhance the distinctive or characteristic features of the SLA.

In the context of the existing AD tanks and reception building as well as the farm buildings and MRF to the south, the proposed development would not have a significant additional visual impact on the surrounding area. Views into the AD facility are screened by an earth bund on the boundary and by the topography to the north and east. In view of this there would not be a significant additional adverse impact on the SLA.

Mineral safeguarding (CW22)

Development proposals that may impact mineral resources within mineral safeguarding areas will be considered against the criteria set out in policy CW22 to ensure that minerals that society may need in the future are not unnecessarily sterilised.

The site is within a sandstone safeguarding area. It is located approximately 400 metres to the north-west of Bryn Quarry but any extension to the quarry towards the site is prevented by existing permanent built development. Therefore, the proposed new building would not constrain any future use of the mineral resource more than existing development.

Comments from Consultees: Those consulted have not raised any objection in principle.

Comments from public: No comments were received.

Other material considerations: The scale of this development is such that its impact on prosperity, resilience, health, equality, the community, Welsh culture, and the need to be globally responsible will be very limited.

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.

Cont'd

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
Drawing number BPL-2018-ADSB-002, Site location plan received 20 December 2018;
Product range brochure received on 20 December 2018;
Drawing number BPL-2018-ADSB-001 rev B, Location of teaching facility received 20 December 2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the submitted details, the building hereby approved shall be finished in a dark recessive colour, which shall be agreed in writing with the local planning authority before the building is brought into use.
REASON: In the interests of the visual amenity of the local 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.

Advisory Note(s)

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

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 Amenity, CW4 Natural heritage protection, CW15 Locational constraints, CW22 Mineral safeguarding.

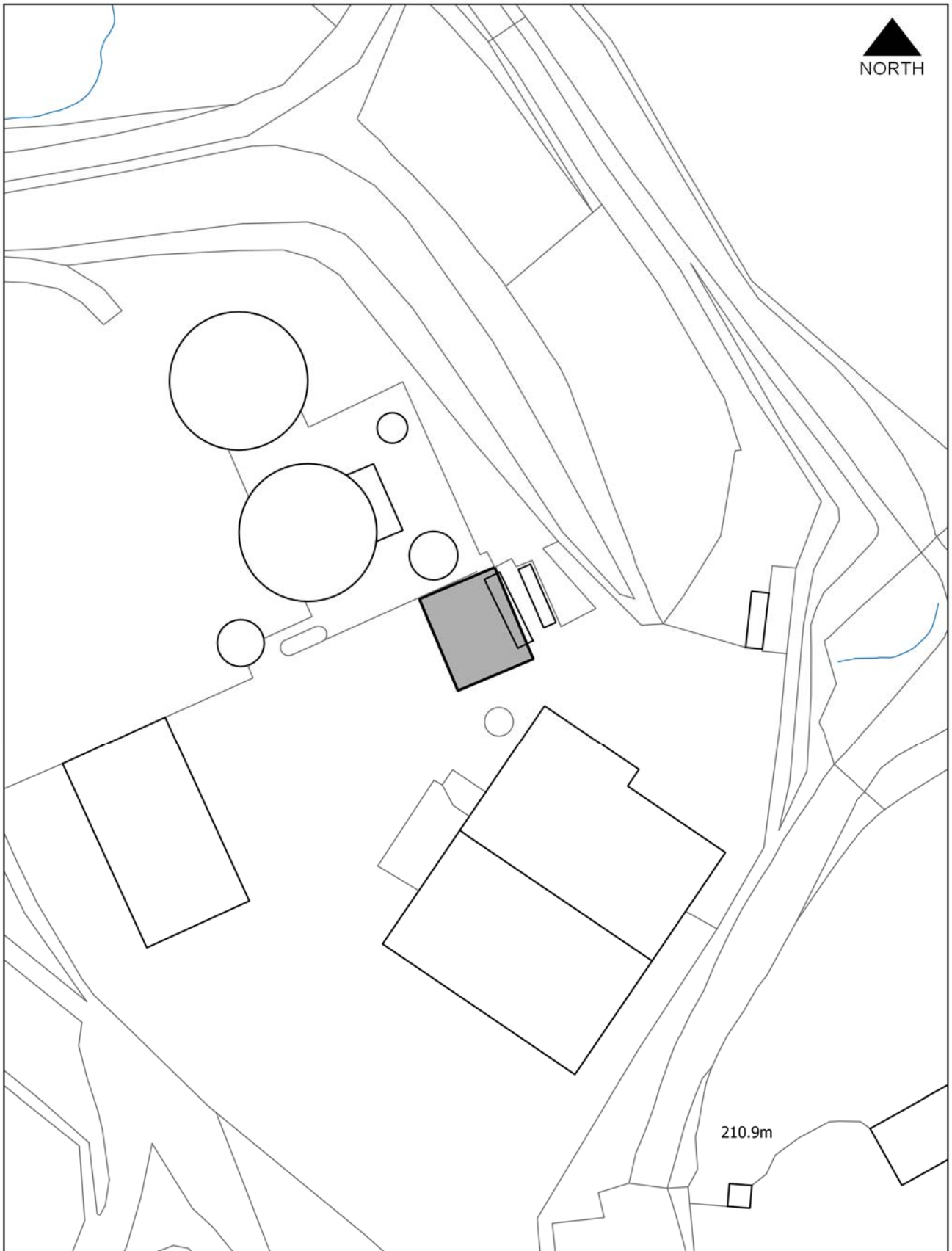
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The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological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

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/coalauthority



Gadewir y dudalen hon yn wag yn fwriadol

Eitem Ar Yr Agenda 5

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|--|---|
| 19/0011/FULL 04.01.2019 | Bryn Power Ltd C/o Barton Willmore Mr J Ayoubkhani Greyfriars House Greyfriars Road Cardiff CF10 3AL | Provide additional fire prevention measures including structures, storage tanks, engineering and associated works Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY |

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf is a dairy farm with lands between Gelligaer, Nelson and Trelewis. A small quarry was established to the south-east of the farmhouse in the early 1990s and a materials recycling facility and waste transfer station was developed to the west of the farmhouse following an appeal in 2013. An Anaerobic Digestion facility has also been developed to the north-west of the farmhouse, following the same appeal. The application site comprises some 0.8hectares of land within the wider farm site.

Site description: The site includes land within the operational area of the existing materials recycling facility (MRF) and anaerobic digestion (AD) facility.

Development: The new development proposed consists of a series of reinforced concrete walls forming materials storage bays located mainly around the edge of the site at the foot of the screen bunds. The proposal would allow all material to be stored on the site in line with NRW guidance. The walls would separate waste materials, provide fire breaks between different materials, aid the proper management of various waste materials and would prevent water used in firefighting from entering ground or surface water near the site.

Underground storage tanks are also proposed to serve the stockpile storage area and kerbs would be provided along sections of the concrete pad.

No change to throughput or operations at the site is proposed but the new structures would improve efficiency and safety at the existing site.

Dimensions: The walls would measure five metres in height and a typical bay would measure 30 metres.

Cont'd

Materials: Reinforced concrete, precast concrete block.

Ancillary development, e.g. parking: Not applicable.

PLANNING HISTORY 2005 TO PRESENT

09/0228/NCC - Delete Condition 16 and amend Condition 15 of previous consent 07/0063/NCC in respect of hours to receive waste, hours of operation and type of materials to be received - Granted 25.03.10.

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

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused 08.12.11. Approved on Appeal.

11/0226/FULL Provide permanent operation of materials recycling facility and erection of new building - Refused 07.12.2011. Allowed on Appeal 28.03.13.

11/0227/NCC Delete condition 13 of planning permission ref 10/0429/RET to remove requirement to reduce height of bund to 1 metre above the adjoining ground level - Granted 08.12.11.

14/0226/FULL - Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) - Granted 14.07.14.

14/0422/NCC - Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00 - Granted 12.02.15.

15/0488/RET - Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility - Granted 10.12.15.

Cont'd

16/0069/COND- Discharge Condition 12 (external lighting), Condition 13 (wheel and road washing), Condition 14 (surface water drainage), Condition 15 (slurry pipeline), Condition 16 (landscaping), Condition 18 (construction method statement) and Condition 20 (odour management) of planning permission 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) - Decided 25.04.16.

18/0085/NCC - Vary condition 08 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) - Granted 19.04.18. Allowed on Appeal 12.09.18.

18/0087/NCC - Remove condition 12 of planning consent 14/0422/NCC (Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00) to enable the continuation of restricted Saturday and Bank Holiday hours - Granted 19.04.18.

18/0843/NCC - Vary condition 08 of planning consent 18/0085/NCC (Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) to enable collections to take place on Sundays - Granted 06.12.18.

Cont'd

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 adopted November 2010 (LDP).

Site Allocation: The site is not allocated for any purpose in the adopted LDP.

Policies: The following policies are relevant to the determination of this application: CW15 General Locational Constraints, CW2 Amenity, CW4 Natural Heritage Protection, CW22 Mineral Safeguarding Areas and CW23 Minerals site buffer zones.

NATIONAL POLICY Planning Policy Wales 10, December 2018 (PPW), Technical Advice Note 21: Waste (TAN21).

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 site is within the coalfield and the Coal Authority has been consulted.

CONSULTATION

Gelligaer Community Council - No objection is raised.

Ecologist - There are no ecological issues with the proposed location but bat roosting provision within the existing tree belt should be provided as a biodiversity enhancement. A condition to secure this is recommended.

Chief Fire Officer - No objection in principle. The developer should consider the need for adequate water supplies for firefighting purposes and access for firefighting appliances.

Natural Resources Wales - No objection is raised. The application is for the provision of fire protection measures in line with the current permit for the site.

Senior Engineer (Land Drainage) - Recommends a condition to ensure that the method of drainage is acceptable.

Cont'd

The Coal Authority - Records indicate the presence of a coal outcrop crossing the application site which may have been subject to unrecorded working at shallow depth and two mine entries lie within 20m of the site boundary. Coal has also been extracted by surface methods near the site.

The Coal Authority does not object to the application considering the scale and nature of the works proposed, which do not involve substantial earthworks or foundations. However an informative note is recommended should permission be granted.

Landscape Architect - No objection in principle as the works are screened by maturing planting. However, a tree survey is required detailing root protection areas for the existing woodland.

Senior Arboricultural Officer (Trees) - Supports the request for a tree survey detailing tree protection areas.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of notices posted in five locations in Gelligaer, Penybryn and Nelson and by letters posted to one neighbouring property.

Response: No response has been received at the time of writing.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

Cont'd

ANALYSIS

Policies: Planning applications must be determined in accordance with national policy and the policies in the development plan unless material considerations indicate otherwise. The main considerations in this case are the principle of the development, the impact on amenity of the surrounding area, the visual impact, including impact on the Special Landscape Area and any impact on the mineral safeguarding area and mineral site buffer zone.

Principle of the development (CW15)

The site is outside settlement boundaries but it is entirely within an existing waste management facility and there is no conflict with policy CW15.

Amenity (CW2)

Policy CW2 states that development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land and that the use is compatible with surrounding land uses. The proposal should not result in over-development of the site and should not compromise the viability of existing neighbouring land uses.

The application proposes minor development within the existing waste management facility. The new storage bays would be screened by the existing bund and maturing tree planting. Therefore it is compatible with the surrounding land uses and is in accordance with policy CW2.

Visual Impact (CW4)

The site is within NH1.3 Mynyddislwyn Special Landscape Area. Policy CW4 states that development proposals will be permitted where they conserve and where appropriate enhance the distinctive or characteristic features of the SLA.

The storage bays would be seen in the context of the existing large-scale MRF buildings, stockpiles, plant and machinery. Views into the site are limited from publicly accessible areas and it is considered that the proposed development would not have a significant additional impact on visual amenity or on the SLA.

Mineral Safeguarding Area (CW22)

Development proposals that may impact mineral safeguarding areas will be considered against the criteria set out in policy CW22 to ensure that the minerals that society may need in the future are not unnecessarily sterilised.

The site is within sandstone and coal safeguarding areas. Since the LDP was adopted there has been a change in national policy in PPW10 in that local planning authorities are no longer required to safeguard coal resources. National policy takes precedence and, therefore, the coal safeguarding area is not an issue in this case.

Cont'd

As regards the sandstone safeguarding area, future development of the resource is already constrained within the application site due to existing built development. The proposed development would not add any additional constraint and there is no conflict with policy CW22.

Mineral Site Buffer Zone (CW23)

The site is within the buffer zone for Bryn quarry, which is also under the control of the applicant company. Within buffer zones neither new sensitive development nor mineral development will generally be permitted to prevent conflict between the two uses. In this case the proposed development is not for the winning and working of minerals and cannot be classed as sensitive development. The proposal would not, therefore, increase conflict between land uses within the buffer zone.

National policy and Guidance (PPW, TAN21)

National policy is generally supportive of proposals to increase recycling rates and avoid waste being sent to landfill, provided that there are no unacceptable amenity or environmental effects. The proposed development would improve the safe and efficient working of an existing permitted waste management facility by allowing it to comply with new NRW guidelines. The amenity impacts are discussed above and have been found to be acceptable. No significant environmental impacts would arise from the proposed minor development, based on the responses from consultees.

Comments from Consultees: The comments are set out above. Given the scale of the development the conditions proposed by the council's ecologist would fail the circular WGC 016/2014 tests of being reasonable and necessary to allow the development to proceed. The council's landscape architect and tree officer requested that details of materials to be sorted within the bays be submitted for approval. However, there is an extant permission for waste storage and processing and the application does not propose to alter the waste types accepted at the site.

Comments from public: Not applicable.

Other material considerations: The scale of this development is such that its impact on prosperity, resilience, health, equality, the community, Welsh culture, and the need to be globally responsible will be very limited.

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.

Cont'd

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
Drawing number BRL-MRF-FPMP-2019-001-rev1 Site location plan received 4 January 2019;
Drawing number BRL-MRF-FPMP-2019-002-Site layout plan received 4 January 2019;
Drawing number BRL-MRF-FPMP-2019-003-elevations and schematic sections received 4 January 2019.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing with the local planning authority. The agreed scheme shall be carried out in full before the development is brought into beneficial use.
REASON: To ensure the development is served by an appropriate means of drainage.
- 04) Prior to the commencement of the development a Tree Protection Plan informed by a tree survey shall be submitted to and approved by the local planning authority detailing root protection areas for the existing trees within and immediately adjacent to the site. The plan shall show the line of tree protection in accordance with supplementary planning guidance in LDP4 Trees and Development and BS5837: 2012.
REASON: To protect the trees in the interests of the amenity of the local area.

Advisory Note(s)

Please find attached the comments of South Wales Fire and Rescue Service and of Dwr Cymru Welsh Water; that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW4, CW15, CW22, CW23.

Cont'd

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).

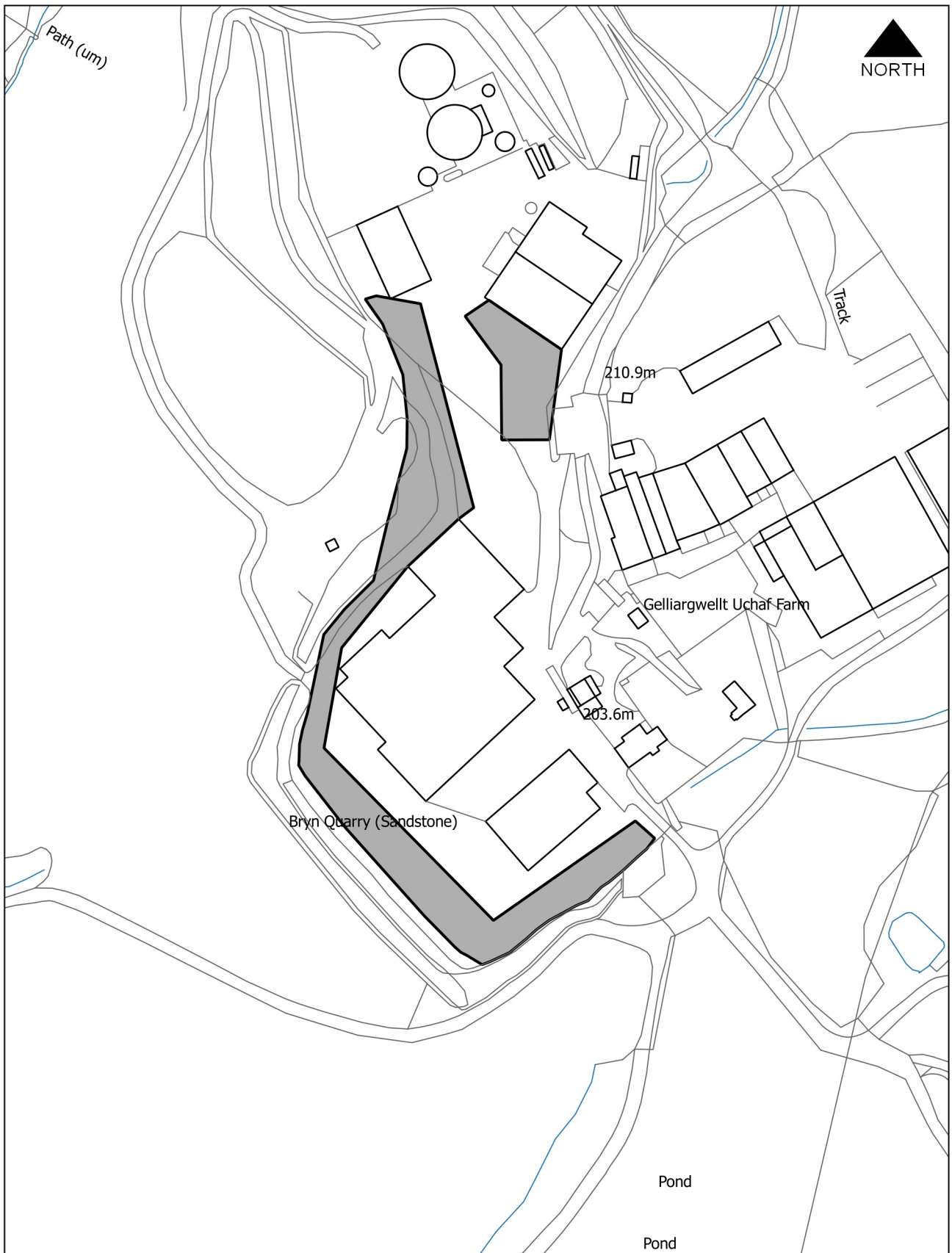
Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or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

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 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



Eitem Ar Yr Agenda 6

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|--|---|
| 18/0946/COU 14.01.2019 | A J Developments Mr A Jenkins C/o Building Design Services 8 Birchgrove New Tredegar NP24 6AH | Change the use of existing ground floor beauty salon to a 2 bed flat 73 Commercial Street Pontymister Risca Newport NP11 6AW |

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application property is to the south east of Commercial Street, Pontymister.

Site description: A mid-terraced property with an existing retail unit at ground floor, and residential at first floor.

Development: Full planning permission is sought for the change of use from a retail unit to a residential flat with two bedrooms.

Dimensions: No extensions are proposed to the size of the unit. Amendments will be made to remove the shop front and to replace it with a residential fascia.

Materials: Materials not specified.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

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

Cont'd

Site Allocation: The site is in the settlement limits of Risca and is located within the allocated boundary of Risca/Pontymister town centre (CM 1.4). The site also lies in Zone C1 as designated by TAN 15.

Policies: Policy SP6 (Place Making), Policy CW2 (Amenity), Policy CW14 (Use Class Restrictions- Policy) and guidance contained in Supplementary Planning Guidance LDP7: Householder Development.

Policy SP6 (Place Making) ensures that sustainable places are created and are of an appropriate mix of uses that reflect the role and function of settlements, is of a high standard of design that reinforces attractive qualities of local distinctiveness.

Policy CW2 (Amenity) ensures that development proposals have regard for all relevant material planning considerations to ensure that there is no unacceptable impact on the amenity of adjacent properties or land; the proposal would not lead to overdevelopment; and that the development would be compatible with the surrounding land uses.

Policy CW14 (Use Class Restrictions- Retail) states that changes of use from A1 retail premises to another use will be subject to the restrictions. In Principal Town Centres, changes of use of the ground floors of class A1 retail premises to other uses will only be permitted where the commercial vacancy rate of the centre has been over 10% for over a year and for a change to residential use the property should be located on the edge of the centre.

NATIONAL POLICY Planning Policy Wales (10th Edition) and Technical Advice Note 12: Design (2016).

Paragraph 3.16 of PPW states

"Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence."

Cont'd

Paragraph 2.6 of TAN 12 (2016) states

"design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities."

Tan 15 Development and Flood Risk will also have to be considered.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable in this case.

CONSULTATION

Natural Resources Wales - Raises objections to the development. The site is within a C1 flood zone and no FCA has been provided to demonstrate that the risks and consequences of flooding can be managed to an acceptable level.

Ecologist - No objection, subject to the imposition of biodiversity enhancements being secured through the decision notice and advisories being passed onto the applicant.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of site notice and letters to the nearby six properties.

Response: No responses received.

Summary of observations: None.

Cont'd

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
Crime and disorder are not considered to be issues in the determination of 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? Yes, as a residential use is proposed. The site is subject to CIL of £40psm plus indexation.

ANALYSIS

Policies: This application has been considered in accordance with National policy and guidance, Local Plan policies and Supplementary Planning Guidance. The main points to consider in the determination of this application are whether the change of use from retail to residential is acceptable from a policy perspective and whether the amendments area acceptable from a design perspective. The implication in respect of TAN 15 Development and Flood Risk will also have to be considered.

The site is allocated within the principal town centre of Risca/Pontymister (CM 1.4). Policy CW14 notes that for a change of use from A1, vacancy rates need to be higher than 10% for over a year, and for residential changes, that the site is located on the edge of the retail centre. The unit was formerly a beauty salon, however has been vacant since the end of 2017. The vacancy rate for 2018 was 8.0%, and in 2017 was 9.0%. Furthermore, the site is in the middle of the town centre allocation and not on the edge. The proposed change of use is therefore not policy compliant. However, it should be noted that the site is surrounded by residential properties, and the town centre of Risca/Pontymister has incrementally become two separate retail areas over time. On balance, given the location of the property the overall harm generated by the proposed change of use would not be sufficient to justify the refusal of this application.

With regards to the design and amenity of the scheme, the proposal will match other residential units either side, and would not look out of place. Given its location, the proposal would not raise any amenity issues. The application accords with policy SP6 (Place Making) and policy CW2 (Amenity).

Cont'd

Comments from consultees: An objection has been raised by Natural Resources Wales (NRW) due to the lack of an FCA being conducted. However, given that the unit is an existing structure, surrounded by residential units, it is not reasonable to request an FCA is carried out on the site, especially considering that the applicant has taken measures to minimise risk through the introduction of double glazed waterproof doors. Given this objection, it is necessary and relevant to attach a condition requiring a flood warning and evacuation plan to be submitted and agreed prior to the property being occupied.

The site is within a C1 flood zone where vulnerable development, which includes residential schemes should, according to TAN 15, not be permitted. Other forms of development are only acceptable in zone C2 if it can be demonstrated that:

- i Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

This is a minor form of development, the replacement of a commercial use with a residential use, in an area where the vast majority of properties are already within zone C1. To request a flood consequences assessment as required by Natural Resources Wales would appear disproportionate in this case. Also, although the scheme does not clearly satisfy the tests set out above, the proposal is otherwise acceptable in planning terms. Therefore the recommendation is to approve.

The Council's Ecologist asks for a condition to secure bird breeding provision as a biodiversity enhancement. While this is desirable, in view of the scale of the development, it is considered that such a condition would not meet the test in Welsh Government Circular WGC 016/2014 in that it is not essential in planning terms to enable the development to proceed. The circular states "In considering whether a planning condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition." The comments will be sent as an advisory note.

Cont'd

Comments from public: None.

Other material considerations: On balance, given the surrounding residential area, the proposal is deemed acceptable and is recommended for approval.

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.

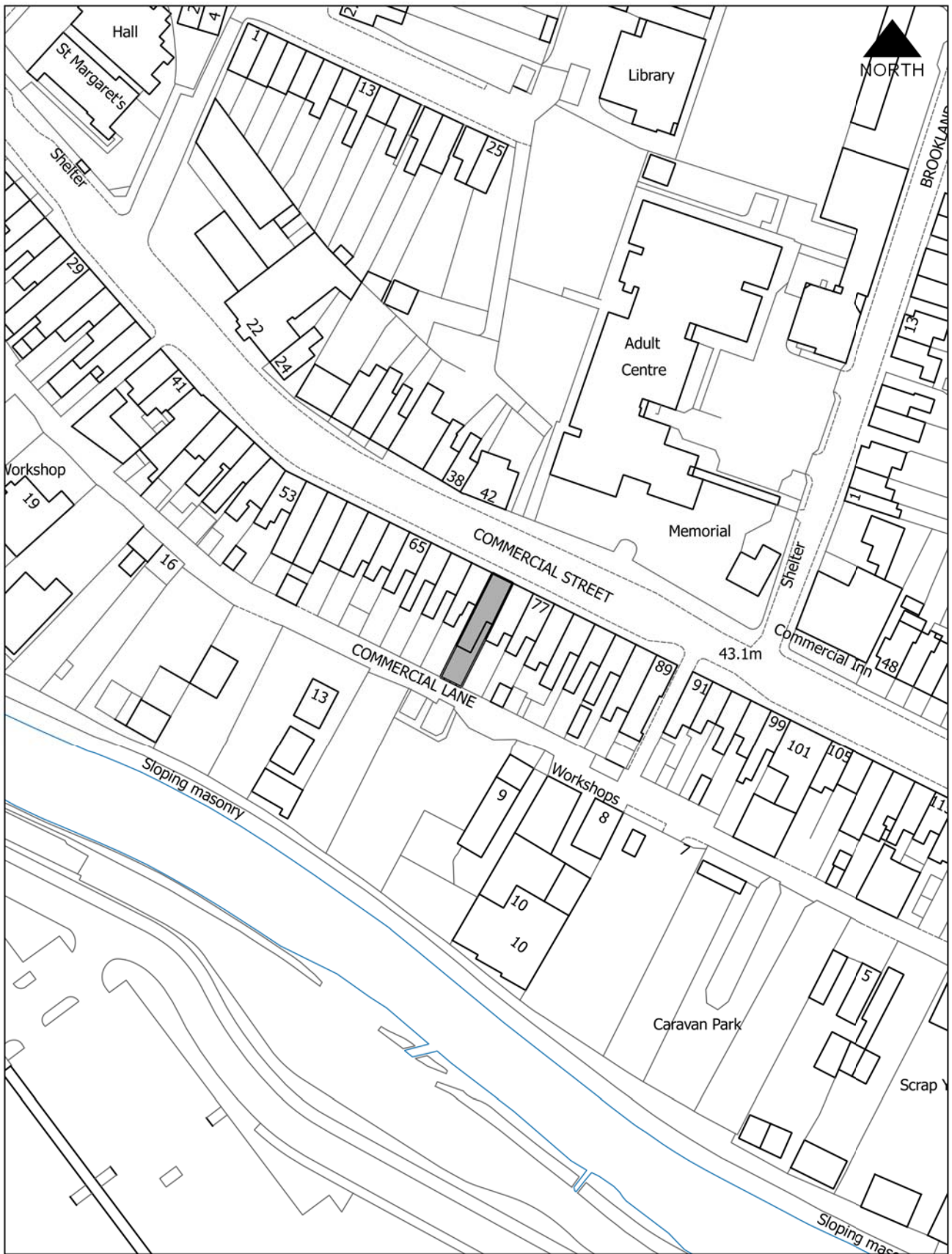
RECOMMENDATION that Permission be GRANTED

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:
 - Site location plan received 31/10/2018;
 - Plan indicating proposed elevations and floorplan received 16/11/2018; and
 - Supplementary information received 14/01/2019.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to occupation of the building hereby approved, a flood action plan shall be submitted to and agreed in writing with the Local Planning Authority. The occupation of the building shall thereafter be carried out in accordance with the agreed plan.
REASON: To ensure the correct action is taken in the event of an extreme flood.
- 04) 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.

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 and CW2.



Gadewir y dudalen hon yn wag yn fwriadol

Eitem Ar Yr Agenda 7

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|---|--|
| 19/0012/FULL 07.01.2019 | Mr C Padfield 44 Penylan Road Argoed Blackwood NP12 0AY | Erect garage 44 Penylan Road Argoed Blackwood NP12 0AY |

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the eastern side of Penylan Road.

Site description: The application property is a semi-detached dwelling with a terraced rear garden sloping up to the highway at a higher level. There is an existing hardstanding in the garden of the property and a number of the neighbouring dwellings have garages.

Development: The application seeks full planning consent for the erection of a detached garage. The garage would have an apex roof and the garage doors face to the side of the site. The garage will be set back by 1.3m from the main road. This application is reported to Planning Committee because the applicant is related to a member of staff.

Dimensions: The proposed garage measures 3.95m wide by 6.44m deep. The height to the eaves is 2.45m and to the ridge is 3.8m.

Materials: Natural slate roof finishing, with rendered walls and a roller shutter door.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

09/0430/FULL - Erect detached garage - Granted 21.07.09.

Cont'd

POLICY

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

Site Allocation: The site is in the settlement limits of Argoed.

Policies: Policy SP6 (Place Making), Policy CW2 (Amenity) and Policy CW3 (Design Considerations - Highways) and guidance contained in Supplementary Planning Guidance LDP7: Householder Development.

Policy SP6 (Place Making) ensures that sustainable places are created and are of an appropriate mix of uses that reflect the role and function of settlements, is of a high standard of design that reinforces attractive qualities of local distinctiveness.

Policy CW2 (Amenity) ensures that development proposals have regard for all relevant material planning considerations to ensure that there is no unacceptable impact on the amenity of adjacent properties or land; the proposal would not lead to overdevelopment; and that the development would be compatible with the surrounding land uses.

Policy CW3 (Design Considerations - Highways), requires developments to ensure that the appropriate car parking standards are adhered to and that the design, layout and proposed materials will not have a detrimental impact on the highway network or highway safety.

NATIONAL POLICY Planning Policy Wales (10th Edition) and Technical Advice Note 12: Design (2016).

Paragraph 3.16 of PPW states

"Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence."

Cont'd

Paragraph 2.6 of TAN 12 (2016) states

"design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities."

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 site lies in a low coal mining risk area. Information will be provided to the applicant should the application be recommended for approval.

CONSULTATION

Transportation Engineering Manager - No objection, subject to conditions relating to inward opening garage doors and for the garage materials to be approved prior to construction.

Dwr Cymru - The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbourhood letters to the nearby five properties.

Response: No responses received at the time of writing this report. As the consultation period ends after submission of the report for Planning Committee, any comments received will be verbally presented.

Cont'd

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
Crime and disorder are not considered to be issues in the determination of 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, as the proposed increase in floorspace would be less than 100 square metres.

ANALYSIS

This application is before Planning Committee as the applicant is an Elected Member of CCBC.

Policies: This application has been considered in accordance with National policy and guidance, Local Plan policies and Supplementary Planning Guidance. The main points to consider in the determination of this application are whether the proposal is acceptable from a design perspective, and whether the proposal would have an overbearing impact on the nearby properties. It is important to note that a larger garage was approved on the site under application 09/0430/FULL.

Policy SP6 (Place Making) considers design. The scheme is considered acceptable as the design proposed matches the existing dwelling; and the pitch on the roof is not too dissimilar to others along the street. The introduction of the garage would therefore not look out of place, however a condition should be included requiring the garage door to be painted (such as with powder coating) to be included, to ensure that the development is in keeping with the street scene.

With regards to the impact on adjoining properties (policy CW2), the proposal is smaller than that approved in 2009 in both height and width. As such, the principle of the development has been established. In terms of its impact on the adjoining properties, given that the garage is to the rear of the dwelling and also within a large curtilage with different levels, coupled with the proposed garage being set back from the boundary by approximately 1.4m, the impact generated by the eaves height of 2.4m would not be sufficient to justify refusal.

Cont'd

There is also a window proposed on the side elevation closest to No. 42. Due to the location of the window (i.e. overlooking the garden next door) it is deemed necessary to include a condition limiting this window to be obscurely glazed, in perpetuity.

Comments from consultees: These are included in the above report.

The Transportation and Engineering Manager raises no objection, subject to the materials proposed on the drive being established prior to commencement, and for inward opening doors to be included. As the development has started, and the groundwork is concrete, it is not necessary to include a condition relating to materials, as those utilised would be deemed acceptable. A condition relating to inward opening doors shall be included.

Comments from public: None.

Other material considerations:

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:
 - Site location plan received 07/01/2019;
 - Block plan received 07/01/2019;
 - Sheet 1 of 3 detailing proposed floor plan received 07/01/2019;
 - Sheet 2 of 3 detailing proposed elevations received 07/01/2019; and
 - Sheet 3 of 3 detailing proposed section through received 07/01/2019.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Cont'd

- 03) Notwithstanding the submitted plans, the roller shutter garage door hereby approved as part of this development shall be finished in a powder coating, and shall be maintained as such in perpetuity.
REASON: In the interests of the visual amenity of the area.
- 04) Notwithstanding the submitted details, the window to the southern elevation (closest to No. 42 Penylan Road) shall be obscurely glazed, and constructed in accordance with the approved details. The glazing shall thereafter be maintained in perpetuity in accordance with the approved details.
REASON: In the interest of privacy.
- 05) Prior to its first use the garage, sited as shown on the submitted plan, shall be fitted with inward-opening doors or roller shutter, which will not open out over the highway.
REASON: In the interests of highway safety.

Advisory Note(s)

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

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.

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



Gadewir y dudalen hon yn wag yn fwriadol

Eitem Ar Yr Agenda 8

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|--|---|
| 18/1059/NCC 17.12.2018 | Gwent Holdings Limited Mr D Lewis C/o Barton Willmore Ms L Harry Greyfriars House Greyfriars Road Cathays Cardiff CF10 3AL | Vary condition 2 of planning consent 15/0252/OUT (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) granted on appeal reference APP/K6920/A/15/3137884 to extend the period for the submission of reserved matters by a further three years Land At Gelli Farm Tredegar Road Cwmgelli Blackwood |

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: Land at Cwmgelli, Blackwood, NP12 1BZ

Site description: This application site is located to the north of the A4048, immediately adjacent to the settlement boundary of Blackwood. The site is Greenfield and is approximately 5.89ha comprising a number of agricultural fields and two residential properties, both of which are Grade II listed buildings.

The site is bounded to the south/south east by the A4048 and residential properties that front onto the A4048, to the south west by boundary hedgerows and trees and residential properties in Cwm Gelli Villas, with more residential properties in Cwmgelli further beyond, including a more recent housing development within Coed Gelli Parc. To the north the site is bounded by open fields, the northern extent of which lie within the setting of the Grade II listed Maes Manor Hotel and its Historic Park and Garden.

Cont'd

Development: A S.73 planning application to vary condition 2 of planning permission reference 15/0252/OUT granted 27th April 2016 on appeal, (reference APP/K6920/A/15/3137884) in respect of residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access to extend the period for submission of reserved matters for a further three years.

Condition 2 states: Application for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The appeal was allowed on 27 April 2016.

Dimensions: The site amounts to 5.89 hectares. The indicative housing layout shows 115 properties which gives an overall density of development of 30 dwellings per hectare (30 dph).

Dimensions (upper and lower limits for height, width and length of each building):

The proposed development will be a maximum of 2.5 storeys and will be a mix of detached, semi-detached and short rows of terraced houses at a density of 30dph.

Type 1 - 4m - 7m x 7.5m - 10.5m x 8m - 11m.

Type 2 - 8m - 11m x 6m - 9m x 8m x 10m.

Type 3 - 9m - 12m x 8.5m x 11.5m x 8m x 10m.

Materials: Reserved for subsequent approval but the following external materials indicated.

Walls - render, natural stone and some brick.

Roofs - plain tile, slate, either smooth man made thin profile slate or natural stone.

Boundary walls - render and buff brick. Natural stone walls to natural stone properties.

Windows - white upvc or white composite aluminium.

Doors - grey and soft heritage coloured front doors.

Ancillary development, e.g. parking: The indicative site layout plan submitted with the application indicates on-plot parking provision in respect of each dwelling.

PLANNING HISTORY 2005 TO PRESENT

15/0252/OUT - Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access - Appeal - 27.04.2016.

14/0312/FULL - Erect stable extension to existing garage - Granted 07.07.2014.

07/1569/LBC - Carry out general refurbishment and front extension - Granted - 30.07.2010.

Cont'd

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Outside of any settlement boundary and within the Blackwood, Oakdale and Penmaen Green Wedge as identified by Policy SI1.9 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010. The application site is a greenfield parcel of land in the Northern Connections Corridor (NCC) located to the north of Blackwood Town Centre.

Policies:

Strategic Policies

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

Countywide Policies

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

NATIONAL POLICY

Planning Policy Wales, 10th Edition, December 2018.

TAN 1: Joint Housing Land Availability Studies (2015), TAN 2 - Planning and Affordable Housing (2006), TAN 5 - Nature Conservation and Planning (2009), TAN 11 - Noise (1997) TAN 12 - Design (2014), TAN 18 - Transport (2007).

There are also other policy related matters which require to be considered in respect to this submission. Such matters could constitute material considerations in respect to the determination of this proposal. They are:

The 5 year Housing Land Supply.

The Annual Monitoring Report.

Cont'd

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes, because the proposal exceeds the threshold of 0.5 hectares for such developments.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, but The Coal Authority has not raised any adverse comments.

CONSULTATION

Blackwood Town Council - The development is visible from The Chartist Bridge and would represent a potentially damaging intrusion into open countryside, overdeveloping and eroding the green belt and blurring the boundary between Blackwood and Argoed.

Ecologist - No objection subject to previous conditions being transferred to any new consent.

Conservation & Design Officer - No objection.

The Coal Authority - There is no requirement under the risk-based approach that has been agreed with the Local Planning Authority for a Coal Mining Risk Assessment to be submitted with any planning application or for The Coal Authority to be consulted on this proposal.

Natural Resources Wales - No objection.

Strategic & Development Plans - Assesses the renewal of the application against the latest Joint Housing Land Availability Study 2018 and in terms of planning policy, Welsh Government's decision on 18 July 2018 to disapply Paragraph 6.2 of Technical Advice Note 1 (TAN1). On balance, there is a need for this development and when all factors are considered, it is considered that the need for housing and the requirement to maintain a 5 year housing land supply outweigh the conflict with the development plan policies previously referred to. On this basis no objection is raised on policy grounds.

Rights Of Way Officer - There is one public right of way: Footpath 379 in the Parish of Bedwellty which abuts the proposed. Footpath 379 starts at GR ST 317887 198376 or thereabouts and travels in a North-North-Westerly direction abutting the site as shown on the attached plan (18-1059-NCC-PROW.pdf).

Cont'd

The proposed will not directly affect the public right of way, but the owner should be made aware of the existence of Footpath 379 in the Parish of Bedwellty (which was provided following a Public Path Order which Extinguished Footpath 109 Bedwellty) and the need to maintain public access and safety at all times. Advice is provided to be conveyed to the developer.

CCBC - 21st Century Schools - Confirm there is adequate room to take catchment children into the English and Welsh Primary Schools, and the English Secondary School.

There is limited availability for future years in the Welsh Medium Comprehensive at Fleur de Lys. This assumes that all planning applications received for this catchment area over the past 12 months will go ahead, and this may not be the case.

CCBC Housing Enabling Officer - Affordable housing delivered through the planning system is critical in helping the council meet the range of identified housing needs throughout the borough including homelessness and people living in unsuitable accommodation, either by virtue of its size and/or condition. No objection subject to the provision of 25% affordable housing as originally agreed.

Head Of Public Services - No adverse comments in relation to the variation of the condition referred to in this application provided all previous conditions recommended by the Environmental Health department are carried forward on any new planning consent granted.

Transportation Engineering Manager - No objection subject to highway conditions being transferred to any new consent.

Dwr Cymru - Have no objection to the Variation of Condition 2 and ask that any drainage Conditions on the original consent are brought forward. However, they note the applicant has not gained technical approval under Section 104 of the Water Industry Act 1991, and therefore drainage details may be subject to change if they are to be publicly adopted. this response is based on the information provided. Should the proposal alter during the course of the application process they request that they are re-consulted and reserve the right to make new representation.

Police Architectural Liaison Officer - Have no objections.

Wales & West Utilities - Confirm the existence of their apparatus within the vicinity of the site and provide advice to be conveyed to the developer regarding the same.

Glam/Gwent Archaeological Trust - Have no archaeological objection to the variation of the condition.

Cont'd

Blackwood Town Council - The development is visible from The Chartist Bridge and would represent a potentially damaging intrusion into open countryside, overdeveloping and eroding the green belt and blurring the boundary between Blackwood and Arg

CADW - Having carefully considered the information provided with this planning application, there is no objection to the impact of the proposed development on the registered historic park and garden.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 30 neighbouring properties have been consulted.

Response: Five objections have been received, including those from the three local ward members.

Summary of observations:

- Objects to a further three years extension to the application suggesting that the development should have commenced.
- The development was previously approved on the basis of a shortage of housing land.
- This is an example of land banking.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The application is for residential development and as such if granted it would be liable to pay the Community Infrastructure Levy. Blackwood lies within the Mid Viability Area and as such general market housing is liable to pay £25 per square metre. In order for the development to benefit from any social housing relief, any exemptions need to be claimed strictly in line with the Community Infrastructure Levy Regulations. The Community Infrastructure Levy would be payable following the submission and approval of reserved matters. The Blackwood Town Council would also receive 15% of the CIL levy collected.

Cont'd

ANALYSIS

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

Planning permission reference 15/0252/OUT was granted on appeal reference APP/K6920/A/15/3137884 on the 27th April 2016 subject to conditions and a Section 106 Agreement requiring the provision of 25% affordable housing. The applicant seeks to vary condition 2 of that consent to extend the period within which reserved matters may be submitted for a further three years.

Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' at paragraph 5.21 states: -

Planning permission can be renewed before the time-limit for the commencement of development has expired, under section 73 of the 1990 Act. As a general rule, such applications should only be refused where:

- (1) there has been some material change in planning circumstances since the original permission was granted (e.g. 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);
- (2) continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or
- (3) the application is premature because the permission still has a reasonable time to run.

These criteria are considered in turn below.

(1) There has been a material change in planning circumstances which is considered below.

At the time of the Planning Inspector's determination of the appeal against the Council's refusal of permission for the original application, the application site lay outside the settlement boundary as identified in the Approved Local 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. He concluded that the "The Council cannot demonstrate a 5 year housing land supply and has not been able to do so since the LDP was adopted. The latest Joint Housing Land Availability Study concluded that the Council could only demonstrate a 1.9 year housing land supply. Technical Advice Note 1; Housing (TAN 1) advises that where land supply falls below 5 years, considerable weight should be given to increasing supply subject to development plan and national policies being met.

Cont'd

As stated above that is not the case here but, in my view, the extent of the shortfall weighs heavily in favour of development that can proceed without causing harm to its surroundings."

The latest Joint Housing Land Availability Study 2018 shows Caerphilly has a housing land supply of only 2.3 years, which is significantly below the minimum requirement of a five year housing land supply in accordance with Technical Advice Note 1. This Council's Housing Enabling Officer has confirmed that the site is situated in an area of high housing needs. Affordable housing delivered through the planning system is critical in helping the Council meet the range of identified housing needs throughout the borough including homelessness and people living in unsuitable accommodation, either by virtue of its size and/or condition.

In terms of planning policy Welsh Government decided on 18 July 2018 to dis-apply Paragraph 6.2 of Technical Advice Note 1 (TAN1) Paragraph 6.2 of TAN 1 stated:-

"The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement 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."

The effect of this paragraph was to give increased weight to the need for housing to address a deficiency in the 5-year land supply, over other material factors. Its dis-application removed the "considerable weight" that would otherwise have been given to the issue of a lack of a 5-year land supply. It should be noted that the WG decision to dis-apply Paragraph 6.2 only removes the considerable weight to be given to the land supply issue, but the requirement to maintain a 5-year land supply remains and is a material consideration in considering development proposals.

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

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

Cont'd

The Council has prepared seven reports to date, the most recent of which was considered by Council on 9th October 2018. It is evident from the AMR that new housing has not been delivered at the levels required in the first half of the plan period. Policy SP14 indicates that there is a housing requirement for 8,625 new dwellings to be delivered to meet identified need over the plan period. In order to meet this need an average of 575 dwellings needs to be delivered per annum. The 7th AMR indicated that 4,713 units had been delivered (55% of the total housing requirement) up to the end of March 2018. Therefore there is a need for a further 3,912 dwellings to be developed over the remainder of the plan period i.e. by 2021 to meet the total housing requirement for the plan period.

In light of the above, the 2018 Annual Monitoring Report (AMR), considers the need to address the five year land supply issue. Recommendation R3 of the AMR states that "the Council will need to continue to address the shortfall in the five year housing land supply through proactive action, including:

- To consider proposals for new residential development on their relative planning merits on a site-by-site basis and have due regard for the need to increase the housing land supply in line with national planning policy and guidance;"

Given the recent change in circumstances in respect of Paragraph 6.2, the merits of the proposed development need to be reconsidered.

The proposed development is considered to be contrary to the Adopted LDP on the following grounds:

The proposed development is located outside of the designated settlement boundary for Blackwood. As such the proposed development is contrary to the provisions of Policy SP5, particularly Criterion D, and is also contrary to Criterion C of policy CW15, which restricts the forms of development that are acceptable outside of settlement boundaries.

- The development is located within Green Wedge.

However, the following issues weigh in favour of the development:

Policy SP2 of the Adopted LDP promotes sustainable development on both brownfield and greenfield sites in this part of the borough.

There are no landscape or ecological designations associated with the site.

The council does not have the required 5-year land supply and the application proposes 115 dwellings, including circa 29 affordable homes (based on 25%).

The AMR recommends that each application should be considered on its merits having due regard to increase the housing land supply.

The proposed development would have significant knock-on economic and social benefits to the wider community.

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The key factor in considering the principle of this application is whether the lack of a 5-year housing land supply, and the consequent need to increase it, outweighs the conflict with the Adopted LDP policies. Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision on this proposal to be made in accordance with the development plan unless material considerations indicate otherwise. The Adopted Caerphilly County Borough Local Development Plan up to 2021 is the development plan for purpose of Section 38(6).

The proposed development is outside of the defined settlement boundary and is therefore contrary to the adopted development plan. However, given its proximity to the Principal Town of Blackwood, development of the land at Cwmgelli for housing would represent a sustainable extension to the town, providing much needed family and affordable housing for which there is an acknowledged need and an acknowledged shortfall.

On balance, there is a need for this development and when all factors are considered, it is considered that the need for housing and the requirement to maintain a 5 year housing land supply outweigh the conflict with the development plan policies previously referred to. On this basis no objection is raised on policy grounds. A recent appeal decision in a neighbouring borough supports this approach with the Inspector concluding in that case, "Following the dis-application of paragraph 6.2 of Technical Advice Note 1 'Joint Housing Land Availability Studies', it is now a matter for decision makers to determine the weight to be attributed to the need to increase housing land supply where a shortfall exists, provided that LDP and national policies are met ... given the extent of the shortfall I attach considerable weight to the benefit of the proposal in contributing up to 29 units to the County Borough's housing land supply. This weighs heavily in favour of development provided this could proceed without causing material harm to the strategic objectives underpinning the LDP."

The Inspector's conclusions in respect of the Cwmgelli site on countryside/green wedge, heritage, minerals, transport and landscape are all still relevant. He raised no objections in these respects. The principle of the development has been established and therefore significant weight has to be given to the previous decision granted approval on appeal. This Section 73 Application seeks an additional period to pursue the delivery of much needed housing including affordable housing. The applicant has confirmed that he does not wish to challenge the amount of affordable housing agreed. All technical and environmental matters capable of being addressed via conditions and the Section 106 Agreement are all still relevant.

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.

Cont'd

(2) The Local Planning Authority are entitled to have regard to the likelihood of the existing permission being implemented i.e. whether implementation is theoretical or real. For the local planning authority to give additional weight to an existing permission, the developer will need to provide evidence that the implementation of such permission is a real possibility. 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 stated that he is currently progressing discussions with development partners with a view to implementing the existing planning permission although these discussions will not be concluded in time to submit reserved matters before the deadline of 27th April 2019. The circular refers to 'continued' failure to implement a permission. This current application only represents the first renewal of the permission.

(3) The three years for the submission of reserved matters expires on 27th April 2019 so that part of the permission only has a short time to run and as such the application for renewal is not premature.

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 in respect of the submission of reserved matters subject to the provisions of the Section 106 Agreement being varied by way of a Deed of Variation to repeat the requirements of the earlier obligation i.e. the provision of 25% affordable housing.

RECOMMENDATION (A) that the application be DEFERRED to allow the applicant to vary the Section 106 Agreement as set out in this report. On completion of the Agreement (B) that Permission be GRANTED.

This permission is subject to the following condition(s)

- 01) Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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- 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) No development shall take place until a site investigation has been carried out to assess land stability, the details of which shall have been submitted to and approved in writing by the Local Planning Authority. If any land instability issues are found a report specifying the measures to be taken to render the site suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON: To ensure the stability of the site and to protect the dwellings from the effects of previous mine workings.
- 05) If during the course of development, any land instability issues are found which were not identified in the site investigation referred to in condition 4, a report specifying the measures to be taken to render that part of the site affected suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON: To ensure the stability of the site and to protect the dwellings from the effects of previous mine workings.
- 06) No development shall take place 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. Development shall be carried out in accordance with the approved details.
REASON: To ensure the development is served by an appropriate means of drainage.
- 07) No development shall take place until details of a scheme to provide public open spaces and play areas, including a Locally Equipped Area of Play (LEAP) and Local Area of Play (LAP) have been submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON: To ensure that the site is provided for in respect to formal play provision.

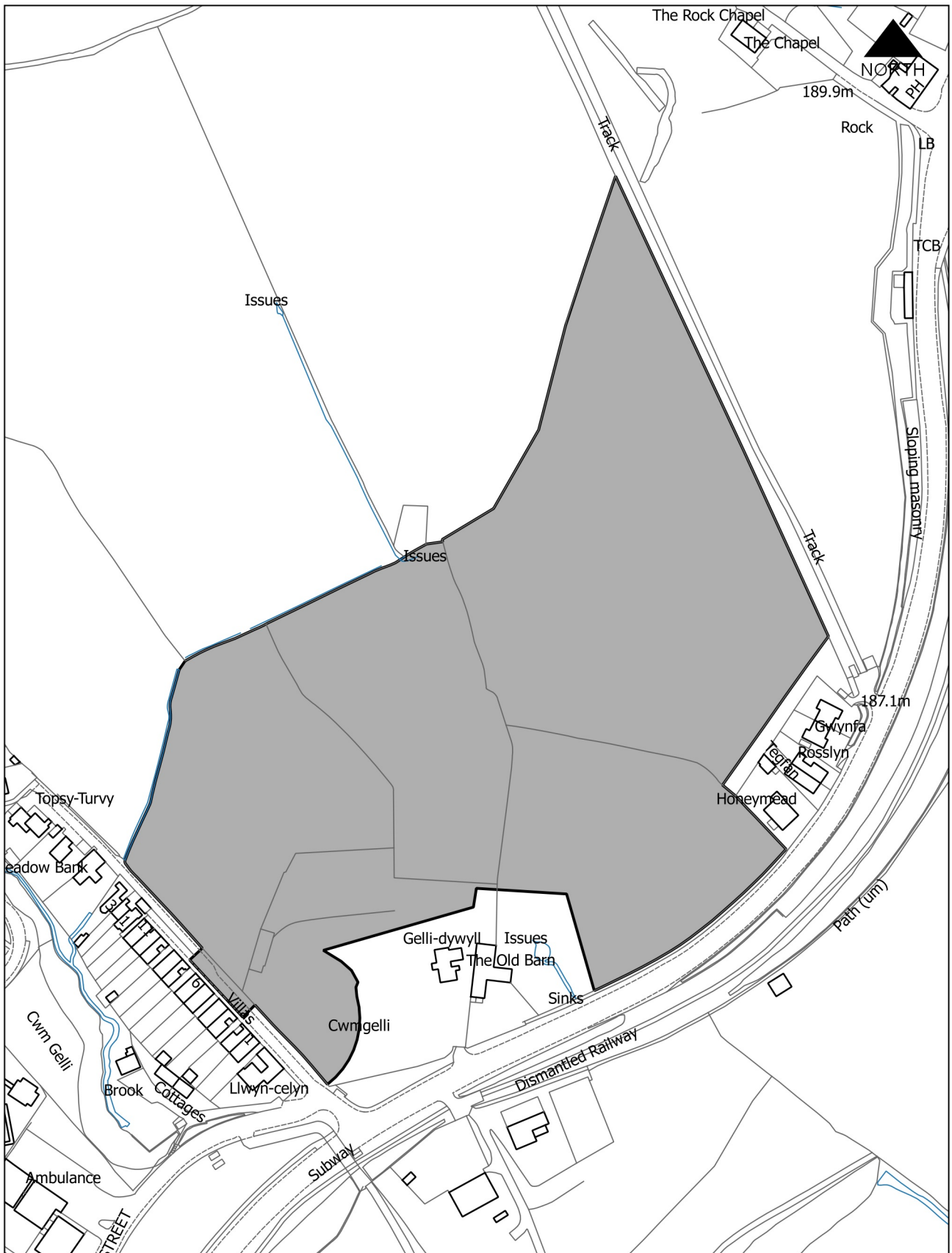
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- 08) No development shall take place until details of a scheme to install secondary glazing capable of achieving an internal L_{max} level of 45 dB(A) to windows to habitable rooms has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON: In the interests of residential amenity.
- 09) The proposed development hereby permitted shall not be occupied until the ghost island road junction shown on Transport Planning Associates Drawing No. SK01/A (dated 19/10/15) has been completed.
REASON: In the interests of highway safety.
- 10) The proposed development hereby permitted shall be not be occupied until the access and visibility splays shown on Transport Planning Associates Drawing No. SK01/A (dated 19/10/15) are in place. No structure or erection exceeding 0.9 metres in height shall be placed between the visibility splays shown on Drawing No. SK01/A and the A4048 nor shall any planting within the visibility splays be allowed to exceed 0.9 metres in height.
REASON: In the interests of highway safety.
- 11) Prior to the commencement of the development hereby approved a notice shall be given to the Local Planning Authority.
- (a) stating the date on which the development is to begin;
 - (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
- Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it. That decision notice shall be in the form specified by, and must be displayed in accordance with, Schedule 5B of the Order.
REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

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.

The applicant is advised of the comments of this Council's Public Rights of Way Officer, Dwr Cymru/Welsh Water and Natural Resources Wales.



| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|--|---|
| 18/1073/FULL 19.12.2018 | SEDA (UK) Ltd Mr Davies Hawtin Park Pontllanfraith Blackwood NP12 2EU | Erect a Class B8 (Storage and Distribution) facility, access, landscape and associated works Land At Grid Ref 315985 196189 Hawtin Park Gelli-haf Pontllanfraith |

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land at Hawtin Park, Gelli-haf, Pontllanfraith. The site is located within Hawtin Park Business Park, east of the A4049 on the south west margins of Blackwood, Caerphilly.

Site description: The site is situated at the back of the estate and is not visible from the A4049. It comprises a roughly rectangular shaped parcel of land of around 250m in length (north to south) and 125m width (east to west). It is presently unoccupied and comprises largely of a grass covered, man made plateau (created some 10 years ago) with a small portable storage compound located in the south east of the site.

To the immediate south of the site a woodland block occurs, separated from the scrubby woodland section to the south by a public footpath. This tree lined footpath extends along the entire western site boundary beyond which is rough woodland leading down to the A4049. There are three Public Rights of Way: Footpath 370, Footpath 373 and Footpath 374 in the Parish of Bedwelty in the area of the proposal. Footpath 370 travels in a generally North-Westerly direction abutting the site. Footpath 373 travels in an East-South-Easterly direction abutting the site. Footpath 374 travels in a generally Northerly, Easterly, North-Easterly and South-Easterly direction abutting the site. To the north of the site are the playing fields associated with Ysgol Gyfun Cwm Rhymni. Immediately abutting the eastern boundary is the estate access road, and further east is the current SEDA UK development.

The boundaries of the site are defined by mature trees and well-established hedgerows. There is an existing security fence to the north, west and south boundaries that secures the site from the perimeter public right of way footpaths.

Cont'd

Vehicular access to the industrial estate is via a main road running through the estate and is accessed off the junction to the A4049. Currently the site entrance is located approximately 0.8 of a mile from this junction. All footpaths also follow this route to the main security gate outside of the Seda 1 & 2 buildings.

Formal pre-application advice reference SPA/18/0083 was sought from the local planning authority prior to the submission of this application.

Development: Full planning permission is sought to erect a Class B8 (Storage and Distribution) facility, access, landscape and associated works. The building will accommodate a new Palletizer/Warehouse. It is proposed to construct an industrial building suitable for automated storage and distribution with low staffing levels (10 Full-time) and commercial visitors only. This building is part of a wider project. This new palletizer and warehouse unit is proposed in order to transform Seda 3 from warehouse to production. Therefore, the significant increase in the number of employees will be related to the Seda 3 conversion. Seda 3 was granted planning approval reference 08/0811/COU to a B2 (General Industrial Use) and B8 (Storage and Distribution) on 27/8/08.

Hours of operation are indicated to be 06:00 to 22:00 Monday to Friday.

The application is supported by the following reports and surveys:

- Arboricultural Report
- Design and Access Statement
- Drainage Strategy Report
- Ecological assessment
- Noise Impact assessment
- Pre-Application Consultation Report
- Transport Assessment
- Travel Plan
- Ground Investigation and Coal Mining Report

Dimensions: The site amounts to 2.9 hectares. The building's dimensions are 221.6m x 112.05m with a floorspace of 19,290² with access, circulation, amenities and loading docks. Height at apex from the ground level will be 25 metres at its highest point.

Materials: The surrounding Seda units show a standard corporate palette of uniform materials. This format is predominantly of metal clad portal frame industrial units set within the context of the graded landscape and perimeter tree lines or hedgerows. It is proposed to maintain this characteristic within the appearance of the new buildings. Sections of glazing & roof-lights will be introduced to provide natural day-lighting. Cladding panel colour bands of Goosewing, Albatross & Merlin Greys are specified to match the existing in a mix of vertical & horizontal formats, as indicated on the architect's elevations.

Cont'd

Ancillary development, e.g. parking: The Transport Statement submitted with the application advises that no additional parking is proposed as part of the development. The operator has confirmed that there is significant available parking capacity and that the small number of additional staff (up to 10) can easily be absorbed through existing provision without any risk of overspill onto the adopted highway. The developer deems it inappropriate to provide any additional on-site car parking, which would be redundant at the outset.

The proposed development includes provision within the site for HGV vehicles to the northern side of the development.

PLANNING HISTORY 2005 TO PRESENT

07/0041/FULL - Erect replacement security fencing, including vehicular gate and barriers to secure two existing units and a development plot and the construction of a gatehouse - Granted 15.03.07.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation:

The site is located within the settlement boundary and is identified as a primary employment site (Hawtin Park north) as identified by Policy EM1.7 of the LDP. There are no other land use designations in respect of the site and there are no tree preservation orders. The site is not located within a flood zone area.

Policies:

Planning Policy

The relevant development plan policies against which the development proposal will be assessed are contained in the Caerphilly County Borough Local Development Plan up to 2021, adopted November 2021(LDP).

Strategic Policies

SP2 - Development Strategy in the Northern Connections Corridor

SP5 - Settlement Boundaries

SP6 - Place making

SP10 - Conservation of Natural Heritage

SP16 - Managing Employment Growth

SP19 - Transport Infrastructure Improvement

SP21 - Parking Standards

Cont'd

Countywide Policies

CW1 - Sustainable Transport, accessibility and Social Inclusion

CW2 - Amenity

CW3 - Design considerations - highways

CW4 - Natural heritage Protection

CW5 - Protection of the Water Environment

CW6 - Trees woodland and Hedgerow Protection,

CW13 - Use class restriction - Business and Industry

CW15 - General locational constraints

Supplementary planning guidance

LDP5 - Car Parking Standards

LDP6 - Building Better Places to Live

NATIONAL POLICY Planning Policy Wales, 10th Edition, December 2018. TAN 5 - Nature Conservation, TAN12 - Design, TAN 18 - Transport

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No, the area of the development does not exceed the threshold (5 hectares) for industrial development.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The Coal Authority has raised no objection having considered the Geo-Environmental, Geotechnical and Coal Mining Risk Assessment dated December 2018 and prepared by Earth Science Partnership.

CONSULTATION

The Coal Authority - On the basis of the information submitted, and the professional opinion of the report author set out therein, and subject to no changes being made to the conclusions reached in the final report, the Coal Authority has no objection to proposed development.

Rights Of Way Officer - There are three Public Rights of Way: Footpath 370, Footpath 373 and Footpath 374 in the Parish of Bedwellty in the area of the proposed development as described above. The proposed development will not directly affect the public right of way, but the developer should be made aware of the existence of the Public Rights of Way, and the need to maintain public access and safety at all times. Advice will be provided to the developer.

Cont'd

Principal Valuer - No comments. CCBC modified a covenant on this land to allow Classes B1, B2 and/or B8 use.

Transportation Engineering Manager - No objection subject to a condition requiring a Travel Plan.

Head Of Public Protection - No objection to the development subject to conditions being attached to any consent to address any contamination issues, site control measures and details of any external plant or machinery to be erected to be agreed with the local planning authority.

Senior Engineer (Land Drainage) - Requests a condition is attached to any consent requiring a scheme of land and surface water drainage within the site to be submitted to and agreed in writing by the Local Planning Authority to ensure the site is served by an appropriate means of drainage. Advice is provided to be conveyed to the developer.

Senior Arboricultural Officer (Trees) - Requires conditions are attached to any consent requiring the submission of a Tree Protection Plan and Arboricultural Method statement.

Landscape Architect - Recommends the following be conditioned;

- That a clear overall plan showing the location of tree protection fencing and construction exclusion zones (CEZ) be conditioned.
- That the proposed soft landscaping be conditioned with 5 years defects and maintenance period.
- That the colours of the building be conditioned subject to approval in the interests of visual amenity.

Conservation & Design Officer - No adverse comments.

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

Natural Resources Wales - Recommend conditions are attached to any consent ensuring that the mitigation measures outlined in Section 6 of the report titled 'SEDA 4, HAWTIN PARK, BLACKWOOD - ECOLOGICAL ASSESSMENT' dated November 2018 by David Clements Ecology in respect of European Protected Species - Bats & Great Crested Newts to include pre-commencement tree bat survey, a construction phase Wildlife Protection Plan and lighting design to control light spill, to be agreed with the Local Planning Authority and implemented as agreed together with conditions which address any potential contamination of the site.

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

Cont'd

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 8 neighbouring properties have been consulted.

Response: One.

Summary of observations:

Concerned that the close proximity of the proposed building to their dwelling will result in dust nuisance and noise nuisance at night and request that consideration be given to mitigation measures in respect of the same.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

The Ecological Report submitted with the application advises that based upon current evidence, the development will have an adverse impact on biodiversity through the loss of habitats of high local and local value. Likely impacts can be mitigated and/or compensated for through the implementation of various mitigation measures and compensation measures during the construction and development phases and the provision of habitat creation at an off-site locality. In addition, specific mitigation measures will be required to avoid harm to protected species that may be present, or potentially present on the site pre, during and post construction. Recommendations include a Phase 2 survey in respect of any trees that may be removed or affected as part of the development and will require further ground-based surveys to assess bat roosting potential prior to works. It is considered that a number of physical barriers in the wider environment limit the likelihood of great crested newts occurring on the site however it is appropriate for works to be carried out under a method statement to be prepared prior to works commencing on site. Other measures include biodiversity enhancements and a Wildlife Protection Plan to be drawn up for the site clearance and construction stages and the service of an appropriately qualified and licensed ecologist. The small section of woodland habitat to the southern boundary and the hedgerow to the north west are Section 7 habitats and as such are assessed as having at least high local value and should ideally be retained and incorporated into the development. However, the vast majority of the marshy grassland habitat will be lost to the development and given that this is a section 7 habitat its loss will require compensation. Conditions may be attached to any consent to address these ecological matters.

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COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies:

The site is located within the settlement boundary and is identified as a primary employment site (Hawtin Park north) as identified by Policy EM1.7 of the LDP. There are no other land use designations in respect of the site and there are no tree preservation orders. The site is not located within a flood zone area. Therefore the principle of the development of the site in respect of a warehousing building is acceptable subject to standard development control criteria.

The main issues in the determination of this planning application are considered to be amenity, ecology, design, landscaping, highway and drainage issues.

Amenity

Policy CW2 of the LDP considers amenity and requires among other things that proposed development should not have an unacceptable impact upon the amenity of adjacent properties or land, should not result in the over development of the site, and be compatible with surrounding land uses. These matters are discussed below.

With regards to processing noise from the building, once it is occupied then this will be contained internally by the building fabric. A Noise Impact Assessment has been submitted with the application and concludes the development will have a low impact on nearby sensitive receivers by way of noise. The report also provides a 'delivery' noise impact assessment for the delivery areas to the north of the site. These reports have been considered by this Council's Environmental Health Officer who has raised no concerns regarding potential noise issues. However, a condition should be attached to any consent requiring site control measures during construction. In addition a condition requiring any external plant or machinery to be installed at the development should be agreed with the local planning authority together with a condition that all vehicles within the control of the site operator shall be fitted with broadband (white noise) reversing alarms.

The proposed development will not directly affect the public rights of way, but the owner will be made aware of the existence of the Public Rights of Way, and the need to maintain public access and safety at all times.

It is not considered that the proposed development would have an unacceptable impact upon the amenity of adjacent properties or land, would not result in the overdevelopment of the site / and or its surroundings, and is compatible with surrounding land uses and is therefore in accordance with Policy CW2 subject to conditions.

Cont'd

Design

In terms of the design Policy SP6 of the LDP together with TAN 12 - Design are relevant. The estate comprises a mix of industrial units sized to suit the type of businesses they serve. Most are Portal frame units of varying heights finished with metal cladding. While all the developments within the area seem to be constructed and designed to a competent standard, they have little architectural merit to influence the current proposals. Consideration should be given to the size of the building within the surrounding context. In this respect the impact of the building upon the visual amenity of surrounding residential properties has to be considered particularly in respect of the west facing elevation and also when viewed from the opposite valley due to the size, height and mass of the structure. Notwithstanding that details of materials have been submitted there is concern regarding the colours proposed which are not considered suitable to reduce the visual impact or integrate the development as successfully as possible. In this respect a condition may be attached to any consent requiring colours to be agreed with the Local Planning Authority. The proposed development is therefore considered to be acceptable in accordance with Policy SP6 of the LDP.

Landscaping

In terms of landscaping the remaining surrounding area will be broken up with pockets of turfed landscaping and the planting of indigenous trees and shrubs in a similar fashion to the existing Seda site. The field itself has minimal affected trees within the development curtilage. It is noted that preliminary ecology & trees reports have been produced and as such an Arboricultural Impact Assessment, Tree Protection Plan and Tree Protection Methods statement will be required in respect of the finalised development design approved. This may be addressed by attaching appropriate conditions to any consent. A Planting Management Plan (Drawing no:422.03.A) has been submitted and is considered satisfactory. The proposed development is therefore in accordance with policies SP6 , CW2 and CW6 of the LDP.

Ecology

Ecological matters are discussed above and appropriate conditions will be attached to any consent which address NRW's concerns. The development is considered to be in accordance with the aims of Policy SP10 of the LDP and national planning policy.

Drainage

Policy CW5 of the LDP considers the adverse effects of development on the water environment. There is no watercourse on this site to be affected by the development however there is a watercourse to the north that has been taken into consideration by the applicant's appointed civil engineer when developing the site drainage scheme. This Council's land drainage officer has considered the Drainage Strategy Report submitted and requests a condition is attached to any consent requiring a scheme of land and surface water drainage because limited information has been submitted to consider the viability of the method of disposal of surface water. DCWW provide advice to be conveyed to the developer in respect of sewerage.

Cont'd

Highways

Policy CW3 of the LDP considers highway matters. The project includes the relocation of the existing 22,000m² warehousing operation from building SEDA 3 into this new smaller SEDA 4 building of 19,290m². The proposed manufacturing use will then occupy the existing SEDA 3 building of 22,000m². The new SEDA 4 building, which will be used for warehousing, will require the relocation of 19 existing staff from SEDA 3. The proposed building will therefore not result in any additional staff. The maximum number of employees within the proposed manufacturing unit in SEDA 3 will be 70 staff. Of these, the vast majority will be transferred from the existing SEDA 1 and 2 units on site, but up to 10 new members of staff will be required. The proposed new building (SEDA 4) consists primarily of an automated warehouse (circa 10,000m²) with the remainder comprising standard warehouse use, palletizer and loading area. The existing building (SEDA 3) is a standard warehouse, approximately 22,000m², which will now be used for manufacture.

The Transport Statement submitted with the application advises that no additional parking is proposed as part of the development. The operator has confirmed that there is significant available parking capacity and that the small number of additional staff (up to 10) can easily be absorbed through existing provision without any risk of overspill onto the adopted highway. The developer deems it inappropriate to provide any additional on-site car parking, which would be redundant at the outset.

It is noted that the development is also within a sustainable location benefitting from pedestrian pavements along the highway network. Cycling in the immediate vicinity of the site is accommodated on-carriageway. However, Route 47 of the National Cycle Network is available along the A472 to the south. Cycling would therefore be a viable alternative to private car use. The application site is served by public transport, the nearest bus stop is on the A4067, approximately 500m away. This can be accessed via a public footpath which starts on the A4067, and cuts through the land to the south of the site, where it emerges on the internal spine road to the south of the existing Seda UK Ltd buildings. The nearest railway station is Hengoed approximately 3.0km walking distance from the proposed site. Whilst this is over the recommended walking distance, it can still be covered in around 38minutes or 15mins by cycle. A condition will be attached to any consent requiring a comprehensive Travel Plan in relation to the SEDA operation. In conclusion it is considered the use is compatible with adjoining uses and represents an extension to the existing UK Ltd operation at Hawtin Park Industrial Estate. The site's compliance with transport policy is therefore established.

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

Comments from public: One. Requests that consideration is given to potential dust and noise nuisance. These matters are discussed above.

Cont'd

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.
- 02) 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 in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 03) 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 in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 04) 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 in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the construction work shall be submitted to and agreed in writing by the Local Planning Authority.
The scheme shall include:
(i) control of noise,
(ii) control of dust, smell and other effluvia,
(iii) control of surface water run off,
(iv) site security arrangements including hoardings,
(v) proposed method of piling for foundations,
(vi) construction and demolition working hours,
(vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.
The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenity of the area in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the erection of any external and/or roof mounted plant/machinery associated with the development hereby approved, details shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.
REASON: In the interests of amenity in accordance in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) All vehicles within the control of the site operator shall be fitted with broadband (white noise) reversing alarms.
REASON: In the interest of residential amenity in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont'd

- 08) 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 in accordance with Policies CW2 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) A Landscape Management Plan, including
(a) long term design objectives,
(b) management responsibilities, and
(c) maintenance schedules for all landscape areas, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.
The Landscape Management Plan shall be carried out as agreed.
REASON: To ensure that the landscaping is maintained in the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) The development hereby approved shall be carried out in accordance with the following approved plans and documents:
Drawings:
491-P-e_F1 A P 01 Site Plan
491-P-e_F1 A 0 01 Functional Plan
491-P-e_F1 A 1 01 Sections and Elevations
491-P-e_F1EG R 01 Drawing List
8294-101 Topographical Survey
8294-100 rev.2 Location Map
Ecological Phase 1 habitat survey prepared by David Clements -
DCE1036:SEDA 4 V1
Site Investigation by Earth Science Partnership - ESP 7004b.02.3089 Rev1
Transport Assessment and Travel Plan by Corun
Tree Report and plan by ArbTS - Arboricultural Technician services (Tree consultancy) - 594.1ArbTS_SEDA
Noise Impact Assessment by Acoustic Consultants Ltd - Ref:7305/SL
Planting plan ref: 422.02.A received 3/2/19
Management plan ref: 422.03.A received 3/2/19
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Cont'd

- 11) 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 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,

Cont'd

- 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 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 in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 12) Prior to the commencement of any vegetation clearance, works or development a specification of all proposed tree planting shall be submitted to and agreed in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they 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. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 13) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
- b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) Prior to the commencement of development the mitigation measures outlined in Section 6 of the report titled 'SEDA 4, HAWTIN PARK, BLACKWOOD - ECOLOGICAL ASSESSMENT' dated November 2018 by David Clements Ecology, to include pre-commencement tree bat survey, a construction phase Wildlife Protection Plan and lighting design to control light spill, shall be submitted to and agreed in writing with the Local Planning Authority and implemented as agreed.
- REASON: To ensure the protection of protected species and to provide biodiversity enhancements in accordanced with Policies SP10 and CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021. .
- 15) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of vegetation or site clearance works, a plan shall be submitted to the Local Planning Authority for approval detailing the location of the donor habitat and receptor sites for translocation of the marshy grassland area identified in the Ecological assessment prepared by David Clements Ecology Ltd dated November 2018 together with a method statement and a programme for planting and monitoring the translocated vegetation. Work shall be carried out in accordance with the approved plans and translocation programme. A copy of the results of the monitoring programme shall be submitted to the Local Planning Authority at the end of each monitoring year.
- REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).

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- 16) Before any of the development hereby approved is occupied, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.
REASON: To encourage the use of a variety of transport options in accordance with Policy CW1 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to the construction of the external surfaces of the development hereby approved details of the colours of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 18) Prior to the commencement of the development hereby approved a notice shall be given to the Local Planning Authority.
(a) stating the date on which the development is to begin;
(b) giving details of the planning permission and of such other matters as is required by Schedule 5A to The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it. That decision notice shall be in the form specified by, and must be displayed in accordance with, Schedule 5B of the Order.
REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

Advisory Note(s)

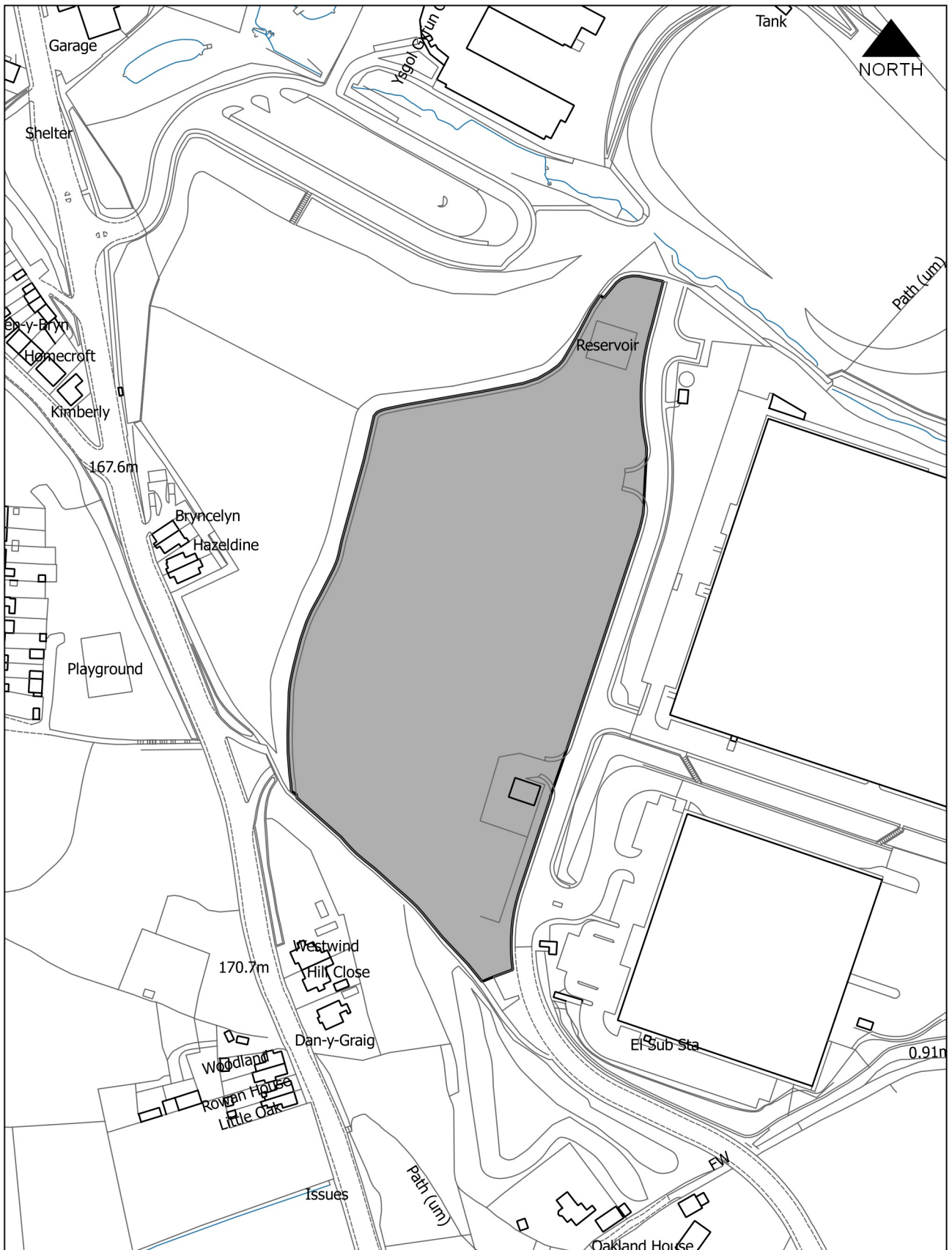
The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission.

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

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

Please find attached the comments of Western Power Distribution; Dwr Cymru/Welsh Water, Public Rights Of Way, Landscape Architect Officer that are brought to the applicant's attention.



| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|--|--|
| 18/1062/FULL 18.12.2018 | Crematoria Management Ltd Chapel View Westerleigh Road Westerleigh Bristol BS37 8QP | Construct a crematorium building with associated car parking, access roads and memorial parkland Land South Of Glanbrynar Farm Pontllanfraith Blackwood NP12 2AS |

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is on the northern side of the Sirhowy Enterprise Way opposite Newbridge Road Industrial Estate.

Site description: The application site is an irregular shaped parcel of land with an area of approximately 4.17ha. Historically, the site was to be developed as employment land and a plateau was formed of material arising from the construction of the Sirhowy Enterprise Way (SEW). However, the site has not been developed for such a use.

Development: Full permission is sought for the construction of a crematorium building with associated car parking, access roads and memorial parkland. The crematorium building is proposed to be situated in the north western part of the site, with car parking sited in a circular arrangement centrally within the site.

The crematorium building will accommodate an open sided porte cochere under which mourners can congregate, opening to an entry foyer with a vestry to one side and waiting room to the other. The entry foyer opens to the main chapel which provides seating for up to 98 mourners. The rear part of the building comprises the cremator room, offices, a family room and other ancillary rooms.

The proposal also includes the creation of a Memorial Parkland within the remaining land around the site. Pathways will allow for pedestrian circulation from the car park through the parkland.

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The crematorium would be likely to host around 1300 services per year, and attract some 108,000 people from the Blackwood, Pontllanfraith and the surrounding communities. The majority of the services will take place between 10.30 and 15.30. However there will be occasions where services will take place outside of these hours as well as non-attended services and committals which will take place outside of this core time period.

The application is supported by the following documents: -

- Pre-application Consultation Report
- Design and Access Statement
- Needs Assessment
- Transport Statement
- Ground Investigation Report
- Coal Mining Risk assessment
- Flood Consequences Assessment & Surface Water Drainage Strategy
- Groundwater Risk Assessment
- Phase 1 Ecological Appraisal and a Construction & Ecological Management Plan
- Landscape and Visual Appraisal
- Landscape and Ecological Management Plan
- Tree Survey and Tree Protection Plan
- Noise Impact Assessment
- Air Quality Assessment
- A technical specification for the control of nitrogen oxide and nitrogen dioxide.

Dimensions: The crematorium building is of single storey construction, measuring approximately 41.8m in length (including the open sided porte cochere) by a maximum of 15.9m in width at the widest point. The building measures 8.14m to the ridge with a chimney rising to 9.2m.

Materials: The building is proposed to be constructed of stone work and render, with a natural slate roof. Doors and windows will be of hardwood timber with stone window cills. The chimney will be finished in render with feature brick corbelling around the top section.

Ancillary development, e.g. parking: Access to the site will be achieved from the existing access point from the SEW. It includes a left-in/left-out arrangement with a 1.8m wide traffic island which will prevent right turns into the site. The proposed road arrangement also provides a visibility splay of 2.4m x 160m which is satisfactory for the 50mph speed limit of the A4048.

Two other forms of access are also under consideration: an unrestricted junction with a right-turn filter into the site, and the same arrangement but controlled by traffic lights.

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Car parking in the form of 88 parking spaces would be provided, which includes 5 spaces for staff parking and 4 disabled parking bays. Overflow parking can also be provided on the grass verges if needed.

PLANNING HISTORY 2005 TO PRESENT

07/0461/FULL - Temporarily store materials surplus to the requirements of the new development plateau originating from the construction of the Sirhowy Enterprise Way (inert glacial til soils) - Granted - 12.07.2007.

08/0693/NCC - Extend permission 07/0461/FULL - Granted - 29.08.2008.

09/0522/NCC - Renew and extend Planning Consent 08/0693/NCC for the temporary storage of fill materials which expires on 31/07/2009 - Granted - 04.09.2009.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside but adjoining the settlement. The Glanbrynar Woodlands site of importance for nature conservation (SINC) runs along the northern and western boundaries, and a route protected for a cycleway runs along the southern boundary. It is also within a sandstone safeguarding area.

Policies: The following strategic policies are of relevance to the proposed scheme: SP2 (Development Strategy in the Northern connections corridor), SP5 (Settlement Boundaries), SP8 (Mineral Safeguarding), SP10 (Conservation of Natural Heritage), SP20 (Road Hierarchy) and SP21 (Parking Standards).

In addition, these countywide policies are of relevance: CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Consideration - Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW15 (General Locational Constraints), CW22 Locational Constraints (Minerals).

The Supplementary Planning Guidance relevant to this development is LDP5 - Car Parking Standards (2017).

NATIONAL POLICY

Planning Policy Wales (PPW) Edition 10 (December 2018), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009), TAN 12: Design (2016), and TAN 18: Transport (2007), should also be taken into account. Cremation Act 1902.

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ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes.

CONSULTATION

The Coal Authority - The site is within a high risk area, but on the basis of the submitted Coal Mining Risk Assessment, the coal mining legacy issues are not significant within the application site where development is taking place and does not pose a risk to this particular proposal. Accordingly, no objection is raised to the proposed development.

Head Of Public Protection - There are no objections to the crematorium. The site will require an Environmental Permit from Environmental Health to operate, which will control emissions to air from the process. A condition to control noise and dust during the development is recommended.

Senior Engineer (Land Drainage) - No objections subject to the adoption of sustainable drainage techniques. The developer has been in discussion with the Council's drainage engineers to secure an acceptable solution.

Transportation Engineering Manager - No objection in principle subject to the provision of an appropriate junction into the site which has been the subject of discussion with the developers.

Dwr Cymru - As the applicant intends utilising a private treatment works they advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

Police Architectural Liaison Officer - No objections are raised.

Wales & West Utilities - Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of the site.

Ecologist - No objections subject to conditions concerning enhancement of habitat, and the compliance with the Construction & Ecological Management Plan.

Cont'd

Landscape Architect - There are no objections in principle but a number of recommendations are made: additional structure and buffer woodland planting along the perimeters; the ornamental pond / SUDS attenuation be designed to appear as natural as possible; the use of a darker colour render; the use of Siberian larch timbers; stone walls and metal gates should be utilised; and fencing should be stained black. Other matters such as car park surfacing, planting specification, ecological features and landscape maintenance should be secured by condition.

Principal Valuer - The Council's land ownership in the area has been highlighted because the scheme includes part of the road.

Natural Resources Wales - The private drainage scheme will require an Environmental Permit.

ADVERTISEMENT

Extent of advertisement: The application was advertised on site, in a local newspaper, and by direct consultation with 14 neighbouring properties.

Response: One response has been received drawing attention to the need for the air quality assessment to take account of the potential impact on the cattle on a neighbouring farm, which was not consulted directly.

The application was also supported by the report of a pre-application consultation process that took place towards the end of 2018. The comments arising from that process addressed, in summary, the following matters:

- air quality, from the stack, and as a result of slow moving traffic
- crematoria are traditionally located at more isolated, rural sites
- the local uses include schools, gyms and crèches as well as the industries and warehousing at the industrial estate
- pedestrian and public transport access
- the effect of a local temperature inversion
- impact on house prices
- increased traffic
- there are three crematoria within 25 minutes of the site
- impact on wildlife
- impact on the residents of the nearby nursing home
- impact on local farms

Cont'd

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?

This type of development will not have any significant impacts in terms of crime and disorder.

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 site is outside the settlement defined in the LDP by policy SP5. Due to the restrictions of the Cremation Act 1902, the development of new crematoria has to be away from the existing settlements. The settlement is defined in the LDP for the following reasons:

- A Define the area within which development would normally be allowed, taking into account material planning considerations;
- B Promote the full and effective use of urban land and thus concentrate development within settlements;
- C Prevent the coalescence of settlements, ribbon development and fragmented development;
- D Prevent inappropriate development in the countryside.

Policy SP2 sets out the development strategy in the Northern Connections Corridor which includes focusing significant development on both brownfield and greenfield sites, and reducing car borne trips.

Locational policy CW15 restricts development outside the settlement boundary to a number of categories including the following: that associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere.

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Whilst outside the settlement, the development is a form of public utility and infrastructure, proposed in an area where development is allowed on greenfield and brownfield sites. It has access directly to the SEW, with little opportunity for pedestrian access, but the development will reduce car journeys by providing a crematorium which will be closer to the residents of this borough. The application is supported by a needs assessment based on a 30 minute cortege drive time. The location of the proposed site would serve a population of over 193,000 people within that drive time. At present over 108,000 people in the locality do not live within that drive time of a crematorium. Around 154,000 people would have the new facility as their nearest crematorium, resulting in a forecast of around 1,300 cremations each year.

On balance, it is considered that the proposal complies with the strategy in the LDP.

The impact of the development on the landscape will be limited despite the site's location beyond the settlement boundary. The land is close to the existing settlement, and the development itself will be of a low density and landscaped, so that it will not appear as a significant intrusion into the countryside. Long views of the site will be available from the higher land to the south, within which the new development will relate well to the existing development in this corridor between Pontllanfraith and Newbridge. Satisfactory landscaping, boundary treatments and tree protection can be secured by condition. Part of the landscaping of the site would include a pond that would also act as a drainage features and has been the subject of discussions with the appropriate officers of the Council.

At the time of report preparation, the exact type of access into the site has not been agreed, and is the subject of discussion with the Council's engineers. However, access is available in principle, and the outcome of those discussions will be reported to members at Planning Committee.

Wildlife mitigation measures can be secured by condition. Woodland adjacent to the site will not be affected by the development and will be protected during construction. The site is also safeguarded for sandstone, but it is unlikely that planning permission would be granted for a quarry in this location bearing in mind its proximity to existing residential development. By contrast, the proposed development would not have an adverse impact on the amenity of any residential neighbours, the majority of which are separated from the site by the existing commercial developments.

The development is acceptable in respect of the countryside policies quoted above.

Comments from Consultees: There are no objections from the majority of consultees, and the only outstanding matter is the nature of the access into the site. Further information will be provided at Planning Committee.

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Comments from public: There was one comment from the public as a result of the consultation process, but for completeness, the issues raised during the pre-submission community consultation process will be considered below as well.

- Air quality, from the stack, and as a result of slow moving traffic. Emissions to atmosphere will be controlled by other legislation, but the applicants have submitted details of how they intend to control nitrogen oxide and nitrogen dioxide. Slow moving vehicles are a feature of crematoria, but there is no evidence that pollution levels would rise to an extent that would justify the refusal of permission. The Head of Public Protection has not raised any objections.

- Crematoria are traditionally located at more isolated, rural sites. This site is on the edge of the settlement, and there are no sound planning reasons to object to it in principle.

- The local uses include schools, gyms and crèches as well as the industries and warehousing at the industrial estate. There are no planning reasons why those uses and the proposed use cannot be in relative close proximity to each other.

- Pedestrian and public transport access. As the scheme stands there is no pedestrian or public transport access to the site. The nearest bus stop is on Newbridge Road, but there are no pavements on the SEW. However, the vast majority of trips to crematoria are car-based, and the provision of this facility in this area will reduce the length of those trips for residents of this part of the borough.

- The effect of a local temperature inversion. Emissions to air will be controlled under other legislation, but the level of emissions associated with a crematorium would not give rise to any objections in principle to such a scheme despite the local atmospheric conditions.

- Impact on house prices. This is not a material planning consideration.

- Increased traffic. There is adequate capacity in the local road network, bearing in mind that the site is served by the SEW, which itself connects to the Newbridge by-pass nearby.

- There are three crematoria within 25 minutes of the site. That drive-time would suggest favourable traffic conditions, but the applicants have also emphasised the age of the existing crematoria, and the need to improve the quality of the existing provision as well as the quantity.

- Impact on wildlife. The site itself has no significant wildlife value, but conditions will be imposed in respect of any appropriate mitigation and enhancement measures.

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- Impact on the residents of the nearby nursing home. Concern has been expressed about how these elderly residents may feel about having a crematorium nearby, but there are no planning reasons why the two uses should not be near to each other.

- Impact on local farms. There are no planning reasons why these two uses should not be near each other. There is no evidence that the emissions from a facility of this size would be harmful to livestock.

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.

- 02) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.
The scheme shall include:
 - (i) control of noise;
 - (ii) control of dust, smell and other effluvia;
 - (iii) control of surface water run off;
 - (iv) site security arrangements including hoardings;
 - (v) proposed method of piling for foundations;
 - (vi) construction and demolition working hours;
 - (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenity of the area.

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- 03) The development shall be carried out in accordance with the following approved plans and documents unless amended in accordance with any conditions attached to this consent:
- Location plan BWD01_P(0)000 Rev B;
 - Site roof plan BWD01_P(0)002 Rev B;
 - Site area plan BWD_P(0)003 Rev D ;
 - Ground floor and surrounds proposed BWD01_P(0)005 Rev B;
 - Path finishes and lighting BWD01_P(0)007 Rev B;
 - Ground floor plan BWD01_P(0)010 Rev D;
 - Roof plan BWD01_P(0)011 Rev B;
 - North and East Elevations BWD01_P(0)015 Rev C;
 - South and west elevations BWD01_P(0)016 Rev C;
 - Sections AA and BB BWD01_P(0)019 Rev B;
 - Sections CC, DD, EE, and FF BWD01_P(0)020 Rev A;
 - Floral tribute plan an elevation BWD01_P(0)022 Rev A;
 - Floral tribute details BWD01_P(0)023 Rev A;
 - Water feature BWD01_P(0)025 Rev A;
 - Entrance gates and signs BWD01_P(0)026;
 - Gas compound Floral tribute details BWD01_P(0)024;
 - Artist's impression and materials palette BWD01_P(0)0030;
 - Illustrative Landscape Master Plan 18-45-PL-201;
 - Tree Protection Plan RSE_1732_TPP V3;
 - Construction & Ecological Management Plan (December 2018) RSE_1732_03-V2;
 - Flood Consequences Assessment & Surface Water Drainage Strategy (SLR Ref: 402.02845.00034 Version No: Issue 3 December 2018);
 - Noise Impact Assessment REC REFERENCE: AC105931-1R3 (11TH DECEMBER 2018);
 - Ecological Appraisal (December 2018) RSE_1732_01_V3;
 - Ground Investigation Report (SLR Ref: 402.02845.00032);
 - Landscape and Ecological Management Plan (December 2018) (TRP reference 18-45 R01);
 - Coal Mining Risk Assessment Report SLR Ref: 402.02845.00034_v01 (December 2018).
- REASON: To ensure that the development is carried out only as approved by the Local Planning Authority

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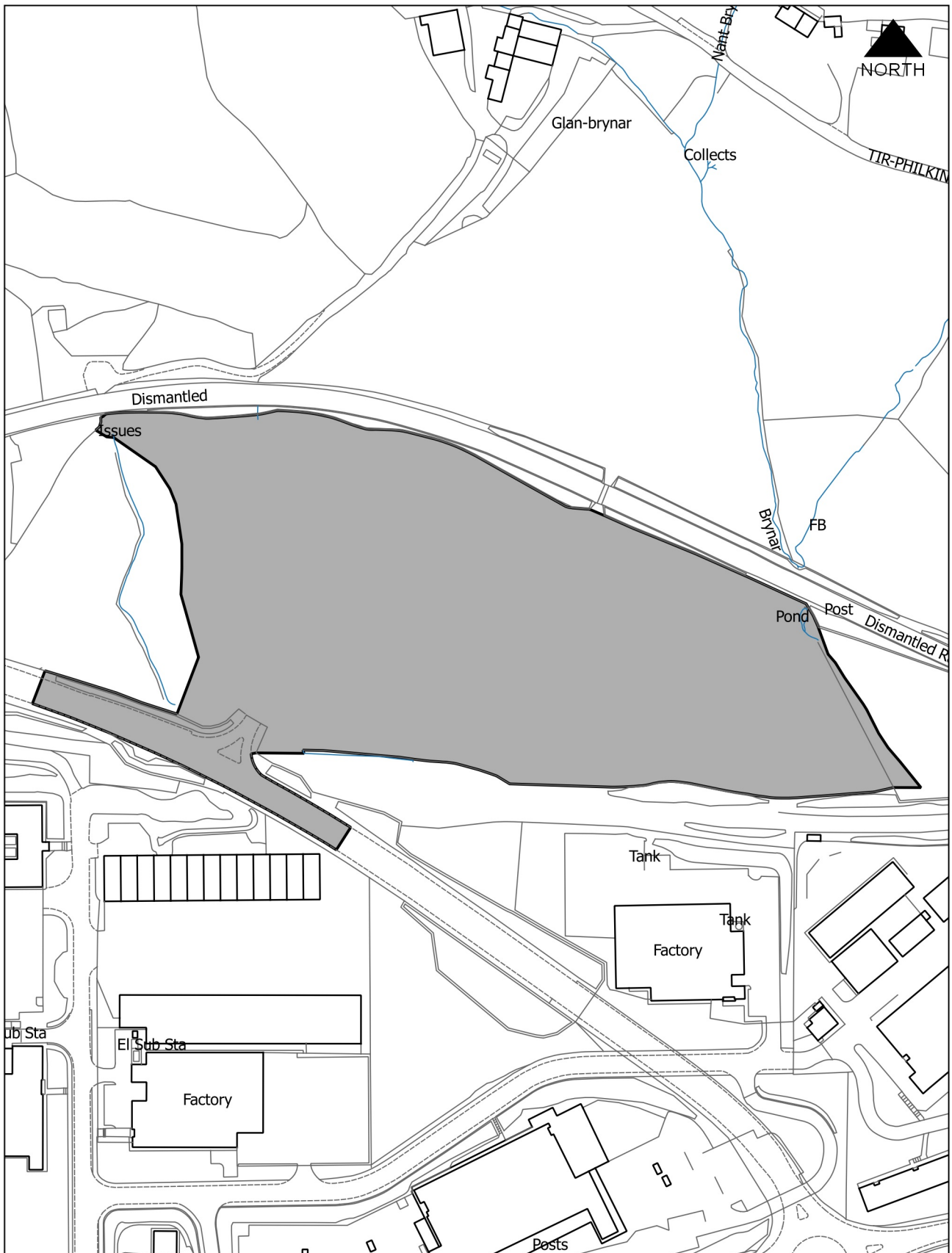
- 04) Prior to the commencement of the development hereby approved a notice shall be given to the Local Planning Authority.
- (a) stating the date on which the development is to begin;
 - (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
- Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it. That decision notice shall be in the form specified by, and must be displayed in accordance with, Schedule 5B of the Order.
- REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.
- 05) Prior to the occupation of the development hereby approved a scheme of land and surface water drainage within the site shall be installed in accordance with details that shall have been submitted to and agreed in writing by the Local Planning Authority.
- REASON: To ensure the development is served by an appropriate means of drainage.
- 06) Prior to the occupation of the development a scheme of hard and soft landscaping shall be carried out in accordance with a scheme that shall have been submitted to and agreed in writing by the Local Planning Authority. Those details shall include:
- (a) Proposed hard surfacing materials; minor structures including furniture, refuse or other storage units; and
 - (b) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: In the interests of the visual amenity of the area.

Cont'd

- 07) Prior to the occupation of the development hereby approved, roosts and a means of access for bats shall be provided as part of the approved development and in accordance with the supplementary specification details attached to this decision notice.
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 occupation of the development hereby approved, nesting sites for birds shall be provided as part of the approved development and in accordance with the supplementary specification details attached to this decision notice.
REASON: To provide additional roosting for birds 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 and Tan 5 Nature Conservation and Planning (2009) and in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

The following policies of the adopted Caerphilly County Borough Local Development Plan up to 2021 are relevant to the conditions attached to this consent: CW2, CW3, CW4 and SP10.



Gadewir y dudalen hon yn wag yn fwriadol

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|--|--|
| 18/0912/RM 19.10.2018 | Emtrek Limited Mr J Davies 1 St Christophers Close Bedwas Caerphilly CF83 8UA United Kingdom | Seek approval of the reserved matters in respect of access, appearance, landscaping, layout and scale reserved under outline planning consent 17/0278/OUT (Erect residential development of 9 residential properties (7 x detached dwelling houses and 2 x semi-detached properties) with all matters reserved) Land At Grid Ref 314117 193622 Troedyrhiw Ystrad Mynach |

APPLICATION TYPE: Approval of Reserved Matters

SITE AND DEVELOPMENT

Location: Land on the east side of Troedyrhiw, Ystrad Mynach.

Site description: The application site is formed of a broadly rectangular parcel of grassed land to the east of Troedyrhiw and west of the Coleg Y Cymoedd Ystrad Campus. To the west of the site are a row of bungalows (1-5 Troedyrhiw) and orientated at 90 degrees is a house (6 Troedyrhiw). The Coleg Y Cymoedd campus forms the eastern and southern boundary to the site. To the north is a small grassed area with wooded area beyond. The natural topography rises from east to west. The site is mainly flat and falls away to the eastern boundary with the college campus.

Development: The application seeks reserved matters approval for all matters (Access, Appearance, Landscaping, Layout and Scale) following the outline planning permission (17/0278/OUT).

The development comprises of 9 dwelling with a mix of 7 detached properties and 2 semi-detached properties. The detached properties would have four bedrooms and the semi detached properties have two bedrooms.

Cont'd

Dimensions:

Plots 1 and 2 (A pair of Semi detached properties)
Width 5.7m, length 7.8m height 7.4m

Plots 3-9 (The Detached Properties)
Width 10.3m, length 12.9m height 7.4m

Materials: The properties will be finished in Brick and Render with grey concrete interlocking tiles.

Ancillary development, e.g. parking: Properties have driveways and/or garages.

PLANNING HISTORY 2005 TO PRESENT

17/0278/OUT - Erect residential development of 9 residential properties (7 x detached dwelling houses and 2 x semi-detached properties) with all matters reserved - Granted 29.11.17.

18/0650/NMA - Seek approval of a non-material amendment to condition 14 of planning consent 17/0278/OUT (Erect residential development of 9 residential properties (7 x detached dwelling houses and 2 x semi-detached properties) with all matters reserved) in order to include detailing regarding maximum lengths and width parameters for the proposed units - Refused 20.08.18.

18/0811/NMA - Seek approval of a non-material amendment to planning consent 17/0278/OUT (Erect residential development of 9 residential properties (7 x detached dwelling houses and 2 x semi-detached properties) with all matters reserved) to agree revised scale parameters - Granted 09.10.18.

POLICY

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

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

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

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

Cont'd

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 7 (Householder Development).

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? This is a Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Senior Engineer (Land Drainage) - No objections, development of the site should accord with the measures proposed in the submitted Geotechnical & Geoenvironmental Report, number 14377 dated April 2018.

Dwr Cymru - No objection, advise public sewer crosses site and provides advice for applicant.

Rights Of Way Officer - There are no Public Rights of Way crossing or abutting the site.

Transportation Engineering Manager - No objections subject to conditions to address detailed highway considerations.

Head Of Public Protection - No objection subject to developer incorporating measures detailed in the submitted site investigation report.

Principal Valuer - No comments.

CCBC Housing Enabling Officer - No comments.

Ecologist - No objection. Requests additional condition for ecological enhancement.

Gelligaer Community Council - Council agreed that CCBC are to ensure that conditions are in place to eradicate Japanese Knotweed and that the properties are not moved forward as the trajectory of the upper floors will overlook habitable rooms of the existing bungalows opposite.

Cont'd

Invasive Plant Species Officer - Land has previously been sprayed for Knotweed. Recommends a planning condition be attached to address Knotweed issues.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and 8 neighbour notification letters were sent.

Response: Three representations were received relative to the consultation exercise.

Summary of observations:

- Inadequate road access for construction traffic and future residents of new dwellings
- Noise and air pollution
- Properties appear too close to habitable room windows
- Overlooking from development
- No dwarf walls on new properties
- Dwellings are out of keeping with the existing estate
- Existing and future parking problems
- Loss of outlook
- Loss of the land for residents use
- Loss of on street parking

SECTION 17 CRIME AND DISORDER ACT

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

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The site is within the mid-range viability area and therefore a CIL rate of £25 per square metre (plus any indexation) would be levied.

Cont'd

ANALYSIS

Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area.

The principle of residential development on the site was established by the earlier outline planning permission (18/0278/OUT) which was granted following a Committee site visit and subsequent approval by Members. In that regard the only issues that can be considered here are the reserved matters of access, appearance, landscaping, layout and scale which are considered in turn below.

With regard to access the detached dwellings will each have their own driveways accessed from Troedyrhiw Road. The two semi-detached properties at the northern end of the site would be accessed via a shared driveway. This access has been considered by the Transportation Engineering Manager and no objection has been raised subject to the imposition of conditions which include revised details for the shared drive. In that regard the access is considered to be acceptable and accords with Policy CW3 (Highways) of the Local Development Plan.

In respect of the appearance of the proposed dwellings it is considered that the proposed dwelling designs are acceptable and accord with adopted Local Development Plan Policy SP6 (Placemaking). Objections raised to the general form of the development during the outline application were considered. It was noted that the existing estate has a mix of property types and styles and that there was not a particular architectural vernacular that provided a strong case for restricting the developer's choice of house type. It was further agreed through the approval of the outline application that the introduction of a row a dwellings was considered acceptable in terms of its visual impact on the character of the area.

In relation to Landscaping a mixture of grassed front lawn areas with shrubs and some beech hedging and tree planting proposed. An area of thicket planting is proposed in rear gardens at the eastern boundary of the site with the adjacent college. It is considered that the proposal is considered to be acceptable in terms of landscaping.

Cont'd

In terms of the layout the development broadly accords with the indicative layout submitted with the outline application. It is considered that the layout provides adequate privacy for existing residential properties and suitable garden space for future residents. Each property has sufficient amenity space and as previously discussed the Transportation Engineering Manager is content that with the imposition of planning conditions suitable parking and turning facilities can be agreed. It is considered that the proposal is acceptable in relation to the layout.

In regard to scale it is noted that the development complies with the height restriction of 7.5m imposed by condition on the outline permission which was to ensure the properties did not introduce unacceptable overlooking or overbearing to the existing residential properties on Troedyrhiw. The proposed dwellings and the site are considered to be acceptable in terms of scale. It accords with adopted Local Development Plan Policy CW2 (Amenity).

Comments from Consultees:

The Council's Ecologist asks for an additional condition to secure bat provision as a biodiversity enhancement. While this is desirable, in view of the scale of the development, it is considered that such a condition would not meet the test in Welsh Government Circular WGC 016/2014 in that it is not essential in planning terms to enable the development to proceed. The circular states " In considering whether a planning condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition." The comments will be sent as an advisory note.

Comments from public:

As stated above this is a reserved matters application and therefore the principle of residential development on the site has been established through the earlier outline permission. The only matters that can be considered now are in respect of the reserved matters in terms of access, appearance, landscaping, layout and scale. In relation to the objections received these will be addressed in turn.

- Inadequate road access for construction traffic and future residents of new dwellings
- Noise and air pollution

The principle of residential development has been established for the site and consideration of noise/air pollution and traffic generation was considered at outline stage and deemed acceptable.

Cont'd

- Properties appear too close to habitable room windows and gardens
- Overlooking from development

The site layout indicates that a separation distance of 21 metres is achieved to habitable room windows and 15 metres to existing rear amenity areas from new fenestration in the proposed dwellings. It is considered that the dwellings will have an acceptable impact on the amenity of existing residential properties and their occupants.

- No dwarf walls on new properties

It is considered that the proposed planting is an acceptable boundary treatment.

- Dwellings are out of keeping with the existing estate

As noted in the officer report there is variety in the existing properties in the area and the proposed appearance of the dwellings are acceptable.

- Existing and future parking problems
- Loss of on street parking

The Transportation Engineering Manager has offered no objection to the development and considers that appropriate parking arrangements for all properties can be agreed.

- Loss of outlook

The loss of a view is not a material planning consideration and the submitted layout shows adequate separation between the new dwellings and existing properties. The impact on outlook for existing residents is considered acceptable.

- Loss of the land for residents use

This was considered under the outline application and the principle of residential use for the site was agreed.

Other material considerations:

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.

In respect of the reference to Japanese Knotweed made by the Community Council the Council's Invasive Plant Species Officer has indicated that the area has been previously sprayed by the Council for treatment of Knotweed. Recent site investigation works on the site have not identified the presence of Knotweed on site however it is considered appropriate to require additional investigatory works to be undertaken prior to the commencement of development to clarify whether further knotweed prevention/treatment measures are required. A planning condition has been imposed to address this matter.

It is considered that subject to the conditions detailed that the development is acceptable and it is recommended for approval accordingly.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Notwithstanding this approval, all other conditions on planning permission 17/0278/OUT shall remain in force and effect in relation to the development hereby approved unless expressly varied or discharged by the Local Planning Authority.
REASON: For the avoidance of doubt that the conditions contained in the Outline Planning Consent reference number 17/0278/OUT are still applicable.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan, drawing reference 5430.02B received 19.10.18;
 - Proposed Site Block Plan, drawing reference 5430.01T, received
 - Proposed Floorplans (Plots 1 and 2), drawing reference 5430.03, received 19.10.18;
 - Proposed Elevations (Plots 1 and 2), drawing reference 5430.04, received 19.10.18;
 - Proposed Elevations (Plots 3-8), drawing reference 5430.06A, received 19.10.18;
 - Proposed Floorplans (Plots 3-8), drawing reference 5430.05B, received 07.01.19;
 - Proposed Landscaping Works, drawing reference 5430.07, received 19.10.18;
 - Terra Firma Geotechnical and Geoenvironmental Report, reference 14377, dated April 2018.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the approved plans before beneficial occupation of each property 3 number off-street parking spaces shall be provided within the curtilage of each property in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety.

Cont'd

- 04) Notwithstanding the submitted plans the site boundary fronting Troed Y Rhiw shall be set back and a 2.0m wide footway provided along the frontage which shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and completed prior to beneficial occupation of the development.
REASON: In the interests of highway safety.
- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety.
- 06) Notwithstanding the submitted plans prior to the commencement of works on plots 1 and 2 revised details of the parking and turning area for plots 1 and 2 shall be submitted to and agreed in writing with the Local Planning Authority. The agreed parking and turning area for plots 1 and 2 shall be provided prior to the beneficial occupation of either dwelling and therefore be maintained free of obstruction for the intended use.
Reason: To ensure adequate parking and turning area is provided.
- 07) Notwithstanding the details submitted prior to the commencement of development the applicant shall submit for the written approval of the Local Planning Authority details of a pedestrian access route from Troed Y Rhiw to the northern boundary of the site. This access route shall be completed in materials to first be agreed in writing with the Local Planning Authority and provided in accordance with the approved details prior to the occupation of the 9th dwelling. The pedestrian access shall be maintained thereafter.
REASON: To provide access for residents to the adjacent open space in the interests of amenity.
- 08) The development shall be carried out in accordance with the recommendations of section 7 of the submitted Terra Firma Geotechnical and Geoenvironmental Report, reference 14377, dated April 2018.
Reason: To ensure the site is developed in a satisfactory manner.

Cont'd

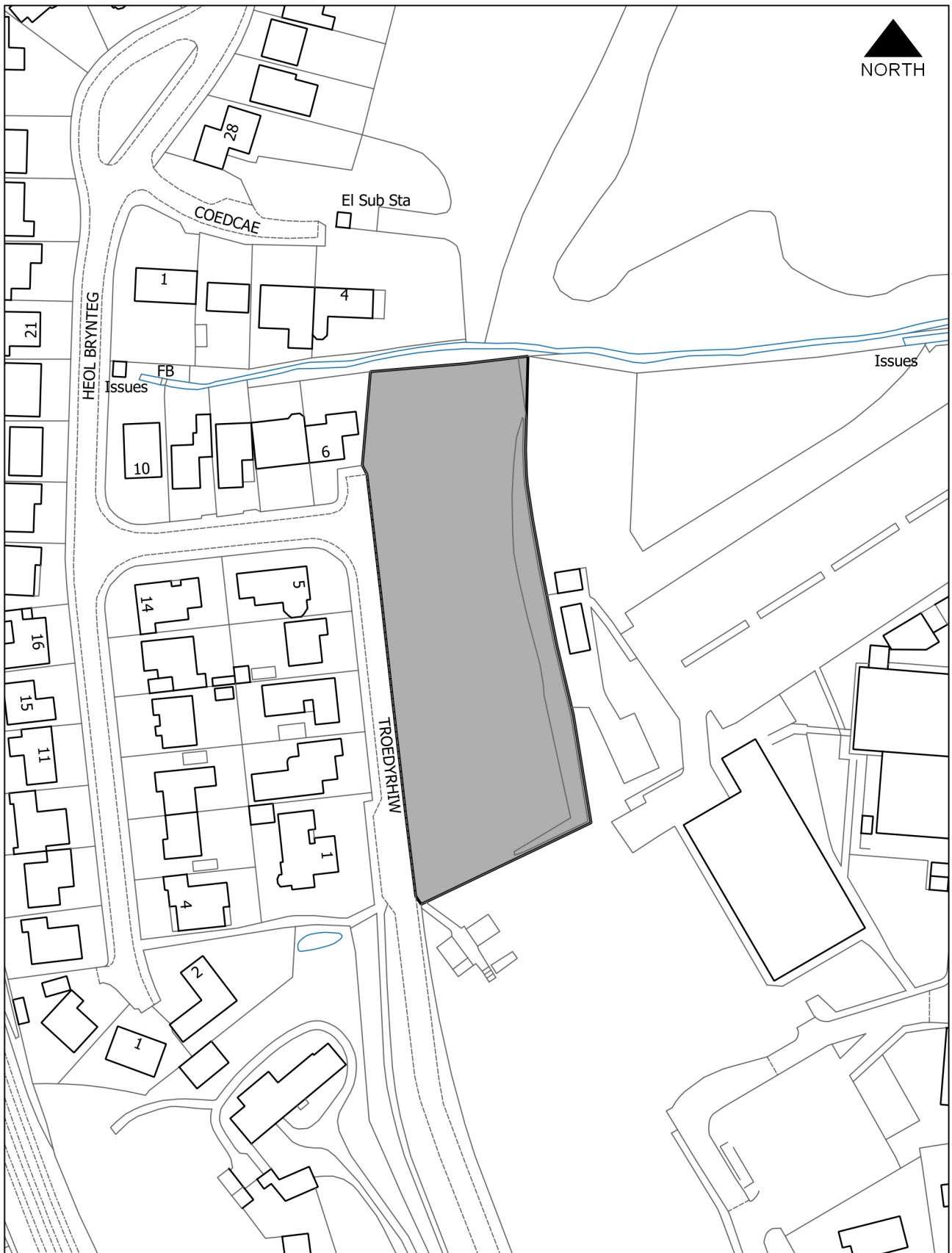
- 09) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.
Reason: To ensure the development is served by an appropriate means of drainage.
- 10) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the investigation and (if appropriate) treatment of Japanese Knotweed on site. If required by the Method Statement the treatment of Japanese Knotweed (or other protective measures agreed) 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 (*Fallopia japonica* / *Polygonum cuspidatum*) 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.

Advisory Note(s)

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

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.



Gadewir y dudalen hon yn wag yn fwriadol

PREFACE ITEM

APPLICATION NO. P/06/0037

APPLICANT(S) NAME: Cray Valley Ltd

PROPOSAL: Redevelop site incorporating 545 residential units and 2.5 acres for a primary school

LOCATION: Waterloo Works Machen

1. This application is a long standing proposal which was originally reported to the Planning Committee on the 20 June 2007 (a copy of that report is attached as an appendix to this preface item). At that time Committee resolved to grant a conditional consent for the development subject to the completion of a Section 106 Agreement.
2. This Agreement was based on:
 - i. The payment of a highway contribution of £2,953,335.00.
 - ii. A sum of £2,599,000 for a primary school building along with a site of 2.5 acres on which the school would be built; and
 - iii. To provide a developable site of 1.5 acres and 16 units of low cost ownership.
3. The last draft of the Section 106 Agreement was prepared in the summer of 2009, but it has not yet been signed and as such the planning permission has not been issued. Planning Committee agreed in 2016 to amend the terms of the section 106 to allow the Education payment to be made on the commencement of the construction of the 100th house, and with the advent of the Community Infrastructure Levy, the highway contribution was dropped.
4. The land owners, Total Limited, have indicated that they intend to clear the site of all contamination prior to pursuing its development for housing. In this regard they are seeking to finalise with the Council and our external consultants a remediation scheme designed to clear the land to a standard that can accommodate residential development and the school. This aim has delayed the completion of the agreement.

Cont'd....

5. In view of the amount of time that has passed since it was resolved to grant permission, it is now appropriate to review whether planning permission should be granted on the basis of the terms set out above. The resolution to grant planning permission was taken in 2007. There have been a number of changes to the policy context since then.

- The adoption in November 2010 of the Caerphilly County Borough Local Development Plan up to 2021 (LDP)
- The amendment of Welsh Government document Planning Policy Wales (PPW) on a number of occasions, the latest being Edition 10 published in December 2018
- New version of the following Welsh Government Technical Advice Notes (TANs) which are of relevance to this scheme:
 - TAN 5, Nature Conservation and Planning (2009)
 - TAN 12: Design (2016)
 - TAN 18: Transport (2007)
- The publication by Welsh Government of its Development Management Manual which sets out the information needed to support a planning application.

Consideration will be given below to those policies that are relevant to a review of the original resolution.

6. Caerphilly County Borough Local Development Plan up to 2021

6.1 The site is still allocated in the LDP for residential development of around 545 dwellings, and therefore there are no objections in principle to the proposed development. Policy SP6 of the plan refers to Placemaking, and requires development, amongst other things, to have a location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all. Policy SP7 refers to Planning Obligations to overcome obstacles to development including:

- Infrastructure for walking, cycling, public transport, parking
- Schools and ancillary facilities
- Community Facilities
- Formal and informal open and leisure space
- Affordable housing and
- Other facilities and services considered necessary

Policy SP10 states that the Council will protect, conserve, enhance and manage the natural heritage of the borough.

Cont'd

6.2 The following countywide policies are also of relevance. Policy CW3 addresses the design considerations for highways including the need to promote the interest of pedestrians, cyclists and public transport before that of the car. Policy CW10 seeks the provision of leisure and open space provision. Policy CW11 seeks the provision of affordable housing, with the target in this area being 40% of the total number of dwellings.

7. Planning Policy Wales Edition 10 December 2018

7.1 The format and content of PPW was recently changed to reflect the Well-being of Future Generations Act. It contains a significant emphasis on placemaking, the outcomes of which include accessible and high quality green space; accessibility by means of active travel and public transport; no car dependency; minimising the need to travel; convenient access to goods and services; and promoting physical and mental health and well-being.

8 Technical Advice Notes

8.1 TAN 5, Nature Conservation and Planning (2009) states that Biodiversity conservation and enhancement is an integral part of planning for sustainable development.

8.2 TAN 12: Design (2016) sets out the objectives of good design which include: ensuring ease of access for all, promoting sustainable means of travel, enhancing biodiversity, ensuring attractive and safe public spaces, and promoting quality, choice and variety.

8.3 TAN 18: Transport (2007) draws attention to changes in travel patterns brought about by land use change in the future which are likely to be incremental, but over the medium to long term could significantly reduce the need to travel and ensure that effective use is made of public transport options, walking and cycling.

9. Development Management Manual

9.1 Where appropriate, an application for outline planning permission must include the following information:

- Biodiversity Survey and Report
- Flood Consequences Assessment
- Coal Mining Risk Assessment
- Noise Assessment
- Transport Assessment
- Tree Survey

Cont'd

10. Analysis

- 10.1 It is important to bear in mind that this land is allocated for housing in the LDP, and it would represent the redevelopment of a large brownfield site. Therefore, this report will not argue against the principle of development at this site, but will consider whether the application can still be recommended for approval bearing in mind the amount of time since its submission and the changing policy context.
- 10.2 The site is relatively isolated. The small village of Waterloo, itself isolated, lies immediately to the south. As it stands, residents of the new development would more than likely drive to any facilities. More recent proposals in association with their transport assessments provide evidence of how the use of means of transport other than the private car are going to be encouraged. Opportunities are shown in the LDP with the former railway lines to the north and south of the site safeguarded for cycle routes. Those improvements, which may include enhancements to the local cycle and pedestrian network, and inducements to use public transport, are usually secured through a section 106 agreement.
- 10.3 In view of the size of the development, a range of play facilities would be required, and a contribution to their maintenance secured through a section 106 agreement.
- 10.4 The target for affordable housing is 40% of the total housing, which on the basis of the LDP allocation would be 218 units. The resolution to grant planning permission only sought 16 units and 1.5 acres (0.6 hectares) of land for affordable housing. The delivery of affordable housing is sensitive to the viability of the development of the site, and has to be balanced against the other matters secured through the section 106 agreement, including in this case, the need for an educational facility on site which is also identified in the LDP. In view of this site's semi-rural location and the location of the River Rhymney Site of Importance for Nature Conservation along its northern boundary, wildlife habitat enhancement would also be sought. No doubt the developer would wish the cost of remediating the site to be taken into account as well
- 10.5 It is evident that the section 106 agreement needs to be reconsidered to reflect the changed policy context.

Cont'd

10.6 The original application was accompanied by an Environmental Statement submitted in accordance with the then Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. That statement included sections covering the following areas:-

- (1) Planning Supporting Statement;
- (2) Development Framework and Design Statement;
- (3) Noise, Vibration and Dust Assessment;
- (4) Transportation Assessment;
- (5) Ecological Assessment;
- (6) Land and Visual Impact Assessment;
- (7) Flood Risk;
- (8) Remediation Strategy.

In that respect, the submission covers many of the requirements set out in Development Management Manual apart from the need for a Coal Mining Risk Assessment, which was only introduced in 2009. However, the Planning Supporting Statement, Transportation Assessment, and Ecological Assessment would have to be brought up to date to reassure the Local Planning Authority that it was granting planning permission for development on a sound basis in those respects. Also, there may be other aspects of the ES that would have to be amended to reflect the new EIA Regulations of 2017, and any relevant case law that has arisen since the original resolution to grant planning permission.

10.7 Although not mentioned above, consideration should also be given to TAN15 Development and Flood Risk. Approximately half of the site is within Flood Zone C2 as defined by the TAN where highly vulnerable development such as housing should not be permitted. There have been appeal cases in recent years where The Planning Inspectorate have appeared to take a more prohibitive approach to residential developments on Flood Zone C2. This is another matter that should be reviewed before the Local Planning Authority grants planning permission.

10.8 The Joint Housing Land Availability Study published in August 2018 concludes that this borough has a five-year land supply of 2.3 years. This has been a significant consideration in the determination of planning applications for housing on unallocated sites in the borough. This site, despite the resolution to grant planning permission, does not currently contribute to the land supply. As already stated, there are no objections in principle to housing on this land, but the uncertainties set out above in respect of the application as a result of the time that has passed since the original resolution would outweigh the need to improve the land supply.

Cont'd

11. Conclusion

- 11.1 The planning application and the resolution to grant planning permission subject to a section 106 do not adequately reflect the current planning policy context. There is a strong likelihood that the Environmental Statement that supports the application needs to be brought up to date before the Local Planning Authority can consider the acceptability of the proposed development. Therefore, it is recommended that planning permission is refused.

RECOMMENDATION: That planning permission is refused for the following reason:

The proposed development does not make adequate provision for affordable housing, public open space, nature conservation enhancement, and for travel by means other than by car, as required by policies CW11, CW10, SP10 and CW3 respectively of the adopted Caerphilly Country Borough Local Development Plan up to 2021. Nor does it pay sufficient regard to the principle of placemaking as set out in Planning Policy Wales Edition 10 of December 2018.

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|---|---|
| P/06/0037 13.01.2006 | Cray Valley Ltd C/O DTZ Pida Consulting Marchmount House Dumfries Place Cardiff CF10 3RJ | Redevelop site incorporating 545 residential units and 2.5 acres for a primary school Waterloo Works Machen |

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The site is located to the north of the village of Waterloo and is sited some 2.5 miles east of Caerphilly town. The site also lies approximately 7 miles from Junction 28 of the M4 motorway.

The site is bounded to the south by a small number of houses (i.e. Waterloo) and open countryside, to the east and west by open countryside, and to the north by the River Rhymney, beyond which is the A468 Caerphilly to Newport road.

The land has until recently been occupied by a company that produced specialist paint resins. The majority of the operation closed in 2003 and works were subsequently commenced to demolish the industrial buildings on site approximately one year later.

Within the site, however, was located an independent paint manufacturer (i.e. Valspar) whose lease terminated in the autumn of 2006.

The site is relatively flat although there is an elevated railway embankment along the western boundary and raised bunds along the banks of the River Rhymney to the north.

The vast majority of the application area was covered in industrial buildings, offices and plant installations. However, approximately one-fifth of the site is undeveloped and comprises mostly open, grassed fields in the north-eastern corner of the site.

Development: The proposed application is an outline submission which seeks to reserve all detailed matters.

The scheme as originally submitted was for the redevelopment of the site to incorporate 495 residential units and over 5,780 square metres of employment space and community facilities. As the application progressed, discussions between your Officers and the applicant and their agents has resulted in a changed description which reads "redevelopment of the site incorporating 545 residential units and 2.5 acres for a primary school."

Cont'd...

Application No. P/06/0037 Continued

The result of this revised outline proposal is that the buildings on the site that were shown as being retained for employment purposes (mainly the existing research and development and office buildings towards the front of the site area) are to be demolished to allow for the additional housing, etc. Illustrative layouts have been submitted as part of the proposal, however, these do not form part of this proposal (other than as guidance).

In view of the scale and complexity of the proposal, the application was accompanied by an Environmental Statement submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

This statement included sections covering the following areas:-

- (1) Planning Supporting Statement;
- (2) Development Framework and Design Statement;
- (3) Noise, Vibration and Dust Assessment;
- (4) Transportation Assessment;
- (5) Ecological Assessment;
- (6) Land and Visual Impact Assessment;
- (7) Flood Risk;
- (8) Remediation Strategy.

The purpose of this Environmental Statement is to identify and evaluate the potential environmental effects of the proposed development and to draw together the assessment of the proposals to a mix of both the public and decision matters in understanding the environmental issues surrounding the proposed development.

The applicant held a two day, pre-application consultation exhibition at the site, where an opportunity for the public to comment was allowed.

Dimensions: The application site area as indicated in the amended form (i.e. for 545 houses and 2.5 acres for a primary school) totals 16.68 hectares (41.2 acres). Of this 13.4 hectares comprises the works and the car park area on the eastern side of the road into Waterloo, whilst 3.25 hectares of land is currently undeveloped.

It is intended to locate the school and junior size sports field towards the north-eastern corner of the site, however, the exact position has not yet been finalised.

The site is an irregularly shaped area of land measuring approximately 150 metres at its widest point (north to south) and approximately 400 metres at its longest point (east to west). Its frontage with Waterloo Road measures 110 metres.

Cont'd...

Application No. P/06/0037 Continued

To add to this main area, there is the triangular shaped parcel of land which served as a car park for the Cray Valley operation. This measures approximately 90 metres along its base and 100-110 metres on each of its sides. This area abuts onto housing on Waterloo Place along its southern boundary.

Materials: None.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

As would be expected, the site has a range of approvals for office and industrial buildings over the years. The live applications of direct relevance to this current proposal are the last two on the following list.

5/5/91/0237 - Erect mess room/office/toilet facilities - Approved 20.05.91.

5/5/91/0238 - Erect laboratories and offices - Approved 30.05.91.

5/5/92/0195 - Re-roof, provide overcladding and erect extension to building 14 - Approved 15.05.92.

5/5/92/0558 - Erect sign - Approved 16.10.92.

5/5/92/0764 - Construct new amenity building - Approved 11.02.93.

5/5/93/0189 - Erect industrial unit for storage of drums, raw materials and finished products - Approved 06.03.93.

5/5/94/0439 - Re-clad building 24 to improve amenity of site - Approved 12.08.94.

P/96/0120 - Erect group of buildings within existing site boundary for housing of plant and machinery used for the manufacture of synthetic resins - Approved 24.10.96.

P/97/0817 - Construct a control room and electrical switch room adjacent to building 38, an existing production building - Approved 27.10.97.

P/99/0878 - Store toluene di-isocyanate (HSC) - No objections 25.11.99.

P/04/1891 - Excavate, on-site treatment and backfilling of approx 15,000 cubic metres of contaminated soils - no significant change to levels across site are proposed - Approved 08.12.05.

Cont'd...

Application No. P/06/0037 Continued

P/06/0629 - Excavate, on-site treatment and back filling of approximately 21,000 cubic metres of contaminated soils with no significant change to levels across site proposed - Granted 07.12.06.

Applications P/04/1891 and P/06/0629 both deal with the on-site remediation of the land which is necessary for the after-uses currently proposed to be carried out.

The difference in the proposals is that the first application addresses the site remediation with the Valspar operation of approximately 2.7 hectares (i.e. 6.6 acres) not included.

Valspar subsequently vacated the site in 2006 and, as such, the second application for an overall remediation scheme was submitted and approved in December 2006.

The site remediation works are currently continuing on site.

POLICY

Site Allocation

Development Plan: The Adopted Caerphilly Basin Local Plan covered the whole of the Basin area which extended east to include Waterloo. In this Plan, the site is shown as forming part of an employment site (i.e. E1 Waterloo Works). The vast majority of this designation is contained within the settlement boundary of that Adopted Plan. An area of 0.85 hectares does project into the open countryside.

Council Approved UDP: This Plan once again shows the site as being mostly within the identified settlement boundary and as being an identified industrial estate known as Waterloo Works.

Policies

Development Plan: The Adopted Caerphilly Basin Local Plan contains Policy E1 which seeks to channel industrial developments into certain identified sites, one of which is the Waterloo site. Also of relevance is Policy EV1 which presumes against development in the open countryside and Policy S3 of the Adopted Mid Glamorgan County Structure Plan (1989) which also presumes against development in the open countryside.

Council Approved UDP: This Plan contains a range of policies of relevance to this proposal. These are as follows:-

- DC1 - Development Criteria
- DC2 - Settlement Boundary
- DC3 - Planning Guidance

Cont'd...

Application No. P/06/0037 Continued

E2 - Protection of Existing Industrial Premises
E3 - Protection of Existing and New Industrial Sites
H2 - Development on Unallocated Sites
H3 - Affordable Housing
C12 - Special Landscape Area
C13 - Trees, Woodlands and Hedgerows
1T(B) - Transport Strategy
L9 - Open Space Provision
L10 - Outdoor Sport Provision
CF5 - New School Buildings

Attention has also been paid to the following:-

National guidance contained in Planning Policy Wales (PPW) and TANs 2 (Affordable Housing), 12 (Design) and 15 (Development and Flood Risk).

The PPW guidance was particularly relevant in respect of the use of brownfield land for new development.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Yes. The proposal was the subject of a screening exercise prior to the application being submitted. In view of its past use, its scale, location, etc., it was considered that an Environmental Impact Assessment was required under Schedule 2 sub-section 10 (Infrastructure Projects).

A subsequent screening opinion was requested by the current applicant and this was provided. An Environmental Statement was thereafter submitted which addressed the issues found relevant in the scoping opinion.

CONSULTATION

Dwr Cymru - Raises no objections subject to the imposition of conditions relating to the provision of details of foul, surface water and land drainage at the site. It also made a number of comments on drainage issues which it requires to be forwarded to the developer to address.

Environment Agency (Wales) - Considers the proposal under four separate headings:

- (a) Flood risk;
- (b) Ground water and contaminated land;
- (c) Biodiversity;

Cont'd...

Application No. P/06/0037 Continued

(d) Other issues - e.g. Land Drainage Act, responsibility, maintenance of watercourses, etc.

(a) With regard to the first of these, it originally objected to the proposal from a flood risk perspective. Additionally, information has been provided as an addendum to the previously submitted flood consequences assessment. This information now allows the Environment Agency to withdraw its objection.

(b) The Agency considers that any issues raised here can be dealt with by way of condition.

(c) No objection is raised on this basis.

(d) The points raised here are ones that are best forwarded to the developer as advice in an accompanying letter should consent be granted.

Wales & West Utilities - Has apparatus within the site and comments that extreme caution should be used in view of the pressurised gas plant in the vicinity.

Head Of Public Protection - Comments that he raises no objection in principle to the proposal, however, he would wish to see gas monitoring undertaken at the site as part of the remediation work previously approved. He does, however, require a range of conditions to be imposed which not only address the gas monitoring issue but also deal with site remediation matters, dust and noise mitigation, hours of operation during construction, etc.

Group Manager (Transportation Planning) - Raises no objection although he requires a range of information to be obtained by way of condition. He also requires the payment of money in line with the standard planning obligation in respect to contributions to improvements of the strategic highway network.

Manager (Countryside And Landscape Services) - Raises no objection to the proposal and makes comments on ecology, landscape, sustainability and design which he feels should be incorporated into the scheme. The Council's Ecologist requests conditions be imposed which take account of habitat requirements.

Senior Engineer (Land Drainage) - Raises no objection, however, he itemises a list of matters which the applicant will need to be mindful of which are required to be forwarded to the applicant/developer if consent is granted.

Head of Lifelong Learning & Leisure - Requires a junior football pitch and a "micro-park" to be incorporated into the scheme. Through discussion between the parties, it has been agreed that the pitch will be provided in association with the school and be a dual-use facility as will the related changing facilities.

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Application No. P/06/0037 Continued

Director of Education required an educational provision to serve the development. This has been secured by your officers by the amended description of the development to include a school and sufficient land to accommodate it. The financing of this provision will be secured by way of a Section 106 Agreement.

Chief Housing Officer - Comments that in respect of affordable housing, a requirement of 1.5 acres of developable land and the units of low-cost home ownership have been agreed upon.

This arrangement will be secured by way of a Section 106 Agreement clause.

Police Architectural Liaison Officer - Considers that the development should be undertaken in accordance with the requirements of the "Secured by Design" scheme. This advice can be passed on to the developer should consent be granted.

Cadw - Comments on the proximity of the Scheduled Ancient Monument known as Rudry Ironworks. It notes, however, that the development is located on the other side of the disused railway line and should therefore not be affected by this proposal.

Newport City Council - Has made no comment on the application.

Glam/Gwent Archaeological Trust - Comments that there are no archaeological features located inside the application area.

Countryside Council For Wales - Confirms that the site has no Sites of Special Scientific Interests, etc. It also welcomes the "positive attitude and commitment towards nature conservation" outlined in the Environmental Statement. It has no further comments to make at this time but awaits the Environmental Management Plan that will be submitted with the detailed application.

Cardiff City Council - Raises no objection to both the original and amended proposals.

Western Power Distribution - Has apparatus within the site.

Bedwas, Trethomas & Machen Community Council - Has made no comment on the application.

ADVERTISEMENT

Extent of advertisement: The application was advertised in the press and on site by way of eight site notices. Neighbour notification letters were also sent to properties in the area.

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Application No. P/06/0037 Continued

Response: As a result of this consultation exercise, nine letters and a petition were received objecting to the original scheme and a further three letters were received objecting to the amended scheme. As much of the objections referred to issues such as highway effects, disturbance to existing properties, the over-provision of dwellings within the Borough, it is considered that the 12 letters and the petition can be viewed in respect of the amended scheme.

Summary of observations: The basis of the objections raised are as follows:-

- (1) The country lanes in this area cannot accommodate the additional vehicles in capacity terms.
- (2) The proposal is contrary to Council policy.
- (3) The roads are already dangerous as vehicles speed through them causing accidents in their restricted widths, "sleeping policemen" may help.
- (4) There is a need for a secondary school not only a primary one. Where will the children from this site be schooled?
- (5) The proposal may result in anti-social "gangs" causing trouble in the area.
- (6) Will existing residents have to pay for road improvements?
- (7) Nuisance will be caused to existing properties from additional traffic movement.
- (8) Alternative roads should be constructed to allow vehicles to access and egress the site directly onto Newport Road at a point to the west of the current junction.
- (9) More houses means more revenue for the Council. However, this revenue is not being reinvested in the community, i.e. "better schools, playing fields, etc."
- (10) The development will reduce "the standard of living in the area."
- (11) The remediation of the land could result in effects on people living close to the site.
- (12) Loss of fieldmouse habitats will occur.
- (13) Adverse impacts may result that could cause problems regarding "water, drainage and electricity supply."
- (14) There is a need for a surgery to serve the area.
- (15) Now will the loss of jobs at Cray Valley be addressed?
- (16) Local infrastructure is inadequate to deal with such a scheme.
- (17) Public transport in the area is inadequate.

The petition was signed by 70 residents from the Waterloo 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 reasonable can to prevent crime and disorder in its area?

Crime and disorder are considered to be issues in this instance but at this stage, the advice of Gwent Police with regard to "Secured by Design" will be forwarded to the applicant for guidance on security aspects. Any reserved matters details will have to show that secure by design principles have been taken into account.

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Application No. P/06/0037 Continued

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The issue of this Directive was addressed as part of the site remediation works authorised under planning permissions: P/04/1891 and P/06/0629. As a result, a Licence application in respect of the dormice has been made to the Welsh Assembly Government.

ANALYSIS

Policies: Section 38 of the Planning and Compulsory Purchase Act 2004 requires all development control decisions to have regard to the Development Plan in force in determining applications. This replaces Section 54A of the Town and Country Planning Act 1990. Development Plan Policy is therefore an important consideration in respect of this site.

In the area of the proposed application site, the Development Plans comprise the Adopted Mid Glamorgan Country Structure Plan (Approved Plan Incorporating Proposed Alterations No. 1) (1989) and the Adopted Caerphilly Basin Local Plan (1983).

The Authority has, however, approved the Caerphilly County Borough Council Unitary Development Plan 1996-2011 as a basis for more up-to-date decision making framework.

The Authority is also in the process of producing a Local Development Plan (LDP) which will supersede the existing plans.

Turning to the specific policies contained in the Development Plan, these are E1 (Industrial Sites) and EV1 (Protection of the Countryside) contained in the Adopted Caerphilly Basin Local Plan. Also, Policy S3 of the Adopted Mid Glamorgan Structure Plan which again seeks to protect the countryside from industrial development.

Because of overlap in wording and intent, it is considered that Policy E1 can be addressed when considering Policy E3 of the Council Approved Unitary Development Plan and Policies EV1 and S3 can be also considered when Policy DC2 of the Unitary Development Plan is assessed.

In respect of the UDP Policies itemised in the Policy section above, the analysis of those of relevance is as follows.

Policy DC1 (Development Criteria) contains a range of standards against which all development is assessed. In respect of this proposal, the following fall to be assessed:

- (A) Is the development compatible with other land-uses in the vicinity?
- (B) Is it well designed in terms of its setting, scale, density, layout, materials and landscaping?

Cont'd...

Application No. P/06/0037 Continued

- (C) Does it have regard for the effective, safe and efficient use of the transportation network?
- (F) (F) Would it prejudice the wider comprehensive development of adjacent land?
- (H) Would it have an unacceptable impact in terms of pollution?
- (I) Would it increase the risk of flooding?

With regard to (A) it is evident that the vast majority of the site is contained in the settlement limit of the Development Plan and the Council Approved Unitary Development Plan. At present, the industrial area is in close proximity to the village of Waterloo. In land-use terms, it is considered that the proposed development is more compatible with the existing residential and countryside surroundings than the industrial operation.

It is accepted therefore that this criterion is complied with.

With regard to the detailed issues specified in criterion (B), it is noted that the majority of these are relevant for the reserved matters submission. However, in respect of density, it is evident that the overall developable area is 16.7 hectares; of this 2.5-3 acres is required for a school, leaving a nett area of 13.7 hectares (i.e. 33.9 acres). This will allow for a density of approximately 16 dwellings to the acre.

This would be considered medium/high and would be accepted in density terms on this site.

With regard to the transport network. i.e. criterion (C), Group Manager (Transportation Planning) requires a Travel Plan as a condition if permission is granted. This will look to maximise public transport usage in accordance with this criterion.

In respect of criterion (F), the site is relatively self-contained within the limits of the settlement area and will not therefore prejudice the implementation of wider comprehensive development.

Criterion (H) concerns pollution implications. The current development will only be allowed to proceed on the basis that the site has been remediated in respect of past contamination. As such, this proposal and its related remedial schemes will have cleared up pollution in the area when they are complete.

Finally, the issue of flooding, criterion (I), is one that has been addressed by Environment Agency (Wales) in its consideration of the Flood Consequences Assessment. The Agency has now withdrawn its original objection in this regard and, therefore, the matter of flood prevention has been addressed.

In respect of Policy DC1, it is considered that all the relevant criteria applicable to this application are complied with.

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Application No. P/06/0037 Continued

Policy DC2 (Settlement Boundary) seeks to protect the identity and viability of settlements by restricting development outside those boundaries.

In respect of this scheme, with the exception of the south-western corner, the site lies within the settlement boundary as defined by Policy DC2. This area comprises approximately 0.9 hectares. This is an area, at the detailed layout stage, that the landscaping scheme could indicate as open space.

This area is a small section owned by the applicant on this boundary. It is considered that its inclusion in the overall scheme is acceptable provided all relevant planning policies and development control considerations are met.

It is not felt that the integrity of this policy is compromised by this minor inclusion on a very substantial scheme which could yield considerable environmental, economic and social benefit in this area.

It is considered therefore that Policy DC2 of the Council Approved Unitary Development Plan, Policy EV1 of the Adopted Caerphilly Basin Local Plan and Policy S3 of the Adopted Mid Glamorgan County Structure Plan are satisfied.

Policy DC3 refers to planning obligations which can be used to overcome land-use obstacles, contribute towards infrastructure or mitigate the impact of development on an area.

In this instance, your officers have negotiated the provision of the school (including changing rooms) at the applicant's expense, a contribution towards highway improvements totalling £2,953,335.00, as well as 1.5 acres of developable land and sixteen low-cost dwellings in respect of the affordable houses requirement.

It is considered that this justifiable gain to the community is a fair reflection of the additional requirements that the development will result in when complete. As such, Policy DC3 has been utilised satisfactorily in this respect.

One of the main issues in the policy consideration of this application refers to its employment designation in both the Adopted Caerphilly Basin Local Plan and the Council Approved Unitary Development Plan. This designation is without doubt an historic one which has been accepted and included in both plans because it exists at this rural location.

Officers considered that the preferable way to assess the redevelopment of the site for residential etc. use was via the emerging Local Development Plan. The applicant's timeframe, however, did not allow for this "delay" and an application was received.

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Application No. P/06/0037 Continued

The current advice indicates that development control decisions must be made in accordance with the Adopted Development Plans unless material considerations determine otherwise. As such, the land-use identification contained in these Plans is as an employment site.

In considering this, the relevant policies on employment need to be assessed. These are Policies E2 and E3 of the Council Approved Unitary Development Plan and E1 of the Adopted Caerphilly Basin Local Plan.

The Waterloo Works site is protected under Policy E2 - Protection of Existing Industrial Premises (E2.35 Waterloo, Machen). This Policy states that "the expansion, conversion or redevelopment of premises for uses falling within B1, B2 and B8" will be permitted on this existing industrial site.

Policy E2 should be considered alongside Policy E3 in respect of the Protection of Existing and New Industrial Estates. The wording of Policy E3 is as follows:-

"On existing and new employment sites identified in Policies E1 and E2, development of uses that are not contained in Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will not be permitted unless:

- A. There is demonstrable evidence that a site is in general terms no longer needed for any of the specified use classes and is unlikely to be developed for such purposes and that in respect of the alternative development proposed there is a proven need for such development and/or it would provide a demonstrable local benefit; or
- B. The proposal is for a small-scale use ancillary to the industrial estate and/or serving the needs of those employed there."

In respect of the first part of Criterion (A) (i.e. that the site is no longer needed for its use) the results of the Caerphilly Employment Sites Supply and Market Appraisal Study are of relevance. This study was commissioned by this Authority.

Consultants at Atkins were commissioned in 2005 to produce an employment study with the aim of reviewing the current availability of employment land and premises in the County Borough, to consider the opportunities to release some older industrial sites for other uses and to strengthen the case to retain others and to undertake a market assessment of the suitability of employment sites. This study will serve to inform the preparation of the Local Development Plan.

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Application No. P/06/0037 Continued

Waterloo is judged to provide a marginal employment function having performed poorly on the scoring matrix (less than 55%). The study identifies that the site could perform well as an employment site if redevelopment was to occur, however, the site may be more appropriately developed for mixed uses, retaining an employment function. The study recommends that the employment status of the site be reconsidered and the Local Development Plan process offers the opportunity to do this.

One of the primary purposes of the Atkins study is to inform the evidence base for the LDP. One of the provisional findings of the study is that the Waterloo site provides only a marginal function and its use should be reconsidered.

The site has subsequently been assessed for its suitability for a housing based mixed-use development as part of the LDP process. The results of the provisional assessments were made available in April 2007 as part of a site register and the site has been identified as suitable for further consideration through the LDP process for a housing based mixed-use development. It should be noted that the site assessment process is provisional at this stage.

The site has now been cleared of the majority of buildings and plant installations, including those occupied by Valspar up until Autumn 2006. There has been no subsequent evidence of interest in the site being developed for industrial purposes.

In view of the results of the study and the preliminary assessment of the site in respect of the LDP, it would appear reasonable to conclude that sufficient employment land exists in the County Borough to meet its requirements. Also, the Waterloo site has performed poorly in terms of employment suitability and therefore there is credible evidence that the site is no longer needed for any specified use classes and is unlikely to be developed for such purposes.

With regard to the second element of criterion (A), this states that in respect of the alternative development proposed, there is a proven need for such a development and/or it would provide a demonstrable local benefit when the application was first submitted it was considered that the applicant had failed to demonstrate that there was a need for the proposed development, particularly in the light of the 11.5 year housing supply as of the 1st July 2004 Housing Land Availability Study.

As part of the ongoing work on the LDP, however, consideration is being given to a range of housing requirements for the plan period 2006 to 2021 of between 500 houses a year (based on the assumption of migration balance) and 750 houses a year (based on the apportionment exercise carried out by the South East Wales Strategic Planning Group on the WAG Regional Household Protection). It is therefore considered that this site would be crucial in contributing to the housing requirement for the LDP period.

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Application No. P/06/0037 Continued

In addition to the above "a demonstrable local benefit" may be demonstrated by the provision of the primary school, as well as the other contributions achieved under Policy DC3.

Therefore, having regard to these issues and the result of the Atkins employment study an objection to the application in relation to Policy E3, criterion (A) could not be sustained.

Criterion (B) is not relevant in this case.

As Policy E2 was considered alongside E3 then both are felt to be not applicable in this case. Also, Policy EV1 of the Adopted Caerphilly Basin Local Plan is likewise not relevant if it seeks to promote a site which is no longer needed to satisfy the employment function in the district.

No objection is therefore raised regarding the employment policies and obligation.

Turning to the relevant housing policies (i.e. H2 and H3) it is contended that in respect of Policy H2 (Development on Unallocated Sites), the proposal would not constitute either insensitive and/or inappropriate infilling or the residential amenities for new houses would be detracted from by neighbouring land uses.

As such, this policy is complied with.

In respect of Policy H3, discussions have taken place between officers of the Planning and Housing Divisions and an allocation has been agreed upon. This affordable housing requirement will subsequently be secured by way of a Section 106 clause which has been agreed to by the owner and will be completed on this agreed basis prior to consent being granted if Committee so resolve.

Policy H3 is also capable of being complied with.

With regard to the countryside policies (i.e. C12 - Special Landscape Areas and C13 - Trees, Woodlands and Hedgerows) it is considered that in respect of the Special Landscape Area designation the only area involved is the small area in the south-western corner of the site which is outside settlement limits. In the absence of layout details etc., it is not possible to categorically state that there will be no harmful impact on landscape features etc., however, control will lie with the Local Planning Authority at the detailed design stage to shape the form the development will take in this area of the site.

Policy C12 is therefore satisfactorily addressed.

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Application No. P/06/0037 Continued

In assessing Policy C13, it is recognised that landscaping is a reserved matter. However, it was also one of the topics addressed as part of the scoping exercise and therefore included in the Environmental Statement submitted with the application. With regard to the Trees, Woodland and Hedges, care was taken in the assessment of potential development to minimise the loss of any existing vegetation. It is therefore essential that the landscape information to be submitted as part of the reserved matters application refers back and builds on the information contained in the Landscape Impact Assessment. If this is done, it is considered the requirements of Policy C13 will be met.

Policy 1T(B) deals with developments which are likely to be major traffic generators. This being the case, they must address the following:

- (A) Minimise the need to travel;
- (B) Are, or are capable of being, served by public transport;
- (C) Facilitate other alternatives to the private use of cars;
- (D) Minimise the adverse environmental and amenity impacts of traffic.

The Environmental Statement contained a Traffic Impact Assessment in respect of this scheme. This was analysed by the Group Manager (Transportation Planning) and was found to be acceptable subject to the implementation of conditions and the payment of approximately three million pounds towards improvements to the strategic highway network.

One of the conditions proposed also requires the submission of a "Green Travel Plan" which is specifically designed to address some of the above-mentioned criteria.

In respect of this policy on transportation strategy, it is accepted on the basis of the Group Manager (Transportation Planning)'s response, that the Traffic Impact Assessment complies with this policy.

With regard to the level of open space provision to serve the site (i.e. Policy L9) any development of over 25 houses must provide such space and children's play facilities either on-site or as a commuted sum for off-site provision.

In this instance, it is considered that such incidental space shall be included in the required masterplan for the site, which will form a condition on any consent granted.

In view of the scale of this development, Policy L10 is also relevant. This requires that housing development in excess of 200 properties should have adequate provision of land for outdoor recreation space.

In this regard, the Authority has negotiated sufficient land and finance to provide for a junior sized football field and changing facilities to serve the development. This will also be able to be used by the primary school during the academic day.

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Application No. P/06/0037 Continued

On the above basis, your Officers consider that Policy L10 is addressed.

The last UDP Policy of relevance is CF5 - New School Buildings. This provides basic requirements to be included within any new school. These requirements include matters such as design issues, highway safety arrangements, etc. In view of the outline nature of this application, the detailed matters relating to the school are absent. However, the school construction, finance and external playing pitch facilities have been secured in the proposal and the associated Section 106.

At the detailed stage, the Local Planning Authority can ensure that the criteria contained in this policy are implemented.

In respect of the Development Plan and the Council Approved Unitary Development Plan, it is considered that there are no policy objections which can be raised to sustain a refusal of permission.

Planning Policy Wales is particularly relevant to this development in respect of the advice given on the re-use of land in preference to greenfield sites.

The current site has undergone a large-scale remediation exercise to clear up past industrial contamination. It has also been cleared of substantial buildings which, with their high stacks and large scale, were particularly out of keeping with the rural environment within which the operation was sited.

Because of the proposed after-uses, the site remediation has been to a high standard. This is considered to be beneficial not only to prospective residents of a new development but to existing residents and the local environment.

With regard to the advice contained in the TANs, an acceptable Design Statement was included with the Environmental Impact Assessment and a Flood Consequences Assessment was also submitted as part of that document. Environment Agency (Wales) has subsequently agreed with the conclusions contained in that assessment.

Therefore, the advice given in TAN 12 (Design) and TAN 15 (Flood Risk) have been included in the processing of this proposal.

In conclusion, there are not considered to be any policy reasons to object to this development.

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Application No. P/06/0037 Continued

As the proposal is contrary to the identified designation in the Development Plan, it was necessary to advertise the original application and the amended description as departures from that Plan. In accordance with the Town and Country Planning (Development Plan Consultations) Direction 1992, the matter must be referred to the Welsh Assembly Government for its consideration. A period of 21 days must be allowed for a response. No permission can be given by this Authority within that period.

Comments from Consultees: It is evident from the above comments that none of the Consultees raise objection to the application. A number did, however, raise issues which are required to be controlled by way of the imposition of conditions attached to any consent granted and others have requirements which need to be secured by way of a Section 106 Agreement.

This outline application seeks to establish the principle of development on this site and the level of information provided is restricted to addressing this stage. At the reserved matters stage, these Consultees will again be able to comment on the acceptability of the detailed matters submitted.

Comments from public: As can be seen from the points listed above, there are a range of objections raised by the general public in respect of this planning application. Your Officer's response to these points is as follows:-

(1) The Transport Impact Assessment submitted as part of this proposal addresses capacity issues. After due consideration, neither the Group Manager (Transportation Planning) nor Cardiff City Council (into whose area the lanes referred to access/egress) raised objection to the proposal.

As such, no objection is maintainable in this regard.

(2) The policy issue of compliance with the Development Plan and the Council Approved Unitary Development Plan are addressed in the Committee report, where it is concluded that in respect of the relevant employment policies, the site is no longer needed for employment use. In the light of the Atkins' site study and the lack of recent demonstrable demand, there is no objection to the application in this regard.

(3) The issue of highway safety is again one that has been considered by the Group Manager (Transportation Planning) who concludes that subject to conditions and Section 106 contributions, the development is acceptable.

(4) The issue of secondary school provision is an important one, but not one which is a material consideration to this proposal. There has been no requirement for such provision requested by the Council's Education Officers.

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Application No. P/06/0037 Continued...

(5) The issue of anti-social behaviour is a societal issue but cannot justify the refusal of consent for new housing and a school building. At the reserved matters stage, the arrangement of development can be examined to ensure that security is taken into account.

(6) Any road improvements required to serve the development will be paid for by the applicant. As indicated in the report, a sum of almost £3m is also being paid by the developer for improvements to the wider strategic highway network.

(7) This is a subjective point which has not been supported by the comments of Head of Public Protection.

(8) The development stands to be considered on the information provided. The question of alternative routes over third party land is not an issue here. The Council is being asked to judge the submission before it.

(9) This is an unsubstantiated statement which ignores the development and the public benefit that will result from it. These benefits include the contamination removal, affordable houses, new housing stock for the area, a school, contribution to highway improvements, etc.

(10) This point is not a material consideration that can be incorporated in the processing of this application.

(11) The remediation scheme has previously been approved. The completion of this scheme should be undertaken without detriment to the health of the local residents. The Head of Public Protection's comments are material in this regard.

(12) The issue of the protected species (i.e. dormice) is one that is being pursued by way of a licence to the WAG and by the imposition of a planning condition attached to any consent granted.

(13) In considering this application, Dwr Cymru and Western Power Distribution have been consulted (as well as other utilities). No objection has been raised by these parties in respect of the servicing of this site.

(14) If a surgery is required to be set up to serve this area, it is for the relevant doctors, in association with the Area Health Authority, to negotiate a site with the landowner.

(15) Cray Valley was unfortunately closed as a going concern due to market forces operating in that industry. The jobs were therefore lost. It has to be acknowledged, however, that the construction of the houses and school proposed will result in medium term employment for those working on the project, many of whom it is hoped will be from the local area.

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Application No. P/06/0037 Continued

(16) The utilities companies, the highway engineers, drainage bodies, etc., have not raised issues in respect of the infrastructure arrangements. Obviously, where required, new infrastructure will be installed to facilitate the development functioning.

(17) Group Manager (Transportation Planning) is mindful of the need to improve the service in respect of both school children and the general public. This is a matter which will be pursued independently of this proposal.

In conclusion, it is your Officer's view that this scheme, on balance, is one that should be approved conditionally, subject to a Section 106 Agreement.

RECOMMENDATION that:

(A) (1) The application be deferred for the completion of an agreement under Section 106 of the Town and Country Planning Act 1990. In that agreement, the applicant will agree to the following:-

(i) To pay a sum of £2,953,335.00 as a contribution towards strategic highway improvements in the Caerphilly Basin area;

(ii) To pay a sum of £2,500,000.00 for a primary school building and to provide an agreed site on which the school will be constructed;

(iii) To provide a developable site of 1.5 acres in area (location to be agreed) and 16 units of low cost house ownership.

(2) In accordance with the Town and Country Planning (Development Plans and Consultation) Direction 1992, the proposal is required to be forwarded to the Welsh Assembly Government for their consideration. No decision should be made on this proposal by this Authority for a period of 21 days beginning with the date of notification to WAG.

(B) Upon completion of the Section 106 Agreement and the elapsing of the time period for the WAG consultation, permission shall be granted for outline permission for this development, subject to the following conditions:-

- 01) Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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Application No. P/06/0037 Continued

- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Full engineering details of an improvement to the junction between the Caerphilly to Newport road, route A468 and the road serving Waterloo Village, route R586 shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on site. These details will include constructional details and sections, together with street lighting, drainage and traffic control proposals. Thereafter, these agreed details shall be completed prior to the occupation of any of the dwellings or the school hereby approved.
REASON: In the interests of highway safety.
- 06) Full engineering details of the proposed junctions on the road to Waterloo Village, route R586, which will provide access to the site shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on site. These details will include constructional details and sections together with street lighting and drainage proposals. Thereafter, these agreed details shall be completed prior to the occupation of any of the dwellings or the school hereby approved.
REASON: In the interests of highway safety.

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Application No. P/06/0037 Continued

- 07) Full engineering details of all the proposed highway layouts to serve the development shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on the site. These details will include constructional details and sections, together with drainage and street lighting proposals. Thereafter, these details shall be completed prior to the occupation of any of the dwellings or the school hereby approved unless as agreed otherwise with the Local Planning Authority.
REASON: In the interests of highway safety.
- 08) A Travel Plan for the development will be submitted as part of the reserved matters application. This will be designed to encourage residents to travel by alternative methods than by car and will require publicity material on the subject to be displayed in the developer's sales office and the issue of a welcome pack to each new resident comprising bus timetables, key rings, several vouchers for free bus travel, information about PTI Traveline Cymru and advice on the benefits of car sharing.
REASON: In the interests of highway safety.
- 09) If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
REASON: To prevent pollution of controlled waters and to ensure compliance with the existing remediation strategy.
- 10) Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted, their location must be approved, in writing, by the Local Planning Authority.
REASON: To prevent pollution of controlled waters.
- 11) The development hereby approved shall be undertaken in accordance with the Addendum to the Flood Consequences produced by URS Corporation Ltd: 1943 Addendum Issue Number 1 dated September 2006.
REASON: To ensure that the development accords with the guidance contained in TAN 15 (Development and Flood Risk).

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Application No. P/06/0037 Continued

- 12) No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this scheme has been agreed, in writing, by the Local Planning Authority. Thereafter, this agreed scheme shall be implemented concurrently with the development of the site.
REASON: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the public sewerage system.
- 13) Development shall not begin until a scheme to deal with the contamination of any land outside of the remediation scheme approved under Application Nos. P/04/1891 and P/06/0629 which is included in this permission has been submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include a ground investigation, ground gas monitoring and a risk assessment to identify the extent of the contamination (particularly in relation to the Cray Valley site) 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. Notwithstanding the information submitted already, a remediation strategy must be submitted and approved, in writing, before the development commences. The remediation strategy URS Remedial Strategy Report (including Valspar Leased Area) dated September 2006 submitted in relation to P/06/0629 can be used as a basis with the following amendments to include:
- 1) validation of soils in backfilled remediation areas where air sparging is undertaken as per SKM's letter dated 29th May 2007;
 - 2) ground gas as per SKM's letter dated 29th May 2007;
 - 3) any other remediation necessary in relation to land outside P/04/1891 and P/06/0629 which is included in this permission.
- This remediation strategy must be completed prior to any houses, the school or other ancillary development commencing.
REASON: To ensure that the site is remediated to a standard acceptable for the approved after-uses.
- 14) Prior to the development hereby approved commencing, a post remediation long-term monitoring and maintenance scheme with related reporting requirements, must be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the post remediation long-term monitoring and maintenance scheme.
REASON: To ensure that site remediation is working to a standard acceptable for the approved after-uses.

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Application No. P/06/0037 Continued

- 15) Prior to the development hereby approved commencing a scheme for dust mitigation (including particulate matter 10) must be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme for dust mitigation.
REASON: To ensure that site remediation is working to a standard acceptable for the approved after-uses.
- 16) Prior to development hereby approved commencing, a scheme of noise mitigation must be submitted to and agreed, in writing, by the Local Planning Authority. The scheme should include the extent of operational hours at the site and the noise levels during these hours. The specified noise levels shall be measured over one hour intervals and not the whole working day. The development shall be carried out in accordance with the agreed scheme for noise mitigation.
REASON: In the interests of residential amenity.
- 17) The development hereby approved shall not be occupied following the completion of the remediation works until a report, including monitoring results has been submitted to and agreed, in writing, by the Local Planning Authority which verifies that the development has been undertaken in accordance with the agreed remediation strategy and the health risk assessment as agreed in relation to P/06/0629. This must include all land covered by this permission and ground gas monitoring to characterise the site.
REASON: To ensure that the remediation of the site has been undertaken satisfactorily.
- 18) Prior to the development hereby approved commencing, a scheme for the importation to the site and testing for contamination of soils and materials must be submitted to and agreed, in writing, with the Local Planning Authority. This must include a validation report. The development shall thereafter be carried out in accordance with the approved scheme. The validation report shall include a statement to the effect that none of the material contains, or is suspected of containing, Japanese Knotweed, asbestos or any material contaminated by natural or synthetic hydrocarbons.
REASON: To ensure that all material imported to the site is free of contamination.

Cont'd...

Application No. P/06/0037 Continued

- 19) Prior to the development commencing, a gas risk assessment must be submitted to and agreed, in writing, with the Local Planning Authority including monitoring of methane, carbon dioxide, carbon monoxide, oxygen, VOC's, SVOC's, formaldehyde and gas flow to characterise the ground gas emissions. The location of wells, depth of screened sections and the number of monitoring rounds must also be included. The risk assessment must include the appropriate gas protection measures required in all buildings and any additional gas protection/controls required in the land. These measures must then be installed in all buildings/land hereby approved by this permission.
REASON: To ensure future development is protected from ground gas emissions.

- 20) The plans and particulars submitted in accordance with Condition 01) shall include:
(a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para/ 5.2.2 of BS5837) of every retained tree or shrub on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees and shrubs 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 paragraph (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, Recommendation for Tree Work.
REASON: In the interests of biodiversity and visual amenity of the area.

- 21) The plans and particulars submitted in accordance with Condition 01) shall include a scheme depicting hard and soft landscaping and shall be submitted to and agreed, in writing, by the Local Planning Authority, and these works shall be carried out as approved. These details shall include:
(a) Proposed finished ground levels of contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
(b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc., indicating lines, manholes etc; and
(c) Planting plans; written specifications (including cultivation and other operations associated with tree shrub and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
REASON: In the interests of biodiversity and visual amenity of the area.

Cont'd...

Application No. P/06/0037 Continued

22) The plans and particulars submitted in accordance with Condition 01) shall include an Environmental Management Plan that shall be submitted to and agreed, in writing, by the Local Planning Authority, these works shall be carried out as approved. These details shall include:

(a) measures for the protection of important habitats and species within and on the perimeter of the site during the construction period

(b) measures for the short and long term management of the soft landscaping and retained habitats;

(c) a monitoring scheme to measure the success of the management of retained and new habitats on site;

(d) details of the means by which the management and monitoring will be achieved.

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

23) The plan hereby approved is that submitted on 21st February 2007.

REASON: For the avoidance of doubt as to the plan hereby approved.

24) As part of the details required in Condition 01) above, a "Masterplan" of the site shall be submitted. This shall incorporate the following:-

(a) The layout, design, appearance, etc., of the development shall incorporate the requirements of the Council's Adopted Supplementary Planning Guidance entitled Building Better Places to Live (October 2005);

(b) The Masterplan shall pay regard to the conclusions contained in the "Landscape and Visual Impact Assessment" section of the Environmental Statement submitted with the application, particularly the elements identified in Fig. 7.2 of that section (i.e. the Linear Park, the riverside walk, recreational wildlife link, wildlife conservation area, etc);

(c) The layout shall ensure that the appropriate level of children's play facilities shall be incorporated into it. This provision shall pay due regard to the requirement of Policy L9 of the Council Approved Unitary Development Plan;

(d) The principles of vehicular, pedestrian and cyclist access to the development;

(e) The phases of the development and the sequence for approval of the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved Masterplan unless the Local Planning Authority agrees to any variation in writing.

REASON: To ensure proper planning of the area.

Advisory Note(s)

The applicant be advised of the comments of Dwr Cymru, Environment Agency (Wales), Wales and West Utilities, Western Power Distribution, Gwent Police, Group Manager (Transportation Planning), Senior Engineer (Land Drainage) and Head of Public Protection.

**DEFERRED FOR SECTION 106 AGREEMENT AND REFERRAL TO W.A.G.
CONDITIONS AND REASONS NOW TO READ:-**

- 01) Approval of the details of the siting, design and external appearance of the building(s), and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.**
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the siting, design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.**
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.**
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.**
- 05) Full engineering details of an improvement to the junction between the Caerphilly to Newport road, route A468 and the road serving Waterloo Village, route R586 shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on site. These details will include constructional details and sections, together with street lighting, drainage and traffic control proposals. Thereafter, these agreed details shall be completed prior to the occupation of any of the dwellings or the school hereby approved.
REASON: In the interests of highway safety.**
- 06) Full engineering details of the proposed junctions on the road to Waterloo Village, route R586, which will provide access to the site shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on site. These details will include constructional details and sections together with street lighting and drainage proposals. Thereafter, these agreed details shall be completed prior to the occupation of any of the dwellings or the school hereby approved.
REASON: In the interests of highway safety.**
- 07) Notwithstanding the submitted information and in particular that shown on Figures 9 & 10 within Section 4 "Design Statement" of the submission, full engineering details of all the proposed highway layouts to serve the development shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on the site. These details will include constructional details and sections, together with**

drainage and street lighting proposals. Thereafter, these details shall be completed prior to the occupation of any of the dwellings or the school hereby approved unless as agreed otherwise with the Local Planning Authority.

REASON: In the interests of highway safety.

- 08) A Travel Plan for the development will be submitted as part of the reserved matters application. This will be designed to encourage residents to travel by alternative methods than by car and will require publicity material on the subject to be displayed in the developer's sales office and the issue of a welcome pack to each new resident comprising bus timetables, key rings, several vouchers for free bus travel, information about PTI Traveline Cymru and advice on the benefits of car sharing.**

REASON: In the interests of highway safety.

- 09) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a Method Statement (which may be complementary to or stand alone from any pre-existing Method Statements under permissions P/04/1891 and P/06/0629 for works on the site). This Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall then proceed in accordance with the approved Method Statement.**

REASON: To prevent unacceptable risk of pollution of controlled waters.

- 10) Upon completion of the remediation detailed in the approved Method Statement, a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.**

REASON: To protect the environment by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 11) Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted, their location must be approved, in writing, by the Local Planning Authority.**

REASON: To prevent pollution of controlled waters.

- 12) The development hereby approved shall be undertaken in accordance with the Addendum to the Flood Consequences produced by URS Corporation Ltd: 1943 Addendum Issue Number 1 dated September 2006.**

REASON: To ensure that the development accords with the guidance contained in TAN 15 (Development and Flood Risk).

- 13) No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this scheme has been agreed, in writing, by the Local Planning Authority. Thereafter, this agreed scheme shall be implemented concurrently with the development of the site.**

- REASON: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the public sewerage system.**
- 14) **Development shall not begin until a scheme to deal with the contamination of any land outside of the remediation scheme approved under Application Nos. P/04/1891 and P/06/0629 which is included in this permission has been submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include a ground investigation, ground gas monitoring and a risk assessment to identify the extent of the contamination (particularly in relation to the Cray Valley site) 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: To ensure that the site is remediated to a standard acceptable for the approved after-uses and for the protection of controlled waters.**
- 15) **Notwithstanding the information submitted already, a remediation strategy must be submitted and approved, in writing, by the Local Planning Authority before the development commences. The remediation must be carried out in accordance with the approved strategy.**

The remediation strategy, URS Remedial Strategy Report (including Valspar leased area) dated September 2006, submitted in relation to P/06/0629 can be used as a basis with the following amendments to include:

- 1) Validation of soils in backfilled remediation areas where air sparging is undertaken as per SKM's letter dated 29th May, 2007.
- 2) Ground gas as per SKM's letter dated 29th May, 2007.
- 3) Any other remediation necessary in relation to land outside P/04/1891 and P/06/0629 which is included in this permission.

The remediation strategy must be completed prior to any houses, the school or other ancillary development commences, unless otherwise agreed by the Local Planning Authority.

- REASON: To ensure that the site is remediated to a standard acceptable for the approved after-uses and for the protection of controlled waters.**
- 16) **Unless otherwise agreed in writing by the Local Planning Authority, prior to the development hereby approved commencing, a post remediation long term monitoring and maintenance scheme with related reporting requirements, including groundwater monitoring, must be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the post remediation long term monitoring and maintenance scheme.**
- REASON: To ensure that site remediation is working to a standard acceptable for the approved after uses and protection of controlled waters.**
- 17) **Prior to the development hereby approved commencing a scheme for dust mitigation (including particulate matter 10) must be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme for dust mitigation.**
- REASON: To ensure that the site remediation is working to a standard acceptable for the approved after-uses.**

- 18) **Prior to development hereby approved commencing, a scheme of noise mitigation must be submitted to and agreed, in writing, by the Local Planning Authority. The scheme should include the extent of operational hours at the site and the noise levels during these hours. The specified noise levels shall be measured over one hour intervals and not the whole working day. The development shall be carried out in accordance with the agreed scheme for noise mitigation.**
REASON: In the interests of residential amenity.
- 19) **Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall not be occupied following the completion of the remediation works until a report, including monitoring results has been submitted to and agreed, in writing, by the Local Planning Authority which verifies that the development has been undertaken in accordance with the agreed remediation strategy and the health risk assessment as agreed in relation to P/06/0629. This must include all land covered by this permission and ground gas monitoring to characterise the site.**
REASON: To ensure that the remediation of the site has been undertaken satisfactorily.
- 20) **Prior to the development hereby approved commencing, a scheme for the importation to the site and testing for contamination of soils and materials must be submitted to and agreed, in writing, with the Local Planning Authority. This must include a validation report. The development shall thereafter be carried out in accordance with the approved scheme. The validation report shall include a statement to the effect that none of the material contains, or is suspected of containing, Japanese Knotweed, asbestos or any materials contaminated by natural or synthetic hydrocarbons.**
REASON: To ensure that all material imported to the site is free of contamination.
- 21) **Unless otherwise agreed in writing by the Local Planning Authority prior to the development commencing, a gas risk assessment must be submitted to and agreed, in writing, with the Local Planning Authority including monitoring of methane, carbon dioxide, carbon monoxide, oxygen, VOC's SVOC's, formaldehyde and gas flow to characterise the ground gas emissions. The location of wells, depth of screened sections and the number of monitoring rounds must also be included. The risk assessment must include the appropriate gas protection measures required in all buildings and any additional gas protection/controls required in the land. These measures must then be installed in all buildings/land hereby approved by this permission.**
REASON: To ensure future development is protected from ground gas emissions.
- 22) **The plans and particulars submitted in accordance with Condition 01) shall include:**
(a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree or shrub on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees and shrubs 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 paragraph (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
Recommendation for Tree Work.
REASON: In the interests of biodiversity and visual amenity of the area.
- 23) The plans and particulars submitted in accordance with Condition 01) shall include a scheme depicting hard and soft landscaping and shall be submitted to and agreed in writing, by the Local Planning Authority, and these works shall be carried out as approved. These details shall include:
- (a) Proposed finished ground levels of contours; means of enclosure; car parking layout; other vehicle and pedestrian access and circulation areas; hard surfacing materials, minor structures including furniture, play equipment, refuse or other storage units; and
- (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc., indicating lines, manholes etc; and
- (c) Planting plans; written specifications (including cultivation and other operations associated with tree shrub and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
REASON: In the interests of biodiversity and visual amenity of the area.
- 24) The plans and particulars submitted in accordance with Condition 01) shall include an Environmental Management Plan that shall be submitted to and agreed in writing by the Local Planning Authority, these works shall be carried out as approved. These details shall include:
- (a) measures for the protection of important habitats and species within and on the perimeters of the site during the construction period;
- (b) measures for the short and long term management of the soft landscaping and retained habitats;
- (c) a monitoring scheme to measure the success of the management of retained and new habitats on site;
- (d) details of the means by which the management and monitoring will be achieved.
REASON: In the interests of biodiversity and visual amenity of the area.
- 25) The plan hereby approved is that submitted on 12th June 2007.
REASON: For the avoidance of doubt as to the plan hereby approved.
- 26) As part of the details required in Condition 01) above, a "Masterplan" of the site shall be submitted. This shall incorporate the following:-
- (a) The layout, design, appearance, etc., of the development shall incorporate the requirements of the Council's Adopted Supplementary Planning Guidance entitled Building Better Places to Live (October 2005);
- (b) The Masterplan shall pay regard to the conclusions contained in the "Landscape and Visual Impact Assessment" section of the Environmental

Statement submitted with the application, particularly the elements identified in fig. 7.2 of that section (i.e. the Linear Park, the riverside walk, recreational wildlife link, wildlife conservation area, etc);

(c) The layout shall ensure that the appropriate level of children's play facilities shall be incorporated into it. This provision shall pay due regard to the requirement of Policy L9 of the Council Approved Unitary Development Plan;

(d) The principles of vehicular, pedestrian and cyclist access to the development;

(e) The phases of the development and the sequence for approval of the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved Masterplan unless the Local Planning Authority agrees to any variation in writing.

REASON: To ensure proper planning of the area.

PREFACE ITEM

APPLICATION NO. P/06/0037

APPLICANT(S) NAME: Cray Valley Ltd

PROPOSAL: Redevelop site incorporating 545 residential units and 2.5 acres for a primary school

LOCATION: Waterloo Works Machen

This application is a long standing proposal which was originally reported to the Planning Committee on the 20 June 2007 (a copy of that report is attached as an appendix to this preface item).

At that time Committee resolved to grant a conditional consent for the development subject to the completion of a Section 106 Agreement.

This Agreement was based on:

- i. The payment of a highway contribution of £2,953,335.00.
- ii. A sum of £2,599,000 for a primary school building along with a site of 2.5 acres on which the school would be built; and
- iii. To provide a developable site of 1.5 acres and the units of low cost ownership.

Whilst the last draft of the Section 106 Agreement was prepared in the summer of 2009 it has not yet been signed and as such the planning permission has not been issued.

The land owners Total Limited have indicated that they intend to clear the site of all contamination prior to pursuing its development for housing. In this regard they are seeking to finalise a remediation scheme with the Authority and our external consultants designed to clear the land to a standard that can accommodate residential development and the school. This aim has nonetheless delayed the completion of the agreement. It is also acknowledged that the local housing market is not currently at its most prosperous.

In view of the length of time that has elapsed discussions have taken place with the owner's agent to attempt to bring the matter to a conclusion. In recognition of the changed market circumstances Officers have suggested that whilst the amounts of money and land required should remain unchanged it may be possible to look at the way the contributions are phased.

In this regard the most onerous part of the Section 106 Agreement is the educational contribution. At present this requires the total sum to be paid at the time the licence to build the school is granted.

The owner's agent suggested an option whereby his client would be prepared to pay the financial contribution in four equal tranches linked to the occupation of the 100th/200th/300th and 400th dwelling. This would be phased along similar lines to the Highways contribution contained in the Section 106 Agreement. It is not however considered practical to delay the funding of the school on potentially such a protracted basis.

It is considered that a more acceptable option would be the payment of the money on the commencement of the construction of the 100th house rather than on the granting of the licence. This would allow the receipt of a substantial amount of capital which would assist the contribution process.

This is an apposite time to conclude this outstanding matter as it would secure a planning consent on a residential site identified in the Adopted Caerphilly County Borough Council Local Level Development Plan. This will assist in improving the Authority's Five Year Land Supply Figures, which are currently below target.

It is also at a point in time when the Section 106 Agreement mechanism for securing the provision of infrastructure and services which seek to mitigate the effect of development, and which cannot be required directly through the planning process, is being superseded, in large part by the Community Infrastructure Levy (CIL) which, subject to Council approval will be adopted on the 1 July 2014.

If the Section 106 Agreement for this site is not completed by that time the application will need to be re-assessed in the light of CIL and would require a further report to Committee in this regard.

In order to attempt to bring this longstanding matter to a satisfactory conclusion it is recommended that the amendment to the phasing of the education contribution be accepted

RECOMMENDATION:

That the Section 106 Agreement be amended to reflect the payment of the education contribution upon the commencement of the construction of the 100th dwelling on the site rather than the granting of the licence to build the school.

AMEND SECTION 106

PREFACE ITEM

APPLICATION NO. P/06/0037

APPLICANT(S) NAME: Cray Valley Ltd

PROPOSAL: Redevelop site incorporating 545 residential units and 2.5 acres for a primary school

LOCATION: Waterloo Works Machen

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- ii. A sum of £2,599,000 for a primary school building along with a site of 2.5 acres on which the school would be built; and
- iii. To provide a developable site of 1.5 acres and 16 units of low cost ownership.

Whilst the last draft of the Section 106 Agreement was prepared in the summer of 2009 it has not yet been signed and as such the planning permission has not been issued. The land owners, Total Limited, have indicated that they intend to clear the site of all contamination prior to pursuing its development for housing. In this regard they are seeking to finalise with the Council and our external consultants a remediation scheme designed to clear the land to a standard that can accommodate residential development and the school. This aim has delayed the completion of the agreement.

In view of the length of time that has elapsed discussions have taken place with the owner's agent to attempt to bring the matter to a conclusion. In recognition of the changed market circumstances Planning Committee agreed in April 2014 that the payment for the school be made on the commencement of the construction of the 100th house at the site other than what the licence for the construction of the school was issued.

Cont....

Application P/06/0037 Continued

Since then the Council introduced the Community Infrastructure Levy (CIL) in July 2014, following which the developers could not be required to provide the highway contribution or the education financial contribution. Both matters were included in the Council's list of infrastructure projects that are to be funded through CIL. On that basis the developers approached the local planning authority to seek the removal of those items from the section 106 agreement. However, the delivery of a school at this site is considered to be an important part of its redevelopment, and policy CF1.34 of the adopted local development plan (LDP) reflects that. To that end the CIL was revised in November 2015 to refer to the funding of off-site education, whereas the school at this development will be on site, and could therefore be secured through a section 106 obligation.

The obligation as originally drafted included the provision of 1.5 acres (0.6ha) for the development of affordable housing. It is still the intention of the applicants to include that provision. Policy CW11 of the LDP states that the target for the provision of affordable housing in this area is 40% of the total number of dwellings. The proposed provision would be significantly less than that, but the applicants have justified that level on the grounds of viability. A considerable amount, some £19 million, has been spent on the remediation of the site, and the provision of affordable housing as well as the dedication of land and a financial contribution to a school would make the development of the site unviable. Information has been submitted to support the applicant's case, which is satisfactory.

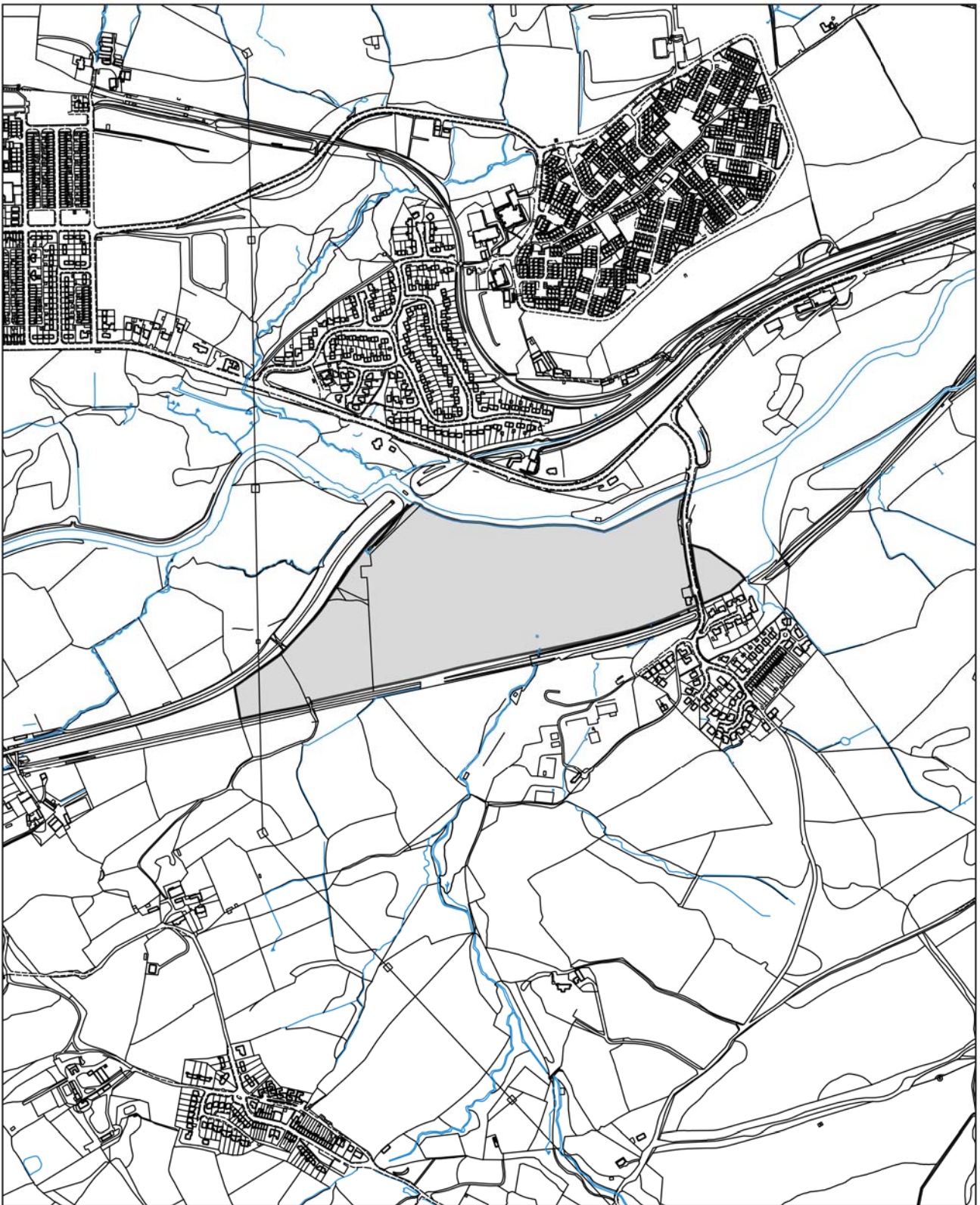
A Section 106 agreement must now satisfy the following tests:

- (a) It is necessary to make the development acceptable in planning terms.
- (b) It is directly related to the development.
- (c) It is fairly and reasonably related in scale and kind to the development.

On the basis of the LDP, the securing of affordable housing and the contribution towards the school are necessary. Affordable housing and a school are directly related to the residential development of the site. The scale is fairly and reasonably related to the development which would be 545 units.

RECOMMENDATION: That the Section 106 Agreement associated with planning approval P/06/0037 be progressed on the basis of the advice in the above report i.e. a contribution of £2,599,000 and the provision of 2.5 acres of land towards the erection of a school, the financial payment to be made on the commencement of the construction of the 100th house at the site; and the provision of 1.5 acres of land for affordable housing.

DEFERRED FOR COMPLETION OF S106



Gadewir y dudalen hon yn wag yn fwriadol

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|---|---|
| 18/0894/FULL 23.10.2018 | Mr & Mrs Briers 57 St Teilo's Way Watford Caerphilly CF83 1FA | Erect a two storey side extension 57 St Teilo's Way Watford Caerphilly CF83 1FA |

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: 57 St Teilo's Way, Watford, Caerphilly, CF83 1FA

Site description: The application site comprises of a semi-detached property that fronts westwards onto St Teilo's Way a residential crescent to the north of St David's Way in Caerphilly. The application property is set down in level from both these nearby roads. To the north is the attached neighbouring property (55 St Teilo's Way), to the east the topography slopes down to the rear amenity spaces of a pair of semi-detached properties (14 and 16 St Asaph's Way). A pair of semi-detached properties are located to the west across St Teilo's Way (29 St David's Way and 42 St Teilo's Way). To the south of the application site is a small grassed area with St David's Way beyond with residential properties on the opposite side of the road (numbers 42, 44, 46 and 48 St David's Way).

Development: Erect a two storey side extension to provide an enlarged kitchen/dining area at ground floor and a fourth bedroom with ensuite facilities at first floor.

Dimensions: 3.8m wide by 7.4m long with an overall height of 6m. The front eaves height is 4.9m but due to its cat slide roof form the rear eaves height is 2.9m.

Materials: The application dwelling has brick and rendered elevations and concrete roof tiles. The extension will be finished to match the existing dwelling.

Ancillary development, e.g. parking: One additional parking space.

PLANNING HISTORY 2005 TO PRESENT

None.

Cont'd

POLICY

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

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

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

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

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 7 (Householder Development).

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? This is partially within a High risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Ecologist - Recommends Ecological Enhancement be conditioned and advisory notes provided to applicant.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and 10 neighbour notification letters were sent. Following amendments to the scheme a reconsultation of neighbours was carried out.

Cont'd

Response: In relation to the initial consultation exercise undertaken one objection was received:

- We feel it would block out some natural light and skyline, as seen from our house.

Following a reconsultation on the amended plans a further consultation response was received from original respondent:

- After viewing the amended planning application, it would appear that my original concern has now been addressed, therefore I have no objection.

SECTION 17 CRIME AND DISORDER ACT

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

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is not chargeable as the additional internal floorspace created is below 100sqm.

ANALYSIS

Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area. The application is being reported to Planning Committee because the spouse of the agent is an Officer of the Council.

Cont'd

The proposed development has been amended from the original submitted scheme partly by the choice of the applicant and also in relation to concerns over the feasibility of providing parking. The revised scheme is set back from the principal facade of the dwelling by four metres and has a cat slide roof form with lower eaves height at the rear. It projects further rearwards than the original plans however this is mitigated by the reduced eaves height at the eastern end. The development will be set down from road level due to the natural topography of the area and it is considered to have an acceptable visual impact on the character of the area according with adopted Local Development Plan Policy SP6 (Placemaking).

The impact on neighbour amenity has been considered. The extension has first floor fenestration to the front and south facing side elevations. There is sufficient separation distance to those residential properties which lie opposite St Teilo's Way to the west and also to those residential properties located on the opposite side of St David's Way to the south, each road providing a buffer from the development. The rear elevation only has fenestration formed of two roof lights to serve the ground floor dining area and the massing of the extension is considered to have an acceptable impact on the existing levels of amenity enjoyed by occupiers of numbers 14 and 16 St Asaph's Way to the east noting their position at a lower level than the application dwelling. The development has an acceptable impact on neighbour amenity and accords with adopted Local Development Plan Policy CW2 (Amenity).

An additional parking space will be provided behind the existing driveway and the development accords with adopted Local Development Plan Policy CW3 (Highways).

Comments from Consultees:

The Council's Ecologist asks for a condition to secure bat and bird breeding provision as a biodiversity enhancement. While this is desirable, in view of the scale of the development, it is considered that such a condition would not meet the test in Welsh Government Circular WGC 016/2014 in that it is not essential in planning terms to enable the development to proceed. The circular states " In considering whether a planning condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition." The comments will be sent as an advisory note.

Comments from public: The respondent has advised that they have removed their objection to the scheme following consideration of the amended plans. It is considered that the proposed development would have an acceptable impact on the existing levels of amenity enjoyed by all surrounding neighbours.

Cont'd

Other material considerations:

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:
Combined plan, drawing reference AL.00.001 Revision G, received 17.12.18.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
REASON: In the interests of the visual amenities of the area.
- 04) 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.

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.

Cont'd

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 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.

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

Cont'd

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

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



| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|---|--|
| 18/1017/COU 13.12.2018 | Mr M Mahmood C/O James Carter: Alan Barker Partnership Bank Chambers 92 Newport Road Cardiff CF24 1DG | Change the use of part of the land to hand car washing and valeting and erect new canopy Trade Sales South Wales Newport Road Trethomas Caerphilly CF83 8BY |

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is located on the southern side of Newport Road.

Site description: The application site forms part of a larger site that was previously entirely used for car sales. The site has now been subdivided into three separate sites with the westerly part still being used for car sales and the central and easterly parts being vacant until recently. The application site is the central part of the site. The site comprises a large hard surfaced area to the front with single storey office, sales and maintenance buildings to the rear and it is enclosed by a 2.5m high weldmesh fence. There are entrance gates to the front of the site giving access directly off Newport Road and there is a small canopy to the front of the site that is shared with the car sales.

The site is within a mixed use area with industrial buildings to the south and west of the car sales and residential properties on the northern side of Newport Road and to the east of the site.

Development: This application seeks full planning consent for the change of use of the central part of the site as a hand car wash and valeting service together with the erection of a new canopy towards the rear of the site in front of the existing office buildings. The submitted site layout plan shows space for six vehicles to be washed at time and two staff parking spaces.

Dimensions: The new canopy measures 20m by 5m by 3.3m high.

Materials: Canvas canopy on a steel frame.

Ancillary development, e.g. parking: None.

Cont'd

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

Local Development Plan: Within 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) and CW15 (General Locational Constraints).

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.

National Policy:

Paragraph 3.16 of Planning Policy Wales states

"Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence."

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.

Cont'd

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

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

Natural Resources Wales - No objection.

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

Bedwas, Trethomas & Machen Community Council - Raise objection on traffic concerns.

ADVERTISEMENT

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

Response: One letter of objection was received.

Summary of observations:

1. The site is on the brow of a hill and as such the access to the site could cause highway safety issues.
2. The access is also close to a pedestrian crossing.
3. The use would cause noise issues to the OAP bungalows opposite the site.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Cont'd

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: This application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application site is previously used land within the defined settlement limits and as such the principle of development is considered to be acceptable.

In determining this application the previous use of the site as a car sales together with its location adjacent to an industrial estate and on a main arterial route between Caerphilly and Newport are material considerations that weigh in its favour. It should also be noted that the application site will be separated from the nearest residential properties by the busy road to the north and the vacant part of the site to the east. In that regard, and whilst it is accepted that this type of car wash facility can lead to noise and air-borne water spray issues, the distance to the nearest dwellings mitigates this harm. It is also considered that any noise from the use would be no more significant than the noise of passing traffic and of the adjacent industrial units and as such it is not considered that the proposal would have a detrimental impact on the amenity of the area. The proposal therefore complies with Policy CW2 of the Local Development Plan.

The previous use of the site as a car sales, and the fact that that use could recommence without the need for further planning consent also has a bearing on the consideration of highway safety issues. The proposed car wash use proposes the use of an existing access to the site with improvements to its width to improve access and egress. In that the existing access could be used for the lawful car sales use without any improvements it is not considered that the proposal would create any increased dangers to highway safety. In that regard it is considered that the proposal is acceptable in highway safety terms and complies with Policy CW3 of the Local Development Plan.

The applicant has suggested hours of opening of 08.00- 18.00 Monday to Saturday and 10.00-16.00 on Sundays and these are considered to be acceptable in planning terms. It is also considered that the proposed canopy would not have a detrimental impact on the visual amenity of the area.

Comments from Consultees: No objections raised.

Comments from public: The concerns of the public in respect of highways and residential amenity are considered above.

Cont'd

Other material considerations: None.

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

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: 945/01, 945/03A, 945/04A and 945/05.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of works on site a scheme of land 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.
- 04) The use hereby permitted shall not be open to customers outside the following times 08.00hrs to 18.00hrs Monday to Saturday and 10.00hrs to 16.00hrs on Sundays and Bank Holidays
REASON: In the interests of residential amenity.
- 05) The staff parking area as shown on the submitted plan shall be 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.

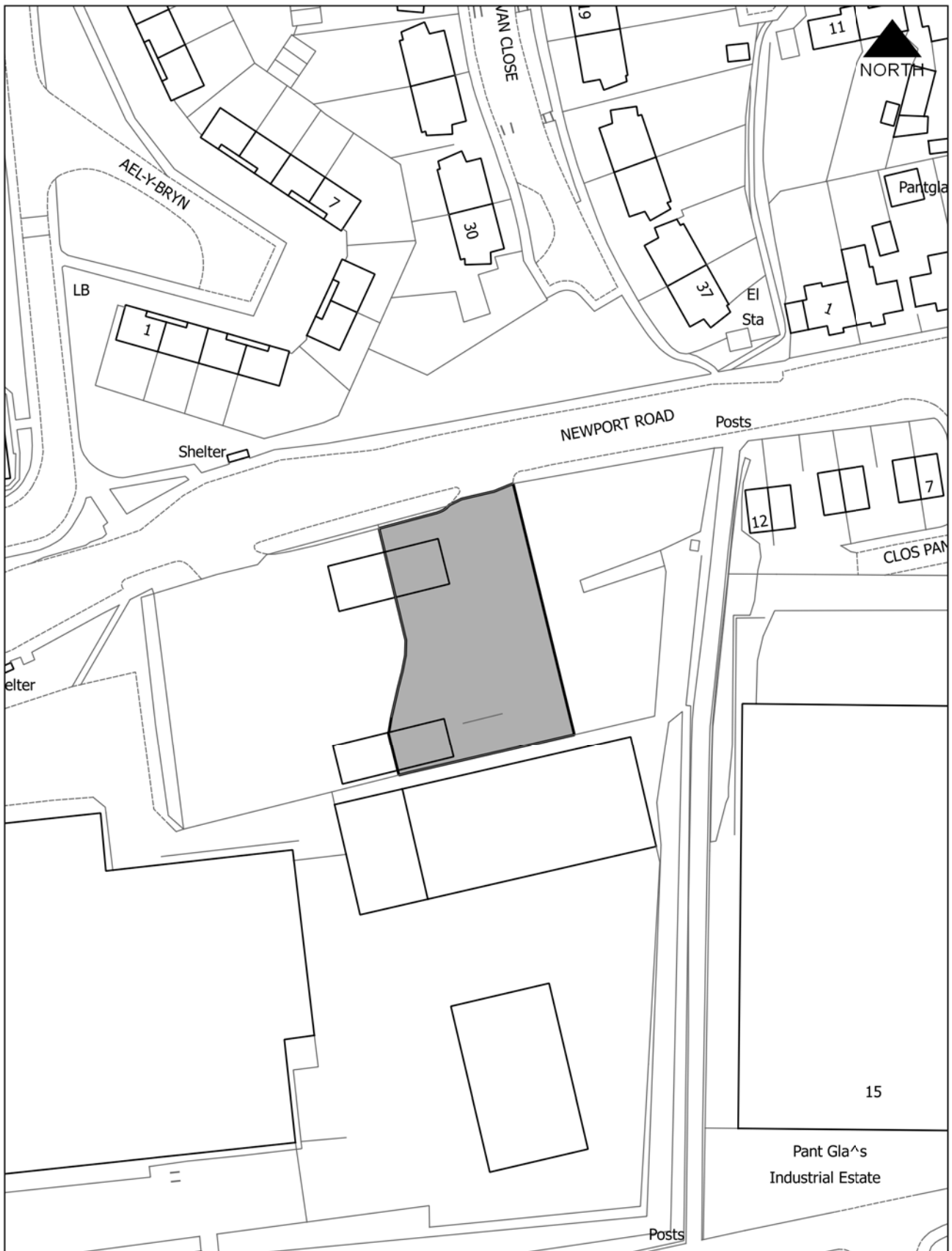
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- 06) Rainwater run-off shall not discharge into the highway surface-water drainage system.
REASON: In the interests of highway safety.
- 07) Details of a scheme of signage, making it clear to customers that they should not queue onto the highway, shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented on site in accordance with the approved details within three calendar months from the date of this consent.
REASON: In the interests of highway safety.

Advisory Note(s)

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

Please find attached comments from Dwr Cymru/Welsh Water.



Gadewir y dudalen hon yn wag yn fwriadol

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|---|--|
| 18/1067/FULL 19.12.2018 | Costa Ltd C/o Mango Planning & Development Ltd Mr D Brown Number Two Waterton Park Waterton Bridgend CF31 3PH | Partially demolish and make external alterations to existing building, create drive through lane, outdoor seating area and associated works and remove condition 4 of planning consent P/03/0956 in respect of opening hours Unit 6 Gallagher Retail Park Parc Pontypandy Caerphilly CF83 3GX |

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is the former Pizza Hut restaurant at Crossways/ Gallagher Retail Park, Caerphilly.

Site Description: The premises are an existing purpose-built single storey A3 restaurant which is largely rectangular in shape with a curved, Dutch Barn style roof. The building is finished in face brickwork with large glazed areas beneath a profile sheet roof. The site is bounded to the south and east by the McDonalds Restaurant, to the north by the Nant yr Aber and then the Tesco store and to the south by the Travel Inn Motel and the Crossways Public House. To the south west of the site is the roundabout on the junction of Parc Pontypandy and Heol Ty Merchant. Dwellings are located on either side of Heol Ty Merchant.

Development: This application seeks full planning consent to demolish part of the existing building to enable a drive-thru facility to be created. Approximately one third of the southernmost part of the building will be removed and a drive-thru lane will be created running from the existing car park to the north east of the building around to the south and west of the structure and exiting back into the car park to the north of the building. The principal entrance to the building will be on the eastern elevation facing towards the car park (as existing), with a secondary access being created on the southern elevation facing the roundabout. A drive-thru service window will also be created on the northern elevation facing Parc Pontypandy.

Cont'd

Consent is also sought to remove or vary condition 4 of planning consent P/03/0956 to allow the restaurant to open 24 hours. The condition currently restricts the hours of opening to 7.30am to 11.00pm Monday to Thursday and Sundays and 7.30am to 12.00pm Fridays and Saturdays.

Dimensions: The existing building measures 22.7m long by 19.6m wide. The proposed building will measure 14.7m long by 19.6m wide.

Materials: To match the existing.

Ancillary development, e.g. parking: A new delivery lay by is to be created to the rear of the building with a new planting area on the grassed area to the south of the building.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

Local Development Plan: Within 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) and CW15 (General Locational Constraints).

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.

Cont'd

National Policy: Paragraph 3.16 of Planning Policy Wales states

"Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence."

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable.

CONSULTATION

Ecologist - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Transportation Engineering Manager - No objection subject to conditions.

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

Rights Of Way Officer - Provides advice to be conveyed to the developer.

The Coal Authority - No objection.

Natural Resources Wales - No objection subject to a condition in relation to the historic contamination of the site.

Cont'd

ADVERTISEMENT

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

Response: Two letters of objection were received from the Local Ward Members.

Summary of observations:

1. 24 hour opening is unacceptable in such close proximity to residential properties.
2. Acoustic fencing should be erected on the Parc Pontypandy boundary of the site.
3. Pedestrian access to the premises should be improved.
4. CCTV should be erected on site to control anti social behaviour.
5. Deliveries should not be made during the night.
6. The access for delivery vehicles appears to be inadequate.

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?

Late night hot food takeaways are often associated with anti-social behaviour, although one does not necessarily follow the other. In this case, this is an area where there are already a number of such uses, and it would be unreasonable to object to the scheme on crime and disorder grounds unless there was firm evidence that the proposed development would give rise to significant problems.

EU HABITATS DIRECTIVE

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

Is this development Community Infrastructure Levy liable? No.

Cont'd

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are the design of the resultant building and the impact of the proposal on the amenity of neighbouring properties. With regard to the design of the building it is considered that it would not detract from the character of the host building. The partial demolition of the building would drastically reduce its profile when viewed from Parc Pontypandy and the alterations to the external appearance in terms of new openings would not be significant. Whilst the creation of a drive-thru lane would reduce some of the grassed areas on the site a new planting area is to be created on the grassed area to the front of the building in order to enhance the visual appearance of the site and soften its appearance.

In terms of the impact of the proposal on the amenity of the neighbouring properties it should be noted that the nearest residential properties are over 50m away from the facade of the building and there is a roundabout and the access road through the site and an electricity sub station in between. It should also be noted that the application building is an established A3 restaurant within an established retail park. Whilst consent is required for the partial demolition of the building, the fact remains that the applicants could have operated out of the premises under the existing consent. In that regard it is not felt that this proposal would have an unacceptable impact on the amenity of neighbouring residents.

However, it is acknowledged that 24 hour operation of the facility to all customers could cause issues for residents in the area and as such it is considered that only 24 hour operation of the drive thru should be allowed in accordance with the operation of the adjacent McDonalds restaurant. A condition to that effect can be attached to any consent granted.

Comments from Consultees: No objection raised. Whilst the Council's Ecologist has requested that conditions be attached to this consent requiring the provision of ecological mitigation, it is not considered that this would be reasonable in this instance. This application seeks the partial demolition of an existing building on a retail park where a bat survey has found no evidence of bats. There is existing lighting on the site and the proposal does not seek to remove any significant areas of vegetation. For these reasons it would not be reasonable to impose such conditions on any planning consent.

Cont'd

Comments from public: The comments of the public are addressed as follows:-

1. The 24 hour operation of the facility as addressed above.
2. The noise assessment submitted with the application establishes that the operation of the business would not cause any noise nuisance to adjacent residential properties. It is also considered that an acoustic fence along the Parc Pontypandy boundary of the site would have a detrimental impact on the visual amenity of the area. In that regard it is not considered that the erection of such a fence would be reasonable or necessary in planning terms, nor would it be acceptable in design terms.
3. Whilst it is accepted that there is no direct pedestrian access to the site from Parc Pontypandy, an adequate pedestrian access is provide via the access road to the site and through the car park. Providing an access directly off Parc Pontypandy would also require pedestrians to cross the drive-thru lane at a dangerous point and as such this would be unacceptable in highway safety terms.
4. There is no evidence that this proposal would lead to anti social behaviour and it is a matter for the landowner to determine whether CCTV is required for the security of their site. It is not a material planning consideration in this instance.
5. It is accepted that deliveries should only be made at sociable hours and a condition can be attached to any consent granted to that effect.
6. The access to the site is considered to be acceptable for all vehicles.

Other material considerations: None.

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

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

- 02) The development shall be carried out in accordance with the following approved plans and documents: AP02, AP14 Rev F and AP16 Rev C.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of works on site a scheme of land 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.
- 04) No part of the buildings shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for the control of noise from deliveries. The measures included in the approved scheme shall be implemented prior to the first occupation of the building that they relate to and thereafter the measures shall be operated in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenities of the area.
- 05) The hours of operation at the premises subject of this consent shall be as follows: the indoor restaurant shall not be open to customers between 2300 hours and 0600 hours Monday to Sunday inclusive; the drive through facility may operate 24 hours a day Monday to Sunday inclusive.
REASON: In the interests of residential amenity.
- 06) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
REASON: To protect controlled waters in the local area - the initial development of the retail park is assumed to have undertaken a level of remediation, however there is the potential for residual contamination to be discovered during this development.

Cont'd

- 07) 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.
- 08) The proposed parking area shall be kept free of obstruction at all times for the parking of vehicles only.
REASON: In the interests of highway safety.
- 09) The proposed delivery bay shall be laid out in accordance with the submitted plan prior to beneficial occupation of the building, and shall be maintained thereafter free of obstruction for the use of delivery vehicles only.
REASON: In the interests of highway safety.
- 10) Details of a scheme of signage, making clear to customers that they should not queue onto the highway shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented on site in accordance with the agreed details prior to beneficial use of the building commencing.
REASON: In the interests of highway safety.

Advisory Note(s)

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

Please find attached comments of the Council's Rights of Way Officer, Public Health and Protection Officer and Land Drainage Officer and also the comments of Natural Resources Wales.

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.

Cont'd

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 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.



| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|---|---|
| 18/1068/ADV 19.12.2018 | Costa Ltd C/o Mango Planning & Development Ltd Mr D Brown Number 2 Waterton Park Waterton Bridgend CF31 3PH | Display various signage Unit 6 Gallagher Retail Park Parc Pontypandy Caerphilly CF83 3GX |

APPLICATION TYPE: Application to Display Adverts

SITE AND DEVELOPMENT

Location: The application site is the former Pizza Hut restaurant on the Crossway/Gallagher retail park.

Site description: The application site is an established A3 restaurant building on an established retail park. It is a purpose built single storey building with a car park to the side. The property has been vacant for a number of years but there is evidence of existing signage on the building.

To the east of the site is the McDonalds restaurant with the Nant yr Aber and Tesco to the north, Parc Pontypandy and then residential properties are to the east with the Premier Inn Hotel and the Crossways Public House to the south.

Development: This application seeks express consent for the display of replacement signage at the premises. It is proposed to erect fascia signage on the four elevations of the property together with site signage and menu boards.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

Local Development Plan: Within settlement limits.

Cont'd

Policies

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

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

National Policy: Paragraph 3.16 of Planning Policy Wales states

"Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence."

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? Not applicable.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection.

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ADVERTISEMENT

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

Response: An objection was received from the Community Council.

Summary of observations: 1. The signs would have a detrimental impact on the amenity of the 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?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. Applications for advertisement consent have to be considered in terms of their impact on amenity and public safety. In that regard it is considered that the proposed signs are appropriate for an established retail property on a retail park. It is accepted that the application property is only some 50m away from residential properties, but the proposed signage will be located below the roof level of the building on the elevation facing those dwellings and the illuminance level of the lighting in the signs is such that there would be no undue glare to nearby properties or highway users. No objection has been raised by the Council's Highways and Public Health teams and as such the proposal is considered to be acceptable in planning terms and it complies with Policies CW2 and CW3 of the Local Development Plan.

Comments from Consultees: No objections raised. No comments received.

Comments from public: The issues raised by the community council are addressed above.

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Other material considerations: None.

In conclusion the proposal is considered to be acceptable in planning terms subject to the imposition of conditions.

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) No source of illumination shall be directly visible from any part of an adjacent highway.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 02) The standard of illumination shall be such that no undue glare or distraction is occasioned to highway users.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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.

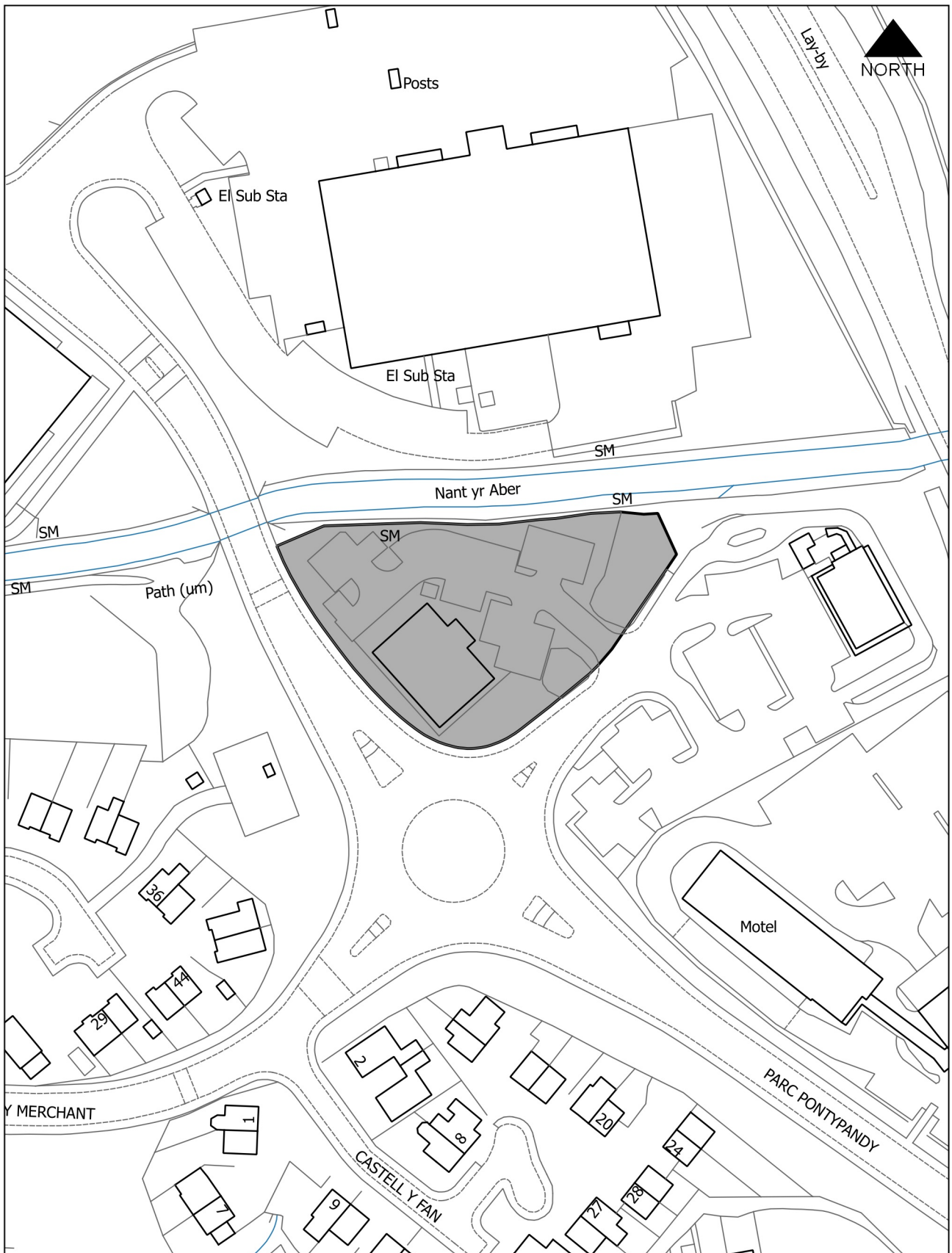
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As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must 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.



APPLICATIONS DETERMINED BY DELEGATED POWERS

| APP NO. DATE REC'D | NAME AND ADDRESS OF APPLICANT(S) | PROPOSAL & LOCATION | DECISION |
|----------------------------|--|---|---|
| 18/0916/COND 19.10.2018 | Mr M Meredith 1 Forest Road Treharris CF46 5HG | Discharge conditions 03 (storage of foodstuffs and storage and disposal of waste and manure), 04 (drainage), 06 (detailed specification of the proposed materials), 07 (details of external wood cladding), 08 (gates), 09 (parking and turning area) and 10 (details of materials for proposed access) of planning consent 18/0324/RET (Change the use of ground to equine use, retain two containers for storage of equine equipment and renovate derelict building to be used by the horses) Land At Grid Ref 310215 195221 Pontypridd Road Nelson | Decided - Discharge of Conditions 10.01.2019 |
| 18/0943/NCC 01.11.2018 | Flexible Generation Ltd Mr P Lazarevic Hudson House 8 Tavistock Street London WC2E 7PP | Vary condition 06 (Hours of use) of planning consent 17/0407/NCC (Vary condition 14 of planning consent 16/0943/FULL (Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid) to make reference to an updated site plan and technical specification details (reducing the number of generators from 16 to 7)) to allow for an increase in the facilities' annual operating hours Power Generation Site One Pentref-y-groes Farm Pentref-Y-Groes Farm Lane East Croespenmaen | Granted 10.01.2019 |

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|----------------------------|--|---|---|
| 18/0824/COND 25.09.2018 | Mr O'Leary 23 Glyn Derwen Llanbradach Caerphilly CF83 3PQ | Discharge conditions 4 (Drainage), 5 (Planting scheme), 6 (Contamination - scheme to treat), 8 (Contamination - validation), 15 (Materials), 16 (Bat roost provision) and 17 (Breeding bird provision) of planning consent 17/0579/FULL (Erect detached dwelling; reposition and changes to house type approved under planning permission 13/0865/FULL (plot 3)) 23 Glyn Derwen Llanbradach Caerphilly CF83 3PQ | Decided - Discharge of Conditions 11.01.2019 |
| 18/0975/CLPU 14.11.2018 | Mr Tamplin 34 Meadow Way Caerphilly CF83 1TQ | Obtain a Lawful Development Certificate for the proposed erection of a rear dormer roof extension and insertion of rooflights to front elevation 34 Meadow Way Caerphilly CF83 1TQ | Refused 11.01.2019 |
| 18/0984/FULL 16.11.2018 | Mr G Gladwyn 18 Waunfawr Park Road Crosskeys Newport NP11 7PH | Erect part two storey, part single storey extension at the rear of property 33 Cobden Street Crosskeys Newport NP11 7PF | Granted 11.01.2019 |
| 18/0987/FULL 16.11.2018 | Mrs S Prosser 27 Twyn Road Abercarn Newport NP11 5LD | Erect single storey front extension 27 Twyn Road Abercarn Newport NP11 5LD | Granted 11.01.2019 |
| 18/0986/FULL 19.11.2018 | Mrs E Smith 17 Carmarthen Court Hendredenny Caerphilly CF83 2TX | Erect single storey side extension 17 Carmarthen Court Hendredenny Caerphilly CF83 2TX | Granted 14.01.2019 |

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|----------------------------|---|--|-----------------------|
| 18/1065/NMA 17.12.2018 | Mr & Mrs Bennetts 14 Trem Y Castell Caerphilly CF83 1TH | Seek approval of a non-material amendment to planning consent 18/0524/FULL (Increase ridge height to form new dormer roof to rear of dwelling) to change cladding to former roof cheeks from red/brown vertical hanging tiles to dark grey resin boarding 14 Trem Y Castell Caerphilly CF83 1TH | Granted 14.01.2019 |
| 18/0982/FULL 15.11.2018 | Mr & Mrs King 1 Buccaneer Close Dyffryn Newport NP10 8EP | Erect new dwelling with proposed new access off Groeswen Road Land At Grid Ref 312524 186800 Between Duffryn Wen And Cefn Brith Groeswen Road Groeswen | Refused 15.01.2019 |
| 18/1003/ADV 22.11.2018 | Iceland Foods Ltd Mr K Jones Second Avenue Deeside Industrial Park Deeside CH5 2NW | Erect fascia signs to right and left hand sides of front elevation, projecting sign, loading bay sign and vinyl graphics affixed to the internal face of the shopfront windows Unit 1-2 Lowry Plaza Hanbury Road Bargoed | Granted 15.01.2019 |
| 19/0015/NMA 07.01.2019 | Mr & Mrs A Williams The Laurels Commercial Street Pengam Blackwood NP12 3ST | Seek approval of a non-material amendment to planning consent 18/0760/FULL (Erect two storey rear extension, single storey rear extension, replace porch with single storey side extension and detached double garage) to reduce the size of the proposed detached garage and relocate to avoid existing mains drain Brooklands 28 High Street Pengam Blackwood | Granted 15.01.2019 |

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|----------------------------|---|---|---|
| 18/0037/RM 15.01.2018 | Pobl Group Exchange House The Old Post Office High Street Newport NP20 1AA | 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 | Granted 16.01.2019 |
| 18/0998/FULL 21.11.2018 | Mr K Reed Fair Ways 23 The Walk Ystrad Mynach Hengoed CF82 7AH | Erect detached garage to rear Fair Ways 23 The Walk Ystrad Mynach Hengoed | Granted 16.01.2019 |
| 18/0999/FULL 21.11.2018 | Mr Howells The Mount 44 Penrhiw Road Penrhiw Risca Newport NP11 6GA | Erect conservatory to the south facing elevation The Mount 44 Penrhiw Road Penrhiw Risca | Granted 16.01.2019 |
| 18/0983/COND 16.11.2018 | Ms A Gladwyn-Jones 63 Oakdale Terrace Penmaen Blackwood NP12 0DF | Discharge conditions 04 (Provision for bat roosts) and 05 (Provision of nesting sites for bird species) of planning consent 18/0351/FULL (Erect single and two storey extension to rear and single storey porch extension to front) 63 Oakdale Terrace Penmaen Oakdale Blackwood | Decided - Discharge of Conditions 17.01.2019 |
| 18/0979/COU 22.11.2018 | Mrs A Edwards 14 Cherry Tree Close Bedwas Caerphilly CF83 8HB | Change the use from A1 retail and house to C3 residential 39 Church Street Bedwas Caerphilly CF83 8EA | Granted 17.01.2019 |
| 18/1000/FULL 22.11.2018 | Mr & Mrs H Brunt Y Graig Victoria Road Fleur-De-Lis Blackwood NP12 3UG | Erect first floor side extension Y Graig Victoria Road Fleur-de- lis Blackwood | Granted 17.01.2019 |

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|----------------------------|--|--|---|
| 18/1001/TPO 22.11.2018 | Mr J Morris 1 Redwood Court The Terrace Rhymney NP22 5DZ | Crown reduce by 25% Beech trees T4 and T5 to prevent branches from contacting building, roof and guttering (Tree Preservation Order 83/18/CCBC) Terrace House 9 The Terrace Rhymney Tredegar | Refused 17.01.2019 |
| 18/1006/COU 22.11.2018 | Mr C Capel C/O Fairview Garage Pengam Road Pengam Blackwood NP12 3NL | Change the use from light industrial to cafe at Units 3A and 3B Block G - Old Foundry Penmaen Industrial Estate Pontllanfraith Blackwood | Granted 17.01.2019 |
| 18/0955/FULL 06.11.2018 | Hanson UK Machen Quarry Commercial Road Lower Machen Caerphilly CF83 8YP | Relocate existing road planings recycling operation to new location within the confines of Machen Quarry Hanson Aggregates Machen Quarry Commercial Road Machen | Granted 21.01.2019 |
| 18/0962/FULL 08.11.2018 | Mr A Higgs 13 Wentwood Place Trenwydd Park Risca Newport NP11 6RJ | Erect two storey extension to enlarge kitchen, provide a utility room, wet room and 2 No. bedrooms 13 Wentwood Place Trenwydd Park Risca Newport | Granted 21.01.2019 |
| 18/1010/FULL 26.11.2018 | Mr & Mrs G Jenkins 9 Sunnybank Road Blackwood NP12 1HY | Erect two storey extension to rear of dwelling and alterations to windows and doors on side elevation 9 Sunnybank Road Blackwood NP12 1HY | Granted 21.01.2019 |
| 18/0755/COND 28.08.2018 | Ludlow Street Investment Corporation Mr T Griffiths 5th Floor Harlech Court West Bute Terrace Cardiff CF10 2FE | Discharge conditions 03 (Landscaping), 04 (Breeding Bird Provision) and 05 (Control of Waste) of planning consent 18/0293/FULL (Erect agricultural barn and a timber animal field shelter on an existing hardstanding) Cefn Carnau Uchaf Farm Cefn Carnau Lane Thornhill Caerphilly | Decided - Discharge of Conditions 22.01.2019 |

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| 18/0889/COND 14.10.2018 | Mr N Barber 1 The Meadows Blackwood NP12 1FL | Discharge conditions 02 (Contamination - scheme to treat), 03 (Contamination - validation), 04 (Contamination - soil import testing), 06 (Shared private driveway materials) and 07 (Drainage) of planning consent 15/0510/FULL (Construct a detached dwelling) 1 The Meadows Blackwood NP12 1FL | Decided - Discharge of Conditions 22.01.2019 |
| 18/0890/FULL 22.10.2018 | Mrs L Jones 1 Ty Treharne Cefn Mably Cardiff CF3 6LP | Erect a second storey rear bedroom extension above ground floor kitchen area and a ground floor sun lounge to the right of the property 1 Ty Treharne Cefn Mably Cardiff CF3 6LP | Granted 22.01.2019 |
| 18/0934/OUT 29.10.2018 | Llanover Estate Mr M Lennon 23A Goldtops Newport NP20 4UL | Erect a single detached two storey dwelling and seek approval of access Land At Grid Ref 320862 198125 Adj To 67 Fflorens Road Treowen | Granted 22.01.2019 |
| 18/1014/FULL 26.11.2018 | Mr & Mrs Webber 4 Priorsgate Oakdale Blackwood NP12 0EL | Replace existing dwelling and outbuildings with a new dwelling and detached garage and associated external works Comrie Bank Bungalow Load Of Hay Road Crumlin Newport | Granted 22.01.2019 |
| 18/0910/FULL 18.10.2018 | Emtrek Ltd Mr J Davies 1 St Christopher Close Bedwas Caerphilly CF83 8UA | Erect new three bed detached property Land Rear Of Castle Manor Nantgarw Road Caerphilly | Granted 23.01.2019 |
| 18/0977/FULL 15.11.2018 | Mr R Childs 1 Clynmawr Street Abertillery NP13 1NN | Erect a two storey side extension Mayfield 90 Hengoed Road Penpedairheol Hengoed | Granted 23.01.2019 |
| 18/1007/FULL 23.11.2018 | Mr James 14 Cwmtorlais Road Newbridge Newport NP11 4LY | Erect two storey extension to side and rear of existing dwelling 14 Cwmtorlais Road Newbridge Newport NP11 4LY | Refused 23.01.2019 |

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|----------------------------|--|--|-----------------------|
| 18/1023/FULL 28.11.2018 | Mr N Rees 14 Llanarth Square Pontymister Risca Newport NP11 6EA | Replace existing single storey kitchen and bathroom extension with two storey rear extension 14 Llanarth Square Pontymister Risca Newport | Granted 23.01.2019 |
| 18/0902/FULL 17.10.2018 | Mr S Bartlett 24 Mill-race Abercarn Newport NP11 4TL | Erect two storey rear extension 24 Mill-race Abercarn Newport NP11 4TL | Granted 24.01.2019 |
| 18/1015/NCC 27.11.2018 | Mr R Lewis 2 Prince Albert Cottages Victoria Road Fleur-De-Lis CF82 7RE | Remove condition 11 (Retention of garage) of previous planning consent 18/0005/FULL (Erect detached house with integral garage) Land At Grid Ref 315506 196126 Rear Of 50 Victoria Road Fleur-de-lis | Granted 24.01.2019 |
| 18/1042/FULL 05.12.2018 | Mr Griffiths 38 Homeleigh Newbridge Newport NP11 4RR | Construct dormer extension to rear of property 38 Homeleigh Newbridge Newport NP11 4RR | Granted 24.01.2019 |
| 18/1046/LA 06.12.2018 | CCBC Mrs S Richards Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG | Erect two storey classroom extension to the main junior block and associated parking on land off Lewis Street Ystrad Mynach Primary School Lewis Street Ystrad Mynach Hengoed | Granted 24.01.2019 |
| 18/0965/FULL 09.11.2018 | Mr Roe 62 Church Street Bedwas Caerphilly CF83 8ED | Erect conservatory to rear with a hipped roof 62 Church Street Bedwas Caerphilly CF83 8ED | Granted 25.01.2019 |
| 18/1031/TPO 30.11.2018 | Mr T Pascoe 35 Pendinas Avenue Croespenmaen Newport NP11 3GP | Reduce crown by up to 2m all around (pruning branches back to appropriate branch unions and carry out canopy cleaning works) (Tree Preservation Order 1/82/IBC) Bronymaen Llewelyn Avenue Croespenmaen Newport | Granted 25.01.2019 |

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|----------------------------|--|--|-----------------------|
| 18/1029/FULL 03.12.2018 | Mr S Morris 14 Clos Carolyn Blackwood NP12 3QT | Erect two storey front extension 14 Clos Carolyn Blackwood NP12 3QT | Granted 25.01.2019 |
| 18/1036/FULL 04.12.2018 | Mr & Mrs D Windsor 41 Tir-Berllan Oakdale Blackwood NP12 0GZ | Alterations and extensions to remodel dwelling including two storey extensions and change roof from hip to gable to provide loft conversion 41 Tir-Berllan Oakdale Blackwood NP12 0GZ | Granted 25.01.2019 |
| 18/1091/NMA 21.12.2018 | Mr G Rees C/o Hurley & Davies Limited 206 High Street Blackwood NP12 1AJ | Seek approval of a non- material amendment to planning consent 18/0374/FULL (Erect elderly persons living accommodation and associated works) to make amendments to the building design and aesthetics Pontllanfraith Youth Centre And Cyber Cafe Sir Ivor Road Pontllanfraith Blackwood | Granted 25.01.2019 |
| 18/0525/FULL 07.06.2018 | L & J Developments Ltd Mr L Hallett 6 Lanelay Farm Talbot Green Llantrisant CF72 9LA | Erect two pairs of 3 bedroom semi-detached dwellings Land At (Plot 34 & Adjacent Land) Gelynos Avenue Argoed Blackwood | Granted 29.01.2019 |
| 18/0966/FULL 09.11.2018 | Mr McQuillian 34 Tyn-Y-Coed Tredomen Hengoed CF82 7DD | Erect storm porch to front of dwelling 34 Tyn-Y-Coed Tredomen Hengoed CF82 7DD | Granted 30.01.2019 |
| 18/1026/FULL 30.11.2018 | Mr D Parslow 12 Bryn-y-fran Avenue Trethomas Caerphilly CF83 8BN | Erect part two storey and part single storey rear extension 12 Bryn-y-fran Avenue Trethomas Caerphilly CF83 8BN | Granted 30.01.2019 |
| 18/0443/CON 14.05.2018 | Reginald Moore Ltd 5 Cwrt Y Parc Cardiff Business Park Llanishen Cardiff CF14 5GH | Demolish Rectory, garage and outbuildings The Rectory High Street Nelson Treharris | Granted 31.01.2019 |

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|----------------------------|--|--|-----------------------|
| 18/0990/FULL 16.11.2018 | Mr D Carnell 12 Twyn Place Abercarn Newport NP11 5JX | Erect single storey extension to existing kitchen 12 Twyn Place Abercarn Newport NP11 5JX | Granted 31.01.2019 |
| 18/1033/FULL 04.12.2018 | Mr A Cross 1B Station Terrace Nelson Treharris CF46 6ED | Erect a dormer to rear elevation 1B Station Terrace Nelson Treharris CF46 6ED | Granted 31.01.2019 |
| 18/1040/RET 05.12.2018 | Mr C Harding Brierley 9 Underwood Caerphilly CF83 1HW | Retain and complete single storey front extension Brierley 9 Underwood Caerphilly CF83 1HW | Granted 31.01.2019 |
| 18/0820/FULL 24.09.2018 | Mr M Contreras 19 Newport Road Pontymister Risca Newport NP11 6LW | Erect single storey detached garage/workshop 19 Newport Road Pontymister Risca Newport | Granted 01.02.2019 |
| 18/1020/FULL 29.11.2018 | Llanover Estate Mr M Lennon 23A Goldtops Newport NP20 4UL | Erect a pair of semi-detached dwellings Land At Grid Ref 320841 197681 Elidyr Road Treowen | Granted 04.02.2019 |
| 19/0016/CLPU 07.01.2019 | Mr & Mrs Gadsden Glas Fryn 74 Main Road Maesycwmmmer Hengoed CF82 7PP | Obtain Lawful Development Certificate for proposed rear roof dormer to create a habitable room and bathroom Glas Fryn 74 Main Road Maesycwmmmer Hengoed | Granted 04.02.2019 |
| 18/1045/RET 06.12.2018 | Mr C Lacey Speedfast Tool Hire 130 Pontygwindy Road Caerphilly CF83 3HF | Retain use of ground floor, including front/rear storage areas for tool and plant hire purposes (sui generis) Speedfast Tool Hire 130 Pontygwindy Road Caerphilly CF83 3HF | Granted 05.02.2019 |
| 18/1050/ADV 11.12.2018 | British Heart Foundation Mr A Rice 2A Cherry Orchard Lichfield WS14 9AN | Erect 2 No. fascia signs, 1 No. hanging sign and 1 No. panel sign Unit 18 Castle Court Caerphilly CF83 1NU | Granted 05.02.2019 |

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| 18/1052/COND 11.12.2018 | Stately Albion Ltd Mr A Hurd Unit 20 Darren Drive Prince Of Wales Industrial Estate Abercarn NP11 5AR | Discharge conditions 1 (commencement), 2 (approved plans), 3 (maximum number of units), 4 (hardstanding materials), 5 (rainwater run-off), 6 (inward opening gates), 7 (bat method statement), 8 (monitoring of bat mitigation), 9 (lighting and bats) and 10 (amended breeding bird provision) of planning consent 17/0926/COU (Demolish building on site and erect 2.4 m high security fencing all around and change the use of land for storing static units) Unit 18 Darren Drive Prince Of Wales Industrial Estate Abercarn | Decided - Discharge of Conditions 05.02.2019 |
| 18/1002/TPO 22.11.2018 | Mrs C Rogers 2 Llwyn Coed Blackwood NP12 1FT | Carry out various works to Oak tree to raise crown and crown reduction (Tree Preservation Order 66/72/MCC) 2 Llwyn Coed Blackwood NP12 1FT | Granted 06.02.2019 |
| 18/1056/NCC 12.12.2018 | Mr M Whalley 3 Cae'r Enfys Caerphilly CF83 2BN | Vary condition 04 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) to allow conversion of integral garage into a habitable room 3 Cae'r Enfys Caerphilly CF83 2BN | Granted 06.02.2019 |
| 18/1018/FULL 29.11.2018 | Mr A Preece-Jones Park House Park Place Crosskeys Newport NP11 7DB | Erect two storey extension over existing at rear of property 6 Twyncarn Terrace Newport Road Cwmcarn Newport | Granted 07.02.2019 |

LIST OF PLANNING APPLICATIONS WHICH ARE NOT DEALT WITH IN TIME

| APPLICATION NUMBER DATE VALID | DESCRIPTION & LOCATION OF DEVELOPMENT | COMMENTS |
|----------------------------------|---|--|
| 17/0804/OUT 18.09.17 | Erect up to 350 homes, 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. | Considering viability. |
| 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 . | Subject to further discussion and consideration. |
| 18/0160/OUT 16.02.18 | Erect residential development up to 131 dwellings and associated works at Land Adj To Tiryberth Farm, Hengoed Road, Penpedairheol, Hengoed. | Subject to further discussion and consideration. |
| 18/0323/FULL 11.04.18 | Change the use of land to use as residential caravan site for two gypsy families, each with two caravans, including no more than one static caravan/mobile home and erection of two amenity buildings at Ynsyddu Yard - Vine Tree Ynysddu Hotel Approach Ynysddu Newport NP11 7JW | Awaiting additional information. |
| 18/0620/FULL 12.11.18 | Demolish existing retail shop and erect residential flats at Yearsleys Discount, 1 Lon-Y-Twyn, Caerphilly, CF83 1NW | Subject to further discussion and consideration |
| 18/0782/FULL 10.09.18 | Erect three bedroom dwelling with off road parking Land Adj. To The Haven, 4 Old Parish Road, Hengoed, CF82 7HU | Subject to further discussion and consideration. |
| 18/0831/COU 25.09.18 | Change the use of existing doctors surgery to new dwelling with alterations to roof to provide 3 No. bedrooms and ground floor alterations at 14 Plantation Terrace Fochriw Bargoed CF81 9JR | Awaiting amended plans. |

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| 18/0893/FULL 15.10.18 | Erect 3 No. detached dwellings with detached garages and off street parking at Former Newbridge Clinic Ashfield Road Newbridge Newport NP11 4QW | Awaiting additional information. |
| 18/0907/FULL 17.10.18 | Erect bungalow at Land At Grid Ref 315569 188254, Heol-Y-Ddol, Caerphilly. | Awaiting the views of Consultees. |
| 18/0925/FULL 25.10.18 | Construct a new dormer bungalow and a double garage along with access and ancillary works at Land At Ty Isaf (Adjacent To Underwood Bungalow) Caerphilly Road Ystrad Mynach Hengoed CF82 7EP | Subject to further discussion and consideration. |
| 18/0930/NCC 25.10.18 | Vary condition 03 (time period) of planning consent 10/0550/OUT (Re-develop the site for a mixed use development including housing, employment (B1 Use) and community use with associated open space and infrastructure) to extend the period of time for the submission of reserved matters at Former BSW Saw Mills, The Timber Yard, Commercial Street, Senghenydd, Caerphilly, CF83 4AE | Subject to further discussion and consideration. |
| 18/0950/RET 15.11.18 | Retain imported material and change of use of land to additional residential amenity area for existing dwelling at 1 Viaduct View Court, Victoria Road, Maesycwmmmer, Hengoed, CF82 7GX | Subject to further discussion and consideration. |
| 18/0981/FULL 15.11.18 | Erect two storey extension with balcony to rear and alterations to conservatory roof at 1 Penywaun Lodge Heol Fawr Nelson Treharris CF46 6PL | Considering additional information. |
| 18/1008/FULL 23.11.18 | Erect two one bedroom flats at Madison Gardens St Mary Street Risca Newport NP11 6HG | Subject to further discussion and consideration. |
| 18/1009/FULL 26.11.18 | Seek approval of the reserved matters regarding details of access, appearance, landscaping, layout and scale in relation to planning consent 14/0239/NCC (Vary condition 3 of 09/0688/OUT (Erect residential development) to extend the time period for the approval of reserved matters) at Land At Grid Ref 320738 198125 Albertina Road Treowen | Subject to further discussion and consideration. |

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| 18/1048/FULL 10.12.18 | Demolish existing two storey extension and replace with a part two storey and part single storey extension at Ffald Gerrig Cottage Rudry Road Rudry Caerphilly CF83 3DD | Subject to further discussion and consideration. |
| 18/1049/TPO 11.12.18 | Carry out various tree works (Tree Preservation Order 64/12/CCBC) at St Paul's Church High Street Newbridge NP11 4FW | Subject to further discussion and consideration. |

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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 amended draft to Solicitors and they are taking instructions. Sols asked for completion statement sent. |
| 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. |
| 17/0088/OUT 03.02.17 | Construct housing development of 17 properties at Land At Fair View Garage Pengam Road Pengam Blackwood | Sent draft Agreement for approval. |
| 17/0545/NCC 28.06.17 | Vary Condition 3 of planning consent 12/0531/OUT (Erect mixed residential development comprising of fifteen new build dwellings) to extend the time for submitting reserved matters applications at Land At (Grid Ref 323900 190615) Station Approach Risca | Sent draft internally for comments. |
| 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. Chased. No change. |

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| 17/0888/FULL 16.10.17 | Construct 60 No. dwellings, access, parking, landscaping, agricultural improvement works (includes the redistribution of onsite material and the raising of levels) and associated works at Land At Grid Ref 319662 198758 Ton-Y-Felin Farm Lane Croespenmaen | New instruction. |
| 17/0973/FULL 13.11.17 | Retain and formation of a repositioned approved earth bund, landscaping and associated works at Gelliargwelt Farm Gelligaer Road Gelligaer CF82 8FY | New matter. Dealing with initial steps. No change. |
| 18/0090/FULL 26.01.18 | 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 at The New Forge Brynhoward Terrace Oakdale Blackwood | Documents being sealed. |
| 18/0286/OUT 27.03.18 | Outline planning permission for up to 22 dwellings and seek approval of access at PD Edenhall Ltd Dan Y Graig Works Dan Y Graig Road Risca | Trying to resolve leisure clauses. Waiting for confirmation from Planning. |
| 18/0415/OUT 08.05.18 | Erect residential development of up to 14 apartments, of total floor area less than 1,000 sqm, and associated access, car parking, engineering and landscape works, including car parking for the existing guest house at Land At Grid Ref 314932 189096 (Adjacent To Y Fron) Pwllypant Roundabout To Coed-Y-Brain Roundabout Pwllypant Caerphilly | New Instructions. |
| 18/0988/OUT 19.11.18 | Erect two detached properties with public off street parking and turning area Land At Grid Ref 311602 191525 Graig Terrace Senghenydd | New Instructions. |
| 18/1005/FULL 23.11.18 | Erect 55 unit residential development with associated landscaping and play provision at Land At Former Bedwellty Comprehensive School Pengam Road Aberbargoed | New Instructions. |
| 18/0444/FULL 14.05.18 | Construct two social rented units and one market house at The Rectory High Street Nelson Treharris | New matter. Sent Agent Letter. |

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| <p>18/1059/NCC 17.12.18</p> | <p>Vary condition 2 of planning consent 15/0252/OUT (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) granted on appeal reference APP/K6920/A/15/3137884 to extend the period for the submission of reserved matters by a further three years at Land At Gelli Farm Tredegar Road Cwmgelli Blackwood</p> | <p>Dealing with initial issues.</p> |
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OUTSTANDING APPEALS

| APPEAL REF/ PLANNING APP. NO. | APPELLANT | PROPOSAL & LOCATION | DATE APPEAL REGISTERED |
|--|---|---|---------------------------------------|
| 18/0013/LB 18/0178/LBC | Mr N Watkins Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood NP12 0JH | Retain and complete works to install new entrance gates and install flue pipe and storm cap to existing chimney breast to allow for installation of a wood burner at Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood | 08/11/18 |
| 18/0014/LB 18/0422/LBC | Mr N Watkins Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood NP12 0JH | Install chimney flue and storm cap to existing chimney breast within the living room to allow for a wood burner to be installed at Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood | 08/11/18 |
| 18/0015/REF 18/0421/FULL | Mr N Watkins Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood NP12 0JH | Install chimney flue and storm cap to existing chimney breast within the living room to allow for a wood burner to be installed at Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood | 08/11/18 |
| 18/0017/REF 18/0084/RET | Bryn Recycling Ltd C/o Barton Willmore Mr J Ayoubkhani Greyfriars House Greyfriars Road Cardiff CF10 3AL | Retain extension to material recycling facility to include biomass boiler and chimney flue at Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed | 29/11/2018 |
| 18/0018/REF 17/0723/FULL | Mr A Jenkins 36 Mountside Risca Newport NP11 6JG | Construct four linked dwellings with associated ground and access works at 1st Oakdale Scout Group Oakdale Scout Hall Kincoed Road Oakdale | 30/11/2018 |

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| 18/0019/REF 18/0123/FULL | Studio Developments Ltd C/o CLC The Design Office 19 Heol Y Deri Rhiwbina Cardiff CF14 6HA | Construct three dwellings and ext Land At Grid Ref 321036 188882 Rhyd Y Gwern Lane (South Of Clos Trefeddyg) Machen ernal works on | 29/11/2018 |
| 19/0001/REF 18/0690/RET | Mr & Mrs N Kinrade 10 Cae Ffynnon Caerphilly CF83 2UT | Retain raised decking and erect summerhouse at 10 Cae Ffynnon Caerphilly CF83 2UT | 10.01.2019 |
| 19/0002/REF 18/0478/FULL | Motor Fuel Group Building 2 Abbey View Everard Close St Albans AL1 2QU | Erect sales building extension with new Subway store and associated parking (Revised traffic route throughout site to include a one-way system serving 12 new parking spaces & deliveries. Kerb and barrier adjacent to offset fills removed and cut back to improve site circulation) at Texaco Mabon Filling Station Heol Mafon Nelson Treharris CF46 6PE | 24.01.2019 |

APPEALS DECIDED

| APPEALS DECIDED APPEAL REF/ PLANNING APP NO. | PROPOSAL & LOCATION APPEAL | DECISION/ DATE | COMM/ DEL |
|---|---|---------------------------|----------------------|
| 18/0008/REF 18/0376/FULL | Construct a detached domestic garage with associated access and groundworks on Land At Grid Ref 318294 191565 Penllwyn Street To Syndicate Terrace Cwmfelinfach | Dismissed 14/01/2019 | DEL |
| 18/0011/REF 18/0134/FULL | Erect 4 bedroom detached dwelling at Land At Grid Ref 316548 200672 Adj To 1 Pen-Y-Waun Cottages Heol-Y-Bedw-Hirion Bedwellty | Dismissed 23/01/2019 | DEL |
| 18/0016/REF 18/0676/CON | Demolish and rebuild side of outbuilding facing road, remove outbuilding chimney, re roof with grass roof, provide new garden gate and surrounding brickwork and outbuilding wall to be rebuilt using grey brick at 1 Tyn-Y-Graig Terrace Church Street Llanbradach Caerphilly CF83 3LT | Dismissed 01.02.2019 | DEL |

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