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

Date: 4th September 2019

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 11th September, 2019** at **5.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

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

Yours faithfully,

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

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

Pages

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

A greener place Man gwyrddach

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



To approve and sign the following minutes: -

- 3 Planning Committee held on 14th August 2019. 1 - 8

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

- 4 Preface Item Code No. 17/0411/OUT - Land at Gwern Y Domen, Gwern-y-Domen Farm Lane, Caerphilly. 9 - 82
- 5 Code No. 18/1090/FULL - Land at Grid Ref 312302 188899, Bronmyndd, Abertridwr. 83 - 96
- 6 Code No. 19/0009/OUT - 202 Bedwas Road, Caerphilly. 97 - 106
- 7 Preface Item Code No. 19/0275/NCC - Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed. 107 - 122
- 8 Preface Item Code No. 19/0276/NCC - Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed. 123 - 140

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

- 9 Applications determined by delegated powers. 141 - 154
- 10 Applications which are out of time/not dealt with within 8 weeks of date of registration. 155 - 158
- 11 Applications awaiting completion of a Section 106 Agreement. 159 - 162
- 12 Appeals outstanding and decided. 163 - 164

Circulation:

Councillors M.A. Adams (Chair), 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 (Vice Chair), R. Whiting and T.J. Williams

And Appropriate Officers

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PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 14TH AUGUST 2019 AT 5:00PM

PRESENT:

Councillor M. Adams - Chair
Councillor A. Whitcombe - Vice-Chair

Councillors:

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

Together with:

T. Stephens (Planning Services Manager), R. Crane (Senior Solicitor), R. Kyte (Head of Planning and Regeneration), C. Campbell (Transportation Engineering Manager), L. Cooper (Engineer, Highway Planning), G. Mumford (Acting Team Leader – General Team), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), C. Boardman (Principal Planner), E. Rowley (Senior Planner), and C. Evans (Committee Services Officer).

1. **APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillor A.G. Higgs.

2. **DECLARATIONS OF INTEREST**

Declarations of interest were received at the start and during the course of the meeting as follows: Councillor C. Andrews – Agenda Item No. 6 (19/0327/OUT), Councillor D. Hardacre – Agenda Item No. 9 (19/0487/OUT) and Councillor A. Whitcombe – Agenda Item No. 7 (19/0348/FULL) details are minuted with the respective item.

3. **MINUTES – 17TH JULY 2019**

It was moved and seconded that the minutes of the meeting held on the 17th July 2019 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 17th July 2019 (minute nos. 1-19) be approved and signed as a correct record.

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT

4. CODE NO. 17/0411/OUT – LAND AT GWERN Y DOMEN (GRID RED. 317536), GWERN-Y-DOMEN FARM LANE, CAERPHILLY.

Mr. L. Wood and Councillor E. Forehead spoke in objection to the application and Mr R. Mann, United West Housing Association spoke in support of the application, on behalf of the applicant.

It was noted that the application had been subject to a site visit, which was held on Monday 12th August 2019.

Following consideration of the application it was moved and seconded that the application be deferred for a further report for reasons for refusal based on: the detrimental impact to the countryside; significant development outside of the settlement boundary, impact on natural meadows and historic features; and the departure from the Local Development Plan (LDP), by a show of hands and in noting there was 1 abstention this was agreed by the majority present.

RESOLVED that the application be deferred for a further report for reasons of refusal based on the detrimental impact to the countryside, significant development outside of the settlement boundary, impact on natural meadows and historic features and the departure from the Local Development Plan (LDP), and other matters noted by Mr Stephens, and contained in the note submitted by Cllr Aldworth.

5. CODE NO. 19/0262/FULL – 2 THE MEADOWS, MACHEN

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 a Sustainable Drainage Approval is required prior to commencement of this development.

From the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers. The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

- (iii) the applicant be advised of the information from the Council's Ecologist and Senior Engineer Land Drainage, Dwr Cymru/Welsh Water and Natural

6. CODE NO. 19/0327/OUT – LAND WITHIN THE CURTILAGE OF 45 SANNON STREET, ABERBARGOED, BARGOED, CF81 9BH

Councillor C. Andrews declared a prejudicial interest in this item as the objectors are friends of her parents, and left the Chamber during its consideration.

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

RESOLVED that the application be refused.

7. CODE NO. 19/0348/FULL – GLJ RECYCLING LTD, CHAPEL BRIDGE YARD, CHAPEL FARM INDUSTRIAL ESTATE, CWMCARN, NEWPORT, NP11 7NL

Councillor A. Whitcombe declared a prejudicial interest in this item as he knows the applicant, and left the Chamber during its consideration.

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

Councillor J. Taylor wished it noted that as he had not been present for the whole of the debate he had not taken part in the vote.

RESOLVED that:-

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

Additional Condition (09)

Prior to first use of the approved shredder, 10.8m high enclosure shown on Danieli drawing 6.4729238.E Rev00 dated 25 Feb 2019, shall be completed in accordance with the submitted noise report. This acoustic screen shall remain in place for the lifetime of the development.

Reason

In the interests of residential amenity.

- (ii) the applicant be advised that a Sustainable Drainage Approval is required prior to commencement of this development.

From the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers. The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511
Email: drainage@caerphilly.gov.uk
Website: www.caerphilly.gov.uk/sab

- (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.

8. CODE NO. 19/0378/OUT – LAND AT THE OLD FARMHOUSE, PENTREF-Y-GROES FARM LANE EAST, CROESPENMAEN

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

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted.
- (ii) the applicant be advised of the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and the Council's Ecologist;
- (iii) the applicant be advised that a Sustainable Drainage Approval is required prior to commencement of this development.

From the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers. The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511
Email: drainage@caerphilly.gov.uk
Website: www.caerphilly.gov.uk/sab

- (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.

9. CODE NO. 19/0487/OUT – LAND ADJACENT TO MOUNT PLEASANT INN, MOUNT PLEASANT ROW, PENTWYN, BARGOED, CF81 9NJ

Councillor D. Hardacre declared a personal and prejudicial interest in that having been asked to represent the applicant he had a closed mind, but would address the committee as Local Ward Member.

Councillor D. Hardacre spoke in support to the application and left the Chamber immediately following his statement and was not present for the debate or decision..

It was noted that the application had been subject to a site visit, which was held on Monday 12th August 2019.

Following consideration of the application it was moved and seconded that the application be deferred until further information and investigation has been undertaken at the site to mitigate the concerns outlined in the Officers report. If satisfactory information is submitted, that the application be returned to Committee with conditions recommended should members grant planning permission for the proposal. By a show of hands and in noting that there were 5 against and 1 abstention, this was agreed by the majority present.

RESOLVED that the application be deferred to allow the actions set out above to be carried out.

10. CODE NO. 19/0572/RM – LAND AT GRID REF. 311051 194899, MAFON ROAD, NELSON

Following consideration of the application it was moved and seconded that the application be granted, subject to engagement being undertaken with local members around design and colour scheme and design be approved under delegated powers. By a show of hands this was unanimously agreed.

RESOLVED that the application be granted subject to engagement with local members and design approval under delegated powers.

11. CODE NO. 19/0635/FULL – 16 HIGH STREET, PENTWYN-MAWR, NEWPORT, NP11 4HG

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

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted.
- (ii) the applicant be advised that the following policy of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2019 is relevant to the conditions of this permission: CW2
- (iii) the applicant be advised that the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should 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-influencingdistance-of-mine-entries>

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

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

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 7.32pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 11th September 2019, they were signed by the Chair.

CHAIR

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Agenda Item 4

PREFACE ITEM

APPLICATION NO. 17/0411/OUT

APPLICANT(S) NAME: PMG Ltd and Persimmon Homes East Wales Ltd

PROPOSAL: Erect residential development with strategic open space including play facilities and pedestrian and cycle networks

LOCATION: Land at Gwern Y Domen, Gwern-y-domen Farm Lane
Caerphilly

1. This application was reported to the last Planning Committee with a recommendation of approval. A copy of the original report is attached as an Appendix. Members resolved to defer a decision to allow officers to draft reasons for refusal that reflected their concerns about the development. The following report is based on matters raised at the meeting and set out in a letter handed to the case officer. Those concerns can be broadly categorised as matters of principle, e.g. the site is outside the settlement, and matters of technical detail, e.g. the impact of the development on highway safety. The former are considered first.
2. Policy SP3 (Development Strategy – Development in the Southern Connections Corridor) of the adopted Caerphilly County Borough Local Development Plan up to 2021 (the LDP) states that:

Development proposals in the Southern Connections Corridor [SCC] will promote sustainable development that:

- A Uses previously developed land within settlement limits
- B Reduces car borne trips by promoting more sustainable modes of travel
- C Makes the most efficient use of the existing infrastructure
- D Has regard to the social and economic function of the area and
- E Protects the natural heritage from inappropriate forms of development

The development is on a greenfield site and is therefore contrary to the LDP strategy for the SCC (criterion A). It would be difficult to argue that the proposal would be contrary to the other criteria, bearing in mind the lack of objection from the Transportation Engineering Manager (criterion B), the site's location close to a Principal town as defined in the LDP (criteria C and D), and the lack of objection from the Council's ecologist and Natural Resources Wales (NRW) (criterion E).

Cont....

3. Policy SP5 (Settlement Boundaries) relates to the delineation of settlement boundaries, and states:

The Plan defines settlement boundaries in order to:

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

The development is contrary to this policy in that it is outside the settlement where development would normally be allowed, its development would not promote the use of urban land, and it would be inappropriate development in the countryside (criteria A, B and D). The site is reasonably well related to Caerphilly and Bedwas, and would not be unacceptable in respect of criterion C.

4. Policy CW15 (General Locational Constraints) assists in defining what is acceptable development in the countryside and states:

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

C Outside settlement boundaries proposals will not be permitted unless the proposed development is either:

- i Associated with either agriculture, forestry or the winning and working of minerals or
- ii For the conversion, rehabilitation or replacement of rural buildings and dwellings, or
- iii For recreation, leisure and tourism proposals that are suitable in a countryside location or
- iv Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere or
- v Associated with the reclamation / treatment of derelict or contaminated land

The proposal does not comply with any of those criteria.

5. The site is within a special landscape area (SLA) which is described in the appendix to the LDP as an important buffer zone between Caerphilly and the M4 corridor to the south. It also forms the visual context and setting for the historic town of Caerphilly.

Cont....

Its mixture of upland and lowland character, plantations and rights of way networks provide an important recreational feature in the area. Policy CW4 (Natural Heritage Protection) states that:

Development proposals that affect locally designated natural heritage features will only be permitted:

A Where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA) or Visually Important Local Landscape (VILL). ...

The proposed development would be an intrusion into that buffer zone and would not conserve the visual context of the historic town particularly in respect of the lowland element of the SLA.

6. If Members are minded to refuse planning permission, the following reasons are suggested.
 1. The proposed development would be contrary to the brownfield strategy set out in policy SP3 (A) of the adopted Caerphilly County Borough Local Development Plan up to 2021 because it would be on a greenfield site.
 2. The proposed development would be contrary to policies SP5 and CW15 of the adopted Caerphilly County Borough Local Development Plan up to 2021 because it would be: inappropriate development in the countryside, outside the settlement boundary where development would normally be allowed, and would not promote the full and effective use of urban land in order to concentrate development within settlements.
 3. The proposed development would be contrary to policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021 because it would not conserve the features of the special landscape area (NH1.5 South Caerphilly).
7. The officer's recommendation was to grant planning permission despite those objections in principle to the scheme. Whilst recognising that the dis-application of paragraph 6.2 of TAN 1 means that it is now for the Local Planning Authority to decide what weight to give to the five-year land supply, significant weight was given to that issue because at present the housing land supply is 2 years. Also, this year's Joint Housing Land Availability Survey will indicate that only 122 dwellings were completed in the year 2018-19. This is the lowest rate of completions since 1991. This is only approximately a fifth of the houses that are required each year in the LDP (575 units per annum). The Local Housing Market Assessment (2018) identifies that there is a total need for 282 affordable units to be delivered per annum. The proposed development would deliver a maximum of 618 dwellings, 40% or 247 of which would be affordable homes.

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8. Turning to the technical reasons, members are strongly advised not to base any reasons for refusal on these matters. There were no objections to the scheme from statutory and technical consultees whom the LPA would look to for support if any of these reasons were adopted. The original report sets out in some detail why the reasons are not supported, but a summary is provided below.

Impacts on ancient woodland and wildlife

Policies SP10 and CW4 of the LDP relate to the protection of natural heritage.

The site contains two sites of importance for nature conservation (SINCs) namely Coed y Maerdy, and the disused Caerphilly to Machen railway line; neither of which would be directly affected by the proposed development. The Nant Gwaunybara Mire SINC is close to the southern boundary of the site. The applicants submitted extensive surveys and analysis of the flora and fauna at the site, along with proposals for mitigation. Neither the Council's ecologist nor NRW raised any objections.

Drainage

Policy CW5 seeks to protect the water environment.

There is no evidence to show that this site cannot be drained adequately as part of a development scheme, any more than any other site that has been developed in and around Caerphilly. The Council's Land Drainage Officer, and Dwr Cymru/Welsh Water did not raise any objections to the scheme. There is an allegation that exploratory works have caused damage at a neighbouring property, but this is a private matter for the two parties to resolve.

Loss of historic features

Archaeological and other historic assets are protected by national policy, although Policy SP6 (Place Making) of the LDP does state that, "Development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features ..."

The applicants carried out an archaeology and heritage assessment which identified the known heritage assets in the locality and on site. It was recognised that the proposed development would result in most of the known and potential features, deposits and remains of archaeological importance within its footprint being destroyed, and the mitigation would be a proportionate programme of archaeological investigation and recording. Glamorgan Gwent Archaeological Trust was consulted by the LPA, and they raised no objection subject to a condition requiring the proposed mitigation.

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Traffic congestion and impact on Bedwas Bridge roundabout

Policy CW3 (Design Considerations – Highways) addresses the design of, and the impact of new development on highways.

A transport assessment was submitted with the application which was reviewed by the Council's Transportation Engineering Manager. Amongst other things, it analysed the impact of the proposed development at the following junctions:

- Lansbury Link Road /site access signalised junction;
- Lansbury Link Road/ Rudry Lane priority junction;
- Lansbury Link Road/ Van Road roundabout;
- Bedwas Bridge roundabout;
- Pwllypant roundabout;
- Van Road/ White Street/ The Twyn one-way priority junction;
- White Street/ Bartlett Street; and
- Greenway/ Bedwas Road.

On the basis of that analysis, and the proposed mitigation measures including improvement to the Bedwas Bridge roundabout junction, the provision of better cycle and pedestrian connectivity, and the use of the public transport systems, the Transportation Engineering Manager raised no objections to the scheme.

A concern has been expressed about the effect of construction traffic on established businesses. There is no evidence that this development would affect businesses, and some short term disturbance is to be expected with any development scheme.

Loss of footpaths

Public Rights of Way are protected by national policies, and separate legislation.

There is adequate room within the site to accommodate as part of the development the existing and, if necessary, the claimed footpaths that currently cross the land.

Loss of amenity

Policy CW2 (Amenity) addresses the impact of proposed development on amenity.

It is likely that there would be some increase in the traffic using the lanes in the locality, but there is no evidence that it would be of such a scale that it would cause a loss of amenity for residents, horse riders, ramblers, and cyclists.

Concern has been expressed about the direct impact of the development on the occupants of Gwern y Domen Farm and the adjacent barn. From a planning point of view, it is recognised that the character of the setting of these properties would change radically if the development went ahead.

Cont....

However, it is not unusual for isolated development to become surrounded by new development, and in such circumstances, the LPA should ensure that the relationship between the new and the old is satisfactory in terms of its policies and guidance.

Impact on climate change

The Council must still grant planning permission for housing despite climate change, and its declaration of a climate emergency. There is no evidence that this development would cause such a significant impact on the climate that it would justify a reason for refusal on that ground.

Impact on the well-being of the residents of Lansbury Park

There is no evidence that the development would have a detrimental impact on the well-being of the residents of Lansbury Park. Only some 27% of the site would be developed, with the open areas and woodland at the western end being retained. Footpath connectivity to those areas and to the hillsides beyond would be maintained and improved, as would cycle links. The development itself may provide employment and housing opportunities for existing local residents.

Exhibition should have been organised by the developers prior to the submission of the application.

A Pre-Application Consultation process was carried out in late 2016.

The lack of shops and footfall in Caerphilly town centre should be addressed before development is given permission

It could be argued that housing development, and the accompanying attraction of new residents, would provide additional support for the town centre.

Precedent

Concern was expressed that granting planning permission would set a precedent for further similar development. Each application is considered on its merits, and whilst the five-year housing land supply will be a material consideration in respect of all major housing applications, the weight to be given will differ depending on the circumstances of each case.

9. Reasons for refusal based on the issues raised in section 8 of this report are set out in Appendix 2. Members are strongly advised not to refuse planning permission on those grounds because there is no evidence or support from technical officers to justify them. A refusal on those grounds would place the LPA at a significant risk of considerable costs being awarded at appeal.

Cont....

RECOMMENDATION: That planning permission is granted subject to conditions as set out in the attached report. However, if Members are minded to refuse permission, it is suggested that they do so on the basis of the reason set out in paragraph 3 above.

Appendix 2

1. The proposed development would have an adverse impact on existing woodland, trees and hedgerows. Coed Y Maerdy and the route of the former railway line running along the norther boundary of the site are designated as sites of importance for nature conservation in the adopted Caerphilly County Borough Local Development Plan up to 2021. The proposed development would be contrary to policies SP10 and CW4 of that plan.
2. The proposed development would have an adverse impact on wildlife including protected species. Coed Y Maerdy and the route of the former railway line running along the norther boundary of the site are designated as sites of importance for nature conservation in the adopted Caerphilly County Borough Local Development Plan up to 2021. The proposed development would be contrary to policies SP10 and CW4 of that plan.
3. The development would result in additional flooding in the locality and would therefore be contrary to policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
4. The development would result in the loss of all deposits and remains of archaeological importance within its footprint to the detriment of the historical heritage of the locality, contrary to policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
5. The proposed development would increase congestion on the surrounding road network, particularly at the Bedwas Bridge roundabout, and therefore would be contrary to policy CW3(A) of the adopted Caerphilly County Borough Local Development Plan up to 2021.
6. The proposed development would result in the diversion of a public footpath, and would have an impact on the routes of a number of claimed rights of way, to the detriment of their character, and their enjoyment for recreation purposes by the public.
7. The proposed development would increase traffic congestion on the minor roads to the north and east of the site, to the detriment of the amenity of the local residents and user of those highways such as horse riders and walkers. The development would therefore be contrary to policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Application No. 17/0411/OUT Continued

8. The development would change the setting of Gwern y Domen and the associated barns from isolated dwellings to properties within a housing estate, to the detriment of the amenity of the occupiers which would be contrary to policy CW2(A) of the adopted Caerphilly County Borough Local Development Plan up to 2021.
 9. The proposed development would aggravate climate change which is recognised as an emergency by Caerphilly County Borough Council, and by Planning Policy Wales as a global challenge, with impacts felt at the local level presenting a significant risk to people, property, infrastructure and natural resources.
 10. The proposed development would result in the loss of open areas of green space used for walking and other means of recreation to the detriment of the well-being of local residents.
 11. Caerphilly town centre lacks adequate shopping facilities to cater for the residents of the proposed development.
 12. The development would represent a precedent for further development outside settlement, on greenfield land in the Caerphilly basin area which would be contrary to policies SP3, SP5 and CW15 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
-

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0411/OUT 16.05.2017	PMG Ltd And Persimmon Homes East Wales Ltd Messrs Hobbs And Smith C/O Ms P Cole 14 Ty Gwyn Crescent Penylan Cardiff CF23 5JL	Erect residential development with strategic open space including play facilities and pedestrian and cycle networks Land At Gwern Y Domen (Grid Ref 317068 187536) Gwern-y-domen Farm Lane Caerphilly

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: This site, at Gwern y Domen, Caerphilly, lies to the south-east of Lansbury Park. It adjoins the Lansbury Park Distributor Road near St Helen's Primary School, and extends as far as Branch Cottages on Pentwyngwyn Road.

Site description: The site is greenfield, and is mainly pastureland with some woodland at its south-western end. Hedgerows separate the land into a number of fields. The land rises gently in a south-easterly direction. To the north and west are the residential areas of Lansbury Park and Mornington Meadows. To the east and south is largely agricultural land. To the south west is Van Mansion which is a grade II listed building. A former railway line forms the northern boundary of the site.

Vehicular access to the site is currently gained from Pentwyngwyn Road via Gwern-y-Domen Farm Lane and comprises in part a bridge over a disused railway line. The lane passes three properties comprising Gwern y Domen Farmhouse and two converted barns. These properties do not form part of the development site.

Development:

Outline planning consent is sought in respect of residential development with strategic open space including play facilities and pedestrian and cycle networks. All matters are reserved for future consideration.

Cont'd

Application No: 17/0411/OUT Cont'd

The proposed development includes the following:

- up to 618 new homes of various size and tenures, including 40% affordable housing
- a sports pavilion at the centre of the site;
- open space and formal and informal play areas linked by pedestrian and cycle routes;
- arboricultural and ecological mitigation;
- pedestrian, cycle and public transport circulation routes within the site.

The main vehicular access will be from the Lansbury Park Distributor Road. Emergency access is provided from Pentwynwyn Road via Gwern y Domen Lane. Additional pedestrian and cycle access points are proposed to the north and onto the Distributor Road to enable access to the Caerphilly Town Centre. Public Rights of Way are retained as part of the development and where necessary diverted.

An illustrative layout submitted with the application shows the western third of the site undeveloped, with a biodiversity area at the eastern end.

The application is supported by a Planning Statement, Design and Access Statement, and an Environmental Statement (ES) accompanied by a Non-Technical Summary. The key issues identified by the ES are as follows:

- Need
- Landscape & Visual Impact
- Archaeology and Cultural Heritage
- Traffic, Transport & Movement
- Noise & Vibration
- Ecology and Biodiversity
- Ground Conditions
- Hydrology
- Socio-Economic Impact
- Agricultural Land Use, and
- Air Quality
- Cumulative Impacts

Cont'd

Application No: 17/0411/OUT Cont'd

In summary, those reports come to the following conclusions on the following matters.

NEED - In the absence of any firm timescale for progressing an LDP Review, or a Strategic Development Plan, the development by a major house builder would ensure that a significant contribution to meeting the 5 year housing land supply shortfall which currently exists, would be provided, and that a large proportion of affordable units would also be delivered. It can therefore be concluded that a significant need exists for the development on the above basis and that the site in question would meet the Council's criteria, as stated in the latest 2018 AMR in considering proposals for new residential development on their relative planning merits on a site-by site basis, having due regard for the need to increase the housing land supply in line with national planning policy and guidance.

LANDSCAPE AND VISUAL IMPACT - The addition of further residential land to the periphery of the town would not introduce significantly detracting elements into the landscape, especially where a sympathetic layout is designed in relation to the existing built forms, together with a well considered and integrated landscape scheme for the site. It can be concluded that any landscape and visual effects identified are considered to be relatively limited and to be well contained around the site's immediate environs. As such they should be given limited weight in the planning balance to be undertaken by the Council and the benefits of the scheme should be given considerable weight. The positive benefits for the residential development are:

- Opportunities for new woodland, tree and hedgerow planting
- Trees and hedgerows brought into positive management.
- Extension and management of Maerdy Wood.
- Reinforcement of ecological corridors and management of the SINC area
- Treatment of Japanese Knotweed
- Enhanced pedestrian and cyclist circulation
- A residential layout set within the existing field pattern creating very individual residential areas; and,
- Provision of open space and biodiversity areas.

ARCHAEOLOGY AND CULTURAL HERITAGE - Whilst the proposed development would result in most of the known and potential features, deposits and remains of archaeological importance within its footprint being destroyed, this non-significant effect would be mitigated through the implementation of an appropriate and proportionate programme of archaeological investigation and recording, undertaken in accordance with a Written Scheme of Investigation agreed in advance and with the results to be disseminated following the work's completion. There would be no long-term residual effect if the proposed mitigation set out above is implemented at the site in full.

Cont'd

Application No: 17/0411/OUT Cont'd

TRAFFIC, TRANSPORT AND MOVEMENT - To mitigate adverse effects the proposed development would create new pedestrian routes and cycle routes that enable the development to connect with the surrounding area and provide the opportunity for the development to access the strategic traffic free routes of the Celtic Trail which in turn offers links to areas of Caerphilly and beyond. Improvements are also proposed at Bedwas Bridge Roundabout to increase road capacity. The introduction of crossing facilities on Lansbury Distributor Road, a signal controlled junction at one of the site access junctions along with extensions to existing bus routes improve connectivity and permeability between existing and proposed communities and will encourage walking and cycling as the preferred mode for many trips. The introduction of Travel Plans and a Construction Transport Management Plan will contribute towards mitigating the impact of the development. Following the implementation of the proposed mitigation the only adverse residual effects of the Proposed Development would be on junction delay / driver delay.

NOISE AND VIBRATION - With the mitigating effect of a partially open window most of the proposed development on the site will experience an internal noise level of less than 30dB LAeq,8hr, a negligible impact with a negligible significance. Development related traffic will increase the LA10,18hr noise environment at existing receptors. In the short-term the impact of this increase will be of moderate significance at residential receptors, and of major significance at St. Helen's Primary School and St. James Primary School playing fields. In the long-term the significance of the impact will decrease to minor at residential receptors, and will decrease to moderate significance at the two school playing fields. With the mitigating effect of a 2m high acoustic barrier located adjacent to the two playing fields; in the short-term and the long-term the impact will reduce to negligible significance at Hadland Court/St Helen's Primary School, and will remain moderate at St James Primary School. However, with the inclusion of the fence at St James Primary School in the short and the long-term the predicted LA10,18hr noise levels will fall when compared to the non mitigated scenarios. Further mitigation is therefore not considered necessary.

ECOLOGY AND BIODIVERSITY - Potential significant effects identified which could arise as a result of the operation of the proposed development in absence of mitigation include the following:

- Effects of light and noise/visual/human disturbance to designated sites, habitats and species;
- Increased risk of collision and predation to species; and
- Alteration to groundwater and surface water flows.

Cont'd

Application No: 17/0411/OUT Cont'd

The key mechanisms which will be implemented are:

- Detailed Design Measures. The outline planning application is being made with all matters reserved. The masterplan is therefore illustrative and allows flexibility for specific detailed design measures to be secured and included within the proposed development. Such design measures can, where necessary, be agreed with the Local Authority and secured through suitably worded planning conditions and addressed at future Reserved Matters stages.
- Ecological Construction Method Statement (ECMS) & European Protected Species Mitigation Strategies (including Derogation licences). The ECMS will be prepared at the Reserved Matters stages and implemented during the demolition and construction phase of the proposed development. Outline Mitigation strategies for bats, dormouse and great crested newts have been prepared in support of the outline planning application and set out the sensitive working methodologies to be implemented during pre-construction and construction phases. Such measures will be further expanded as part of the RM stages.
- Ecology Management Plan (EMP) & European Protected Species Mitigation Strategies (including Derogation licences). Outline Mitigation strategies for bats, dormouse and great crested newts have been prepared in support of the outline planning application and set out the recommended compensation, mitigation and enhancement measures to be implemented as part of the proposals required to ensure no significant negative effects will arise. Such measures will be further secured as part of the NRW development licensing process.

GROUND CONDITIONS - Mitigation measures would minimise the potential for construction operations to contaminate soils and controlled waters. These measures would be incorporated into a Pollution Prevention or Construction Management Plan, prepared by the appointed contractor and agreed with Natural Resources Wales and the Local Planning Authority prior to the commencement of construction.

HYDROLOGY - An assessment has concluded that the impact of the proposed development, with appropriate mitigation, will be insignificant during the completed/operational phase in terms of water quality, foul drainage and flooding. The development has a minor beneficial impact on surface water runoff.

Cont'd

Application No: 17/0411/OUT Cont'd

SOCIO-ECONOMIC IMPACT - Potential impacts during the construction Stage:

- Increase in employment during the construction period is beneficial; and
- Potential disturbance to local neighbours.

Potential impacts during the operational stage:

- Land use will change from greenfield to residential use could adversely impact on ecology and landscape;
- Increased accessibility to the surrounding area via new footpaths is major beneficial;
- High quality scheme will beneficially impact on deprived ward;
- Public sector contributions via Council Tax and CIL;
- Boost of local spending power by population growth;
- Indirect creation of permanent employment opportunities;
- Increased pressure on social and support services could have a moderate adverse impact; and
- Increased patronage and potential membership to community facilities and groups will be moderate beneficial.

As the limited amount of adverse impacts demonstrate, the proposed development is unlikely to result in any significant adverse impacts to socio-economic and community interests. Mitigation measures are proposed include the following:

- CIL contributions;
- Provision of affordable housing within the development;
- Additional council tax monies directed to emergency service provision and refuse;
- Improvement to access to countryside via development;
- Potentially source materials locally;
- Direct employment opportunities throughout the construction will be generated;
- Use of local workforce and advertise new employment opportunities through construction phase locally;
- Continued public consultation;
- Retention and enhancement of ecological features;
- Adoption of a Construction Environmental Management Plan to manage construction phase;
- High quality housing layout including landscaping which takes account of existing neighbours.

Cont'd

Application No: 17/0411/OUT Cont'd

AGRICULTURAL LAND USE - The site comprises small areas of isolated grade 3a land which is considered the "best and most versatile agricultural land". The land is farmed on a short-term, non-secure arrangement and for a number of years has suffered from trespass, due to its urban fringe location, which has made it difficult to farm. The impacts on farm businesses are likely to at most only be of minor significance particularly when mitigation measures are put in place in the form of a strong planted buffer to the southern boundary.

AIR QUALITY - Vehicle movements associated with the 'Proposed Development' will generate emissions of pollutants and the potential air quality impacts associated with development traffic were quantified using an appropriate dispersion model. In terms of impacts outside the Air Quality Management Area, even if it is assumed that there will be no decrease in either background concentrations or vehicle exhaust emissions, then the impacts are described as 'negligible' to 'slight adverse'. Given the extremely pessimistic nature of this scenario, it is considered that effects outside of the AQMA can be classified as 'negligible' and not significant. In terms of impacts within the AQMA, if there were to be no decrease in vehicle emissions or background levels of NO₂, then impacts are classified as 'slight' to 'moderate' adverse for some locations within the AQMA. It is however considered reasonable to expect that a significant proportion of the expected reduction in background concentrations and vehicle emissions will be realised. Given this, and the generally 'small' contribution (change <5% of the AQO) that the development would make to NO₂ concentrations within the proximity of the AQMA; it is considered that overall effects on the AQMA can be classified as 'slight adverse' and not significant. On the basis of this assessment it is considered that the overall effects of the proposed development on air quality (in terms of construction dust and vehicle emissions) will be 'not significant'. The proposal is in accordance with the relevant national and local planning policies and Air Quality matters do not represent a constraint.

CUMULATIVE IMPACTS - There are no identified cumulative impacts both individually or in combination that would result in residual impacts over and above those identified in relation to the proposed development in each individual chapter.

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Application No: 17/0411/OUT Cont'd

SECTION 106 AGREEMENTS - The application is supported by two legal agreements. The first based on the viability of the development provides for 12% affordable housing, The second, a unilateral undertaking, offers a further 28% affordable housing. With regard to the latter the units would be offered in turn to (i) The Council, (ii) United Welsh, (iii) Other providers namely Linc Cymru, Pobl Group and Wales and West who are zoned to operate within the Council's administrative area under the Welsh Government's zoning arrangements. If they were not accepted, they would be sold on the open market. The units are not tenure specific. This would enable the units to be funded through Social Housing Grant, Shared Ownership and Rent to Own funds as well as funds available to councils to reintroduce Council housing construction. Some of these available funds have been underutilised and the zoned RSLs are confident that funding is in place to provide the opportunity to deliver an appropriately blended scheme.

Dimensions: The site has an area of 48.1 hectares and the net developable area is given as 13.1 hectares. The site is lozenge shape and is 1460m in length (north east to south west) and 460m in width (north to south at its widest point).

It is proposed that the development will feature residential dwellings of maximum three storeys in height, ranging in density from low (20 dwellings per hectare) through to upper medium (40 dwellings per hectare). The taller housing would be to the centre of the site.

PLANNING HISTORY 2005 TO PRESENT

13/0875/COU - Convert barn into dwelling. Granted 23.09.2014.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside of the settlement boundary, in a special landscape area (SLA) (NH1.5), which is described in the appendix to the adopted Caerphilly County Borough Local Development Plan an important buffer zone between Caerphilly and the M4 corridor to the south. It also forms the visual context and setting for the historic town of Caerphilly. Its mixture of upland and lowland character, plantations and rights of way networks provide an important recreational feature in the area.

Cont'd

Application No: 17/0411/OUT Cont'd

There is a site of importance for nature conservation (SINC) at the southern end of the application site known as Coed y Maerdy (NH 3.168), its main features being:

Primary

- Ancient woodland with an assemblage of semi-natural indicator species.
- Marshy grassland / flush with at least 12 indicator species.
- Semi-improved acid grassland with at least 7 indicator species.

Secondary

- Small streams.
- Bracken.
- Scrub.
- This woodland is also protected by a Tree Preservation Order (TPO).

Another SINC (NH3.170) follows the disused Caerphilly to Machen railway line, its qualifying features being;

Primary

- Continuous sections of disused railway line supporting semi-natural vegetation.
- Broadleaved woodland (with wet woodland and ancient woodland) with semi-natural indicators
- Species rich marshy grassland with at least 12 indicator species.

Secondary

- Scrub.
- Bracken.
- Ponds.
- Semi-improved neutral grassland.

The Nant Gwaunybara Mire SINC (NH3.166) is close to the southern boundary of the site.

A cycle route (TR1.14) follows the line of the former railway.

The site also lies within coal and sandstone safeguarding areas.

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Policies:

Strategic Policies

Policy SP3 Development Strategy in the Southern Connections Corridor

Policy SP4 Settlement Strategy

Policy SP5 Settlement Boundaries

Policy SP6 Place Making

Policy SP7 Planning Obligations

Policy SP8 Minerals Safeguarding

Policy SP10 Conservation of Natural Heritage

Policy SP14 Total Housing Requirements

Policy SP15 Affordable Housing Target

Policy SP19 Transport Infrastructure Improvements

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion

Policy CW2 Amenity

Policy CW3 Design considerations (Highways)

Policy CW4 Natural Heritage protection

Policy CW5 Protection of the Water Environment

Policy CW6 Trees, Woodland and Hedgerow Protection

Policy CW10 Leisure and Open Space provision

Policy CW11 Affordable Housing Planning Obligation

Policy CW15 General locational constraints

Policy CW22 Locational Constraints - Minerals

Adopted Supplementary Planning Guidance LDP 6: Building Better Places to Live

NATIONAL POLICY

Planning Policy Wales (Edition 10, December 2018);

Technical Advice Note 1: Joint Housing Land Availability Studies (2015);

Technical Advice Note 2: Planning & Affordable Housing (2006);

Technical Advice Note 5: Nature Conservation and Planning (2009);

Technical Advice Note 11: Noise (1997);

Technical Advice Note 12: Design (2016);

Technical Advice Note 16: Sport Recreation and Open Space (2009);

Technical Advice Note 18: Transport (2007).

Cont'd

Application No: 17/0411/OUT Cont'd

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Yes.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. This matter is considered in the ES and is addressed further on this report.

CONSULTATION

Minerals Officer - The site is within the sandstone safeguarding area and the northern part is within a coal safeguarding area. Policy CW22 in the adopted LDP applies. The applicant should demonstrate that they have considered whether prior extraction of the coal and sandstone is feasible and they need to demonstrate an overriding need for the proposed development in this location.

New development in this location would sterilise finite mineral resources due to the need to provide a further buffer around the development. However, mineral working currently takes place at three sites in the county borough, none of which are close to the application site, and there has been no indication that this will change in the near future.

Van Community Council - Proposed development fails to meet the following current LDP aims and objectives:

Accommodate sustainable levels of population growth;
Ensure the County Borough is well served by accessible public open space and accessible natural green space;
Ensure the effective and efficient use of natural and built resources while preventing the unnecessary sterilisation of finite resources through inappropriate development;
Ensure that the environmental impact of all new development is minimised;
Encourage the re-use and / or reclamation of appropriate brownfield and contaminated land and prevent the incidence of further contamination and dereliction;

Cont'd

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Concentrate new development in appropriate locations along existing and proposed infrastructure networks that are accessible to pedestrians, cyclists and to public transport in order to sustain and complement the role and function of individual settlements;

Identify, protect and where appropriate enhance, valuable landscapes and landscape features and protect them from unacceptable development;

Reduce congestion by minimising the need to travel, promoting more sustainable modes of transport and making the most efficient use of existing transport infrastructure.

A second communication from the community council makes, in summary, the following points.

Protection of the local climate: land that is used for walking, horse riding, bird watching and other recreational activities. Development in this area would lead to the "direct loss of very extensive areas of mature trees over pasture, hedgerows, scrub and ruderal herbs, which are considered to be potentially high value to nature conservation and biodiversity". Such a development could lead to a loss of habitat for some protected species. SINC's are very important and must be retained. Special Landscape Designation NH1.5 covers the application site. Concerned about the water run-off and the flood plain in this and the surrounding area. Information from NRW indicates that there are several underground springs and streams which feed into the local brooks and rivers that if disturbed could cause flooding issues. This housing development would be an ecological disaster and seriously compromise the biodiversity at this site.

Well-being of Future Generations (Wales) Act 2015: the proposed development is adjacent to a location that is one of the top areas under the WIMD index for deprivation in Wales and UK, and therefore the removal of this open space and amenity is going to have a detrimental impact on the health and well-being of residents

Greenfield Developments and the Welsh Government's Land Use Policy, which states that

- "The development plan should protect from development playing fields and open space that has significant amenity or recreational value to local communities. It should indicate the ways in which previously developed or disused land and water bodies will be considered for tourism, sport and recreation uses, particularly in relation to urban regeneration"

Policy SP3 of the Adopted LDP places an emphasis on brownfield sites. The destruction of precious greenfield sites must surely be avoided at all costs especially in light of the climate challenges that we face as a society.

Cont'd

Application No: 17/0411/OUT Cont'd

Reliance on the Five-Year Land Supply Argument: there have been a number of planning applications granted in recent months (350 homes at Virginia Park, 260 houses at Hendredenny and 300 homes at Pandy Road, Bedwas). Paragraph 6.2 of TAN 1 now disapplied.

Strain on Local Resources and Infrastructure: will lead to massive strain on already stretched services and infrastructure. The bus and train links that it is suggested will be accessible are a significant distance from the development. All schools locally are at capacity and are concerned that no additional provision is planned.

Local and Strategic Development Planning: Assembly Member, Dr Hefin David, has spoken in the Senedd regarding the need for a sensible, consensual strategic development plan across the whole area. He has also stated that more housing and building should be located further up the valley in Caerphilly Borough with appropriate infrastructure.

It is recommended that this application is refused.

The Woodland Trust - Provide a holding objection:

In light of the potential impacts to both Coed y Maerdy and the woodland at Grid Reference ST1786875 they believe that the following measures should be implemented. No additional pathways (especially hardstanding) should be created through Coed y Maerdy in order to reduce disturbance. Signage identifying Coed y Maerdy as Ancient Semi-Natural Woodland to educate local residents of the importance of ancient woodland and their irreplaceability. For both woodlands, a planted buffer of no less than 50m should be included in order to reduce the impacts both during and after the constructional phases of the development. The erection of protective fencing and coverings to reduce the impacts of dust and associated constructional disturbance for the duration of the development. In summary, the Woodland Trust holds a standing objection to the proposed development on the grounds of disturbance to sensitive ancient woodland surrounding the site. As such, the objection will hold until the aforementioned mitigation efforts are implemented.

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Application No: 17/0411/OUT Cont'd

Gwern y Domen Conservation Group - Object on the grounds of lack of infrastructure to support further growth; use of greenfield land outside of the settlement boundary and within a special landscape area, adjacent to a Visually Important Local Landscape, which includes rare wildflower meadows and grasslands which support a wide range of scarce species of mammals, invertebrates and birds and is widely used by the local community for walking, riding and enjoying the natural environment; detrimental impact upon ecology and biodiversity. It will represent the spread of the urban area beyond the well-defined physical edge of the established built up settlement and into open countryside to the serious detriment of the distinctive rural character of the area. There is no local need for housing when there are 555 empty properties in the Caerphilly Basin (June 2017). It will have an adverse impact on the setting of the local historic monuments. The development will increase pollution as a result of more traffic. The proposed development is premature given that the local authority are currently looking at a strategic development plan in conjunction with other local authorities.

CADW - Having considered the information provided with this planning application, they consider there to be only a very slight to moderate impact. They therefore have no objections to the impact of the proposed development on Gwern-y-Domen Castle Mound and Caerphilly Castle. There will be no impact on the registered park and garden at The Van.

The Coal Authority - The Coal Authority has no objection to the proposed development subject to the imposition of a condition or conditions to secure site investigation works prior to the commencement of the development together with remedial works where necessary.

Senior Arboricultural Officer (Trees) - The applicant has completed and submitted an Arboricultural Impact Assessment, which appears detailed and thorough. It would appear to be compiled by a suitably qualified arboricultural consultant.

Several category "A" and "B" trees have been highlighted for removal within the development. In the vicinity of the proposed main site access from the Lansbury Park Link Road to which there are no objections. Similarly there are no objection to the proposed removal of hedgerow H38 but there is objection to the removal of the oaks T98 and T164. The indicative layout suggests that both of these trees would be more or less located where new units' garden spaces would be, but in any case, the development layout should be adjusted accordingly to reflect these trees' retention, and their appropriate protection for the duration of the development.

Cont'd

Application No: 17/0411/OUT Cont'd

Other proposed tree removals are broadly acceptable within the context of the proposed landscaping concept. Should the development be granted outline consent, then a fully detailed landscaping plan shall be required.

Regarding the proposed additional planting and the woodland management plan at Maerdy Woods (covered by TPO) to the southwest of the development. This is to be welcomed, but a detailed woodland management plan should be prepared by a suitably experienced woodland agent or silvicultural consultant, in coordination with Coed Cymru as proposed as one of the Masterplan and Landscape Strategy principles of the Environmental Statement.

Principal Valuer - No comments from property, who are aware of the proposals. Access will be via land owned by this Council and the correct notice in relation to the application has been received.

Outdoor Leisure Development Officer - Given the size of the residential proposal the site should be catering for the following:

One Local Equipped Area of Play, one Neighbourhood Equipped Area of Play, one Ball court (with low level panelling & tarmac surface) and one Local Area for Play/Public Open Space.

In addition the developer should be looking to maximise connections to local cycleways and bridlepaths.

The matter of a sports pitch/pavilion has previously been discussed with the developer and from the Authority's perspective the demand on sports pitch provision is already under considerable pressure and given the scale of the development it was deemed reasonable to request the provision of a sports pitch.

Maintenance has been discussed at a previous meeting with the developers. There are very serious concerns about the developers proposals not to transfer land/assets/highways etc. It is understood that their intention is to deploy a management committee consisting of residents to look after the infrastructure including the highway network. It is generally felt that this is an unsustainable solution and fraught with unwanted liabilities and ultimately could lead to the Authority taken on the liability for the built and green infrastructure on this proposed site.

The matter of maintenance should be conditioned in a Section 106 agreement i.e. paying the Authority a commuted sum to deliver highways and ground maintenance, cleansing etc. if this is possible.

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Application No: 17/0411/OUT Cont'd

Head Of Public Services - The authority does provide kerbside collections for refuse, recycling and green waste, with the onus on the developer to provide suitable off road storage near the proposed public highway for one 240L refuse bin, one 240L recycling bin and one food caddy per property. Collection points near the Public Highway will have to be provided for the properties with private driveways/parking areas. If roads are not adopted then the developer will be required to provide roads to an adoptable standard before the Council will collect waste bins as described above.

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

Rhondda Cynon Taf Council - Has no observations to offer in respect of the development.

Public Health Wales - Have no grounds of objection based upon the public health considerations contained within the application. They provide comments in relation to public health risk assessment and in this respect advise that the planning authority should be satisfied that the proposed sustainable transport measures will mitigate the impact predicted in the air quality management area and should consider this application in light of current and future development within the vicinity to ensure that cumulatively the development will not lead to an unacceptable deterioration of air quality. The planning authority should be satisfied that noise mitigation measures are satisfactory. Also, they recommend that all HGV movements are mindful of the school day start and end times and a speed limit is introduced on the main access road to 20 mph.

Natural Resources Wales - Permission should only be granted if conditions and a S106 obligation addressing the following are applied: financial contributions to secure ongoing habitat management; details of management and monitoring of ecological areas, and mechanisms for implementation; green infrastructure; habitat management and monitoring; Great Crested Newt Strategy; Doormouse Strategy; Bat Mitigation Strategy; drainage for amphibians; lighting; and pollution prevention.

Transportation Engineering Manager - No objection subject to conditions and S.106 agreement.

Cont'd

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Conservation & Design Officer - There will be only a moderate adverse impact upon the scheduled monument known as Gwern y Domen Castle Mound which is located to the NE boundary of the proposed development and in close proximity to it, and would have a slight to moderate adverse impact on the setting of the Caerphilly Castle which is at a much further distance away to the west. Neither of these impacts is considered significant. Since the development is largely centred to the north of the site, and has a natural buffer of woodland and fields between that and The Van area, there is no impact on the settings of either the cluster of three listed buildings at The Van, (Van House, The Gatehouse and Dovecote, all Grade II listed buildings) nor on settings of The Van Registered Historic Park and Garden.

Senior Engineer (Land Drainage) - It is likely that the development will require SAB approval for drainage unless an application for reserved matters approval is made before 7 January 2020. However, in the event that an application is submitted before then, a condition should be imposed requiring a comprehensive scheme of land and surface water drainage; a drainage strategy to include consideration of the impact of phasing the development; details of the implementation, management and maintenance of any sustainable drainage system for the lifetime of the development.

Rights Of Way Officer - The lines of Footpaths 6, 7, 9, 10 and 11 in the Community of Van cross the site, and Footpath 8 in the Community of Van abuts the site. All Public Rights of Way must be protected and remain open to the public at all times. Alternatively, temporary stopping up orders must be in place prior to the closure of any footpath to allow development, or the necessary diversion / extinguishment orders are to be in place prior to works affecting the routes.

However, in accordance with Welsh Government's Guidance for Local Authorities on Public Rights of Way, 'Planning Consent and the Network') although the right to divert or stop up a Public Right of Way under the Town and Country Planning Act 1990 exists, the outcome is still subject to public approval, or alternatively the decision of the Planning Inspectorate. Stopping up or extinguishing a Public Right of Way is extremely difficult, and is therefore strongly discouraged. The applicant is encouraged to create alternatives and to incorporate Public Rights of Way into the development where possible. Diversion of Public Rights of Way onto adoptable highways/footways is also strongly discouraged (s.7.9.).

The use of Temporary Traffic Regulation Orders (TTROs) to allow development to proceed on any Public Right of Way will not be permitted. A public path order must be in place prior to the existing Public Right of Way being closed (subsequent use of a TTRO on a newly diverted Public Right of Way may be permitted - the test being that the Public Right of Way can be reinstated following the six month closure.

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Following the initial application for this development, this department has received five applications for adding paths under the Wildlife and Countryside Act 1981. The developer will need to factor these into their proposals or agree alternatives with the applicants. Failure to agree at this stage will lead to a decision by the Planning Inspectorate to either confirm orders to add the paths to the Definitive Map, or not to confirm the orders. Should a path claimed under the Act be confirmed to add a path to the Definitive Map, and development has already taken place on the line - legislation exists to remove any obstruction on a Public Right of Way.

CCBC Housing Enabling Officer - The nominated housing association (HA) for this development is United Welsh Housing Association. No objections are raised, but where the property is to be purchased by the RSL as social rented housing, neither the RSL nor the tenant will be liable for the proposed service charge structure.

CCBC - 21st Century Schools - It is currently intended for this development to be allocated to the catchment area of St James. There are currently insufficient places to accommodate the number of pupils this development will generate (estimated at 136 pupils) If the development progresses the Council will need to provide additional provision at St James school, with a 4 classroom extension. There will also be a requirement for additional facilities to accommodate the extra classrooms i.e. toilets, catering and flow areas.

Ecologist - The applicant has undertaken a range of ecological surveys between 2013 and 2018 to inform the application, together with desk studies including:

Extended phase 1 surveys in 2013, 2014 and 2016

Hedgerow surveys in 2014 and 2016

Great Crested Newt Surveys in 2014 and 2017

Dormouse Surveys 2014 and 2017

Bat surveys (Trees, buildings and Foraging and Commuting surveys between 2014 and 2018)

Badger surveys 2016 and 2017

Breeding Bird, Otter, Reptiles and Invertebrate surveys 2014

Wax-cap Fungi survey 2015

Protected Sites

There are no European Designated Sites within or adjacent to the application site, the closest Special Area of Conservation (SAC) being Cardiff Beechwoods SAC, located 3.3km from the site. The development is unlikely to affect this European site.

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There are 4 Sites of Scientific Interest (SSSI) within 4 km of the site Cefn Onn SSSI, (1.7km from the site, Gwaun Gledyr SSSI, 2.7km from the site Fforest Ganol SSSI, 3.5km from the site and Ruperra Castle and Woodland SSSI 3.7km from the site). With the exception of the latter SSSI, designated for its greater horseshoe bat colony, there are no impacts on the SSSI features of these sites. With regards to Ruperra Castle and Woodland SSSI, greater horseshoe bats have been recorded in the adjacent Gwern y Domen Barn and were occasionally recorded foraging/commuting across the site. These bats may be associated with the SSSI. However, the low numbers of records for this species across the site and availability of other more valuable foraging habitat closer to the SSSI means that this development is unlikely to affect the integrity of the SSSI designation.

Two Sites of Importance for Nature Conservation (SINC) lie within the application site. Coed y Maerdy SINC lies entirely within the application site, and Caerphilly/Machen Disused Railway line overlaps the northern boundary of the application site where the proposed access road enters the site. In addition Nant Gwaun y Bara Mire abuts the S-E boundary of the Site.

The submitted outline masterplan indicates that Coed y Maerdy SINC will not be directly impacted by the proposed development, while Caerphilly/Machen Disused Railway Line SINC will result in the loss of approximately 1269m² scrub and trees from within the SINC to create an access road onto the site. The access road will have a severance effect on any species moving up and down the disused railway line. There will also be indirect impacts due to increased levels of disturbance during the construction and operational phase of the development. The applicant is proposing to enhance and undertake long term management of Coed y Maerdy SINC and part of Nant Gwaun y Bara Mire SINC, provide funding towards the management of a pond within Caerphilly/Machen Disused Railway Line SINC and to plant trees and shrubs within the application site to mitigate the impacts of the development on the SINC's. This will be sufficient mitigation for the potential impacts on the SINC's although the severance effect will still remain. The details of the management of the SINC's and measures to reduce fragmentation can be controlled through conditions. The applicant is proposing to ensure that long term management of these sites is controlled by a private management company.

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Habitats

The habitats within the application site include a mosaic of habitat associated with Coed y Maerdy SINC (including woodland, acid grassland bracken, scrub mire and rush pasture and water courses, which together have been evaluated as of county importance. The impact on these features has been dealt with in the paragraph above. The remaining habitats on site include semi-improved grassland, some of which are species rich, and a network of hedgerows that have been evaluated as being of local value, with the remaining habitats including individual trees, scrub, bracken, marshy and acid grassland that have been assessed as being of site value. Of the semi-improved grassland there will be a loss of 12.8ha while approximately 268m of hedgerow will be lost (including one whole hedgerow length and fragmentation of 7 others to accommodate the interior road network). In order to mitigate for the loss of these habitats, it is proposed to introduce sympathetic management to the habitats within Coed y Maerdy SINC, and to the remaining grassland habitats in the east of the application site. In addition an area of 7.9ha of land outside the application boundary will also be subject to sympathetic management. It is also proposed to create 220m of new hedgerow around the perimeter of the development on the eastern edge of the application site, and thicken the hedgerows across the remaining parts of the site. The details of the management have yet to be provided and this would need to be controlled through conditions to ensure that the mitigation and enhancement will be achieved. Short term impacts are proposed to be controlled via the implementation of an Ecological Construction Method Statement which has yet to be produced. This will also need to be conditioned.

Species

There are several European Protected Species present on and adjacent to the planning application site. When planning applications are being considered that have an impact on European Protected Species, the local planning authority requires sufficient information on the impact of the development on each European Protected Species present to enable it to apply the three European tests to the proposal.

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Other Species

Surveys were undertaken for badgers, breeding birds, otters, reptiles invertebrates and wax cap fungi between 2014 and 2017. Corn Spurrey a declining arable weed was also recorded on site. Breeding birds were confirmed on site with 18 species confirmed breeding, 13 species probable breeding and 10 species possible breeding reflecting the extensive network of hedgerow trees and woodland within the application site. There were no Schedule 1 or red list species recorded on site, and retention of habitats will ensure that birds can continue to breed on site Mitigation measures to avoid clearance during the nesting period have been proposed reducing the impact on breeding birds. With regards to reptiles slow work and common lizard were recorded around the farm and the old tip and in Coed y Maerdy SINC. Mitigation measures proposed for great crested newts will minimise the impact on these species. The wax cap survey identified three species of wax cap within the development site, the low number of species confirmed that the site was not significant for this group of fungi. Surveys undertaken for the remaining species referred to above confirmed that they were not a constraint to development on this site. However it is proposed to undertake pre commencement surveys for badgers, and translocation of corn spurrey to areas unaffected by the development to minimise impact on these species.

To summarise, conditions should be imposed in respect of green infrastructure; long term habitat management; protected species; construction environmental management plan; bat and bird provision; railway line hedge; and drainage mitigation for Great Crested Newts.

Conclusion

The applicant has undertaken significant steps to minimise the impact of the development on the wildlife associated with the site, and has demonstrated that it is possible to mitigate the impacts on the majority of the habitats and species , provided that the Council enters into a Section 106 agreement to secure the enhanced management of Halt Pond for Great Crested Newts, and to provide certainty over the appropriate long term management of the retained and created habitats within the application site and within the off-site mitigation areas for the lifetime of the development.

Cont'd

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Landscape Architect - Although the Landscape and Visual Impact Assessment (LVIA) provides an acceptable assessment of the predicted Landscape and Visual effects, along with mitigation and the retention of the large percentage of existing hedgerows and trees unless there is an overwhelming need for residential development in this part of the borough, the outline application should be refused. This is due to the significant incursion this large scale urban development will make into the South Caerphilly Special Landscape Area (SLA) and its undeveloped green space rising from the valley floor upwards towards Caerphilly Common. However, if planning approval is granted conditions should be attached to any consent requiring a detailed Environmental Master Plan (developed into a Construction Environmental Master Plan) to ensure proposed and existing vegetation is not compromised; further landscaping details; details on architectural materials and colours, boundary treatments both hard and soft, palette of street furniture including lighting and hard landscaping materials; a scheme for the management and future maintenance of landscaped areas; advance perimeter planting to be carried out in the first planting season, on possession of the site, where possible, as this will enable planting to establish before the site is occupied; and finally further details will be required relating to proposed predicted night-time light levels which ensure prevention of light pollution and overspill into the adjacent darker SLA. He comments that an extension of the existing Green Wedge S11.22 (Bedwas and Caerphilly) should be seriously considered to add a layer of protection to that part of the SLA to the north of the Old Railway Line if the development is approved.

The Coal Authority recommends that the LPA impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat any of the recorded mine entries or areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

Dwr Cymru - No objection subject to recommended conditions and advisory notes. They confirm that the site is crossed by a water main and that the developer must consult DCWW before any development commences. They confirm that the only potable water connection for the development site shall be allowed to connect to the public potable water network at the 9" diameter water main in Caerphilly Road unless another point of connection from the public water supply network is identified by a hydraulic modelling assessment to be submitted and approved by the local planning authority. This may be addressed by attaching an appropriate condition to any consent together with a condition relating to the disposal of foul, surface and land water drainage.

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Glam/Gwent Archaeological Trust - The proposal will require archaeological mitigation and as such appropriate conditions are requested to be attached to any consent to identify and record features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource. They also provide advice to be conveyed to the developer in respect of the same.

Head Of Public Protection - No objections subject to conditions concerning contamination and the control of noise and dust during construction. Further conditions are recommended to require air quality mitigation if the traffic levels are higher than shown in the submitted traffic assessment, and requiring the provision of at least 50% of the units to have electric car charging points.

Strategic & Development Plans - 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 proposal is clearly contrary to the adopted development plan.

It remains the position that the eastward expansion that would result from the development of this site would breach a long standing defensible boundary and would be a total reversal of the Adopted LDP Strategy restricting development to previously developed land. In this context the site would represent a significant departure from the Adopted Plan, as the proposed development is for residential development on a very large greenfield site outside of settlement boundaries.

Furthermore, the proposed development would also be contrary to policies CW5 and CW15 that seek to prevent inappropriate development in the countryside, and the proposed development will have adverse impacts on the Special Landscape Area within which the site is located, and adverse impacts on the SINC's that are present on the site.

However, the proposal would constitute sustainable development being located in close proximity to the residential areas of Lansbury Park, Mornington Meadows and to the Principal Town Centre of Caerphilly with its associated range of services, facilities and excellent public transport. It would also contribute a minimum of 12% affordable housing (and potentially additional units over and above this) in an area of high affordable housing need.

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Notwithstanding the above, there remains a considerable shortfall in the housing land supply, with only 2.0 years land supply available. The housing requirement will not be met by the end of the plan period and there is no Review of the LDP that is likely to address this in the short term. Significant weight should be applied to the lack of a 5 year land supply and, on balance, it is considered that the contribution of housing, including affordable housing, in a sustainable location would outweigh the other policy concerns. On this basis, there is no policy objection to this proposal.

The District Valuer has suggested that a condition be attached to the consent to identify a timescale for delivery, which if not met would trigger a viability review.

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Extent of advertisement: The application has been advertised in the press, in various locations around the periphery of the site and 548 neighbour consultation letters have been sent out. A similar consultation exercise was undertaken following the receipt of further information in July 2018, with further consultation carried out in June and July 2019.

Response: At the time of report preparation approximately 2600 objections had been received in total over those three consultation periods.

Settlement Boundary

- Not in accordance with Local Development Plan vision.
- Site lies outside of the defined settlement boundary. Only infilling or minor amendments are suitable by PPW. This application does not meet these requirements.
- Development in an SLA adjacent to a Visually Important Local Landscape. Caerphilly's character is defined by the surrounding landscape.
- Inspector in 2009 stated that 'the development of Gwern y Domen would represent the spread of the urban area beyond the well drafted physical edge of the established built up settlement and into countryside to the serious detriment of the character and appearance of these rural surroundings.'
- Council rejected the site in 2009 because of its detrimental impacts on the countryside including ecology and landscape.
- Site scored lowest when assessed as a candidate site as part of the withdrawn Local Development Plan review.
- Not a logical extension - other side of a bypass of residential and commercial units.
- It represents a linear extension to an existing settlement which is not acceptable in planning terms nor in accordance with Planning Policy Wales
- Devastation of rural community of Rudry.
- Contrary to LDP policy SP20.

Cont'd

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Housing

- No local need for development in the Caerphilly Basin. It is estimated that there are between 2843 and 2934 empty properties in the borough, 486 to 800 of which are in Caerphilly Basin.
- There are sufficient sites already with the benefit of planning permission to enable the Caerphilly basin area to meet its predicted housing needs well beyond 2031. The need in the borough to that date is 6000 dwellings, or some 300 units per year from 2011.
- Public Policy Institute Paper 'Future Need and Demand for Housing in Wales' (2015) concludes that only 5700 houses needed in CCBC from 2011 to 2031.
- Allocations in the borough are sufficient until 2038
- Housing at Pandy Road, Hendredenny and Virginia Park will improve the Council's five-year housing land supply.
- Paragraph 6.2 of Welsh Government Technical Advice Note 1 has been disapplied, and so reference to the five year land supply should not carry any weight with this application.
- The reason for that disapplication was to alleviate the immediate pressures on LPAs when dealing with speculative planning applications for housing and to allow them the capacity to focus on plan preparation and review, the very circumstances currently being experienced by Caerphilly County Borough Council. The Local Planning Authority must be in a strong position to challenge the methodology in TAN 1.
- PPW 10 emphasises the importance of the plan-led system and the priority given to previously developed land and land within settlements. Sites in the open countryside should only be considered in exceptional circumstances.
- A speculative development of 618 houses would be a major housing development on a greenfield site should only properly be released through the development plan process.
- Caerphilly becoming a suburb of Cardiff. No need to accommodate other boroughs' housing needs now Cardiff is developing 40,000 homes.
- House building should happen further away from the centre in better, less green spaces. People need to understand that not everyone can live so close to the town centre.
- Housing figures in replacement LDP were over exaggerated and seriously flawed.
- Houses not wanted or needed to meet organic growth of the area.
- Affordable housing is needed - however limited affordable housing proposed
- Area already seen high volume of house building in the SCC. Development should take place elsewhere.
- The proposals fall way short of the Council's 40 per cent affordable housing target.
- 618 houses adds 35% to the local community.

Cont'd

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Brownfield Sites

- Enough brownfield land for another 2,000 houses which represents a 10 year supply for the Caerphilly basin area based on above average build rates.
- PPW states that all other options should be considered before developing greenfield land.
- Develop brownfield sites before greenfield. There are enough Brownfield sites with planning permission that need developing and housing need can be accommodated there.

Greenfield sites

- These should be preserved for future generations.
- Strongly believe green belts should be protected.
- Against LDP policy to build on greenfield site.

Natural Heritage

- Loss of important biodiversity in the area including an ancient woodland. It is home to rare wildflower meadows, bubbling brooks, ponds, rolling hills, woodland and lots of wildlife like buzzards and newts which would lose their home. Site is an SSSI.
- No amount of landscaping could replace the natural importance found on Gwern y Domen.
- The application site is an incursion into a long established Special Landscape Area and the overall form and massing of the proposals does not reflect the rural character of the area nor that of any existing patterns of development.
- Area of outstanding beauty.
- Site should be designated SSSI.
- Site includes and is adjacent to SINC's.
- More trees should be planted, not removed.
- Site did not score well on sustainability appraisal.
- Very old ash and oak trees on site (600 years old).
- Ancient boundary hedges and trees would be affected.
- There would be a 46% loss of habitat.

Highways and Transportation

- Development will result in unacceptable levels of additional traffic (potentially 100 cars) on the strategic highway network of the Caerphilly Basin which operates at capacity during peak periods, thereby aggravating existing congestion problems.
- 2011 census shows that 37.8% of the households in the St James's ward had one car, 21.5% had two, and 7.6% three or more.
- Only one entrance onto site. Link road will become more congested.

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- Insufficient infrastructure to cope with additional dwellings (road and rail).
- Investment needed on highway infrastructure.
- It doesn't help to promote sustainable modes of transport, and compact settlement patterns that are intended to help avoid sprawl and support a more sustainable, resource efficient and less polluting built environment going forward.
- The site is 20 minutes walk from a surgery and 30 minutes from the station.
- Parking is limited.
- Bedwas Roundabout unable to cope with current demands.
- Transport links and sustainable travel are important. It's considered the development will be served by public transport, but this assertion is highly disputable. The majority of houses will not be within walking distance of the suggested bus stops and Caerphilly, Aber and Energlyn railway stations cannot be accessed easily without a car. Therefore it is difficult to argue this application promotes any kind of sustainable transport.
- Proposal does not include any new public transport infrastructure.
- Roundabout at Van Road already difficult to cross - situation will become worse.
- This development will be used as support for the Caerphilly South-Eastern By-Pass, which is a very divisive issue in the locality.
- Lanes unable to cope with additional traffic.
- Mountain road unable to deal with additional traffic.
- Development will lead to a 40% increase in traffic in the area.
- Busier roads would be less attractive to cyclists, horse riders and cyclists, and more road noise and particulate emissions would impact on the health and wellbeing of pedestrians, particularly in the town centre.
- The Transport Assessment Report notes that 76% of the St James Ward and 80% of the nearby Morgan Jones ward residents use a vehicle to get back and forth to work and only 2% use a bicycle. Therefore any further increase would bring the road network to a standstill and increase air pollution.
- Recently approved housing developments at Virginia Park and Hendredenny will put pressure on already stretched public services, making congestion and air pollution even worse.

Social infrastructure

- Insufficient social infrastructure to deal with development.
- No cinemas in Caerphilly.
- Lack of space in schools in Caerphilly and Rudry 100 extra children (low estimate).
- Educational attainment will decline as a result of the development.
- There is not the capacity at the doctor/dentist surgeries to take on potentially 1500 extra patients.

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Open Spaces and Leisure

- Site close to town centre and is used recreationally for walking, horse riding and countryside enjoyment, especially for those who cannot afford it.
- General wellbeing will deteriorate (both mentally and physically). This would be contrary to Wellbeing and Future generations act.
- Loss of the site would lead to horse riders having to use unsafe roads. No provision for horse riders.
- Would lead to a loss of basic human right of people to use bridle paths.
- Caerphilly has lost most of its open spaces. Soon there will be none left.
- Not enough greenspaces left within close proximity of the centre.
- Site allocated as a golf course.
- Site adjoins Lansbury Park - fields act as natural playground.
- Claims have been made for five public rights of way across the site.

Pollution

- Development will increase pollution in the Caerphilly area at the detriment of health.
- Parts of Caerphilly Town centre are already subject to Air Quality Action Plans. By approving this development the Council would be acting contrary to its aim of improving air quality in the borough - the proposed development lacks access to public transport and the available evidence in the developers own documentation demonstrates that the distance from the development to transport hubs is likely to result in a significant increase in traffic in the local area. There is no substantive evidence that the developers' cycle routes / walking routes will mitigate the impact.
- Open land helps maintain the air quality in the area.
- Caerphilly basin is asthma capital of Wales.
- Noise pollution will rise.
- Light pollution will rise.
- Dust pollution will increase.
- Caerphilly County Borough Council have supported the Climate Emergency and committed to reach net zero carbon by 2030, some 20 years ahead of the UK Government's recently announced target.

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Historic Environment

- Negative impact on the setting of local historic monuments including Gwern y Domen Castle Mound, Van Mansion and Caerphilly Castle.
- Sections 66 and 72 of the Listed Building Act 1990 should be addressed. They respectively state:
 - "In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." And
 - "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions [in the Planning Acts] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- Case law indicates that where development would cause harm to heritage assets, there should be a rigorous assessment of potential alternatives.
- The Council aims to promote Caerphilly town and the castle as a premier tourist attraction. Knowingly increasing traffic congestion, noise and emissions is directly contrary to these aims.

Drainage

- Green areas promote natural drainage. More flooding will occur if developed.
- Land contours already present issues with drainage. Currently land cannot always allow for absorption of water resulting in flooding to adjacent fields and properties
- SA/SEA
- Site has the most detrimental environmental and ecological impact in terms of the CCBC's SA.

General

- Proposal is premature pending the adoption of a Strategic Development Plan.
- Over-development in Caerphilly will be at the cost of the northern part of the borough.
- Impact on human rights.
- Land is marshy and unsuitable for development.
- Application lacks honesty and integrity and does not support the existing community of St James' ward and Caerphilly Basin.

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- Title of application does not indicate the number of houses.
- Development of this site does not meet several LDP key objectives and policies.
- Development of this site does not meet several PPW policies and objectives.
- People love Caerphilly due to its green spaces.
- Site should be developed as a tourist attraction.
- There is enough land further up the valleys for development.
- Development will not bring benefit to community.
- Growth such as this not good for the area.
- Materially change the character of Caerphilly.
- Land can and should be used for farming.
- Caerphilly will not benefit from this development.
- Stop building industrial units and retail units that are unoccupied. Housing developments should go there.
- House prices will reduce disadvantaging homeowners that are not in a position to take a financial loss.
- Crime has increased and loss of community feeling.
- The LDP did not go through regarding the bypass on Caerphilly Mountain clearly indicating the view of the residents in Caerphilly to keep more greenery within Caerphilly. This proposed building seems to override the concerns of the people who live in this town, and this was the part of the proposed plan that was declined.
- Caerphilly overcrowded.
- The poor condition of housing association housing land: rubbish left for six months, fires burning all night long. Landlords leaving garages to go to rack and ruin on Mornington Meadows, and another sink estate is proposed next door. Why not build small plots of 10 or 12 throughout the whole valley.
- Concerns regarding trespass on property.
- Concerns about protection of the bridge and stream that runs behind property (Branch Cottage).
- LDP needs to be sorted before planning permission is given to 600+ houses.
- We should be encouraging rural businesses to prosper, rather than selling off land as the only easy profitable way, unnecessarily increasing urban areas.
- Scheme does not contribute to tackling climate change.
- 18000 more adults in the borough than jobs as a result of the rapid extension in the 80's and 90's.

Caerphilly Town Centre

- Regeneration of Caerphilly Town centre needed.
- Demise of Caerphilly Town centre down to planners.
- Caerphilly Town centre not fit to accommodate needs of additional dwellings.

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Well-being of Future Generations (Wales) Act 2015

- One of the goals of the Act is 'A Healthier Wales'. This is defined as, 'A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.'
- This Act states that: 'Each public body must carry out sustainable development. The action a public body takes in carrying out sustainable development must include: setting and publishing objectives ("well-being objectives") that are designed to maximise its contribution to achieving each of the well-being goals, and taking all reasonable steps (in exercising its functions) to meet those objectives.'
- Not aware that any well-being objectives have been made public nor has consideration been given to the well-being objectives. Furthermore the development will do nothing to enhance the physical and mental well-being of future generations. The beauty of the natural landscape needs to be protected for future generations to enjoy.
- Sceptical that this development will create jobs and better access to housing (Prosperous Wales).
- The development won't result in a Healthier Wales.

Caerphilly Basin Masterplan objectives

- Support the development of housing, including affordable housing, together with the necessary infrastructure on previously developed land and in sustainable locations within settlements - identify key residential opportunities that can be unlocked on brownfield sites and other sites that accord with planning policy, including as part of mixed use developments.
- Gwern y Domen is not a brownfield site nor is it sustainable. I would also be interested to read the planning policy and how this accords with it.
- Support and protect the natural environment and heritage of the area protecting and enhancing important landscapes, which provide the setting for the Caerphilly Basin, and the rich and varied heritage of the area, and making the most of the opportunities that they provide. The council's emerging Green Infrastructure Strategy will provide the basis such proposals.
- The proposals totally destroy a beautiful part of the natural landscape which is a haven for many protected species (see below). The proposed development totally ignores the protection and enhancement of the landscape.
- Ensure all of Caerphilly's communities are able to engage and benefit from the Masterplan - ensure that the proposals identified in the Masterplan have positive outputs for those that are living in the most deprived communities in Caerphilly Basin, particularly Lansbury Park, and that these residents can engage in the process.

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- There has been no engagement with the local community on this particular development. Residents are left feeling confused and angry that they are being ignored and left out of the loop. There is no positive output for those living in Lansbury Park and the proposal only serves to degrade their quality of life further. They will lose the valuable countryside on their doorstep, leaving them with less opportunity to easily get out into the fresh air and exercise. Enjoying the countryside is considered important for maintaining mental health and general well-being.
- The Masterplan acknowledges that there is development pressure on a number of greenfield sites in the Caerphilly Basin. The suitability of each site will need to be considered on its merits, having regard to all material planning considerations, including the sustainability of the location and the need to increase the housing land supply.
- It would be interesting to know the processes behind the consideration that this is a suitable site. Could the report be made public that states this site is appropriate for development and the rationale behind this?

Impacts on Gwern y Domen

- A site visit is requested.
- Loss of amenity as the existing house will be surrounded by development which will generate traffic, lighting, noise and disturbance which would fundamentally and detrimentally change and disrupt the quiet enjoyment of their property by the occupants.
- Case law indicates that the personal circumstances of the occupants are a material planning consideration, and that Article 8 of the European Convention on Human Rights which entitles a person to have the right to respect for their private life and family life and their home is a material planning consideration.
- Health impacts of increased air pollution. PPW 10 advises that the planning system is preventative and should maximise its contribution to achieving a healthier Wales by aiming to reduce average population exposure to air (and noise) pollution. It adds that the planning system must consider the long terms effects of current and predicted levels of air pollution on individuals, society and the environment.
- The Environmental Assessment does not adequately cover this issue. This is also an Article 8 matter.
- The occupants have suffered considerable distress because of apparent alterations to the water levels on the application site which appear to be the result of bore hole drilling leading to flooding and structural damage to their property. The ES does not address this issue.

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The local Assembly Member has objected to the scheme, on in summary the following grounds:

- The application does not assist the LPA in meeting Welsh Government policy to see greenfield development 'avoided wherever possible'. - Brownfield sites have been permitted without opposition e.g. the Catnic site
- Playing fields and open space should be protected from development.
- Appeal decisions at Hendredenny and Pandy Road have allowed 560 dwellings on greenfield sites.
- The additional 350 houses at Virginia Park will contribute to the five-year land supply.
- The dis-application of paragraph 6.2 of TAN1.
- An ecological survey report for the Gwern y Domen Conservation Group in March 2015 found that the proposals are likely to result in a direct loss of very extensive areas of mature trees over pasture, hedgerows, scrub and ruderal herbs, which are considered to be potentially high value to nature conservation and biodiversity. This may result in significant losses of habitat for a number of protected and / or priority species, and diverse assemblages of species.
- 40% affordable housing is proposed, but that will be watered down at construction phase.
- Transport links and sustainable travel are important. The majority of houses will not be within walking distance of the suggested bus stops and Caerphilly, Aber and Energlyn railway stations cannot be accessed easily without a car. Therefore it is difficult to argue this application promotes any kind of sustainable transport.
- This development will add traffic at peak commute times.
- This application is premature, given the ongoing discussion with regard to joint planning and the preparation of an SDP.
- The Welsh Government is taking steps to develop regional economic strategies for areas of the northern valleys and if this application were approved, it would significantly undermine that approach.

The local MP has objected, in summary, on the following grounds:

- pressure on infrastructure.
- loss of rural character.
- increased traffic on local roads, aggravated by other housing developments in the locality.
- loss of biodiversity.
- number of dwellings proposed is unclear, and would impact on the amount of affordable housing.
- concern about the offer of affordable housing to a number of RSLs and CCBC.
- housing congestion in Caerphilly Basin should be resisted.

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Application No: 17/0411/OUT 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?
Authority to do all it reasonably can to prevent crime and disorder in its area? This is a residential development, and it is not considered that this issue should be given significant weight in the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes

There are several European Protected Species present on and adjacent to the planning application site. When planning applications are being considered that have an impact on European Protected Species, the local planning authority requires sufficient information on the impact of the development on each European Protected Species present to enable it to apply the three European tests to the proposal, which are as follows:

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

Test ii). There is no satisfactory alternative, and

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

In the case of this application this relates to great crested newt and dormouse and the following bat species - common pipistrelle, soprano pipistrelle, brown long-eared, greater horseshoe, noctule, serotine/Leisler's, and myotis bats, which have all been recorded on or adjacent to the site. These will be dealt with under the following 3 main headings.

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Great Crested Newts

Great crested newts have been recorded during surveys undertaken in 2014 and 2017. Three of 4 ponds on the eastern edge of the proposed application site were confirmed as supporting great crested newts, which they are likely to use for breeding. One pond has historically been confirmed as a breeding pond and a second pond was confirmed as a breeding pond by the applicant's surveyors. There are no ponds within the application site that support this species, however, terrestrial habitat suitable for this species is present on the application site. Great crested newts will spend much of their life foraging in terrestrial habitat. Core terrestrial habitat is defined as suitable habitat within 50m of a breeding pond, while intermediate habitat occurs between 50 and 250m from a site, the area between 250 and 500m from a pond will also be used by lower numbers of newts. The outline Great Crested Newt Mitigation Strategy has identified that no terrestrial habitat will be permanently lost within 50m of the breeding ponds, but 4.4 ha of habitat between 50m and 250m of the ponds will be permanently lost and 7.4 ha of habitat between 250m and 500m of the ponds will also be permanently lost. Impacts on this species are likely to arise via killing, injuring and disturbance during clearance of the site together with possible impacts on water quality on one breeding pond, direct losses of terrestrial habitat and fragmentation of habitat. Killing, damage and disturbance is also likely to occur during the operational phase of the development due to lighting, noise, vehicular movement insensitive drainage features, and predation by cats.

Mitigation for the impacts on this species includes the retention and management of remaining suitable habitat within the application site including species rich grasslands in the east of the application site and hedgerow networks throughout the site. The creation of new terrestrial habitat in the attenuation basins, supplementary seeding and grassland translocation where appropriate, creation of hibernacula and refugia, and creation and enhancement of hedgerows within the 250m and 500m radius of the breeding ponds. It is also proposed to create a new pond suitable for breeding great crested newts in an off-site ecological mitigation area within 500m of the existing ponds, and long term management of on site and off site retained habitat. An offer of funding towards management of the adjacent breeding pond (Pond 1) has also been offered. Whilst this creation of new breeding habitat and offer of management of the existing Pond 1 is to be welcomed, the mitigation proposed will still result in a net loss of 3.1ha of terrestrial habitat. Whilst enhanced management of the remaining habitat may compensate for the loss of this habitat, this will only be sufficient if the retained habitats have been enhanced and are in suitable condition, prior to the commencement of habitat removal from the development site.

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Natural Resources Wales expressed concern in their response dated 15th August 2018 that only part of the terrestrial habitat for great crested newts was proposed to be enhanced (the north eastern part of Field 13) prior to removal of newt terrestrial habitat, and it was not clear if this would have achieved suitable condition prior to vegetation clearance of the development area. The submitted Ecological Consultation Response Note has confirmed that in addition to Field F13, compensatory habitat measures are proposed in fields F1, F2 and F4 and along the reinforced southern boundary prior to commencement of development works. Achievement of suitable condition requires both creation of refugia for great crested newts as well as creating a more diverse structure and diversity of species within the retained grassland areas and establishment of hedgerows and tree lines to create better foraging conditions. The current proposals are reliant on longer term post development management to achieve suitable enhanced condition to mitigate the loss of terrestrial habitat from beneath the development footprint. Based on this scenario, there would be a short term detrimental impact on the conservation of the species. If the details of this enhancement work outside of the development area is submitted together with a timetable for implementation for agreement with the local authority and management works commenced over sufficient time prior to site clearance to achieve suitable enhanced condition for great crested newts, it may be possible to ensure the conservation status of the species is not affected. Natural Resources for Wales have also stated in their response dated 1 February 2019 that a suitably worded condition could address the final detail and requirement for the habitat to be retained, enhanced, created and managed ahead of development. And that longer term post development management and monitoring should be secured via a Section 106 planning obligation.

Subject to the above measures being in place it may be possible carry out the three European Tests with respect to Great Crested Newts.

Test i). The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. - For this test it will need to be considered whether the provision of 618 houses is of overriding public interest. This matter will effectively be considered in the conclusion to this report.

Test ii). There is no satisfactory alternative, - For this test it will be necessary to consider if there are any alternative sites that could provide this housing provision. There are sites that would accommodate housing, but they are not becoming available in a manner that would fulfil the need to have a five-year housing land supply.

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Test iii). The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. - There are no ponds within the application site that support Great Crested Newt, however, the presence of breeding ponds nearby and terrestrial habitat suitable for this species present on the application site means that without mitigation the development will be detrimental to the favourable conservation status of the species. Proposed mitigation includes the retention, management and enhancement of remaining suitable habitat within the application site including species rich grasslands and hedgerow networks, and off site mitigation including enhanced management of an existing breeding pond, creation of a new pond and long term management of on site and off site terrestrial habitat. On site and off site habitats will be in place in suitable condition prior to commencement of development, and the details of their initial management, phasing, long term management and financial obligations will be controlled through appropriately worded conditions and a Section 106 agreement. These measures will ensure that the favourable conservation status of great crested newts will not be affected by the proposals.

Dormouse

The site was surveyed for dormouse during surveys undertaken in 2014 and 2017. A total of 7 dormouse nests were identified in 2014 and 5 dormice were recorded in 2017 in hedgerows across the application site. The habitats of value for dormice on the application site are connected areas of woodland, trees and scrub. The assessment of the value of the dormouse population on the application site was considered to be of county importance. The proposed development will result in 6% of the woodland/tree/scrub habitats on site a potential for disturbance, injury and killing during pre-construction and construction phases, and increased disturbance, injury and killing during the operational phase of the development. A dormouse mitigation strategy has been submitted that proposes to retain the hedgerows where dormouse have been recorded, to enhance retained hedgerows by widening existing hedgerows internally creating new hedgerows and enhancing hedgerows on the southern boundary of the site. The loss gain ration is 1:3. In August 2018, Natural Resources Wales were of the opinion that more robust vegetated corridors for dormice were needed particularly on the northern and southern boundaries of the site, the proximity of curtilages to dormouse habitats was also a concern, in conjunction with increased pressures on habitats adjacent to residential development. The applicant has submitted additional details on the widths of the vegetated corridors in their Ecological consultation response submitted on the 7th January 2019, and NRW are satisfied in their letter dated 1st February 2019 that these are acceptable subject to infill planting on areas of grassland on the northern boundary, the establishment of green infrastructure to be in place prior to commencement of development, and securing the implementation of mitigation and compensation through conditions and a Section 106 agreement.

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Subject to the above measures being in place it may be possible carry out the three European Tests with respect to Dormice.

Test i). The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. - For this test it will be necessary to consider whether the provision of 618 houses is of overriding public interest. This matter will be effectively considered in the conclusion to this report.

Test ii). There is no satisfactory alternative, - For this test it will be necessary to consider if there are any alternative sites that could provide this housing provision. There are sites that could accommodate housing but they are not becoming available in a manner that would fulfil the need to have a five-year land supply.

Test iii). The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. - Dormouse have been confirmed to be present within hedgerows across the application site, The proposed development will result in a 6% loss of the woodland/tree/scrub habitats on site, a potential for disturbance, injury and killing during pre-construction and construction phases, and increased disturbance, injury and killing during the operational phase of the development. In the absence of mitigation there will be a detrimental impact on the conservation status of the dormice in the area. An outline Dormouse Mitigation Strategy has been submitted dated June 2018 including, establishment of new and enhancement of retained hedgerows, clearance methods to minimise disturbance to dormice and, long term management of retained and new habitats and monitoring of species and habitats. These proposals together with the application of conditions and a Section 106 agreement to secure the implementation of mitigation and compensation, will ensure that there is no detriment to the favourable conservation status of the species.

Bats

A series of bat surveys have been undertaken on trees within the application site, buildings around Gwern y Domen Farm and foraging and commuting surveys across the application site between 2014 and 2018. The Tree survey in 2014 identified 4 trees to have high potential for bats and 9 of moderate potential. This was revised by the 2018 survey which identified 1 tree to be of high potential for bats and 6 to be of moderate potential. The high potential tree T137 will be lost as a result of the development and although no bats were observed leaving or entering the tree it will require a European derogation licence to remove it. Mitigation for the loss of these trees includes the provision of new roost features on remaining trees within the application site.

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Although not part of the site, due to the proximity of potentially suitable buildings around Gwern y Domen Farm, emergence surveys were undertaken and the buildings were confirmed to support 1 brown long-eared bat maternity roost, and a day roost for common pipistrelle bats and a night perch for brown long-eared bats and greater horse shoe bats. Although these roosts will not be lost as part of the development, the foraging habitat will be affected, and there will be indirect impacts relating to lighting. Mitigation proposed includes the thickening of hedgerows particularly around the farm house and along key corridors leading to and away from the buildings and control of lighting along these and other key routes. The outline bat mitigation strategy together with appropriately worded conditions to secure the implementation of the bat mitigation strategy, green infrastructure, landscape proposals and the submission of detailed lighting proposals will ensure that sufficient details have/will be provided to satisfy the third European Test for these protected species. The first and second tests are addressed in the same manner as set out for the other protected species.

COMMUNITY INFRASTRUCTURE LEVY

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. Caerphilly lies within the High Viability Area and as such general market housing is liable to pay £40 per square metre (index linked). This matter will be worked out at the reserved matters stage if outline consent is granted, when the size of the dwellings is known.

ANALYSIS

Policies: The application site is a greenfield site located in the Southern Connections Corridor (SCC) located on the eastern edge of Caerphilly.

Policy SP3 (Development Strategy (SCC)) requires development proposals within the SCC to promote sustainable development. Specifically proposals in this area should: be targeted to previously developed land within settlement limits in the first instance; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; have regard to the social and economic function of the area; and protect the natural heritage from inappropriate forms of development.

The proposal is contrary to the brownfield strategy for the SCC. However, the proposal would constitute sustainable development being located in close proximity to the residential areas of Lansbury Park, Mornington Meadows and to the Principal Town Centre of Caerphilly with its associated range of services, facilities and public transport. The proposal also includes a number of sustainable travel measures.

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In terms of the role and function of the area, the Strategy defines Caerphilly as a Principal Town within the SCC, based on its role as a provider of retail and other services and as an area that provides significant employment opportunities. The Principal Towns are also the areas that are targeted for new residential development given their position in the settlement hierarchy as defined by Policy SP4 (Settlement Strategy).

Policy SP3 also requires development in the SCC to protect the natural heritage from inappropriate forms of development. Housing at this location would be considered to be inappropriate development in the countryside (Policy CW15 refers). Clearly, there is likely to be a significant impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Policy SP3.

Policy SP5 (Settlement Boundaries) is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. In the SCC it also promotes the full and effective use of urban land and concentrates development on previously used land within existing settlements. The site is greenfield and falls outside but immediately to the east of the settlement boundary of Caerphilly. Therefore the application is contrary to Policy SP5 of the Adopted LDP. Policy CW15 General Locational Constraints specifies the type of development that will be permitted outside of the settlement boundary. The proposal is for housing and this type of development cannot meet the provisions of that policy.

In line with national planning policy, SP6 (Place Making) requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. In particular, there are a number of designated heritage assets within the zone of influence of the site, notably Caerphilly Castle, the Van Registered Park and Garden and Gwern y Domen scheduled ancient monument. The development is sufficiently remote from those heritage assets not to harm their setting or character. The other placemaking aspects of policy SP6 could be secured at the reserved matter stage if outline planning permission were granted. It requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and the where appropriate through the use of Sustainable Urban Drainage. The latter will now be achieved largely through the need for SAB approval.

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Given the location of this site on the edge of settlement, it is suggested that the introduction of a comprehensive landscaping scheme which protects existing trees and natural features and which introduces new natural features into the scheme would serve to enhance and integrate the development into the wider landscape in the long term.

Policy SP7 (Planning Obligations) recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effect of that development. In the context of this proposal, the Council should seek to secure the provision of appropriate on site formal and informal open and leisure space, infrastructure improvements to facilitate walking and cycling, the provision of 40% affordable housing, and nature conservation matters.

The site is within a mineral safeguarding area (Policy SP8 (Minerals Safeguarding)), and Policy CW22 (Locational Constraints Minerals) requires proposals for permanent development that impact on minerals safeguarding areas to meet specified tests as laid out in the policy. The whole of the site is within a safeguarded sandstone area, whilst parts of the site are within an identified safeguarded coal area. However, it is highly unlikely that planning permission would be granted for any form of quarry in this location bearing in mind its proximity to the residential properties, listed building, SINC's and the SLA.

Policy SP10 (Conservation of Natural Heritage) recognises the natural heritage as a positive asset that enriches people's quality of life, and that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable. After discussion between the developers, the Council's ecologist, and NRW, the scheme has been amended in a manner that now makes it acceptable in this respect.

The application site lies within a Special Landscape Area referred to as NH1.5 South Caerphilly. Policy NH1 of the LDP states SLAs will be protected, the supporting text explains SLAs are local non-statutory designations which seek to protect areas exhibiting distinctive features and characteristics which will be protected from development which harms these features and characteristics (Policy CW4). The development of the application site would inevitably erode part of the Special Landscape Area, and in that respect the Council's Landscape Architect has objected in the terms set out above.

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The site comprises two Sites of Importance for Nature Conservation, namely NH3.168 Coed y Maerdy and NH3.170 Caerphilly / Machen Disused Railway. Development will normally be allowed where it would not cause unacceptable harm to the particular features of the SINC (Policy CW4). Where harm is unavoidable it should be minimised by effective mitigation measures to ensure that there is no reduction in the overall nature conservation value of the area or feature/s. The proposal has had due regard to the presence of the two SINC's on site. Nature conservation issues have been adequately addressed.

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. TAN 1 seeks to ensure that there is a genuine 5-year land supply available, and thus categorises sites to indicate those that can be included within the 5 year land supply. Using this method of calculation the 2018 Joint Housing Land Assessment Study (JHLAS) indicated that there was only 2.3 years supply available. This is expected to reduce to 2.0 years in the 2019 JHLAS.

The TAN would have given this matter considerable weight, but in July 2018 the Welsh Government Minister advised that, "As a result of the current housing land supply position across Wales some Local Planning Authorities are receiving speculative applications for housing on sites not allocated for development in LDPs. This is generating uncertainty for communities and is to the detriment of the plan-led system. Therefore, in support of the review and to alleviate some of the immediate pressure on LPAs, I have decided to dis-apply paragraph 6.2 of Technical Advice Note (TAN1), Joint Housing Land Availability Studies, following the consultation on this matter. This removes the paragraph which refers to attaching considerable weight to the lack of a 5 year housing land supply as a material consideration in determining planning applications for housing.

"As a result of the dis-application of paragraph 6.2 of TAN1, it will be a matter for decision makers to determine the weight to be attributed to the need to increase housing land supply where an LPA has a shortfall in its housing land."

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Policy SP15 (Affordable Housing Target) seeks to deliver through the planning system at least 964 affordable dwellings over the plan period in order to contribute to balanced and sustainable communities. The application proposes 618 dwellings in an area of acute housing pressure and in an area with considerable housing need. Within the SCC the target subject to viability is 40% of a housing development to be affordable housing to meet the identified needs in the area (policy CW11). Consequently there is the potential for the proposal to deliver in the region of 247 affordable homes. To that end, the applicants are willing to enter into a section 106 agreement to deliver 12.1% affordable housing on the basis of the viability of the site.

The applicants submitted a viability assessment which has been reviewed by the District Valuation Office who confirms the scheme is viable at 12.1%, and advises that if the Council are minded to grant permission on the basis of the reduced contribution, suggests that a time scale for delivery is agreed, which if not met triggers a viability review.

However, the applicants are also willing to enter into a further agreement that will offer in phases a further 27.9% of the development as affordable housing to the Council in the first instance, and then to a Registered Social Landlord. If neither of those is in a position to accept the housing, it will be sold on the open market. That arrangement is acceptable to the Council's Housing officers, and the local RSL. The difference between the two agreements is that the housing would be transferred in respect of the first agreement at the values set out in the LPA's Affordable Housing Supplementary Planning Guidance, whereas under the second obligation they would be transferred at a higher value of 96% of the Acceptable Cost Guidance defined by Welsh Government.

Policy SP19 (Transport Infrastructure Improvements) seeks to implement improvements to the existing transport infrastructure, in particular that: address social exclusion; improve transport links in the Northern Connections Corridor and Southern Connections Corridor; reduce the level of traffic movements and/or congestion, within any identified air quality management area; and promote the most efficient use of the transport network. The application proposes 618 dwellings in an area with high levels of congestion, close to the Caerphilly Air Quality Management Area. The development is supported by improvements at the Bedwas Bridge Roundabout, and air quality information. Neither the Transportation Engineering Manager nor the Head of Public Protection raise any objections to the current scheme.

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Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion) requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. The proposal includes new pedestrian routes and cycle routes, the introduction of crossing facilities on Lansbury Park Distributor Road, a signal controlled junction at one of the site access junctions along with extensions to existing bus routes to improve connectivity and permeability between existing and proposed communities and to encourage walking and cycling as the preferred mode for many trips. These can be secured by a Section 106 obligation. The introduction of Travel Plans and a Construction Transport Management Plan will contribute towards mitigating the impact of the development.

In the longer term there is the prospect of public transport utilising the former railway line to provide links from Caerphilly to Bedwas, Machen and beyond. The line will not be developed as part of this scheme apart from where it will be crossed by the access into the site. The prioritisation of public transport using the line can be addressed when it is introduced.

Policy CW2 (Amenity) requires new development to be compatible with surrounding land-uses. The proposal is for residential development immediately to the east of Caerphilly opposite an existing residential area. It is not envisaged that the proposal would adversely affect the amenity of residents living in the neighbouring area.

The Noise Assessment submitted with the application provides for noise mitigation measures in the form of a 2m high acoustic fence opposite Branch Cottages where the construction threshold value noise limits are exceeded. Also a 2m high acoustic barrier is to be located adjacent to the two playing fields to address both short term and long term noise mitigation in relation to development related traffic.

Policy CW3 (Design Considerations Highways) requires development proposals to have regard for the safe, effective and efficient use of the transportation network. It is noted that a Traffic Assessment has been submitted with the planning application and a travel plan which includes £5,000 per annum for 3 years to fund a residential Travel Plan coordinator, £5,000 Travel Plan Reserve or fighting fund to improve the residential Travel Plan if required, and £50,000 for School Travel Planning for the local primary and secondary schools. In this respect the Transportation Engineering Manager has no objections.

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Trees and Hedgerows make a positive contribution to both the natural and built environment. They enhance the character and diversity of the landscape and offer substantial environmental benefits. Policy CW6 (Trees, Woodland and Hedgerow Protection) therefore requires proposals to ensure that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. LDP 4: Trees and Development supplements this policy. A tree survey has been undertaken for the site, which indicates those trees that should be retained and those that would be adversely impacted by the development of the site. The Council's Arboricultural Officer has raised no objections.

All new housing sites capable of accommodating 10 or more dwellings are required to make adequate provision for well designed open space and appropriate provision for children's play facilities as an integral part of the development under the provisions of Policy CW10 (Leisure and Open Space Provision). There is adequate room on site to accommodate those facilities.

Comments from Consultees:

- The views of the statutory consultees can be accommodated by condition or section 106 obligation.
- Public footpaths that cross the site including claimed ones can be accommodated at the reserved matters stage, and their closure or diversion is controlled by other legislation.
- The requirements of the Council's Education Officer is now covered by CIL.
- Objections raised by Van Community Council and others are considered in the analysis above and below.
- An objection to the scheme has also come from the Council's Landscape Officer, and his concerns will be taken into account in coming to a recommendation below.
- The Outdoor Leisure Development Officer has expressed concern about the private management of facilities, but that is not something that can be addressed through the planning process.

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Comments from public: Settlement Boundary:

- the site is outside the settlement boundary, within an SLA and the weight to be given to that is considered elsewhere in this report.
- an Inspector considered the site unsuitable for development in 2009, but the current proposals has to be considered against the current development plan and other material planning considerations. It could be considered a logical extension of Caerphilly, bearing in mind its proximity to a major road around the eastern part of the town, and the existence of other housing areas beyond the remainder of the by-pass to the north. There would be approximately 400m between the development and Rudry itself.

Housing:

- the concerns about housing have to be considered in the terms set out in TAN 1 which is addressed elsewhere in this report, but in summary, whilst the disapplication of paragraph 6.2 of that TAN removed the need to give the five-year housing land supply considerable weight, it is still a material consideration. Empty properties are not a factor in that respect. The LDP review which was commenced in 2013, and withdrawn in 2016 is not a material consideration either, and plays no part in the current five-year land supply calculation. The scheme is intended to deliver 40% affordable housing.

Brownfield Sites:

- the proposal is within an area where there is a brownfield development strategy in the adopted LDP, but that has failed to ensure that the housing targets set out in that plan are met, and that there is a five-year housing land supply. Brownfield sites may be identifiable in the area, but unless their development is viable, and there is a likelihood of them coming forward in accordance with the criteria set out in TAN 1, they will not count towards the land supply.

Greenfield Sites:

- it is recognised that this is a greenfield site, although it is not Green Belt in planning terms. The weight to be given to this is considered elsewhere in this report.

Natural Heritage:

- the Council's Ecologist, Tree Officer, and NRW do not raise any objections to this scheme, which is supported by the appropriate surveys and mitigation measures. There are SINCS at the site, which is an LDP designation, but there are no SSSIs. The impact on the SLA is considered elsewhere in the report. The Council's Landscape Architect considers that unless there is an overwhelming need for the development it should be refused, but provides constructive comments about the development if approved.

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Highways and Transportation:

- the Transportation Engineering Manager does not raise any objections. The scheme provides improvements at the Bedwas Bridge Roundabout, but also includes walking and cycling linkages to the town. A Travel Plan is proposed. In sustainability terms, it should be borne in mind that planning permission was recently granted on appeal for housing at Hendredenny, with the Inspector expressing the view that the site is in reasonable walking time of Energlyn Railway Station, and well related to schools, shops and other amenities. The same could be said of the current application site.
- the line of Caerphilly South-Eastern By-Pass is protected in the LDP, but this development is not dependent upon it.
- air quality has been considered, and the Head of Public Protection raises no objections to the proposal.

Social infrastructure:

- the Council's Education Officer has drawn attention to the need for additional classrooms, but that is a matter that is now addressed by CIL. The Public Health Authority have not raised any objections.

Open Spaces and Leisure: A green area crossed by footpaths will be lost if this development goes ahead. The planning balance in that respect is considered elsewhere in this report. The development is in outline, with all matters reserved, so there will be an opportunity to ensure that existing and claimed footpaths are kept or adapted, maintaining links to the countryside beyond the site. It should also be borne in mind that only 27% of the application site is to be developed.

Pollution: the Council's Head of Public Protection has considered the air quality assessment submitted and has no objections to the scheme. Public Health Wales have not raised any objections.

Historic Environment:

- neither Cadw, nor the Council's Conservation Officer have raised any objections to this scheme. The closest listed building is Van Mansion which is some 500m to the south-west of the proposed developed area. It is recognised that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Van Mansion's setting and Caerphilly Castle's setting will be preserved.
- Glamorgan Gwent Archaeological Trust has raised no objections, but requires an archaeological watching brief to be implemented by condition.
- There is no evidence that the development would harm the tourism potential of the town centre and the Castle.

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Drainage:

- the development would have to be drained sustainably either through the need for SAB approval, or through a scheme secured by condition which would have to comply with the requirements of PPW 10 which also encourages the use of SUDS.

General Comments (The comment is repeated, and then addressed.)

- 'Proposal is premature pending the adoption of a Strategic Development Plan.' Work has not commenced on an SDP, which is unlikely to be adopted until around 2025. Therefore prematurity cannot be a consideration at present.
- 'Over-development in Caerphilly will be at the cost of the northern part of the borough.' The adopted LDP sought to encourage development in the northern part of the borough, but this has failed to deliver the target number of houses, including affordable homes, or to ensure a five-year land supply.
- 'Impact on human rights.' Human rights are a material planning consideration. The planning system allows the effect of development on people to be considered before development is granted permission or it is refused.
- 'Land is marshy and unsuitable for development.' This is a matter for the developers to ensure that the site is properly drained, and the development complies with the Building Regulations. There is no evidence that site conditions would prevent development, and the Coal Authority has not raised any objections in respect of the ground's stability.
- 'Application lacks honesty and integrity and does not support the existing community of St James' ward and Caerphilly Basin.' Development can help to sustain communities.
- 'Title of application does not indicate the number of houses.' This is not necessary for an outline planning application.
- 'Development of this site does not meet several LDP key objectives and policies.' This is considered elsewhere in this report.
- 'Development of this site does not meet several PPW policies and objectives.' This is considered elsewhere in this report.
- 'People love Caerphilly due to its green spaces.' The loss of this green space will be considered elsewhere in this report.
- 'Site should be developed as a tourist attraction.' This matter is not before the LPA for consideration.
- 'There is enough land further up the valleys for development.' Those sites are not coming forward for development. The LPA must consider those sites where planning applications are received.
- 'Development will not bring benefit to community or Caerphilly.' This is a matter of opinion and should not be given significant weight in the consideration of this application.

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- 'Growth such as this not good for the area.' This is a matter of opinion and should not be given significant weight in the consideration of this application.
- 'Materially change the character of Caerphilly.' It will change the character of this area, but it is arguable that it will change the character of Caerphilly in view of the size of the town.
- 'Land can and should be used for farming.' There is some good agricultural land on this site, but not enough to justify its protection.
- 'Stop building industrial units and retail units that are unoccupied. Housing developments should go there.' The LPA has to consider the applications that are submitted for planning permission, but it cannot guarantee that the development will be occupied. That is a matter for the market.
- 'House prices will reduce disadvantaging homeowners that are not in a position to take a financial loss.' This is not a material planning consideration.
- 'Crime has increased and loss of community feeling.' Crime and disorder are material planning considerations, but they would not amount to reasons to refuse planning permission for housing in this case.
- 'The LDP did not go through regarding the bypass on Caerphilly Mountain clearly indicating the view of the residents in Caerphilly to keep more greenery within Caerphilly. This proposed building seems to overrides the concerns of the people who live in this town, and this was the part of the proposed plan that was declined.' The line South-Eastern By-pass is protected in the adopted LDP, but it is not part of this proposed development.
- 'Caerphilly overcrowded.' There is no evidence that Caerphilly is more densely developed than any other town.
- 'The poor condition of housing association housing land: rubbish left for six months, fires burning all night long. Landlords leaving garages to go to rack and ruin on Mornington Meadows, and another sink estate is proposed next door. Why not build small plots of 10 or 12 throughout the whole valley.' The condition of existing development is not a material consideration in the determination of an application for new housing.
- 'Concerns regarding trespass on property.' This is a private matter.
- 'Concerns about protection of the bridge and stream that runs behind property (Branch Cottage).' The drainage of the site should not adversely affect existing streams, and any bridges should be appropriately treated.
- 'LDP needs to be sorted before planning permission is given to 600+ houses.' The Council has to consider the submitted application.
- 'We should be encouraging rural businesses to prosper, rather than selling off land as the only easy profitable way, unnecessarily increasing urban areas.' The Council has to consider applications for planning permission that are placed before it on the basis set out in this report.
- 'Scheme does not contribute to tackling climate change.' The impacts on climate change do not preclude planning permission being granted for housing.

Cont'd

Application No: 17/0411/OUT Cont'd

- '18000 more adults in the borough than jobs.' This does not carry significant weight in the determination of this application.

Caerphilly Town Centre

- 'Regeneration of Caerphilly Town centre needed.' This is noted.
- 'Demise of Caerphilly Town centre down to planners.' This is noted
- 'Caerphilly Town centre not fit to accommodate needs of additional dwellings. This would not be given significant weight in respect of the current application.' It would be difficult to argue that a town centre of Caerphilly's size could not accommodate the needs of the proposed development. And, the development, if approved would play some part in sustaining the viability of the town centre.

Well-being of Future Generations (Wales) Act 2015

- 'One of the goals of the Act is 'A Healthier Wales'. This is defined as, 'A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.' 'There have been no objections from the Head of Public Protection or Public Health Wales.
- 'This Act states that: "Each public body must carry out sustainable development. The action a public body takes in carrying out sustainable development must include: setting and publishing objectives ("well-being objectives") that are designed to maximise its contribution to achieving each of the well-being goals, and taking all reasonable steps (in exercising its functions) to meet those objectives.'" This is covered by The Caerphilly We Want 2018-2023 Well-being Plan.
- 'Not aware that any well-being objectives have been made public nor has consideration been given to the well-being objectives. Furthermore the development will do nothing to enhance the physical and mental well-being of future generations. The beauty of the natural landscape needs to be protected for future generations to enjoy.' The LPA must make a decision in accordance with the development plan unless material considerations indicate otherwise. That often means giving greater weight to one consideration compared to another, based on the circumstances of each case.
- 'Sceptical that this development will create jobs and better access to housing (Prosperous Wales)'. There is no evidence that private market housing at this site will not sell. The Council's Housing officers consider there is a need for affordable housing, and that accords with Welsh Government's commitment to deliver 20,000 affordable homes across Wales.
- 'The development won't result in a Healthier Wales.' The provision of dwellings and in particular affordable housing must play some part in an individual's health. That benefit will have to be balanced against the loss of green space.

Cont'd

Application No: 17/0411/OUT Cont'd

Caerphilly Basin Masterplan objectives:

- this plan has to be in conformity with the adopted LDP, and it therefore reflects the development strategy within the development plan. The weight to be given to that strategy and the related land allocation is considered elsewhere in this report.

Impacts on Gwern y Domen

- 'A site visit is requested.' A Planning Committee site visit will take place before the application is determined.
- 'Loss of amenity as the existing house will be surrounded by development which will generate traffic, lighting, noise and disturbance which would fundamentally and detrimentally change and disrupt the quiet enjoyment of their property by the occupants.' Gwern y Domen Farm is currently isolated. The proposed development would surround it, although public open space is currently shown to the east and south. To the west however the illustrative plans show a private drive to residential properties. It is not unusual for isolated dwellings to become surrounded by housing estates when this type of development is proposed, and there is no sound planning reason for preventing that taking place in principle. The current application is in outline with all matters reserved for subsequent approval. If outline permission were granted, there would be an opportunity at the reserved matters stage to ensure that the relationship between old and new was satisfactory.
- 'Case law indicates that the personal circumstances of the occupants are a material planning consideration, and that Article 8 of the European Convention on Human Rights which entitles a person to have the right to respect for their private life and family life and their home is a material planning consideration.' Human Rights are a material planning consideration, and the impact of this development on the private life and family life and their home has been considered in relation to the previous point, i.e. it is not unusual for isolated dwellings, to become part of larger estates, and the reserved matters process will ensure that the relationship between old and new is in accordance with the adopted policies and supplementary planning guidance.
- 'Health impacts of increased air pollution. PPW 10 advises that the planning system is preventative and should maximise its contribution to achieving a healthier Wales by aiming to reduce average population exposure to air (and noise) pollution. It adds that the planning system must consider the long terms effects of current and predicted levels of air pollution on individuals, society and the environment. The Environmental Assessment does not adequately cover this issue. This is also an Article 8 matter.' The Head of Public Protection and Public Health Wales do not raise any objections to the proposal, and therefore there would be no sound planning reason to object to this scheme on the basis of health impacts and air pollution.

Cont'd

Application No: 17/0411/OUT Cont'd

- 'The occupants have suffered considerable distress because of apparent alterations to the water levels on the application site which appear to be the result of bore hole drilling leading to flooding and structural damage to their property. The ES does not address this issue.' This is a private matter between the two landowners.

CONCLUSION

Planning Policy Wales 10 (December 2018) states that

"new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled."

Furthermore, it states that:

"A plan-led approach is the most effective way to secure sustainable development through the planning system and, "The plan-led system underpins the delivery of sustainable places to ensure all development plans and decisions taken by the planning system work together to deliver sustainable places."

The site is outside the settlement, and within an SLA, where residential development would not normally be allowed. However, the LPA has a five year land supply of 2.3 years as of 2018, and it will be 2.0 years when the figure is published for 2019. This has a bearing on whether the principle of development is acceptable on this site.

In dis-applying paragraph 6.2 of TAN 1, the Minister indicated that it will be a matter for decision makers to determine the weight to be attached to the need to increase housing land supply where the local planning authority has a shortfall in its housing land. The weight to be attached is dependent on the magnitude of the shortfall, how long the shortfall will persist, what the local planning authority is doing to reduce it, and how much will the development contribute to meeting the shortfall.

The magnitude of the shortfall is significant, i.e. an additional three years' supply is needed. Also, this year's JHLAS will indicate that only 122 dwellings were completed in the year 2018-19. This is the lowest rate of completions since records began when Caerphilly was formed in 1996. This is around only a fifth of all houses that were required each year in the LDP (575 units per annum). The Local Housing Market Assessment (2018) identifies that there is a total need for 282 affordable units to be delivered per annum.

Cont'd

Application No: 17/0411/OUT Cont'd

This shortfall will persist until the Council adopts a new LDP, which will take approximately four to five years. The only way to address it at present is to grant planning permissions. The most significant schemes have been allowed on appeal. The currently proposed development will make a significant contribution to meeting the shortfall, 40% of which will be affordable housing. Taking these matters together it is reasonable to attach significant weight to the need to increase housing land supply as a material planning consideration which would outweigh the normal policy objections to residential development on this site. The concerns of statutory consultees can be addressed by planning condition and legal agreement, and those of the landscape officer can be addressed through the consideration of the reserved matters application. The site is on the lower, gentler slopes of Mynydd Rudry. The development will involve an incursion into the SLA to the east of Caerphilly, but that impact is outweighed by the need to provide land for housing in this case.

TAN 1 makes it clear that, 'The requirement to maintain a five-year supply of readily developable housing land in each Local Planning Authority across Wales remains a key policy requirement of the Welsh Government.'

Consideration has to be given to whether the proposed section 106 passes the following tests, i.e.

- it is necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The areas covered by obligation will be considered in turn. The affordable housing is necessary to make the scheme acceptable in terms of policy CW11 of the LDP, it will be part of the proposed development, and the District Valuer has agreed on what would be a reasonable amount to be required based on viability. The remainder of the affordable housing will be provided by a separate unilateral undertaking.

The Bedwas Bridge Roundabout Improvements are also necessary to make the scheme acceptable from the point of view of policy CW3 (Design Considerations - Highways). They are required to mitigate the impacts of the traffic arising from the development, and in that respect are fairly and reasonable related to the scheme.

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Application No: 17/0411/OUT Cont'd

The proposed travel plan includes:

- Provision of a Travel Plan Co-ordinator;
- Travel Information Pack to each household for all new residents;
- Significant walking and cycling infrastructure improvements, management and funding;
- Pump priming improved bus services which will improve further with increasing demand;
- Walking buses, cycle trains and scoot to school initiatives;
- Promote and encourage Car Sharing;
- A travel plan reserve fund for implementation of travel plan initiatives should appropriate targets not be met.
- Cycleways and footpaths are also proposed.

These measures are necessary to make the scheme acceptable in terms of policy CW1 (Sustainable Transport, Accessibility and Social Inclusion). They are directly related to the development and in that respect are fairly and reasonably related to the proposed development.

Funding is necessary to enhance a pond to mitigate the impact of the scheme on Great Crested Newt, which is a protected species. Also it is required to ensure the long term maintenance of the protected species mitigation measures. This is necessary to make the scheme acceptable in respect of policy CW4 of the LDP, is directly related to the development, and is fairly and reasonably related to the proposed development. For the same reasons the agreement would need to cover the delivery of long-term habitat and species management and monitoring.

The recommendation therefore is that planning permission should be granted subject to conditions, provided the applicant first enters into the section 106 obligation. In coming to that conclusion about the significant effects of the proposed development on the environment, the environmental information has been examined. If members are minded to support the recommendation, in accordance with The Town and Country Planning (Notification) (Wales) Direction 2012, this application has to be referred to Welsh Government because it is over 150 dwellings, and is not in accordance with one or more provisions of the development plan in force.

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Application No: 17/0411/OUT 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 (a) if members are minded to grant planning permission that the application is first referred to the Welsh Minister; in the event that no objections raised by the Minister, that the application is DEFERRED to allow the applicants to enter into a Section 106 obligation as set out above; and on completion of satisfactory obligations that planning permission is GRANTED subject to the following conditions:

This permission is subject to the following condition(s)

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

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- 05) This permission is for no more than 618 dwellings.
REASON: To allow any change in the number of total units to be reviewed in respect of the delivery of affordable housing in accordance with policy CW11 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) 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.
- 07) 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.

Cont'd

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- 08) The plans and particulars submitted in accordance with Condition 1) shall include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 5.2.2 of BS5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.
 - b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
 - c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
 - d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.
 - e) the details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
 - f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
 - g) No 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. In this condition a "retained tree" means an existing tree that is to be retained in accordance with the plan referred to at paragraph (a) above.
- REASON: To safeguard the vegetation that is considered to be worthy of retention in the interests of visual amenity of the area in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont'd

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- 09) Prior to the commencement of works on site details of the following shall be submitted to and agreed with the local planning authority: a scheme of intrusive site investigations for the mine entries within the site; a scheme of intrusive site investigations for the shallow coal workings; a report of the findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken; a layout plan which identifies appropriate zones of influences for the recorded mine entries on the site, with the definition of suitable 'no-build' zones; a scheme of treatment for the recorded mine entries, if identified; and a scheme of remedial works for the shallow coal workings. The development shall thereafter be carried out in accordance with the approved details.
REASON: To take account of the legacy mining issues at the site.
- 10) If the details of the reserved matters submitted in accordance with condition 1 are received by the local planning authority before 7 January 2020, 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.
- 11) Prior to the commencement of work on site, details of the measures to protect, enhance and manage the Sites of Importance for Nature Conservation (SINCS) within and abutting the application site defined by adopted Caerphilly County Borough Local Development Plan up to 2021 shall be submitted to and agreed in writing with the local planning authority. The development shall thereafter be carried out in accordance with those details, and the SINCS enhanced and managed as agreed.
REASON: To ensure the long-term sustainability of the SINCS in accordance with policy CW4 of the adopted Caerphilly Count Borough Local Development Plan up to 2021.
- 12) No development or site clearance shall commence until a Construction Environmental Management Plan and associated Method Statements have been prepared and submitted to the Local Planning Authority. The development shall be carried out in accordance with the agreed plan
REASON to ensure adequate protection to protected species and habitats and to protect the water environment.

Cont'd

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- 13) 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. Those details shall include:
- (a) Proposed finished ground levels or 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 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 in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) A Landscape Management Plan, including
- (a) long term design objectives,
 - (b) management responsibilities, and
 - (c) maintenance schedules for all landscape areas, other than domestic gardens,
- shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.
- The Landscape Management Plan shall be carried out as agreed.
- REASON: To ensure that the landscaping is maintained in the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont'd

Application No: 17/0411/OUT Cont'd

- 15) No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

- 16) 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.

- 17) 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.

- 18) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.

Cont'd

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- 19) Prior to commencement of any phases of the development, details of the green infrastructure (as set out in the indicative landscape Strategy drawing no CA29b, the Green Infrastructure Strategy Plan drawing no edp3055_d014 and the Habitats Offsets Proposed Plans (1-4) drawing no edp3055_d036b), together with additional infill planting of the northern boundary, shall be submitted to the Local Planning Authority for approval. Details shall include protection, enhancement, creation, methods of establishment, management, monitoring of green infrastructure together with a phasing plan to include timing of habitat enhancement, creation and loss. The approved details shall be implemented and overseen by a suitably qualified ecological clerk of works to ensure that green infrastructure is in a condition suitable to support great crested newts, dormice and bat species, before clearance works commence.
REASON: To ensure the conservation status of protected species.
- 20) No development or site clearance shall commence until a Long term Habitat Management Plan and Monitoring Plan has been prepared for on-site and off-site habitats as set out in drawing numbers CA29b, edp 3055_d014 and edp3055_d036b, and submitted to and approved by the Local Planning Authority. The plan shall include:
- a) A description of habitats to be managed, a map showing their location and extend on site and a detailed description of their desired condition
 - b) The nature of management operations required to deliver and maintain the desired condition of habitats.
 - c) Appropriate scheduling and timing of activities
 - d) Proposals for the monitoring of and reporting on the habitat condition of the site.
 - e) Proposals for remedial action to be undertaken where problems are identified by the habitat monitoring
 - f) Proposals for review of management and updating the Habitat and Monitoring plan
- REASON: To ensure the conservation status of protected species
- 21) Prior to commencement of works on site details of a monitoring scheme for great crested newts, dormice and bat species present on or adjacent to the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed monitoring scheme shall be implemented.
REASON: To ensure the conservation status of protected species.

Cont'd

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- 22) The development shall be carried out in accordance with the Outline Great Crested Newt Mitigation Strategy edp3055_r006a, the Outline Dormouse Mitigation Strategy edp3055_r004c, the Outline Bat Mitigation Strategy edp3055_r007a and clarifications set out in the Ecological Consultation Response Note edp3055_r009_091118.
 REASON: To ensure the conservation status of protected species
- 23) Prior to commencement of development, details of the lighting for the whole development, or alternatively if the development is to be phased, details of lighting for each phase of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
 REASON: To ensure the conservation status of protected species.
- 24) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in 20% of the new buildings at Land at Gwern y Domen, Caerphilly, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new buildings in each development phase hereby approved is first occupied.
 REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 25) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the new buildings at Land at Gwern y Domen Caerphilly, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new buildings in each development phase hereby approved is first occupied.
 REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).

Cont'd

Application No: 17/0411/OUT Cont'd

- 26) Prior to the commencement of work on site, details of: the proposed public open space, and the associated pavilion as shown on CWA drawing Illustrative Masterplan (Rev. C) a local equipped area of play, a neighbourhood equipped area of play, and a ball court with low level panelling and tarmac surface and the timing of their provision, shall be submitted to and agreed in writing with the local planning authority. The development shall be carried out in accordance with the agreed details.
REASON: To ensure the adequate provision of public open space.
- 27) Prior to the commencement of any works on site details of hedgerow enhancement planting and management to thicken up the existing hedgerow as a substantial buffer and wildlife corridor, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up existing hedgerows, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the hedgerow planting shall be carried out within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 28) Prior to the commencement of any works on site details of amphibian friendly underpasses, offset gully pots, wildlife kerbs and amphibian gully pot ladders shall be submitted to the Local Planning Authority for approval. The approved details shall be strictly complied with and all amphibian gully pot ladders will need to be replaced every ten years for the lifetime of the development.
REASON: To ensure adequate protection to European Protected Species.
- 29) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont'd

Application No: 17/0411/OUT Cont'd

Advisory Note(s)

Notification of initiation of development and display of notice:

- You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

- Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

- The 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 notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.
- The person carrying out the development must ensure the notice is:
 - (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
 - (b) legible and easily visible to the public without having to enter the site; and
 - (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

The applicant is advised of the comments of Wales and West Utilities, Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), Glamorgan Gwent Archaeological Society, The Coal Authority, Principal Valuer.

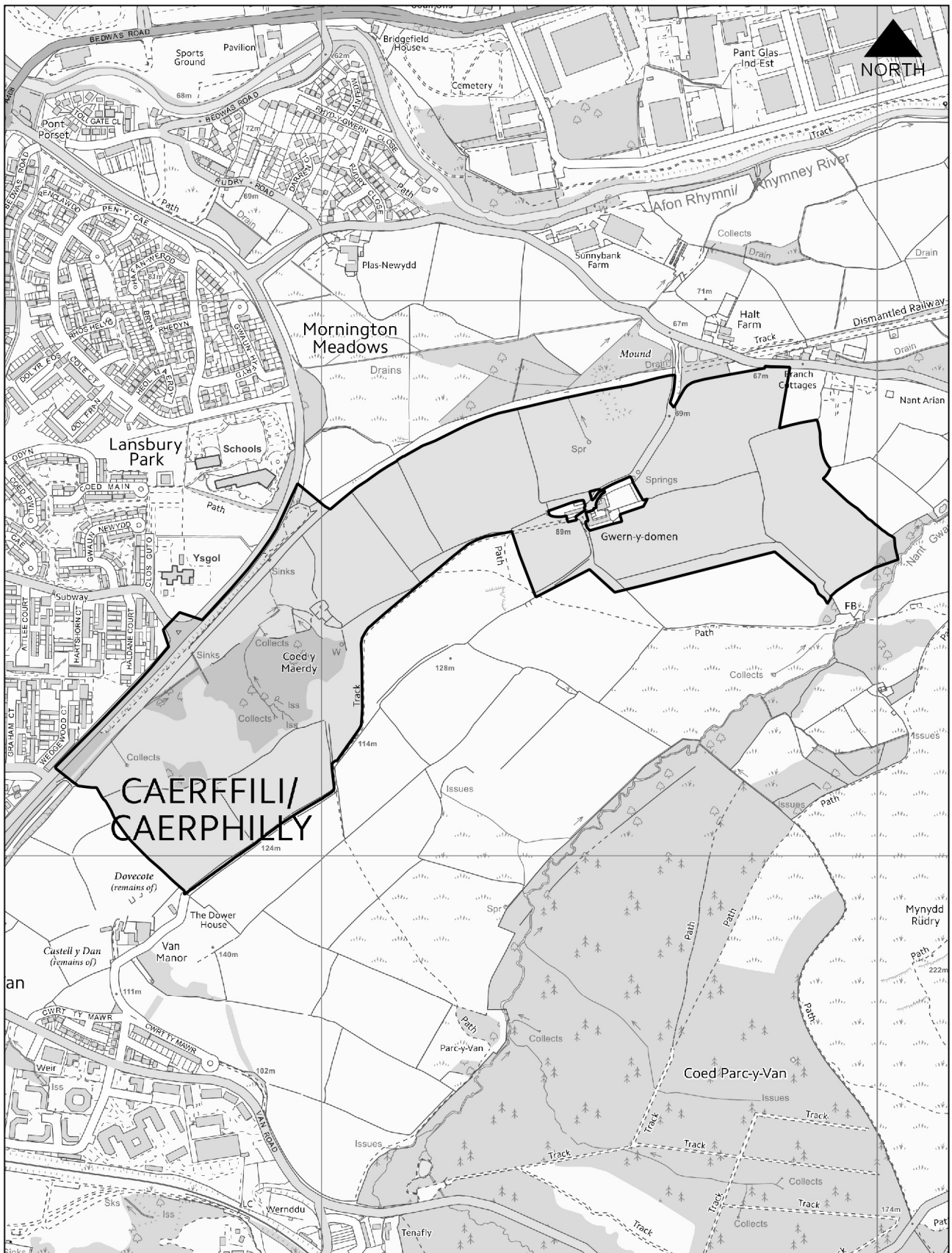
Cont'd

Application No: 17/0411/OUT Cont'd

Warning: A European protected species (EPS) Licence is required for this development.

- This planning permission does not provide consent to undertake works that require a EPS licence.
- It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.
- To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Deferred for reasons for refusal.



Agenda Item 5

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/1090/FULL 21.12.2018	Broadoak International Investments Ltd Mr P Purnell 11 Coed-Y-Pica Abertridwr Caerphilly CF83 4ET	Erect four dwellings Land At Grid Ref 312302 188899 Bronmynydd Abertridwr

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land At Grid Ref 312302 188899, Bronmynydd, Abertridwr.

Site Description: The application site is a steeply sloping parcel of scrub land to the south and east of existing housing within Bronmynydd and Coed-Y-Pica, Abertridwr. The site levels fall approximately 12m from south to north. The Mynydd Eglwysilan Special Landscape Area lies to the south of the application site.

Development: The application seeks planning permission to construct four dwellings. Each dwelling would have accommodation on a single level with three bedrooms (en-suite to master bedroom), kitchen/dining room, lounge and bathroom. A lower ground floor area mainly comprised of voids would include a small store with balcony area above and each property would be accessed by a set of steps along its frontage.

Dimensions:

Each of the four dwellings proposed measures approximately 13.5m wide by 10.5m deep (maximum extent) with an overall height of 8.5m.

Materials: The walls are proposed to be finished in a cream coloured smooth render with a tiled roof.

Ancillary development, e.g. parking: Each property would be provided with three parking spaces.

PLANNING HISTORY 2005 TO PRESENT

P/05/1664 - Erect Five Dwellings - Granted - 16.02.2006.

11/0108/FULL - Renew Planning Permission P/05/1664 for non-compliance with condition to begin works within five years - Granted - 23.04.2013.

Cont....

Application No. 18/1090/FULL Continued

18/0265/NCC - Vary condition 01 of planning consent 11/0108/FULL (Renew Planning Permission P/05/1664 for non-compliance with condition to begin works within five years) to extend time allowed to commence development - Under consideration.

18/1079/FULL - Erect four dwellings - Granted 18.07.19.

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), CW11 (Affordable Housing), CW15 (General Locational Constraints), NH1 (Special Landscape Areas), 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 a Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Ecologist - I have visited the above proposed site and I can confirm that the area has the potential to support both breeding birds and reptiles due to the habitat present on site. Recommends planning conditions to address ecological matters.

Cont....

Application No. 18/1090/FULL Continued

Landscape Architect - Expresses no objection to the principle of this residential development but does have concerns in relation to integration of the housing area with the adjacent designated Mynydd Eglwysilan NH1.3 Special Landscape Area. Recommends additional information in relation to trees and their protection.

If you are minded to approve this application I would expect suitable mitigation planting to be carried out to compensate for the loss of any trees in order to maintain the existing soft urban edge. Therefore full soft landscape details including planting species, density, numbers, sizes, specification along with details of the 5 years defects and maintenance, period will require conditioning for further approval.

Principal Valuer - No comments from Property.

Head Of Public Protection - No objection, request conditions related to soil importation and dust and noise suppression during construction.

CCBC Housing Enabling Officer - Following an assessment of viability information no affordable housing contribution is required.

Senior Engineer (Land Drainage) - No objection, recommends a drainage condition be imposed.

Transportation Engineering Manager - No objection subject to planning conditions to address Highway considerations.

Dwr Cymru - No objection.

Aber Valley Community Council - Query the pedestrian access to the top row of Bronmynydd and who is going to be responsible for the pedestrian access in the future.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and 18 neighbour notification letters were sent.

Response: Two representations were received.

Summary of observations:

- Overlooking/Loss of Privacy.
- Loss of Light to amenity space and property.
- Increase in traffic on the highway network.

Cont....

Application No. 18/1090/FULL Continued

- Increase noise and disturbance.
- Devaluation.
- Loss of View.
- Overdevelopment.
- Could destabilise boundary walling.

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 application site is within the Lower Viability area for CIL which is zero rated for residential development.

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 development is considered acceptable with the application site being located within the Settlement Boundary as defined under adopted Local Development Plan Policy SP5 (Settlement Boundaries) which specifies the area within which development would normally be allowed, taking into account material planning considerations.

Cont....

Application No. 18/1090/FULL Continued

In respect of Policy CW7 (Protection of Open Space) it is considered that the amount of open space remaining in the neighbourhood would still be adequate to serve local needs with both Abertridwr Park (protected under Policy LE1 - Protection of Formal Open Spaces) and Abertridwr Heritage Park (protected under Policy LE5 - Protection of Informal Open Spaces) within 500m of the application site. The application site is not considered to have a significant value as a recreational resource due to the steeply sloping topography of much of it and is not an area of significant visual amenity.

The visual impact of the development has been considered. The sloping nature of the site is such that although the properties have their accommodation on one level in a bungalow style arrangement the front elevations of the properties would appear two storey with the lower ground floor area (apart from having a small store area at the front) being comprised of voids. The appearance of the dwellings are considered acceptable. The development accords with adopted Local Development Plan Policy SP6 (Placemaking).

The impact on neighbour amenity has been considered. The existing properties to the north are located at a substantially lower level than the application dwellings due to the natural sloping topography. The relationship between the proposed dwellings and those dwellings below would be broadly similar to that of dwellings on either side of the lower street Bronmynydd and it is noted that many properties within the locality have a similar relationship with properties in their neighbouring streets which are located at different levels due to the natural topography. The separation distance between windows in the proposed new dwellings and windows within the existing properties on Bronmynydd (numbers 1, 2 and 20-24 inclusive) and Coed-Y-Pica (1-11 inclusive) would in all instances be greater than 21 metres and this reflects many of the existing dwellings in terms of levels of privacy. The proposed new access road would be closer to the existing dwellings on the northern side and as has been required in previous permissions on the land it is considered appropriate to require a 1.8m high privacy fence on the northern side of the access road to restrict elevated overlooking from the private road to the existing properties on the northern side of Bronmynydd. There would be no unacceptable impact from the proposed development to the existing residential property to the west (31 Bronmynydd) nor to a dwelling recently granted consent to the same applicant under planning permission 18/1079/FULL. There would be sufficient separation distance to avoid any unacceptable impact on light or amenity for the occupiers of the existing properties. The development would have an acceptable impact on the existing levels of amenity of all surrounding residential properties according with adopted Local Development Plan Policy CW2 (Amenity).

The Highway Authority has considered the development and offers no objections subject to planning conditions to provide suitable access and parking arrangements. The development accords with Policy CW3 (Highways).

Cont....

Application No. 18/1090/FULL Continued

Comments from consultees:

It is considered that in respect of the Landscape Officer's comments that satisfactory Landscaping can be agreed via a planning condition and suitable replacement planting can be agreed.

In respect of Community Council comments in respect of a set of steps and their future maintenance this has been considered under the planning application for a single dwelling (18/1079/FULL) to the west of the site and that permission requires a replacement set of steps to be provided.

Comments from public:

- Overlooking/Loss of Privacy.
- Loss of Light to amenity space and property.

The new dwellings would have a similar separation distance and difference in levels to those existing dwellings within the top road of Bronmynydd and those properties in the road below. The separation between habitable room windows exceeds 22 metres and is considered that there will be no unacceptable overlooking introduced by the proposed development. There will be no unacceptable impact in terms of loss of light or overshadowing to existing residential properties

- Increase in traffic on the highway network.
- Overdevelopment.

Noting the limited scale of the application the proposed development will not lead to an unacceptable increase in the general traffic levels within the locality. It is not considered that the proposal would result in overdevelopment being of a low density of below 10 dwellings per hectare.

- Devaluation.
- Loss of View.

These are not material planning considerations.

- Increase noise and disturbance.

The Environmental Health Officer has raised no objections to the proposed development and the limited construction period associated is not expected to cause unacceptable disruption. There are conditions proposed to require details of dust and noise mitigation during construction. The proposed dwellings will have an acceptable impact on neighbour amenity.

Cont....

Application No. 18/1090/FULL Continued

- Could destabilise boundary walling.

This would be a matter for the developer to address in undertaking the development works and a planning condition requires certification of structural works to be submitted to the Local Planning Authority.

Other material considerations:

The applicant has separately applied to renew a planning permission (18/0265/NCC) having originally obtained planning permission in 2006 which has thereafter been renewed) for an alternative scheme on part of the site for five larger split level three storey properties which are considered to be more significantly imposing than the current dwelling design subject to this application. Due to the overlapping footprints only one of the schemes could be implemented.

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.

The development is considered to be acceptable in its design, impact on the amenity of occupiers of neighbouring dwellings and is recommended for approval accordingly.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

Cont....

Application No. 18/1090/FULL Continued

- 02) The development shall be carried out in accordance with the following approved plans and documents:
- Proposed Site Location Plan, drawing reference SK.1.
 - Proposed Site Layout, drawing reference 1450/02, received 21.12.18.
 - Proposed Cross Section and Longitudinal Section, drawing reference 1450/03, received 21.12.18.
 - Proposed Drainage Layout, drawing reference 1450/4 received 21.12.18.
 - Proposed Plans and Elevations, drawing reference 1450/5, received 21.12.18.
- REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) 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.
- 04) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
- REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
- REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Application No. 18/1090/FULL Continued

- 06) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) No development or site/vegetation clearance shall take place until a detailed Reptile Mitigation Strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority along with any translocation or mitigation measures. The approved measures shall be strictly complied with.
REASON: To ensure that reptiles are protected in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 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 (2016) and Tan 5 Nature Conservation and Planning (2009).
- 09) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the beneficial occupation of the 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 in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Application No. 18/1090/FULL Continued

- 10) 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.
- 11) The proposed private driveway serving the properties shall have a maximum gradient of 1 in 8, shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and shall be completed prior to beneficial occupation of the development.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The dwellings shall not be occupied until the areas indicated for the parking of vehicles have been laid out in accordance with the submitted plan, and those areas shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to occupation of the dwellings hereby approved or prior to the proposed parking area being brought into beneficial use (whichever is the earlier) a vehicle restraint system, barrier or equivalent scheme located at the top of the earth embankment behind 11 Coed-Y-Pica, and numbers 1& 2 and 19-21 Bronmynydd shall be constructed in a manner to have first been agreed in writing by the Local Planning Authority. The vehicle restraint measures shall be retained and maintained thereafter.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021

Cont....

Application No. 18/1090/FULL Continued

- 14) Prior to the occupation of the dwelling(s) hereby approved all hard surfacing within the curtilage(s) shall have been:
- 1) constructed in porous or permeable materials, or
 - 2) provided with drainage to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse, and
 - 3) where a surface is to be used as a parking area or drive it shall have a maximum gradient of 1:8 and not be constructed in loose materials, and thereafter those areas shall be permanently maintained so as to comply with requirements 1), 2) and 3) of this condition.
- REASON: To provide a sustainable drainage system and avoid loose materials being taken out onto the highway in accordance with policies CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) 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.
- 16) Notwithstanding the submitted plans, no works whatsoever shall commence on site until a slope stability analysis on the embankment supporting the proposed access, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose have been first submitted to and approved in writing by the Local Planning Authority. Following construction of the agreed works, additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be submitted to the Local Planning Authority prior to beneficial occupation of the development.
- REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Rainwater run-off shall not discharge into the highway surface-water drainage system.
- REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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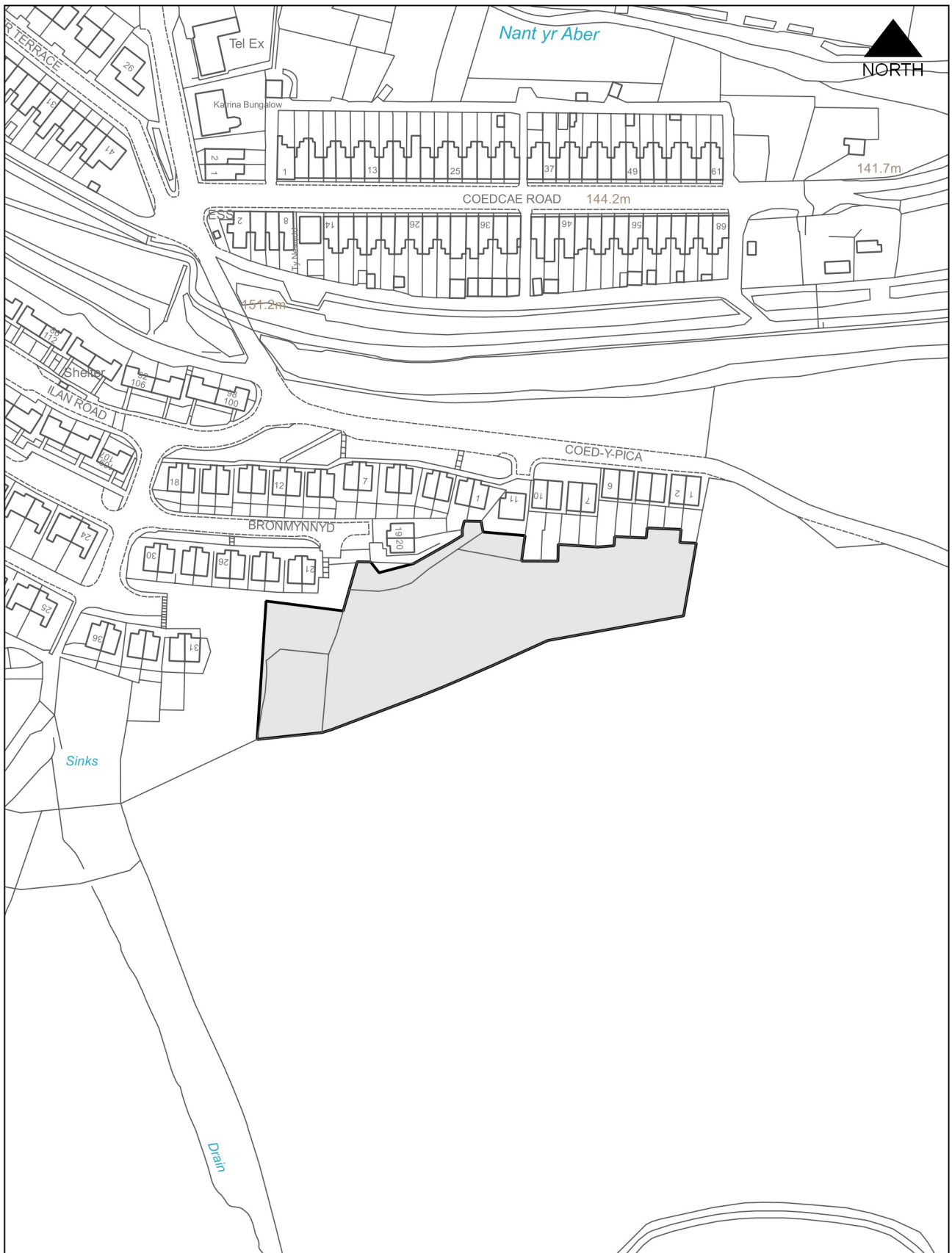
Application No. 18/1090/FULL Continued

Advisory Note(s)

Please find attached the comments of The Council's Ecologist and Dwr Cymru/Welsh Water 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.



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Agenda Item 6

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0009/OUT 11.04.2019	Mr Newbury 8 Garth Close Rudry Caerphilly CF83 3EN	Erect 4 new semi-detached dwellings with associated car parking and amenity space 202 Bedwas Road Caerphilly CF83 3AU

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is located on the western side of Bedwas Road.

Site description: The application site is the site of an existing detached bungalow in a mainly residential area on the outskirts of Caerphilly Town. The site is flat with an existing access onto Bedwas Road and a mature hedgerow to the front boundary and the site is surrounded by housing.

Development: The application seeks outline planning consent with all matters reserved for 4 new semi-detached dwellings with associated parking and amenity space. The submitted plan shows the provision of two pairs of semi-detached dwellings set back within the site with gardens at the rear and a communal parking and turning area to the front.

Dimensions: The site has overall dimensions of 31m by 36m. Upper and lower scale parameters for the dwellings are shown as 5-6m wide by 7.5-9m deep by 8.05-9.4m high.

Materials: Not specified.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

Local Development Plan: Within settlement limits.

Cont....

Application No. 19/0009/OUT Continued

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 3.9 - The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Paragraph 3.16 - 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. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

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....

Application No. 19/0009/OUT Continued

COAL MINING LEGACY

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

CONSULTATION

Head Of Public Protection - No objection subject to conditions.

Transportation Engineering Manager - No objection subject to conditions.

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

Natural Resources Wales - Raise significant concerns as the site is within Zone C2 and the Flood Consequences submitted in support of the application shows that some outside areas within the site would flood to a depth of 100mm in a 1 in 100 year event.

Senior Engineer (Land Drainage) - Advises that a SAB application has not been submitted and requests that the determination of the application be deferred until such time as one is submitted.

ADVERTISEMENT

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

Response: Two letters of objection were received.

Summary of observations:

1. The existing building may be constructed with asbestos containing materials.
2. The site is crossed by a culvert and any blocking up or diversion of that culvert could lead to flooding elsewhere.
3. Loss of privacy to properties in Hazel Grove.
4. Noise and dust disturbance during construction.

SECTION 17 CRIME AND DISORDER ACT

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

Cont....

Application No. 19/0009/OUT Continued

EU HABITATS DIRECTIVE

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

Is this development Community Infrastructure Levy liable? Yes, but CIL is calculated at the reserved matters stage.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks outline planning consent for residential development in a mainly residential area within the defined settlement limits and as such the principle of development is considered to be acceptable.

Adequate access, turning and parking can be achieved within the site and as such the proposal complies with Policy CW3 of the LDP. It is possible to accommodate four dwellings on the site without having a detrimental impact on the amenity or privacy of the neighbouring dwellings and as such the proposal complies with Policy CW2 of the LDP.

Comments from Consultees: With regard to the comments from Natural Resources Wales it is acknowledged that the site is within Zone C2 as defined in the development advice maps and that parts of the site would be flooded during a 1 in 100 year event. However, it should also be noted that, as stated above, the site is located in a mainly residential area within the defined settlement limits, it is currently occupied by a detached dwelling and there are other dwellings all around it. The proposed dwellings would not be liable to flooding either in a 1 in 100 year or a 1 in 1000 year event, and only part of the parking area would be flooded during a 1 in 100 year event and then only to a depth of 100mm.

In that regard it is considered that whilst the proposal does not strictly comply with the advice contained within Technical Advice Note (TAN) 15 a dwelling in this location would be acceptable in planning terms. The site is located in a sustainable location, is well served by public transport and other facilities and there is a need to provide dwellings within the County Borough. Therefore it is considered that it would be unreasonable to withhold consent in this instance.

Cont....

Application No. 19/0009/OUT Continued

With regard to the request from the Council's Senior Engineer (Land Drainage) that the application should be deferred until such time as an application for Sustainable Drainage Approval is submitted, it should be noted that the application is already supported by a National Standards Compliance Statement that sets out the principles of drainage on the site and any further delay to allow the submission of a comprehensive drainage scheme would be unreasonable at this stage. This is an application for outline planning consent with all matters reserved and the detail of design should therefore be considered at the reserved matters stage provided that the principle of the development is acceptable. That has been established by the above statement and as such the proposal is considered to be acceptable in planning terms.

No other objections raised.

Comments from public:

1. Whilst the existing building may be constructed with asbestos containing materials, it would be for the developer to ensure that such materials are dealt with in the correct manner. This is not a material planning consideration.

2. The Senior Engineer (Land Drainage) has confirmed that the site is crossed by a culvert and has requested that any development of the site has regard for this in terms of siting of the dwellings and the layout of any drainage scheme.

3. Whilst the nearest property is Hazel Grove is only some 18m away from the rear of the indicative position of the proposed dwellings, that dwelling is sideways on to the application site and has no windows in its pine end. The rear garden of the proposed dwellings are also 9m long to the boundary with the dwelling in Hazel Grove and as such it is not considered that there would be an unacceptable loss of privacy to properties in Hazel Grove.

4. Noise and dust disturbance during construction can be adequately controlled by conditions attached to any consent granted.

Other material considerations: None.

In conclusion the proposal is considered to be acceptable in planning terms.

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.

Cont....

Application No. 19/0009/OUT Continued

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

Cont....

Application No. 19/0009/OUT Continued

- 05) The development shall be carried out in accordance with the following approved plans and documents: 1001 (Location Plan), 1002 Rev A (Illustrative Site Plan), 1003 (Illustrative Parameters Drawing), Preliminary Bat Roost and Nesting Bird Assessment by Acer Ecology, Bat Activity Survey Report by Wildwood Ecology, Flood Consequence Assessment Version 1 by JBA Consulting, letter by JBA Consulting dated 26th June 2019 and National Standards Compliance Statement by JBA Consulting dated June 2019.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 06) Parking throughout the development shall be provided in accordance with Supplementary Planning Guidance LDP5 Car Parking Standards.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 43 metres. No obstruction or planting when mature exceeding 0.6 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) The proposed means of access shall be not less than 4.1m wide and shall include turning facilities to cater for calling delivery and service vehicles in a manner to be agreed with the Local Planning Authority which shall be maintained free of obstruction so that vehicles can both enter and leave the site in a forward gear at all times.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Application No. 19/0009/OUT Continued

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

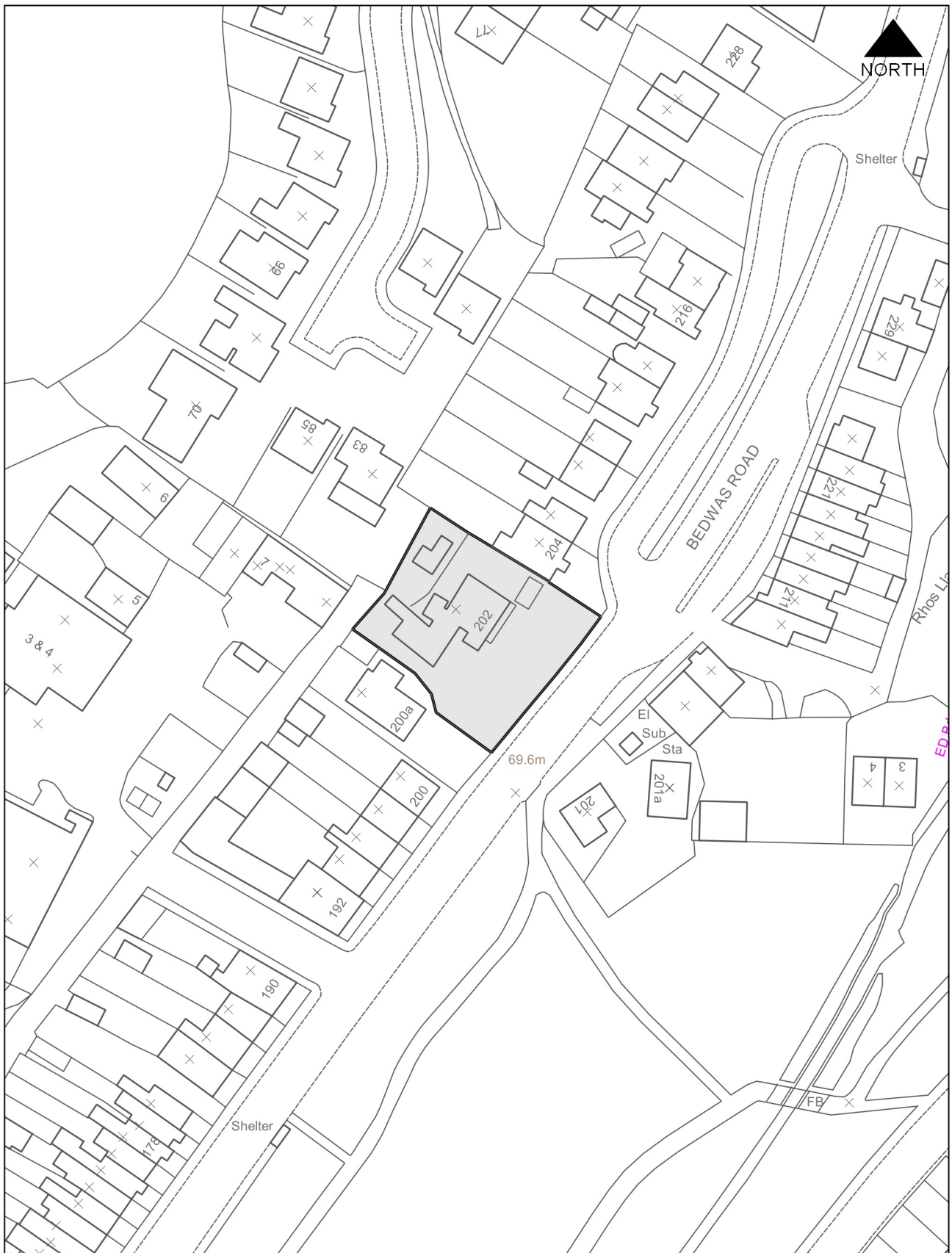
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) 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 comments from Dwr Cymru/Welsh Water.



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Agenda Item 7

PREFACE ITEM

APPLICATION NO. 19/0275/NCC

APPLICANT(S) NAME: Bryn Recycling

PROPOSAL: Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers

LOCATION: Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer

1. This application was reported to Planning Committee in July with a recommendation of approval for a temporary period. The previous report is attached as an Appendix. A decision was deferred to allow officers to draft a reason for refusal based on the concerns of the local members and residents.
2. During the consideration of the application a request was made to give further consideration to the objections raised by the local residents. These are reproduced below, followed by a comment from the planning officer.

- 'This site is becoming an industrial estate within close proximity to the villages.'
As made clear in the report, there are a number of uses on the site: an anaerobic digester, a materials recycling facility, a quarry, and the original dairy farm. However, there is a minimum of approximately 400m between those activities and the villages of Penybryn and Gelligaer, which compares favourably with many residential areas in the borough close to industrial estates.

- 'The extension of operating hours will mean heavy traffic, noise, smells and dust will adversely impact on the lives of all residents.'
This aspect of the scheme was taken into account in coming to a recommendation to allow the extension of the hours for a temporary period of one year only, which would have allowed the impacts on local residents to be monitored.

- 'Detrimental to health.'
The dust in the locality has been monitored and tested, and there is no indication that it is arising from the activities at the application site. Blasts at the quarry are also monitored and they are well within the limits set out in the planning permission. There is no sound evidence that the development is harmful to health.

Cont....

Application No. 19/0275/NCC Continued

- 'Detrimental to residential amenity.'

This matter would be monitored as part of the temporary approval.

- 'Contrary Local Development Plan policies.'

The development is not contrary to any LDP policies, but in view of the intermittent nature of the proposed out of hours traffic, it was considered prudent to recommend a temporary permission to allow the matter to be monitored.

- 'Detrimental to pedestrian safety.'

The small amount of additional traffic would use the existing access to Gelligaer Road (B4254) which is lightly used by pedestrians.

- 'An unquantifiable number of vehicles will visit the site on a 24-hour basis.'

The intention is to allow no more than 40 vehicles per calendar month, many of which would be during the normal daytime hours in any case. A register would be kept by the operator.

- 'Utility companies have their own operating centres with material stockpiles - there is no need for this facility.'

The application for the operating centre has now been withdrawn. The need for material is evidenced by utility companies visiting the premises to pick them up, and deposit waste.

- 'Consultation letters provide very little information.'

The consultation letters sent were in a standard format. They invite consultees to view the plans at the offices or on line. It is not possible to provide more comprehensive information in the letters.

- 'There are no separate facility for drivers i.e. rest rooms bathrooms etc. associated with the overnight parking.'

The application for the operating centre has been withdrawn.

- 'Heavy vehicles travelling through Nelson, Shingrig, Gelligaer, Penybryn, Penpedairheol, Hengoed, Cefn Hengoed, Penallta, Pengam, Tir y Berth, and Trelewis.'

The impacts arising from the small number of additional vehicles on the surrounding road network would be monitored if a temporary permission was granted for one year.

Cont....

Application No. 19/0275/NCC Continued

- 'Loss of habitat.'

No habitat is affected by these proposals.

- 'Concerns are expressed about the quarry.'

The quarry is not affected by this proposal.

3. If Members are minded to refuse planning permission for this development, the following reason for refusal is suggested, based on the concerns raised at Planning Committee.

The movement of lorries and other vehicles visiting the premises outside of the currently approved operating hours, and the associated loading and unloading, would cause noise and general disturbance to the detriment of the residential amenity of the nearby residents in Gelligaer and Penybryn, and would therefore be contrary to policy CW2 (A) of the adopted Caerphilly County Borough Local Development Plan up to 2021.

RECOMMENDATION: That planning permission is granted subject to conditions as set out in the attached report. However, if Members are minded to refuse permission, it is suggested that they do so on the basis of the reason set out in paragraph 3 above.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0275/NCC 01.04.2019	Bryn Recycling C/o Barton Willmore Mr J Ayoubkhani Greyfriars House Greyfriars Road Cardiff CF10 3AL	Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers Bryn Recycling Ltd (Bryn Power) Waste Transfer Station Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is at Gelliargwellt Uchaf Farm, which is to the south-west of Gelligaer and Penybryn.

Site description: This dairy farm now includes a mixture of other uses including a quarry, an anaerobic digestion facility (AD), and a materials recycling facility (MRF). Vehicular access is from Gelligaer Road (B4254).

Development: Condition 8 of planning permission 14/0226/FULL for the MRF restricted activities to the following hours.

"Operations authorised by this permission, including vehicles entering or leaving the site, shall not take place except between the hours of:

07.00 to 18.00 Monday to Friday
07.00 to 13.00 Saturday

and shall not take place on Sundays or Bank or Public Holidays, other than as indicated below.

Cont....

Application No. 19/0275/NCC Continued

In addition, the site may be open solely for the receipt of waste from Civic Amenity Sites between the following hours:

13.00 to 16.00 Saturday
07.00 to 16.00 Sunday and Bank or Public Holidays."

It is now proposed to amend this condition by adding the following.

"The site may be open solely for the receipt of waste from utility providers and their contractors outside the stated hours for a maximum of 40 occurrences per calendar month. Records of vehicles entering the site outside the stated hours shall be kept and shall be made available for inspection by the local planning authority upon request. The register shall contain details of the date and hours of operation that have occurred outside of the stated hours."

This is to accommodate local authority and utility provider demand where essential or emergency infrastructure maintenance has taken place in the locality. Another application (19/0277/RET) has been submitted to provide an operating centre for such vehicles at the site. Utility companies' existing operating centres can be located significant distances away and the site will provide the opportunity for utility vehicles to be parked on-site (with CCTV and night security) and not on the highway or driveways of the operating centre's employees. The number of vehicles stored on-site is expected to fluctuate depending on contracts being carried out locally.

PLANNING HISTORY 2005 TO PRESENT

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

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

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

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

13/0697/FULL - Erect canopy to material storage bays of approved planning permission for material recycling facility (11/0226/FULL) - Granted 19.11.2013.

Cont....

Application No. 19/0275/NCC Continued

14/0226/FULL - Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) - Granted 14.07.2014.

18/0084/RET - Retain extension to material recycling facility to include biomass boiler and chimney flue - Refused 13.09.2018.

19/0011/FULL - Provide additional fire prevention measures including structures, storage tanks, engineering and associated works - Granted 21.02.2019.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is within a special landscape area (SLA) (policy NH1.3), and a sandstone safeguarding area.

Policies: SP6 (Place Making), CW2 (Amenity), and CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), and NH1 (Special Landscape Areas).

NATIONAL POLICY Planning Policy Wales (December 2018).

ENVIRONMENTAL IMPACT ASSESSMENT

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

COAL MINING LEGACY

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

CONSULTATION

Gelligaer Community Council - Strongly object to the application on the grounds that extending operating hours and the change of use to a utility centre will disturb the peace and quiet of local residents, who have a basic right to peace and quiet on weekends, bank holidays and evenings

Head Of Public Protection - No objection

Transportation Engineering Manager - No objection

Cont....

Application No. 19/0275/NCC Continued

ADVERTISEMENT

Extent of advertisement: The application was publicised by fifty-two neighbouring properties consultations, site notices posted in four locations, and a press advertisement.

Response: 544 letters and a petition bearing 25 signatures have been received raising the following concerns

Summary of observations:

- this site is becoming an industrial estate within close proximity to the villages,
- the extension of operating hours will mean heavy traffic, noise, smells and dust will adversely impact on the lives of all residents,
- detrimental to health,
- detrimental to residential amenity,
- contrary Local Development Plan policies,
- detrimental to pedestrian safety,
- an unquantifiable number of vehicles will visit the site on a 24-hour basis,
- utility companies have their own operating centres with material stockpiles - there is no need for this facility,
- consultation letters provide very little information,
- there are no separate facility for drivers i.e. rest rooms bathrooms etc. associated with the overnight parking,
- heavy vehicles travelling through Nelson, Shingrig, Gelligaer, Penybryn, Penpedairheol, Hengoed, Cefn Hengoed, Penallta, Pengam, Tir y Berth, and Trelewis,
- loss of habitat,
- concerns are expressed about the quarry.

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 issue does not have significant weight in respect of the current application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Cont....

Application No. 19/0275/NCC Continued

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: Policy SP6 (Place Making) requires development to contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features and sets out a number of criteria including an appropriate mix of uses that reflect the role and function of settlements, and a location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all. Policy CW2 requires amongst other things that development should not have an unacceptable impact on the amenity of neighbouring properties or land. Policy CW3 requires development to have regard for the safe, effective and efficient use of the transportation network.

The proposal seeks to extend the operating hours at the site to accommodate 40 utility vehicles per calendar month consisting of 26- and 44-tonne lorries, skip lorries and HIAB lorries. At present, some 31 articulated vehicle and 159 rigid vehicle movements at the site each day. The proposal would add another 3 daily movements, and increase of 1.6%. Therefore the impact on the highway network is minimal, and the Transportation Engineering Manager has raised no objections.

The activities associated with the MRF are currently limited in general terms to daytime hours. The proposal would have no such limits. Therefore, whilst in terms of movements to and from the site, the proposed increase would be very small, they could occur at all times of the night when ambient noise levels are lower, and local residents are more likely to be disturbed. Therefore, although the nearest housing areas are some 450 metres away, the recommendation is to grant planning permission but subject to a temporary period to allow the impact to be monitored. The Head of Public Protection has not raised any objections.

There will be no impact on the SLA as this is an application for an extension of hours at an existing facility.

As this is an application to vary a condition on a consent, all of the conditions previously imposed are reproduced.

Cont....

Application No. 19/0275/NCC Continued

Comments from Consultees: Those of the Transportation Engineering Manager and the Head of Public Protection are considered above. The concerns of the Community Council have been taken into account in coming to the recommendation set out above.

Comments from public:

The comments of the public have been taken into account in coming to the recommendation set out above.

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) This consent is granted for a temporary period expiring on 31st July 2020, after which the hours of operation shall revert to those approved in accordance with Caerphilly County Borough Council planning permission 14/0226/FULL.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 02) Operations authorised by this permission, including vehicles entering or leaving the site, shall not take place except between the hours of:
07.00 to 18.00 Monday to Friday;
07.00 to 13.00 Saturday and shall not take place on Sundays or Bank or Public Holidays, other than as indicated below.

In addition, the site may be open solely for the receipt of waste from Civic Amenity Sites between the following hours:

13.00 to 16.00 Saturday;
07.00 to 16.00 Sunday and Bank or Public Holidays.

REASON: To protect the amenities of local residents and visitors to the area.

The site may be open solely for the receipt of waste from utility providers and their contractors outside the stated hours for a maximum of 40 occurrences per calendar month, including those occurrences permitted by Caerphilly County Borough Council planning permission 19/0276/NCC. Records of vehicles

entering the site outside the stated hours shall be kept and shall be made available for inspection by the local planning authority upon request. The register shall contain details of the date and hours of operation that have occurred outside of the stated hours.

- 03) The development hereby approved shall be carried out in accordance with the following plans:
 Site Layout plan BQ-RRF-2014-012 rev A.
 Proposed Site Layout BQ-RRF-2014-003 rev B.
 Proposed Floor Plan BQ-RRF-2014-004 rev B.
 Building Layout BQ-RRF-2014-01 rev A.
 Elevations BQ-RRF-2014-008 rev B.
 Elevations BQ-RRF-2014-073 rev B.
 Cross Section BQ-RRF-2014-006 rev B.
 Proposed Roof Plan BQ-RRF-2014-005 rev B.
 Existing BQ-RRF-2014-002 rev A.
 REASON: To define the permission by reference to the approved plans.
- 04) The building hereby approved shall be used only as a materials recycling facility and for no other purpose.
 REASON: To regulate the waste process in the interests of local amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) The sorting, screening and processing of waste material on the site shall take place solely within the waste recycling building hereby approved.
 REASON: To regulate the waste process in the interests of local amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The waste types deposited, stored and treated at the site shall be as shown on Plan reference BQ-RRF-2014-011 rev A.
 REASON: To regulate the details of the waste process in the interests of local amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Any material not specified in condition 06) that is received at the site shall be stored in impervious covered containers and removed from the site within 24 hours of its receipt.
 REASON: To regulate the details of the waste process in the interests of local amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) No material shall be stored outside the building except stockpiles as indicated on plan reference BQ-RRF-2014-003 rev B and the stockpiles shall not exceed five metres in height.

REASON: To define the details of the waste process in the interest of local amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) No operations shall take place on site until a scheme and programme for the suppression of dust, including provision for monitoring of the scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with that approved scheme and programme.

REASON: To minimise the impacts on residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) Between the hours of 07.00 and 18.00, the noise levels arising from the development shall not exceed 45 dB (LAeq) (1 hour), freefield at any of the following noise sensitive properties: Green Acres; Top Hill Farm; Claerwen Estate; Llancaiach Isaf Farm.

REASON: To minimise the impacts on residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) Details of the location, height, design, sensors, and luminance of external lighting, which shall be designed to minimise the potential nuisance of light spillage on adjoining properties and highways shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. Thereafter the provision of external lighting at the site shall be solely in accordance with those approved details.

REASON: To minimise the impacts on residential amenity and on European protected species in accordance with policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 12) The development shall not be commenced until a scheme indicating the facilities and/or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway and any remedial measures to be put in place to clear the highway of any such material has been submitted and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved throughout the duration of the development.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) No development shall take place until a scheme for the management of surface water has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first use of the MRF building and shall include:

- All surface water run-off shall be collected and stored in underground tanks;
- The timing of development;

- Management of surface water during the construction phase;
- Details of the capacity and depth of the attenuation tanks, and
- Maintenance of the scheme.

The development shall be operated in accordance with that approved scheme.

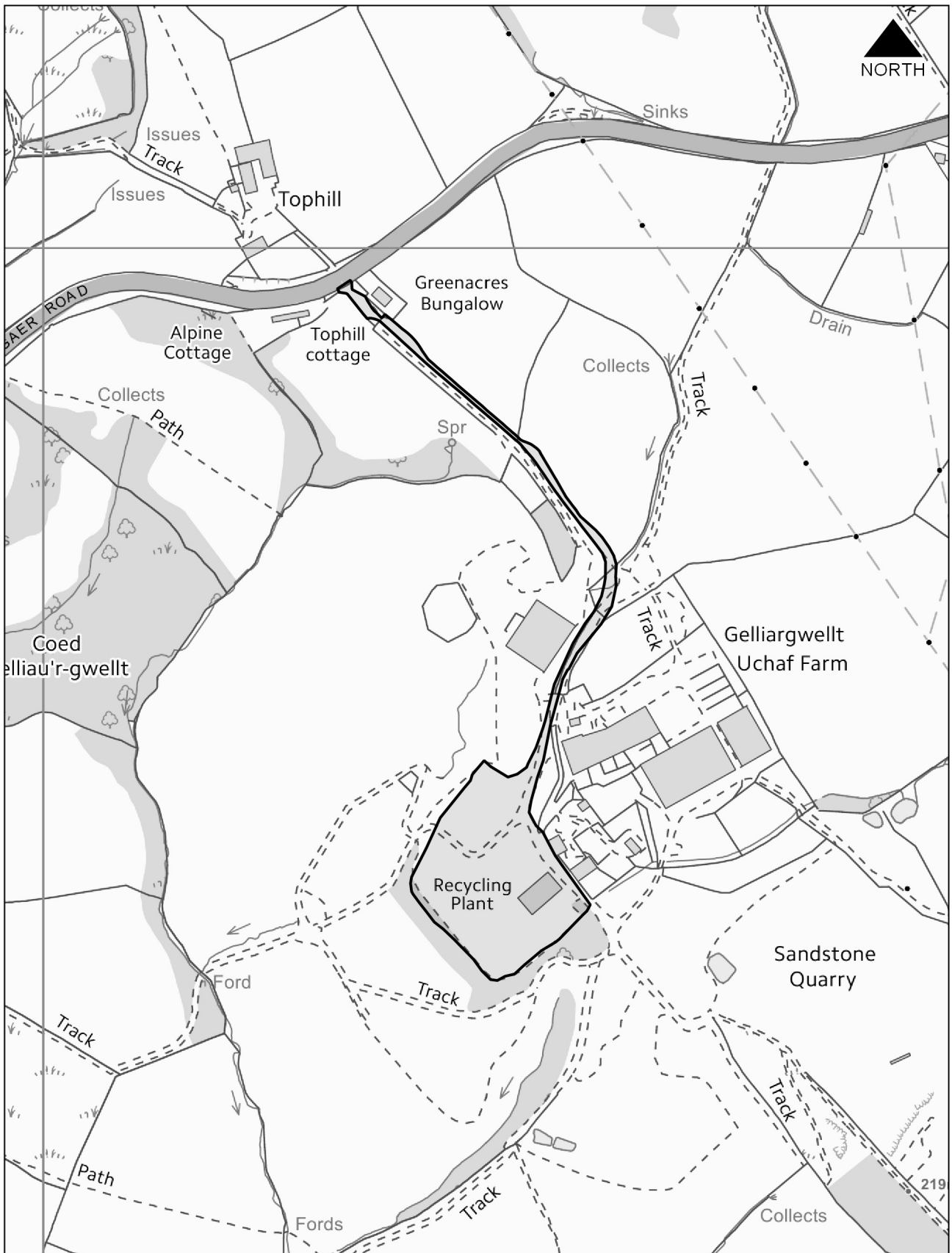
REASON: To guard against pollution in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) Prior to the commencement of development, a working method statement to cover all construction works shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in compliance with the approved scheme. The scheme shall include details of timing of works, methods used for all channels and bankside works, location and storage of plant, machinery, fuels, storage, access routes, protection of areas of ecological sensitivity and importance and site supervision. Thereafter the development shall be carried out in accordance with the agreed method statement.
REASON: To control the impacts of the construction phase of development, including dealing with contamination and invasive plants in accordance with policy CW2, CW3, CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) If, during the construction of the development, contamination not previously identified is found to be present at the site, no further development shall be carried out until the developer has submitted and received written approval from the Local Planning Authority for a remediation strategy detailing how the unsuspected contamination will be dealt with. The development shall be carried out in accordance with that approved scheme.
REASON: To control the impacts of the construction phase of the development, including dealing with contamination and invasive plants in accordance with policy CW2, CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Prior to the commencement of development, a detailed method statement for the removal or long term management/eradication of Japanese knotweed and Himalayan balsam on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed and Himalayan balsam during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.
REASON: To control the impacts of the construction phase of the development, including dealing with contamination and invasive plant species in accordance with policy CW2, CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 17) No development shall take place until full details of bunding and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
 REASON: In the interests of protecting the amenity of the local area in accordance with policy CW2 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 18) Trees, shrubs and hedges planted in accordance with the approved planting scheme shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority.
 REASON: To protect the amenity of the local area in accordance with policy CW2 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 19) Prior to the commencement of operations hereby permitted, measures shall be taken for the protection of trees and hedgerows from damage in accordance with precise details which shall be submitted to and approved in writing by the Local Planning Authority. The means of protection shall include:
 i) measures to prevent disturbance to, soil levels within the root spread of the tree or hedgerow.
 ii) protective fencing around the trunk in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
 The means of protection shall be retained until all plant, equipment and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected and the ground levels within these areas shall not be altered without the prior written agreement of the Local Planning Authority.
 REASON: To protect the amenity interests of the local area in accordance with policy CW2 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) The maximum volume of material to be imported to the MRF directly via the public highway shall not exceed 74,999 tonnes per annum (1st January to 31st December). Upon the request of the Local Planning Authority, the site operator shall provide details on a quarterly basis of the tonnage of material received at the site.
 REASON: In the interests of highway safety and to protect residential amenity in accordance with policy CW2, CW3 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 21) Prior to the first use of the proposed new MRF building hereby approved the existing MRF building shall be painted in a colour to be agreed in writing with the Local Planning Authority.
REASON: To ensure the satisfactory external appearance of the development in accordance with policy CW2, and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 22) Prior to the commencement of development samples of the materials to be used for the external surfaces of the proposed new MRF building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To ensure the satisfactory external appearance of the development in accordance with policy CW2, and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
-

DEFERRED FOR REASONS FOR REFUSAL



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Agenda Item 8

PREFACE ITEM

APPLICATION NO. 19/0276/NCC

APPLICANT(S) NAME: Bryn Aggregates Ltd

PROPOSAL: Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers

LOCATION: Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer

1. This application was reported to Planning Committee in July with a recommendation of approval for a temporary period. The previous report is attached as an Appendix. A decision was deferred to allow officers to draft a reason for refusal based on the concerns of the local members and residents.
2. During the consideration of the application a request was made to give further consideration to the objections raised by the local residents. These are reproduced below, followed by a comment from the planning officer.

- 'This site is becoming an industrial estate within close proximity to the villages.'
As made clear in the report, there are a number of uses on the site: an anaerobic digester, a materials recycling facility, a quarry, and the original dairy farm. However, there is a minimum of approximately 400m between those activities and the villages of Penybryn and Gelligaer, which compares favourably with many residential areas in the borough close to industrial estates.

- 'The extension of operating hours will mean heavy traffic, noise, smells and dust will adversely impact on the lives of all residents.'
This aspect of the scheme was taken into account in coming to a recommendation to allow the extension of the hours for a temporary period of one year only, which would have allowed the impacts on local residents to be monitored.

- 'Detrimental to health.'
The dust in the locality has been monitored and tested, and there is no indication that it is arising from the activities at the application site. Blasts at the quarry are also monitored and they are well within the limits set out in the planning permission. There is no sound evidence that the development is harmful to health.

Cont....

Application No. 19/0276/NCC Continued

- 'Detrimental to residential amenity.'

This matter would be monitored as part of the temporary approval.

- 'Contrary Local Development Plan policies.'

The development is not contrary to any LDP policies, but in view of the intermittent nature of the proposed out of hours traffic, it was considered prudent to recommend a temporary permission to allow the matter to be monitored.

- 'Detrimental to pedestrian safety.'

The small amount of additional traffic would use the existing access to Gelligaer Road (B4254) which is lightly used by pedestrians.

- 'An unquantifiable number of vehicles will visit the site on a 24-hour basis.'

The intention is to allow no more than 40 vehicles per calendar month, many of which would be during the normal daytime hours in any case. A register would be kept by the operator.

- 'Utility companies have their own operating centres with material stockpiles - there is no need for this facility.'

The application for the operating centre has now been withdrawn. The need for material is evidenced by utility companies visiting the premises to pick them up, and deposit waste.

- 'Consultation letters provide very little information.'

The consultation letters sent were in a standard format. They invite consultees to view the plans at the offices or on line. It is not possible to provide more comprehensive information in the letters.

- 'There are no separate facility for drivers i.e. rest rooms bathrooms etc. associated with the overnight parking.'

The application for the operating centre has been withdrawn.

- 'Heavy vehicles travelling through Nelson, Shingrig, Gelligaer, Penybryn, Penpedairheol, Hengoed, Cefn Hengoed, Penallta, Pengam, Tir y Berth, and Trelewis.'

The impacts arising from the small number of additional vehicles on the surrounding road network would be monitored if a temporary permission was granted for one year.

Cont....

Application No. 19/0276/NCC Continued

- 'Loss of habitat.'

No habitat is affected by these proposals.

- 'Concerns are expressed about the quarry.'

The quarry is not affected by this proposal.

3. If Members are minded to refuse planning permission for this development, the following reason for refusal is suggested, based on the concerns raised at Planning Committee.

The movement of lorries and other vehicles visiting the premises outside of the currently approved operating hours, and the associated loading and unloading, would cause noise and general disturbance to the detriment of the residential amenity of the nearby residents in Gelligaer and Penybryn, and would therefore be contrary to policy CW2 (A) of the adopted Caerphilly County Borough Local Development Plan up to 2021.

RECOMMENDATION: That planning permission is granted subject to conditions as set out in the attached report. However, if Members are minded to refuse permission, it is suggested that they do so on the basis of the reason set out in paragraph 3 above.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0276/NCC 01.04.2019	Bryn Aggregates Ltd C/o Barton Willmore Mr J Ayoubkani Greyfriars House Greyfriars Road Cardiff CF10 3AL	Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is at Gelliargwellt Uchaf Farm, which is to the south-west of Gelligaer and Penybryn.

Site description: This dairy farm now includes a mixture of other uses including a quarry, an anaerobic digestion facility (AD), and a materials recycling facility (MRF). Vehicular access is from Gelligaer Road (B4254).

Development: Condition 6 of planning permission 12/0570/FULL for the quarry extension limited activities to the following hours.

"Except in emergencies to maintain safe quarry working the winning and working and processing of stone and the tipping of inert waste shall not be carried out at the site except between the following times:-

07.00 to 19.00 hours Monday to Friday and
07.00 to 13/00 hours Saturdays.

b) No operations other than environmental monitoring and water pumping shall take place at the site on Sundays or Bank or Public Holidays.

Cont....

Application No. 19/0276/NCC Continued

c) No blasting shall take place except between the hours of 10.00 and 16.00 hours Monday to Friday."

It is now proposed to amend this condition by adding the following.

"The site may be open for the tipping of inert waste by utility providers and their contractors outside the stated hours for a maximum of 40 occurrences per calendar month. Records of vehicles entering the site outside the stated hours shall be kept and shall be made available for inspection by the Local Planning Authority upon request . The register shall contain details of the date and hours of operation that have occurred outside of the stated hours."

This is to accommodate local authority and utility provider demand where essential or emergency infrastructure maintenance has taken place in the locality. Another application (19/0277/RET) has been submitted to provide an operating centre for such vehicles at the site. Utility companies' existing operating centres can be located significant distances away and the site will provide the opportunity for utility vehicles to be parked on-site (with CCTV and night security) and not on the highway or driveways of the operating centre's employees. The number of vehicles stored on-site is expected to fluctuate depending on contracts being carried out locally.

PLANNING HISTORY 2005 TO PRESENT

10/0429/RET - Retain and complete earthworks - Granted - 04.11.2010.

11/0200/FULL - Erect steel frame agricultural building joining onto the side and end of existing buildings, 22.8m long x 12.2m wide x 6.1m to eaves and 7.7m to ridge, for the purpose of storing sawdust for cattle - Granted - 10.05.2011.

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused - 28.03.2013.

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

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

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Application No. 19/0276/NCC Continued

12/0102/RET - Retain steel frame agricultural building designed to agricultural specification BS5502, joining on to the side and end of existing buildings for the purpose of storing sawdust for bedding for cattle - Granted - 08.06.2012.

12/0570/FULL - Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works - Granted - 13.08.2013.

13/0393/FULL - Erect nutrient storage lagoon to supply storage capacity for compliance with SSAFO Regulations - Granted - 20.02.2014.

13/0697/FULL - Erect canopy to material storage bays of approved planning permission for material recycling facility (11/0226/FULL) - Granted - 19.11.2013.

14/0226/FULL - Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) - Granted - 14.07.2014.

14/0382/FULL - Erect additional 2 bay extensions onto 7 existing agricultural buildings to house cattle - Granted - 28.07.2014.

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.

15/0031/FULL - Install 250kWp roof mounted solar PV system to be sited on a total of 4 existing shed roofs - Granted - 27.05.2015.

15/0333/FULL - Erect an agricultural building to be used as a dry calving shed - Granted - 25.08.2015.

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.

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Application Nol. 19/0276/NCC Continued

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) - Granted - 25.04.2016.

16/0488/FULL - Erect a milking parlour, cattle shed and associated works - Granted - 04.08.2016.

17/0971/NCC - 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 - Pending.

17/0973/FULL - Retain and formation of a repositioned approved earth bund, landscaping and associated works - Pending.

18/0084/RET - Retain extension to material recycling facility to include biomass boiler and chimney flue - Refused - 13.02.2019.

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 - 12.09.2018.

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.

18/0432/CLPU - Obtain a Lawful Development Certificate for a proposed building for the treatment, storage and removal of dust - Granted - 23.10.2018.

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Application No. 19/0276/NCC Continued

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 - 06.12.2018.

18/1081/FULL - Carry out engineering works to provide surface water lagoon and associated works and infrastructure - Pending.

18/1082/FULL - Provide demountable building to be used for teaching and welfare facilities and associated works - Granted - 21.02.2019.

19/0011/FULL - Provide additional fire prevention measures including structures, storage tanks, engineering and associated works - Granted - 21.02.2019.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is within a special landscape area (SLA) (policy NH1.3), and a sandstone safeguarding area.

Policies: SP6 (Place Making), CW2 (Amenity), and CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), and NH1 (Special Landscape Areas).

NATIONAL POLICY Planning Policy Wales (December 2018).

ENVIRONMENTAL IMPACT ASSESSMENT

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

COAL MINING LEGACY

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

Cont....

Application No. 19/0276/NCC Continued

CONSULTATION

Transportation Engineering Manager - No objection

Head Of Public Protection - No objection

Gelligaer Community Council - Strongly object to the application on the grounds that extending operating hours and the change of use to a utility centre will disturb the peace and quiet of local residents, who have a basic right to peace and quiet on weekends, bank holidays and evenings

ADVERTISEMENT

Extent of advertisement: The application was publicised by fifty-two neighbouring property consultations, site notices posted in four locations, and a press advertisement.

Response: 544 letters and a petition bearing 25 signatures have been received raising the following concerns

Summary of observations:

- this site is becoming an industrial estate within close proximity to the villages,
- the extension of operating hours will mean heavy traffic, noise, smells and dust will adversely impact on the lives of all residents,
- detrimental to health,
- detrimental to residential amenity,
- contrary Local Development Plan policies,
- detrimental to pedestrian safety,
- an unquantifiable number of vehicles will visit the site on a 24-hour basis,
- utility companies have their own operating centres with material stockpiles - there is no need for this facility,
- consultation letters provide very little information,
- there are no separate facility for drivers i.e. rest rooms bathrooms etc. associated with the overnight parking ,
- heavy vehicles travelling through Nelson, Shingrig, Gelligaer, Penybryn, Penpedairheol, Hengoed, Cefn Hengoed, Penallta, Pengam, Tir y Berth, and Trelewis,
- loss of habitat,
- concerns are expressed about the quarry.

Cont....

Application No. 19/0276/NCC Continued

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
This issue does not have significant weight in respect of the current application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: Policy SP6 (Place Making) requires development to contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features and sets out a number of criteria including an appropriate mix of uses that reflect the role and function of settlements, and a location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all. Policy CW2 requires amongst other things that development should not have an unacceptable impact on the amenity of neighbouring properties or land. Policy CW3 requires development to have regard for the safe, effective and efficient use of the transportation network.

The proposal seeks to extend the operating hours at the site to accommodate 40 utility vehicles per calendar month consisting of 26- and 44-tonne lorries, skip lorries and HIAB lorries. At present, some 31 articulated vehicle and 159 rigid vehicle movements occur at the site each day. The proposal would add another 3 daily movements, and increase of 1.6%. Therefore the impact on the highway network is minimal, and the Transportation Engineering Manager has raised no objections.

The activities associated with the MRF are currently limited in general terms to daytime hours. The proposal would have no such limits. Therefore, whilst in terms of movements to and from the site, the proposed increase would be very small, they could occur at all times of the night when ambient noise levels are lower, and local residents are more likely to be disturbed. Therefore, although the nearest housing areas are some 450 metres away, the recommendation is to grant planning permission but subject to a temporary period to allow the impact to be monitored. The Head of Public Protection has not raised any objections.

Cont....

Application No. 19/0276/NCC Continued

There will be no impact on the SLA as this is an application for an extension of hours at an existing facility.

As this is a variation of a condition on a previous approval, all the conditions imposed on that consent are reproduced.

Comments from Consultees: Those of the Transportation Engineering Manager and the Head of Public Protection are considered above. The concerns of the Community Council have been taken into account in coming to the recommendation set out above.

Comments from public:

The comments of the public have been taken into account in coming to the recommendation set out above.

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) This consent is granted for a temporary period expiring on 31st July 2020, after which the hours of operation shall revert to those approved in accordance with Caerphilly County Borough Council planning permission 12/0570/FULL.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 02) Extraction of minerals shall cease by 31 December 2022 and restoration shall be completed by 31 December 2030.
REASON: The permission relates to temporary development and to ensure that the site is restored in a timely manner.

Cont....

Application No. 19/0276/NCC Continued

- 03) The maximum volume of stone exported from the site shall not exceed 400 tonnes a day. Records of the volume of stone exported from the site shall be kept by the quarry operator and shall be made available to the Local Planning Authority on request.
REASON: In the interests of highway safety and general amenity in accordance with Policy CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) The maximum volume of waste material for fill imported to the site shall not exceed 200 tonnes a day. Records of the volume of fill imported to the site shall be kept by the quarry operator and shall be made available to the Local Planning Authority upon request.
REASON: In the interests of highway safety and general amenity in accordance with Policy CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Nothing other than clean, dry, non putrescible waste material shall be deposited at the site.
REASON: To ensure the effective restoration of the site to the proposed aftercare in accordance with Policy CW2, CW4 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Except in emergencies to maintain safe quarry working the winning and working and processing of stone and the tipping of inert waste shall not be carried out at the site except between the following times:-
07.00 to 19.00 hours Monday to Friday and
07.00 to 13.00 hours Saturdays.
b) No operations other than environmental monitoring and water pumping shall take place at the site on Sundays or Bank or Public Holidays.
c) No blasting shall take place except between the hours of 10.00 and 16.00 hours Monday to Friday.
The site may be open for the tipping of inert waste by utility providers and their contractors outside the stated hours for a maximum of 40 occurrences per calendar month, including those occurrences permitted by Caerphilly County Borough Council planning permission 19/0275/NCC. Records of vehicles entering the site outside the stated hours shall be kept and shall be made available for inspection by the local planning authority upon request. The register shall contain details of the date and hours of operation that have occurred outside of the stated hours.
REASON: To protect the amenity interests of local residents in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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Application No. 19/0276/NCC Continued

- 07) No vehicle shall enter the public highway unless its wheels and chassis have been cleaned to prevent material being deposited on the highway.
REASON: In the interests of highway safety and to prevent mud being deposited on the highway in accordance with Policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) A maximum of three vehicles laden with minerals extracted under this permission shall leave the site and enter onto the B4254 during each of the following time periods during school term time:-
08.10 - 09.10 hours, 11.55 - 12.55 hours, and 15.15 - 16.00 hours.
REASON: In the interests of highway safety and general amenity in accordance with Policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Blasting shall be designed so that the ground vibration measured as peak particle velocity (PPV) in any one of three orthogonal planes shall not exceed 4mm per second in 95% of all blasts carried out over any six month period and no individual blast shall exceed a PPV of 8mm per second as measured at any sensitive receptor.
REASON: To safeguard amenity interests in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) No blasting shall take place except in accordance with a scheme specifying monitoring locations, the monitoring equipment to be used and the presentation of results which shall be submitted to and approved by the Local Planning Authority before the development commences. The results of such monitoring shall be held at the quarry and be made available for inspection by the Local Planning Authority at reasonable times with copies being supplied to the Local Planning Authority upon request.
REASON: To enable the effects of the development to be effectively monitored for the duration of the development in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) No quarrying operations shall take place until a scheme and programme for the suppression of dust has been submitted to and approved by the Local Planning Authority. The scheme shall include:-
a) the suppression of dust caused by the moving and storage of soil, overburden, stone and other materials within the site,
b) dust suppression on haul roads,
c) dust arising from blasting.
The scheme shall be implemented and complied with at all times once approved.
REASON: In the interests of amenity in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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Application No. 19/0276/NCC Continued

- 12) Between the hours of 07.00 and 19.00 the noise levels arising from the development shall not exceed the proposed environmental noise limits (background noise level plus 10dB(A)) stated for any of the noise sensitive properties identified in the Environmental Noise Impact Assessment report 2612/T2 dated 5 July 2012.
REASON: To protect the amenity interests of local residents in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) The development hereby permitted shall not be commenced until such time as a scheme for monitoring of groundwater over a 12 month period has been submitted to and approved by the Local Planning Authority. The scheme shall be supported by detailed calculations and it shall include a maintenance programme and establish current and future ownership of the facilities to be provided. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme or as may be agreed in writing with the Local Planning Authority.
REASON: To obtain a full 12 months of groundwater level monitoring results which should be used to gain an understanding of the seasonal variation of the groundwater levels and the likely volume of dewatered water from the quarry for the design of the surface water treatment and settlement lagoons in accordance with Policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) The development hereby permitted shall not be commenced until such time as a scheme to agree details of the surface water treatment and settlement lagoon has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved.
REASON: To ensure that the new surface water treatment and settlement lagoons are able to cope with the additional volumes of water from the dewatering of the quarry extension area in accordance with Policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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Application No. 19/0276/NCC Continued

- 15) The development hereby approved shall not be commenced until such time as a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
REASON: The Severn River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition the impact could cause deterioration of a quality element to a lower status class and or prevent the recovery of and or cause the deterioration of a protected area namely the Nelson Bog which is considered a SSSI in accordance with Policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Site clearance operations that involve the destruction and removal of vegetation, including felling clearing or removal of trees and shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority prior to their removal/felling/clearing to ensure that breeding birds are not adversely affected.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of bat roosts and nesting provision for birds shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the removal of trees and shrubs from the site.
REASON: To provide additional roosting for bats and nesting provision for birds as a biodiversity enhancement, in accordance with paragraph 5.2.8 of Planning Policy Wales (2010), paragraph 1.4.3 of TAN 5 (2009) and Section 40 of the Natural Environment and Rural Communities Act 2006 in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 18) The site shall be restored in accordance with the details set out in the application subject of this approval within 12 months of the completion of tipping operations to final contours or their earlier permanent cessation.
REASON: To ensure the satisfactory restoration of the site in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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Application No. 19/0276/NCC Continued

- 19) Within three months of the completion of operations or their earlier permanent cessation, an aftercare scheme detailing such steps as may be required to bring the land to a condition suitable for the proposed agricultural after use shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of
- a. tree planting,
 - b. cultivation, seeding and management of grassland in accordance with the rules of good husbandry,
 - c. fertiliser and lime application based on soil analysis,
 - d. grazing management,
 - e. field water supplies,
 - f. ditch, water course and piped ditch systems to control surface run-off and prevent erosion,
 - g. provision for an annual formal review to consider the operations that have taken place during the preceding 12 months and the programme of management for the next 12 months. The parties to this review shall include the mineral operator, the site owner, the Local Planning Authority and the Welsh Government Agriculture Department,
 - h. at least four weeks before the date of each review the operator shall provide the Local Planning Authority with a record of the management and operations covered by the review.
- REASON: To ensure satisfactory aftercare takes place in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) Aftercare shall be carried out in accordance with the scheme approved under Condition 19) above for a minimum period of five years.
REASON: To provide for satisfactory aftercare in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) Prior to the commencement of the development a landscaping scheme, including planting details, 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 commencement 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 in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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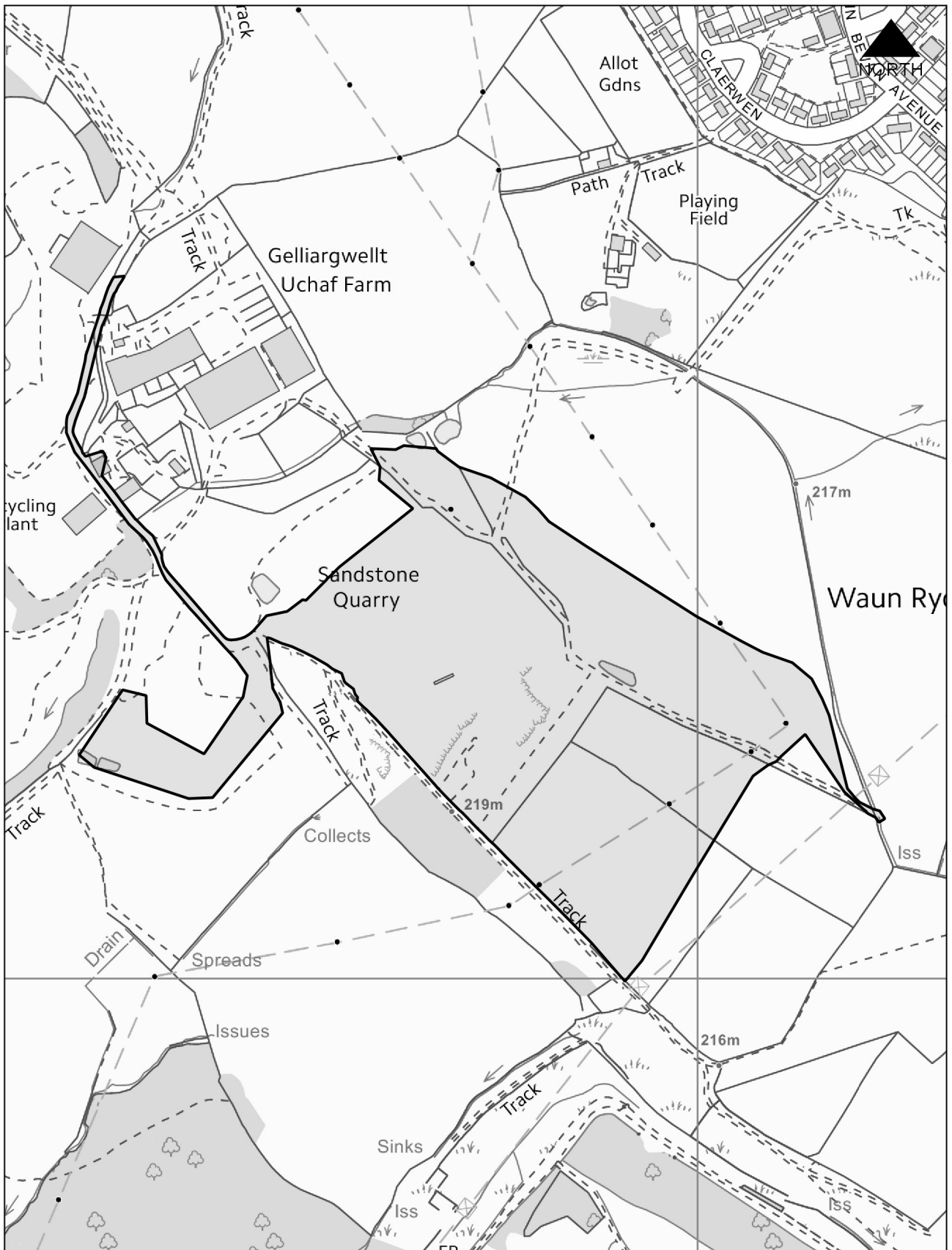
Application No. 19/0276/NCC Continued

- 22) Within three months of the commencement of the development hereby approved, a Landscape Management Plan shall be submitted for the approval of the Local Planning Authority. The Landscape Management Plan shall set out details of:
- a) long term design objectives,
 - b) management responsibilities, and
 - c) maintenance schedules.

The approved Landscape Management Plan shall be implemented throughout the development.

REASON: To ensure the satisfactory maintenance of the phased and final restored landscape in accordance with Policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

DEFERRED FOR REASONS FOR REFUSAL



Agenda Item 9

APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
19/0460/COND 22.05.2019	Miss A Neeson 35 Church Street Bedwas Caerphilly CF83 8EA	Discharge condition 03 (drainage) of planning consent 18/0428/FULL (Erect three bedroom residential dwelling) Viaduct House Tabor Road Maesycwmmmer Hengoed	Decided - Discharge of Conditions 05.08.2019
19/0444/FULL 22.05.2019	Mr J Evans 31 Aelybryn Street Fochriw Bargoed CF81 9JW	Erect garage in rear garden 31 Aelybryn Street Fochriw Bargoed CF81 9JW	Granted 06.08.2019
19/0513/CLEU 08.06.2019	Mrs S Rapley 108 Douglas Road Tonbridge TN9 2UE	Obtain a Lawful Development Certificate for the use of the property as 3 flats 29C High Street Argoed	Granted 06.08.2019
19/0561/NMA 24.06.2019	Mr Wood C/o LRM Planning Ltd Mr S Harries 22 Cathedral Road Cardiff CF11 9LJ	Seek approval of a non- material amendment to planning consent 13/0875/COU (Convert barn into dwelling) to amend wording of Condition 03 Former Barn Gwern-y-domen Gwern-Y-Domen Farm Lane Rudry	Granted 06.08.2019
19/0486/COND 04.06.2019	Crematoria Management Ltd Chapel View Westerleigh Road Westerleigh Bristol	Discharge Conditions 06 (Landscaping), 12 (Lighting) and 16 (Site Access) of planning consent 18/1062/FULL (Construct a crematorium building with associated car parking, access roads and memorial parkland) Land South Of Glanbrynar Farm Tir-Philkins Woodfieldside Pontllanfraith	Decided - Discharge of Conditions 07.08.2019
19/0519/FULL 12.06.2019	Mr J Davies 6 Islwyn Terrace Llanarth Road Springfield Pontllanfraith Blackwood NP12 2LJ	Erect a single storey rear extension and first floor rear extension 6 Islwyn Terrace Llanarth Road Springfield Pontllanfraith	Granted 07.08.2019

19/0541/CLEU 19.06.2019	Mr & Mrs C Giles 52 Sorrel Drive Penpedairheol Hengoed CF82 8LA	Obtain a Lawful Development Certificate for existing garage conversion 52 Sorrel Drive Penpedairheol Hengoed CF82 8LA	Granted 07.08.2019
19/0332/FULL 18.04.2019	Mr J Bailey Ysgubor Derwen Heol Tynewydd Bedwellty Blackwood NP12 0AH	Erect single storey kitchen extension to the side of the property Ysgubor Derwen Heol Tynewydd Bedwellty Blackwood	Granted 08.08.2019
19/0518/COND 12.06.2019	Rainbow Development Mr S Cronk Unit 25 Prince Of Wales Industrial Estate Abercarn NP11 5AR	Discharge conditions 10 (Bats) and 11 (Breeding Bird Provision) of planning consent 18/1009/RM (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 03 of 09/0688/OUT (Erect residential development) to extend the time period for the approval of reserved matters) Land At Grid Ref 320738 198125 Albertina Road Treowen	Decided - Discharge of Conditions 08.08.2019
19/0525/COU 13.06.2019	Mr H Patchell & Mr G Davies C/o Brinsons Eastgate Market Street Caerphilly CF83 1NX	Change the use of the ground floor and lower ground floor from A1 to A3 Shop Unit 181 181 - 183 High Street Blackwood NP12 1AA	Granted 08.08.2019
19/0213/CLPU 14.03.2019	Mrs C Andrews Unit 6 Capital Park Valley Eco Park Rhymney NP22 5PT	Obtain a Lawful Development Certificate for proposed use as B2 - General Industrial Unit 6 Capital Valley Eco Park Rhymney	Granted 09.08.2019
19/0528/FULL 14.06.2019	Mr J Hollister 3 Plantation Terrace Fochriw Bargoed CF81 9JR	Erect two storey rear extension and front porch 3 Plantation Terrace Fochriw Bargoed CF81 9JR	Granted 09.08.2019

19/0380/CLPU 03.05.2019	Mr C Harding Glenwood Princes Avenue Caerphilly CF83 1HR	Obtain a Lawful Development Certificate for proposed erection of a rear single storey extension Glenwood Princes Avenue Caerphilly CF83 1HR	Granted 12.08.2019
19/0493/NCC 04.06.2019	Mrs K James 24 Heol Rhos Caerphilly CF83 2BE	Partially convert existing garage to accommodate w.c. and utility room 24 Heol Rhos Caerphilly CF83 2BE	Granted 12.08.2019
19/0501/CLPU 04.06.2019	Mr K Coleman 23 Bryn-y-fran Avenue Trethomas Caerphilly CF83 8BN	Obtain a Lawful Development Certificate for proposed single storey rear extension 23 Bryn-y-fran Avenue Trethomas Caerphilly CF83 8BN	Granted 12.08.2019
19/0538/OUT 17.06.2019	Mr J E Jones Maerdy House Wellington Way Rhymney NP22 5PZ	Erect mixed use leisure site, comprising outdoor sales mart area, hot, cold food and drink kiosk, picnic area and off road parking for ten visiting vehicles Land At Grid Ref 316601 201839 (Former Railway) Newport Road Markham	Refused 12.08.2019
19/0539/COND 17.06.2019	Pantside Association Of Residents & Tennants C/o Mrs S Edmunds 7 Canning Street Cwm Ebbw Vale Blaenau Gwent	Discharge conditions 04 (materials), 06 (contamination) and 09 (boundary treatment) of planning application 18/0461/FULL (Construct recreational facilities) Pantside Playing Fields Tir-Y-Pwll Terrace Access Road Pantside	Decided - Discharge of Conditions 12.08.2019
19/0371/ADV 30.04.2019	Ms C Willicombe Maes Yr Hendre Forge Road Machen Caerphilly CF83 8PH	Install new fascia sign Evans And Greaves Solicitors 4 - 5 Piccadilly Square Caerphilly CF83 1PB	Granted 13.08.2019
19/0532/CLPU 17.06.2019	Mr R Williams 65 Pontygwindy Road Caerphilly CF83 3HD	Obtain a Lawful Development Certificate for single storey side extension to increase the size of the entrance hall by in filling the recess in the line of the existing bungalow 65 Pontygwindy Road Caerphilly CF83 3HD	Granted 13.08.2019

19/0540/COND 18.06.2019	Mr G Owen Mayfield Westville Abertysswg Rhymney NP22 5BD	Discharge conditions 3 (Drainage), 5 (Materials), 6 (Contamination - Scheme To Treat), 12 (Bat Roosting Provision), 13 (Bird Breeding Provision) and 14 (Ground Stability Foundation Design) of planning consent 18/0411/FULL (Construct detached house and associated parking) Land At Grid Ref 311225 207319 Rhymney Walk Rhymney	Decided - Discharge of Conditions 13.08.2019
19/0615/NMA 12.07.2019	POBL Group Exchange House The Old Post Office High Street Newport NP20 1AA	Seek approval of a non-material amendment to planning consent 18/0037/RM (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) to amend Conditions 1 and 12 Land At Grid Ref 320115 198442 Ty-Mawr Farm Lane Croespenmaen	Granted 13.08.2019
19/0534/FULL 17.06.2019	Ms E Skidmore 23 Ffos Y Cerridden Nelson Treharris CF46 6HQ	Erect first floor extension above existing garage and dining room 23 Ffos Y Cerridden Nelson Treharris CF46 6HQ	Granted 14.08.2019
19/0547/FULL 19.06.2019	Mr Attewell 20 Gwyddon Road Abercarn Newport NP11 5GY	Erect an entrance porch to the front elevation 20 Gwyddon Road Abercarn Newport NP11 5GY	Granted 14.08.2019

19/0548/COND 19.06.2019	Mr & Mrs R Belbin The Cottage Baden Hill Titherington Wotten Under Edge	Discharge conditions 03 (Stone Wall Details), 04 (Landscaping), 07 (lighting) and 09 (Driveway Materials) of planning consent 19/0068/FULL (Erect detached dwelling with associated external works) Tir Yng Nghyfeirnod Grid 322211 187400 The Row To Pont Y Draethen Draethen	Decided - Discharge of Conditions 14.08.2019
19/0610/COND 11.07.2019	Mr G Greenslade 71 North Road Pontywaun Crosskeys Newport NP11 7FW	Discharge Condition 13 (Drainage) of Planning Consent 11/0728/FULL (Erect detached dwelling and associated access and groundworks) 1 Chapel Gardens Abercarn Newport NP11 5GN	Decided - Discharge of Conditions 14.08.2019
18/1080/OUT 20.12.2018	Wyman Homes C/O Amity Planning Mr J Wilks 3 Southville Road Newport NP20 4LT	Erect up to 8 no. dwellings with associated works Land At Grid Ref 317561 196510 Libanus Road Blackwood	Granted 15.08.2019
19/0383/FULL 03.05.2019	TWT Logistics Mr J Taylor Riverbank House 6 Alder Avenue Dyffryn Business Park Ystrad Mynach Hengoed CF82 7TW	Erect a HGV wash facility and associated plant TWT Logistics Riverbank House 6 Alder Avenue Dyffryn Business Park	Granted 15.08.2019
19/0433/FULL 18.05.2019	Mr & Mrs M Betterson 2 Duffryn Close Penpedairheol Hengoed CF82 8DN	Alter and extend existing dwelling to provide additional living accommodation 2 Duffryn Close Penpedairheol Hengoed CF82 8DN	Granted 15.08.2019
19/0521/FULL 13.06.2019	Mr C Richards 50 Brynau Road Caerphilly CF83 1PG	Erect single storey side extension 50 Brynau Road Caerphilly CF83 1PG	Granted 15.08.2019
19/0542/FULL 20.06.2019	Mr & Mrs T Price 88 Heol Tasker Nelson Treharris CF46 6JB	Erect single storey side extension 88 Heol Tasker Nelson Treharris CF46 6JB	Granted 15.08.2019

19/0543/FULL 20.06.2019	Mr & Mrs Godwin 22 Herbert Avenue Pontymister Risca Newport NP11 6JS	Erect two storey rear extension 22 Herbert Avenue Pontymister Risca Newport	Granted 15.08.2019
19/0546/COND 20.06.2019	Mr D Bartlett Shangri La Bryn Road Pontllanfraith Blackwood NP12 2EY	Discharge conditions 7 (Rain Goods), condition 8 (Wash Basin and Pedestal) of planning consent 16/0370/LBC Shangri La Bryn Road Pontllanfraith Blackwood	Decided - Discharge of Conditions 15.08.2019
19/0604/NMA 08.07.2019	Mrs L Allen Cerrig Llwyd Penywaun Farm Holding Rhydri Primary School To Maenllwyd Rudry Caerphilly CF83 3DF	Seek non-material amendments to planning consent 09/0737/FULL (Erect extension and internal alterations) to reduce the ground floor footprint, so the new building line follows the existing building lines Cerrig Llwyd Penywaun Farm Holding Rhydri Primary School To Maenllwyd Rudry	Refused 15.08.2019
19/0480/FULL 03.06.2019	Mr K Whitcombe 60 Fflorens Road Treowen Newport NP11 3DW	Erect two storey rear extension 60 Fflorens Road Treowen Newport NP11 3DW	Granted 16.08.2019
19/0517/NCC 12.06.2019	Dr W Hurst Waterton Industrial Estate Off Cowbridge Road Bridgend CF31 3PH	Vary condition 3 (Opening Hours) of planning consent 06/0293/FULL (Erect single storey foodstore with associated car parking and landscaping) Lidl 5 Beddau Way Caerphilly CF83 2AX	Granted 16.08.2019
19/0530/RET 17.06.2019	Mr D Williams Melita 8 King Charles Road Pentwyn-mawr Newport NP11 4HF	Retain decking Melita 8 King Charles Road Pentwyn-mawr Newport	Granted 16.08.2019

19/0633/NMA 19.07.2019	Mr & Mrs A & C Webber 4 Priors Gate Oakdale Blackwood NP12 0EL	Seek approval of a non-material amendment to Planning Consent 18/1014/FULL (Replace existing dwelling and outbuildings with a new dwelling and detached garage and associated external works) to alter position of double garage and sewage treatment plant and alter hardstanding Land At Former Comrie Bank Bungalow Load Of Hay Road Crumlin	Granted 16.08.2019
19/0455/COND 23.05.2019	Mr Wood C/o LRM Planning Ltd 22 Cathedral Road Cardiff CF11 9LJ	Discharge condition 02 (written scheme of investigation for building recording) of planning consent 13/0875/COU (Convert barn into dwelling) Gwern-y-domen Gwern-Y-Domen Farm Lane Rudry Caerphilly	Granted 19.08.2019
19/0524/FULL 14.06.2019	Miss Morris 3 Elmgrove Trethomas Caerphilly CF83 8GT	Erect rear double storey extension 3 Elmgrove Trethomas Caerphilly CF83 8GT	Granted 19.08.2019
19/0550/COND 21.06.2019	Pobl Group Exchange House The Old Post Office High Street Newport	Discharge conditions 05 (Site investigation) and 07 (Bat survey) of planning consent 15/0563/OUT (Erect up to 50 dwellings and access with all other matters reserved) Land At Grid Ref 320115 198442 Ty-Mawr Farm Lane Croespenmaen	Decided - Discharge of Conditions 19.08.2019
19/0555/FULL 23.06.2019	Mr & Mrs D Roche 2 The Bungalows Cwmtorlais Road Newbridge Newport NP11 4LY	Erect single storey extension to side of dwelling 2 The Bungalows Cwmtorlais Road Newbridge Newport	Granted 19.08.2019
19/0553/FULL 24.06.2019	Mr M Garrett 17 Shirdale Close Maesycwmmmer Hengoed CF82 7QL	Erect single storey extension to side of dwelling and porch to front 17 Shirdale Close Maesycwmmmer Hengoed CF82 7QL	Granted 19.08.2019

18/0790/COND 11.09.2018	Mrs R Green Belle Vue Manor Efail Shingrig Trelewis Merthyr Tydfil CF46 6DP	Discharge conditions 08 (land drainage), 09 (lighting) and 10 (bats) of planning consent 18/0305/FULL (Erect 2 no. detached bungalows, private drive with off road parking) Land At Grid Ref 318118 196697 Church View Woodfieldside Pontllanfraith	Decided - Discharge of Conditions 20.08.2019
19/0087/COND 30.01.2019	Mr Rees C/O 206 High Street Blackwood Caerphilly NP12 1AJ	Discharge conditions 05 (Vision Splays), 06 (Parking and Turning Area), 08 (Access Ramp Gradient) and 16 (CTMP) of planning consent 18/0374/FULL (Erect elderly persons living accommodation and associated works) Pontllanfraith Youth Centre And Cyber Cafe Sir Ivor Road Pontllanfraith Blackwood	Decided - Discharge of Conditions 20.08.2019
19/0347/FULL 23.04.2019	Mr R Whittleston 18 Gwyn Drive Caerphilly CF83 3FR	Extend garage length, change into a sitting room, alter vehicle access and create an additional car parking space 18 Gwyn Drive Caerphilly CF83 3FR	Granted 20.08.2019
19/0389/TPO 07.05.2019	Ms C Tallon Van Mansion Gwern-y-domen Farm Lane Caerphilly CF83 3RN	Cut trees due to extensive decay and presenting a health and safety risk (Tree Preservation Order 20/77/RVDC) Van Mansion Gwern-y-domen Farm Lane Caerphilly CF83 3RN	Refused 20.08.2019
19/0508/FULL 07.06.2019	Greggs Plc Mrs S Humphries B3 Mucklestone Business Park Eccleshall Road Market Drayton Shropshire TF9 4FB	Erect two new air conditioning condenser units in a security cage and two extract grilles Unit 2 Brynhoward Terrace Oakdale Blackwood	Granted 20.08.2019

19/0509/ADV 07.06.2019	Greggs Plc Mrs S Humphries B3 Mucklestone Business Park Eccleshall Road Market Drayton Shropshire TF9 4FB	Erect three fascia signs, two internal posters and one projecting sign Unit 2 Brynhoward Terrace Oakdale Blackwood	Granted 20.08.2019
19/0556/FULL 24.06.2019	Mrs P Talbot Ashmere Bungalow Heol Y Twyn Ystrad Mynach Hengoed CF82 7EW	Demolish existing single storey extension and replace with larger extension Ashmere Bungalow Heol Y Twyn Ystrad Mynach Hengoed	Granted 20.08.2019
19/0564/FULL 25.06.2019	Mr T Hampson 13 Lawrence Street Caerphilly CF83 3AJ	Erect single storey rear extension 13 Lawrence Street Caerphilly CF83 3AJ	Granted 20.08.2019
19/0574/COND 01.07.2019	Ms J Kiddie Delamere Garth Place To Rhydri Primary School Rudry Caerphilly CF83 3DF	Discharge condition 19 (Coal Mining) of planning application 18/0714/OUT (Erect 3 bedroom detached dwelling) Land Within Curtilage Of Delamere Garth Place To Rhydri Primary School Rudry Caerphilly	Decided - Discharge of Conditions 20.08.2019
19/0514/FULL 08.06.2019	Mrs S Olliffe 1 Oak Street Blackwood NP12 1PY	Erect rear extension and remove lean-to 1 Oak Street Blackwood NP12 1PY	Granted 21.08.2019
19/0570/TPO 26.06.2019	Mr B Jones 1 Beech Tree Mews Pontygwindy Road Caerphilly CF83 3HH	Reduce the crowns of the three beech trees by 3 metres (Tree Preservation Order 2/96/CCBC) 1 Beech Tree Mews Pontygwindy Road Caerphilly CF83 3HH	Refused 21.08.2019
19/0479/FULL 03.06.2019	Mr D Berry 10 Haines Close Caerphilly CF83 1SY	Erect first floor extension above existing side extension to create new bedroom 10 Haines Close Caerphilly CF83 1SY	Granted 22.08.2019

19/0533/NCC 14.06.2019	Risca Property Developments Ltd Mr P Cummings 10 Cader Idris Close Risca NP11 6RP	Vary condition 13 (Approved Plans) of planning consent 18/0807/NCC (Vary condition 15 (Approved Plans) of planning consent 17/0113/FULL (Erect 5 No. detached 4-bedroom houses) to remove cladding to rear and side elevations and replace with coloured render, add 3 No. new windows and remove flat roof over garage and replace with balcony) Plot 5 (Phase 2) The Glade Wyllie	Granted 22.08.2019
19/0535/FULL 17.06.2019	Mr M Parker 13 Lon Isaf Caerphilly CF83 1BT	Erect single storey garage extension to form covered way 13 Lon Isaf Caerphilly CF83 1BT	Granted 22.08.2019
19/0560/COND 24.06.2019	Mr R Thomas 91 Brynhyfryd Pontlottyn Bargoed CF81 9QN	Discharge conditions 11 (Drainage) and 12 (Coal) of planning consent 18/0643/FULL (Erect detached dwelling) Land At Grid Ref 313509 205524 McLaren Cottages Abertysswg	Decided - Discharge of Conditions 22.08.2019
19/0263/NMA 28.03.2019	Mr R Bruce C/O C2J Architects & Town Planners Mr R Chichester Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Seek approval of a non- material amendment to planning consent 18/0122/FULL (Convert and extend existing chapel to 7 No. self-contained apartments with on site parking, cycle and refuse storage facilities) to amend car parking layout Seion Baptist Church Glenview Terrace Llanbradach	Granted 23.08.2019

19/0409/COU 13.05.2019	Transcend Packaging Ltd Dr L Angelucci Ty Dyffryn 5A 5 Alder Avenue Dyffryn Business Park Ystrad Mynach Hengoed CF82 7TW	Change use from B1 and B2 to B1, B2 and sui generis taxi control office Transcend Packaging Ltd Ty Dyffryn 5A 5 Alder Avenue	Granted 23.08.2019
19/0462/COND 24.05.2019	Emtrek Ltd C/O Asbri Planning Ltd Miss L Hallett Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS	Discharge conditions 03 (dust suppression), 04 (noise suppression), 06 (parking), 08 (construction), 10 (reptile mitigation strategy), 11 (birds), 12 (drainage) and 13 (materials) of planning Application 18/0910/FULL (Erect new three bed detached property) Land Rear Of Castle Manor Nantgarw Road Caerphilly	Decided - Discharge of Conditions 23.08.2019
19/0489/COND 04.06.2019	Mr Wood C/o LRM Planning Ltd Mr S Harries 22 Cathedral Road Cardiff CF11 9LJ	Discharge condition 06 (lighting) of planning consent 13/0875/COU (Convert barn into dwelling) Former Barn Gwern-y-domen Gwern-Y-Domen Farm Lane Rudry	Decided - Discharge of Conditions 23.08.2019
19/0531/RET 17.06.2019	Mrs L Wilks 8 Greenfield Terrace Pontgam Lane Ynysddu Newport NP11 7LH	Retain and complete balcony and steps onto lower decking area 8 Greenfield Terrace Pontgam Lane Ynysddu Newport	Granted 23.08.2019
19/0554/FULL 24.06.2019	Mr J Morris 2 Bryn-Derwen Commercial Street Ynysddu Newport NP11 7JP	Erect detached domestic garage with home gymnasium, associated access and groundworks 2 Bryn-Derwen Commercial Street Ynysddu Newport	Granted 23.08.2019

19/0562/COND 24.06.2019	Mr Wood C/O LRM Planning Ltd Mr S Harries 22 Cathedral Road Cardiff CF11 9LJ	Discharge condition 05 (Timescale for Bat Monitoring Surveys) of planning consent 13/0875/COU (Convert barn into dwelling) Gwern-y-domen Gwern-Y- Domen Farm Lane Rudry Caerphilly	Decided - Discharge of Conditions 23.08.2019
19/0580/FULL 01.07.2019	Mrs S Portlock 14 Wern Crescent Nelson Treharris CF46 6NE	Install new front bay window with canopy roof over 14 Wern Crescent Nelson Treharris CF46 6NE	Granted 23.08.2019
19/0072/COND 25.01.2019	Mr Rees C/O 206 High Street Blackwood NP12 1AJ	Discharge conditions 11 (Contamination - scheme to treat), 12 (Contamination - validation) and 14 (Site Investigation) of planning consent 18/0374/FULL (Erect elderly persons living accommodation and associated works) Pontllanfraith Youth Centre And Cyber Cafe Sir Ivor Road Pontllanfraith Blackwood	Decided - Discharge of Conditions 27.08.2019
19/0505/CLPU 05.06.2019	Mr D Harris 43 Hillside Cottages Newport Road Hollybush Blackwood NP12 0SS	Obtain a Lawful Development Certificate for proposed installation of 5kw wind turbine and 4kw ground mounted solar array Land Within The Curtilage 43 Hillside Cottages Newport Road Hollybush Blackwood	Refused 27.08.2019
19/0586/FULL 02.07.2019	Mrs R Gulliford 26 Elim Way Pontllanfraith Blackwood NP12 2AA	Erect a two storey rear extension 20 Redbrook Avenue Trethomas Caerphilly CF83 8DB	Granted 27.08.2019

19/0595/COND 05.07.2019	Mr D Reynolds Prospect House Goshen Street Rhydney NP22 5NE	Discharge conditions 4 (Materials - samples/details), 5 (Roof lights) and 6 (roof and ridge tiles) of planning consent 19/0090/FULL(Demolish ancillary outbuildings and replace with single storey extension and first floor bathroom addition) Prospect House Goshen Street Rhydney Tredegar	Decided - Discharge of Conditions 27.08.2019
19/0264/NMA 28.03.2019	Mr R Bruce C/O C2J Architects & Town Planners Mr R Chichester Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Seek approval of a non-material amendment to planning consent 18/0122/FULL (Convert and extend existing chapel to 7 No. self-contained apartments with on site parking, cycle and refuse storage facilities) to add two wrap around dormers Seion Baptist Church Glenview Terrace Llanbradach	Granted 28.08.2019
19/0352/FULL 25.04.2019	Mr P Elmore 42 Heol Barri Caerphilly CF83 2LY	Raise roof of existing garage and form new carport plus all associated works and retention of newly constructed outbuilding 42 Heol Barri Energlyn Caerphilly CF83 2LY	Granted 28.08.2019
19/0471/FULL 29.05.2019	Mr & Mrs Robins Gleneagles Eglwysilan Abertridwr Caerphilly CF83 4JG	Erect single storey side and rear extension and first floor extension over garage Gleneagles Eglwysilan Abertridwr Caerphilly	Granted 28.08.2019
19/0516/FULL 10.06.2019	Mr D Hone Bungalow 19 Plas Road Fleur-de-lis Blackwood NP12 3RJ	Erect single storey extension to side and attached garage Bungalow 19 Plas Road Fleur-de-lis Blackwood	Granted 28.08.2019
19/0623/CLPU 15.07.2019	Mr S Watkins 23 Llwyncelyn Terrace Nelson Treharris CF46 6HF	Obtain a Lawful Development Certificate for proposed erection of single storey rear extension 23 Llwyncelyn Terrace Nelson Treharris CF46 6HF	Granted 28.08.2019

19/0630/FULL 17.07.2019	Mr Hillbourne 12 Lon Rhymni Gellihaf Pontllanfraith Blackwood NP12 2QZ	Erect Edwardian conservatory to rear of dwelling 12 Lon Rhymni Gellihaf Pontllanfraith Blackwood	Granted 28.08.2019
19/0640/CLPU 24.07.2019	Mr & Mrs C Mead 41 Dol-Y-Pandy Bedwas Caerphilly CF83 8HL	Obtain a Lawful Development Certificate for proposed single storey rear kitchen extension 41 Dol-Y-Pandy Bedwas Caerphilly CF83 8HL	Granted 28.08.2019
19/0693/CLPU 13.08.2019	Mr & Mrs N Alexander 25 Powell Street Tir-y-berth Hengoed CF82 8AS	Obtain Lawful Development Certificate for a proposed single-storey extension to rear of dwelling 25 Powell Street Tir-y-berth Hengoed CF82 8AS	Granted 28.08.2019
19/0377/FULL 01.05.2019	Miss C Deacon 5 Buxton Court Caerphilly CF83 1RG	Erect a free standing dog grooming parlour in the rear garden 5 Buxton Court Caerphilly CF83 1RG	Granted 29.08.2019
19/0655/CLPU 29.07.2019	C Riste 13 Heol-Y-Nant Caerphilly CF83 1AX	Obtain a Lawful Development Certificate for proposed single storey side and rear extension and demolish existing detached outbuilding 13 Heol-Y-Nant Caerphilly CF83 1AX	Granted 29.08.2019
19/0684/CLPU 08.08.2019	Miss D Bowen 39 Commercial Street Aberbargoed Bargoed CF81 9BT	Obtain Lawful Development Certificate for proposed extension 39 Commercial Street Aberbargoed Bargoed CF81 9BT	Granted 29.08.2019

Agenda Item 10

LIST OF PLANNING APPLICATIONS WHICH ARE NOT DEALT WITH IN TIME

APPLICATION NUMBER & DATE VALID	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
13/0799/CLEU 08.11.13	Obtain a Lawful Development Certificate for the existing use of storing and servicing company vehicles, plant and mining machinery and as a heavy goods vehicle operating licensing centre at Caeglas Colliery, Fochriw Road, Fochriw, Bargoed.	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 - Ynysddu Yard - Vine Tree Ynysddu Hotel Approach, Ynysddu.	Awaiting additional information.
18/0764/COU 31.08.18	Convert basement to a two bedroom flat at 73 Commercial Street, Senghenydd, Caerphilly.	Awaiting additional information.
18/0846/RET 03.10.18	Import uncontaminated waste soil for restoration of land for agricultural use (retrospective) at Land At Grid Ref 320167 200416, Gelli Farm Lane, Trinant.	Awaiting additional information.
18/0859/FULL 08.10.18	Construct two industrial units as light industrial use at Penmaen Industrial Estate, Pontllanfraith.	Subject to further discussion and consideration.
18/0922/FULL 23.10.18	Reroof Church and School room, with insertion of new door and roof lights to church, installation of external wall insulation, new external platform hoist, demolition and replacement of steps and provision of entrance canopies at Ebenezer Chapel, Wyndham Street, Machen, Caerphilly.	Awaiting additional information.

18/1030/FULL 03.12.18	Erect extension to increase the existing approved scheme comprising B1, B2 and B8 uses, to suit the operational needs and future growth potential of business support, manufacturing, assembly and distribution facilities at Centreprise, 9 Alder Avenue, Dyffryn Business Park, Ystrad Mynach.	Subject to further discussion and consideration.
18/1037/FULL 04.12.18	Erect 4 No. detached dwellings at Land At Grid Ref 319579 196123, Friar's Mead, Pentwyn-mawr, Newport.	Subject to discussion about affordable housing.
18/1060/OUT 17.12.18	Re-model existing bungalow to form annexe to a new 3 bedroom dwelling and seek approval of proposed car access and parking off Old Parish Road, layout and scale at Brynhyfryd , 6 Old Parish Road, Hengoed.	Awaiting additional information.
18/1084/FULL 20.12.18	Erect six bungalows with off-street parking - Land At Grid Ref 320775 196886, Tynewydd Terrace, Newbridge.	Subject to further discussion and consideration.
19/0010/FULL 04.01.19	Construct 18 self-contained apartments (12 x 1 Bed/6 x 2 Bed) with on-site parking, amenity, cycle and refuse stores at Former Pontymister Service Station, Newport Road, Pontymister, Risca.	Subject to further discussion and consideration.
19/0052/FULL 22.01.18	Erect 14 industrial units at Land At Grid Ref 316419 188486, Bedwas Road, Bedwas, Caerphilly.	Subject to further discussion and consideration.
19/0060/FULL 24.01.19	Erect five houses with 14 self-contained assisted living residence flats - Land At Grid Ref 311814 205796, Waterloo Terrace, Pontlottyn.	Subject to further discussion and consideration.
19/0108/OUT 11.02.19	Construct a detached 3/4 bedroom dwelling at Land At Grid Ref 315089 202632, Jubilee Road, Elliot's Town.	Subject to further discussion and consideration.
19/0165/COU 27.02.19	Convert one six bedroom dwelling to two semi-detached dwellings at Huntersmoon Dynevor Terrace, Nelson, Treharris.	Awaiting additional information.
19/0176/FULL 05.03.19	Erect five new build dwellings with private drive access at Land At Grid Ref 320882 197300, Park Road, Newbridge.	Awaiting additional information.
19/0190/COU 08.03.19	Change the use from residential (1 bed apartment) to retail catering at 24 Penallta Road, Ystrad Mynach.	Subject to further discussion and consideration.

19/0195/OUT 10.03.19	Erect residential development at Land At Parkway, Pen-y-fan Industrial Estate, Pen-y-fan.	Subject to further discussion and consideration.
19/0204/FULL 11.03.19	Erect a single dwelling at Garth View Lower Glyn-Gwyn Street, Trethomas, Caerphilly.	Subject to further discussion and consideration.
19/0205/FULL 11.03.19	Erect a dormer bungalow at Land Rear Of 9 Caeglas, Penyrheol, Caerphilly.	Awaiting additional information.
19/0215/NCC 14.03.19	Vary condition 01 of planning consent 14/0128/NCC (Vary condition 01 of planning consent 08/0941/FULL (Erect residential development) to extend the time limit for the development to commence by five years) to extend the time limit for the development to commence by five years at Hengoed Hall Yard, Hengoed Hall Drive, Cefn Hengoed.	Subject to further discussion and consideration.
19/0247/FULL 22.03.19	Erect two detached dwellings and one pair of semi-detached dwellings at Melrose 1 Cwrt Llechryd, Llechryd, Tredegar.	Subject to further discussion and consideration.
19/0249/OUT 25.03.19	Construct a two bedroom bungalow at Former Railway Goods Yard Station Houses, Tirphil, New Tredegar.	Subject to further discussion and consideration.
19/0268/COU 29.03.19	Retain part existing retail unit and convert/change the use to its rear into 1 No. studio apartment and 1 No. two bed maisonette at 113 High Street, Blackwood.	Subject to further discussion and consideration.
19/0273/FULL 01.04.19	Erect a four bedroom detached dwelling at Land At Troed Rhiw Las Farm, Troed-Rhiw-Las Lane, Risca, Newport.	Subject to further discussion and consideration.
19/0284/COU 02.04.19	Change the use to a use falling within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 at William Hill, 42 Cardiff Road, Caerphilly.	Subject to further discussion and consideration.
19/0301/FULL 09.04.19	Erect contemporary dwelling within curtilage of Ty Tallis at Ty Tallis 13 Penrhiw Terrace, Oakdale, Blackwood.	Subject to further discussion and consideration.

19/0302/LBC 09.04.19	Partially demolish listed building currently used as kitchen and linked corridor, install gas boiler, reinstate former entrance to the north side of the building and relocate kitchen at Ty Tallis, 13 Penrhiw Terrace, Oakdale, Blackwood.	Subject to further discussion and consideration.
19/0320/FULL 11.04.19	Regularise alterations to dwelling previously approved under planning consents 17/0572/FULL and 17/0806/NMA at 17 Cheriton Avenue, Cefn Hengoed, Hengoed.	Considering impact on footpath.
19/0356/FULL 26.04.19	Construct a temporary access road and loading area to be used in conjunction with forestry works at Land At Grid Ref 320790 196412, Pen-Rhiw-Bica, Newbridge.	Subject to further discussion and consideration.
19/0432/FULL 17.05.19	Replace existing outbuilding to rear with new garage and storage at Fwrrwm Ishta House, 68 Commercial Road, Machen, Caerphilly.	Subject to further discussion and consideration.
19/0435/COU 17.05.19	Change the use of former goods store to a two bedroom dwelling at Railway Goods Yard, Station Houses, Tirphil.	Subject to further discussion and consideration.
19/0465/NCC 25.05.19	Vary condition 1 of planning consent 12/0277/FULL (Convert existing building to 9 flats and erect 7 new build family houses on adjacent land) at Unit A - Building 1, The Whitbread Enterprise Centre, Rhymney Walk, Rhymney.	Subject to further discussion and consideration.
19/0573/FULL 27.06.19	Erect a new low secure mental health hospital ward consisting of 15 no. bedrooms with en-suite, associated communal space and external amenity space (Class 2A) at Pendarren Court, Pendarren Road, Aberbeeg.	Subject to further discussion and consideration.

Agenda Item 11

APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT

APPLICATION NUMBER & DATE VALID	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
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. Chased several times. May proceed without 106. Waiting for Planning to advise.
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 approval of draft.
17/0088/OUT 03.02.17	Construct housing development of 17 properties at Land At Fair View Garage, Pengam Road, Pengam, Blackwood.	Issued engrossed documents for signature. Apparently documents are with bank for signing.
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. Asked Planning for advice. Chased. Chased again.
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	New matter. Requested Instructions from officers. Highways asked Planning for a refresher meeting. Meeting arranged for September.
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.	Draft is with Llanover's Solicitors as landowner. Chased. Solicitors raised queries. Asked Officers for instructions. Requested update.

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 at Gelliargwelt Farm Gelligaer Road Gelligaer CF82 8FY	New Matter
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	In discussions about the draft.
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.	Working though initial stages.
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.	Highways asked for a meeting. Waiting for others to respond. Planning said they will get back to us when they can.
18/0444/FULL 14.05.18	Construct two social rented units and one market house at The Rectory, High Street, Nelson, Treharris.	Solicitors requested amendments which we have agreed. They are putting together some alternative wording.
18/1059/NCC 17.12.18	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.	Draft sent. New solicitor taken over so had to re-send. Sols said they are waiting for instructions.

19/0002/FULL 02.01.19	Redevelop the former Somerfield Supermarket, including the partial demolition of the existing structure and construction of 47 No. 1 and 2 bed apartments over three storeys; and development of 19 permanent artisan market units, to be located on the existing market square to the south of The Market Place shopping centre at Unit A, 12 The Market Place, Blackwood, NP12 1ZP.	New matter. Working though initial stages.
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Agenda Item 12

OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP	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 - Ty Tallis, 3 Penrhiw Terrace, Oakdale.	08/11/2018
19/0007/REF 16/0017/NCC	Tarmac Trading Limited Mr M Lawer Portland House Bickenhill Lane Solihull Birmingham B37 7BQ	Vary condition 01 of planning consent 2/07947/T (Storage of overburden from adjacent Quarry) to extend the consent end date/expiry date to 31st December 2027 - Hafod Quarry, Hafod Fach Lane, Abercarn, Newport.	30/04/2019
19/0009/REF 17/0681/OUT	Persimmon Homes East Wales Mr J Price Llantrisant Business Park Llantrisant CF72 8YP	Erect residential development (up to 300 dwellings) together with associated open space, landscaping and parking provision and seek approval of access and scale at Land At Grid Ref 316731 198680 Beaumaris Way Cefn Fforest	30/05/2019
19/0010/REF 19/0120/FULL	Ms V Howells 77 High Street Nelson CF46 6HA	Erect a two storey rear extension at 77 High Street Nelson Treharris CF46 6HA	12/06/2019

APPEALS DECIDED

APPEAL REF/ PLANNING APP	PROPOSAL & LOCATION	APPEAL DECISION/ DATE	COMM/ DEL
19/0005/REF 19/0039/FULL	Erect 2 bedroom detached new build house with a single storey rear extension - Land Within The Curtilage Of 58 St David's Drive, Graig-y-rhacca, Caerphilly.	Allowed 02/08/2019	DEL
19/0008/REF 18/0568/OUT	Demolish existing building and erect 4 No. dwellings and associated works – The Countryman Hotel, Countryman Court, Heol Tynewydd, Bedwellty, Blackwood.	Dismissed 12/08/2019	DEL
19/0011/REF 19/0097/FULL	Erect a two storey extension to provide lounge/dining room and two bedrooms at Chapel Cottages, Mill Road, Deri, Bargoed.	Dismissed 16/08/2019	DEL