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**Date: 30th October 2019**

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 6th November, 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

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.

Pages

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 9th October 2019. 1 - 6

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

- 4 Code No. 19/0010/FULL - Former Pontymister Services Station, Newport Road, Pontymister. 7 - 24
- 5 Code No. 19/0432/FULL - Fwrrwm Ishta House, 68 Commercial Road, Machen. 25 - 38
- 6 Code No. 19/0573/FULL - Pendarren Court, Pendarren Road, Aberbeeg. 39 - 52
- 7 Code No. 19/0578/FULL - Land at Grid Ref. 314703 to 200239, Upper North Road, Bargoed. 53 - 62
- 8 Code No. 19/0781/RET - 40 James Street, Markham. 63 - 70
- 9 Code No. 19/0694/FULL - Land at 94-96 High Street, Blackwood. 71 - 78
- 10 Code No. 19/0729/LA - Ty Isaf, Caerphilly Road, Ystrad Mynach. 79 - 92
- 11 Welsh Government Consultation on the Delivery of Housing through the Planning System. 93 - 104

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

- 12 Applications determined by delegated powers. 105 - 116
- 13 Applications which are out of time/not dealt with within 8 weeks of date of registration. 117 - 120
- 14 Applications awaiting completion of a Section 106 Agreement. 121 - 124
- 15 Appeals outstanding and decided. 125 - 126

**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, 9TH OCTOBER 2019 AT 5:00PM

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#### PRESENT:

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

#### Councillors:

Mrs E.M. Aldworth, J. Bevan, M. Davies, R.W. Gough, , A. Hussey, B. Miles, J. Ridgewell, J. Taylor, and R. Whiting.

#### Together with:

T. Stephens (Planning Services Manager), R. Crane (Solicitor), R. Kyte (Head of Regeneration and Planning), L. Cooper (Engineer, Highway Planning), M. Godfrey (Senior Environmental Health Officer), C. Boardman (Principal Planner), C. Powell (Principal Planner), A. Pyne (Senior Planner), J. Cooke (Senior Planner) and E. Sullivan (Senior Committee Services Officer).

#### And:

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

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors C. Andrews, A. Angel, J.E. Fussell, D. Hardacre, A.G. Higgs, Mrs G.D. Oliver, J. Simmonds and T.J. Williams.

#### 2. DECLARATIONS OF INTEREST

A declaration of interest was received at the start of the meeting as follows: Agenda item No. 5 19/0709/FULL, Councillor A. Whitcombe. Details are minuted with the respective item.

#### 3. MINUTES – 11TH SEPTEMBER 2019

It was moved and seconded that the minutes of the meeting held on the 11th September 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 11th September 2019 be approved and signed as a correct record.

## PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT

### 4. **CODE NO. 19/0654/NCC – LAND AT GRID REF 318978 197966, OAKDALE GOLF COURSE LANE, OAKDALE.**

Mr D. Williams and Councillor R. Saralis spoke in objection to the application; the Applicant's Agent who had been advised and was present at the meeting did not speak.

It was noted that the application had been subject to a site visit which had been held on Monday 7th October 2019.

The Chair encouraged Members to make every effort to attend site visits going forward.

Following consideration of the application it was moved and seconded that subject to an amendment to Condition (2) the recommendation contained within the Officer's report be approved and by a show of hands and in noting there were 3 against and 2 abstention this was agreed by the majority present.

RESOLVED that subject to the conditions contained in the Officer's report and the following amended condition this application be granted.

#### Amended Condition (2)

This permission is solely for plots 88 to 93 as shown on drawings 609/SP-01 Rev W, 10075-100-01 Rev S and 10075-100-02 Rev O, and the associated parking area and refuse provision for that block of dwellings. The remainder of the housing estate shown on that drawing shall be carried out in accordance with the details agreed in accordance with outline planning permission APP/K6920/A/16/3160200, and reserved matters approval 17/1095/RM, and the details subsequently agreed with the Local Planning Authority in respect of the conditions on those consents.

#### Reason

For the avoidance of doubt as to the extent of this consent.

### 5. **CODE NO. 19/0709/FULL – EBBW LODGE, EBBW TERRACE, ABERCARN, NEWPORT, NP11 4SN**

Councillor A. Whitcombe declared a person and prejudicial interest as the application is for his own residence and left the Chamber when the application was discussed.

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

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the 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](http://www.gov.uk/government/organisations/the-coal-authority).

- (iii) the applicant be advised of the comments of the Senior Engineer (Land

Drainage).

**6. CODE NO. 19/0619/FULL – 2 PRINCES AVENUE, CAERPHILLY, CF83 1HS**

Following consideration of the application it was moved and seconded that subject to an amendment to Condition (4) 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 and the following amended conditions this application be granted;

Amended Condition (4)

Notwithstanding the approved plans prior to the commencement of any works on site 2 no. off street parking spaces shall be provided within the curtilage of and to serve the property at No. 2 Princess Avenue in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for parking of motor vehicles only.

Reason

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

- (ii) the applicant be advised that a registered Asbestos contractor should remove any asbestos within the boundary of the development.
- (iii) the applicant be advised that many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in cavities such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1982 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.
- (iv) the applicant be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (02920 772400).
- (v) 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](http://www.gov.uk/government/organisations/the-coal-authority).

- (vi) the applicant be advised of the comments of Dwr Cymru/Welsh Water.

**7. CODE NO. 19/0320/FULL – 17 CHERITON AVENUE, CEFN HENGOED, HENGOED, CF82 7JA.**

Members expressed concern in relation to Public Right of Way adjacent to this application and how it could be best safeguarded, whether this is by the erection of fencing or signage was discussed and Members requested that Rights of Way Officers and the Rights of Way Cabinet Sub Committee be informed of the comments made by the Planning Committee in this regard.

The Planning Services Manager confirmed that he would write to counterparts in Countryside Services to highlight this Right of Way and the Committee's concerns.

Following consideration of the application it was moved and seconded that subject to the inclusion of an additional condition requiring the applicant to erect suitable fencing to safeguard the public right of way this application be granted, by a show of hands and in noting there were 7 against and 1 abstention the motion was declared lost.

It was then moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands and in noting there were 2 against this was agreed by the majority present.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised that the proposed development lies within an area that has been defined by the Coal Board 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 building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstances 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 all of the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>



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

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

[www.groundstability.com](http://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](http://www.gov.uk/government/organisations/the-coal-authority).

### **13-16. 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.

In relation to Application No.18/0415/OUT – listed on page 56 of Applications Awaiting Completion of a Section 106 Agreement, assurances were sought that the matter would be brought before the Planning Committee to consider the reserved matters stage of the development. The Planning Services Manager confirmed that this would be the case.

The meeting closed at 6.30pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 6th November 2019, they were signed by the Chair.

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CHAIR

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# Agenda Item 4

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0010/FULL 30.04.2019	Mr S Davies C/o C2J Architects & Town Planners Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Construct 18 self-contained apartments (12 x 1 Bed/6 x 2 Bed) with on-site parking, amenity, cycle and refuse stores Former Pontymister Service Station Newport Road Pontymister Risca

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is located on a parcel of land sited between Newport Road and Tanybryn, Pontymister.

Site description: Vacant parcel of land which was formerly the site of a petrol filling station and more recently a car sales place. The application site is approximately 1.0 - 1.5 metres above the land to the north and south.

Development: It is proposed to construct a 3-storey building comprising 18 self-contained apartments. The development is for 100% affordable housing.

Dimensions: The proposed building is sited in a roughly north-south orientation and has a footprint that measures 26.7 metres in width, 16.8 metres in depth, with a maximum height of 11.6 metres to ridge level.

Materials: The submitted details show the building being finished in a combination of grey and buff brick, and synthetic roof slate.

Ancillary development, e.g. parking: Off-street parking for 22 cars is shown, and an area of amenity space is proposed to the rear of the building. A bin and bike store is shown to the south of the proposed building.

## PLANNING HISTORY 2005 TO PRESENT

07/0971/OUT - Erect private dwellings - Granted 22.11.07.

Cont....

Application No. 19/0010/FULL Continued

16/0367/COU - Change the use to a vehicle washing and valeting facility, construct a canopy and erect a security fence with ancillary mobile structures - Refused 06.07.16.

17/0281/COU - Change the use to form a vehicle washing and valeting facility - Refused 24.05.17.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundary.

#### Policies:

Strategic Policies: Policy SP1 Development Strategy (SCC), Policy SP4 Settlement Strategy, Policy SP5 Settlement Boundaries, Policy SP6 Place Making, Policy SP7 Planning Obligations, Policy SP14 Total Housing Requirements, Policy SP15 Affordable Housing Target and Policy SP21 Parking Standards.

Countywide Policies: Policy CW1 Sustainable Transport, Accessibility and Social Inclusion, Policy CW2 Amenity, Policy CW3 Design considerations (Highways), Policy CW5 Protection of the Water Environment, Policy, CW10 Leisure and Open Space provision, Policy CW11 Affordable Housing Planning Obligation and Policy CW15 General locational constraints

Supplementary Planning Guidance: LDP1: Affordable Housing Obligations, LDP5: Car Parking Standards and LDP6: 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 12: Design (2016), and Technical Advice Note 18: Transport (2007).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

Cont....

Application No. 19/0010/FULL Continued

### COAL MINING LEGACY

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

### CONSULTATION

Principal Valuer - Provides advice to the developer regarding an existing covenant on the land. This however is a private legal matter and does not impact on the ability to determine the application as submitted.

Natural Resources Wales - Based on the Flood Consequences Assessment (FCA) submitted with the application, raise no objection subject to conditions.

National Grid - No comments.

Wales & West Utilities - Provides advice to the developer regarding relevant infrastructure in proximity to the application site.

Network Rail - No objection. Advice provided to the developer.

Dwr Cymru - Provides advice to the developer regarding foul and surface water disposal. Also provide advice regarding the public sewer that runs through the site and the required easements in relation to this sewer line.

Transportation Engineering Manager - Objects on the basis that insufficient car parking has been proposed to serve the development. This matter is dealt with elsewhere in this report.

CCBC - 21st Century Schools - No comments.

Head Of Public Protection - No objection subject to conditions relating to site investigation for possible contamination given the previous uses at the site, i.e. petrol filling station and car sales garage.

CCBC Housing Enabling Officer - Notwithstanding the proposal being 100% affordable housing, advice is outlined relating to the affordable housing requirement in the Risca Area.

Senior Engineer (Land Drainage) - Recommends that the application be refused on the basis that the applicant has failed to demonstrate the proposal will be SAB compliant. However, as this is covered by separate legislation and approval it is not considered reasonable to refuse the planning application on this basis.

Cont....

Application No. 19/0010/FULL Continued

Parks And Open Spaces - In accordance with the relevant Policy in the LDP (CW10) requests onsite play provision and useable informal spaces. Given the constraints of the site this is not possible but the development would enjoy an area of communal amenity space to the west of the proposed building.

Head Of Public Services - Provides advice regarding the position and size of the bin compound area. This would require the re-positioning of the bin storage area but it is considered that this can appropriately be dealt with by way of condition.

Police Architectural Liaison Officer - No objection.

Western Power Distribution - Provide advice to the developer.

Risca Town Council - Raises objection to the proposed development based on its scale being out of keeping with the surrounding area and potential overlooking impact on nearby properties.

Ecologist - No objection subject to conditions.

Landscape Architect - Raises objection to the proposed development based on its scale and relationship to the surrounding area.

### ADVERTISEMENT

Extent of advertisement: 17 nearby properties were consulted by way of letter and a site notice was displayed opposite to the application site.

Response: Six objections have been received.

### Summary of observations:

1. Concern that proposed dwellings will have inadequate levels of off-street parking;
2. Increased pressure on existing on-street parking;
3. Loss of light by virtue of massing of proposed development;
4. Loss of privacy as a result of the development;
5. Scale of development out of keeping with context of surrounding area;
6. Loss of wildlife habitat;
7. Application site at higher level than surrounding properties thereby increasing overbearing/overlooking impact;
8. Insufficient area allocated for bins;
9. Inadequate levels of neighbour consultation undertaken;
10. Noise, traffic and dust impact during construction works.
11. Querying who will occupy the proposed development.

Cont....

Application No. 19/0010/FULL Continued

### SECTION 17 CRIME AND DISORDER ACT

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

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. Conditions will be attached to the permission in the interests of biodiversity.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, new residential development is CIL liable. The application site is located in the High CIL liability area whereby the chargeable amount is £40 per square metres of proposed floor space (plus indexation). However it should be noted that affordable housing can be CIL exempt.

### ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The application site is a former petrol filling station and more recently a car sales place and is therefore classed as brownfield land located within the settlement boundary. The site is now clear. The presumption is in favour of development on such windfall site subject to material planning considerations. In this instance those material considerations, i.e. main issues, are:-

1. Impact on visual amenity;
2. Impact on residential amenity;
3. Highways safety and off-street car parking provision;
4. Development in Zone C1 (flood risk);
5. The need to provide affordable housing.

#### Impact on visual amenity

By virtue of its massing, i.e. a three storey block measuring 26.7 metres in frontage, coupled with its position on raised ground (1.0 -1.5 metres above adjoining road level to the north and south), the development will have a significant impact in the streetscene and on the visual amenity of the surrounding area. The site has previously been used as a petrol filling station, and more recently as a car sales place.

Cont....

Application No. 19/0010/FULL Continued

The site is also constrained by virtue of the public sewer that runs through it and the resultant loss of developable area. This has resulted in the current scheme that requires a critical mass of dwellings to render it financially viable, hence a three-storey development has been proposed.

It is noted that whilst the properties in the surrounding area, in themselves, exhibit limited architectural merit, the character of the area is essentially created by the unified semi-detached building types, hedgerows and walled gardens, set against the backdrop of the rising valley landscape to the north.

The development does not seek to mimic the scale of its surroundings and will be seen as a bold built feature in this relatively open setting. However, this impact does not necessarily make the proposal unacceptable in visual impact terms as areas naturally evolve over time. It is considered that the proposed development has attempted to mimic certain elements of the surrounding architecture whilst also introducing contemporary design that will add visual interest. The use of render as opposed to face brick could further assist to assimilate the building with its surroundings. On balance, given the site constraints, it is not considered that the development would cause harm to the visual amenity of the surrounding area, and it is therefore considered to be acceptable in visual impact terms.

#### Impact on residential amenity

The existing residential properties on Tanybryn are located to the south and east of the proposed development, and properties located on Newport Road are to the north. Given the siting and massing of the proposed development it is important to consider the potential impact on these nearby residential properties.

Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. These issues are discussed below.

i) proposals must have no unacceptable impact on the amenity of adjacent properties or land - Notwithstanding the massing of the proposed development, given the distance from the nearest part of the proposed development to the nearest part of No. 70 and No. 71 Newport Road to the north (24 metres and 31 metres respectively) it is not considered that the proposed development will have an unacceptable impact on daylight or sunlight to these properties. Furthermore, these distances ensure there will not be an unacceptable impact on privacy levels as a result of the development. Similarly, No 92 Tanybryn which is located 23 metres to the east of the proposed building will not be unacceptable impacted by the proposal in amenity terms to a degree to warrant a refusal of planning permission.

Cont....



The properties primarily impacted by the proposed development are Nos. 11-16 Tanybryn which are located to the south of the application site and have front elevations that directly overlook the site. At its nearest point, the proposed building will be located 18 metres to the north of No. 13 Tanybryn. Given the style and orientation of these properties, the majority of habitable rooms are located across the rear, south facing elevations, and the properties benefit from long (20 metres or more) open aspect rear gardens. Given the scale and position of the proposed development, coupled with it being sited on a higher ground level (approximately 1.0 - 1.5 metres), the proposed development will inevitably result in a degree of loss of outlook from the front facing windows of these properties. However, as there will be no direct loss of sunlight for any significant period of time, it is not considered that this impact would in itself warrant a refusal of planning permission.

In terms of privacy, the closest relationship between existing and proposed windows is 19 metres. However, given the angle between these windows, coupled with a public highway intersecting the relevant windows, this impact is not deemed to be unacceptable, and would not warrant a refusal of planning permission.

ii) proposals would not result in the over-development of the site - Although the proposed development is relatively large in terms of its overall massing, adequate space is provided in terms of private amenity space and parking area, and therefore the proposal is not considered to constitute over-development.

iii) the proposed use is compatible with surrounding land uses - The site is bounded to the north, east, south and west by existing residential properties and therefore the proposal is compatible with surrounding land uses.

#### Highways safety and off-street car parking provision

In accordance with the adopted car parking standards, the proposed development generates a car parking requirement of 27 car parking spaces (on the basis that some of the flats are 2-bedroomed). However, due to the constraints of the site only 22 spaces can be provided. This provision equates to 1 space per flat plus 4 visitor spaces. On this basis the Transportation Engineering Manager raises objection to the proposal.

Whilst there is provision in the car parking standards to allow parking reductions in highly sustainable areas, the site does not score enough points to secure this reduction in parking provision. In this case, as the scheme would be delivered and retained by Linc Cymru Housing Association, there is the opportunity for the developer to appropriately control future occupiers car ownership levels, and a solution agreed to by the applicant.

Cont....

Application No. 19/0010/FULL Continued

This car ownership control would be secured by way of Section 106 agreement and this is considered to be a reasonable and suitable way to resolve the issue. On this basis the development is considered to be acceptable in terms of car parking provision.

Development in Zone C1 (flood risk)

The site is located in a C1 flood zone; a high-risk flood zone served by flood defences or infrastructure. Developments within C1 zones are required to be accompanied by a Flood Consequences Assessment (hereafter referred to as FCA). TAN 15 indicates that development, particularly highly vulnerable development, i.e. residential development, in 'C' flood zones should not be permitted unless fully justified in accordance with the tests contained in paragraph 6.2 of TAN 15.

The justification tests set out in paragraph 6.2 of TAN 15, which read as follows:-

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

The application site is brownfield land in accordance with the definition contained in PPW.

The proposed development facilitates the local planning authority to increase the number of affordable dwellings in a sustainable location at the edge Risca Town Centre (criterion i) and the site is previously development land in accordance with PPW 10 (criterion iii).

In terms of potential consequence (criterion iv), the FCA confirms that subject to an appropriate finished floor level for the proposed development the risks and consequences can be managed to an acceptable level subject to conditions.

For these reasons it is considered that the development complies with the requirements of TAN15 and is therefore acceptable from a flood risk perspective.

Cont....

Application No. 19/0010/FULL Continued

The need to provide affordable housing

Paragraph 4.2.2 of PPW10 states that the planning system must enable the provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places. Furthermore, paragraph 4.2.25 states that a community's need for affordable housing is a material planning consideration which must be taken into account when determining relevant planning applications.

The proposal will deliver 18 affordable units on a brownfield site in a sustainable location, and this consideration weighs in favour of the proposed development.

Conclusions

The proposed development will introduce a bold feature in its current setting with a scale that is not in keeping with the existing surrounding urban form. However, the site is in a prominent location, formerly occupied by a petrol filling station, and constrained by way of utilities running through the site. It is considered that the building itself proposes elements that will pay regard to surrounding properties whilst also proposing a contemporary design. This will be a striking feature as one enters Pontymister from the south. However, just because the development will be a significant departure from its surroundings does not necessarily render it unacceptable in visual terms.

This visual impact must be considered against the backdrop that the site is within the settlement boundary, is previously developed brownfield land, and will deliver 18 much needed affordable units on the edge of Risca Town Centre. Subject to a Section 106 agreement to secure low levels of car ownership, the proposal is considered acceptable in all other regards, and on balance it is recommended that planning permission be granted subject to conditions.

Comments from Consultees:

The Transportation Engineering Manager objects to the proposed development on the basis that inadequate levels of off-street parking have been proposed in accordance with the requirements of the adopted Car Parking Standards. However, the applicant who are a registered social landlord, i.e. LINC Cymru Housing Association, have agreed to enter a Section 106 agreement to ensure low level car ownership for future occupiers of the proposed dwellings. It is considered that this is a satisfactory solution to the issues raised by the Highways Department and should therefore not represent a reason for refusal in this instance.

The Council's Landscape Architect raises objection to the proposed development as outlined above.

Cont....

Comments from public:

1. Concern that proposed dwellings will have inadequate levels of off-street parking - The applicant has agreed to enter into a Section 106 legal agreement to ensure low levels of car ownership for future occupiers of the proposed affordable units. On this basis the proposal is considered to be acceptable from a car parking perspective.
2. Increased pressure on existing on-street parking - This issue is covered by the point (1) above.
3. Loss of light by virtue of massing of proposed development - Given the position of the proposed development in relation to nearby properties coupled with the distance of separation between the existing and proposed development, it is not considered that the development would lead to a loss of sunlight or daylight to a degree to warrant a refusal of planning permission.
4. Loss of privacy as a result of the development - As discussed above, it is not considered that the proposal will have an unacceptable impact on levels of privacy.
5. Scale of development out of keeping with context of surrounding area - This matter is discussed in detail above.
6. Loss of wildlife habitat - No objection has been raised by the Council's Ecologist subject to conditions.
7. Application site at higher level than surrounding properties thereby increasing overbearing/overlooking impact - This issue is discussed in detail above.
8. Insufficient area allocated for bins - This matter can appropriately be dealt with by way of Condition.
9. Inadequate levels of neighbour consultation undertaken - Neighbour consultation was undertaken in accordance with the relevant legislation.
10. Noise, traffic and dust impact during construction works - Whilst there will inevitably be a degree of disruption during construction works and Condition will be attached to any permission to control such issues during construction.
11. Querying who will occupy the proposed development - Tenure type is not a material planning consideration. Furthermore there is a significant need to deliver affordable housing within the County Borough.

Cont....

Application No. 19/0010/FULL Continued

Other material considerations: The proposed development would deliver 18 affordable units within the settlement boundary on a brownfield site, that will make a relatively significant contribution to the Council's current 5-year housing land availability shortfall. Furthermore as all of the proposed dwelling will be affordable units this adds significant weight in favour of the proposed development.

The recommendation is to require the applicant to enter into a S106 Agreement in respect of securing low levels of car ownership. The applicant has agreed to enter into such an agreement on the terms outlined. However there are tests for S106s which have to be met.

These are as follows:-

- (a) They are necessary to rate the development acceptable in planning terms.
- (b) They are directly related to the development, and;
- (c) They are fairly related in scale and kind to the development.

With regard to the first of these the arrangements, low levels of car ownership are required given the number of car parking spaces that can be provided onsite against the requirements of the adopted car parking standards. It is important that this matter is controlled by way of legal agreement.

In respect to the second point, appropriate levels of off-street parking provision is directly related to the development.

The third point relates to fairness of scale and kind. A Section 106 legal agreement is the only realistic mechanism to exert the appropriate level of control over future occupiers and therefore the requirement is fairly related in scale and kind to the development.

In the circumstances it is recommended that the application be deferred pending the signing of a Section 106 Agreement in respect of low car ownership controls. Upon the completion of this agreement the application be approved on the basis of the conditions stated below.

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

Cont....

Application No. 19/0010/FULL Continued

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

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.
- 03) The development shall be carried out in accordance with the following approved plans and documents:  
Dwg. No. AL(01)10 - Proposed Elevations, received 04.01.2019;  
Dwg. No. AL(01)04 - Proposed 2nd Floor Plans, received 04.01.2019;  
Dwg. No. AL(01)03 - Proposed 1st Floor Plans, received 04.01.2019;  
Dwg. No. AL(01)02 - Proposed Ground Floor Plan, received 04.01.2019;  
Dwg. No. AL(90)01 Rev. A - Site Location Plan Proposed Elevations, received 04.01.2019;  
Dwg. No. AL(01)01 Rev. B - Proposed Site Plan (excluding bin store location), received 09.09.2019;  
Flood Consequences Assessment, received 30.04.2019.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 04) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.  
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Application No. 19/0010/FULL Continued

- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is first occupied.  
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.  
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety in accordance with policies CW2, CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) The development shall not be first occupied until the area indicated for the parking of 22 vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) No development or site/vegetation clearance shall take place until a detailed reptile Mitigation Strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.  
REASON: To ensure that reptiles are protected.
- 09) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Cont....

Application No. 19/0010/FULL Continued

- 10) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new apartment building at the Former Pontymister Service Station, Newport Road, Pontymister, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new apartment building hereby approved is first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 11) 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 apartment building at The Former Pontymister Service Station, Newport Road, Pontymister, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new apartment building hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 12) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the building hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021 and to comply with the requirements of TAN15: Development and Flood Risk.
- 13) 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.

Cont....



Application No. 19/0010/FULL Continued

- 14) 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.
- 15) 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.
- 16) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and agreed in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the agreed scheme. The scheme shall include:
- a. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than one of the approved housing units.
  - b. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, except where tenants exercise the Right to Acquire under the Housing Act 1996.
  - c. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
  - d. Where the development is not carried out by a Registered Social Landlord (RSL) the arrangements for the transfer of the constructed affordable housing to a Registered Social Landlord.
  - e. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing (unless no market housing is provided within the development hereby approved).
- REASON: To ensure that affordable housing is provided in accordance with adopted Council policy.

Cont....

Application No. 19/0010/FULL Continued

Advisory Note(s)

**WARNING:**

**SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.**

Please note 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 100m<sup>2</sup> 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](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

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.

Cont....

Application No. 19/0010/FULL Continued

Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

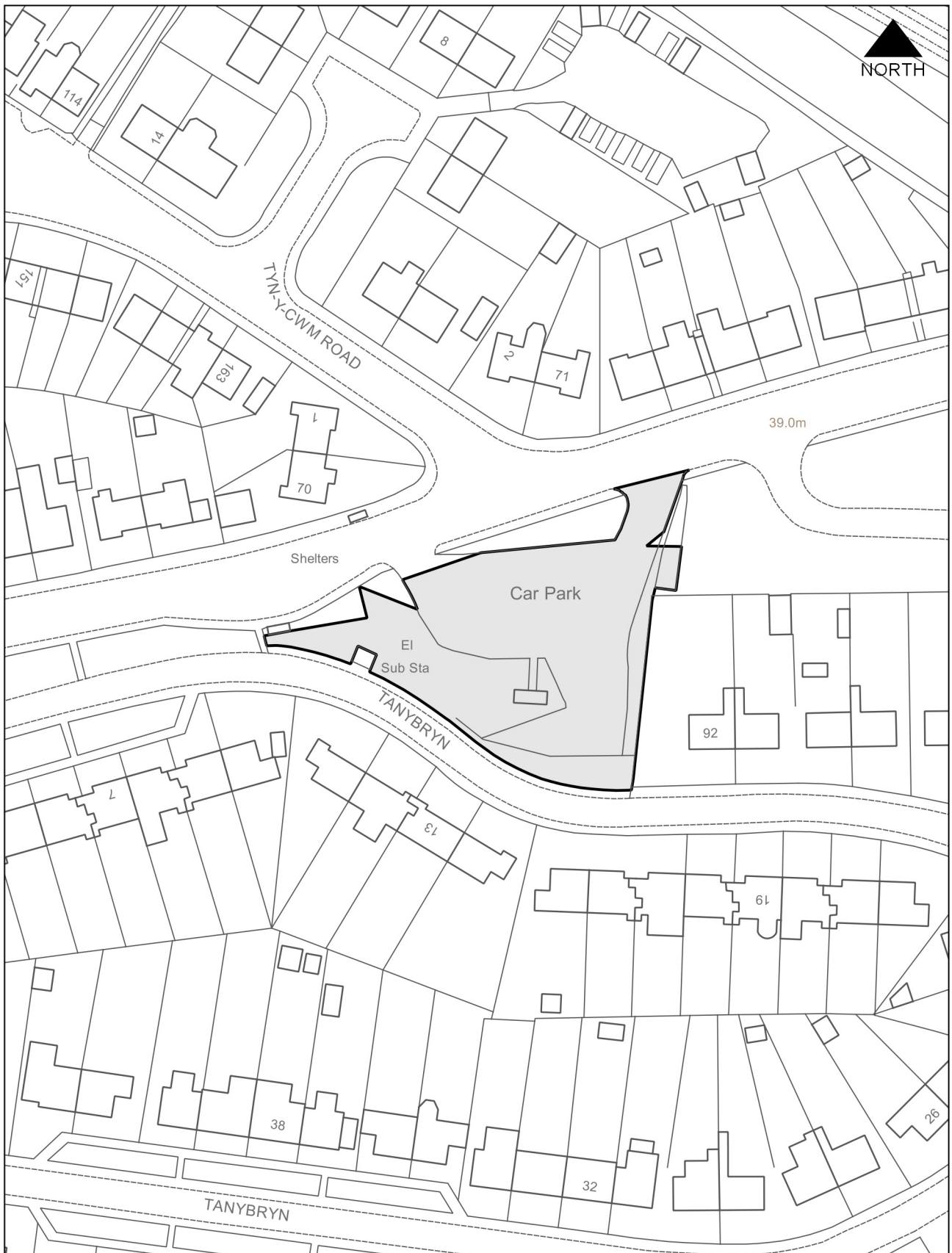
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment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

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

Please find attached the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), Head of Public Services, Head of Public Protection, Western Power Distribution, Wales and West Utilities, Network Rail, that are brought to the applicant's attention.

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# Agenda Item 5

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0432/FULL 17.05.2019	Mr Edwards 68 Commercial Road Machen CF83 8PG	Replace existing outbuilding to rear with new garage and storage Fwrrwm Ishta House 68 Commercial Road Machen Caerphilly CF83 8PG

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: Fwrrwm Ishta House, 68 Commercial Road, Machen, Caerphilly, CF83 8PG.

Site Description: The application site is comprised of a detached dwelling (Fwrrwm Ishta House) which was formerly a public house and was subsequently converted to a dwelling house. To the west of the site is an access road with garages and a semi-detached property (66 Commercial Road) which front northwards onto Commercial Road. To the south-west is open land which has an extant outline planning permission (17/0206/NCC) for two dwellings. A river runs to the south of the site. Land to the east was formerly part of the public house curtilage but a mixed use development including commercial and residential uses has recently been constructed. The A468 (Commercial Road) is adjacent to the northern boundary of the application site.

Development: Replace existing outbuilding to rear with new garage and storage.

### Dimensions:

Two storey building measures approximately 8.3m by 6.7m with a pitched roof with ridge height of 7.6m.

Single storey link element has an irregularly shaped footprint measuring approximately 5.2m by 5.2m (maximum extent) and a flat roof with a height of 3.8m.

Materials: Fwrrwm Ishta House is finished in render with slate effect tiles.

Ancillary development, e.g. parking: None.

Cont....

Application No. 19/0432/FULL Continued

PLANNING HISTORY 2005 TO PRESENT

12/0063/COU - Temporary erect marquees and gazebos to host a rural market on a monthly basis of up to 10 events a year, between the hours of 10.00 a.m. and 2.00 p.m. on a Saturday only, in part of the car parking area of the Fwrrwm Ishta Inn - Refused 15.10.2012.

12/0637/OUT - Erect residential development for two detached houses with garages - Granted 16.01.2015.

13/0595/COU - Change the use from A3 (pub/restaurant) to C3 (residential), alter and refurbish existing Fwrrwm Ishta public house to create new five-bedroom single family dwelling with associated external works, parking and new garden area - Granted 28.11.2013.

14/0024/FULL - Erect new residential development of four 6 bedroom dwellings and three affordable units with associated external works, parking and new garden areas, plus new access road and footpaths - Refused 10.09.2015.

15/0669/FULL - Erect a mixed use two-storey development of three apartments and four commercial units with on-site car parking, refuse and cycle storage facilities - Refused 09.10.2015.

16/0032/FULL - Erect a two-storey mixed development of three apartments and four commercial units with on-site car parking, refuse and cycle storage facilities - Granted 14.09.2016.

16/0843/NCC - Vary condition 9 of planning consent 16/0032/FULL (Erect a two-storey mixed development of three apartments and four commercial units with on site car parking, refuse and cycle storage facilities) to extend the opening hours of the commercial unit and for the condition to read 'The use hereby permitted shall not be open to customers outside the following times 07.00 hrs to 23.00 hrs Monday to Sunday.' - Granted 03.03.2017.

16/0974/COU - Change the use of land to include as part of residential curtilage - Granted - 19.01.2017.

17/0106/FULL - Convert garage to annexe lounge, erect external gates and railings and provide boundary treatment - Granted - 17.05.2017.

17/0783/FULL - Convert garage to annexe lounge, erect external rear gates, and extend front wall with railings to provide boundary treatment - Granted - 22.12.2017.

Cont....

Application No. 19/0432/FULL Continued

## POLICY

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

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

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

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design, Technical Advice Note 15: Development and Flood Risk.

Technical Advice Note 15: Development and Flood Risk. (Paragraph 11.19 - Applications for Individual Householders).

Applications for minor extensions or alterations should not raise significant issues unless they are likely to have a direct and adverse effect on a watercourse or its flood defences, would impede access to flood defence and management facilities or where the cumulative impact of such developments could have a significant effect on flood storage capacity or flood flows. In such cases there will be no requirement to justify the location of development but if such minor works are likely to have an adverse effect then the full consequences of a development will need to be appreciated and assessment undertaken commensurate with the scale and nature of development. Where extensions or alterations are likely to have a direct and adverse effect, authorities should consider making an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995, as amended, to require an application for planning permission so that full consideration can be given to these impacts.

## 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.

Cont....

Application No. 19/0432/FULL Continued

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is a High risk area but as the development is Householder Development on the Coal Authority's Exemptions List no Coal Mining Risk Assessment is required and it is intended to attach an informative note about mining conditions in the area.

### CONSULTATION

Natural Resources Wales - Note that the bat report submitted in support of the above application (Bat Survey, by Ecological Services Ltd, dated 8 September 2019, Version V1.0 has identified that bats are present at the application site. They also acknowledge receipt of our e-mail of 20 September 2019 and the two previous Bat Surveys in relation to the proposed development. On the basis of the above report, they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. They have no objection to the application as submitted but request that an informative is attached to any planning permission granted.

Transportation Engineering Manager - No objection subject to the building being restricted to uses ancillary to the main dwelling house.

Ecologist - No objections. Recommend conditions to address bat survey findings and ecological enhancement.

Senior Engineer (Land Drainage) - No objection. Request a condition requiring drainage details to be agreed with the Local Planning Authority.

Dwr Cymru - A Public Sewer Crosses Site.

### ADVERTISEMENT

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

Response: No responses were received relative to the consultation exercise.

Summary of observations: None.

Cont....



Application No. 19/0432/FULL 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?

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? Yes.

European protected species have been identified by a survey. It was found following bat surveys that two bats (a Soprano Pipistrelle and a Common Pipistrelle) were using the building as a day roost and are male or non breeding females.

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

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

(ii) There is no satisfactory alternative

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

The three tests were applied and answered as follows:

(i) The development is required for the improvement of an outbuilding associated with a dwelling house and located adjacent to a lane which provides access for garages and to land which has been granted outline planning permission for residential development. The current state of the building is considered to be vulnerable to vandalism. It is therefore considered that the derogation would be in the interest of public safety.

(ii) To do nothing to the building would likely lead to its continued decline in condition leading to eventual decrepitude. No alternative plans have been submitted but it is understood that the refurbishment of the building maintaining the roost would not be practicable to provide the storage/garaging required. The submitted bat survey noted if careful consideration is made to incorporate improved roosting conditions into the new build scheme, then this project could offer ecological gain for the resident bats.

Cont....

Application No. 19/0432/FULL Continued

New roost creation in the new building is proposed to accommodate crevice dwelling species. Preliminary proposals for Mitigation has been detailed in the form of:

- two Schwegler 1FR bat tubes to be built into a suitable gable end. The bottom access will be left exposed. These will be fitted into the block work during construction of the building. Southern elevation will be the most suited elevation as the bats can tolerate and prefer excessive warmth. Bat mitigation will not be fitted on the north elevation. The mitigation will be fitted under the supervision of a suitably qualified ecologist. Once the mitigation is fitted, the retained ecologist will inform the Local Planning Authority. Any new roost features for bats should be unobstructed from the sun. No window will be within 2 meters of the new bat roost. If a window is proposed on the upper floor on the elevation with the bat roost, this must not have the potential to cause light disturbance. Light reducing film, louvre panels and a cowl are suitable options and may be used to minimise light spill. Direct and prolonged illumination of the buildings, especially near any roost entry points must be avoided as this will cause disturbance.

- two Schwegler 1SP and Type 24 nest boxes will be built into a block work and located at eaves level. These will not be situated on a south facing elevation. Any nesting bird mitigation will not be situated on the south elevation as this may experience excess heat from the sun. Direct and prolonged illumination of the buildings, especially near any bird boxes must be avoided as this will cause disturbance.

(iii) Natural Resources Wales in their consultation response dated 3rd October 2019 have advised that they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is not chargeable as the net additional internal floorspace created is below 100sqm.

#### ANALYSIS

##### Policies:

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

The application is being reported to Planning Committee as the agent's spouse is employed by the Local Authority.

Cont....

Application No. 19/0432/FULL Continued

The visual impact of the development is acceptable noting that there is an existing two storey building that the proposed new garage and store will replace. The replacement building has a greater footprint and is slightly higher (circa 0.5m) however its position which is set back approximately 25 metres from Commercial Road means it is not significantly visible within the street scene. It accords with adopted Local Development Plan Policy SP6 (Placemaking).

The impact on neighbour amenity has been considered. The development will be opposite a row of existing garages served from the lane and the nearest residential property to the west (66 Commercial Road) has its rear amenity space behind these garages that are separated from the new development by the existing lane. A further side amenity for number 66 Commercial Road is located to the north of the garages and existing parts of the application property would be closer to this than the proposed development. There is no fenestration on the west facing elevation of the proposed garage/store. To the south-west is a land parcel with an extant outline planning consent for two dwellings (17/0206/NCC) and the current application would have no unacceptable impact on this development.

To the east is a mixed use development (70 Commercial Road) that contains both commercial and residential properties. The proposed garage/store would have windows facing eastwards towards the new development however the two buildings are angled in orientation to each other and there would be in excess of 21 metres between windows. The first floor of the proposed garage building is proposed for a hobby/store area and no unacceptable impact on the privacy and amenity of the new residential accommodation. It would accord with adopted Local Development Plan Policy CW2 (Amenity).

The ground floor of the building contains parking for two cars within the garage and the main house has sufficient parking within its curtilage area. The development accords with Policy CW3 (Highways).

Comments from consultees:

The application lies partially with Flood Zone C2 and Natural Resources Wales were consulted but responded that they did not have any comments to make on the proposed development. As the proposed works are for householder development in accordance with Paragraph 11.19 of Technical Advice Note 15 (Development and Flood Risk) it is considered that it would not raise significant issues in relation to Flood risk.

Comments from public: None.

Cont....

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.

The proposed development is acceptable in its design and impact on neighbour amenity. Suitable mitigation for bats has been identified but final proposals for bat mitigation will be agreed through the submission of details under the attached planning conditions. The application is recommended for approval.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
  - Site Location Plan, drawing reference AL.00.LOC revision A, received 17.05.19
  - Proposed Floorplans and Elevations, drawing reference AL.SK.003 revision E, received 17.05.19;
  - Proposed Site Layout Plan, drawing reference AL.SK.012 revision B, received 17.05.19;REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Application No. 19/0432/FULL Continued

- 04) The materials to be used in the construction of the external surfaces of the garage/store hereby permitted shall match those of the dwelling known as Fwrrwm Ishta House.  
REASON: In the interests of the visual amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) The use of the building hereby approved shall be limited to that ancillary and incidental to the enjoyment of the main dwelling at 68 Commercial Road, Machen and shall not be used for any other purposes.  
REASON: To control the use of the building in the interest of amenity, character and appearance of the locality and the safety of the local highway network in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of any clearance, demolition or development works to the existing building and proposed site, a detailed Bat Method Statement prepared by a competent ecologist shall be submitted for the approval of the Local Planning Authority. The Bat Method Statement shall include mitigation measures for both temporary and permanent roosts. The demolition and development works shall be carried out in accordance with the approved Bat Method Statement.  
REASON: To ensure proper measures are taken to safeguard the habitats of bats, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Bat activity surveys to monitor the new bat roost within the new building hereby approved shall be carried out by a competent ecologist between May to August for a minimum of two years post completion of the development and the results submitted to the Local Planning Authority annually together with any recommendations of the ecologist for amendments to the approved scheme arising from the survey results. The approved amendments shall be implemented in full.  
REASON: To provide information on the success of the bat roost mitigation, in the interest of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Application No. 19/0432/FULL Continued

- 08) Prior to the commencement of the development details of the lighting of the development shall be submitted to and agreed in writing by the Local planning Authority. The development shall be carried out in accordance with the agreed scheme.  
REASON: To ensure adequate protection to protected species in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Prior to the commencement of any vegetation or site clearance works, details of the retention and enhancement of existing boundary vegetation within the site, shall be submitted to the Local planning Authority for approval. The approved details shall be complied with and any replacement vegetation shall be planted 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 Government's Planning policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 10) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new garage and storage building at 68 Commercial Road, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new garage and storage building hereby approved is first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 11) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, House martin or Starling) in the new garage and storage building at 68 Commercial Road, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new garage and storage building hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009) and in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Application No. 19/0432/FULL Continued

- 12) 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.
- 13) The demolition or site vegetation clearance associated with the development hereby approved shall not take place during the breeding bird 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.

Advisory Note(s)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Cont....

Application No. 19/0432/FULL Continued

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](http://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](http://www.gov.uk/government/organisations/the-coal-authority).

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

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

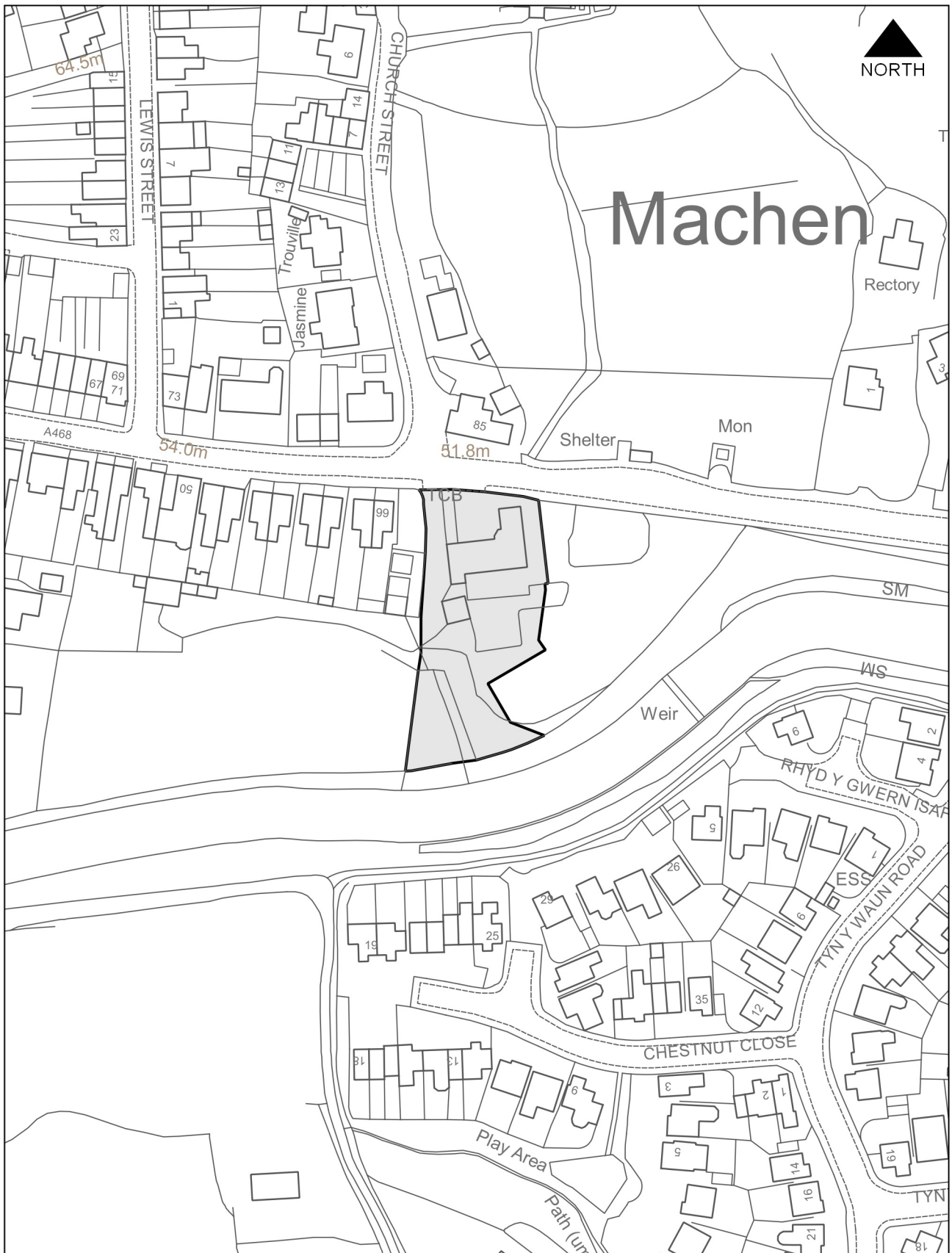
This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to 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/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>

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# Agenda Item 6

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0573/FULL 03.07.2019	Montpelier Estates Ltd Middle Hedge Barn Chilton Business Centre Chilton Aylesbury HP18 9LS	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 C2A) Pendarren Court Pendarren Road Aberbeeg NP13 2DA

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: At the northern end of Aberbeeg, a hamlet approximately 1 km to the north of Trinant.

Site description: The site comprises a former hospital with grounds; the existing Hospital building has three linked wings and is part single-storey, part two-storey. The site is relatively flat although beyond the grounds the land to the north and east falls steeply to the River Ebbw. This land is undeveloped and is partly wooded to the north. To the south of the site lie dwellings and a church forming the hamlet of Aberbeeg.

Development: Full planning permission is sought to construct a low secure 15 bed ward building.

Dimensions: The proposed building has a footprint that measures 43.5 metres in width, 21 metres in depth, with a maximum height of 4.6 metres to flat roof level.

Materials: A combination of facing brickwork, painted render (white) and timber cladding is proposed.

Ancillary development, e.g. parking: Additional parking provision for 19 cars is proposed by way of an extension to the existing car park that serves the existing Hospital building. 3m high fencing is proposed around the amenity area that serves the proposed ward building to the west.

Cont....

Application No. 19/0573/FULL Continued

### PLANNING HISTORY 2005 TO PRESENT

10/0050/LBC - Remove existing roof and replace with new truss roof, strip existing partition walls and replace with new, replace existing aluminium windows with softwood and erect secure fence - Withdrawn 24.05.2010.

10/0051/FULL - Remove existing roof and replace with new truss roof, strip out existing partition walls and replace with new, replace existing aluminium windows with softwood and erect a secure fence - Granted 14.06.2010.

10/0695/FULL - Erect single-storey building comprising of 12 bedrooms with en-suites and day areas, providing 12 in total low secure patient's accommodation - Granted 17.06.2011.

10/0771/LBC - Erect single-storey building comprising of 12 bedrooms with en-suites and day areas, providing 12 in total low secure patient's accommodation - Granted 18.07.2011.

10/0772/LBC - Provide alterations to internal ward layout of Gilbert ward and John Dunlop ward to allow for nine individual bedrooms with en-suite and associated day areas. Annex C, D, E & F to have roof raised 560mm to allow a ceiling height of 3 metres. Ground floor of main building to be converted to offices and visitors rooms, the existing kitchen to be upgraded to current regulations - Withdrawn 09.08.2012.

10/0783/FULL - Provide alterations to internal ward layout of Gilbert ward and John Dunlop ward to allow for nine individual bedrooms with en-suite and associated day areas, Annex C, D, E & F to have roof raised 560mm to allow a ceiling height of 3 metres, ground floor of main building to be converted to offices and visitors rooms, the existing kitchen to be upgraded to current regulations - Granted 01.09.2011.

10/0876/ADV - Erect a welcome sign for a new hospital - Granted 21.01.2011.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies outside the settlement boundary.

Policies: SP6 (place making), SP10 (conservation of natural heritage), CW15 (general locational constraints), CW20 (locational constraints - conversion, extension and replacement of buildings in the countryside), CW2 (amenity), CW3 (design considerations - highways) and CW6 (trees, woodland and hedgerow protection).

Cont....

Application No. 19/0573/FULL Continued

NATIONAL POLICY Planning Policy Wales 10th Edition (December 2018), TAN12 (Design) and TAN 24 (The Historic Environment).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

### COAL MINING LEGACY

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

### CONSULTATION

Strategic & Development Plans - No comments.

Landscape Architect - No objection subject to a detailed landscaping scheme.

Senior Arboricultural Officer (Trees) - No comments.

Head Of Public Protection - No comments at the time of report.

Transportation Engineering Manager - No objection subject to conditions relating to increased car parking provision within the site to serve the proposed development.

Senior Engineer (Land Drainage) - Provides advice to the developer regarding land drainage matters and the necessary SAB approval process.

Conservation & Design Officer - No objection subject to conditions relating to external finishes.

Dwr Cymru - Provide advice to the developer.

Police Liaison - Transport - No comments.

Ecologist - Based on the submitted information no objection is raised subject to conditions.

Cont....

Application No. 19/0573/FULL Continued

### ADVERTISEMENT

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

Response: Six objections have been received.

### Summary of observations:

1. Increased traffic on highway leading to the site detrimental to highway safety;
2. Proposed development will result in increased on-street parking in the area;
3. Traffic calming should be introduced to slow traffic speeds;
4. Removal of existing trees on site;
5. Proposed building unsympathetic to its setting and unacceptable in visual amenity terms;
6. Loss of green area will detract from the setting of the listed building;
7. Existing Hospital building currently being underutilised;
8. Road network leading to the site is dangerous due to the volume of traffic and substandard junctions leading to the application site;
9. Part of the application site is in third party land ownership;
10. Inadequate consultation with interested adjoining landowners;
11. Increased traffic will increase air pollution.

### SECTION 17 CRIME AND DISORDER ACT

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

Crime and disorder are not considered to be an issue for this application, but the scheme has been designed on the basis of Secure by Design principles to provide a safe and secure environment for patients, staff and visitors.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? An extended Phase 1 Habitat Survey was submitted with the application. Based on the findings of this survey no objection is raised subject to conditions

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No, a C2A use is CIL exempt.

Cont....

## ANALYSIS

Policies: This application has been considered in accordance with local and national planning policy. In this case the main considerations are the acceptability of the proposed use; the impact on highway safety; impact on ecology/trees; and the design of the proposed building; and the impact on the adjacent Listed Abertillery and District Hospital. These matters are discussed in turn below.

### Proposed Use

The proposed building is to be used as a secure hospital ward that falls under Use Class C2A in accordance with the Town and Country Planning (Use Classes) Order 1987 (as amended). Use Class C2A is the use for secure residential accommodation and includes a prison, young offender's institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation, and a military barracks. The proposed use is described as a low secure mental health hospital, which will support residents to stabilise a return to home or less restrictive environment and prepare them for community living. The building is designed to reduce risks of self-harm and management of addictive behaviour, and to support residents in improving their social and living skills. The scheme includes a 'community hub' to encourage social interaction between the residents. Given the existing use of part of the Abertillery and District Hospital for the same/similar use, the proposed use is considered to be acceptable in this location, but in view of the other uses in Class C2A a condition should be imposed to limit the use to that applied for, so that the impact of any other uses on residential amenity or highway safety can be considered.

### Impact on Highway Safety

The proposed ward would contain 15 beds for patients and employ 12 members of staff. Based on the proposed use, a low volume of traffic is likely to be generated and on that basis the Transportation Engineering Manager raises no objection to the proposed development subject to condition. Part of the proposal includes increasing car parking provision at the site by way of 19 additional car parking spaces to take account of staff and visitor numbers generated by the proposal. Therefore the proposal is considered to be acceptable in this regard.

Cont....

Application No. 19/0573/FULL Continued

### Impact on Ecology and Trees

In support of the application a Preliminary Ecological Appraisal was undertaken. Furthermore an Extended Phase 1 Habitat Survey walkover was conducted on the 19th March using standard Phase 1 Habitat Survey Methodology (JNCC 2010), and a Preliminary Roost Assessment (PRA) of trees within the site were assessed for their potential to offer shelter to roosting bats in accordance with Best Practice Guidelines published by the Bat Conservation Trust in 2016 (Collins, 2016). Based on the outcome of these surveys there is not considered to be an unacceptable impact on biodiversity or trees subject to protection and enhancement conditions.

### Design considerations

Policy CW20 of the Adopted LDP relates to the conversion, extension and replacement of buildings in the Countryside. Given the very close proximity of the proposed ward to the existing Hospital building the development has been considered under the 'Extension' criteria of the policy. CW20, Criterion A states that the proposed use, scale, form, siting, design and materials should be suitable within its context. It is considered that subject to the use of appropriate external finishes (to be controlled by way of Condition) the proposal satisfies this Criterion.

Criterion C (Policy CW20) states that an extension is justified by demonstrating that:

- (i) The scale, form and design of the extension respects the scale and character of the original building, which remains the dominant element;
- (ii) The extension does not result in the loss of undeveloped countryside;
- (iii) The extension does not result in the domestication or urbanisation of an otherwise rural setting.

The proposed ward is set at a lower level than the main Hospital building and incorporates a flat roof. It is considered that subject to the use of appropriate finishes, the development will be seen as subservient to the main building, and integrate within its setting. The development does not result in the loss of undeveloped countryside, and does not domesticate an otherwise rural setting. For these reason it is considered that the development accords with Policy CW20.

### Impact on the adjacent Listed Hospital

History - The hospital was founded in 1920, commissioned and paid for by the miners of the Abertillery area, via a subscription levied on wages. It was designed by Walter Prosser of Newport.

Cont....



Application No. 19/0573/FULL Continued

The foundation stone was laid by the chairman of Powell's Tillery Steam Coal Co Ltd, John Lancaster and Co Ltd, Lancasters Steam Coal Collieries Ltd. The hospital opened in 1922. In 1925, one of the first Marie Stopes Birth Control Clinics in Wales was opened here. A subsequent small-scale extension has left the original building substantially unaltered. An ancillary range, including a mortuary building is sited in the grounds.

Reason for Listing - Listed as an exceptionally well-preserved example of a small cottage hospital, retaining original layout (a good, small-scale example of the pavilion plan), and skilfully designed using a domestic arts-and-crafts idiom to convey its ethos of care.

Planning Policy Wales Edition 10 (Dec 2018) states in para 6.1.10 "There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses."

TAN 24: The Historic Environment states under The Setting of Historic Assets

1.24 ..."It is for the local planning authority to consider the effects of proposed developments within the settings of listed buildings" as in this case.

1.25 "The setting of an historic asset includes the surroundings in which it is understood, experienced, and appreciated embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.<sup>24</sup> Setting is not a historic asset in its own right but has value derived from how different elements may contribute to the significance of a historic asset."

The building would be set back to the rear and north-west of the complex and would complete the line of an earlier ward extension to the original design and layout of the hospital. The building is low-lying and is subordinate to the main complex. It is located in a well screened, forested area and 'well set down' into the site and immediate environment. Subject to the imposition of Conditions to control the materials and external finishes of the proposed ward, the Principal Conservation & Design Officer raises no objection to the proposed development. The setting of the listed building thereby preserved, and building itself is not directly affected.

Cont....

Application No. 19/0573/FULL Continued

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

Comments from public:

1. Increased traffic on highway leading to the site detrimental to highway safety - No objection has been raised by the Transportation Engineer Manager based on the level of additional traffic that will likely be generated by the proposed development.
2. Proposed development will result in increased on-street parking in the area - Based on the submitted plans that show 19 additional car parking spaces to serve the proposed development no objection is raised by the Transportation Engineering Manager.
3. Traffic calming should be introduced to slow traffic speeds - The Transportation Engineering Manager does not consider that the proposed development requires off site traffic calming works to render the proposal acceptable in highway safety terms.
4. Removal of existing trees onsite - Although it is noted that several trees have been removed in the vicinity of the proposed building, none of these trees were protected by Tree Preservation Orders.
5. Proposed building unsympathetic to its setting and unacceptable in visual amenity terms - The Councils Design and Conservation Officer raises no objection to the proposed development subject to conditions. The proposal is therefore considered to be acceptable in terms of its impact on the setting of the adjacent Listed Building.
6. Loss of green area will detract from the setting of the listed building - As discussed above the development is not considered to be unacceptable in terms of its impact on the adjacent Listed Building.
7. Existing Hospital building currently being underutilised - Each application must be considered on its own individual merits.
8. Road network leading to the site is dangerous due to the volume of traffic and substandard junctions leading to the application site - No objection is raised by the Transportation Engineering Manager.
9. Part of the application site is in third party land ownership - the appropriate declarations have been made and no further evidence to the contrary has been submitted.

Cont....

Application No. 19/0573/FULL Continued

10. Inadequate consultation with interested adjoining landowners - the application has been advertised by press notice, site notice and letters to 10 neighbouring houses.

11. Increased traffic will increase air pollution - the level of traffic would not raise significant concerns in this respect from a planning point of view

Other material considerations: None.

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Drawing No. 18031/F01/S02/D - Site Plan, received 18.09.2019;  
Drawing No. 18031/F01/S01/A - Location Plan, received 27.06.2019;  
Drawing No. 18031/F01/S04 - Proposed Development Land, received 27.06.2019;  
Drawing No. 18031/F01/001/C - Ground Floor Plan, received 27.06.2019;  
Drawing No. 18031/F01/003/A - Proposed Elevations, received 27.06.2019.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Cont....

Application No. 19/0573/FULL Continued

- 04) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.
- 05) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new hospital ward at Pendarren Court, Pendarren Road, Aberbeeg, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new hospital ward 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).
- 06) 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 hospital ward at Pendarren Court, Pendarren Road, Aberbeeg, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new hospital ward 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).
- 07) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the first use 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.

- 08) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development hereby approved is first occupied.  
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) The premises shall be used for secure hospital use and for no other purpose (including any other purpose in Class C2A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity and highway safety in accordance with policy CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) 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.
- 11) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.  
REASON: In the interests of visual amenity.
- 12) The building shall not be occupied until the area indicated for the parking of an additional 19 vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety and to comply with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010
- 13) The proposed parking area shall be completed in materials as agreed in writing with the Local Planning Authority, to ensure loose stones or mud etc is not carried on to the public highway.  
REASON: In the interests of highway safety and to comply with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010

Cont....

Application No. 19/0573/FULL Continued

Advisory Note(s)

**WARNING:**

**SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.**

Please note 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 100m<sup>2</sup> 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](mailto:drainage@caerphilly.gov.uk)  
Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

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

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

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

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# Agenda Item 7

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0578/FULL 04.07.2019	Mr C Bunce Spring Cottage Beach Bristol BS30 6NP	Erect stepped-level detached dwelling with double garage and roof deck Land At Grid Ref 314703 To 200239 Upper North Road Bargoed

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is located on Upper North Road, Bargoed.

Site description: Vacant parcel of land in settlement boundary.

Development: Full planning permission is sought to erect a split-level detached dwelling on the land.

Dimensions: The proposed split-level dwelling has a footprint that measures 10.3 metres x 13.6 metres. The attached garage measures 6.4 metres x 6.4 metres. The west facing, front elevation has a maximum height of 4.1 metres to ridge level, and the east facing, rear elevation has a height of 8.0 metres to ridge level (given the split level design and sloping nature of the site).

Materials: A traditional palette of materials is proposed, i.e. facing brick, smooth painted render and roof slates.

Ancillary development, e.g. parking: The proposed dwelling will be served by a driveway and double garage. A roof terrace is proposed. The existing highway serving the site will be widened and a pedestrian footpath will be provided.

## PLANNING HISTORY 2005 TO PRESENT

08/1247/FULL - Erect bungalow -Refused 01.10.2009.

18/0058/OUT - Erect 3 bedroom bungalow - Granted 17.04.2018.

Cont....

Application No. 19/0578/FULL Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

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

Policies: Strategic Policies:

SP2 (Development Strategy in the Northern connections corridor), SP6 (Place making), SP10 (Conservation of Natural Heritage), SP21 (Parking Standards).

Countywide Policies:

SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design considerations: Highways), CW15 (General locational constraints).

Supplementary planning guidance contained in LDP5 -Parking Standards; LDP6 - Building better places to live.

NATIONAL POLICY Planning Policy Wales 10th Edition (December 2018) and TAN12 (Design).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

### COAL MINING LEGACY

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

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - Provides advice to the developer regarding land drainage requirements and the requirement for SAB approval.

Dwr Cymru - Provides advice to the developer.

Ecologist - No objection subject to conditions.

Cont....

Application Nol. 19/0578/FULL Continued

Rights Of Way Officer - No objection based on the applicant submitting an updated site plan (23.07.2019) to ensure the existing right of way along the eastern boundary of the site is not impacted by the proposed development.

### ADVERTISEMENT

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

Response: Five objections have been received.

### Summary of observations:

1. Previous permissions have been for bungalows;
2. Dangerous access;
3. Existing access incapable of accommodating construction vehicles;
4. Ecology impact/loss of habitat;
5. Proposed dwelling out of keeping with surrounding area;
6. 'Outsiders' shouldn't be allowed to build big houses here;
7. Loss of privacy from raised terrace area;
8. Loss of view.

### SECTION 17 CRIME AND DISORDER ACT

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

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No, but Conditions will be attached to any permission in the interests of biodiversity.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, new residential development is CIL liable. However the application site is located in the Lower Viability CIL zone where the chargeable amount is £0 per square metre.

Cont....

## ANALYSIS

Policies: The current application site is located entirely within the settlement boundary and therefore the principle of development is acceptable subject to material planning considerations. The application site also benefits from extant Outline planning permission to 'Erect 3 bedroom bungalow' (Planning Ref: 18/0058/OUT). In this case the main issues are:

1. Access and highway safety;
2. Ecological impact;
3. Design, massing and visual impact on the wider area;
4. Impact on nearby residential amenity, i.e. privacy, overshadowing, etc.;
5. Extant planning permission and 'fallback' position.

### Access and highway safety

In response to the consultation, the Highways Department raise no objection to the proposal subject to conditions. One of these conditions includes improving Upper North Road by way of widening and pedestrian footpath provision. This represents significant planning gain in terms of highway and pedestrian safety. On this basis it is considered that the proposed dwelling is acceptable from a highway safety perspective.

### Ecological impact

In response to the consultation, the Council's Ecologist has raised no objection to the proposed development subject to conditions relating to reptile and nesting bird mitigation, and bird and bat enhancement measures. These matters will be controlled by way of condition.

### Design, massing and visual impact on the wider area

In terms of the potential impact of the proposed dwelling on the visual amenity of the surrounding area it is considered that the proposed split level dwelling has been carefully designed to sensitively integrate with the context of the surrounding area whilst also optimising the sloping topography of the site. Given the context of the surrounding area, i.e. a mixture of two storey properties and bungalows, the form of the dwelling is considered to be acceptable and represents an efficient use of land.

Given the relatively prominent location of the site, a contemporary design is an appropriate form of development. The proposed dwelling will incorporate painted render and face brickwork walls and a slate roof that will integrate with the surrounding area. A large roof terrace is also proposed thereby introducing a contemporary element which will be positive from a visual amenity perspective.

Cont....

## Application No. 19/0578/FULL Continued

Based on the above, the development is considered to be acceptable in design and visual impact terms.

### Impact on nearby residential amenity

The nearest properties to the west of the proposed dwelling are 1-8 Llancayo Park. These dwellings are located at least 25 metres away from the proposed dwelling and at a higher level. Therefore, given the low ridge level of the proposed dwelling when viewed from the west, i.e. 4.1 metres, the dwelling will not have an unacceptable impact on these properties. The bungalow known as Ty-ar-y-Mynydd is located 17 metres to the south of the proposed dwelling. On the basis of potential overlooking impact, amended plans have been submitted indicating that the south facing lounge window of the proposed dwelling will be obscurely glazed, and a privacy screen will be installed along the southern boundary of the proposed roof terrace to ensure the privacy of this nearby property is protected at all times. On this basis the proposal is considered to be acceptable from a residential amenity perspective.

### Extant planning permission and 'fallback' position

In April 2018 Outline planning permission was granted on the application site for a detached bungalow. As part of this application (as with all outline planning applications for residential development) the agent specified the maximum dimensions of the proposed dwelling to be a footprint measuring 14 metres x 14 metres, and a maximum ridge level of 6.5 metres. As the current proposal indicates a ridge level in excess of 6.5 metres (due to the sloping topography of the site), the applicant was unable to submit a reserved matters application for the proposed development, hence the Full planning application currently being considered. However it is important to note that an extant planning permission is on the site and if the applicant were to reposition and redesign the proposal in accordance with the parameters agreed at Outline planning permission stage the resultant dwelling could have a more significant impact on visual and residential amenity than the dwelling proposed.

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

### Comments from public:

1. Previous permissions have been for bungalows - The current application is being assessed on its own individual merits.
2. Dangerous access - No objection has been raised by the Transportation Engineering Manager subject to conditions including the improvement of this access.

Cont....

Application No. 19/0578/FULL Continued

3. Existing access incapable of accommodating construction vehicles - No objection has been raised by the Transportation Engineering Manager on this basis.
4. Ecology impact/loss of habitat - The Council's Ecologist raises no objection to the proposed development subject to conditions.
5. Proposed dwelling out of keeping with surrounding area - This issue has been addressed above. It is considered that the proposed dwelling is acceptable based on the context of the surrounding area, and the materials proposed.
6. 'Outsiders' shouldn't be allowed to build big houses here - This is not a planning consideration.
7. Loss of privacy from raised terrace area - Details have been submitted showing a privacy screen that will ensure the privacy of relevant neighbours is protected.
8. Loss of view - This is not a material planning consideration.

Other material considerations:

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

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

Cont....

Application No. 19/0578/FULL Continued

- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Drawing No. 1820.PL04B - SW and NE Elevations, received 22.10.2019;  
Drawing No. 1820.PL03B - SE and NW Elevations, received 22.10.2019;  
Drawing No. 1820.PL01C - Site Plan and Section, received 22.10.2019;  
Details of privacy screen, received 22.10.2019;  
Amended Site Location Plan, received 23.07.2019.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) No works shall commence onsite until Upper North Road has been improved in accordance with details to be firstly agreed in writing with the Local Planning Authority. Such details shall include the extension of pedestrian facilities, widening of the carriageway to 4.8m, and appropriate signage to identify the public right of way.  
REASON: In the interests of the highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) The building shall not be occupied until the area indicated for the parking and turning of vehicles has been laid out in accordance with the submitted plans to the written satisfaction of the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.  
REASON: In the interests of the highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The proposed parking and turning area shall have a maximum gradient not exceeding 12.5% (1 in 8).  
REASON: In the interests of the highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Rainwater run-off shall not discharge into the highway surface-water drainage system.  
REASON: In the interests of the highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Application No. 19/0578/FULL Continued

- 08) The proposed means of access shall be laid-out, constructed and maintained thereafter with vision splays of 2.4m x 3.3m. No obstruction or planting when mature exceeding 0.9m in height shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of the highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding bird season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 10) No 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 Policy SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

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

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

**WARNING:**

**SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.**

Please note 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 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water.

Cont....



Application No. 19/0578/FULL Continued

Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

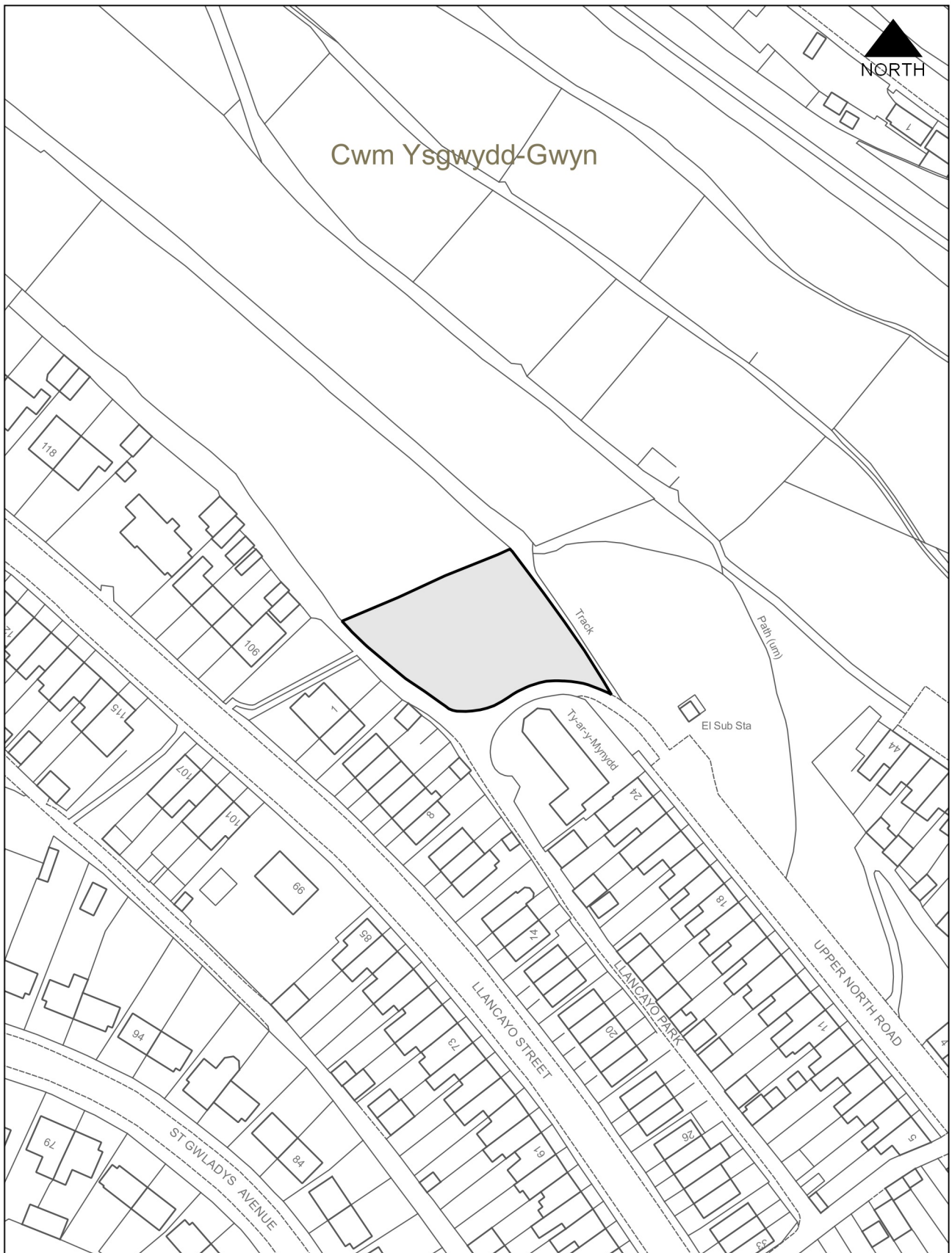
The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

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# Agenda Item 8

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0781/RET 18.09.2019	Mrs B Price 40 James Street Markham Blackwood NP12 0QN	Retain and complete works to replace Juliet balcony with a standard balcony 40 James Street Markham Blackwood NP12 0QN

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

## SITE AND DEVELOPMENT

Location: The application property is located on the southern side of James Street, Markham.

House type: Two-storey semi-detached dwelling with a garden to the front and rear.

Development: Planning permission is sought to retain and complete works to replace a juliet balcony with a standard balcony.

Dimensions: The balcony measures 3.0 metres in width by 1.0 metres in depth and measures 2.7 metres above ground level.

Materials: Render, concrete roof tiles with upvc windows, doors and rainwater goods.

Ancillary development, e.g. parking: The provision of obscure glazing panels either side of the balcony measuring 1.8 metres in height.

## PLANNING HISTORY 2005 TO PRESENT

18/0704/FULL - Demolish existing outbuilding and erect two storey rear extension - Granted 03.10.18.

## POLICY

## LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within settlement limits.

Cont....

Application No. 19/0781/RET

Policies: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW15 (General Locational Constraints) and advice contained within the Local Planning Authority's Adopted Supplementary Planning Guidance LDP7: Householder Developments.

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018) and TAN 12: Design (March 2016).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is not located within an area where a coal mining report is required, however standing advice will be provided.

### CONSULTATION

None.

### ADVERTISEMENT

Extent of advertisement: A site notice was not required in this instance, however two neighbours were notified by way of letter.

Response: One letter of representation has been received objecting to the development as built.

### Summary of observations:

1. Planning permission was previously refused for this structure and was subsequently replaced with a Juliet balcony.
2. The structure overlooks the neighbouring property.
3. The Council should enforce their original decision to refuse the structure.

Cont....

Application No. 19/0781/RET 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?  
There are no specific crime and disorder implications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No. The development is not CIL liable as the proposal does not intend.

### ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plan policies and supplementary planning guidance. The main considerations in the determination of this application is whether the balcony as built has an unacceptable impact in terms of amenity on the occupiers of the neighbouring properties.

This application seeks to retain an unauthorised structure erected in association with planning consent 18/0704/FULL. In that regard a proposed Juliet balcony has been replaced with a raised balcony measuring 3.0 metres in width and projects 1.0 metre in depth from the rear wall of the two storey extension. The submitted details indicate the provision of two 1.8 metre privacy screens to be installed on either side of the balcony, together with a glass balustrade.

In that regard policy CW2 of the Local Development Plan sets out criteria relating to amenity. Development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land.

In that respect the balcony is located centrally to the rear of two-storey rear extension and whilst elevated it is located approximately 4.1 metres off the neighbouring boundary of No. 38 James Street and 4.2 metres off the adjoining neighbouring boundary of No. 42 James Street.

Cont....

Application No. 19/0781/RET Continued

Turning to the impact of the development upon the neighbour to the west (No. 38 James Street), there is a single storey flat roof rear extension adjacent to this common boundary and beyond this extension is a private patio area serving the occupiers of No. 38. Whilst the balcony is slightly higher than that of the neighbouring flat roof rear extension, the submitted details indicate the provision of 1.8 metre privacy screens to be erected either side of the balcony. This would restrict any overlooking of the neighbouring patio area together with removing any direct views into the habitable room windows on the rear elevation of this property.

In terms of the impact to the occupiers of No. 42 James Street, whilst there is no single storey extension adjacent to the common boundary, the private amenity area nearest this dwelling is also in the same location as that of No. 38, together with being screened by a 1.8 metre fence. In that the application property adjoins No. 42 and having regard to the mitigation proposed, it is not considered that the proposed balcony would result in any overlooking to the private amenity area nearest the rear elevation of No. 42 James Street nor would the balcony provide any direct views into the habitable room windows located on the rear elevation of this property.

It is accepted that the balcony will result in overlooking to the rear garden areas but subject to erecting the privacy screens, however, this overlooking does not extend to the areas where the neighbouring occupiers would spend the majority of their recreational/dwelling time. Furthermore, this impact would be no different to that of the previously approved juliet balcony, or indeed looking out into the rear gardens from the first floor habitable room window of the two storey extension.

In that the balcony is limited in size to 3.0 metres in width by 1.0 metre in depth together with erecting an acceptable form of mitigation to remove concerns relating to overlooking and loss of privacy, it is not considered that there will be any demonstrable harm to the amenity of the nearest occupiers

Subject to conditions to ensure that the privacy screens are installed within an agreed period of time and to remain in place at all times, the proposal is considered to accord with policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021-adopted November 2010.

Comments from consultees: None.

Cont....

Application No. 19/0781/RET Continued

Comments from public:

1. Planning permission was previously refused for this structure and was subsequently replaced with a juliet balcony - There is one application linked to the planning history of the application property (planning reference 18/0704/FULL). The drawings to accompany the application included the provision of a juliet balcony.
2. The structure overlooks the neighbouring property - This has been addressed in the report above.
3. The Council should enforce their original decision to refuse the structure - Planning consent 18/0704/FULL was granted for a different proposal. The applicant has deviated from this consent but subject to appropriate mitigation the development can be made acceptable in planning terms.

Other material considerations: None.

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan received on 18.09.2019;  
PL 04 Proposed Ground Floor Plan received on 18.09.2019;  
PL 05 Proposed First Floor Plan received on 18.09.2019; and  
PL 06 Proposed Elevations and Roof Plan received on 18.09.2019.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Cont....

Application No. 19/0781/RET Continued

- 02) The proposed obscure privacy screens to be erected either side of the balcony hereby approved shall be erected within two calendar months from the date of this consent unless another timescale is agreed in writing with the Local Planning Authority. Thereafter, the privacy screens shall remain in perpetuity and any replacement or repair shall only be with obscure glass.

REASON: To prevent a loss of privacy amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

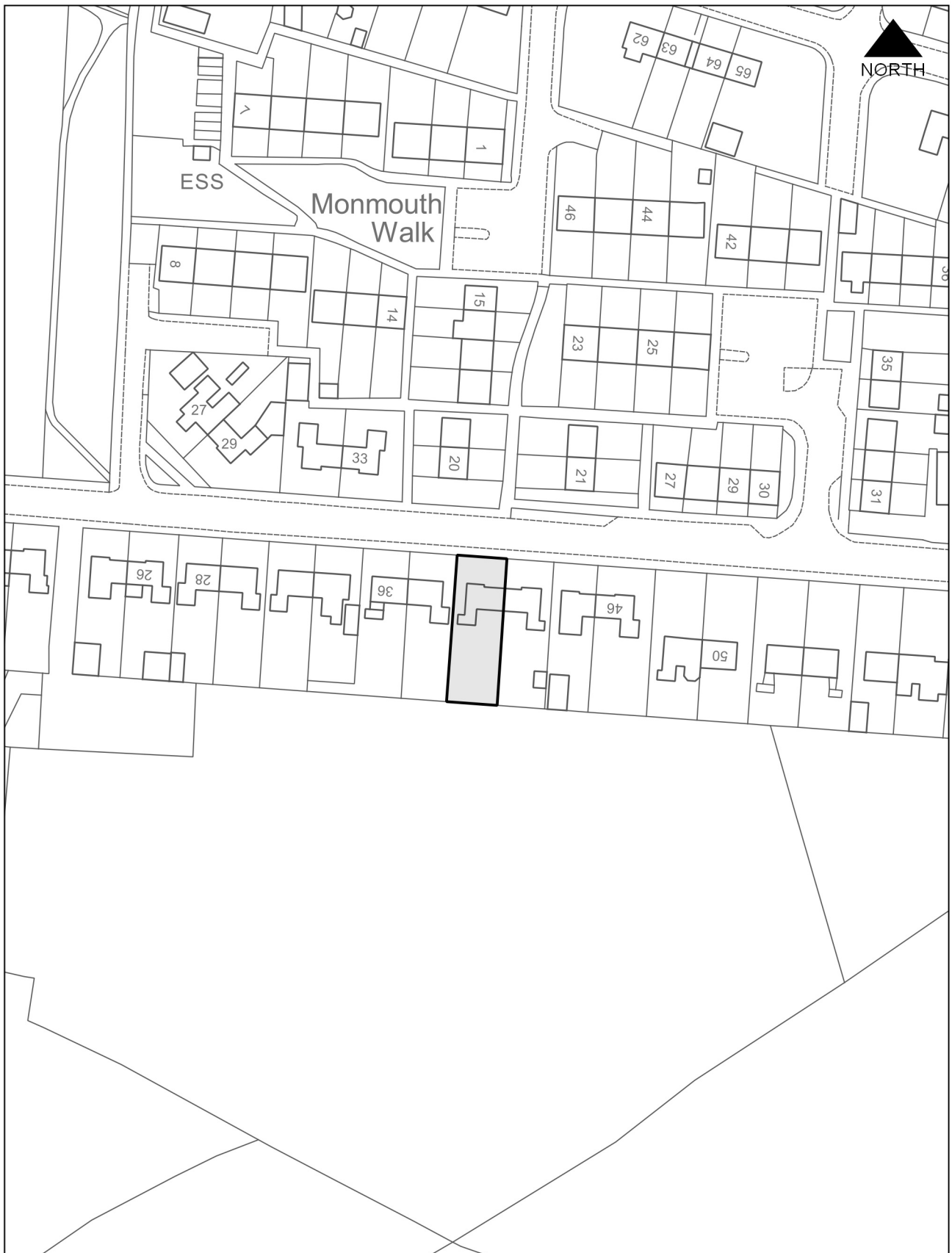
The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2.

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](http://www.gov.uk/government/organisations/the-coal-authority).

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# Agenda Item 9

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0694/FULL 16.08.2019	High Street Property Development 60 Cardiff Road Caerphilly CF83 1JQ	Erect a two storey building with ground floor A2 use (financial services) and first floor flat Land At 94-96 High Street Blackwood

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is located on the western side of High Street, Blackwood on its junction with Woodbine Road.

Site description: The application property is part of the site of the former Poundstretcher store on Blackwood High Street. The former store was demolished following fire damage and as such the site now comprises of a flat area with frontage onto High Street that is covered with concrete. There is a high retaining wall to the side boundary of the site onto Woodbine Road and on the rear boundary of the site onto the service yard for The Market Place. This application relates to half of the former Poundstretcher store site, immediately adjacent to number 98 High Street.

Development: The application seeks full planning consent for the erection of a new building to house an A2 (Financial and Professional Services) use on the ground floor with a one bedroom flat on the first floor. The building will have an apex roof with a shop front on the ground floor and two windows to the first floor. Access to the first floor flat will also be from the front of the building.

Dimensions: The building will be 5.6m wide by 8.7m long by 10m high.

Materials: The frontage will be finished in render with a slate roof. The shop front will be in powder coated aluminium with upvc windows to the first floor.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY 2005 TO PRESENT

None.

Cont....

Application No. 19/0694/FULL Continued

## POLICY

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP2 (Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP17 (Promoting Commercial Development), CW2 (Amenity), CW3 (Design Considerations: Highways), CW14 (Use Class Restrictions - Retail) and CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on extensions and conservatories.

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.

Cont....

Application No. 19/0694/FULL Continued

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.

Paragraph 4.3.5 explains the change in nature of retailing and identifies that many retail and commercial centres will experience both growth and decline, in some retail centres it might be appropriate to identify locations for expansion whilst in others it may be necessary to identify measures to reinvigorate centres.

This is further supported by Paragraph 4.3.30 which states that although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute to its vibrancy and that policies should encourage a diversity of uses in centres.

Paragraph 4.3.33 states that "vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre's wellbeing and success, whilst also reducing the need to travel.

In assessing development proposals within defined centres, planning authorities should assess retail and commercial centre performance and their overall vitality and viability. This is further explained in Paragraph 4.3.36 which outlines that where premises have been vacant for some time and may undermine a centre's vitality and viability "planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels".

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

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

#### COAL MINING LEGACY

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

Cont....

Application No. 19/0694/FULL Continued

### CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - Suggests that the application be deferred until such time as a SAB application is submitted.

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

Ecologist - No objection subject to conditions.

Blackwood Town Council - Raises no objection subject to off street parking being provided.

### ADVERTISEMENT

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

Response: None.

Summary of observations: None.

### SECTION 17 CRIME AND DISORDER ACT

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

### EU HABITATS DIRECTIVE

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

Is this development Community Infrastructure Levy liable? No. As the total floor area of the building is less than 100 square metres it is not CIL liable.

Cont....

## ANALYSIS

Policies: This application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks to erect a mixed use building within the Primary Retail Area of Blackwood Town Centre and the principle of a new building is considered to be acceptable. The design and scale of the building are considered to be acceptable for the site and in keeping with the street scene and there is adequate space within the site to accommodate the building. In that regard it is considered that the proposal complies with National Planning Guidance in terms of design and Policy CW2 of the LDP in terms of the amenity of the area.

Criterion C of Policy CW14 relates to new development or the change of use of ground floors within primary retail areas. The policy states that other class A uses would only be permitted where the total cumulative number of such units would not exceed 10% of the total number of commercial units within the primary retail area. There are currently 41 ground floor based commercial units within the primary retail area, of which 27 are in A1 use. This means that 34% of units currently within the primary retail area are not in A1 use. The development of this site for A2 use would increase the number of non-A1 uses within the primary retail area, and, in the strictest sense, the policy would not meet this criterion as it would exacerbate further the decline in A1 uses in the primary retail area. Notwithstanding this, it would bring back into beneficial use part of a prominent vacant site in a central location, which will help diversify the town centre and potentially increase footfall. The inclusion of first floor residential will also increase the vitality and vibrancy of uses within the town centre. In that regard it is considered that whilst the proposal does not strictly comply with this Policy it is acceptable in planning terms.

With regard to the comments of Blackwood Town Council raising no objection subject to the provision of parking on site, it should be noted that this is not possible on this site. The proposed building occupies the whole frontage onto High Street and is landlocked on all other sides. The land to the rear of the site is also elevated above the site and as such it would not be possible to accommodate any parking on site. It should also be noted that the previous building also had no parking on site.

Comments from Consultees: No objections raised. The need for SAB approval is a separate requirement under other legislation. An advisory note attached to the permission will notify the developer of that requirement.

Comments from public: None.

Cont....

Application No. 19/0694/FULL Continued

Other material considerations: None.

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan and A100.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

WARNING:

SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note 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 100m<sup>2</sup> 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](mailto:drainage@caerphilly.gov.uk)  
Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

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# Agenda Item 10

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0729/LA 18.09.2019	CCBC Mr A Bond Corporate Property Ty Penallta Tredomen Park Ystrad Mynach CF82 7PG	Change the use from house to Children's Care Home and conversion of detached garage to habitable studio with associated works to provide access and parking improvements and provision of a shed for storage Ty Isaf Caerphilly Road Ystrad Mynach Hengoed CF82 7EP

**APPLICATION TYPE:** Local Authority Application

## SITE AND DEVELOPMENT

Location: Ty Isaf, Caerphilly Road, Ystrad Mynach, Hengoed, CF82 7EP.

Site description: Ty Isaf is a large detached house located on the western side of Caerphilly Road approximately 500m south of the settlement of Ystrad Mynach and 250m north of the housing estate known as The Rise on the outskirts of Llanbradach. To the north is a horse training/exercise area (Manège). The nearest residential property is 90m to the north-east. To the west of the site the lane rises to the Caerphilly-Rhymney railway line. To the east across Caerphilly Road are fields and the access road serving the Dyffryn Industrial Estate, with the units on the industrial estate located approximately 150m from the application site on the opposite site of the River Rhymney from the application site.

Development: Change the use from house to Children's Care Home and conversion of detached garage to habitable studio with associated works to provide access and parking improvements and provision of a shed for storage.

The proposed ground floor layout of the main building would have an entrance area, lounge, dining room, games room, kitchen, utility and W/C along with storage.

The proposed first floor layout of the main building would have five bedrooms (four bedrooms for children and one for a staff member) with three bathrooms, an office area and store.

Cont....

Application No. 19/0729/LA Continued

The garage is proposed to be converted to a studio including kitchenette and w/c and shower.

Dimensions:

The main house at its widest point measures approximately 23m in width by 10m in depth (excluding an entrance porch) and has a ridge height of 7.5m

The garage measures approximately 4.8m wide by 5.9m deep with a ridge height of 4.5m.

Materials:

The main house is finished in a cream render with smooth roof tiles.

The garage is finished in a cream render with smooth roof tiles.

Ancillary development, e.g. parking: A parking area is proposed on an existing grassed area to the north of the dwelling which will be served by a new access. Fencing is proposed to the boundary of the site and this includes 1.8m high steel fencing to the rear and sides.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

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

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

Policies: CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), CW18 (Locational Constraints - Housing for People in need of care), CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

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

Cont....

Application No. 19/0729/LA Continued

### SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP10 (Buildings in the Countryside).

### 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

Strategic & Development Plans - The site is located within the Southern Connections Corridor (SCC). Policy SP3 Development Strategy - Development in the 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 boundaries 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 application proposes the change of use of an existing dwelling to a children's care home. Whilst the site is outside of the settlement boundary, the proposal would ensure the continuing use of an existing building and will therefore protect the natural heritage from inappropriate forms of development.

The application is adjacent to a bus stop, with a regular bus service to both Ystrad Mynach and Caerphilly, so would have the potential to reduce car borne trips by promoting travel by bus for both residents of the children's home, and staff.

SP4 Settlement Strategy defines the settlement hierarchy for towns and villages across the county borough and identifies those areas where development would be supported and enhanced based on the specified role and function of a particular area. The Strategy seeks to concentrate new development to respond appropriately to the economic, social and environmental needs of individual settlements and thus settlement boundaries are identified accordingly to indicate the potential areas where development is likely to be permitted.

Cont....

Application No. 19/0729/LA Continued

The application site is between Ystrad Mynach, which is defined as a principal town, and Llanbradach, which is a residential settlement in the settlement hierarchy. As it is outside the settlement boundary for both of these settlements, it would not specifically contribute to the role and function of either settlement.

SP5 Settlement Boundaries promotes resource efficient settlements, indicating where growth will be permitted through the delineation of settlement boundaries. Settlement boundaries define the area within which development would normally be allowed, taking into account all relevant planning policy and material planning considerations. This policy needs to be considered alongside Policy CW15, which sets out the types of uses that would be acceptable outside of the settlement boundary.

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

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. The proposal seeks to change the use of the property, with only minor amendments to the elevations, and the conversion of the garage to a habitable studio. The impact of these changes will be minimal.

#### Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires development proposals that are likely to generate a significant number of trips to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling, and that appropriate infrastructure is included in the layout to facilitate short trips on foot.

The site is between two settlements, and is some distance away from services and facilities, including local schools. There is a footway between the site and Ystrad Mynach to the north, and Llanbradach to the south, and the site is on a regular bus route. It is likely that there will be an increase in car borne trips associated with the change of use due to the number of people that will be employed in the care home (10 full time equivalent employees), but the number of trips are not considered to be significant.

Cont....

Application No. 19/0729/LA Continued

Policy CW2 Amenity indicates that development proposals must ensure that the proposal would not result in over-development of the site and/or its surroundings. Furthermore, the policy indicates that the proposed use would need to be compatible with the surrounding land uses and not constrain the development of neighbouring sites for their allocated use.

The proposal has the potential to increase the number of occupants of the building, and the number of vehicles parking within the curtilage, but the proposal itself is not considered to be over-development.

Policy CW3 Design Considerations - Highways states that development proposals must meet a number of highways requirements including that new access roads are designed to an appropriate standard. The Head of Engineering Service's views need to be sought on the proposed access arrangements as they relate to Policy CW3.

CW15 General Locational Constraints sets out the types of uses that would be acceptable outside of settlement boundaries. This includes the conversion, rehabilitation or replacement of rural buildings or dwellings. On this basis, the principle of conversion of this dwelling into an alternative use would be acceptable. However, the nature of the proposed use would need to be considered in the context of the Council's SPG on Buildings in the Countryside, which is detailed below.

CW18 Locational Constraints - Housing for People in Need of Care sets out that the development of housing offering an element of care, either through change of use or new development, will be permitted where it is located within defined settlement boundaries and there is safe and easy access to existing community facilities, local shops and services. This policy applies to any types of development where an element of care is provided as part of the development, and the supporting text refers specifically to facilities that can serve the needs of elderly people and/or people with disabilities. It also references that those with mobility needs would benefit from accessible locations near services and facilities. A children's care home is not specifically listed as an example of the type of use the policy would apply to, and the type of care that we understand will be provided is one of supervision, rather than medical care. On this basis, this policy is not considered to apply.

CW20 Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside states that conversion would be acceptable in Criterion A where the proposed use, scale, form, siting, design and materials are suitable within its context. The change to the external design of the building is minimal and it is considered that this is acceptable within its context.

Cont....

Application No. 19/0729/LA Continued

Criterion B requires demonstration that the building is not makeshift in nature and is capable of permanent, substantial construction and that it is structurally sound and capable of conversion without major alteration or reconstruction. This is considered to be the case.

Criterion B IV requires demonstration that the site will not result in the domestication or urbanisation of an otherwise rural setting or the unacceptable loss of undeveloped countryside. The site is already domestic in character with a defined residential curtilage.

The Council has an adopted Supplementary Planning Guidance document (LDP10 Buildings in the Countryside), which is intended to provide clear guidance on the interpretation and implementation of LDP policies including on the conversion of buildings in the countryside.

The Supplementary Planning Guidance provides further guidance on the design of conversions in the countryside. Whilst the conversion of the dwelling would make some minor materially changes to the exterior of the existing building, this is considered to accord with the principles of the guidance.

The proposal relates to a conversion an existing building that has a previous residential use for use as a children's care home.

Whilst the site is outside the settlement boundary, the principle of the conversion of the dwelling accords with Policy CW15 General Locational Constraints and Policy CW20 Locational Constraints - Conversion, Extension or Replacement of Buildings in the Countryside. Whilst the application site is some distance away from adjoining residential areas, it would secure an ongoing use for a large existing building, and is in a location that is well served by public transport and is accessible to Ystrad Mynach and Llanbradach by foot. On this basis, we do not raise a planning policy objection to the proposal.

Dwr Cymru - No objection.

Senior Engineer (Land Drainage) - SAB approval required and recommends the planning application be deferred.

Rights Of Way Officer - Object to the proposal as the erection of a security fence will obstruct the Public Right of Way which crosses the site.

Cont....



Application No. 19/0729/LA Continued

Network Rail - Confirms that they have no objection to the principle of the change of use. They would however request that advisory notes are attached to any decision in relation to fencing adjacent to Network Rail's boundary.

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

Head Of Public Protection - Environmental Health have no objections in principle to the above application but recommends a condition be attached for waste.

### ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and a press notice.

Response: No responses were received relative to the consultation exercise.

Summary of observations: None.

### SECTION 17 CRIME AND DISORDER ACT

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

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

### EU HABITATS DIRECTIVE

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

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is not chargeable as the additional internal floorspace created is below 100 sqm.

Cont....

## ANALYSIS

### Policies:

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

The application is being reported to Planning Committee for the reason that it is a Local Authority application considered to be of public interest.

The principle of the proposed change of use from a dwelling to a children's care home is considered to be acceptable. Although the application site is located outside the defined settlement boundary the proposal relates to the conversion of an existing structurally sound dwelling according with criterion Cii of Policy CW15 (General Locational Constraints) and criterion B of Policy CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) in being a permanent structure whose conversion will not materially change the existing character of the building and does not lead to domestication or urbanisation of the rural setting.

In terms of the visual impact of the development there would be limited construction works to facilitate the conversion of the existing garage to a habitable studio including replacement of a roller shutter door on the northern elevation with a wall. There would also be a new window inserted into the southern end elevation and alterations to existing fenestration on the eastern elevation of the garage. The main building would have a new window at first floor level in the northern elevation. These changes would have an acceptable impact on the visual appearance of the house and garage and upon the character of the area according with Policy SP6 (Placemaking).

The impact on neighbour amenity has been considered. The application site is relatively isolated from surrounding residential properties with the nearest dwelling approximately 90m to the north-east on the opposite side of Caerphilly Road. Due to this separation distance there would be no material overlooking or adverse impact in terms of amenity on residential properties in the area. It is therefore considered that the development would have an acceptable impact on neighbour amenity according with Policy CW2 (Amenity).

The applicant has submitted revised parking arrangements comprising of four parking spaces which the Highway Authority have considered and offer no objections to them. The applicant has clarified that it is anticipated that the staff will work 12 hour shifts with no more than 3 staff looking after the children per shift.

Cont....

Application No. 19/0729/LA Continued

The application site is also served by footways to Ystrad Mynach and Llanbradach and is close to public transport links with a bus stop located outside the site and to the south served by regular bus services to Ystrad Mynach, Llanbradach and Caerphilly. The development accords with Policy CW3 (Highways).

Comments from Consultees:

In respect of the comments of the Rights of Way Officer who has objected to the proposal due to the obstruction of the Public Right of Way it is noted that the existing situation is that the Public Right of Way has been diverted (without necessary consent) and the lawful route is already blocked. Members are advised that aerial photo records appears to indicate that the stile from the road being in its current position since at least February 2009. It is understood that the applicant is liaising with the Rights of Way Officer to submit a public path order to formally divert the footpath and this matter can be dealt with through Rights of Way legislation and does not preclude a determination of the planning application.

The Senior Engineer (Land Drainage) has requested the planning application be deferred until Sustainable Drainage Approval has been obtained by the applicant. The applicant is aware of the requirement for SAB approval and in this instance it is noted that the application site has significant permeable areas (grassed land) which indicate a Sustainable Drainage solution should be able to be designed. It is therefore considered appropriate in lieu of deferment to add an informative note to the permission highlighting the need for separate SAB approval to be obtained.

Comments from public: None.

Other material considerations:

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

The proposed development is acceptable in its design, impact on neighbour amenity and highway safety. It is recommended for approval accordingly.

RECOMMENDATION that Permission be GRANTED

Cont....

Application No. 19/0729/LA Continued

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
  - Proposed Ground Floor Plan, drawing reference P03, received 02.09.19;
  - Proposed First Floor Plan, drawing reference P04, received 02.09.19;
  - Proposed Elevations, drawing reference P06, received 02.09.19;
  - Proposed Site plan, drawing reference P07, received 02.09.19;
  - Site Location Plan, drawing reference P08, received 02.09.19;
  - Proposed Studio Plans, drawing reference A08, received 18.09.19;
  - Proposed Parking Plan, drawing reference A11, received 23.10.19.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.  
REASON: In the interests of the visual amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) The building shall not be occupied until the area indicated for the parking and turning of vehicles has been laid out in accordance with the submitted drawing reference A11 and that area shall not thereafter be used for any purpose other than the parking and turning 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.

Cont....

Application No. 19/0729/LA Continued

- 05) Prior to the occupation of the care home hereby approved all new hard surfacing within the curtilage 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 care home, and
  - 3) where a surface is to be used as a parking area or drive it shall 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.
- 06) Prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be first agreed in writing with the local planning authority.  
REASON: In the interest of public health in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Notwithstanding the submitted plans prior to the commencement of the use hereby approved a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the use is brought into beneficial use.  
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

**WARNING:**

**SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.**

Please note 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 100m<sup>2</sup> 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.

Cont....

Application No. 19/0729/LA Continued

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](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

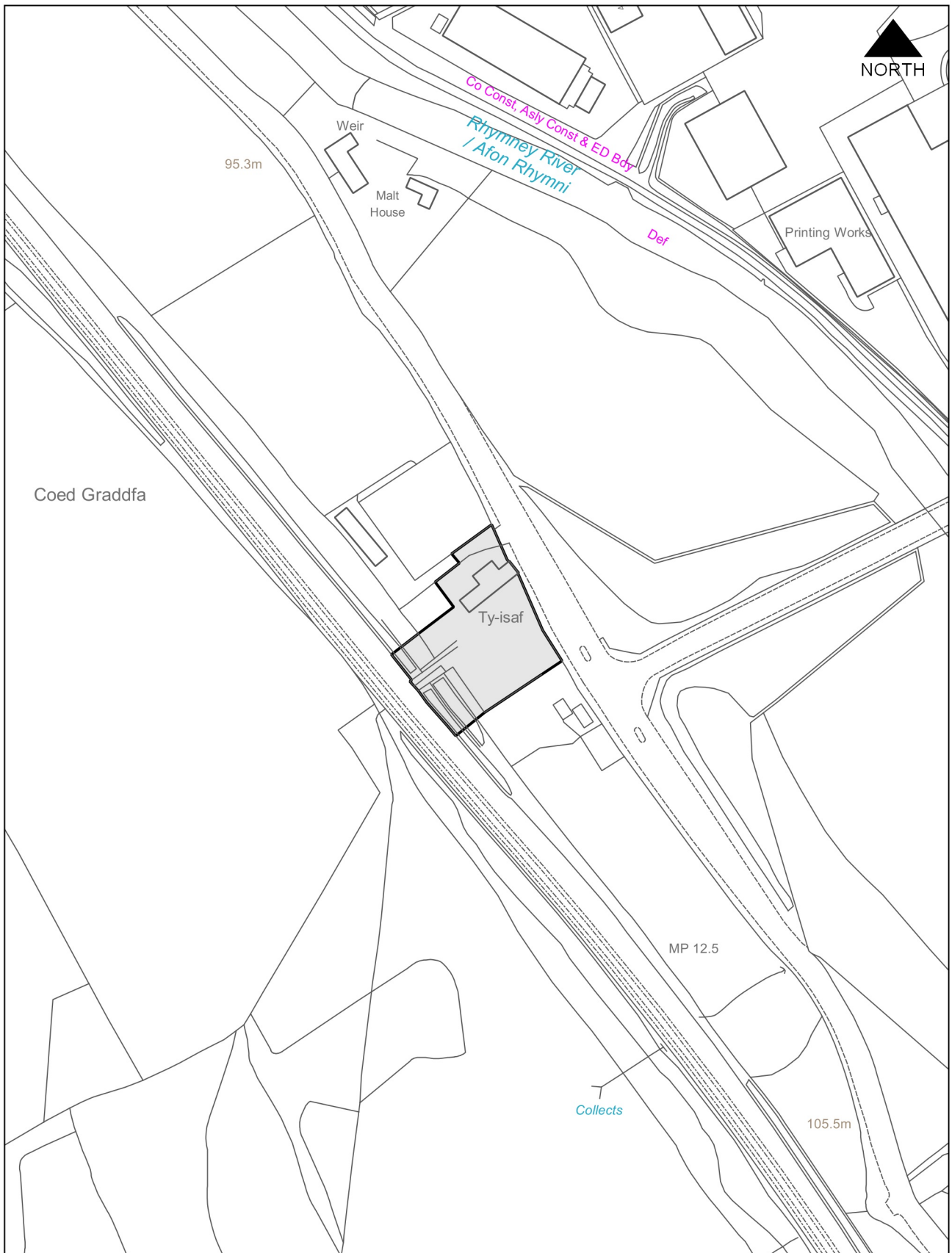
Please find attached the comments of Network Rail, Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and Rights of Way Officer that are brought to the applicant's attention.

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](http://www.gov.uk/government/organisations/the-coal-authority).

In order to widen the existing dropped vehicular access as shown on the submitted plans, the constructional details must be agreed with the Highway Authority. The applicant should ring (01443) 863112 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

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## PLANNING COMMITTEE – 6<sup>TH</sup> NOVEMBER 2019

**SUBJECT: WELSH GOVERNMENT CONSULTATION ON THE DELIVERY OF HOUSING THROUGH THE PLANNING SYSTEM**

**REPORT BY: INTERIM CORPORATE DIRECTOR - COMMUNITIES**

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### 1. PURPOSE OF REPORT

- 1.1 To provide information to Members of the Planning Committee on the content of the recent Welsh Government consultation on the Delivery of Housing through the Planning System.
- 1.2 To seek the views of Members of the Planning Committee on the draft consultation response included in Appendix 1.

### 2. SUMMARY

- 2.1 The Welsh Government is consulting on changes to Planning Policy Wales, together with consequential changes to Technical Advice Note 1: Joint Housing Land Availability Studies (TAN 1) and the Development Plans Manual.
- 2.2 The key changes to the document proposed are:
  - To remove the requirement in *Planning Policy Wales* for local planning authorities to provide a five-year supply of land for housing.
  - To consequently revoke TAN 1 in its entirety.
  - To replace the monitoring of housing land supply by the monitoring of housing delivery based on the LDP housing trajectory, to be reported through the AMR.
- 2.3 The draft response to the consultation is included in Appendix 1 of this document. If agreed the comments will be forwarded to Welsh Government before the deadline of 20<sup>th</sup> November 2019.

### 3. RECOMMENDATIONS

- 3.1 That Planning Committee notes the content of the Welsh Government consultation

on the delivery of housing through the planning system.

- 3.2 That Planning Committee considers and offers any views on the content of the draft consultation response prior to its submission to Welsh Government by the deadline of 20<sup>th</sup> November 2019.

#### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To ensure Members of the Planning Committee are aware of potential changes to National Planning Policy.
- 4.2 To ensure a response is submitted on behalf of the Council that reflects the views of the Planning Committee by the closing date of the consultation.

#### **5. THE REPORT**

- 5.1 Welsh Government is currently undertaking a review of housing delivery through the planning system and as part of this has issued a consultation setting out key changes to national planning policy as set out within Planning Policy Wales, together with associated documents.
- 5.2 The consultation document highlights that as of 1<sup>st</sup> April 2018, nineteen out of the twenty-five local planning authorities were unable to demonstrate a five year land supply. As a result, a number of local planning authorities have reported an increase in speculative planning applications for housing developments on sites which are not allocated in LDPs.
- 5.3 Welsh Government raise concerns about the Joint Housing Land Availability Study (JHLAS) process, which is set out in TAN 1, as they consider that developers are using it to query the deliverability of allocated sites, which can cause a local planning authority's 5 year land supply to be detrimentally affected.
- 5.4 The consultation document proposes the following changes to national planning policy:
- To remove the requirement in Planning Policy Wales for local planning authorities to provide a five-year supply of land for housing.
  - To consequently revoke TAN 1 in its entirety.
  - To replace the monitoring of housing land supply by the monitoring of housing delivery based on the LDP housing trajectory, to be reported through the AMR.
- 5.5 If the planning policy and associated changes proposed in this consultation were to be made, it is anticipated that they would come into effect in Spring 2020.
- 5.6 The consultation sets out four questions for stakeholders to set out their views and the draft response contained in Appendix 1 identifies a number of comments and concerns in respect of each of these consultation questions.
- 5.7 The key areas of concern are as follows:

- At the time that the adopted LDP for Caerphilly County Borough was prepared, there was no requirement for local authorities to include housing trajectories within their LDPs. As a result, Caerphilly has no trajectory against which to assess housing delivery and will not have until such time as a Replacement LDP is adopted. It is considered that the proposed changes should not take place until all LAs have up to date LDPs with trajectories included.
- It is not clear how a trajectory would be updated over the plan period to take into account changing circumstances.
- There is a need for recognition that some allocated housing sites have not been developed due to external factors - global economic uncertainty, Brexit, developer circumstances etc. rather than because of the failure of the plan.
- Where LDPs are being reviewed, this is a 3.5 year process. There is no clear policy in place to deliver housing in the interim in those areas where delivery is low.
- The policy vacuum will result in the reduction of the delivery of both market and affordable housing in areas where housing is needed, and will create uncertainty and potentially deter investment. It is not considered that the existing Joint Housing Land Availability Studies process is failing, but the residual method used to calculate the five year land supply requires review due to the undesirable consequences of this for future housing delivery. TAN 1 should be reviewed, rather than revoked.

5.8 Overall, there are significant concerns regarding the proposed changes to PPW and TAN 1 due to the: uncertainty this will cause, potential impact on housebuilding (including the delivery of affordable housing) and the prematurity of this proposal, as not all local authorities have a housing trajectory.

## **6. ASSUMPTIONS**

6.1 No assumptions have been made in the preparation of this report

## **7. LINKS TO RELEVANT COUNCIL POLICIES**

7.1 Changes to Planning Policy Wales, Technical Advice Notes and the Development Plans Manual will need to be considered as part of the Council's adopted Local Development Plan and any future reviews of the Local Development Plan.

### **Corporate Plan 2018-2023.**

7.2 The proposed changes to national planning policy could impact on the delivery of Objective 3 of the Corporate Plan - Address the availability, condition and sustainability of homes throughout the county borough and provide advice, assistance or support to help improve people's well-being

## **8. WELL-BEING OF FUTURE GENERATIONS**

8.1 The Well-being of Future Generations is enshrined in Planning Policy Wales, and the document contributes to all seven wellbeing goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh Language
- A globally responsible Wales

8.2 Planning Policy Wales demonstrates the five ways of working:

- Long Term – The importance of balancing short-term needs with the need to safeguard the ability of future generations to meet their long-term needs;
- Prevention - How acting to prevent problems occurring, or getting worse, may help public bodies meet their objectives;
- Integration – Considering how the public body’s well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies;
- Collaboration – Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives;
- Involvement – The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

**9. EQUALITIES IMPLICATIONS**

9.1 As this is a Welsh Government consultation, any Equality Impact Assessment will be completed as part of their Consultation exercise.

**10. FINANCIAL IMPLICATIONS**

10.1 There are no financial implications

**11. PERSONNEL IMPLICATIONS**

11.1 There are no personnel implications.

**12. CONSULTATIONS**

12.1 All responses from consultations have been incorporated into the report.

**13. STATUTORY POWER**

13.1 The Planning (Wales) Act 2015

Author: Victoria Morgan, Principal Planner, Strategic and Development Plans  
morgav@caerphilly.gov.uk

Consultees: Cllr E. Stenner – Cabinet Member for Environment & Public Protection  
Cllr L. Phipps – Cabinet Member for Homes and Places  
Cllr Mike Adams - Chair of Planning Committee  
Cllr Andrew Whitcombe - Vice Chair of Planning Committee  
Mark S. Williams - Interim Corporate Director - Communities

Rhian Kyte - Head of Regeneration and Planning  
Tim Stephens – Planning Services Manager  
Dave Lucas – Team Leader, Strategic and Development Plans  
Richard Crane – Senior Solicitor  
Shaun Couzens – Chief Housing Officer

Background Papers: Welsh Government Consultation Document – Delivery of housing through the planning system: revisions to Planning Policy Wales and associated advice and guidance

Appendices:

Appendix 1 – Draft Response

## Delivery of housing through the planning system

### Q1. Planning Policy Wales – Policy on housing trajectories

It is proposed that the policy of maintaining a five-year housing land supply is replaced by the use of LDP housing trajectories to monitor housing delivery, with the consequential revocation of TAN 1 and amendments to the Development Plans Manual.

To what extent do you agree or disagree that LDP housing trajectories as part of the AMR process provide an effective means of monitoring the delivery of LDP housing requirements?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you disagree, please tell us why and tell us about any changes you think should be made.

Whilst we agree that housing trajectories could form an important part of the AMR process in future, it must be recognised that not every local authority has trajectories in place within their current LDPs and therefore changes to the current approach may adversely affect housebuilding in these LAs by causing uncertainty. We strongly believe that these significant changes should not be brought in until such time as all local authorities in Wales have adopted LDPs with housing trajectories included.

Caerphilly, together with other authorities who adopted LDPs early in the process, does not have a housing trajectory, as there was no requirement in national planning guidance to include one at the time of plan preparation.

Guidance is provided on how LAs without a trajectory should address this, with the consultation document stating that these authorities would need to use a simple calculation based on their housing requirement to derive an average annual figure against which to assess delivery.

The guidance on the calculation indicates that LAs would need to measure completions against the average annual housing requirement set out in the plan, and consider the cumulative completion rate. Both figures would need to be included in the AMR in numerical and percentage terms. This calculation is very simplistic as it only considers one year of completions rather than considering what could realistically be delivered in the next 5 years to provide a greater understanding of supply. Our existing AMR already goes beyond what is proposed, considering completions in the context of the 5 year land supply using both the residual and past build rates method, as well as monitoring affordable housing. It will, however, require Caerphilly to separate out the monitoring of completions on allocated and windfall sites, which will in any event be useful information to inform an LDP Review.

The proposed revision to PPW indicates that “under-delivery against the trajectory can itself be a reason to review a development plan.” This should be amended to indicate that this is under-delivery over consecutive years. Furthermore, the reasons for under-delivery should be a consideration as low housing delivery rates may be due to external circumstances e.g. the global economic crisis, the impacts of Brexit etc, rather than the failure of the plan itself.

Over-delivery should also be considered – if sites are coming forward earlier than anticipated, or there are a greater number of windfall sites and small sites, this could potentially have implications for the delivery of housing later in the plan period.

Where a plan is under-delivering and the LPA commences a review based on recommendations in the AMR, this is a 3.5 year process. Welsh Government need to explain how housing can be delivered in the interim, in those areas where delivery is low, as the change in national planning policy would no longer support the role that speculative sites have in increasing the delivery of market and affordable housing. This is explained further in relation to Question 4.

## Q2. Development Plans Manual (Chapter 5) – Preparing a housing trajectory

To reflect the changes proposed to Planning Policy Wales, changes are required to Chapter 5 of the Development Plans Manual (Preparing an LDP – Core Issues).

To what extent do you agree or disagree that the guidance on how to prepare a housing trajectory is clear?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you disagree, please tell us why and tell us which aspects you think should be changed and in what way.

The guidance is clear in terms of what should be included in the housing trajectory that is to be embedded in an LDP, with build rates being agreed through Statements of Common Ground and ultimately by the Inspector. Diagram 16 is a useful presentation of the figures.

One point of clarification, however, is Para 5.67 - Table 21 – Column L – the anticipated annual build rate includes the deduction of the flexibility allowance, which is listed as a percentage rather than a numerical figure and this figure hasn't been included elsewhere in the table. Flexibility allowance should be included as a new row and expressed as a figure rather than a percentage.

However, we disagree with paragraph 5.66, which states that “*windfall rates will usually be an annualised flat rate over the plan period.*” Whilst this is an appropriate approach for small sites, windfall sites, by their nature, are unknown and are therefore very unlikely to be constant across the plan period. Windfall rates are more likely to increase as the plan period progresses, as sites that may have been occupied by another use at the start of the plan period may become available as circumstances change. A constant figure for windfall sites is likely to skew the overall completion assumptions. It is not clear how a windfall site would be defined and counted where you have a site that was a windfall site within a previous development plan, but the completions are included within an LDP review trajectory? For those authorities with trajectories including a windfall assumption, it would be worthwhile for Welsh Government to undertake some research on how rates change as a plan progresses to inform this section of the manual.

Under previous guidance, local authorities needed to demonstrate that they had a five year land supply at the time of plan adoption. This undoubtedly influenced the site selection process with sites that could be developed quickly being favoured over sites with longer lead in times (such as sites requiring significant infrastructure works or remediation), which may not be the most sustainable approach in the longer term. It would appear under the proposed revisions that this would no longer be a requirement and this is welcomed, although we assume an Inspector may require evidence that housing is distributed appropriately throughout the plan period.

### Q3. Development Plans Manual (Chapter 8) – Monitoring housing delivery

Changes are also required to Chapter 8 of the Development Plans Manual (Monitoring, Review and Revision).

To what extent do you agree or disagree that the amended Chapter 8 and the new indicators for measuring housing delivery provide an effective means of implementing the revised policy in Planning Policy Wales and the monitoring of LDPs?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	<i>Don't know</i>	<i>No opinion</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you disagree, please tell us why and tell us which aspects you think should be changed and in what way.

The proposal in Table 29 appears to imply that the AMR would just record a simplistic assessment of completions against the trajectory annual build rate, with another assessment of the components of site supply – site allocations, and large and small windfalls, without any site specific analysis. If the JHLAS process is going to be abolished, then we would expect that the trajectory would need to be updated to record the latest information on site delivery and permissions, rather than simply reporting the headline figures.

It should be noted that the JHLAS is not just a tool for the planning department. Other departments such as health and education use it for their service planning. The housing trajectory will be useful for these organisations at the start of the plan period, but if it is not updated annually (e.g. to reflect new windfall permissions, adjust commencement dates, etc.) it will not be useful in the long term.

Furthermore, the trajectory is a purely statistical exercise and does not give the opportunity to provide commentary on why certain sites have or haven't come forward as anticipated, unlike the JHLAS process, where site proformas are prepared for each site based on liaison with developers.

However, Table 31 on the Content of the AMR indicates that the AMR should state “what sites have been developed or delayed in relation to the plan’s expectations at places and phasing programme (as set out in the trajectory).” It is not clear how this should be done. Is it proposed that Tables 19, 20 and 21 be amended each year in the AMR? If so, how does the LA determine the anticipated phasing of schemes? Is there discussion with the development industry (as per the JHLAS) and who is the arbiter in any disputes? How should any change from the original housing trajectory be identified? Clarification is required.



The consultation provides insufficient guidance on what the trigger point should be where levels of completions are lower than the trajectory, other than stating that wide ranging triggers of 20-30% would not be appropriate.

We welcome the recognition that housing completions should be measured over at least two consecutive years allowing for trends to develop and become clearly identifiable. We consider that a longer period would be appropriate when considering trends, as two years may be too short.

#### Q4. Further comments

Are there any further comments that you would like to make on the proposed revisions to *Planning Policy Wales* and the related advice and guidance

The consultation proposes to delete paragraph 4.2.15 of PPW Edition 10. This paragraph states *“Planning authorities must ensure that sufficient land is genuinely available or will become available to provide a five-year supply of land for housing judged against the general objectives, scale and location of development required in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints and be economically viable, in order to support the creation of sustainable communities. For land to be regarded as genuinely available it must be a site included in either a Joint Housing Land Availability Study (JHLAS) or, until a JHLAS is required to inform the first Annual Monitoring Report (AMR), in the housing trajectory agreed as part of an adopted development plan. The housing trajectory demonstrates how the planning authority will maintain a five-year supply of housing land over the plan period.”*

The removal of this paragraph essentially removes the need for local authorities to provide a 5 year land supply of housing. Caerphilly CBC have consistently raised concerns about the use of the residual method as advocated in TAN 1 for calculating the housing land supply, The Leader of the Council, Cabinet Member for Planning and senior officials met with Lesley Griffiths AM, Former Cabinet Secretary for Energy, Planning and Rural Affairs, in September 2016 and again in January 2018 to discuss the local authority's concerns around TAN 1. Furthermore we raised concerns about the methodology to calculate the five year housing land supply as part of the consultation on the dis-application of TAN 1 in June 2018. **We did not advocate the removal of TAN 1 or the requirement to provide a 5 year land supply. Our concerns were about the way that the methodology is calculated and the undesirable consequences of this for future housing delivery. It remains our view that consideration should be given to reviewing the methodology for calculating the 5 year land supply, rather than revoking TAN 1 completely.**

A number of LAs without a five year land supply have received speculative applications on unallocated sites, including on sites that are outside the settlement boundary or on land allocated/protected for other sites. We fully support the plan led system, and acknowledge that the process of LAs refusing applications and decisions being made on appeal is not desirable.

However, many planning authorities have speculative applications that have yet to be determined, together with appeals going through the process. The removal of the need to provide for a 5 year land supply removes a material planning consideration, which, following the disapplication of paragraph 6.2 of TAN 1, is a matter for the decision maker to apply weight to. The removal of the need for a 5 year land supply would leave a policy vacuum on this issue, although we do note that a community's need for affordable housing would remain

a material planning consideration that must be taken into account when determining planning applications. How speculative applications will be considered may ultimately become a matter for the Planning Inspectorate for some time yet.

There is a very real danger that amendments to PPW will have the unintended consequence of reducing housing delivery (including the delivery of affordable housing), as the approach from Welsh Government appears to be to delete all controversial housing policies in national policy and not replace them with an alternative approach that can be applied to all local authorities to actively result in greater housing delivery. This will create significant uncertainty and deter investment.

In the long term, the move to a more plan led approach would be appropriate but until every local authority has an up to date LDP with deliverable allocations and a housing trajectory, this cannot be achieved, and appropriate national policy is needed in the interim on how housing can best be delivered in those areas where the LDP is not delivering at the rates required.

We disagree with the removal of the JHLAS process, as implied by the removal of Paragraph 4.2.15. As LAs will need to record completions, there will still be a need to undertake extensive survey work on small and large sites. The liaison with the development industry through the site schedules acts as a check to ensure that there are no inaccuracies on a site specific basis. As stated in the response to the earlier questions, it is not clear if the housing trajectory will be updated annually or how stakeholders will engage with this process to ensure it is accurate.

The consultation document states *“Evidence suggests that the five-year housing land supply policy and its monitoring through the JHLAS process is providing further opportunities for developers to query the deliverability of allocated sites, which can cause a local planning authority’s five-year housing land supply to be detrimentally affected. Combined with issues regarding whether some of the sites allocated in LDPs were the most appropriate, sustainable and deliverable sites, this opened up the possibility of gaining planning permission for additional sites not allocated in LDPs, contrary to the plan-led approach to managing development.”*

Whilst we accept that the JHLAS does offer developers the opportunity to express concerns about the delivery timescales and rates of certain sites, the concerns raised are often legitimate, as circumstances do change between sites being allocated in a plan, planning permission being granted and work commencing on sites for a number of valid reasons.

Not every site allocated in a plan will have a developer behind it at allocation stage, nor should it be expected to have, particularly as this forms part of the delivery figures for later in a 15 year plan period. Different developers have different products and build to different markets, and therefore may have different build rates, and the process should be flexible enough to reflect this. Developers and contractors can face financial difficulties – for example, a major contractor used by the RSLs for the construction of affordable housing went into receivership, causing significant delays across a number of sites. Furthermore, ground investigations prior to construction may identify constraints that could delay schemes, as can the introduction of new legislation for e.g. the SAB process, which may also have implications for timescales and costs. None of these examples would be known at plan preparation stage when the housing trajectory is set, and an annual review provides the opportunity to assess such matters and respond accordingly.

Ultimately, the JHLAS is an agreed position between a number of parties and where there is a dispute, a Planning Inspector is the decision maker based on evidence, just as is the case

with an LDP. We do not consider that the current system of seeking agreement on the schedule of sites was an issue, but rather the methodology used to calculate the five year land supply.

An issue that is not raised here is that around aspirational sites. It is generally accepted that there are sites that a local authority would wish to see brought forward for development but, due to significant constraints such as the need for reclamation/remediation, are unlikely to come forward during the plan period. Whilst these sites would not be included in the housing trajectory, they would benefit from an allocation designation to assist in securing funding. However, under the proposed monitoring regime any such sites that do come forward would be included in the housing completions and would greatly skew the housing delivery when considered against the housing trajectory, especially if they are large sites. The proposed changes do not reference this scenario and this could result in plans being wildly off in terms of delivering their trajectory suggesting a plan review would be required, when in fact the plan has taken account of this. Guidance is needed in respect of this.

Overall, there are significant concerns regarding the proposed changes to the PPW and TAN 1 due to the uncertainty this will cause, the potential impact on housebuilding (including the delivery of affordable housing) and the prematurity of this proposal, as not all local authorities have a housing trajectory.

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# Agenda Item 12

## APPLICATIONS DETERMINED BY DELEGATED POWERS

<b>APP NO. DATE REC'D</b>	<b>NAME AND ADDRESS OF APPLICANT(S)</b>	<b>PROPOSAL &amp; LOCATION</b>	<b>DECISION</b>
19/0639/FULL 22.07.2019	Mr A Lane 32 Clos Gwastir Caerphilly CF83 1TD	Erect two storey side, front and rear extension and 2 new car parking spaces to front 32 Clos Gwastir Caerphilly CF83 1TD	Granted 27.09.2019
19/0363/COU 29.04.2019	Mr M Mcburney 5 Fairways Bargoed CF81 8TQ	Change the use of former Welsh Nazareth Independent Chapel into one dwelling Nazareth Chapel Mill Road Deri	Granted 30.09.2019
19/0653/FULL 29.07.2019	Mrs Griffiths 15 Court Road South Energlyn Caerphilly CF83 2QW	Erect a two storey side extension and single storey rear extension 15 Court Road South Energlyn Caerphilly CF83 2QW	Granted 30.09.2019
19/0670/ADV 05.08.2019	Mr Power 15 Consort Street Mountain Ash CF45 3AY	Replace existing illuminated billboard with a fixed page LED (image changes periodically; illuminance levels adjusted by software with auto brightness) Advertising Hoarding Car Park - Compound Ton-Y-Felin Road Caerphilly	Granted 30.09.2019
19/0589/FULL 04.07.2019	Mr & Mrs R Williams 21 Cobden Street Crosskeys Newport NP11 7PF	Convert loft and erect rear facing dormer with juliet balcony 21 Cobden Street Crosskeys Newport NP11 7PF	Granted 01.10.2019
19/0625/COND 15.07.2019	Mr R Cooper Upper School House Wellington Way Rhymney Tredegar NP22 5PU	Discharge conditions 3 (Arboricultural Impact Assessment), 8 (Reptile Mitigation Strategy), 16 (Coal - intrusive investigation) of planning consent 18/0504/FULL (Construct dormer bungalow with attached garage) Land At Upper School House Wellington Way Rhymney	Decided - Discharge of Conditions 01.10.2019

19/0626/NCC 15.07.2019	Lisvane Riding School Ltd Forest View Rudry Road Lisvane Cardiff CF14 0SN	Vary condition 02 (Approved Plans) of planning consent 18/0389/RET (Retain works carried out to include saddling area and a horses hospital, lean to structure to accommodate a feed and bedding hay store, a workshop and stalls, replacement windows, new render on existing block walls and a detached steel hay barn for use as shelter for the horses during inclement weather) to add a first floor to the extension to provide tack storage Lisvane Riding School Ltd Forest View Rudry Road Lisvane	Granted 01.10.2019
19/0672/COND 05.08.2019	Mr A Barham Chemical Corporation (UK) Ltd Unit 9 - Atlas House Bedwas Business Centre Bedwas House Industrial Estate Bedwas Caerphilly CF83 8DU	Discharge Condition 3 (Trees), Condition 4 (Breeding Bird Provision), Condition 5 (Site Control - Dust Suppression), Condition 6 (Site Control - Noise Suppression), Condition 7 (Noise - scheme of control - one building) of planning consent 19/0391/FULL (Erect rear extension to existing unit to provide additional storage) Lenstec Unit 4 Bedwas Business Centre Bedwas House Industrial Estate	Decided - Discharge of Conditions 01.10.2019
19/0675/CLPU 06.08.2019	Mr P Greening Brynsiriol 73 Main Road Maesycwmmmer Hengoed CF82 7PP	Obtain a Lawful Development Certificate for a proposed extension to existing kitchen Brynsiriol 73 Main Road Maesycwmmmer Hengoed	Granted 01.10.2019
19/0676/RET 06.08.2019	Mr A Najmi The Gatehouse Gwern-y-domen Farm Lane Caerphilly CF83 3RN	Retain the use of former ancillary building as a single dwelling The Gatehouse Gwern-y-domen Farm Lane Caerphilly CF83 3RN	Granted 01.10.2019

19/0677/TPO 06.08.2019	Mr I Chedgy 136A High Street Bristol BA16 0ER	Carry out various tree works (Tree Preservation Order 64/12/CCBC) St Pauls Vicarage High Street Newbridge Newport	Granted 01.10.2019
19/0215/NCC 14.03.2019	Mr K Davies 7 Ffordd-deg Caerphilly CF83 1HZ	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 Hengoed Hall Yard Hengoed Hall Drive Cefn Hengoed	Granted 02.10.2019
19/0273/FULL 01.04.2019	Mr Haines Troed-Rhiw-Las Farm Risca Newport NP11 6JD	Erect a four bedroom detached dwelling Land At Troed Rhiw Las Farm Troed-Rhiw-Las Lane Risca Newport	Refused 02.10.2019
19/0659/COND 29.07.2019	Mr S Matthews Dan-y-coed Glynmarch Street Deri Bargoed CF81 9HZ	Discharge conditions 08 (refuse vehicle turning facility) and 10 (turning facilities) of planning consent P/01/0461 (Erect three dwellings (renew outline application P/98/0306) Land West Of Glynmarch Street Deri Bargoed	Decided - Discharge of Conditions 02.10.2019
19/0667/TPO 01.08.2019	Mr D Holder 25 Kingswood Close Hengoed CF83 7LU	Fell tree T1 Birch and fell T2 Lime (Tree Preservation Order No. 49/82/RVDC) 25 Kingswood Close Hengoed CF83 7LU	Granted 02.10.2019
19/0668/FULL 01.08.2019	Mr P Freeman 128 North Road Pontywaun Newport NP11 7FW	Erect bedroom extension over existing bathroom 128 North Road Pontywaun Newport NP11 7FW	Refused 02.10.2019
19/0601/FULL 08.07.2019	Mr K Madsen The Hollies Penrhiw Lane Machen Caerphilly CF83 8RQ	Erect rear single storey extension Old Barn Penrhiw Lane Machen Caerphilly	Granted 03.10.2019

19/0650/COND 25.07.2019	Mrs C Rees 50 Derwendeg Avenue Cefn Hengoed Hengoed CF82 7HR	Discharge conditions 4 (Drainage), 5 (Arboricultural Impact Assessment), 6 (Landscaping), 9 (Hedgerow enhancement), 10 (Lighting), 12 (Bat roost provision), 13 (Biodiversity bird enhancement) and 14 (Noise Attenuation to bedrooms) of planning consent 18/0925/FULL (Construct a new dormer bungalow and a double garage along with access and ancillary works) Land At Ty Isaf (Adjacent To Underwood Bungalow) Caerphilly Road Ystrad Mynach	Decided - Discharge of Conditions 03.10.2019
19/0678/FULL 07.08.2019	Mr & Mrs Cole Brynteg Twyn Road Ystrad Mynach Hengoed CF82 7EW	Erect side and rear first floor extension above the existing single storey ground floor extension Brynteg Twyn Road Ystrad Mynach Hengoed	Granted 03.10.2019
19/0698/FULL 15.08.2019	Mr Hobbs Abertysswg Road Rhymney NP22 5AE	Erect single storey building to be used as a residential care home Land Within The Curtilage Of Newport House Abertysswg Road Rhymney Tredegar	Refused 03.10.2019
19/0707/FULL 19.08.2019	Mr A A Islam 6 The Oaks Oakdale Blackwood NP12 0EN	Erect outbuilding within rear garden 6 The Oaks Oakdale Blackwood NP12 0EN	Granted 03.10.2019
19/0710/FULL 20.08.2019	Mrs R Dickinson 26 Summerfield Lane Graig-y-rhacca Caerphilly CF83 8RE	Erect single-storey rear extension 26 Summerfield Lane Graig-y-rhacca Caerphilly CF83 8RE	Granted 03.10.2019
18/0750/COU 28.08.2018	Ms M Morley 16 Garrick Drive Thornhill Cardiff CF14 9BG	Change the use of land to provide car parking provision and install new gates and fencing Land At Grid Ref 316141 187583 Bedwas Road North UI Caerphilly	Refused 04.10.2019



19/0499/FULL 04.06.2019	Mrs M Thomas 58 Bryn Dolwen Bedwas Caerphilly CF83 8GH	Erect double extension to rear of property 58 Bryn Dolwen Bedwas Caerphilly CF83 8GH	Granted 04.10.2019
19/0671/RET 05.08.2019	Mr L Hawthorne 56 Shingrig Road Nelson Treharris CF46 6EA	Retain and complete works to rebuild garage 56 Shingrig Road Nelson Treharris CF46 6EA	Granted 04.10.2019
19/0687/FULL 12.08.2019	Mr & Mrs Williams 1 Tor View Bedwas Caerphilly CF83 8HE	Erect first floor dormer with internal alterations, with erection of single storey rear extension 1 Tor View Bedwas Caerphilly CF83 8HE	Granted 04.10.2019
19/0711/CLPU 20.08.2019	Mr C Maddock 14 Heol Brynteg Ystrad Mynach Hengoed CF82 7EY	Obtain a Lawful Development Certificate for proposed attic conversion 14 Heol Brynteg Ystrad Mynach Hengoed CF82 7EY	Granted 04.10.2019
19/0712/FULL 20.08.2019	Mr S Talbot Tudor House St Martins Crescent Caerphilly CF83 1ER	Erect single-storey rear extension Tudor House St Martin's Crescent Caerphilly CF83 1ER	Granted 04.10.2019
19/0713/COND 21.08.2019	Charter Housing Mr N Taylor Exchange House High Street Newport NP20 1AA	Discharge Conditions 04 (Contamination) and 05 (Imported materials) of Planning Consent 17/0489/FULL (Erect 34 No. residential dwellings and associated works) Gardd Y Craig 106 Commercial Street Pontymister Risca	Decided - Discharge of Conditions 04.10.2019
19/0641/FULL 24.07.2019	Mrs V Phillips 11 High Street Crosskeys Newport NP11 7FR	Erect single storey rear extension and detached garage 11 High Street Crosskeys Newport NP11 7FR	Granted 07.10.2019
19/0695/FULL 13.08.2019	Ms Roberts 43 Court Road Energlyn Caerphilly CF83 2LT	Erect single storey rear extension 43 Court Road Energlyn Caerphilly CF83 2LT	Granted 07.10.2019

19/0171/RET 04.03.2019	Western Motors Mr P Jefferies Block C Unit 9-10 Western Industrial Estate Caerphilly CF83 1BQ	Retain and complete garage extension on an area being used for parking of vehicles Western Motors Ltd Unit 9-10 Block C Western Industrial Estate	Granted 08.10.2019
19/0703/FULL 16.08.2019	Mr A Meade 41 Lilian Road Blackwood NP12 1DN	Erect single storey extension to side of dwelling 41 Lilian Road Blackwood NP12 1DN	Granted 08.10.2019
19/0523/FULL 13.06.2019	Mr L Porter 24 Coed-Y-Graig Ystrad Mynach Hengoed CF82 7FJ	Erect two storey side extension 24 Coed-Y-Graig Ystrad Mynach Hengoed CF82 7FJ	Granted 10.10.2019
19/0619/FULL 15.07.2019	Mrs S Davies 2 Princess Avenue Caerphilly CF83 1HS	Convert existing double garage to dwelling together with alteration to roof 2 Princes Avenue Caerphilly CF83 1HS	Granted 10.10.2019
19/0683/COU 08.08.2019	Mr R Hamer 1 Brook Rise Oakdale Blackwood NP12 0ES	Change the use to a fish and chip takeaway with internal seating for approximately 30 people 54 High Street Blackwood NP12 1HP	Granted 10.10.2019
19/0692/COND 12.08.2019	Redrow Homes Mrs S Edwards Redrow House Copse Walk Cardiff Gate Business Park Cardiff CF23 8RH	Discharge condition 10 (Engineering Details) of planning consent 19/0049/RM (Seek approval of the reserved matters relating to layout, scale appearance and landscaping pursuant to appeal reference APP/K6920/A/16/3160099 for residential development of 260 dwellings with open space including details to discharge planning conditions 1, 5, 6, 8, 9, 10, 12, 13 & 14) Land At Grid Ref 313419 188100 Mountain Road Abertridwr To Hendredenny Park Hendredenny Caerphilly	Decided - Discharge of Conditions 10.10.2019

19/0696/FULL 14.08.2019	Mr Whelpton 11 Mendip Close Trenewydd Park Risca Newport NP11 6QZ	Erect side extension and raised patio with glass balustrade 11 Mendip Close Trenewydd Park Risca Newport	Granted 10.10.2019
19/0571/RET 26.06.2019	Mr M Howell Fairoak Corbetts Lane Pwllypant Caerphilly CF83 3HX	Retain and complete agricultural track, hard standing/turning area, soil levelled off as silage area, fencing and entrance gates and erect storage container for storage of machinery/equipment Land At Grid Ref 316666 189339 Mountain Road Bedwas	Refused 14.10.2019
19/0681/FULL 08.08.2019	Mr G Evans 6 St Helen's Court Caerphilly CF83 1DL	Erect side/front double storey extension wrap around, and part front single storey extension 6 St Helen's Court Caerphilly CF83 1DL	Refused 14.10.2019
19/0738/NMA 09.08.2019	Mr M Parker 13 Lon Isaf Caerphilly CF83 1BT	Seek approval of non-material amendment to planning consent 18/0218/FULL (Erect replacement dormer bungalow) to install 2 no. additional windows to first floor gable wall 13 Lon Isaf Caerphilly CF83 1BT	Granted 14.10.2019
19/0688/FULL 12.08.2019	Mr P Klekotko 16 Beaumont Close Nantyglo Blaenau Gwent NP23 4QJ	Erect 1 No. three bedroom bungalow 3 Fforest View Close Greensway Abertysswg Tredegar	Granted 14.10.2019
19/0706/FULL 19.08.2019	Mr Gavin Hoskins 63 Heol Ysgubor Caerphilly CF83 1SR	Convert existing loft space into bedroom with rear facing dormer and front facing velux windows 63 Heol Ysgubor Caerphilly CF83 1SR	Granted 14.10.2019

19/0784/NMA 19.09.2019	Mrs A Hughes Cefn Rhos Y Bedd Farm Old Pant Road Pantside Newbridge NP11 5DN	Seek approval of a non-material amendment to planning consent 17/1004/FULL - revision of height and location of the garage and studio Cefn Rhos Y Bedd Farm Old Pant Road Pantside Newport	Granted 14.10.2019
13/0479/FULL 26.06.2013	Mr Capel 4 Woodland Place Pengam Road Blackwood	Erect new house Former Holly House Nursing Home (Plot 2) Victoria Road Fleur-de-lis Blackwood	Refused 15.10.2019
16/0085/NCC 05.02.2016	Mr P Perry C/o Harmers Ltd Mr A Muir 39 Lambourne Crescent Cardiff Business Park Llanishen Cardiff CF14 5GG	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 Land Off Pencoed Avenue Cefn Fforest Blackwood	Refused 15.10.2019
19/0657/FULL 30.07.2019	Mr D Rai Carreg Fawr Barn Pant-Ysgawen Farm Lane Newbridge Newport NP11 4RJ	Demolish existing redundant stables and erect detached garage with basement storage ancillary to the use of the garage Carreg Fawr Barn Pant-Ysgawen Farm Lane Newbridge Newport	Refused 15.10.2019
19/0302/LBC 09.04.2019	Mrs N Watkins Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood NP12 0JH	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 Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood	Granted 16.10.2019
19/0565/RET 25.06.2019	Mr G Parker Brookside Cottage Trinant Road Newbridge Newport NP11 3BB	Retain and complete a two storey duo pitch extension to rear of existing dwelling Brookside Cottage Trinant Road Trinant Newport	Refused 16.10.2019

19/0568/FULL 25.06.2019	Mr & Mrs Armstrong 17 Grove Road Risca Newport NP11 6GN	Erect two storey rear extension and demolish existing ground floor extension 17 Grove Road Risca Newport NP11 6GN	Granted 16.10.2019
19/0722/ADV 30.08.2019	Esquires Coffee Ms V Ezekwe 285 Putney Bridge Road London SW15 2PT	Install two internally illuminated fascia signs (one on each face of the unit) displaying the company name, and one internally illuminated hanging sign showing the company logo, near the corner of the unit Unit 7 Castle View Shopping Centre Cae Meillion Caerphilly	Granted 16.10.2019
19/0815/NMA 01.10.2019	Mr & Mrs R Williams 6 Elidyr Road Treowen NP11 3EE	Seek approval of a non-material amendment to planning consent 19/0112/FULL (Erect two storey rear extension) to move/reduce width of extension 6 Elidyr Road Treowen Newport NP11 3EE	Granted 16.10.2019
19/0301/FULL 09.04.2019	Mrs N Watkins Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood NP12 0JH	Erect contemporary dwelling within curtilage of Ty Tallis Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood	Refused 17.10.2019
19/0679/NCC 07.08.2019	Messrs L Ross And S Edwards 5 Cinnabar Drive Libanus Fields Pontllanfraith Blackwood NP12 2FT	Vary conditions 5 (Layout), 6 (Drainage), 13 (Noise Barrier), 14 (Coal) of planning consent 16/0642/OUT (Erection of residential development (indicative 25 dwellings) and associated infrastructure) Edwards And Ross Pallets Old Highways Depot Pontlottyn Link Road Pontlottyn	Granted 17.10.2019

19/0238/COND 22.03.2019	Llanmoor Developments Ltd Mr S Grey 63-65 Talbot Road Talbot Green Pontyclun Rhondda Cynon Taff CF72 8AE	Discharge conditions 07 (Travel Plan), 08 (Parking Area Materials), 21 (Acoustic Glazing), 22 (Acoustic Boundary Treatment Plot 49), 23(Acoustic Barrier Plots 4-7) and 24 (Amendments To Plots 1 & 52) of planning consent 18/1005/FULL (Erect 55 unit residential development with associated landscaping and play provision) Land At Former Bedwellty Comprehensive School Pengam Road Aberbargoed	Decided - Discharge of Conditions 18.10.2019
19/0749/FULL 06.09.2019	Mrs A Lessimore Glan Y Mor 19B Cwm Braenar Pontllanfraith Blackwood NP12 2DS	Erect conservatory Glan Y Mor 19B Cwm Braenar Pontllanfraith Blackwood	Granted 18.10.2019
19/0762/COND 10.09.2019	Mr & Mrs N Owen Shangri-La 64 Elim Way Pontllanfraith Blackwood NP12 2AB	Discharge condition 3 (Materials - cheeks and face) of planning consent 19/0187/FULL (Erect single storey extension to rear of dwelling and dormer extensions to front and rear of dwelling) Shangri-La 64 Elim Way Pontllanfraith Blackwood	Decided - Discharge of Conditions 18.10.2019
19/0108/OUT 11.02.2019	Mr L Cheballah 17 Caradoc Close St Mellons Cardiff CF3 0LQ	Construct a detached 3/4 bedroom dwelling Land At Grid Ref 315089 202632 Jubilee Road Elliot's Town	Refused 21.10.2019
19/0384/FULL 03.05.2019	Mr & Mrs I & B Lloyd Bronwysg High Street Sennybridge Powys LD3 8PG	Change the use of existing redundant surgery into two 2- bedroom flats and one 2- bedroom semi-detached bungalow The Old Surgery Technical Centre Unit B William Street Gilfach	Granted 21.10.2019

18/1025/COND 30.11.2018	Pobl Group C/o LRM Planning Mr S Harries 22 Cathedral Road Cardiff CF11 9LJ	Discharge condition 4 (drainage) of planning consent 17/1033/FULL (Construct seven dwellings and associated works, including the creation of a one-way system to serve the development) Land At Grid Ref 317269 196829 Coronation Road East Lane Blackwood	Decided - Discharge of Conditions 22.10.2019
19/0608/FULL 10.07.2019	Ms S Mckelly 16 Rising Sun Close Oakdale Blackwood NP12 0JB	Erect dormer roof extension 16 Rising Sun Close Oakdale Blackwood NP12 0JB	Refused 22.10.2019
19/0663/FULL 01.08.2019	Mr A Perkins 15 Aberconway Place Oakdale Blackwood NP12 0JX	Erect first floor extension and single storey extension at rear of property 15 Aberconway Place Oakdale Blackwood NP12 0JX	Granted 22.10.2019
17/0088/OUT 03.02.2017	HC Capel And Sons Mr C Capel Fair View Garage Pengam Road Pengam Blackwood NP12 3QY	Construct housing development of 17 properties Land At Fair View Garage Pengam Road Pengam Blackwood	Granted 24.10.2019
19/0714/FULL 21.08.2019	Mr L Jones 3-4 Moore's Row Fochriw Bargoed CF81 9JT	Erect single storey rear extension and alterations 12 Plantation Terrace Fochriw Bargoed CF81 9JR	Granted 24.10.2019
19/0720/FULL 28.08.2019	Mr S Singh Rhymney Convenience Stores 1 Jerusalem Street Rhymney Tredegar NP22 5JB	Erect first floor rear extension Rhymney Convenience Stores 1 Jerusalem Street Rhymney Tredegar	Granted 24.10.2019
19/0726/FULL 30.08.2019	Ms R Eedy 17 Bronrhiw Avenue Caerphilly CF83 1HF	Remove existing rear annexe and erect a single storey rear and side extension 17 Bronrhiw Avenue Caerphilly CF83 1HF	Granted 24.10.2019

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# Agenda Item 13

## 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.
18/1037/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.
19/0089/FULL 01.02.19	Site two lock up storage containers for the storage of gates and hurdles at Coed Tophill Refuse Site (former) Gelligaer Road Nelson	
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.
19/0193/RET 07.03.19	Retain filled material to create a plateau at Land Adjoining GLJ Recycling Ltd Chapel Bridge Yard, Chapel Farm Industrial Estate, Cwmcarn.	Awaiting additional information.
19/0205/FULL 11.03.19	Erect a dormer bungalow at Land Rear Of 9 Caeglas, Penyrheol, Caerphilly.	Awaiting additional information.
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.
19/0268/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.
19/0356/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.
19/0465/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.

19/0536/RET 17.06.19	Retain and complete change of use of land to 5 no. Gypsy Traveller pitches and associated works including, 5 no. mobile home, 5 no. touring caravan, and hardstanding at Land At Former Station House, Merthyr Road, Rhymney Bridge, Llechryd.	Awaiting further information.
19/0584/RET 12.07.19	Retain and complete works to extend existing patio including retaining walls and steps at 59 Treowen Road, Treowen, Newport.	Subject to further discussion and consideration.
19/0620/NCC 12.07.19	Vary condition 15 (Approved Plans) of planning consent 17/0113/FULL (Erect 5 No. detached 4-bedroom houses) to amend approved house type to add single storey rear extension at Plot 6 (Phase 2) The Glade Wyllie	Subject to further discussion and consideration.
19/0686/FULL 08.08.19	Construct 2 no. two-bedroom holiday letting cottages at Lakeside Farm, Nant-Yr-Helyg, Bute Town, Rhymney.	Subject to further discussion.
19/0689/FULL 09.08.19	Erect a new two storey two bedroom detached bungalow at Land Within Curtilage, 43 Sannan Street, Aberbargoed, Bargoed.	Awaiting further information.
19/0700/NCC 15.08.19	Vary condition 09 (Approved Plans) of planning consent 14/0792/FULL (Change the use of former primary school to a single dwelling) at 17 Woodville Terrace, Argoed, Blackwood.	Subject to further discussion.

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# Agenda Item 14

## APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT

<b>APPLICATION NUMBER &amp; DATE VALID</b>	<b>DESCRIPTION &amp; LOCATION OF DEVELOPMENT</b>	<b>COMMENTS</b>
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. Signed documents received and being sealed.
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. Informed there may be a change of plan with regards to the application. On hold.
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. Amended draft received. Looking at to provide a response.
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.	Document being prepared and signed by other side.
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	Linked with other application so dealing with under that agreement.
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	Received draft 106 for agreement from the applicant.

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.	With the applicant.
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. Provided draft to solicitors.
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. Still in discussions over 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.	Sent final version of the draft.
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.	In discussions with other side.

<p>19/0646/NCC 23.07.19</p>	<p>Vary condition 01 (Commencement date) of planning consent 12/0571/FULL (Convert former rectory into two affordable houses and erect residential development of 6 dwellings) to extend the time period for commencement for a further five years at The Rectory And School Site High Street, Nelson, Treharris, CF46 6HA.</p>	<p>New matter. Linked to previous application. In process of discussing way forward with other side.</p>
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# Agenda Item 15

## OUTSTANDING APPEALS

<b>APPEAL REF/ PLANNING APP</b>	<b>APPELLANT</b>	<b>PROPOSAL &amp; LOCATION</b>	<b>DATE APPEAL REGISTERED</b>
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
19/0009/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
19/0012/REF 19/0379/COU	Messrs M & I Javra 48 Penylan Road Penylan Cardiff CF24 3PF	Change the use from A1/A2 to A1/A2 and A3 at Unit 6 Llanfabon Drive Shops Llanfabon Drive Trethomas	06/08/2019
19/0013/REF 18/1083/OUT	Mr M Morgan 10 Waun Erw Caerphilly CF83 3QU	Erect three bedroom house at Land At Grid Ref 315743 188327 Heol Bro Wen Caerphilly	30/08/2019
19/0014/REF 19/0605/FULL	Mrs K Harper 24 John Street Cwmcarn Newport NP11 7EH	Erect first floor extension at 24 John Street Cwmcarn Newport	22/10/2019

**APPEALS DECIDED**

<b>APPEAL REF/ PLANNING APP</b>	<b>PROPOSAL &amp; LOCATION</b>	<b>APPEAL DECISION/ DATE</b>	<b>COMM/ DEL</b>
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