

Pecyn Dogfennau Cyhoeddus

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

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



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Emma Sullivan
(Rhif Ffôn: 01443 864420 Ebst: sullie@caerphilly.gov.uk)

Dyddiad: Dydd Mercher, 12 Chwefror 2020

Annwyl Syr/Fadam,

Bydd cyfarfod **Pwyllgor Cynllunio** yn cael ei gynnal yn **Siambr y Cyngor - Tŷ Penallta, Tredomen, Ystrad Mynach** ar **Dydd Mercher, 19eg Chwefror, 2020** am **5.00 pm** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd cyfieithu ar y pryd yn cael ei ddarparu ar gais.

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

Yr eiddoch yn gywir,

Christina Harrhy
PRIF WEITHREDWR DROS DRO

A G E N D A

Tudalennau

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

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

A greener place Man gwyrddach

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



I gymeradwyo a llofnodi'r cofnodion canlynol:-

3 Cynhaliwyd y Pwyllgor Cynllunio ar 22 Ionawr 2020. 1 - 12

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

4 Rhif Cod - Eitem Ragarweiniol 18/1060/OUT - Tir cyferbyn â Fferm Tir-y-berth, Hengoed Road, Penpedairheol, Hengoed, CF82 8BS. 13 - 66

5 Rhif Cod 19/0705/RET - Rockwood Animals, Fferm Pont Carreg, Rhyd y Gwern Lane, Machen, Caerffili, CF83 8UH. 67 - 82

6 Rhif Cod 19/0803/NCC - Robinson Manufacturing Ltd, Yr Hen Chwarel, Cemetery Road, Abercarn, Casnewydd, NP11 5AQ. 83 - 92

7 Rhif Cod. 20/0017/RET - 40 James Street, Markham, Coed Duon, NP12 0QN. 93 - 100

8 Rhif Cod 20/0053/COU - 3 Tree Tops Avenue, Coed Duon, NP12 1JF. 101 - 108

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

9 Ceisiadau a benderfynwyd gan bwerau dirprwyedig. 109 - 122

10 Ceisiadau sydd allan o amser/heb ddelio â hwy o fewn 8 wythnos i ddyddiad y cofrestrriad. 123 - 126

11 Ceisiadau yn aros i Gytundeb Adran 106 i gael ei gwblhau. 127 - 128

12 Apeliadau yn weddill ac wedi eu penderfynu. 129 - 132

Cylchrediad:

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

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

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

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



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 22ND JANUARY 2020 AT 5:00PM

PRESENT:

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

Councillors:

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

And:

Councillor E. Stenner – Cabinet Members for Finance, Performance and Planning,

Together with:

R. Kyte (Head of Planning and Regeneration), R. Thomas (Planning Services Manager), R. Tranter (Monitoring Officer), M. Noakes (Senior Engineer, Highway Planning), M. Godfrey (Senior Environmental Health Officer), C. Boardman (Principal Planner), C. Powell (Principal Planner), M. Davies (Team Leader), E. Rowley (Senior Planner), J. Lougher (Sport and Development Manager), A. West (21st Century Schools) and E. Sullivan (Senior Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. Bevan, J.E. Fussell, D. Hardacre and Mrs G. Oliver.

2. DECLARATIONS OF INTEREST

Declarations of interest were received at the start of the meeting from C. Boardman (Principal Planner) in relation to Agenda Item No's. 4 (18/0160/OUT) and 9 (19/0874/CLPU), from Councillor A. Whitcombe in relation to Agenda Item No.7 (19/0851/COU) and Councillor B. Miles in relation to Agenda Item No. 8 (19/0868/FULL). Details are minuted with the respective item.

3. MINUTES – 4TH DECEMBER 2019

It was moved and seconded that the minutes of the meeting held on the 4th December 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 4th December 2019 (minute nos. 1-15) be approved and signed as a correct record.

4. CODE NO. 18/0160/OUT – LAND ADJACENT TO TIRYBERTH FARM, HENGOED ROAD, PENPEDIARHEOL, HENGOED, CF82 8BS

Mr C. Boardman (Principal Planner) declared a personal and prejudicial interest as his Partner is the Agent for this application and left the Chamber when the matter was discussed.

Mrs N. Davies spoke on behalf of residents in objection to the application and Councillors D. Cushing, T. Parry and W. David also spoke in objection to the application. Ms. L. Houghson-Smith the Applicant's Agent spoke in support of the application.

It was noted that the application had been subject to a site visit, which was held on Tuesday 21st January 2020. A briefing note from which is appended to these minutes.

Following consideration of the application it was moved and seconded that the application be deferred for a further report with reasons for refusal, as the proposed development is located outside of the designated settlement boundary and is contrary to the provisions of Policy SP5 particularly criterion D and is also contrary to criterion C of Policy CW15 which restricts the form of development that is acceptable outside the settlement boundary and that the proposed development is located within a green wedge, by a show of hands and in noting there were 11 for 1 against and 3 abstentions this was agreed by the majority present.

RESOLVED that the application be deferred for a further report for reason for refusal as the proposed development is located outside of the designated settlement boundary and is contrary to the provisions of Policy SP5 particularly criterion D and is also contrary to criterion C of Policy CW15 which restricts the form of development that is acceptable outside the settlement boundary and that the proposed development is located within a green wedge.

5. CODE NO. 19/077/LA – LAND AT CAERPHILLY TWYN COMMUNITY CENTRE, THE TWYN, CAERPHILLY, CF83 1JL.

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 within 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 reports immediately to the Coal Authority on 0345 762 6848.

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

6. CODE NO. 19/0772/LA – SPORTS GROUND, BRYN HOWARD TERRACE, OAKDALE, BLACKWOOD

Mrs S. Hancock and Cllr R. Saralis spoke on behalf of local residents in objection to the

application.

It was noted that the application had been subject to a site visit held on the 21st January 2020, the briefing note from which is appended to these minutes.

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.

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

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised of the comments of the Council's Ecologist, the Landscape Architect Officer, Dwr Cymru/Welsh Water, the Coal Authority, the Design and Conservation Officer, the Rights of Way Officer;
- (iii) the applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

- (iv) the application be advised that no development should take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).
- (v) 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 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers. The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

7. CODE NO. 19/0851/COU – 12 GWENDOLINE ROAD, RISCA, NEWPORT, NP11 6DD.

Councillor A. Whitcombe declared a personal and prejudicial interest as he had been spoken to privately by residents in objection to the application and therefore could be perceived as having a closed mind, he 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.

8. CODE NO. 19/0868/FULL – LAND ADJACENT TO AND PART OF B4254, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 2FY.

Councillor B. Miles declared a personal and prejudicial interest in that she is employed by one of the named consultees which may give rise to a perception that she may be biased, also a relative owns land adjacent to or in close proximity to Tir-y-Rhen Farm and left the Chamber when the matter 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 of the comments of Natural Resources Wales, the Transportation Engineering Manager, the Landscape Architect and the Council's Ecologist;
- (iii) the applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

9. CODE NO. 19/0784/CLPU – NYTH Y NANT, 1 CWM-NANT-YR-ODYN, SPRINGFIELD, PONTLLANFRAITH, BLACKWOOD, NP12 2DU.

C. Boardman (Principal Planner) declared a personal and prejudicial interest in that his Partner is the Agent for the application and left the Chamber when the matter 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 the application be granted.

10. CODE NO. 19/0972/FULL – LAND AT 94-96 HIGH STREET, BLACKWOOD.

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 within the Officer's report and the following additional condition in relation to A3 Use, this application be granted;

Additional Condition (10)

A grease trap, details of which shall be agreed with the Local Planning Authority prior to installation, shall be installed in the foul drainage system prior to the commencement of the A3 use hereby approved.

Reason

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

- (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.

- (iii) the applicant be advised that the premises will require registration as a food business in accordance with the provisions of Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, Article 6(2). The premises must also comply with the general hygiene requirements contained within ANNEX II of this Regulation, prior to becoming operational. The applicant is advised to contact the Food, Health & Safety Team in the Environmental Health Department, Caerphilly County Borough Council for advice, particularly regarding the internal arrangements of the kitchen prior to development. Food registration forms are available on the Caerphilly Council website and can be submitted online or downloaded.
- (iv) the applicant also be advised of the additional comments recommended by our Food/Health and Safety Team to be applied to all commercial uses.

11-14. 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;

A Member referred to application 19/0138/COND, Seion Baptist Church, Glenview Terrace, Llanbradach on page 140 of the out of time list and queried as to whether any supervision or monitoring had taken place.

The Head of Planning and Regeneration advised that she did not have that information to hand as the Planning Case Officer was not present but would forward details following the meeting.

- (3) Applications awaiting completion of a Section 106 Agreement;

A member referred to the number of applications awaiting completion of a Section 106 Agreement and the length of time taken by developers in this regard and queried as to whether it would be possible to attach a timescale for completion. For example when approving an application subject to completion of a Section 106 Agreement would it be possible to make that approval subject to the Section 106 Agreement being completed within 24 months.

Officers acknowledged the concerns raised and confirmed that they would look into the matter further.

- (4) Appeals outstanding and decided.

The meeting closed at 19.20pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 19th February 2020, they were signed by the Chair.

CHAIR

Members' Site Visit

PLANNING APPLICATION REFERENCE: 19/0772/LA

PROPOSED DEVELOPMENT: Construct athletics track at existing sports field to include floodlighting, fencing and associated works.

LOCATION: Sports Ground (to east of Rhiw Syr Dafydd Primary School), Brynhoward Terrace, Oakdale

DATE OF SITE VISIT: 21st January 2020.

MEMBERS PRESENT: M Adams, A Whitcombe, R Whiting, J Ridgewell, A Hussey, R Saralis

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

- Members questioned if the existing street lighting along the public right away along the eastern edge of the site were illuminated during the evening. Members of the public stated that they were switched off during the evening as the footpath acts as a safe route to school and is closed to the public outside of school related hours.
- Following on from the above comments, the level of lighting associated with the proposed flood lighting was queried. Maria Godfrey (Environmental Health) outlined that the amended lighting scheme was requested by the Environmental Health Department to require lighting levels to be at a level deemed acceptable in rural areas, and therefore a conservative approach to acceptable levels of lighting had been applied in this instance to protect the amenity of residents.
- Maria Godfrey also outlined that as the facility will be Local Authority owned and run by the Leisure Department, appropriate levels of control will be put in place to ensure noise is kept to an acceptable level, and that users of the facility would have to enter into service level agreements with the Leisure Department that would ensure appropriate controls were put in place.
- Maria Godfrey also stated that due to the size of the proposed track, i.e. 300m as opposed to 400m, the facility would not be able to hold large competitions. Furthermore that stewards would be employed for events to manage the operation of the facility.
- Cllr. Whitcome and Cllr. Ridgewell queried the height of the existing street lighting columns and asked how high the proposed floodlighting columns would be by way of comparison. Chris Boardman estimated that the existing columns were approximately 5 metres high, but that the flood lights would be sited at the base of the existing bank.
- Local Member Cllr. Roy Saralis raised the following queries/concerns:
 - the visual impact from the proposed flood lighting columns;
 - light pollution levels during winter month when it is dark in the evening;
 - that the noise impact would be significantly higher than the present use;

- concerns in terms of the impact of this noise and light on nearby residents;
- residents concerns regarding highway safety associated with the proposed temporary access off Brynhoward Terrace, and asked what measures would be put in place to ensure no mud/debris would be dragged onto the highway (given the issues over the past 18 months with the development at Oakdale Golf Course).
- Cllr. Saralis also asked members of the Planning Committee present at the site meeting to ensure that the impact on residents formed part of their decision making at the upcoming Planning Committee.
- Cllr. Whitcombe queried if the proposed flood lighting columns were the same height as those in place at Islwyn High School. The Case Officer Chris Boardman agreed to try and get this information to Cllr. Whitcombe prior to Planning Committee.
- Cllr. Ridgewell queried the likely seasonal usage of the propose facility, i.e. would it be more regularly or widely used during the summer than winter. Chris Boardman agreed to try and find out this information prior to Planning Committee.
- Cllr. Saralis stated that if approved the facility would likely attract more interest in athletics that could lead to more members and more demand. And that the impacts of a more regularly used facility should also be considered in terms of the impact on residents.
- Cllr. Ridgewell suggested that it would be helpful if a representative from the Leisure Department could be made available at Planning Committee to answer any queries Planning Committee members may have about the operation of the proposed facility.
- Cllr. Adams (Chairman of Planning Committee) reiterated the comments of Cllr. Ridgewell and requested that an officer from Leisure could attend Planning Committee.
- Cllr. Saralis queried how many different clubs will use the facility.
- Cllr. Saralis sought clarification in terms of where the sprint straight started and pointed out that this would be the point where a starter gun could in theory be fired and that it was in close proximity to existing residential properties.
- Cllr. Saralis queried if the track layout could be flipped whereby the print straight was located on the other side of the field away from the residents adjoining the site to the east.
- Cllr. Saralis relayed the concerns of residents that the updated obtrusive lighting survey indicated a 5 lux level cutting the corner of a property adjoining the site, and queried whether this was acceptable or not. Environmental Health agreed to look into this matter.
- Cllr. Whitcombe queried if the field was currently used outside of school hours for informal recreation. It was clarified that the site was inaccessible to the public outside of school hours as the right of way is locked outside of school times.
- Cllr. Saralis concluded by thanking members of the Planning Committee for attending the visits, and reiterated the concerns of residents, i.e. could the noise Impact be reduced by re-orientating the layout of the track?; queried whether there would be public address system; stated that the area is currently a quiet peaceful area and that the proposal would have a major impact on this; and finally that all of the matters raised should be carefully considered before a decision is made.
- Mark Noakes (Highways Department) provided further information relating to the proposed temporary construction access onto Brynhoward Terrace. He stated that

visibility and existing gradient within the site was an issue that would need to be carefully considered and controlled by way of the relevant requested planning condition. He also stated that a hard entrance apron would be a requirement to prevent debris being dragged onto the adjacent highway. He also stated that the temporary access would be manned with Stop/Go signs to control traffic around the access. And finally that the Local Authority would be in complete control of these works providing a further level of control.

- Cllr. Saralis welcomed the measures proposed by Mark Noakes, and outlined his concerns regarding the level of traffic along this section of road, the 20 mph speed limit, and the lack of a footpath.
- Cllr. Saralis also queried the likely construction time frame (period and likely season for construction) if permission were to be agreed. Chris Boardman agreed to find out this information.
- Cllr. Ridgewell queried if any objections had been received from Brynhoward Terrace. Chris Boardman responded outlining that he believed so but that the application had been properly advertised in accordance with the relevant legislation.

Gadewir y dudalen hon yn wag yn fwriadol

Planning Site Visit - Briefing Note

PLANNING APPLICATION REFERENCE: 18/0160/OUT

PROPOSED DEVELOPMENT: Erect Residential Development up to 131 Dwellings and Associated Works

LOCATION: Tir-y-Berth Farm, Hengoed Road, Penpedairheol, Hengoed, CF82 8BS

DATE OF SITE VISIT: 20th January 2020

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

- Cllr Parry raised concerns regarding the loss of hedgerows fronting and adjacent to the site. Officer's advised that there would inevitably be some hedgerows lost as part of any development, but their loss has to be balanced against the need to provide housing.
- Cllr David raised concerns with regard to the loss of the green wedge and the coalescence of the two communities of Cefn Hengoed and Penpediarheol and the precedent that approval of this application would set in that regard. Officers advised that a distance of 213m and 275m would be maintained between the two communities with two intervening field parcels. It should also be noted that approval of this application would not set a precedent for any future applications in the vicinity of the site, which would have to be considered on their own planning merits.
- Cllr Cushing queried whether the hedgerow on the northern boundary of the site would be retained as part of this development. The Planning Officer advised that there may be a requirement to remove some of this hedgerow as part of this development. As this is an outline application it is not possible to confirm what works would be required in respect of this hedgerow. However, if members are minded to do so, a condition could be attached to any consent granted which would provide additional protection in this regard.
- Cllr Higgs raised concerns with regard to the location of the access on the indicative site layout plan and the works that would be required to provide an acceptable access to the site, with particular regard for the loss of the roadside hedgerow to the north of the existing access into the site. Officers advised that again it is difficult to be certain with regard to the precise works that would be required at this stage as this is an outline application. However, members are also advised that the submitted plan is purely indicative and as such the access may not be where shown. At reserved matters stage consideration would have to be given to identifying the most acceptable

location for any access having regard for highway safety and the retention of hedgerow. Given the curve in the road at this point, it is perfectly conceivable that there would not be need for the removal of any hedgerow to the north of the existing access, but that is a matter for future consideration.

PREFACE ITEM

APPLICATION NO. 18/0160/OUT

APPLICANT(S) NAME: Mr & Mrs Evans & Franks

PROPOSAL: Erect residential development up to 131 dwellings and associated works

LOCATION: Land Adj To Tiryberth Farm Hengoed Road
Penpedairheol Hengoed CF82 8BS

This application was reported to Planning Committee on 22nd January 2020 with a recommendation of approval. A copy of the original report is attached as an Appendix. At the meeting, members resolved to defer a decision to allow officers to draft reasons for refusal that reflected the concerns expressed about the development during the debate.

The following report is, therefore, based on matters raised at the meeting which can broadly be categorised as matters of principle, e.g. the site is outside the settlement and is also located within a green wedge. These matters will be considered in turn.

Development outside the Settlement Boundary

With regard to the principle of residential development at this location Policy SP5 (Settlement Boundaries) of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 delineates settlement boundaries, and states:

The Plan defines settlement boundaries in order to:

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

The development is contrary to this policy in that it is outside the settlement boundary and in an area where development would not normally be allowed, its development would not promote the use of urban land, and it would be inappropriate development in the countryside (criteria A, B and D). The site falls outside but immediately to the north of the settlement boundary for Cefn Hengoed. Therefore, the application is contrary to Policy SP5 of the Adopted LDP.

Cont....

Preface Item 18/0160/OUT Continued

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

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

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

The proposal does not comply with any of the above criteria associated with Policy CW15 of the Adopted LDP.

Loss of greenfield land

The site is located within a green wedge as identified by Policy SI1 of the LDP.

The intention of this green wedge is to prevent coalescence between Penpedairheol, Gilfach and Tiryberth. In this respect development proposals will only be considered if the use is either conducive to or will enhance the open character of the area. The proposal does not therefore comply with the provisions of this policy.

Appraisal

Notwithstanding the above referenced conflict with LDP policy, the officer's recommendation was to grant planning permission. In this respect Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision for each application to be made in accordance with the Development Plan unless material considerations indicate otherwise.

In this respect there is a significant shortfall in the 5 year housing land supply within the borough. Whilst recognising that the dis-application of paragraph 6.2 of TAN 1 means that it is now for the Local Planning Authority to decide what weight to give to the five-year land supply, officers consider that significant weight should be given to this issue because at present the Authority currently has a housing land supply of just 2.0 years.

Cont....

Preface Item 18/0160/OUT Continued

In addition, there is less than 2 years of the plan period remaining, it was necessary to calculate the 5 year land supply in the last Joint Housing Land Availability Study (JHLAS) based on the average annual requirement being continued for the three years outside of the plan period, as per the methodology set out in TAN 1. Using this method, the average annual requirement is 1103 units, which equates to 5,515 dwellings over 5 years. Once the land supply is deducted from this, the shortfall over 5 years in the JHLAS is 3,296 units. Just 122 units were developed last year and this proposal will provide up to 131 dwellings with the potential for up to 32 affordable units. The proposal is, therefore, considered to make a significant and viable contribution to the existing housing land supply.

With regard to the impact upon the green wedge given the intervening distances between the open countryside and the built form, it is considered that a substantial buffer would remain to prevent any coalescence between the settlements of Cefn Hengoed and Penpedairheol, in line with the underlying objectives of Policy SI1. Furthermore, given the exceptional circumstances in terms of the shortage in the housing land supply as outlined above, this is also considered to outweigh the harm to the openness of the green wedge at this location.

In conclusion, the consequent need for the Council to maintain a five year housing land supply is, therefore, considered to provide sufficient justification to outweigh the conflict with the Adopted LDP policies and on this basis officer's recommendation remains one of approval.

If Members are minded to refuse planning permission, the reasons for refusal are suggested as follows:-

1. "The proposed development would be contrary to policies SP5 and CW15 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 because it would be: inappropriate development in the countryside, outside the settlement boundary where development would not normally be allowed, and would not promote the full and effective use of urban land in order to concentrate development within settlements."
2. "The proposed development represents unjustified development in the countryside outside of the settlement boundary which would detract from the open character of SI 1.7 Penpedairheol, Gilfach and Tir y berth Green Wedge and contrary to the provisions of policy SI1 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010."

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

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0160/OUT 05.04.2018	Mr & Mrs Evans & Franks C/O Ms L Hughson-Smith 19 Starling Walk Penallta Hengoed CF82 6BH	Erect residential development up to 131 dwellings and associated works Land Adj To Tiryberth Farm Hengoed Road Penpedairheol Hengoed CF82 8BS

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is located on the eastern side of Hengoed Road, Cefn Hengoed.

Site description: The site measures approximately 3.5ha in area and is split into two field parcels which are enclosed by hedgerows and interspersed with mature trees. The site is currently in agricultural use, comprising primarily of improved hay meadow and grazing land with areas of scrub vegetation.

The site is bound to the north by agricultural fields and Tiryberth Farm and to the east by areas of woodland and scrub vegetation. Hengoed Road is situated to the western boundary with agricultural land beyond. The settlement of Cefn Hengoed lies immediately adjacent to the south of the application site.

Access into the site is currently achieved via an unclassified road at the northern boundary of the site and leads to Tiryberth Farm.

Development: Outline planning permission is sought in respect of residential development of up to 131 dwellings and associated works with all matters reserved for future consideration.

An illustrative layout has been provided which comprises:

- A range of 2, 3 and 4 bedroom dwellings comprising of 61 No. 2 storey detached 3 bedroom properties, 43 No. 2 storey detached 4 bedroom properties, 26 no. 2 storey detached 3 bedroom properties and 1 No single storey detached 4 bedroom property;
- The provision of 25% affordable housing;
- Open space together with formal and informal play areas.

Cont'd

The site layout plan shows the existing hedgerows that bound Hengoed Road will remain largely intact together with the hedgerow running through the middle of the site in a north-westerly direction.

Whilst access is reserved for future consideration, the illustrative layout indicates that the existing vehicular access point off Hengoed Road will be widened to provide an adoptable access, with pedestrian access gained from the existing footpath running parallel to the frontage of the proposed development.

The planning application and related plans were supported with the following documents:

- Design & Access Statement;
- Planning Statement;
- Bat Tree & Activity Report;
- Hedgerow Survey;
- Extended Phase 1 Habitat Survey;
- Transport Assessment;
- Travel Plan;
- Pre-Application Consultation (PAC) Report; and
- Coal Mining Risk Assessment.

Dimensions: The site amounts to 3.5 hectares. The site is an irregular shape, but broadly rectangular and slopes in a north-westerly to south-easterly direction. The site has maximum dimensions of approximately 157 metres in width by 240 metres in length.

The maximum and minimum dimensions of the proposed dwellings are as follows:

Width 5 metres to 14 metres;
Depth 5 metres to 14 metres; and
Height 8.0 metres maximum.

Materials: Not applicable at outline stage.

Ancillary development, e.g. parking: Not applicable at outline stage.

PLANNING HISTORY 2010 TO PRESENT

None.

Cont'd

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located outside settlement limits within a green wedge as defined by Policy SI 1.7 Penpedairheol, Gilfach and Tir y berth and is also within a Sandstone Safeguarding Area identified as MN 2.6 East of Nelson.

Policies: The Policies of relevance within the Caerphilly County Borough Local Development Plan up to 2021- adopted November 2010 are:-

Strategic Policies

Policy SP2 Development Strategy - Development within the Northern Connections Corridor (NCC);
Policy SP4 Settlement Strategy;
Policy SP5 Settlement Boundaries;
Policy SP6 Place Making;
Policy SP7 Planning Obligations;
Policy SP8 Minerals Safeguarding;
Policy SP10 Conservation of Natural Heritage;
Policy SP14 Total Housing Requirements;
Policy SP15 Affordable Housing Target;
Policy SP19 Transport Infrastructure Improvements; and
Policy SP21 Parking Standards.

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion;
Policy CW2 Amenity;
Policy CW3 Design considerations (Highways);
Policy CW4 Natural Heritage Protection;
Policy CW5 Protection of the Water Environment;
Policy CW6 Trees, Woodland and Hedgerow Protection;
Policy CW10 Leisure and Open Space Provision;
Policy CW11 Affordable Housing Planning Obligation;
Policy CW15 General Locational Constraints; and
Policy CW22 Locational Constraints - Minerals.

Supplementary Planning Guidance

LDP1: Affordable Housing Obligations;
LDP4: Trees and Development;
LDP5: Car Parking Standards; and
LDP6: Building Better Places to Live.

Cont'd

NATIONAL POLICY

Planning Policy Wales (Edition 10 December 2018);
 Technical Advice Note 1: Joint Housing Land Availability Studies (2015);
 Technical Advice Note 2: Planning & Affordable Housing (2006);
 Technical Advice Note 5: Nature Conservation and Planning (2009);
 Technical Advice Note 12: Design (2016);
 Technical Advice Note 16: Sport Recreation and Open Space (2009);
 Technical Advice Note 18: Transport (2007); and
 Technical Advice Note 24: The Historic Environment (2017).

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 located within an area of high risk. The application is accompanied by a Coal Mining Risk Assessment (CMRA). The CMRA has been reviewed by the Coal Authority and they have provided formal comments regarding the site's suitability for residential development which are discussed below.

CONSULTATION

Gelligaer Community Council - Objects to the proposed development and those comments have been included and acknowledged with neighbour representations.

Glam/Gwent Archaeological Trust - There are no designated or non-designated historic assets within or adjoining the application area. Given the current information, it is unlikely that significant archaeological remains would be encountered during the work. However, should any archaeological remains or features be encountered, the developer should contact The Glamorgan-Gwent Archaeological Trust in the first instance.

Transportation Engineering Manager - Based on the Transport Assessment Addendum dated November 2019. No objection is raised subject to:

- conditions relating to visibility splays for the new accesses to serve the site;
- the estate layout to be designed in accordance with Manual for Streets;
- off-street car parking to be in accordance with LDP5 Car Parking Standards; and
- a residential travel plan to promote and encourage sustainable travel.

Cont'd

Conditions relating to off-site infrastructure improvements are also required relating to the provision of new localised footway provision on the north bound carriageway and new 'in-line' bus stops on the north bound and south bound carriageways and a traffic regulation order to extend the 30mph speed limit along Hengoed Road beyond the proposed site entrance.

A Section 106 Agreement will be required to be entered into to secure the financial aspects of the Residential Travel Plan and adjustment to the Traffic Regulation. These include:

- £5000 PA to fund a Travel Plan Coordinator for a period of 5 years.
- £5000 emergency fund to support the Travel Plan initiatives.
- £400 per property to fund sustainable travel initiatives for future residents to encourage sustainable travel, modal shift and reduce single car journeys.
- £4,000 to fund traffic regulation order work.

Police Architectural Liaison Officer - Whilst there is no objection to the proposed development in principal, there are reservations over the layout of the site. The segregation of the site into 'house types' could mean that parts of the development could become more vulnerable to crime than other areas. However, these are issues that could be resolved at reserved matters stage.

Natural Resources Wales - The Extended Phase 1 Habitat Survey has been reviewed and no comments are offered regarding the proposed development.

Minerals Officer - The site lies within the sandstone safeguarding area identified in the adopted LDP. The Pennant Sandstone resource in this area is highly valued nationally as it meets the requirements for High Specification Aggregate and the South Wales Coalfield is one of a very limited number of locations within the UK where such a resource exists. There is, therefore, a need to protect the resource because of its special properties and its scarcity nationally.

Prior extraction is unlikely to be a realistic option for minerals other than sand or gravel because of the timescales involved and the investment required. However, the Pennant Sandstone resource within the county borough is extensive and consultation with mineral operators via the LDP process has not identified any interest in development of the resource near the application site. The most likely location for future development of the resource is from extensions to existing sites. It is unlikely that the proposed development could be accommodated on a site outside the sandstone safeguarding area. On balance, therefore, if there is considered to be an overriding need for the development proposal, it may be unreasonable to refuse permission when there is no immediate prospect of the sandstone being worked in this area.

Cont'd

Ecologist - No objection subject to conditions relating to the provision of a replacement hedgerow for the existing hedgerow that has been removed, retention of all hedgerows through the site, hedgerow and tree management enhancement, hedgerow exclusion areas, habitat retention and enhancement, light mitigation strategy, updated bat survey, Great Crested Newt and Amphibian Mitigation Strategy, breeding birds and biodiversity enhancements within the site.

Landscape Architect - The application site is located in two open agricultural fields, outside the existing settlement boundary and within an area of land designated in the Caerphilly County Borough LDP as a Green Wedge. Green Wedge designation prevents the coalescence of the settlements of Cefn Hengoed and Penpedairheol and any subsequent development of these fields would be a significant and unwelcome intrusion within the green wedge at its narrowest point.

However, if there is an overwhelming need for housing in this part of the borough, the current proposal presents a number of issues that would require addressing:

- The retention of existing hedgerows within and along the perimeter of the site are welcomed as there is a strong hedgerow pattern on this site. The layout as it currently stands is unacceptable due to the following:

The current layout is arranged with the rear of properties and associated boundary fencing facing the adjacent Hengoed Road, undeveloped perimeters and wider landscape which is visually unacceptable. The layout design would be considerably improved if properties active frontages faced out onto Hengoed Road and adjacent green fields and public rights of way. This approach would assist to provide the impression of a finished settlement edge, rather than one characterised by rear gardens. This is the preferred approach to be adopted throughout the proposed housing layout in combination with soft landscaping in the form of retention of hedgerows and additional tree planting within the redline boundary to reduce the visual impact of the development and to assimilate the development. This would provide a more aesthetically acceptable boundary whilst also improving the green infrastructure and biodiversity along the perimeters.

Where properties within the site are obliquely positioned onto highway or public space, in these instances there should be high quality finishes, such as brick walling, with piers and copings or high quality railings, rather than timber close board or palisade style boundary fencing.

The location of the small public open space in the south east corner is unacceptable, public open space should be relocated more centrally with properties arranged to provide adequate natural surveillance.

Cont;d

The street scene and parking layout throughout the site is over dominated with off-street parking to the front of properties. Whilst the indicative street tree planting is welcomed, in reality the space between houses and roads will be heavily influenced by hard surfaced driveways and parked vehicles, which is visually unattractive, with little space left for landscaping. In order to improve the visual amenity the layout would benefit from redesign with adequate space given to semi mature street tree planting. Should the application progress, detail planting plans including tree and shrub species, sizes and density will be required covered by a five years defects and establishment maintenance period. In addition to some forward planning to show how the trees have priority over the underground or overhead services / general infrastructure. There would be an expectation for tree sizes as a minimum to be semi-mature (18-20cm girth) and that pit design and soil volume calculations for street trees will be required and supplied for approval.

In addition, alternative approaches could be incorporated to prevent the over use of hard impermeable paving, driveways and parking areas, with greater use of SuDS incorporated, for example permeable block driveways and parking areas. Swales along with detention / retention ponds should also be considered and located appropriately through the site.

Works to upgrade the existing access to an acceptable standard would require the removal of the existing hedgerow(s) and alter the character and route along which the existing PRow takes. It is therefore recommended that alternative access arrangements on to the site, which do not affect the existing farm access, PRow and hedgerows, are considered.

It is also noted that the Public Rights of Way Gelligaer Footpath 19 and 15 run adjacent to the site. The current proposed layout does not take into account or suitably integrate these PRow into the landscaping layout. PRow 15 is constrained by boundary treatment to the rear of properties 95 to 106 and PRow 19 is along the access road, both of which are unacceptable. The routes of the PRow should avoid the use of estate roads, drives, gardens or other private areas and preference should be given to the use of paths through landscaped or open space areas away from vehicular traffic.

Rights Of Way Officer - There are two Public Rights of Way: Footpaths 15 and 19 in the Parish of Gelligaer in the area of the proposed development. Footpath 15 crosses the site and is of particular concern, as the proposed site layout does not make allowance for this footpath within its design.

Informative advice to the developer is also provided.

Cont'd

Network Rail - Objects to the proposed development on the basis that no drainage details have been submitted as there are concerns that the proposed development may impact upon the track drainage capacity and adversely affect the risk of flooding.

Until these details have been received and assessed by our Drainage Engineer, our objection to the above will remain.

Informative advice to the developer is also provided.

CADW - Having carefully considered the information, our records show that there are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. Therefore no comments are offered regarding the proposed development.

Principal Valuer - No comments are offered in respect of the application.

CCBC - 21st Century Schools - Confirms that there is adequate provision to accommodate pupils within the local catchment area for Welsh and English medium Primary and Secondary schools.

Head Of Public Protection - No objection subject to the following conditions:

- A Working Method Statement to control the environmental effects of the demolition and construction work;
- A scheme to appropriately address the noise impacts from adjacent rail and road traffic concerns for the future residential occupiers of the site;
- Scheme to deal with contamination within the site;
- Contamination and remediation strategy; and
- The installation of vehicular charging points within the proposed residential units.

CCBC Housing Enabling Officer - Based on 131 homes, there would be a requirement for the developer to provide 25% affordable housing provision.

The mix of housing would need to be delivered as:

- 5 x 2 bed 4 person low cost home ownership homes; and
- 5 x 3 bed 5 person low cost home ownership homes.

(The transfer values would be those contained within the most recent SPG on affordable housing. The homes would need to be delivered to WHQS standard and built in clusters of no more than 6 homes, dispersed throughout the development.)

Cont'd

Together with 16 social rented homes comprising:

- 6 x 1 bed flats;
- 8 x 2 bed houses;
- 1 x 3 bed adapted bungalow; and
- 1 x 4 bed 7 person house.

(The transfer values would be those contained within the most recent SPG on affordable housing. The homes would need to be delivered to DQR standard and built in clusters of no more than 6 homes dispersed throughout the development.)

Senior Engineer (Land Drainage) - No objection subject to a scheme to demonstrate how land and surface water drainage will be dealt with within the site.

Parks And Open Spaces - Given the scale of the proposed development and in line with the criteria set out in policy CW10 of the Authority's Local Development Plan there is a need to provide:

- A suitably scaled equipped play area designed (for ages 2-12 yrs) with at least 6 units of equipment.
- A kick about court that provides space for older children. It should incorporate a tarmac surface (circa 12m x 16m dimensions) with 1 metre side panelling (green painted) and at least 2.4 metre goal ends. This space enables safe ball play for the older children and in doing so keeps the children off the streets in the development.

These requests outlined above are in line with feedback on developments of similar scale and have been compiled to ensure the Authority is meeting its duties in terms of:

- The Children & Family (Wales) Measure 2010.
- Welsh Government Play Sufficiency Duty.
- The Well Being of Future Generations (Wales) Act 2015.
- The criteria set out in the Authority's LDP in respect of Leisure and Recreation (CW10).
- The corporate goals to promote healthy and active lifestyles.
- The Rights of the Child (UNCRC) Agreement.

Also given its proximity to the national cycle route it is pertinent to explore the connection to the black path local thoroughfare that connects to Tir y berth to the east and to the Nant Cylla to the West and by extension the national cycle route NCN 47.

Head Of Public Services - No objection, provides comments on the illustrative layout.

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Dwr Cymru - No objection.

Wales & West Utilities - Provides informative advice.

Western Power Distribution - No comments received at the time of writing the report.

The Coal Authority - The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically historic recorded underground coal mining at shallow depth and thick coal outcrops. Records also indicate the presence of numerous recorded mine entries within, or within 20m of the planning boundary (shafts and adits).

Appropriate mining and geological information for the proposed development site has been obtained on behalf of the applicant and has been used to inform the Coal Mining Risk Assessment Report (March 2018, prepared by Terrafirma Ltd), which has been submitted in support of the application.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report (March 2018, prepared by Terrafirma Ltd) are sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure intrusive site investigations to establish the exact situation regarding coal mining legacy issues on the site and implementation of those remedial works.

Strategic & Development Plans - The proposed development is located within a green wedge, policy SI1.7. This is a large green wedge intended to prevent coalescence between Penpedairheol, Gilfach and Tir y berth.

In that regard the proposed scheme constitutes unacceptable development in the countryside that does not accord with the aims of National Planning Policy and Guidance, which seeks to strictly control development in the countryside. Furthermore, the proposed development is considered to be contrary to the Adopted LDP on the following grounds:

- The proposed development is located outside of the designated settlement boundary for Blackwood. As such the proposed development is contrary to the provisions of Policy SP5, particularly Criterion D, and is also contrary to Criterion C of Policy CW15, which restricts the forms of development that are acceptable outside of settlement boundaries.
- The proposed development is located within a green wedge, Policy SI1.7 Penpedairheol, Gilfach and Tir y berth.

Cont'd

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

- Policy SP2 of the Adopted LDP promotes sustainable development on both brownfield and greenfield sites.
- There are no ecological, Special Landscape Area or Visually Important Local Landscape designations associated with the site.
- The Council does not have the required 5-year land supply and the application proposes 131 dwellings, including circa 32 affordable homes, to assist in addressing the issue.

The proposed development would have significant economic, social and environmental benefits to the wider community.

There is an overriding need for this development, and when all factors are considered there are very exceptional circumstances which outweigh the conflict with the development plan policies previously referred to.

The key factor in considering the principle of this application is whether the lack of a 5-year housing land supply, and the consequent need to increase it, outweighs the conflict with the Adopted LDP Policies.

Since the dis-application of paragraph 6.2 of TAN 1, there have been a number of appeal decisions where the 5 year land supply has been a consideration. A key appeal decision was for a 110 dwelling scheme outside of the settlement boundary in Deganwy, Conwy in February 2019, where the Inspector identified four key issues that need to be considered when determining the weight to be attached to the housing land supply:

- the magnitude of the shortfall;
- how long the shortfall will persist;
- what the local planning authority is doing to reduce it; and
- how much will the development contribute to meeting the shortfall?

In Conwy, the land supply was 3.1 years, there was a shortfall of 1,357 dwellings and an LDP review was due to be adopted in 2021. Based on these factors, the Inspector attached "significant weight" to the need to increase the land supply.

These are factors that need to be considered when considering this application for residential development of 131 dwellings on land adjacent to Tiryberth Farm.

It is accepted that there is a significant shortfall in the 5-year housing land supply for the county borough. TAN 1 seeks to ensure that there is a genuine 5-year land supply available, and thus categorises sites to indicate those that can be included within the 5-year land supply. Using the residual method, as currently required by TAN 1, the 2018 JHLAS identified that the county borough had just 2.3 years land supply.

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However, in July 2019, the latest Joint Housing Land Availability Study was published for the year up to 1st April 2019, which showed that the housing land supply had decreased from 2.3 years to 2.0 years this year. The number of dwellings built in 2019 was only 122 dwellings, which was the lowest level of completions ever recorded. It is important to consider the land supply in respect of these latest figures.

As there is less than 2 years of the plan period remaining, it is necessary to calculate the 5 year land supply in the JHLAS based on the average annual requirement being continued for the three years outside of the plan period, as per the methodology set out in TAN 1. Using this method, the average annual requirement is 1103 units, which equates to 5,515 dwellings over 5 years. Once the land supply is deducted from this, the shortfall over 5 years in the JHLAS is 3,296 units.

If consideration is given to the shortfall in terms of the remaining two years of the LDP, the JHLAS indicates that 4,835 dwellings out of 8,625 dwellings have been completed, indicating that there is a requirement for 3,800 units to be delivered in the remaining two years of the plan period. The JHLAS schedule identifies that 924 units are forecast to be completed in the next 2 years (currently under construction, forecast completions in 2020 and 2021 and small sites assumptions), which would leave a forecast shortfall of 2,876 dwellings by the end of the plan period. The magnitude of the shortfall is substantial, and this development of 131 dwellings would go some way towards meeting this.

In terms of how long the shortfall will persist, this is not known. Whilst at the time of this response, the Council is about to commence a review of the Adopted LDP, there are no agreed timescales for its completion. However, a revised LDP is unlikely to be adopted until at least Spring 2024.

Planning permission has been granted (by the LPA and at appeal) for a number of large scale housing developments within the County Borough. However, all of these sites (with the exception of Virginia Park - 350 dwellings, which was granted subject to s106 after the base date for the JHLAS) are already in the 5 year land supply figures.

The 2019 Annual Monitoring Report was approved by Council in October 2019. In recognition of the need to identify more land for employment and housing to support local need and regional aspirations, this report recommended that a review of the Adopted LDP be commenced.

Cont'd

The report also recommends that:

- "in the period up to the adoption of a new Replacement LDP, the Council will continue to address the shortfall in the 5-year housing land supply through proactive action, including:
- Considering proposals for new residential development on their relative planning merits on a site-by site basis and have due regard for the need to increase the housing land supply in line with national planning policy and guidance."

Policy SP2 Development Strategy (NCC) requires development proposals within the NCC to promote sustainable development. Specifically proposals in this area should:

- be targeted to both greenfield and brownfield sites having regard to the social and economic functions of the area;
- reduce car borne trips by promoting more sustainable modes of travel;
- make the most efficient use of existing infrastructure; and
- protect the natural heritage from inappropriate forms of development.

With the exception of criterion D, the proposal complies with all other criteria and is therefore broadly considered to comply with Policy SP2.

However, the application site lies outside of the settlement boundary and, as such, should comply with Policies SP 5 and CW15, which restricts the types of development that are appropriate to agriculture, forestry, minerals, conversions, rehabilitation/replacement, recreation, leisure, tourism, public utilities, infrastructure, waste and land reclamation/remediation/stabilisation. The proposed use for residential development is contrary to these policies and comprises inappropriate development in the countryside.

The application proposes development within a green wedge. PPW explains that the construction of new buildings in the green wedge is inappropriate development. It confirms that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the green wedge.

The intention of this green wedge is to prevent coalescence between Penpedairheol, Gilfach and Tir y berth. All three settlements have their own strong identity and sense of place, which should be protected for the continued integrity of the settlements and the communities within them. In this instance, should the proposed site be developed there would be field parcels remaining to prevent coalescence between Cefn Hengoed and both Penpedairheol and Tir y berth. Furthermore, the railway also presents a physical boundary separating Tir y berth from Cefn Hengoed. The development would not pose any risk of coalescence with Gilfach.

Cont'd

In conclusion, Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision on this proposal to be made in accordance with the development plan unless material considerations indicate otherwise. The Adopted Caerphilly County Borough Local Development Plan up to 2021 is the development plan for purpose of Section 38(6).

The proposed development is outside of the defined settlement boundary and is therefore contrary to the adopted development plan. However, the site is in a sustainable location in terms of access to services, amenities and public transport and development of the land for housing could represent a sustainable extension to Cefn Hengoed, providing much needed family and affordable housing for which there is an acknowledged need and an acknowledged shortfall.

The site is within a green wedge, however, this is a large green wedge intended to prevent coalescence between Penpedairheol, Gilfach and Tir y berth. There are field parcels remaining that prevent coalescence with Penpedairheol and Tir y berth. The latest JHLAS identifies a substantial shortfall and this development would make a significant contribution to addressing it. In Conwy, the land supply was higher, the shortfall was less and the site contributed less dwellings yet "significant weight" was attached to the need to increase the land supply and the appeal was allowed. Given the extent of the shortfall in Caerphilly, together with the other factors above, it is considered that significant weight should be applied to the contribution that this site would make to the shortfall.

Therefore, no objection is raised on policy grounds subject to amending the standard time limits relating to the submission of any reserved matters application and length of time that the development should commence from the date that outline consent is granted.

ADVERTISEMENT

Extent of advertisement: The application was advertised in the press, by means of a site notice and 24 neighbours were notified by way of letter.

Response: A total of thirty nine letters of representations from local residents were received objecting to the proposed development at the time of writing the report.

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Summary of observations: The following representations were received:

LOCAL PLAN POLICIES

- The site falls outside settlement limits and is contrary to the adopted Local Development Plan until the LDP is reviewed, this policy should be adhered to.
- The development is proposed on valuable, highly fertile, arable, greenfield land.
- This is green field land and brown field sites should be considered first to meet housing demands.
- The development will reduce the green wedge between Cefn Hengoed and Penpedairheol and lead to the villages of Cefn Hengoed and Penpedairheol coalescing.
- New residential developments have been approved in the locality.
- The application site forms part of the green wedge in the adopted LDP.
- The need for housing does not outweigh the need to retain the green wedge.
- There are brownfield sites in the area that have planning permission.
- The site was previously rejected by the LDP.
- Granting permission would set a precedent for other development on green fields.
- Suggests alternative sites suitable for development (including greenfield land) that would be unlikely to receive opposition.
- This will set a precedent to build on land at Penrhiwfelin & Tir Jack Farms.

HEALTH CENTRE PRESSURES

- There is no provision for health care within Cefn Hengoed and wider surrounding health centres are closing or catchment areas are expanding whereby patients are unable to obtain appointments for weeks.
- Additional residents will put overwhelming strain on healthcare provision for the area.

EDUCATION PRESSURES

- The local schools are already at full capacity and residents will be forced to travel further for their education needs.
- Apart from the local primary school, all other schools are too far away to be accessed on foot.

EMERGENCY SERVICES

- The number of large residential developments will put pressure on the emergency services, no assessment has been undertaken in terms of how they will be able to cope with the extra demand.

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HIGHWAYS

- The proposal will add to the congestion of the inadequate road and rail infrastructure.
- The existing access is not wide enough to support two-way traffic.
- The traffic survey data was undertaken in the school holidays and does not reflect the increased volume of traffic during peak times.
- The development is in close proximity to a primary school whereby traffic congestion is already a concern and inconvenience.
- The existing pavements are poorly lit, narrow and any improvements offered would result in the removal of additional hedgerow.
- There have been several accidents outside the Carn Gethin Estate in recent years. Additional vehicles using Hengoed Road will cause more accidents.
- It is difficult to understand how adequate highway works can be constructed to align the planned entrance to the proposed development.
- Section 3.6.4 of The Transport Assessment (Feb 18) is incorrect by referring to an informal crossing facility outside Derwendeg Primary School.
- There is only a pavement on one side of the road that is poorly lit to serve the proposed development.
- Section 3.7.5 of The Transport Assessment is incorrect by stating that traffic calming measures have improved road safety conditions.
- The monitoring device for the traffic survey was placed near slow moving traffic.
- The existing highway infrastructure cannot support the number of vehicles to serve the proposed development.
- No Travel Plan has been submitted to accompany the Transport Assessment.
- Tipper lorries entering the site from the Bryn Siriol direction are not able to turn left into the farm road, as such how will large construction vehicles enter the site.
- There are further cuts to highways budgets and this development will add to the strain.

HOUSING NEED

- The Caerphilly County Borough Joint Housing Land Availability Study (JHLAS) for 2017 identifies a number of alternative solutions to fulfil housing policy needs.
- There is no evidence to indicate demand for housing in the area.

ENVIRONMENTAL

- Environmental concerns in terms of noise and air pollution as a result of the number of additional cars adding to the highway network.
- The Coal Mining Risk Assessment (CMRA) concludes that there is high risk from shallow mining and mine entries.
- There has been two recent subsidence claims from properties within 50 metres of the proposed development, any new properties would be at risk to subsidence.
- A suggestion that intrusive investigation work is required to establish a clear picture of what mining shafts are there, comes with its own problems including noise and dirt from heavy vehicles.
- Loss of this open land would increase surface water run-off.

Cont'd

ECOLOGICAL

- The area supports a variety of wildlife that will be destroyed forever.
- The development will result in loss of hedgerows and habitats which are essential to sustaining the natural balance of eco systems.
- The land has not been assessed for the presence of mammals.
- The development area supports habitats/ species that meet SINC selection criteria and the need for development does not outweigh the need to safeguard the conservation of the site.
- The site is in close proximity to two SINC's.
- The existing access into the site is a single track. The illustrative layout will result in the loss of the existing hedgerow.

ECONOMICAL

- The dwellings will not be affordable for those living in the area.
- Affordable housing is only being offered as a result of legislation.
- The local economy is not able to support the proposed volume of additional residents.

COMMUNITY

- The development will bring disruption to the local economy.
- The development site will increase pedestrian traffic past the Carn Gethin Estate and encourage anti-social behaviour on land near Cheriton Avenue.
- There are limited amenities available in the area such as play areas for children, shops, walks and seating areas for adults, this would put additional pressure on the already limited facilities.
- There is no guarantee that the development will benefit the wider community.
- The community will be sad to lose donkeys, cattle, sheep and horses on the land.
- The retention of green spaces is an important priority.

DESIGN AND SCALE

- The development site is twice as big as the Carn Gethin Estate.
- The privacy of the occupiers of Rhosili Road will be lost as a result of the proposed development.
- The rear windows of Rhosili Road will be overshadowed by the proposed development.
- The dwellings of Rhosili Road will be overlooked.
- The proposed dwellings will bring about loss of privacy and overshadowing to the occupiers of Rhosili Road and Penmaen Close.

PUBLIC RIGHTS OF WAYS

- There is an existing Public Right of Way that would be obstructed as a result of the development.
- Any mitigation proposed to divert the PROW will inevitably be obstructed by vehicles and will not be enforced
- There is no connectivity into the site from the Carn Gethin Estate. Cont'd

JAPANESE KNOTWEED

- Although the weed has been treated, it is well known that land disturbance can cause the weed to reappear.
- The extent of Japanese knotweed on the site is not representative of the drawing included in the Extended Phase 1 Survey.
- Treating the land with chemicals will result in biodiversity implications.
- A study carried out by Swansea University in 2018 concluded that knotweed is not destructible.

PRE-APPLICATION

- The Public Consultation Documents was not readily available throughout the entirety of the consultation and no library details were available to view the hard copy files.
- Inconsistencies between the actual number of properties consulted and stated.
- Inconsistent objection comments reported.
- Only one site notice was erected and this was not in a location that would be viewed by the majority of neighbouring residents.

OTHER ISSUES RAISED

- The address of the site includes Penpedairheol and as such the proposed development eliminates the separation between Cefn Hengoed and Penpedairheol.
- No consideration has been given to the extant consents that have been approved in the areas
- Further clarification is required on the drainage provision within the site to prevent flooding.

COMMUNITY COUNCIL COMMENTS

- It is outside the settlement area as in the adopted LDP 2010, on a greenfield site.
- It is an incursion into open countryside.
- The site proposed is part of the green wedge between villages of Cefn Hengoed and Penpedairheol - the wedge would be significantly reduced and could lead to the coalescence of the two communities.
- If granted, the application would provide a precedent for development on the opposite side of Hengoed Road, adjacent to Waun Goch & Bryn Canol.
- The site is an invaluable habitat for wildlife. A stretch of mature and well established hedgerow
- would have to be removed, at a heavy cost to the environment, to accommodate the site road serving the proposed dwellings.
- The access road off Hengoed Road is on a bend which could affect highway safety. Vehicles coming from the site would lead to an increase in traffic congestion in particular approaching the road narrowing travelling south and on Pengam Road from Cascade.

Cont'd

The application draws attention to the lack of housing land designated by Caerphilly County Borough Council. However, the following brownfield sites are available and have not been developed:

- Site at New Road, Tir y berth, suitable for 173 units
- Site at Cwm Calon near the Colliery Baths
- Site opposite Derwendeg School, 27 units
- 32 units have recently been built on land designated for employment at Cwm Calon, Ystrad Mynach.

There is a further site south of Glyngaer Road, on a greenfield site, 30 units, which has fewer disadvantages of the application site.

Gelligaer Community Council were not consulted at the pre-planning consultation stage and would have expected to have been consulted at the pre-planning stage, given the size of the proposed development in our area.

SECTION 17 CRIME AND DISORDER ACT

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

The Police and Architectural Liaison Officer has provided comments above in respect of crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The proposed site is located due north of the community boundary of Cefn Hengoed and consists of two hedgerow bound fields. There are no statutory or non-statutory nature conservation sites located within the boundary of the site. The wider landscape includes hedgerow bound fields, areas of scrub, a pond and three Sites of Importance For Nature Conservation are located within 250m of the proposed site; Pottery Road Slopes to the west of Gelligaer SINC, Tir Jack Slopes East of Penpedairheol SINC and Cefn Hengoed Hillside, north of Hengoed SINC. The two fields proposed for development are linked to these SINC's and the wider landscape by well-connected hedgerows.

An Extended Phase 1 Habitat Survey undertaken in June 2018 identified that the dominant habitat type across the one field (Meadow A) is semi improved grassland and is floriferous. There was a patch of Japanese Knotweed in the south western edge of the field which has successfully been killed. This field is bounded by hedgerows on three sides, providing important links to the wider landscape. This Meadow A predominantly shows characteristics of semi-improved grassland, with tall ruderal herbage and ranker grasses bordering the three internal sides of the field. The second field (Meadow B) contains large areas of *Juncus effuses* and other tall ruderal herbage, in places.

Cont'd

There is also dense bramble in places and the field has a less diverse flora probably due to the heavy grazing and cutting up of the sward by horse grazing. The hedge boundary has also been affected by browsing horses. A water spout is present within this field with a wide wet flush running along the northern edge of this meadow. This area is marshy with juncus being the dominant species. This field consists of semi-improved grassland, with wet acid flushes running through the field. The boundary between the two fields proposed for development and the existing housing estate to the south is lightly vegetated with no dense hedgerow. There is some discarded rubbish with garden escapees present along the housing estate boundary. The proposed site includes an extensive network of hedgerows within the site. These hedgerows provide linkages to the hedgerow system present within the wider landscape.

All of the six hedgerows within the proposed site were assessed under the Hedgerow Regulations 1997. Out of the six hedgerows all except the one, qualifies as an "important" hedgerow under the Hedgerow Regulations 1997. The one hedgerow that didn't qualify as "important" was the one located along Hengoed Road, however this still acts as an important wildlife corridor for species moving through the site. Therefore, all of the hedgerows will need to be retained and enhanced as part of the development and excluded from the garden boundaries by suitable fencing. The breaks within these hedgerows for access roads will need to be mitigated for and the existing gaps enhanced through enhancement planting.

With regards to Protected Species, several were recorded to be using the site:-

Invertebrates

No Schedule 5 Species or Section 42 Species were recorded within the site during the survey. However, the layout plan indicates the provision of seven areas of open space. Some of the areas of wet acid grassland and semi improved grassland should be retained and managed for invertebrates.

Bats

Bats were recorded to be using the boundary and internal hedgerows within the proposed site, with the internal hedgerow between the two parcels being the most heavily used by bats for both foraging and commuting.

Reptiles

Reptiles haven't been mentioned within the survey report although they are a protected species and a material consideration in the determination of a planning application. Due to the habitat type present there is potential for reptiles to be using the site for basking, such as the south facing hedgerow banks and walls, the base of hedgerows and areas of rough grassland. There is potential for slow worms and common lizard to be using the site, both of which are a Section 42 Species. The unmanaged hedgerows dividing the field system afford excellent basking and natural refuge areas for reptiles. The main grassland areas have limited value to reptiles as they are subject to periodic disturbance through grazing and through the cutting for hay.

Cont'd

Great Crested Newt and Amphibians

No amphibians were noted during the surveys. However there is a large pond within close proximity to the proposed site. The hedgerow and field boundaries, particularly the marshy acid areas will provide foraging and hibernating habitat to amphibians. Toads are a Section 42 species. There are no records for Great Crested Newts within the pond which are a European Protected Species and the pond wasn't surveyed as part of these works. However the proposed site could also provide foraging and hibernating habitat to great crested newts as well as amphibians.

Badger

No evidence of badger using the site was found. Therefore, no further survey work is required.

Dormouse

Hazel nuts were found within the site boundary under the hazel trees within the hedgerows. These had been opened by voles or mice. No evidence of hazel nuts opened by dormouse was found within the site. Therefore, no further survey work is required.

Breeding birds

Twelve species of bird were recorded feeding/nesting within the proposed site. The retention of the hedgerows within the site will ensure that birds can continue to breed on site. The timing of any vegetation removal should therefore be conditioned.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Should outline planning consent be granted, any future reserved matters application would be CIL liable as the application is for residential development and falls within the Mid Viability Area whereby CIL is charged at a rate of £25 per square metres plus indexation.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

Cont'd

The site lies outside the settlement boundary of Cefn Hengoed as designated in the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010. The main issues in the determination of this application are:

- Whether the proposed development conflicts with national and local plan policies designed to protect the countryside.
- Whether the loss of the green wedge will result in the coalescence of Cefn Hengoed and Penpedairheol.
- The impact of the proposed development on the ecological and landscape value of the existing site.
- Whether the proposed development would result in an increased level of highway traffic to result in a detrimental impact on highway safety.
- What weight should be afforded to the Council's lack of a five year housing land supply in light of the dis-application of paragraph 6.2 of TAN1.

These issues will be discussed in turn.

DEVELOPMENT OUTSIDE THE SETTLEMENT BOUNDARY

The application site is a greenfield site located in the Northern Connection Corridor (NCC) located adjacent to the settlement of Cefn Hengoed.

Strategic Policies

Policy SP5 (Settlement Boundaries) is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. Importantly it promotes the full and effective use of urban land and concentrates development to within existing settlements. The policy also seeks to prevent coalescence and inappropriate development in the countryside. The site falls outside the settlement boundary for Cefn Hengoed and within a green wedge, and is therefore contrary to Policy SP5 of the Adopted LDP. Notwithstanding this, there are material planning considerations weighing in favour of approving the site for development, and these are discussed below.

Policy SP2 (Development Strategy in the Northern Connections Corridor (NCC) requires development proposals within the NCC to promote sustainable development. Specifically proposals in this area should be targeted to both greenfield and brownfield sites having regard to the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; and protect the natural heritage from inappropriate forms of development.

Cont'd

Within the NCC, development can be permitted on both brownfield and greenfield sites that have regard for the social and economic functions of the area. Policy 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. Cefn Hengoed is identified as a residential area.

Policy SP2 also requires that new proposals reduce car borne trips by promoting sustainable modes of travel and make the most efficient use of existing infrastructure. The site is within walking distance of a number of local shops, a school and services at Cefn Hengoed. There are a number of bus stops within the vicinity of the site which travel between Cefn Hengoed and Bargoed, Ystrad Mynach, Blackwood and Caerphilly. Two train stations, Hengoed and Pengam are located within 2km of the site.

Criterion D of Policy SP2 seeks to protect the natural heritage from inappropriate development. The application proposes housing on a greenfield site, within a green wedge and is therefore contrary to Criterion D of Policy SP2.

In line with national planning policy, SP6 (Place Making) requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. Policy SP6 requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and where appropriate through the use of Sustainable Urban Drainage Systems (SUDS). The development will require SUDs approval.

This policy also requires mitigation measures that improve and maintain air quality. The nearest air quality management area is High Street, Blackwood. Given the distance of the site from Blackwood High Street, the development is unlikely to result in a detrimental impact on this air quality management area. Notwithstanding this, the Section 106 agreement requires the developer to make substantial financial contributions to encourage use of modes of transport other than the car. This modal shift in travel patterns is an essential part of reducing the growing concerns related to air quality.

Cont'd

Policy SP7 (Planning Obligations) recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effects of that development. In the context of this application, the Council has secured the provision of appropriate on-site formal and informal open and leisure space, infrastructure improvements to facilitate walking and cycling, the provision of 25% affordable housing, highway improvements, and a financial contribution towards sustainable forms of travel.

The site lies within a Minerals Safeguarding Area as identified by Policy SP8 Minerals Safeguarding. The Minerals Officer's response has been provided and the proposal is considered to comply with the requirements of this Policy.

Policy SP10 (Conservation of Natural Heritage) recognises the natural heritage as a positive asset that enriches people's quality of life, and that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be required to make any development at this location acceptable. This may be addressed by attaching appropriate conditions to any consent.

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

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

The 2019 AMR was approved by Council in October 2019. In recognition of the need to identify more land for employment and housing to support local need and regional aspirations, this report recommended that a review of the Adopted LDP be commenced.

The report also recommends that

- "in the period up to the adoption of a new Replacement LDP, the Council will continue to address the shortfall in the 5-year housing land supply through proactive action, including:
- Considering proposals for new residential development on their relative planning merits on a site-by site basis and have due regard for the need to increase the housing land supply in line with national planning policy and guidance;"

Cont'd

There is a significant shortfall in the 5-year housing land supply for the county borough. TAN 1 seeks to ensure that there is a genuine 5-year land supply available, and thus categorises sites to indicate those that can be included within the 5- year land supply. Using the residual method, as currently required by TAN 1, the 2016 Joint Housing Land Availability Study (JHLAS) identified that the county borough had just 1.5 years land supply. This had increased to 2.1 years in the 2017 JHLAS, 2.3 in the 2018 JHLAS and 2.0 in the 2019 JHLAS.

In that there less than 2 years of the plan period remaining, it is necessary to calculate the 5 year land supply in the JHLAS based on the average annual requirement being continued for the three years outside of the plan period, as per the methodology set out in TAN 1. Using this method, the average annual requirement is 1103 units, which equates to 5,515 dwellings over 5 years. Once the land supply is deducted from this, the shortfall over 5 years in the JHLAS is 3,296 units.

If consideration is given to the shortfall in terms of the remaining two years of the LDP, the JHLAS indicates that 4,835 dwellings out of 8,625 dwellings have been completed, indicating that there is a requirement for 3,800 units to be delivered in the remaining two years of the plan period. The JHLAS schedule identifies that 924 units are forecast to be completed in the next 2 years (currently under construction, forecast completions in 2020 and 2021 and small sites assumptions), which would leave a forecast shortfall of 2,876 dwellings by the end of the plan period. The magnitude of the shortfall is substantial, and this development of 131 dwellings would go some way towards meeting this.

Policy SP15 (Affordable Housing Target) seeks to deliver through the planning system at least 964 affordable dwellings over the plan period in order to contribute to balanced and sustainable communities. The application proposes 131 dwellings in an area of housing pressure and in an area with considerable housing need. Within the NCC the plan seeks to secure 25% affordable housing to meet the identified needs in the area. Consequently there is the potential for the proposal to deliver in the region of 32 affordable homes. In the interests of creating sustainable communities a variety of tenures should be considered. LDP 1 Affordable Housing Obligations (Revision), provides supplementary planning guidance on the delivery of affordable housing through the planning system.

Policy SP19 (Transport Infrastructure Improvements) seeks to implement improvements to the existing transport infrastructure, in particular that: Address social exclusion; improve transport links in the Northern Connections Corridor and Southern Connections Corridor; reduce the level of traffic movements and/or congestion, within any identified air quality management area; and promote the most efficient use of the transport network. As the application proposes up to 131 dwellings, appropriate measures will be secured by way of a Section 106 legal agreement to ensure that any existing problems are not further compounded.

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Countywide Policies

Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion) requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. 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. This will be secured in terms of the layout submitted at reserved matters stage, together with a Section 106 obligation.

Policy CW2 (Amenity) requires new development to be compatible with surrounding land-uses. The proposal is for residential development immediately to the north of Cefn Hengoed adjacent to an existing residential area.

It is acknowledged that there will be some impact on neighbouring residents and therefore sympathetic development with sensitive boundaries should be sought. Many existing residents use the Public Rights of Way that runs through the Carn Gethin Estate and the application site and therefore any layout at reserved matters stage will need to retain this Public Right of Way to ensure connectivity within the development and help link the development with the surrounding built form and open countryside.

Policy CW10 (Leisure and Open Space Provision) states that all new housing sites capable of accommodating 10 or more dwellings are required to make adequate provision for well-designed open space and appropriate provision for children's play facilities as an integral part of the development. Areas of formal and informal open space have been proposed, and more detailed specification of these areas will be required at reserved matters stage.

Policy CW11 (Affordable Housing Planning Obligations) seeks appropriate levels of affordable housing in order to meet an identified housing need within the area. This site lies within the NCC and as such 25% of the units on the site should be provided in line with the requirements of the policy. The developer has agreed to provide this level of affordable housing and therefore the proposal satisfies the requirements of this Policy.

Policy CW15 (General Locational Constraints) specifies the type of development that will be permitted outside of the settlement boundary. The proposal is for housing and this type of development cannot meet the provisions of Policy CW15. The proposal is therefore contrary to this policy.

Policy CW22 (Locational Constraints Minerals) requires proposals for permanent development that impact on minerals safeguarding areas to meet specified tests as laid out in the policy. The whole of the site is within a safeguarded sandstone area, however, it is highly unlikely that planning permission would be granted for any form of quarry in this location bearing in mind its proximity to the residential properties.

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LOSS OF GREEN WEDGE AND COALESCENCE OF NEIGHBOURING SETTLEMENTS

PPW explains that the construction of new buildings in the green wedge is inappropriate development. It confirms that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Wedge.

The site is within a green wedge identified by Policy SI 1.7 Penpedairheol, Gilfach and Tir y berth and Policy CW4 (Natural Heritage Protection) does not preclude development in green wedges. Policy CW4 recognises that where development proposals are such that the need for the development outweighs the ecological importance of the site, harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure that there is no reduction in the overall value of the area or feature. It is therefore necessary to consider whether there are any very exceptional circumstances to overcome the harm to the Green Wedge and any potential harm to the ecological interest of the site.

The intention of this green wedge is to prevent coalescence between Penpedairheol, Gilfach and Tir y berth. All three settlements have their own strong identity and sense of place, which should be protected for the continued integrity of the settlements and the communities within them. Having regard to the application site, it is not considered that the development would pose any risk of coalescence with Gilfach and there are intervening field parcels together with the railway also presenting a physical boundary separating Tir y berth from neighbouring settlement of Cefn Hengoed.

The settlements to be given key consideration are those of Cefn Hengoed and Penpedairheol. In that regard the application site adjoins the settlement of Cefn Hengoed and would amount to a considerable extension of the settlement into a prominent stretch of countryside. Notwithstanding the existing delineation of the settlement boundary the development of the site would constitute a logical rounding off of the existing settlement limit at this location, extending the built form in a northerly direction. However, it is acknowledged that the proposed development would inevitably change the character and appearance of the immediate surroundings and serve to erode the open character of the green wedge at this location. However having regard to the distances between the application site and the settlement of Penpedairheol, approximately 213 metres to the most southerly edge of the built form on the western side of Hengoed Road with a singular intervening field parcel and approximately 275metres as the crow flies on the eastern side of Hengoed Road with two intervening field parcels, it is considered that there is a substantial buffer in terms of the open countryside and the built form to prevent any coalescence between the settlements of Cefn Hengoed and Penpedairheol.

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LANDSCAPE AND ECOLOGY

Trees and Hedgerows make a positive contribution to both the natural and built environment. They enhance the character and diversity of the landscape and offer substantial environmental benefits. Policy CW6 (Trees, Woodland and Hedgerow Protection) therefore requires proposals to ensure that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. Trees and Hedgerows make a positive contribution to both the natural and built environment. They enhance the character and diversity of the landscape and offer substantial environmental benefits.

The comments of the Council's Landscape Architect are outlined earlier in the report and no objection is raised to the proposed development subject to the reserved matters application having full regard to their comments to ensure that any development pays due regard to the existing landscape value of the site and the existing trees and hedgerows contained within it, given the location of this site on the edge of settlement. Furthermore the requirement to provide sustainable drainage will serve to enhance any development on the site. For these reasons it is considered that the proposal complies with policy CW6.

The comments of the Council's Ecologist are outlined earlier in the report. In summary, based on the information submitted, no objection is raised subject to the imposition of various conditions that ensure the proposal does not have an unacceptable impact on the ecology of the site. As such the proposal also accords with Policy CW4.

HIGHWAYS

Policy CW3 Design Considerations Highways requires development proposals to have regard for the safe, effective and efficient use of the transportation network. A Transport Assessment was submitted with the planning application and was reviewed by an independent Transport Consultancy to confirm the findings of the document. The findings of this report assesses the impact of the proposed development on multiple key junctions impacted by the proposed development.

A Transport Assessment Addendum (dated November 2019) was also submitted for consideration. Having regard to both documents it is not considered that the development will have an adverse impact on the surrounding highway network to a degree to warrant a refusal of planning permission. On this basis no objection is raised subject to the imposition of several highways conditions and a Section 106 agreement to secure highway improvements and sustainable travel initiatives, the application is considered to be acceptable in highway safety terms and therefore compliant with Policy CW3.

Cont'd

THE REQUIREMENT TO MAINTAIN A FIVE YEAR HOUSING LAND SUPPLY

Planning Policy Wales 10 (December 2018) states that

- "new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled." Furthermore, it states that that: "A plan-led approach is the most effective way to secure sustainable development through the planning system..." and, "The plan-led system underpins the delivery of sustainable places to ensure all development plans and decisions taken by the planning system work together to deliver sustainable places."

The site is outside the settlement, and within a green wedge, where residential development would not normally be allowed. However, the Caerphilly JHLAS for 2019 shows that there is a 2.0 year land supply when calculated using the residual method as required by TAN 1.

The lack of a five-year housing land supply is a matter of serious concern that needs to be addressed if the overall housing requirement is to be met over the plan period. The monitoring evidence indicates that it is unlikely that this position will improve in the short term.

Welsh Government decided on 18 July 2018 to dis-apply Paragraph 6.2 of TAN1. Paragraph 6.2 of TAN 1 stated:

- "The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study...the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

The effect of this paragraph was to give increased weight to the need for housing to address a deficiency in the 5-year land supply, over other material factors. Its dis-application removed the "considerable weight" that would otherwise have been given to the issue of a lack of a 5-year land supply however the 'Dear Chief Planning Officers' letter states that "it will be a matter for decision makers to determine the weight to be attributed to the need to increase housing land supply where an LPA has a shortfall in its housing land." This approach does not constrain the decision maker and there is still a requirement for local planning authorities to maintain a five year land supply.

Cont'd

The previous eight approved Annual Monitoring Reports confirms that the Council will need to continue to address the shortfall in the five year housing land supply through proactive action, including considering proposals for new residential development on their relative planning merits on a site by site basis and have due regard for the need to increase the housing land supply in line with national planning policy and guidance. In that regard there is a need to release some land for new development outside settlements to address the five year housing land supply shortfall.

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

The magnitude of the shortfall is significant, i.e. an additional three years' supply is needed. Also, the 2019 JHLAS indicated that only 122 dwellings were completed in the year 2018-19. As there is less than 2 years of the plan period remaining, it is necessary to calculate the 5 year land supply in the JHLAS based on the average annual requirement being continued for the three years outside of the plan period, as per the methodology set out in TAN 1. Using this method, the average annual requirement is 1103 units, which equates to 5,515 dwellings over 5 years. Once the land supply is deducted from this, the shortfall over 5 years in the JHLAS is 3,296 units.

The significant housing shortfall within Caerphilly County Borough will persist until the Council adopts a new Local Development Plan, a revised LDP is unlikely to be adopted until at least Spring 2024. Consequently the only way to address housing land supply shortfall at present is to grant planning permissions. The most significant schemes have been allowed on appeal. The proposed development will make a significant contribution to meeting the shortfall, 25% of which will be affordable housing. Having regard to both matters collectively, it is reasonable to attach significant weight to the need to increase housing land supply as a material planning consideration which would outweigh the normal policy objections to residential development on this site.

In conclusion Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision on this proposal to be made in accordance with the development plan unless material considerations indicate otherwise. The Adopted Caerphilly County Borough Local Development Plan up to 2021 is the development plan for purpose of Section 38(6).

Cont'd

The site is located within a green wedge between the settlements of Cefn Hengoed and Penpedairheol, however there would be field parcels remaining between both settlement to prevent coalescence of those communities. The concerns of statutory consultees can be addressed by way of planning conditions and a legal agreement, the issues raised regarding the illustrative layout and loss of landscaping can be addressed through the consideration of the reserved matters application. TAN 1 makes it clear that:

- "The requirement to maintain a five-year supply of readily developable housing land in each Local Planning Authority across Wales remains a key policy requirement of the Welsh Government."

The dis-application of Paragraph 6.2 of TAN1 on 18 July 2018 removed the "considerable weight" that would otherwise have been given to the issue of a lack of a 5-year land supply.

There is an acceptance that the release of additional greenfield sites are necessary to meet the Council's undisputed shortfall in housing supply as well as the need to provide affordable housing in that the reliance on brownfield sites does not come close to addressing the housing shortfall. The consequent need for the Council to maintain a five year housing land supply outweighs the conflict with the Adopted LDP policies. This application offers an opportunity to provide sustainable residential development without causing any harm which cannot be mitigated against.

A Section 106 Agreement will be required to secure affordable housing provision, highway improvements and the financial aspects of the Residential Travel Plan. The applicants have agreed to enter into such an agreement.

The recommendation is to require the applicant to enter into a Section 106 Agreement in respect of affordable housing provision and highway improvement works. In that regard there are tests for Section 106 Agreements which have to be met.

These are as follows:-

- (a) The financial contribution, arrangements and works contained in the obligation are required;
- (b) They are directly related to the development, and;
- (c) They are fairly related in scale and kind to the development.

With regard to criterion (a) there is a need to secure affordable housing provision on-site to comply with national and local policy. In terms of the highway improvement works these are to mitigate potential highway impacts associated with the development.

Cont'd

With regard to criterion (b) the development is located within an area of housing need and pressure. The proposal will provide a considerable number of affordable homes within the local community. In terms of the financial contributions, this will support highway improvements and sustainable travel initiatives associated directly to the development.

With regard to criterion (c) in view of the scale of the development and the proximity to the existing community the applicants have offered to provide 25% affordable housing. This accords with the affordable housing target in the Northern Connections Corridor and is therefore considered reasonable. It is also considered that the financial contribution towards highway improvement works and sustainable travel initiatives are fairly related to a development of this scale.

Comments from Consultees:

The Council's Ecologist has requested the imposition of a condition to ensure that any reserved matters details to be submitted shall include an amended site layout plan to include the retention of all hedgerows through the site. In that respect, this would preclude residential development within the site. Whilst the proposal will ultimately result in the loss of some hedgerows within the site, there needs to be a balance between the need to keep the established hedgerow against the need to address the housing shortfall provision within the county borough. In that regard there is a requirement for the Council to maintain a five year housing land supply and losses can be effectively mitigated against through a comprehensive landscaping scheme at reserved matters stage.

The Council's Ecologist has also requested a number of additional conditions to safeguard biodiversity and protected species within the site based on an illustrative layout. This outline application seeks consent for all matters to be reserved for future consideration. In view of the scale of the development, it is considered that such conditions would not meet the test in Welsh Government Circular WGC 016/2014 in that it is not essential in planning terms to enable the development to proceed. The circular states:

- " In considering whether a planning condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition."

The Head of Public Protection has requested the imposition of a condition to any consent requiring a scheme to appropriately address the noise impacts from the adjacent railway line and road traffic from Hengoed Road to ensure that any future residential occupiers of the site can enjoy acceptable levels of amenity. For the same reason given above, this condition would not be reasonable to impose at outline stage given that the layout is illustrative.

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The Senior Engineer (Land Drainage) has requested the imposition of a condition imposed to any consent for a scheme to deal with land and surface water within the site. In accordance with Schedule 3 of the Flood and Water Management Act 2010, the development is required to comply with the mandatory sustainable drainage hierarchy and as such it is not considered necessary to impose such a condition as there is separate legislation that will address surface water drainage within the site.

Comments from public: The following concerns have been addressed below:

LOCAL PLAN POLICIES

- The site falls outside settlement limits and is contrary to the adopted Local Development Plan until the LDP is reviewed, this policy should be adhered to. This has been addressed in the report above.
- The development is proposed on valuable, highly fertile, arable, greenfield land - Paragraph 3.54-3.55 of Planning Policy Wales Edition 10 states:

"Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) 15 is the best and most versatile, and should be conserved as a finite resource for the future. When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade."

The Agricultural Land Classification for the site is grade 3b which categorised as moderate quality land.

- The development will reduce the green wedge between Cefn Hengoed and Penpedairheol and lead to the villages of Cefn Hengoed and Penpedairheol coalescing.
- New residential developments have been approved in the locality.
- The application site forms part of the green wedge in the adopted LDP.
- The need for housing does not outweigh the need to retain the green wedge.

The above comments have been discussed in the report above.

Cont'd

- There are brown field sites in the area that have planning permission. Reliance on brown field sites alone does not come close to addressing the housing need shortfall.
- The site was previously rejected by the LDP. The site was submitted as a candidate site (Reference STC103) at Preferred Strategy stage of the LDP and the Council's recommendation was to include the site in the Replacement Caerphilly County Borough Local Development Plan up to 2031, however full Council resolved to withdraw the replacement LDP in October 2016.
- Granting permission would set a precedent for other development on green fields. The merits of any application are considered on a site specific basis.
- Suggests alternative sites suitable for development (including greenfield land) that would be unlikely to receive opposition. This application refers to a specific site and is the only site to be considered as part of this application.
- This will set a precedent to build on land at Penrhiwfelein & Tir Jack Farms. As stated above the merits of any application are considered on a site specific basis.

HEALTH CENTRE PRESSURES

- There is no provision for health care within Cefn Hengoed and wider surrounding health centres are closing or catchment areas are expanding whereby patients are unable to obtain appointments for weeks.
- Additional residents will put overwhelming strain on healthcare provision for the area.

Aneurin Bevan Health Board is a consultee of the Local Development Plan process and as such would have been fully informed of the number of new dwellings required to meet the predicted growth strategy. Aneurin Bevan Health Board acknowledges that the local practice does have accommodation constraints but are working with the Council and partners to scope solutions for all areas within the Caerphilly County Borough.

EDUCATION PRESSURES

- The local schools are already at full capacity and will be forced to travel further for their education needs.
- Apart from the local primary school, all other schools are too far away to be accessed on foot.

The Council's Education Department has confirmed that there is adequate provision to accommodate pupils. There is sufficient room in the catchment areas for the Welsh Medium Primary and Secondary Schools as well as the English Medium Primary and Secondary Schools.

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EMERGENCY SERVICES

- The number of large residential developments will put pressure on the emergency services, no assessment has been undertaken in terms of how they will be able to cope with the extra demand.

As stated above Aneurin Bevan Health Board was consulted as part of the Local Development Plan Process, together with Gwent Police and the Fire Service.

HIGHWAYS

- The proposal will add to the congestion of the inadequate road and rail infrastructure. A Section 106 agreement secures a significant amount of financial contributions to support sustainable public transport provision.
- The existing access is not wide enough to support two-way traffic. The layout as submitted is illustrative.
- The traffic survey data was undertaken in the school holidays and does not reflect the increased volume of traffic during peak times. This is incorrect.
- The development is in close proximity to a primary school whereby traffic congestion is already a concern and inconvenience. The highway implications have been considered.
- The existing pavements are poorly lit, narrow and any improvements offered would result in the removal of additional hedgerow. It is accepted that there will be areas of hedgerow that will be lost to accommodate highway improvements but the layout as submitted is illustrative only.
- There have been several accidents outside the Carn Gethin Estate in recent years. Additional vehicles using Hengoed Road will cause more accidents. The Transportation and Engineering Manager has confirmed that the Road Traffic Collision Personal Injury database collated by Welsh Government for does not record any incidents in the vicinity of the site or bend on Hengoed Road for the period 01/01/06 to 27/06/18.
- It is difficult to understand how adequate highway works can be constructed to align the planned entrance to the proposed development. Access is reserved for future consideration.
-

Section 3.6.4 of The Transport Assessment (Feb 18) is incorrect by referring to an informal crossing facility outside Derwendeg Primary School.

- There is only a pavement on one side of the road that is poorly lit to serve the proposed development.
- Section 3.7.5 of The Transport Assessment is incorrect by stating that traffic calming measures have improved road safety conditions.
- The monitoring device for the traffic survey was placed near slow moving traffic -
- The existing highway infrastructure cannot support the number of vehicles to serve the proposed development.

Cont'd

The Transport Assessment has been independently verified by a highways consultancy and subject to highway improvements, the development is considered to be acceptable.

- No Travel Plan has been submitted to accompany the Transport Assessment. The Local Planning Authority requested the submission of a Travel Plan and that document has been submitted and examined by the Transportation and Engineering Manager.
- Tipper lorries entering the site from the Bryn Siriol direction are not able to turn left into the farm road, as such how will large construction vehicles enter the site. Access is reserved for future consideration.
- There are further cuts to highways budgets and this development will add to the strain. This is not a material planning consideration.

HOUSING NEED

- The Caerphilly County Borough Joint Housing Land Availability Study (JHLAS) for 2017 identifies a number of alternative solutions to fulfil housing policy needs.
- There is no evidence to indicate demand for housing in the area.

The acknowledged housing shortfall and need has been addressed in the report.

ENVIRONMENTAL

- Environmental concerns in terms of noise and air pollution as a result of the number of additional cars adding to the highway network. No objection has been raised by the Head of Public Protection. In accordance with Planning Policy Wales, the Local Planning Authority considers it reasonable for 25% of the proposed dwellings to be provided with electric charging points.
- The Coal Mining Risk Assessment (CMRA) concludes that there is high risk from shallow mining and mine entries. No objection has been raised by the Coal Authority.
- There has been two recent subsidence claims from properties within 50 metres of the proposed development, any new properties would be at risk to subsidence. No objection has been raised by the Coal Authority. Furthermore, this is not a planning matter.
- A suggestion that intrusive investigation work is required to establish a clear picture of what mining shafts are there, comes with its own problems including noise and dirt from heavy vehicles. The comments of the Coal Authority have been addressed by way of condition.
- Loss of this open land would increase surface water run-off. From the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

Cont'd

ECOLOGICAL

- The area supports a variety of wildlife that will be destroyed forever.
- The development will result in loss of hedgerows and habitats which are essential to sustaining the natural balance of eco systems.
- The land has not been assessed for the presence of mammals.
- The development area supports habitats/ species that meet SINC selection criteria and the need for development does not outweigh the need to safeguard the conservation of the site.
- The site is in close proximity to two SINC's.
- The existing access into the site is a single track. The illustrative layout will result in the loss of the existing hedgerow.
- The area that is proposed for development supports habitats/species that meet SINC selection criteria.

The impact of the proposal on the ecology of the area has been fully assessed by the Council's Ecologist and it is considered that the proposal is acceptable in ecological terms subject to imposition of necessary conditions imposed to any outline consent. The applicants will be provided with the comments of the Council's Ecologist and any future reserved matters application should be informed by those comments, or mitigation measures to safeguard biodiversity and protected species can be controlled by way of condition at reserved matters stage.

ECONOMICAL

- The dwellings will not be affordable for those living in the area.
- Affordable housing is only being offered as a result of legislation.
- The local economy is not able to support the proposed volume of additional residents.

There is significant need for affordable housing in the County Borough and therefore seeking appropriate levels of affordable housing is justified as a means of contributing to mixed, balanced and sustainable communities through the provision of housing for all sectors of the population. There is no evidence to indicate that the local economy cannot support a development scheme of up to 131 dwellings.

COMMUNITY

- The development will bring disruption to the local economy. It is accepted that there may be some disruption but this should be minimal and for the duration of the construction works only. During and upon completion, the development would serve to enhance the local economy.
- The development site will increase pedestrian traffic past the Carn Gethin Estate and encourage anti-social behaviour on land near Cheriton Avenue. There is no evidence to suggest that the proposed development will increase anti-social behaviour.

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- There are limited amenities available in the area such as play areas for children, shops, walks and seating areas for adults, this would put additional pressure on the already limited facilities. The development would provide appropriate levels of open space provision within the site including children's play and leisure facilities.
- There is no guarantee that the development will benefit the wider community. The provision of market housing, affordable housing, leisure facilities and highway improvements are benefits that can be enjoyed as a result of the development.
- The community will be sad to lose donkeys, cattle, sheep and horses on the land. Whilst the sentiments are acknowledged, this is not a material planning consideration.
- The retention of green spaces is an important priority. There are green fields adjoining the site for the local community to enjoy, together with the development providing areas of formal useable open space.

DESIGN AND SCALE

- The development site is twice as big as the Carn Gethin Estate.
- The privacy of the occupiers of Rhosili Road will be lost as a result of the proposed development.
- The rear windows of Rhosili Road will be overshadowed by the proposed development.
- The dwellings of Rhosili Road will be overlooked.
- The proposed dwellings will bring about loss of privacy and overshadowing to the occupiers of Rhosili Road and Penmaen Close.

It is noted that the development proposal is larger than the adjacent residential estate, whilst the illustrative layout demonstrates that sufficient levels of privacy can be achieved throughout the site, all matters are reserved for subsequent approval. Any reserved matters application will need to pay due regard to layout, scale, design and privacy.

PUBLIC RIGHTS OF WAYS

- There is an existing Public Right of Way that would be obstructed as a result of the development.
- Any mitigation proposed to divert the PROW will inevitably be obstructed by vehicles and will not be enforced.
- There is no link into the site from the Carn Gethin Estate.

With regards to the above points, the application is submitted in outline only and any subsequent layout at reserved matters stage would need to address the Public Right of Way and connectivity into and through the site.

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JAPANESE KNOTWEED

- Although the weed has been treated, it is well known that land disturbance can cause the weed to reappear.
- The extent of Japanese knotweed on the site is not representative of the drawing included in the Extended Phase 1 Survey.
- Treating the land with chemicals will result in biodiversity implications.
- A study carried out by Swansea University in 2018 concluded that knotweed is not destructible.

The Council's Invasive Plant Species Officer acknowledges that there is an infestation of Japanese Knotweed and advises that there would be a need to impose a condition to any consent granted detailing the treatment of Japanese Knotweed on the site.

PRE-APPLICATION

- The Public Consultation Documents was not readily available throughout the entirety of the consultation and no library details were available to view the hard copy files.
- Inconsistencies between the actual number of properties consulted and stated.
- Inconsistent objection comments reported.
- Only one site notice was erected and this was not in a location that would be viewed by the majority of neighbouring residents.

The requirement to undertake a Pre-Application Consultation (PAC) and to submit a PAC report with a formal planning application is a requirement of the Planning (Wales) Act 2015. The consultation is undertaken by the developer in accordance with the legislation prior to the developer submitting a valid planning application. The Local Planning Authority does not have to be notified of a Pre-Application Consultation. It is for the developer to ensure that the PAC has been undertaken in accordance with the legislation.

There is a statutory obligation for the Local Planning Authority to publicise an application for planning permission which must be publicised in accordance with article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and this procedure has been followed by the Local Planning Authority.

OTHER ISSUES RAISED

- The address of the site includes Penpedairheol and as such the proposed development eliminates the separation between Cefn Hengoed and Penpedairheol. This has been addressed in the report above.
- No consideration has been for the extant consents that have been approved in the areas. Each application can only be considered on its own merits.
- Further clarification is required on the drainage provision within the site to prevent flooding. Such matters for consideration are not required at outline stage and would be subject to SAB approval.

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COMMUNITY COUNCIL COMMENTS

- It is outside the settlement area as in the adopted LDP 2010, on a greenfield site.
- It is an incursion into open countryside.
- The site proposed is part of the green wedge between villages of Cefn Hengoed and Penpedairheol - the wedge would be significantly reduced and could lead to the coalescence of the two communities.
- If granted, the application would provide a precedent for development on the opposite side of Hengoed Road, adjacent to Waun Goch & Bryn Canol.
- The site is an invaluable habitat for wildlife. A stretch of mature and well established hedgerow would have to be removed, at a heavy cost to the environment, to accommodate the site road serving the proposed dwellings.
- The access road off Hengoed Road is on a bend which could affect highway safety. Vehicles coming from the site would lead to an increase in traffic congestion in particular approaching the road narrowing travelling south and on Pengam Road from Cascade.
- Gelligaer Community Council were not consulted at the pre-planning consultation stage and would have expected to have been consulted at the pre-planning stage, given the size of the proposed development in our area.
- The application draws attention to the lack of housing land designated by Caerphilly County Borough Council. However, the following brownfield sites are available and have not been developed:
 - (i) Site at New Road, Tir y berth, suitable for 173 units
 - (ii) Site at Cwm Calon near the Colliery Baths
 - (iii) Site opposite Derwendeg School, 27 units
 - (iv) 32 units have recently been built on land designated for employment at Cwm Calon, Ystrad Mynach.

There is a further site south of Glyngaer Road, on a greenfield site, 30 units, which has fewer disadvantages of the application site.

These matters have been addressed previously in response to neighbour representations above.

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.

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RECOMMENDATION: That (a) if members are minded to grant planning permission that the application is DEFERRED to allow the applicants to enter into a Section 106 obligation as set out above; and on completion of the Agreement that (b) planning permission is GRANTED subject to the following conditions:

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) This permission is for no more than 131 dwellings.
REASON: To allow any change in the number of total units to be reviewed in respect of the delivery of affordable housing in accordance with policy CW11 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 06) The development shall be carried out in accordance with the following approved plans and documents:
 Drawing Number 13/2017/PL/239 Proposed Site Location Plan received on 20.12.2018;
 Transport Assessment Addendum dated November 2019;
 Framework Travel Plan dated November 2018;
 Extended Phase one Habitat Survey dated 27th June 2018;
 Coal Mining Risk Assessment dated April 2018; and
 Transport Assessment dated February 2018.
 REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 07) Prior to the commencement of works on site details of the following shall be submitted to and agreed with the local planning authority: a scheme of intrusive site investigations for the mine entries within the site; a scheme of intrusive site investigations for the shallow coal workings; a report of the findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken; a layout plan which identifies appropriate zones of influences for the recorded mine entries on the site, with the definition of suitable 'no-build' zones; a scheme of treatment for the recorded mine entries, if identified; and a scheme of remedial works for the shallow coal workings. The development shall thereafter be carried out in accordance with the approved details.
 REASON: To take account of the legacy mining issues at the site in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Prior to the commencement of work on site a residential travel plan shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein. The plan will set out measures to promote and encourage sustainable travel for residents and visitors of the development and to help mitigate the impact of trips generated by the site.
 REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 09) Notwithstanding the submitted plans, as part of the reserved matters submission, Hengoed Road shall be improved in accordance with details that shall firstly be agreed in writing by the Local Planning Authority. The infrastructure improvements shall include:-
 A new 'in-line' bus stop on the south bound carriageway within close proximity of the new site entrance and shall include for a new bus shelter, associated signage and bus boarding point.
 A new 'in-line' bus stop on the north bound carriageway within close proximity of the new site entrance and shall include for a new bus shelter, associated signage and new localised footway provision.
 The proposed improvements shall be constructed in accordance with the agreed details prior to beneficial occupation of any dwelling.
 REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) The development authorised by this permission shall not begin until a traffic regulation order has been progressed and implemented to extend the 30mph speed limit along Hengoed Road beyond the proposed site entrance.
 REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The proposed means of access shall be laid out, constructed and maintained thereafter with vision splays of 2.4m x 59m. No obstruction or planting when mature exceeding 0.9m in height above the adjacent footway shall be placed or allowed to grow in the required vision splay areas.
 REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The estate layout shall be designed to the principles of Department of Transport documents Manual For Streets and Manual For Streets 2 and shall include the pedestrian and cycle links within the estate and adjacent settlement.
 REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Off street parking provision shall be provided in accordance with the Local Planning Authority's Adopted Supplementary Planning Guidance LDP5 Car Parking Standards.
 REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 14) 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 interests of visual amenity and highway safety in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) The reserved matters details to be submitted shall include details of the hedgerow and tree enhancement planting and management, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up existing hedgerows and a 5 year management plan. The approved details shall be strictly complied with.
REASON: In the interests of biodiversity and enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and TAN 5 Nature Conservation and Planning (2009).
- 16) The reserved matters details to be submitted shall include a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats. 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 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) The reserved matters details to be submitted shall include an updated bat roost and transect survey to inform the reserved matters application.
REASON: To ensure up to date consideration of protected species, in the interests of biodiversity in accordance with policies CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 18) The reserved matters details to be submitted shall include a detailed reptile and Great crested newt mitigation strategy, prepared by a competent ecologist to inform the reserved matters application. The approved mitigation strategy shall include any translocation or mitigation measures and shall be strictly complied with.
REASON: To ensure up to date consideration of protected species, in the interests of biodiversity in accordance with policies CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 19) The reserved matters details to be submitted shall include details of a new hedgerow (200 metres in length) to be created in order to replace the existing species rich hedgerow that has been removed prior to the determination of the application. A species list of at least 9 woody species, planting specification and management plan shall be submitted to the Local Authority for approval. The approved details shall be complied with and the replacement hedgerow shall be planted within 12 months of the completion of the development.
 REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009) in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) Notwithstanding the illustrative layout details shall be submitted at reserved matters that shall take into account the need to provide appropriate leisure facilities to meet the needs of the residents of the proposed development. Those facilities shall include areas of well-designed open space that benefit from good access and surveillance, a suitably sized equipped play area and a suitably sized all weather sports court.
 REASON: To ensure the adequate provision of public open space in accordance with policy CW10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed on site. The treatment of Japanese Knotweed shall be carried out in accordance with the approved details.
 REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

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- 22) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.
The scheme shall include:
- (i) control of noise,
 - (ii) control of dust, smell and other effluvia,
 - (iii) control of surface water run off,
 - (iv) site security arrangements including hoardings,
 - (v) proposed method of piling for foundations,
 - (vi) construction and demolition working hours,
 - (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.
- The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 23) 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.
- 24) 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.
- 25) Prior to works commencing on site details shall be submitted for a minimum of 25% of the residential units to be constructed to make provision to allow for the installation of electric charging points for vehicles.
REASON: In order to ensure that adequate mitigation is provided in respect of air quality in the interests of residential amenity in accordance with policy CW10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 26) Prior to the commencement of the development hereby approved a notice shall be given to the Local Planning Authority.
- (a) stating the date on which the development is to begin;
 - (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
- Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it. That decision notice shall be in the form specified by, and must be displayed in accordance with, Schedule 5B of the Order.
- REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policies CW2, CW3, CW4, CW5, CW6, CW10 and CW11.

Please find attached the comments of The Council's Ecologist; The Council's Landscape Architect Officer; The Head of Public Protection; Network Rail; Parks and Open Spaces, The Public Rights of Way Team and Wales and West Utilities that are brought to the applicant's attention.

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 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

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

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

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

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

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

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

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Notification of initiation of development and display of notice:

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

Notice of initiation of development:

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

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

DEFERRED FOR REASONS FOR REFUSAL.



Gadewir y dudalen hon yn wag yn fwriadol

Eitem Ar Yr Agenda 5

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0705/RET 20.08.2019	Mr M Winfield Fferm Pont Carreg Rhyd Y Gwern Lane Machen Caerphilly CH83 8UH	Retain the change of use of the land from agriculture to a rural enterprise of animal keeping and training primarily for use in the film and television industry together with the erection of a rural enterprise dwelling associated with that use Rockwood Animals Fferm Pont Carreg Rhyd Y Gwern Lane Machen Caerphilly CF83 8UH

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The application site is located to the south west of Rhyd Y Gwern Lane approximately 1km to the south east of Machen.

Site description: The application site is a small holding located on a sloping site on the valley side. The site is accessed via a gated access track from the highway and encompasses a yard area on the lower part of the site with a number of single storey agricultural buildings and then a number of steeply sloping field parcels leading up the valley side within an enclosure of trees and hedgerows.

The yard area and the agricultural buildings are devoted to the keeping and training of animals that are used in the film and television industry with the upper fields used for the grazing of animals. These animals range from sheep, cows, donkeys and horses to monkeys, insects and snakes, with 232 animals in total.

Development: This application seeks full planning consent for the retention of the change of use of the holding from agriculture to a rural enterprise use for the keeping and training of animals principally for use in the film and television industry.

Consent is also sought for the erection of a rural enterprise dwelling associated with that use. The dwelling is to be located in the south east corner of the site within a small parcel of low lying land enclosed by hedges and trees. The dwelling would be a single storey timber structure including two bedrooms, a bathroom, living room, office and kitchen/dining room. The building would be elevated above ground level with a porch to the front. It has an apex roof and is clad in timber.

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Planning application 19/0705/RET Continued

Dimensions: The site has an overall area of 5ha. The proposed dwelling will measure 5.4m high 10.1m by 10.1m with the veranda measuring 10.1m wide by 1.8m deep.

Materials: Timber cladding with aluminium windows and doors and a slate roof.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

P/05/1613 - Alter existing vehicular site entrance, create farm track site access and erect barn - Refused 26.01.06.

06/0041/FULL Erect 2.5m high boundary fence and gates to make secure enclosure for deer farming - Granted 05.10.06.

07/0172/FULL Erect retaining wall to retain soil bank and carry out associated engineering works to batter back bank on existing entrance/agricultural land/track/railings - Granted 10.05.07.

09/0975/FULL Erect a 360 square metre barn on agricultural land of 5 hectares or more to house deer calves, to include all engineering works and hardcore road to proposed barn from existing track and include cut and fill to site barn and all landscaping, parking areas and turning area - Granted 10.05.10.

10/0399/FULL - Erect a 50 square metre pig farrowing unit on agricultural land of 5 hectares or more to include all associated works and engineering works - Granted 04.08.10.

16/0499/RET - Retain the construction of two barn buildings to house the farm animals - Granted 21.07.16.

16/0799/COND - Discharge conditions 02 (parking), 03 (nesting birds) & 04 (storage) of planning consent 16/0499/RET (Retain the construction of two barn buildings to house the farm animals) - Decided 08.11.16.

POLICY

Local Development Plan: Outside settlement limits and within the South Caerphilly Special Landscape Area (NH1.5).

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints) and CW19 (Locational Constraints - Rural Development and Diversification).

Cont....

Planning application 19/0705/RET Continued

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

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

Supplementary planning Guidance LDP 10 Buildings in the Countryside provides relevant advice.

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

Paragraph 3.16 - Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

National Planning Guidance contained in Technical Advice Notes 6 Planning for Sustainable Rural Communities and 12 - 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? The site is within a low risk area.

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Planning application 19/0705/RET Continued

CONSULTATION

Transportation Engineering Manager - No objection.

Landscape Architect - No objection subject to conditions.

Ecologist - No objection subject to conditions.

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

Dwr Cymru - No objection.

Head Of Public Protection - No objection.

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? Yes. The site is within the high viability area where CIL is charged at £40 per square metre plus indexation.

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 full planning consent for the retention of the change of use of the land to a rural enterprise together with the erection of a dwelling to serve that enterprise.

Cont....

Planning application 19/0705/RET Continued

In order to consider the merits of the dwelling it is firstly necessary to consider whether the use of the site for the rural enterprise is acceptable. In that regard it should be noted that the application site has been in use for agriculture for at least 10 years and a number of applications have been granted in recent years for the erection of the buildings on the site and for enclosures associated with deer and pig farming. The current use has been established on the site since 2015. The nature of the use is such that whilst it would not be considered as agriculture and as such constitutes a change of use of the land, it is a rural enterprise that has very similar characteristics to an agricultural use.

A number of animals are kept on the site and the upper fields are used for the keeping and grazing of animals. However, those animals are not kept for agricultural purposes as there are no dairy cows on the site and neither they nor the sheep kept on site are sold for meat. The animals on the site are very specialist in nature and have been or can be specifically trained to perform certain tasks for film and television productions. All of the training is done within the buildings on the application site or on set as is considered necessary and no filming takes place at the application site. The only vehicles moving back and forth to the site would be the vehicles of the owners themselves and of any staff together with any periodical visits by outside agencies such as vets etc where necessary. Because of the number and nature of the animals kept on site, this is not a use that could occur in an urban or industrial location and as such it is considered to be wholly appropriate for this small agricultural site outside of the defined settlement limits. The proposal therefore complies with the guidance contained in TAN 6 Planning for Sustainable Rural Communities and Policy CW19 of the LDP.

In that the use of the land is considered to be acceptable in this location consideration must now be given as to whether or not the rural enterprise dwelling is acceptable. In that regard it should also be noted that the application site has been established on the site for more than 4 years and as such any dwelling must be considered as a new dwelling on an established enterprise where TAN 6 Planning for Sustainable Rural Communities at Paragraph 4.4.1 states:-

4.4.1 New permanent dwellings should only be allowed to support established rural enterprises providing:

- a. there is a clearly established existing functional need; (See paragraph 4.8.1).
- b. the need relates to a full-time worker, and does not relate to a part-time requirement; (See paragraph 4.7.1) (See paragraphs 4.5.1 - 4.5.3 for policy exemptions).
- c. the enterprise concerned has been established for at least three years, profitable for at least one of them and both the enterprise and the business need for the job, is currently financially sound, and has a clear prospect of remaining so; (See paragraphs 4.10.1 - 4.10.3).
- d. the functional need could not be fulfilled by another dwelling or by converting an existing suitable building already on the land holding comprising the enterprise, or any other existing accommodation in the locality which is suitable and available for occupation by the worker concerned; (See paragraphs 4.11.1 - 4.11.2),and
- e. other normal planning requirements, for example siting and access, are satisfied.

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Planning application 19/0705/RET Continued

I will deal with each of these requirements in turn below.

Functional Need

Given the number of animals kept on site and their unusual specialism and unique characteristics, it is considered that there is a clear functional need for this dwelling. It is acknowledged that it would be difficult if not impossible to place a monetary value on any of the animals kept on site, but given their special and unique qualities it is considered likely that a number of them would be impossible to replace in the short to medium term. As such if any emergency were to befall the animals it is considered that it would be vital to have care available on site. Given the remote location of the site it is not possible to meet this need from a dwelling within the defined settlement limits and there are no suitable dwellings for sale within the area.

In that regard it is considered that there is a functional need for a dwelling on site and as such the proposal complies with the guidance contained in TAN 6.

Full Time Need

It is normal in this regard to refer to standard published labour coefficients for each type of animal when assessing the man hours that would be needed to operate a site. However, given the specialist nature of the use proposed here such figures are not available. The applicant's own appraisal states that there are a total of 232 animals currently kept on the site and provides the following comment in respect of the operations carried out by the applicants:-

"5.12 Both Mr and Mrs Winfield work on the holding every day of the week with Mrs Winfield working part-time in Rockwood Animals on Film and part-time in Rockwood Grooming Parlour which is administratively based off the site. The fact that the training of an individual dog takes 10 months, for two hours each day is testament to the amount of work involved. Four such dogs are trained each year. In addition there are other dogs requiring training for film productions as well as cats, birds, snakes, assorted reptiles, insects etc. Mr Winfield is approached by film producers requiring animals capable of undertaking a variety of tasks in front of the camera. He then has to devise a methodology for training that animal to undertake the task before training commences.

5.13 On top of this there is the daily care of these animals with specific diets, handling requirements and cleaning and replenishing accommodation. Assistance is provided by paid part-time staff and a number of volunteers and college students who are willing to provide their services free-of-charge in return for experiencing and learning the techniques involved in the business in order that they may progress their careers."

It is considered on the basis of the above that sufficient information has been submitted to establish that there is enough need for a full time worker to be employed on the site. In that regard it is considered that the proposal complies with the guidance contained in TAN 6.

Cont....

Planning application 19/0705/RET Continued

Financial Soundness

The applicant has submitted business accounts to support this application and those accounts have been independently assessed by the Council's Finance Section. Accounts for the financial years 2014-2015, 2015-2016, 2016-2017, 2017-2018 and 2018-2019 have been submitted. The financial accounts do suggest that the business is financially robust and healthy including:

- 5 consecutive years (2014 to 2018) of increased sales, gross profit and net profit (see trading accounts) with a projected further increase in 2019 inclusive of £22,429 of employee costs.
- 5 consecutive years of increased capital account balances with the 2019 projections suggesting a healthy ratio of current assets to current liabilities 2:1 in the balance sheet.

Clearly this shows that the enterprise has been financially sound for a period in excess of 3 years and that profits have increased over that period and as such the first part of the financial soundness question is satisfactorily answered. Given the nature of the use it is impossible to say with any certainty that the business will remain so in perpetuity but it is considered that it would be reasonable to make that assumption based on the uniqueness of the business model and the services provided. In that regard it is considered that the proposal satisfies the financial soundness test and complies with the advice contained in TAN 6.

Other Buildings Test

There are a number of existing buildings on site and the applicants currently live in a converted part of one of the buildings that is used for the training of animals. However, this accommodation does not comply with modern living standards or the Building Regulations and is unauthorised in planning terms. There are no redundant buildings on site and all of the buildings are considered to be necessary to serve the needs of the proposal.

In terms of other dwellings in the area the applicants have submitted the following information:-

5.27 A search of www.rightmove.co.uk on 3rd October 2019 showed that there were four dwellings for sale within ¼ mile from the application ranging from £280,000 to £399,950 which are clearly not affordable to the business notwithstanding the fact that none of them are in close enough proximity to meet the complex functional needs of the holding. The nearest dwelling, priced at £399,950, is 700m distant by road. Whilst being unaffordable to the rural enterprise, it would also not be capable of meeting the functional needs of the business as an on-site presence is required to deter predators and attend to guests.

Cont....

Planning application 19/0705/RET Continued

5.28 There were no properties to rent within 1 mile of the application site.

From this information it is clear that there are no other buildings in the area that could provide the required level of accommodation and as such the proposal complies with the advice contained in TAN 6.

Other Normal Planning Requirements

The application proposes a timber lodge building to be located in a small clearing in the south east corner of the site. The building is 25m away from the nearest existing building, screened from it by a belt of trees and accessed via an unmade track wide enough for one vehicle. Whilst the advice is SPG LDP 10 Buildings in the Countryside and Policy CW19 of the LDP suggest that any new buildings should be well related to the existing group of buildings that is not considered to be vital in this instance. Planning consent has previously been granted for the erection of buildings for a pig farrowing business on this parcel of land and as such the principle of a building here has been established. Moreover, the proposed site is well screened from views into the site by the mature vegetation surrounding it whereas a dwelling better related to the existing buildings would be more visible from medium and long distance views. As such it is considered that the siting of the building is acceptable in planning terms.

Whilst the use of a timber building is not in keeping with the traditional character of buildings in this area, the dwelling is intended to be constructed as a sustainable dwelling with a low impact on the ecology and geology of the area. The building is also more in keeping with the existing buildings on the application site, which are more modern in appearance. Given that the dwelling is also well screened, it is considered that the design is acceptable in this instance.

The proposal has been considered by the Transportation Engineering Services Manager, who has raised no objection to the application. The proposed use and the new dwelling would not significantly increase traffic over and above that which was associated with the lawful use of the site and the access is considered to be acceptable from a highway safety perspective.

In that regard the proposal complies with the advice contained in TAN 6.

Comments from Consultees: Whilst the Senior Engineer (Land Drainage) has requested that the application be deferred until such time as a SAB application is submitted, it should be noted that this is covered under separate legislation and as such has no bearing on the determination of this application. No other objections were raised.

Comments from public: None.

Cont....

Planning application 19/0705/RET 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.

In conclusion it is considered that the proposal complies with the relevant policies of the LDP supplementary planning guidance and national planning policy and as such the proposal is acceptable in planning terms.

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: 2805/SP/01A, 2805/SP/03, 2805/PL/01, 2805/PL/02, 2805/PL/03, 2805/PL/04, 2805/PL/05, 2805/PL/06 and Rural Enterprise Dwelling Appraisal.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The occupancy of the dwelling shall be restricted to those:
 - a. solely or mainly working or last working on a rural enterprise in the locality where there is or was a defined functional need; and the widows, widowers or civil partners of the above and any resident dependants; or if it can be demonstrated that there are no such eligible occupiers, to those:
 - b. who would be eligible for consideration for affordable housing under the Local Authority's Housing Policies; and the widows, widowers or civil partners of the above and any resident dependants.REASON: An unrestricted residential occupation would be contrary to national policy and policy CW15 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Planning application 19/0705/RET Continued

- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), the means of vehicular and pedestrian access to the development hereby approved shall be from the existing access to the site 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.
- 05) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) No development or site or vegetation clearance shall take place until a detailed reptile survey has been carried out and the results of the survey, including an impact assessment, and if necessary details of any proposed mitigation measures, have been submitted to and approved by the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.
REASON: To ensure that reptiles are protected, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Planning application 19/0705/RET Continued

- 08) No development or site clearance shall take place until a detailed Dormouse 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 European Protected Species are protected 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 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 property at Rockwood Animals, Fferm Pont Carreg, Rhyd Y Gwern Lane, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property 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).
- 10) 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 property at Rockwood Animals, Fferm Pont Carreg, Rhyd Y Gwern Lane, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property 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).
- 11) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009) in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Planning application 19/0705/RET Continued

- 12) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
- b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) 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.
- 14) 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 dwelling is 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.
- 15) The domestic curtilage of the dwelling hereby approved shall be limited to the area marked in red on drawing number 2805/SP/03 only.
- REASON: In order to define the domestic curtilage of the dwelling in order to protect the integrity of the open countryside in accordance with Policy CW19 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Cont....

Planning application 19/0705/RET Continued

- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In order to retain control over the size of the dwelling hereby approved to ensure that it remains commensurate with the scale of the rural enterprise to which it is associated and in order to ensure compliance with the guidance contained in Technical Advice Note 6 - Planning for Sustainable Rural Communities.
- 17) 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 order to retain control over the size of the dwelling hereby approved to ensure that it remains commensurate with the scale of the rural enterprise to which it is associated and in order to ensure compliance with the guidance contained in Technical Advice Note 6 - Planning for Sustainable Rural Communities.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement to the consisting of an addition to or alteration to its roof shall be constructed without the approval of the Local Planning Authority.
REASON: In order to retain control over the size of the dwelling hereby approved to ensure that it remains commensurate with the scale of the rural enterprise to which it is associated and in order to ensure compliance with the guidance contained in Technical Advice Note 6 - Planning for Sustainable Rural Communities.
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority.
REASON: In order to retain control over the size of the dwelling hereby approved to ensure that it remains commensurate with the scale of the rural enterprise to which it is associated and in order to ensure compliance with the guidance contained in Technical Advice Note 6 - Planning for Sustainable Rural Communities.

Cont....

Planning application 19/0705/RET Continued

- 20) Within one month of the occupation of the dwelling hereby approved on site, the existing unauthorised residential unit at Mezzanine Flat, Fferm Pont Carreg, Rhyd Y Gwern Lane, Draethen shall be removed and all domestic paraphernalia associated with such use shall be removed from the site in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.
REASON: An unrestricted residential occupation would be contrary national policy and policy CW15 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

Please find attached comments from Dwr Cymru/Welsh Water.

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.

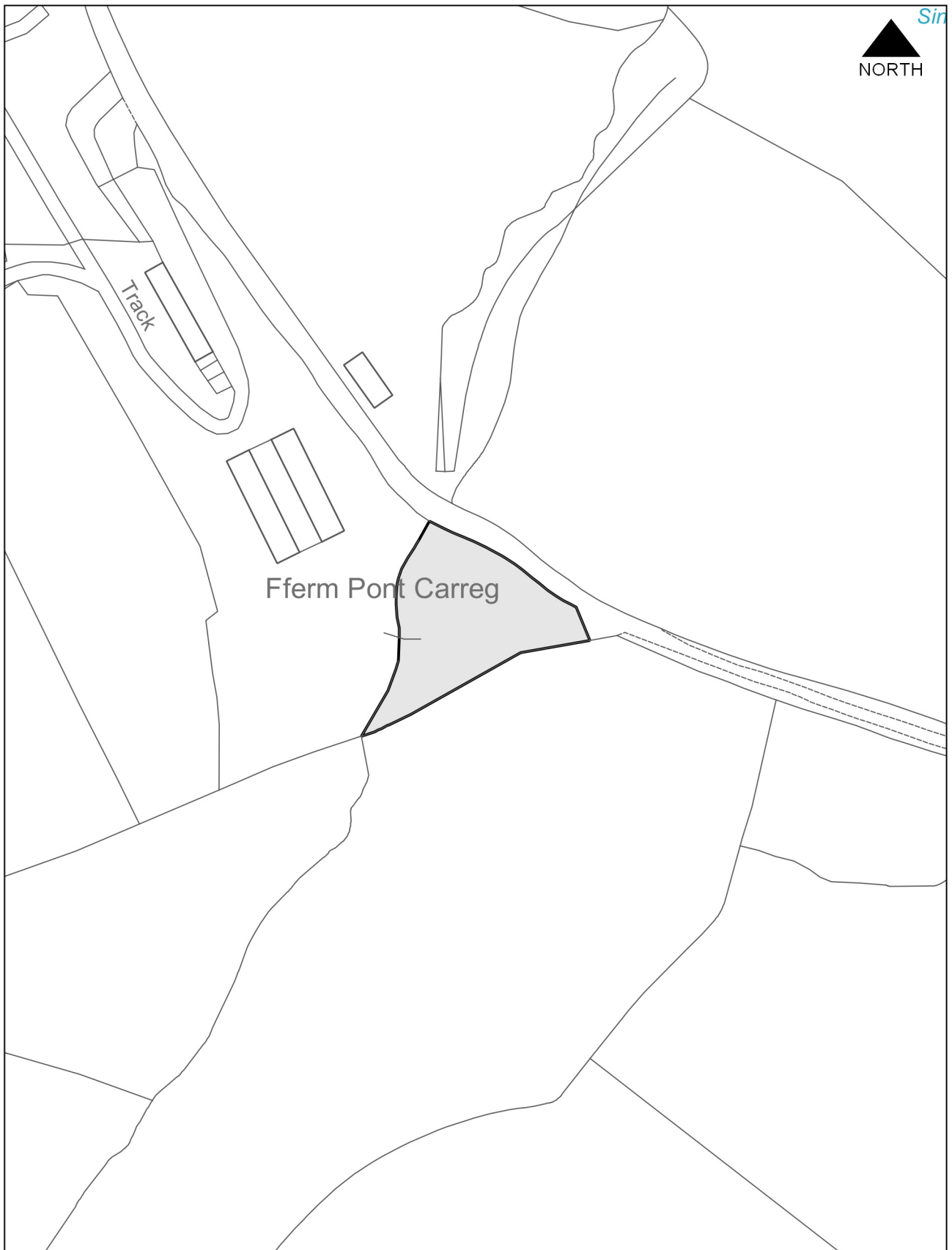
Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

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 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

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



Gadewir y dudalen hon yn wag yn fwriadol

Eitem Ar Yr Agenda 6

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0803/NCC 27.09.2019	Robinson Manufacturing Ltd Unit 25-31 Meadow Close Ise Valley Industrial Estate Wellingborough NN8 4BH	Vary condition 07 (Hours) of planning consent 12/0473/COU (Change use of property from B8 warehousing and storage to a mixed B8 warehousing and storage and B2 general industrial use) to amend the operating hours Robinson Manufacturing Ltd The Old Quarry Cemetery Road Abercarn Newport NP11 5AQ

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is a former quarry at the bottom of Cemetery Road, Abercarn.

Site description: The site is in commercial use with an industrial building situated in the southern part and an office building sited on the north western boundary. That site is used for the manufacture of timber frames for use in the construction industry. The former quarry rock face forms its eastern boundaries with Coed Ffordd Fawr which is a SINC. The entrance and frontage is the western boundary at Cemetery Road close to its junction with the B4591. Consent was granted under application 12/0473/COU for the aforementioned use subject to the following condition:-

- 07 In association with both the B2 and B8 uses hereby approved no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 08.00hrs to 18.00hrs Mondays to Fridays, 09.00hrs to 13.00hrs Saturdays, and not at all on Sundays or bank holidays.
REASON: In the interests of residential amenity.

Development: This application seeks consent to carry out the previously approved use but to vary condition 07 to allow the following:-

To allow fabrication operations at the premises to commence from 07.00hrs Monday to Saturday, for one laden heavy goods vehicle to depart the premises between the hours the hours of 06.00hrs and 07.00hrs Mondays to Fridays, a further laden heavy goods vehicle to depart from 07.00hrs on Saturdays and one heavy goods vehicle to arrive back at the premises between 18.00hrs and 19.00hrs Monday to Friday.

Planning application 19/0803/NCC Continued

Dimensions: The site has a net useable area of approximately 1 hectare. The gross area of the unit is approximately 1.2 hectare. The existing warehouse building has a footprint of 1400 square metres.

Materials: Not applicable.

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

PLANNING HISTORY 2005 TO PRESENT

11/0353/COU - Retain B8 use and B2 use in respect of the processing of timber waste - Refused - 08.09.11.

12/0473/COU - Change use of property from B8 warehousing and storage to a mixed B8 warehousing and storage and B2 general industrial use - Granted - 16.08.12.

18/0274/FULL- Demolish existing weigh bridge building and erect new building with B1 office at ground floor level and A3 canteen for site staff at first floor level - Granted - 21.05.18.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

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

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

National Policy: Paragraph 3.9 - 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.

Cont....

Planning application 19/0803/NCC Continued

Paragraph 3.16 - Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

5.4.15 Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

National Planning Guidance contained in Technical Advice Notes 12 - Design and 23 - Economic Development.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager - No objection.

Dwr Cymru - No objection.

Landscape Architect - No objection.

Senior Engineer (Land Drainage) - No objection.

Cont....

Planning application 19/0803/NCC Continued

ADVERTISEMENT

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

Response: Nine letters of objection were received.

Summary of observations:

1. The company already operates outside the authorised hours.
2. The noise causes disturbance to nearby residents, especially in the early mornings.
3. This is not an acceptable use in a residential area.
4. A number of fires have been lit on the site in the past.
5. The road network in the area is not suitable for heavy goods vehicles.
6. The vehicles damage the roads in the area.
7. Approval of this application will impact on property prices in the area.
8. The date that the noise survey was undertaken was on the refuse collection day which would lead to a false level for the background noise levels.
9. How would the increase in hours lead to an increase in employee numbers?
10. Condition 08 of the previous consent requires that the front doors of the building are kept closed at all times. This condition is currently being breached by the applicants.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: This application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks consent to continue an existing lawful use of land but to vary the hours of operation on site in order to allow the site to be used earlier in the morning and later in the evening. As the use of the site is lawful, the principle of the development is considered to be acceptable. Therefore, the main issue to consider in the determination of this application is whether the change to the hours of operation would have a detrimental impact on the amenity of the area.

Cont....

Planning application 19/0803/NCC Continued

In that regard it should be noted that the application is supported by a Noise Impact Assessment by Acoustics and Noise Limited. That assessment was carried out in accordance with BS4142 'Methods for rating and assessing industrial and commercial sound'.

In terms of Daytime Operations the assessment concludes that "The results of this assessment indicate that, at all sound sensitive receptors, there will be a low impact with a very low probability of adverse impact from daytime activities associated with the Old Quarry Site when assessed following the procedures of BS 4142. The rating levels of sound emanating from the site comfortably meet the criteria detailed in Condition 10 of the extant planning consent." (5dB above the background noise level).

With regard to night time operations the report concludes that "The assessment of worst-case sound emissions from the activities at the Old Quarry site indicates that there would be a low impact at all sound sensitive receptors (SSR's) for any operations commencing after 05:00 hours. However, for any site operations proposed to commence prior to 05:00 hours, the assessment indicates that there would be an increased probability of an adverse impact at several sensitive receptors."

With the above assessment in mind, the request from the applicant must be considered in terms of the impacts of each facet of the revised condition that has been requested. The first of these is the request to allow fabrication activities at the premises between the hours of 07.00hrs and 08.00hrs Monday to Saturday. From the evidence presented in the assessment and from officers' visits to the application premises, it is considered that the activities within the building do not have an unacceptable impact on the amenity of neighbouring dwellings. As the front doors of the production building face away from the dwellings, the noise from within does not project out towards those properties, even with the doors open. Moreover, the noise levels are less than 5dB above the background noise levels in the area and as such they comply with the requirements of condition 10 of the extant planning consent. In that regard it is considered that allowing fabrication operations to commence at the site from 07.00hrs Monday to Saturday would be acceptable in planning terms.

With regard to one laden heavy goods vehicle leaving the site between 06.00hrs and 07.00hrs again it should be noted that the noise assessment suggests that this would not be unacceptable and that the noise levels would comply with condition 10 of the extant consent. Whilst the extant consent imposes a condition that restricts the operating hours of the premises, there has been a long established B8 use on this site and previous to that there was a B2 use. There were no controls on the hours of operation of those uses and the fall-back position at the time that the extant consent was granted would have been that operations could have been carried out at any time of night or day. Nevertheless the relevant condition has been imposed and was not appealed and as such it is relevant to the determination of this application. However, the previous lawful use of the site is also relevant as is the topography of the site and its relationship with neighbouring properties together with the level of activity proposed.

Cont....

Planning application 19/0803/NCC Continued

The application seeks to allow one heavy goods vehicle per day to leave the site between 06.00hrs and 07.00hrs with that vehicle having been loaded the previous day. It is suggested that this is necessary in order to service customers from further afield requiring the timber frame products to be delivered as early as possible in the working day. In that regard it is considered that the activities associated with one vehicle per day leaving the site would not have an impact on the amenity of the neighbouring properties that would be significant enough to warrant refusal of this application.

In respect of one laden heavy goods vehicle leaving the site between 07.00hrs and 08.00hrs on a Saturday it is considered that as fabrications operations are felt to be acceptable at that time, the movement of one heavy goods vehicle would not significantly increase any noise impact and as such would be acceptable in planning terms.

Finally with regard to one empty vehicle being allowed to enter the site between 18.00hrs and 19.00hrs it is considered that this would not have a detrimental impact on the amenity of the area and as such is acceptable in planning terms.

Comments from Consultees: No objections raised.

Comments from public:

1. It is acknowledged that the company has previously operated outside the authorised hours and this is the subject to a Breach of Condition Notice.
2. The noise impact of the development is fully considered above.
3. The principle of the industrial use on this site is established and as such whether or not the nature of the use in this area is acceptable is not material to the determination of this application. Moreover, the application site has been used for a number of industrial uses over a number of years and as such it is considered that the use is acceptable in this area.
4. The issue of fires on the site is not a material planning consideration.
5. The suitability of the road network in the area is not material to the determination of this application as the use is established and there is an extant consent on the site.
6. Damage to the roads in the area is not a material planning consideration.
7. Loss of property value is not a material planning consideration.
8. The submitted noise assessment has been carried out in accordance with the British Standard and uses predicted noise levels to determine the acceptability of the use in terms of noise. In that regard it is considered to be acceptable for the purposes of determining this application.
9. The main point to consider in the determination of this application is whether or not the impacts on amenity would be acceptable in planning terms. As stated above it is considered that those impacts are acceptable and as such the generation of jobs as part of this proposal are not material to the determination of this application.

Cont....

Planning application 19/0803/NCC Continued

10. It is acknowledged that condition 08 of the previous consent requires that the front doors of the building are kept closed at all times. It is also acknowledged that this condition is currently being breached by the applicants. Any further breaches of this condition would be the subject of separate enforcement action.

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.

In conclusion it is considered that the impacts of the amendment to the hours of operation of the site would not have a detrimental impact on the amenity of the neighbouring properties and would be acceptable in planning terms. As such the proposal would comply with the requirements of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

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: MJA/EA/0712/01, MJA/EA/0612/02 and Planning Statement.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Details of any external or roof mounted plant or machinery associated with the development hereby approved shall be submitted to and agreed in writing with the Local Planning Authority prior to its installation. The plant or machinery shall be installed in accordance with the agreed details.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Cont....

Planning application 19/0803/NCC Continued

- 04) The trailer and car parking spaces shown in the General Layout plan hereby approved shall be marked and laid out in accordance with the approved plan before the uses hereby approved commence; the spaces shall not thereafter be used for any purpose other than parking.
REASON: To ensure that the development is provided with adequate parking to prevent the likelihood of on-street car parking which would be a danger to other road users and in order to ensure compliance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 05) The uses hereby approved shall not commence until the turning circle and access thereto as shown in the General Layout plan hereby approved has been completed and thereafter that space shall not be used for any purpose other than the turning of vehicles.
REASON: To ensure that the development is provided with adequate vehicle turning space so that vehicles may enter and leave the site in a forward gear and in order to ensure compliance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 06) All processing and machinery operation associated with the B2 use hereby approved shall take place only within the "existing building" as identified in the Proposed General layout plan and there shall be no external plant, operations, processing or machinery other than that hereby approved.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 07) The external doors of the "existing building" shall be kept closed at all times when noise generating internal activities of processing and manufacturing associated with the B2 use hereby approved are in progress.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 08) The area for B8 use hereby approved shall not be used for the storage of scrap, refuse or waste materials, nor shall it be used for any external processing, sorting or manufacturing.
REASON: For the avoidance of doubt as to the extent of this consent and to control disturbance in the interest of residential amenity and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Cont....

Planning application 19/0803/NCC Continued

- 09) The rating level of noise emanating from the application site shall not exceed the existing background noise level by more than 5dB at any time when measured and calculated at a distance of 1 metre from any elevation of any noise sensitive property when measured and assessed in accordance with BS 4142: 1990, or a more current British Standard if applicable.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 10) In association with both the B2 and B8 uses hereby approved as part of application 12/0473/COU, no machinery shall be operated, no processes shall be carried out and no deliveries shall be taken or dispatched from the site, other than those expressly approved by the other conditions of this consent, outside the following times 07.00hrs - 18.00hrs Mondays to Fridays, 07.00hrs to 13.00hrs Saturdays, and not at all on Sundays or Bank Holidays.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 11) Loading and unloading of heavy goods vehicles shall only occur between 08.00hrs to 18.00hrs Monday to Fridays and 09.00hrs to 13.00hrs Saturdays.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 12) One laden heavy goods vehicle per day is permitted to start its engine and drive from site between the hours of 06.00hrs to 07.00hrs Mondays to Fridays and 07.00hrs to 08.00hrs on Saturdays with no heavy goods vehicles being permitted to leave the site at any time on Sundays or Bank Holidays.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 13) One heavy goods vehicle per day is permitted to return to site between the hours of 18.00hrs to 19.00hrs Mondays to Fridays. No heavy goods vehicles shall be permitted to enter the site after 13.00hrs on Saturdays or on Sundays or Bank Holidays.
REASON: In the interests of the residential amenity of the area and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
-



Eitem Ar Yr Agenda 7

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0017/RET 09.01.2020	Mrs B Price 40 James Street Markham Blackwood NP12 0QN	Retain and complete the construction of an outbuilding/practice room 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 the outbuilding/practice room erected within the rear garden. The outbuilding measures 2.3 metres to the eaves and 3.4 metres to ridge height from the raised platform with those heights increasing to 3.2 metres and 4.2 metres respectively from the original garden levels.

Dimensions: The outbuilding measures 2.3 metres to the eaves and 3.4 metres to ridge height from the raised platform with those heights increasing to 3.2 metres and 4.2 metres respectively from the original garden levels.

Materials: The building comprises of concrete blockwork, concrete roof tiles together with oak grain upvc windows and doors. The external finish of the outbuilding has not been specified.

Ancillary development, e.g. parking: Raised platform measuring 7.1 metres in width by 8.2 metres in depth and 0.9 metres in height.

The erection of a 1.8 metre high close boarded timber fence on top of the raised platform along the common boundary of No. 38 James Street.

PLANNING HISTORY 2010 TO PRESENT

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

19/0781/RET - Retain and complete works to replace Juliet balcony with a standard balcony - Granted 07.11.19.

Cont....

Planning application 20/0017/RET Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within settlement limits.

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

Senior Engineer (Land Drainage) - SAB not required.

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 was received.

Summary of observations:

1. The proposal breaks the boundary wall act of 1994.
2. The foundations are attached to the neighbouring single block wall.
3. The outbuilding blocks out the sunlight to trees and plants.
4. The proposal breaches the covenant enforced on the deeds of the land that no permanent structure can be built on the land whilst the covenant is enforced.

Cont....

Planning application 20/0017/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 to create less than 100 square metres of additional floor space.

ANALYSIS

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

The application seeks to retain an unauthorised structure erected within the rear curtilage of No. 40 James Street comprising of an outbuilding and raised platform patio area. In design terms the development is domestic in scale and character and acceptable in terms of its form. It is noted that the external finishes of the development are yet to be completed; however this can be controlled by way of condition. Therefore the main considerations in the determination of this application are whether the development as built has an unacceptable impact in terms of amenity on the occupiers of the neighbouring properties.

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.

The rear garden has an imperceptible slope which falls towards the rear boundary, with the raised platform located at the furthest point away from the dwelling adjacent to the rear boundary and side boundary of No. 38 James Street, occupying approximately 30% of the rear curtilage. The outbuilding is sited on top of the raised platform and adjacent to the side boundary of No. 38. This existing situation gives rise to an unacceptable amount of overlooking and loss of privacy to the private amenity area and the ground floor rear habitable room window of No. 38 from the raised platform and from within the outbuilding itself, as result of the french door window openings. However, the submitted details indicate the provision of a 1.8 metre fence adjacent to the common boundary on top of the raised platform.

Cont....

Planning application 20/0017/RET Continued

Having regard to the difference in levels between the neighbouring properties as a result of the raised platform, it is considered that the proposed 1.8 metre fence would restrict any overlooking of this neighbouring garden together with removing any direct views into the ground floor habitable room windows on the rear elevation of this property. In addition given the siting of this fence at the rear of the gardens of both properties it is not considered that its height when viewed from the garden of No. 38 would result in any unacceptable impacts upon the amenities of the occupier of this property by virtue of overlooking or overbearing impacts.

The raised platform and outbuilding are set away from the boundary with No. 42 and given this existing relationship and boundary treatment it is not considered that the scheme has any unacceptable amenity impacts upon the occupiers of this property.

Subject to the imposition of conditions to any planning consent to control the external finishes of the development and to ensure that the fence is installed within an agreed period of time, 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.

Comments from public:

1. The proposal breaks the boundary wall act of 1994 - The dispute concerning the neighbouring boundary wall is a civil matter and one which is covered by separate legislation.
2. The foundations are attached to the neighbouring single block wall - As stated above, this is a civil matter covered by separate legislation.
3. The outbuilding blocks out the sunlight to trees and plants - The rear gardens of the properties are south facing, on the basis of the overall height of the proposed outbuilding and having regard to the 'fall back' position in terms of permitted development, it is not considered that the outbuilding would give rise to any significant impacts in terms of loss of light or overshadowing.
4. The proposal breaches the covenant enforced on the deeds of the land that no permanent structure can be built on the land whilst the covenant is enforced - This is a private matter between the vendor and purchaser of the land or property and is not a matter in which the Local Planning Authority is empowered to act.

Cont....

Planning application 20/0017/RET 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 shall be carried out in accordance with the following approved plans and documents:
Dwg No. LP 01 Site Location and Block Plan received on 09.01.2020; and
Dwg No. PL 02 Proposed Site Plan and Elevations received on 09.01.2020.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) Within one month of the date of this decision notice, details of the external finishes of the outbuilding and raised platform and any means of enclosure sited on the raised platform shall be submitted to the Local Planning Authority for its approval. Once approved the development shall be constructed 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.
- 03) The proposed 1.8 metre fence to be erected as indicated on Dwg No. PL 02 Proposed Site Plan and Elevations 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 fence shall remain in perpetuity at all times.
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.

Cont....

Planning application 20/0017/RET Continued

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: .

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

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



Gadewir y dudalen hon yn wag yn fwriadol

Eitem Ar Yr Agenda 8

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0053/COU 21.01.2020	D2 Propco Ltd Unit 8 Melyn Mair Wentloog Avenue Cardiff CF3 2EX	Change the use from dwelling house to HMO temporary accommodation 3 Tree Tops Avenue Blackwood NP12 1JF

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application property is located on the western side of Tree Tops Avenue, Blackwood.

Site description: Two storey semi-detached property elevated above the highway.

Development: Planning permission is sought to change the use of the dwelling to HMO temporary accommodation.

Dimensions: The property has a maximum footprint measuring 6.3 metres in width by 7.5 metres in depth.

Materials: There are no external changes to the building proposed.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within settlement limits.

Policies: SP2 (Development Strategy - Development in the Northern Connections Corridor), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), CW2 (Amenity) and CW3 (Design Considerations - Highways).

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018).

Cont....

Planning application 20/0053/COU Continued

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable due to the nature of the application.

CONSULTATION

Transportation Engineering Manager - No comments received at the time of writing the report however those comments will be reported verbally to members.

Head Of Public Protection - No objection.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and four neighbours were notified by way of letter.

Response: Eighteen letters of representation were received objecting to the proposal at the time of writing the report. Should any additional representations be received, these will be reported to members verbally at Planning Committee.

Summary of observations:

PROPERTY DEVALUATION

- Home owners have spent a significant amount of money buying their home within the street and the proposal would devalue properties significantly.

PERCEIVED FEAR OF ANTI-SOCIAL BEHAVIOUR AND PUBLIC SAFETY

- Uncertainty and fear of not knowing who the occupants are. -It is claimed that the accommodation could be used by person who have perpetrated serious criminal acts.
- There are many young children and elderly people living in the street, the dynamics of a quiet street will change.
- Street lighting being turned off by the council together with the undesirable tenants would exacerbate the risks to residents in the evening further.
- Young children within the street would be subjected to anti-social behaviour.

Cont....

Planning application 20/0053/COU Continued

- The quality of life and living conditions would be adversely affected for current residents as a result of the tenure and the associated anti-social behaviour.
- HMO temporary housing will give rise to local residents being afraid of constant flow of strangers.
- There are plenty of examples throughout Wales that show young adult homes bring untold misery to existing neighbourhoods.
- Tree Tops Avenue will have an undesirable reputation.
- Fearful that children cannot go out to play and will be confined to the indoor spaces within their homes.
- The proposal will lead to an increase in petty crime.
- The property has been let previously to short term tenants and this has created issues in respect of disruption, littering and the police frequenting the property.

SUITABILITY OF THE PROPOSAL

- A multi-occupancy dwelling is not possible within a small property.
- Tree Tops Avenue consists of semi-detached family units. There are no multi occupancy properties in the area.
- The property was designed as a three bedroom dwelling and cannot support four bedrooms.
- Questions the basic appropriateness of converting a residential dwelling into another use.
- Inappropriate development for a family orientated area.

HIGHWAY SAFETY

- There are existing parking issues within the street and this would add further to the current problems.
- Emergency Services already struggle to navigate through the congested street.

LACK OF COMMUNITY CONSULTATION

- The local community should have an opportunity to comment on the suitability of the proposal.
- The application has not been advertised.
- The community were not informed by post with just a site notice being erected.
- Neighbours have not been notified, there has been no notification in writing and the application has not been seen in the locality.

RIGHT FOR RESIDENTS TO KNOW WHO THEIR NEIGHBOURS ARE

- There is a right for the existing residents to know who will be living in the street.

Cont....

Planning application 20/0053/COU 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 no additional floor space is being created.

ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance and local plan policies. The main considerations in the determination of this application are the principle of development, its impact upon the character of the surrounding area, neighbouring amenity and highway safety.

The application property is a three bedroom residential dwelling. The proposed conversion to a four bedroom house in multiple occupations does not involve any internal or external alterations. Furthermore, the development will retain and continue the residential use of the building. The building is also easily accessible to and from the local shops, services and transport links provided within the Blackwood Principal Town Centre, and therefore fulfils a number of policy criteria required for a sustainable location. In that regard the principle of development within settlement limits is considered to be acceptable subject to satisfying all other material planning considerations.

Policy CW2 of the Local Development Plan sets out criteria relating to amenity and states that development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land. In that respect no external alterations to the building are proposed as such it is not considered that the development would give rise to any adverse visual impacts to the character and appearance of the surrounding area.

In terms of its impact on neighbouring amenity, as stated previously, no external alterations to the building are proposed and therefore it is not considered that the development would give rise to any loss of privacy or overbearing impacts.

Cont....

Planning application 20/0053/COU Continued

Policy CW3 states that development proposals should have regard for the safe, effective and efficient use of the transportation network, and parking space should be provided in accordance with the CSS Wales Parking Standards 2008. The application property is located within walking distance to Blackwood Principal Town Centre and also offers sustainable modes of travel in terms of access to Bargoed Principal Town Centre.

The consequences of increased car parking pressure as a result of lack of off-street car parking provision is an important consideration in the determination of this application. However, the application property is a three bedroom dwelling and currently offers no off-street car parking, the proposed conversion to a four bedroom house in multiple occupations would require three off-street car parking spaces. Evidently, the proposed conversion will result in a significant shortfall in off-street car parking provision, however this has to be balanced against the fact that the dwelling is already a three bedroom dwelling and as a starting point each family member of the dwelling occupying a bedroom could have their own vehicle. Having regard to the above considerations, the proposed development is considered acceptable in terms of highway safety.

In conclusion the proposal complies with policy CW2 and CW3 of the Gaerphilly County Borough Local Development Plan up to 2021 - adopted November 2010.

Comments from consultees: No comments received at the time of writing the report, highways comment swill be reported verbally to members.

Comments from public: The following representations were received:-

In respect of the comments received regarding property devaluation, this is not a material planning consideration.

With regards to the concerns raised regarding the perceived fear of anti-social behaviour and public safety, there is no evidence to suggest that the proposed use will equate to increased criminal activity. If such issues occur where anti-social activity or crime takes place then it is for the Police to deal with such matters.

In terms of the representations received regarding the suitability of the proposal the report above addresses the sites suitability in this respect. It should also be noted that the use of the building would still remain as a dwelling, albeit in a different use class (C4). In terms of the size of the property, the submitted details demonstrate that a fourth bedroom can be accommodated within the property. The internal arrangements of the property would be covered by separate legislation.

With regards to the highway safety concerns raised, it is not considered that the proposal will raise any significant traffic movements above the authorised use of the building. This has been addressed in the report above.

Cont....

Planning application 20/0053/COU Continued

In respect of the comments raised regarding lack of community consultation, the Local Planning Authority has a duty to advertise applications for planning permission in accordance with article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The necessary publicity requirements have been met.

Finally, with regards to the comment raised that existing residents have a right to know who will be living in the street, this is not a matter covered by the planning legislation.

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.

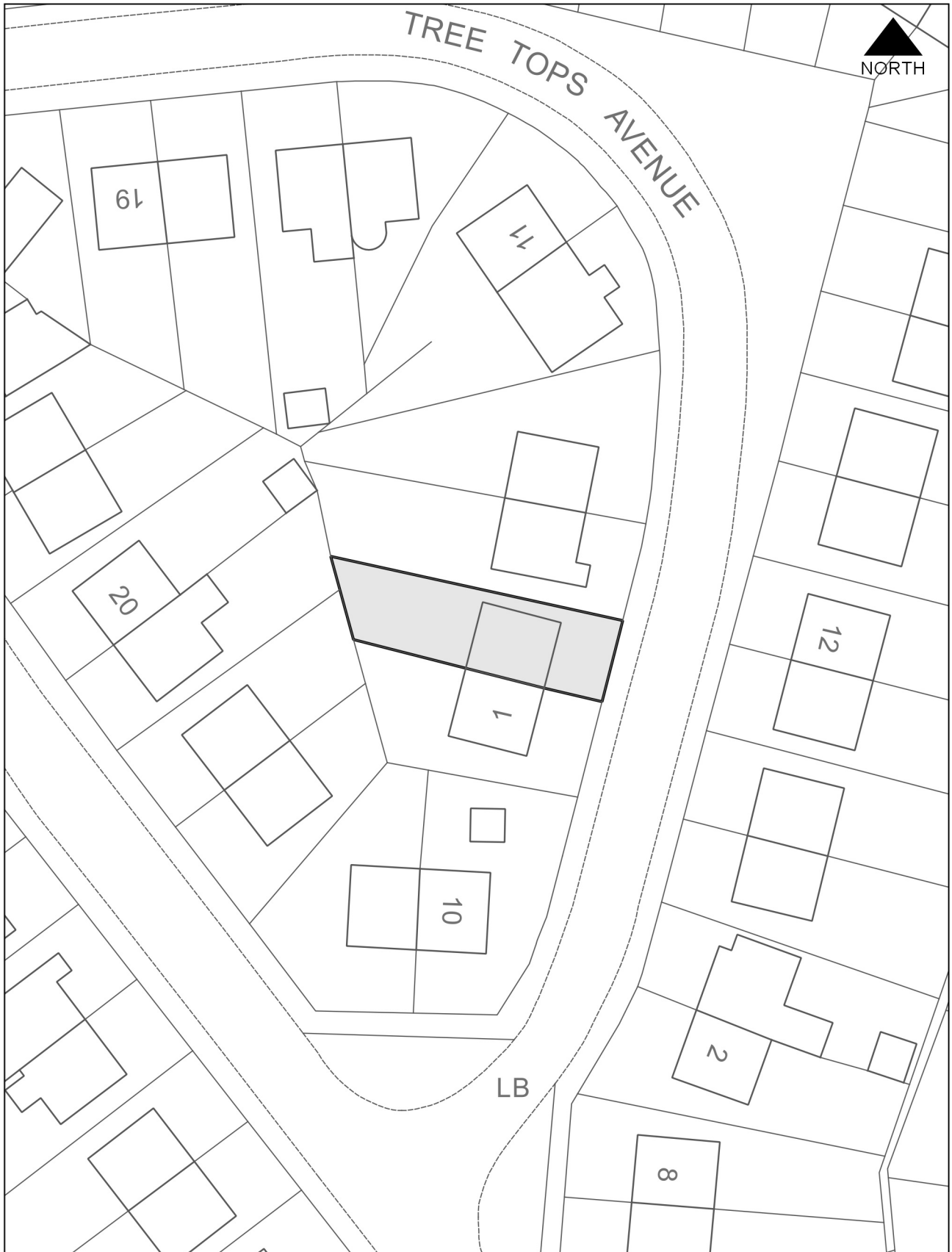
RECOMMENDATION that Permission be GRANTED

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:
Dwg No.2709 C Site Location Plan, Block Plan, Existing and Proposed Floor Plans received on 21.01.2020.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

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



Gadewir y dudalen hon yn wag yn fwriadol

APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
19/0862/FULL 21.10.2019	Mr M Roberts Laburnum House 71B Liswerry Road Newport NP19 4LH	Erect a two storey 4 bedroom dwelling with porch entrance and parking to front Land Adjacent To 6 Old Brewery Lane Rhymney Tredegar NP22 5HT	Refused 10.01.2020
19/0871/COND 23.10.2019	Mr W Willetts C/O Concepts Consultants Ltd Mr I Archer Suite 2 Hall House Llanover Business Centre Llanover Abergavenny NP44 3GD	Discharge conditions 05 (Land drainage), 09 (Contamination - scheme to treat), 13 (Site control - noise suppression) and 15 (Mitigation - reptile translocation) of planning consent 16/0189/NCC (Vary conditions 3 and 4 of planning application 07/0673/NCC (residential development) to extend the period for the submission of reserved matters) and also discharge condition 05 (Landscaping) of planning consent 18/0294/RM (Seek approval of the reserved matters regarding details of access, appearance, landscaping, layout and scale in relation to planning consent 16/0189/NCC (Vary conditions 3 and 4 of planning application 07/0673/NCC (residential development) to extend the period for the submission of reserved matters)) Land At Grid Ref 311540 190782 Kingsley Place East Ul Senghenydd	Decided - Discharge of Conditions 10.01.2020
19/0859/FULL 18.10.2019	Mr I Jones Cwm Farm Pontbren Road Hafodyrynys Newport NP11 5BG	Erect single storey leisure area covered extension to rear of property Cwm Farm Pontbren Road Hafodyrynys Newport	Granted 13.01.2020

19/0930/COU 18.11.2019	Mr R Fletcher Preswylfa 13 Bryngwyn Road Newbridge NP11 4GX	Change the use of property from 2 bedroom house to a 4 bedroom HMO 42 Duffryn Terrace Elliot's Town New Tredegar NP24 6DQ	Granted 13.01.2020
19/0951/CLPU 26.11.2019	Mrs L Lewis 104 Ty-Isaf Park Road Pontymister Risca Newport NP11 6NH	Obtain a Lawful Development Certificate for proposed erection of a single storey rear extension 104 Ty-Isaf Park Road Pontymister Risca Newport	Granted 13.01.2020
19/0963/NMA 02.12.2019	Persimmon Homes (East Wales) Persimmon House Llantrisant CF72 8YP	Seek approval of a non- material amendment to planning consent 17/1095/RM (Reserved matters regarding appearance, landscaping, layout and scale reserved under outline planning permission 15/0567/OUT (granted on appeal reference APP/K6920/A/16/3160200) for residential development of 155 dwellings) to amend house type detail to include an enclosure at the rear of the drive through garage Land At Oakdale Golf Course Oakdale Golf Course Lane Oakdale Blackwood	Granted 13.01.2020
19/0882/FULL 28.10.2019	Mr & Mrs G George 71 Brynau Road Caerphilly CF83 1PF	Erect a single storey extension to rear 71 Brynau Road Caerphilly CF83 1PF	Granted 14.01.2020
19/0911/FULL 06.11.2019	Mr A Bickham 33 Court Road Energlyn Caerphilly CF83 2LT	Erect front porch and rear extension 33 Court Road Energlyn Caerphilly CF83 2LT	Granted 14.01.2020
19/0919/FULL 08.11.2019	Mr P Wilson 7 Kestrel View Hengoed CF82 7LN	Demolish existing garage and erect single storey extension 7 Kestrel View Hengoed CF82 7LN	Granted 14.01.2020

19/0940/COU 22.11.2019	Caerphilly Borough Churches Night Shelter 218 Pontygwindy Road Caerphilly CF83 3HR	Change the use of land from a D1 use, to a mixed use of D1 and sui generis for the temporary siting of 2 homeless pods, for a period of 5 years St Helens Roman Catholic Church St Helen's Church Access Caerphilly	Granted 14.01.2020
19/0950/FULL 26.11.2019	Mr T Parsons 117 Pontygwindy Road Caerphilly CF83 3HH	Erect two storey rear extension and new front porch 117 Pontygwindy Road Caerphilly CF83 3HH	Granted 14.01.2020
19/0964/CLPU 03.12.2019	Miss Howls C/o Mrs K Williams 3 Tansy Close Penpedairheol Hengoed CF82 8LF	Obtain Lawful Development Certificate for proposed works to replace existing conservatory with a single storey extension 11 Tollgate Close Porset Caerphilly CF83 3AY	Granted 14.01.2020
19/0938/COND 21.11.2019	Llanmoor Developments Co Ltd Mr S Grey 63-65 Talbot Road Talbot Green Pontyclun CF72 8AE	Partially discharge condition 15 (Drainage) for Phase 1a of planning consent 15/0038/OUT granted on appeal reference APP/K6920/A/15/3136679 (Erect residential development with associated public open space, landscaping and highways infrastructure including a new highway access from Pandy Road and footpaths and requiring the installation of new services and infrastructure and other ancillary works and activities) Land North Of Pandy Road Bedwas Caerphilly	Decided - Discharge of Conditions 15.01.2020
19/0968/COND 03.12.2019	Mr L Richards 12 George Street Ystrad Mynach Hengoed CF82 7BJ	Discharge Conditions 02 (Materials), 04 (Boundary Treatments), 05 (Landscaping), 09 (Parking) of planning consent 19/0221/FULL (Erect detached dwelling) Land At Grid Ref 317533 193532 (Plot 4) The Glade Wyllie Blackwood	Decided - Discharge of Conditions 15.01.2020

19/1009/COND 18.12.2019	Mr & Mrs K Bradwick 8 Hillside Terrace Tredomen Hengoed CF82 7BT	Discharge condition 03 (Roof tiles and Roof lights) of planning consent 19/0153/FULL (Erect single storey rear extension) 8 Hillside Terrace Tredomen Hengoed CF82 7BT	Decided - Discharge of Conditions 15.01.2020
19/0686/FULL 08.08.2019	Mr J Barnard Lakeside Farm Nant-Yr-Helyg Bute Town Rhymney Tredegar NP22 5QT	Construct 2 no. two-bedroom holiday letting cottages Lakeside Farm Nant-Yr-Helyg Bute Town Rhymney	Refused 16.01.2020
19/0822/NCC 03.10.2019	Mr C Clarke 2 Church Street Machen Caerphilly CF83 8PJ	Vary condition 03 (Reserved Matters Application) of planning consent 16/0703/NCC (Erect detached dwelling house) to extend the time period within which the development can commence Land Adjacent To 2 Rose Cottages Church Street Machen Caerphilly	Granted 16.01.2020
19/0917/NOTA 11.11.2019	Mr J Williams Hillside The Graig Cwmcarn Newport NP11 7FA	Erect storage shed for forestry machinery for forestry management Land At Grid Ref 322600 193921 The Graig Cwmcarn	Prior Approval Not Required 16.01.2020
20/0019/NMA 09.01.2020	Mr G Perry Ravenswood Medart Place Crosskeys Newport NP11 7DJ	Seek approval of a non-material amendment to planning consent 19/0188/FULL (Demolish existing defective garage and replace with the same with additional garden room and shower/toilet facilities) to install additional window to storage area Ravenswood Medart Place Crosskeys Newport	Granted 16.01.2020

19/0903/COND 04.11.2019	CCBC Mr R Llewellyn Urban Renewal Tredomen House Nelson Road Ystrad Mynach Hengoed CF82 7WF	Discharge conditions 02 (Archaeology), 03 (Ground stability) , 06 (Contamination - scheme to treat), 10 (Lighting) , 11 (Control of dust) and 13 (Site control - noise suppression) of planning consent 18/0408/LA (Construct fifteen small business industrial units in three blocks with access roads and parking areas) Land At Grid Ref 311486 207255 The Lawns Industrial Estate Rhymney	Decided - Discharge of Conditions 20.01.2020
19/0948/FULL 25.11.2019	Mr & Mrs J & A Holt Penywaun Farm Rhydri Primary School To Maenllwyd Rudry Caerphilly CF83 3DF	Erect two storey and single storey extensions Penywaun Farm Rhydri Primary School To Maenllwyd Rudry Caerphilly	Refused 20.01.2020
19/0949/FULL 26.11.2019	Ms A Williams 39 Park Place Pontymister Risca Newport NP11 6BN	Erect first floor rear extension 39 Park Place Pontymister Risca Newport	Granted 20.01.2020
19/0982/ADV 09.12.2019	HSBC Corporate Real Estate Mr B French 62-76 Park Street Southwark London SE1 9DZ	Replace 1 No. existing external ATM signs with 1 No. new external ATM sign HSBC 37 Cardiff Road Caerphilly CF83 1WE	Granted 20.01.2020
19/0991/FULL 10.12.2019	Mr N Harford 42 Greensway Abertysswg Tredegar NP22 5AR	Erect single storey side extension 42 Greensway Abertysswg Tredegar NP22 5AR	Granted 20.01.2020
19/0990/FULL 11.12.2019	Mr N Jenkins 6 Bramblewood Court Pengam Blackwood NP12 3QW	Erect single storey side and rear extensions 6 Bramblewood Court Pengam Blackwood NP12 3QW	Granted 20.01.2020

18/0764/COU 31.08.2018	Mr P Bergin 29 The Garth Abertridwr Caerphilly CF83 4ES	Convert basement to a two bedroom flat 73 Commercial Street Senghenydd Caerphilly CF83 4GZ	Refused 21.01.2020
19/0310/COND 10.04.2019	Mrs E Oakey 24 Alexandra Road Ynysddu Newport NP11 7JZ	Discharge condition 03 (Drainage) of planning application 18/0814/FULL (Rebuild shop and garage) Shop Alexandra Road Ynysddu Newport	Decided - Discharge of Conditions 21.01.2020
19/0494/NCC 03.06.2019	Mr & Mrs Shinton Ty Gwyn Rhyd Y Gwern Lane Machen Caerphilly CF83 8NX	Vary condition 01 (Time to commence development) of planning consent 10/0667/FULL(Renew planning permission P/05/1313 to construct two dwellings and associated external works) for a further five years Land Within Curtilage Of Ty Gwyn Rhyd Y Gwern Lane Machen Caerphilly	Granted 21.01.2020
19/0665/NMA 01.08.2019	Emtrek Ltd Mr J Davies C/o Asbri Planning Ltd Miss H Llinos Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS	Seek approval of a non- material amendment to planning consent 18/0910/FULL to amend the approved site plan Land Rear Of Castle Manor Nantgarw Road Caerphilly	Granted 21.01.2020
19/0957/FULL 28.11.2019	Mr & Mrs Roberts 13 Chatham Street Machen Caerphilly CF83 8SH	Erect first floor side extension 13 Chatham Street Machen Caerphilly CF83 8SH	Granted 21.01.2020
19/0943/FULL 25.11.2019	Mr D R Sudale Paumanok Llanarth Road Springfield Pontllanfraith Blackwood NP12 2LG	Erect a first floor extension at rear of dwelling Paumanok Llanarth Road Springfield Pontllanfraith	Granted 22.01.2020

19/0913/FULL 04.12.2019	Hall And Pickles Crosskeys Ms L Lambert Unit 2 North Blackvein Industrial Estate Wattsville Newport NP11 7PX	Erect single storey side extension Hall And Pickles Ltd Unit 2 North Blackvein Industrial Estate Wattsville	Granted 22.01.2020
19/0985/FULL 05.12.2019	Mr D Cutter 7 Coundley Close Fleur-de-lis Blackwood NP12 3TS	Erect two storey rear extension 7 Coundley Close Fleur-de-lis Blackwood NP12 3TS	Refused 22.01.2020
20/0010/CLPU 07.01.2020	Mr & Mrs J Morse 32 Clos Cwm Garw Caerphilly CF83 2BG	Obtain a Lawful Development Certificate for proposed single storey extension to rear of dwelling 32 Clos Cwm Garw Caerphilly CF83 2BG	Refused 22.01.2020
19/0804/RET 26.09.2019	Mr C Currie C/O C2J Architects & Town Planners Mr R Chichester Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Retain and complete the tree house Land At Grid Ref 321650 186181 Rudry Road To Craig Llan Rudry	Refused 24.01.2020
19/0868/FULL 23.10.2019	JPCE Ltd Mr J Perkins Bronhaul House Abernant Road Abedare CF44 0PY	Install 2 no. underground service ducts to transfer farm digestate from one side of the road to the other Land Adjacent To And Part Of B4254 Gelligaer Road Gelligaer Hengoed	Granted 24.01.2020
19/0922/FULL 14.11.2019	Mr & Mrs K Hares 94 Jones Street Phillipstown New Tredegar NP24 6BE	Erect new front porch, detached garage with balcony above and alterations to pedestrian and vehicular access including new front steps 11 Penrhyn Terrace Phillipstown New Tredegar NP24 6BG	Refused 24.01.2020

19/0923/FULL 14.11.2019	Mr & Mrs K Hares 94 Jones Street Phillipstown New Tredegar NP24 6BE	Erect new front porch, detached garage with balcony above and alterations to pedestrian and vehicular access including new front steps 12 Penrhyn Terrace Phillipstown New Tredegar NP24 6BG	Refused 24.01.2020
19/0952/FULL 27.11.2019	Mr G Evans 6 St Helen's Court Caerphilly CF83 1DL	Erect a two storey side extension 6 St Helen's Court Caerphilly CF83 1DL	Granted 24.01.2020
19/0954/FULL 27.11.2019	Oakdale & Penmaen Community Partnership Mr R Evans Oakdale Square Oakdale NP12 0JX	Installation of the former Oakdale Comprehensive School gates with associated building works Public Open Space At Grid Ref 318661 198455 Aberconway Place Oakdale	Granted 24.01.2020
19/0971/FULL 04.12.2019	Mr & Mrs G Bowden 17 Legion's Way Gelligaer Hengoed CF82 8DX	Erect single storey side extension 17 Legion's Way Gelligaer Hengoed CF82 8DX	Granted 24.01.2020
19/0987/FULL 10.12.2019	Mr & Mrs S Williams 33 Cae'r Fferm Caerphilly CF83 2QB	Erect single storey side extension for use by a disabled person 33 Cae'r Fferm Caerphilly CF83 2QB	Granted 24.01.2020
19/1002/FULL 11.12.2019	Mr K James 27 Caerbragdy Caerphilly CF83 3AN	Erect single storey rear extension 27 Caerbragdy Caerphilly CF83 3AN	Granted 24.01.2020
19/0962/NCC 02.12.2019	Mr M Grahame 66 Ty'n Y Parc Abertridwr Caerphilly CF83 4ED	Vary condition 08 of planning consent P/99/0840 (Erect residential development of 8 houses including roads, sewers, fences and all engineering works) to convert garage into a kitchen area and provide extra car park space 66 Ty'n Y Parc Abertridwr Caerphilly CF83 4ED	Granted 27.01.2020

19/0969/RET 02.12.2019	Mr R Harris Brynlethrydd Bungalow Commercial Street To Allotment Gardens Senghenydd Caerphilly CF83 4HJ	Retain and complete detached outbuilding Brynlethrydd Bungalow Commercial Street To Allotment Gardens Senghenydd Caerphilly	Granted 27.01.2020
19/0925/RET 14.11.2019	IVC Ltd Mr P Davies High Street Blackwood NP12 1AW	Retain 6 No. new air conditioning units 271-273 High Street Blackwood	Granted 28.01.2020
19/0945/FULL 25.11.2019	Mr N Clarridge 92 Pontygwindy Road Caerphilly CF83 3HA	Demolish existing garage and erect a new detached garage 92 Pontygwindy Road Caerphilly CF83 3HA	Granted 28.01.2020
19/0960/NCC 26.11.2019	Home Town Developments Limited Primrose House 7 Wards Lane Mountain Road Caerphilly CF83 1HG	Removal condition 12 (Arboricultural Impact Assessment) of planning consent 17/1076/FULL (Construct two dwellings and associated external works) Land Rear Of Royal Oak Inn Church Street Bedwas	Granted 28.01.2020
19/0955/FULL 27.11.2019	Cadw Mr S Jones Plas Carew Unit 5/7 Cefn Coed Parc Nantgarw Cardiff CF15 7QQ	Replace footpaths, drainage and associated structural and electrical works to Caerphilly Castle Inner Ward Caerphilly Castle Castle Street Caerphilly CF83 1JD	Granted 28.01.2020
19/0956/COND 28.11.2019	Mr P Stallard 17 The Bryn Trethomas Caerphilly CF83 8GL	Discharge Conditions 3 (landscaping), 5 (passing bays) and 7 (materials) of Planning Consent 19/0286/FULL (Erect detached dwelling and stable block) Land At Grid Ref 316050 189420 Pandy-Mawr Road Bedwas	Decided - Discharge of Conditions 28.01.2020
19/0973/FULL 04.12.2019	Mr D Winstone 113 Greenfield Street New Tredegar NP24 6LH	Erect first floor rear extension 113 Greenfield Street New Tredegar NP24 6LH	Granted 28.01.2020

19/0989/FULL 10.12.2019	Mr M Coombes 31 Parc Plas Blackwood NP12 1SJ	Erect single storey rear extension 31 Parc Plas Blackwood NP12 1SJ	Granted 28.01.2020
19/0992/CLPU 11.12.2019	Ms Jodie Morgan 27 Clos Coed Duon Blackwood NP12 1FP	Obtain a Lawful Development Certificate for proposed single storey rear extension 27 Clos Coed Duon Blackwood NP12 1FP	Refused 28.01.2020
19/0975/FULL 05.12.2019	Mr J Jackson 54 Cotswold Way Trenewydd Park Risca Newport NP11 6QT	Erect a front porch 54 Cotswold Way Trenewydd Park Risca Newport	Granted 29.01.2020
19/1014/FULL 19.12.2019	Ms L Powell 6 Upper North Road Bargoed CF81 8TJ	Erect first floor rear extension 6 Upper North Road Bargoed CF81 8TJ	Granted 29.01.2020
19/0769/FULL 16.09.2019	Mr & Mrs Evans Heather Cottage Heolddu Road Gelligroes Pontllanfraith Blackwood NP12 2GZ	Erect a two storey cottage style dwelling Land Adjacent To 4 Heolddu Road Gelligroes Pontllanfraith Blackwood	Granted 30.01.2020
19/0972/FULL 04.12.2019	Mrs Begum 72 Broadway Adamsdown Cardiff CF24 1NH	Erect a two storey building with A3 (Food And Drink)/A2 (Financial Services) use at ground floor and first floor flat Land At 94-96 High Street Blackwood	Granted 30.01.2020
19/0983/ADV 09.12.2019	HSBC Corporate Real Estate Mr B French 62-76 Park Street Southwark London SE1 9DZ	Replace 1 No. existing external ATM signs with 1 No. new external ATM sign HSBC 91-93 High Street Blackwood NP12 1PN	Granted 30.01.2020
19/1022/FULL 23.12.2019	Mr P Costa 50 Heol Ysgubor Caerphilly CF83 1SR	Erect a two storey side extension 50 Heol Ysgubor Caerphilly CF83 1SR	Granted 30.01.2020

19/0587/OUT 03.07.2019	Mr M Hulett Ty Ar Y Graig Lower Road Elliott's Town New Tredegar NP24 6EB	Erect three residential dwellings Land Within Curtilage Of Ty Ar Y Graig Lower Road Elliott's Town	Granted 31.01.2020
19/0924/COND 08.11.2019	Mr R Cooper Upper School House Wellington Way Rhymney Tredegar NP22 5PU	Discharge condition 08 (Reptile Mitigation Strategy) of planning consent 18/0504/FULL (Construct dormer bungalow with attached garage) Land At Upper School House Wellington Way Rhymney	Decided - Discharge of Conditions 31.01.2020
19/0701/OUT 15.08.2019	Charles Barclay Homes Mr D Gill Regent Building North Road Newbridge Newport NP11 4AB	Erect 2 No. detached dwelling houses Land At Grid Ref 320738 198125 Albertina Road Treowen	Granted 03.02.2020
19/0866/FULL 23.10.2019	Mr S Lees Ty-Ni 76B Heol-Y-Ddol Caerphilly CF83 3JN	Construct detached dwelling Ty-Ni 76B Heol-Y-Ddol Caerphilly CF83 3JN	Refused 03.02.2020
19/0966/TPO 28.11.2019	Mrs A Lewis 10 Castell Morgraig Caerphilly CF83 3JH	Cut back 25% of the crown on Oak tree overhanging property Gallagher Retail Park (Land To Rear Of 10 Castell Morgraig) Parc Pontypandy Caerphilly	Granted 03.02.2020
19/0961/RET 29.11.2019	Mr S Sterry The Gables 17 Pentwyn Road Trinant Newport NP11 3LN	Retain and complete the change of use from annexe to detached dwelling and drop kerb to form new vehicle access Annexe The Gables 17 Pentwyn Road Trinant	Granted 03.02.2020
19/0974/COND 05.12.2019	United Welsh Housing Association Ms S Davies 13 Y Beddau Way Caerphilly	Discharge condition 4 (Contamination - soil import testing) of planning consent 14/0855/FULL (Erect residential development and associated works) Land At Grid Ref 314711 186250 Watford Road Watford Caerphilly	Decided - Discharge of Conditions 03.02.2020

19/0840/COND 08.10.2019	Mr G Cosgrove 215 Whitchurch Road Cardiff CF14 3JR	Discharge conditions 3 (Contamination - Scheme to Treat), 15 (Bat Enhancement), 16 (Bird Nesting Enhancement), 17 (Boundary Treatment) and 18 (Landscaping) of planning consent 17/0935/FULL (Construct 11 No. residential dwellings and associated works) Land At Grid Ref 315722 187910 Virginia Park Caerphilly	Decided - Discharge of Conditions 04.02.2020
19/0892/FULL 29.10.2019	AVP Recycling Ltd Mr Morris 6 Pant Glas Industrial Estate Newport Road Bedwas Caerphilly CF83 8DR	Construct 3 No. industrial units (B1, B2 and B8 use class), car parking and associated works Land At 7 Pantglas Industrial Estate Bedwas	Granted 04.02.2020
19/0958/FULL 29.11.2019	Mr P Key 2 Lon Y Rhedyn Caerphilly CF83 1DR	Replace existing elevated wooden decking with a block and beam floor and new concrete steps to garden with balustrade 2 Lon Y Rhedyn Caerphilly CF83 1DR	Granted 04.02.2020
19/0984/FULL 09.12.2019	Mr C Adams 10 Bryn Owain Penyrheol Caerphilly CF83 2NY	Erect a single storey conservatory at rear of the property 10 Bryn Owain Penyrheol Caerphilly CF83 2NY	Granted 04.02.2020
20/0027/NMA 13.01.2020	Mr K Madsen The Hollies Penrhiw Lane Machen CF83 8RQ	Seek approval of non-material amendment to planning consent 19/0601/FULL (Erect rear single storey extension) to amend the double pitched roof to single (with a lower ridge line) Old Barn Penrhiw Lane Machen Caerphilly	Granted 04.02.2020

20/0046/NMA 16.01.2020	Mr J Davies 1 St Christophers Close Bedwas Caerphilly CF83 8UA	Seek approval of a non-material amendment to planning consent 18/0912/RM (Seek approval of the reserved matters in respect of access, appearance, landscaping, layout and scale reserved under outline planning consent 17/0278/OUT (Erect residential development of 9 residential properties (7 x detached dwelling houses and 2 x semi-detached properties) with all matters reserved) to amend description to include 'be carried out as a phased residential development' Meadow View Troedyrhiw Ystrad Mynach	Granted 04.02.2020
19/0928/FULL 18.11.2019	Miss H Colyer 17 Llanarth Road Newbridge Newport NP11 3EA	Increase roof height and install 5 No. dormer windows (2 No. to front and 3 No. to rear) 37 Park Road Newbridge Newport NP11 4RD	Granted 05.02.2020
19/0947/COU 25.11.2019	Mr H Patchell & Mr G Davies C/O Brinsons & Co 4 Market Street Caerphilly CF83 1NX	Change the use from A1 to A2 Patchell Davies Solicitors Shop Unit 183A 181-183 High Street Blackwood	Granted 05.02.2020
19/0986/FULL 09.12.2019	Mr T Box 2 Trem-y-mynydd Walter Street Abertysswg Tredegar NP22 5BG	Construct one pair of semi-detached houses (Phase 2) Trem-y-mynydd (Site Of Former McLaren Arms) Walter Street Abertysswg	Granted 05.02.2020
19/1000/FULL 16.12.2019	Ms J Cushen 10 James Street Markham Blackwood NP12 0QN	Erect single storey rear extension 10 James Street Markham Blackwood NP12 0QN	Granted 05.02.2020
19/1020/FULL 16.12.2019	Mr A Getgood 179 Pandy Road Bedwas Caerphilly CF83 8EL	Erect single storey rear extension 179 Pandy Road Bedwas Caerphilly CF83 8EL	Granted 05.02.2020

19/1019/FULL 18.12.2019	Mr M Gambold 20 Highfield Crescent Pontllanfraith Blackwood NP12 2ED	Erect single storey side and rear extension 20 Highfield Crescent Pontllanfraith Blackwood NP12 2ED	Granted 05.02.2020
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LIST OF PLANNING APPLICATIONS WHICH ARE NOT DEALT WITH IN TIME

APPLICATION NUMBER & DATE VALID	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
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.
18/0491/COND 25.05.18	Discharge conditions 05 (tree protection scheme) and 06 (reptile survey) of planning consent 17/0937/CON (Demolish existing church hall and erect a new GP Surgery including associated car parking, cycle parking and bin store) at Former Church Hall, Church Street, Llanbradach.	Subject to further discussion and consideration.
18/0495/COND 29.05.18	Discharge conditions 03 (traffic management plan), 05 (parking area) and 06 (boundary enclosures) of planning permission 17/0651/COU (Change the use from residential dwelling to school reception/offices) at Reception St Martin's Comprehensive School, Hillside, Caerphilly	Subject to further discussion and consideration.
18/0689/COND 03.08.18	Discharge conditions 11 (construction), 14 (retaining walls), 15 (landscaping), 16 (contamination), 19 (construction method statement), 21 (boundary treatment) and 22 (trees) of planning consent 16/0665/FULL at Land At Grid Ref 314050 188455, Heol Aneurin, Penyrheol, Caerphilly.	Subject to further discussion and consideration.
18/0758/COND 19.08.18	Discharge Condition 22 (Trees - Arboricultural Impact Assesment) of planning consent 16/0665/FULL (Construct 19 residential units and associated works) at Land At Grid Ref 314050 188455, Heol Aneurin, Penyrheol, Caerphilly.	Subject to further discussion and consideration.
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.

18/0893/FULL 15.10.18	Erect 3 No. detached dwellings with detached garages and off street parking at Former Newbridge Clinic, Ashfield Road, Newbridge, Newport, NP11 4QW.	Awaiting information about viability.
18/0961/COND 08.11.18	Discharge condition 4 (landscaping), 5 (boundary treatment), 7 (parking provision), 16 (privacy screening) and 17 (materials) of planning consent 18/0122/FULL (Convert and extend existing chapel to 7 No. self-contained apartments with on site parking, cycle and refuse storage facilities) at Seion Baptist Church, Glenview Terrace, Llanbradach, Caerphilly.	Subject to further discussion and consideration.
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.
19/0040/COND 17.01.19	Discharge conditions 3 (Highway Widening), 5 (Reptile Method Statement), 6 (Bat Roost Provision), 7 (Bird Nesting Provision), 8 (Materials), 9 (Boundary Treatments), 10 (Land Drainage), 11 (Geotech Report), 12 (Protective Fencing) of planning consent of 17/0466/FULL (Erect a detached dwelling) at Ty Coedwig, Colliery Road, Llanbradach, Caerphilly.	Awaiting further drainage information.
19/0066/COND 25.01.19	Discharge conditions 6 (Road Layout), 8 (Drainage), 13 (Boundary Treatment) and 14 (Landscaping) of planning consent 17/0605/FULL (Erect residential development of eight four-bedroom dwellings and one three-bedroom dwelling and provide new road layout) at Land At Grid Ref 316564 201006, Bedwellty Road To Heol-Y-Bedw-Hirion, Aberbargoed.	Awaiting further information.
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.	Subject to further discussion and consideration.

19/0129/FULL 14.02.19	Erect two detached houses with integral garages and off-street parking at Former Newbridge Clinic, Ashfield Road, Newbridge, Newport.	Subject to further discussion and consideration.
19/0138/COND 19.02.19	Discharge conditions 10 (Drainage), 11 (Pre-commencement survey for bats), 12 (Supervised strip of roof and soffits), 13 (Mitigation for house martin and starling), 14 (Enhancement for bats) and 15 (Reptile Method Statement) of planning consent 18/0122/FULL (Convert and extend existing chapel to 7 No. self-contained apartments with on site parking, cycle and refuse storage facilities) at Seion Baptist Church, Glenview Terrace, Llanbradach.	Awaiting further information.
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.	Subject to further discussion and consideration.
19/0205/FULL 11.03.19	Erect a dormer bungalow at Land Rear Of 9 Caeglas, Penyrheol, Caerphilly.	Awaiting additional information.
19/0249/OUT 25.03.19	Construct a two bedroom bungalow at Former Railway Goods Yard, Station Houses, Tirphil, New Tredegar	
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.
19/0443/COND 22.05.19	Discharge Conditions 3 (Materials - samples/details req) Condition 4 (Contamination - scheme to treat) Condition 6 (Contamination - validation) Condition 7 (Site control - scheme maj dev 1) Condition 9 (Principal Elevation Treatment) Condition 11 (Clearance Breeding Birds) Condition 12 (Reptile Method Statement) Condition 13(Illumination and bats) Condition 14 (Bat Roost Provision) and Condition 15 (Boundary Treatment) of planning consent 17/1042/FULL at Land At Former All Saints Church, Pencerrig Street, Llanbradach.	Subject to further discussion and consideration.

19/0451/COND 22.05.19	Discharge conditions 01 (commencement), 03 (Levels), 04 (Drainage), 10 (Parking), 11 (Parking) and 13 (rain water run-off) of planning consent 16/0335/FULL (Erect one dwelling) at Land Rear Of 39 Highfield Road, Pontllanfraith, Blackwood.	Subject to further discussion and consideration.
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.
19/0617/NOTD 12.07.19	Demolish existing buildings at Former Pontlloftyn Primary School, Fochriw Road, Pontlloftyn, Bargoed	Awaiting further information.
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.
19/0699/FULL 14.08.19	Change plots 3, 4 and 5 into two detached properties which will be known as plots 3 and 4 at Land At Grid Ref 316564 201006, Bedwellty Road To Heol-Y-Bedw-Hirion, Aberbargoed.	Subject to further discussion and consideration.
19/0719/COND 09.08.19	Discharge conditions 4 (Contamination - scheme to treat) and 6 (Colour) of planning consent 19/0348/FULL (Remove and replace the existing waste material shredder with a new waste material shredder) at GLJ Recycling Ltd, Chapel Bridge Yard, Chapel Farm Industrial Estate, Cwmcarn.	Subject to further discussion and consideration.

APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT

APPLICATION NUMBER & DATE VALID	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
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. Still waiting to receive. Told they are in discussions with Llanover as part owners.
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.
18/0930/NCC 25.10.18	Vary condition 03 (time period) of planning consent 10/0550/OUT (Re-develop the site for a mixed use development including housing, employment (B1 Use) and community use with associated open space and infrastructure) to extend the period of time for the submission of reserved matters at Former BSW Saw Mills The Timber Yard, Commercial Street, Senghenydd.	Waiting for Solicitors details.

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. Solicitors said they will be in contact shortly. Sols raised issues. Waiting for instructions from Highways.
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. Document agreed. Sent for signing. Docs agreed. Waiting to hear regarding completion. Docs signed. Waiting for Fees
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.
19/0465/NCC 25.05.19	Vary condition 01 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.	Requested Solicitors.
19/0646/NCC 23.07.19	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.	New matter. Linked to previous application. In process of discussing way forward with other side. Dealing with under one Agreement. See above.

OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
18/0013/LB 18/0178/LBC	Mr N Watkins Ty Tallis 13 Penrhiw Terrace Oakdale Blackwood NP12 0JH	Retain and complete works to install new entrance gates and install flue pipe and storm cap to existing chimney breast to allow for installation of a wood burner - Ty Tallis 3 Penrhiw Terrace Oakdale	08/11/2018
19/0009/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
19/0016/REF 19/0275/NCC	Bryn Recycling C/O Barton Willmore Mr J Ayoubkhani Greyfriars House Greyfriars Road Cardiff CF10 3AL	Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers at Bryn Recycling Ltd (Bryn Power) Waste Transfer Station Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer	14/11/2019

<p>19/0017/REF 19/0276/NCC</p>	<p>Bryn Aggregates Ltd C/O Barton Willmore Mr J Ayoubkani Greyfriars House Greyfriars Road Cardiff CF10 3AL</p>	<p>Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers at Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY</p>	<p>14/11/2019</p>
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APPEALS DECIDED

APPEAL REF/ PLANNING APP	PROPOSAL & LOCATION	APPEAL DECISION/ DATE	COMM/ DEL
19/0015/COND 19/0667/TPO	Fell tree T1 Birch and fell T2 Lime (Tree Preservation Order No. 49/82/RVDC) at 25 Kingswood Close Hengoed CF83 7LU	Dismissed 31/01/20	DEL

Gadewir y dudalen hon yn wag yn fwriadol