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For all enquiries relating to this agenda please contact Rebecca Barrett  
(Tel: 01443 864245 Email: [barrerm@caerphilly.gov.uk](mailto:barrerm@caerphilly.gov.uk))

**Date: 5th August 2020**

Dear Sir/Madam,

A digital meeting of the **Planning Committee** will be held via Microsoft Teams on **Wednesday, 12th August, 2020 at 2.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so.

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals present and/or speaking at Planning Committee will be publicly available to all via the recording on the Council website at [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)

Due to restrictions in relation to Covid19, Planning Committee Site Visits have been suspended and this meeting will not be open to the press and general public. However interested parties may make a request to submit written representations with regard to any item on this agenda, which will be read to the Committee. To obtain further details on this process please contact the Committee Clerk at [barrerm@caerphilly.gov.uk](mailto:barrerm@caerphilly.gov.uk)

Yours faithfully,

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

**Christina HARRY**  
CHIEF EXECUTIVE

## AGENDA

1 To receive apologies for absence.

Pages

A greener place Man gwyrddach

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



2 Declarations of Interest.

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

To approve and sign the following minutes: -

3 Planning Committee held on 8th July 2020.

1 - 8

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

4 Code No. 19/0428/FULL - The Barn, Gelli Gynnes Farm, Oakdale Golf Course Lane, Oakdale, Blackwood, NP12 0NF.

9 - 16

5 Code No. 20/0139/LA - Land At Twyn Primary School Playing Field, Southern Street, Caerphilly.

17 - 34

**Circulation:**

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

And Appropriate Officers

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## PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 8<sup>TH</sup> JULY 2020 AT 10:00AM

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#### PRESENT:

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

#### Councillors:

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

#### Together with:

R. Kyte (Head of Planning and Regeneration), R. Thomas (Planning Services Manager), M. Woodland (Solicitor), M. Godfrey (Senior Environmental Health Officer), C. Boardman (Principal Planner), C. Powell (Principal Planner), E. Rowley (Senior Planner), C. Campbell (Manager, Transport Engineering), L. Cooper (Highways Engineer) A. Pyne (Senior Planner) and E. Sullivan (Senior Committee Services Officer).

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors C. Andrews and D. Hardacre.

#### 2. DECLARATIONS OF INTEREST

At the commencement of the meeting, Councillor B. Miles declared a personal interest only in Agenda Item No. 6 (Application Code No. 20/0260/FULL) and Agenda Item No. 7 (Application Code No. 20/0293/FULL) in that her relatives farm land adjacent to the proposed development. As this was a personal interest there was no requirement for her to leave the meeting and she could take full part in the debate and vote.

Councillor M. Adams declared a personal and prejudicial interest in relation to Agenda Item No. 4 (Application Code No. 20/0047/OUT) in that he lives in close proximity to the site and as such it could be viewed that his home and enjoyment of it would be directly affected by the proposed development and he left the meeting when the application was considered and took no part in the debate or decision.

Councillor J. Ridgewell also declared a personal and prejudicial interest in relation to Agenda Item No. 4 (Application Code no. 20/0047/OUT) in that the Applicant's Planning Agent is known to him as they both sit on the Board for Fields in Trust and they have previously

worked together and he left the meeting when the application was discussed. Details are also minuted with the respective item.

### **3. MINUTES – 17<sup>TH</sup> JUNE 2020**

It was moved and seconded that the minutes of the meeting held on the 17<sup>th</sup> June 2020 be agreed as a correct record and by a show of hands-up this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 17th June 2020 (minute nos. 1-5) be approved as a correct record.

### **4. PREFACE ITEM CODE NO. 20/0047/OUT – LAND AT FORMER PONTLLANFRAITH HOUSE, BLACKWOOD ROAD, PONTLLANFRAITH, NP12 2YW**

Councillor M. Adams declared a personal and prejudicial interest in that he lives in close proximity to the site and as such it could be viewed that his home and enjoyment of it would be directly affected by the proposed development and he left the meeting when the application was considered and took no part in the debate or decision.

Councillor J. Ridgewell declared a personal and prejudicial interest in that the Applicant's Planning Agent is known to him as they both sit on the Board for Fields in Trust and they have previously worked together, and he left the meeting when the application was discussed.

Following consideration of the application a motion was moved and seconded that the application be deferred until such time as a site visit can take place in order to clarify the boundary and scope of the Harold Finch Memorial Park. In noting there were 6 For and 8 Against the motion was lost.

It was then moved and seconded that the recommendation contained within the Officer's report be approved and in noting there were 9 For, 5 Against and 1 Abstention this was agreed by the majority present.

Members requested that if it were possible the proposed residential development be named after Sir Harold Finch, Officers advised that it would not be possible to require this as a condition of the application but would take the matter forward to the applicant for their consideration.

RESOLVED that: -

- (i) The application first be referred to the Welsh Minister, in the event that no objections are raised by the Minister, that the application be deferred to allow the applicants to enter into a Section 106 Obligation as set out in the Officer's report and on completion of satisfactory obligations that planning permission be GRANTED subject to the conditions contained in the Officer's report;
- (ii) The applicant be advised that the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom 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 circumstances where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed within regulatory bodies which takes into account all of the relevant safety and environmental risk factors, including gas and mine water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 8648. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

- (iii) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

From 7<sup>th</sup> January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring that all new developments of more than one house or where the construction areas is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

Phone: 01443 866511

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

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

- (iv) The applicant be advised of:

Notification of initiation of development display 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.

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 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 Council 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 display 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 in durable material. The person carrying out the development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.
- (v) The applicant be advised of the comments of Dwr Cymru/Welsh Water, Western Power Distribution, Senior Engineer (Land Drainage), Council's Ecologist, Senior Arboricultural Officer (Trees), Landscape Architect, Transportation Engineering Manager, Head of Public Protection, Rights of Ways Officer, The Coal Authority and National Resources Wales.

**5. PREFACE ITEM CODE NO. 19/0857/FULL – SAER COED, LOAD OF HAY ROAD, CRUMLIN, NP11 3AY**

The Planning Officer confirmed that since Planning Committee's decision on the 18<sup>th</sup> March 2020 to defer the application, the applicant had lodged an appeal with the Planning Inspectorate against non-determination, as the period during which a dual jurisdiction could take place had now expired, the Planning Committee could no longer make a formal determination on the application. However, the Planning Committee can provide a resolution on how they would have determined the application if given the opportunity as part of the appeal process.

Following consideration of the Officer's Preface Report it was moved and seconded that the recommendation contained within the Officer's original report be approved and in noting there were 13 For, 2 Against and 2 Abstentions this was agreed by the majority present.

RESOLVED that planning permission would be GRANTED subject to the conditions contained in the Officer's original report, if the Planning Committee had jurisdiction to determine the application.

**6. CODE NO. 20/0260/FULL – GELLIARGWELLT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 8FY**

A statement was read on behalf of residents in objection to the application.

Councillor A. Gair, Local Ward Member spoke on behalf of her Ward Colleagues and Residents in objection to the application.

A statement from the Applicant's Agent on behalf of the Applicant in support of the application was read to the Committee. The Chair confirmed that this statement applied to both this and the next application from Price and Co. Farming Limited and advised the Committee that should they wish to hear this statement again or any part it when considering the next item, he would be happy to re-read it.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and in noting there were 15 For, 1 Against and 1 Abstention this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report this application be GRANTED;
- (ii) The applicant be advised of the comments of National Resources Wales, Rights of Way Officer and Senior Engineer (Land Drainage);
- (iii) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT

From 7<sup>th</sup> January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring that all new developments of more than one house or where the construction areas is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

Phone: 01443 866511

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

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

**7. CODE NO. 20/0293/FULL – GELLIARGWELT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 8FY**

A statement was read on behalf of local residents in objection to the application.

Councillor A. Gair (Local Ward Member) spoke of behalf of her Ward Colleagues and Residents in objection to the application.

The Chair read sections from the statement from the Applicant's Agent in support of the application as requested by the Committee.

Following consideration of the application it was moved and seconded that subject to the conditions contained within the Officer's report and additional conditions in relation to the importation of soil and seeding programme the recommendation contained in the Officer's report be approved and in noting there were 11 For, 2 Against and 2 Abstentions this was agreed by the majority present.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officers report and the following additional conditions this application be GRANTED;

Additional Conditional (04)

Within 3 months of the date of the permission a report shall be submitted by the applicant for the written approval of the Local Planning Authority. This report shall include details of any soils or hardcore that have been brought on to site in respect of the construction of the lagoon and associated engineering works that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for

Various End Uses and Validation of Cover Systems 2013'. The report shall identify (if appropriate) any measures requiring testing and/or mitigation measures to address any contamination issues together with a timescale for these remedial works. All identified works shall thereafter be carried out in accordance with the approved scheme and timescale(s) contained therein.

**Reason**

In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

**Additional Condition (05)**

Within 2 months of the date of the permission the applicant shall submit for the written approval of the Local Planning Authority a scheme to include details of further seeding works for the lagoon and associated embankments. The scheme shall include a timetable for its implementation. The scheme as agreed in writing by the Local Planning Authority shall be implemented in accordance with the agreed details and timescales.

**Reason**

In the interests of the visual amenity of the Special Landscape area and character of the area in accordance with policies CW4, NH1.3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considered that the building over or within influencing distances of a mine entry should wherever possible be avoided. In exceptional circumstances where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed within regulatory bodies which takes into account all of the relevant safety and environmental risk factors, including gas and mine-water. The applicant's 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 or adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.



Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or similar service provider.

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

- (iii) The applicant be advised of the comments of The Fire Officer and National Resources Wales.

The meeting closed at 12.50pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 12th August 2020.

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CHAIR

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# Agenda Item 4

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0428/FULL 16.05.2019	Mrs S L Jones Gelli Gynnes Farm Oakdale Golf Course Lane Oakdale Blackwood NP12 0NF	Erect 2 x two bedroom cottages with on site parking The Barn Gelli Gynnes Farm Oakdale Golf Course Lane Oakdale Blackwood NP12 0NF

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application is located at Gelli Gynnes Farm, Oakdale.

Site description: The application site is located on land to the south of Llwynon Lane, and currently comprises a disused barn that sits to the south west of two dwellings. To the south of the site is the garden of the property known as Gelli Gynnes Farm House and beyond that the site of the former Oakdale Golf Course (that is now being developed by Persimmon Homes for a large residential development).

Development: It is proposed to construct two detached 2 bedroom dwellings on the site of the existing barn.

Dimensions: Each proposed dwelling measures 6.8 metres in width, 9.3 metres in depth, with a height of 6.3 metres to ridge level.

Materials: Dressed stone walls and Slate roofs. Brown upvc windows and doors.

Ancillary development, e.g. parking: The submitted plans show 2 no. of off-street parking spaces to serve the proposed dwellings and an area of outdoor amenity space to the side of the dwellings.

## PLANNING HISTORY 2005 TO PRESENT

None.

Cont....

Application No. 19/0428/FULL Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located outside of the Settlement Boundary.

Policies: Policy SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW15 (General Locational Constraints). Supplementary planning guidance contained in LDP6 - Building Better Places to Live, LDP5 - Parking standards.

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

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No. The site is located in the Low Risk area.

### CONSULTATION

Transportation Engineering Manager – The Transportation Engineering Manager has raised concerns regarding the width of highway between the site and Llwynon Lane. However, given the limited distances vehicles will need to travel between the site and Llwynon Lane, this is not considered to be an issue in this case.

Head Of Public Protection - No objection.

Dwr Cymru - Provide advice to the developer.

Senior Engineer (Land Drainage) - Provides advice to the developer regarding land drainage matters.

Ecologist - Requests biodiversity enhancement. Such provision is shown on the submitted plans, i.e. bat tubes, therefore it is not considered necessary to attach such conditions in this instance.

Cont....

Application No. 19/0428/FULL Continued

### ADVERTISEMENT

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

Response: None.

Summary of observations: Not applicable.

### SECTION 17 CRIME AND DISORDER ACT

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

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No, but conditions relating to biodiversity will be attached to the consent and sent to the applicant as a precautionary measure.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, new residential dwellings. The site is located in the Mid range CIL liability zone which is chargeable at £25 per square metres (plus indexation). The applicant may wish to apply for an exemption on the basis that existing floorspace will be lost to accommodate the proposed development.

### ANALYSIS

Policies: The application seeks permission erect two detached dwellings on the site of the existing disused barn at Gelli Gynnes Farm in Oakdale. Despite the address, the site does not appear to have operated as a farm for some time. Also, for context, to the south of the site is the currently ongoing residential development of 155 new dwellings being constructed by Persimmon Homes. This development was allowed on appeal. Therefore whilst the application site is located outside of the settlement boundary, contrary to Policy SP5 (Settlement Boundaries) of the Local Development Plan, on the basis that existing residential development surrounds the site to the north, east and south, the principle of the development is considered to be acceptable. As the proposal represents a departure to the Local Development Plan on settlement boundary grounds, it is necessary to report the matter to Planning Committee.

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On the basis of the above, the main considerations for the proposed development are the impact the proposed development will have on the residential and visual amenity of the surrounding area; and the impact on highway safety/parking provision.

In relation to amenity, Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. It is considered that the proposed development complies with this Policy for the following reasons:-

i) proposals must have no unacceptable impact on the amenity of adjacent properties or land - The proposed dwellings will occupy a relatively narrow strip of land in terms of the overall depth of the site. To the rear (south) of the proposed dwellings is the large rear garden area of Gelli Gynnes Farm, and therefore it is important to ensure the proposed dwellings do not have a detrimental impact on the amenity levels currently enjoyed by Gelli Gynnes Farm. In this regard, the proposed dwellings will have a smaller overall massing than the disused barn they will replace, and therefore will be an improvement in terms of any potential overbearing impact. In terms of privacy, only a obscurely glazed bathroom window is proposed in the first floor south facing elevation of each proposed dwelling, and therefore no detrimental impact on amenity will occur as a result of the development in regard to Gelli Gynnes Farmhouse.

The other property potentially affected is located to the north-west of the site, and is known as Llwyn-on Bungalow (this is also a public house/club) with residential accommodation at first floor level. However, the distance from the nearest proposed dwelling to a first floor window of this property is at least 20 metres, at an angle, as well as at a different level. On this basis the proposal will not have a detrimental impact on privacy to a degree to warrant a refusal of planning permission.

The property to the east (known as The Cottage) is located an appropriate distance away to ensure Plot 1 will not have a detrimental impact, as no windows are proposed in the east facing elevation of Plot 1; there will be no impact on existing levels of privacy. The proposal is therefore also considered acceptable in terms of its potential impact on The Cottage.

In terms of visual amenity, the proposed dwellings are modest in terms of their scale, respect the two-storey context of the nearby surrounding properties, and subject to the use of appropriate materials (that will be controlled by way of condition) will not have a detrimental impact on the visual amenity of the surrounding area.

Cont....

Application No. 19/0428/FULL Continued

ii) proposals would not result in the over-development of the site - The proposed dwellings will have appropriate levels of off-street parking and private amenity space. Although the private amenity space is to the side of the proposed dwellings, subject to appropriate boundary treatments, each dwelling will enjoy 50-60 square metres of private amenity space. This is considered to be acceptable in this instance.

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

Policy CW3 of the Local Development Plan relates to highway considerations and states that development proposals should have regard for the safe, effective and efficient use of the transportation network. The Transportation Engineering Manager has raised concerns regarding the width of highway between the site and Llwynon Lane. However, given the limited distances vehicles will need to travel between the site and Llwynon Lane, this is not considered to be an issue in this case. Therefore the proposal is considered to be acceptable in this regard subject to appropriate levels of off-street parking provision (which will be secured by way of condition).

In light of the above, the proposed development is considered acceptable subject to conditions.

Comments from consultees: No objection subject to conditions.

The comments of the Transportation Engineering Manager have been addressed above.

Comments from public: None.

Other material considerations: None.

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

The proposed development would provide an additional dwelling within the settlement boundary that would contribute to the Council' 5-year housing land supply.

Cont....

Application No. 19/0428/FULL Continued

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.
- 03) The development shall be carried out in accordance with the following approved plans and documents:  
Drawing No. RB/SLJ A1 - Proposed Street Scene, Block Plan and Site Location Plan, received 16.05.2019;  
Drawing No. RB/SLJ A2 - Proposed Elevations and Floor plans, received 16.05.2019.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to first occupation of either of the dwellings hereby approved, details shall be submitted to the Local Planning Authority detailing the provision of two parking spaces per dwelling. These details shall include proposed parking area materials, and the agreed parking area shall be completed in accordance with the agreed details prior to first occupation of either of the approved dwellings and maintained thereafter free for the parking of motor vehicles only for the lifetime of the development.  
REASON: In the interests of highway safety to and comply with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010.

Cont....



Application No. 19/0428/FULL Continued

- 06) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the dwellings hereby approved are first occupied.  
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) 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 cottages at The Barn, Gelli Gynnes Farm, Oakdale, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new cottage 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).

Advisory Note(s)

**WARNING:**

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

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

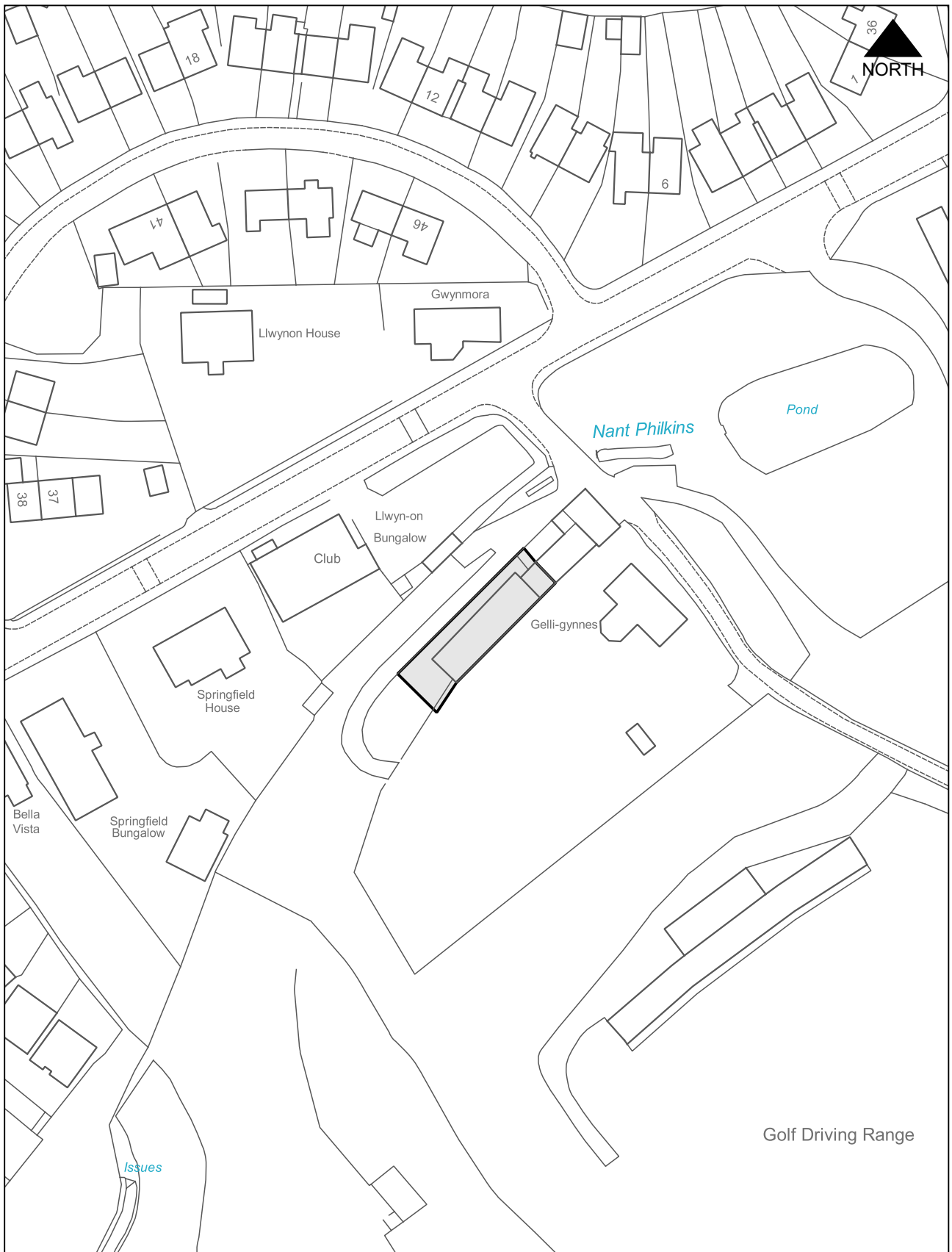
Phone: 01443 866511

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

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

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

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0139/LA 03.03.2020	CCBC Mrs S Sullivan Penallta House Tredomen Park Ystrad Mynach CF82 7PG	Erect single storey Childcare Unit in existing playing fields with off site parking Land At Twyn Primary School Playing Field Southern Street Caerphilly

**APPLICATION TYPE:** Local Authority Application

**SITE AND DEVELOPMENT**

Location: Land At Twyn Primary School Playing Field, Southern Street, Caerphilly.

Site description: The application site is located on the north-east side of Southern Street in Caerphilly. To the north-west is Twyn Nursery within Council ownership. To the south-east is a terrace of residential dwellings with 14 Southern Street being the closest property to the site with a side lane in between. To the south-west is Southern Street with Twyn School (Primary and Infants) on the opposite side of the road. To the north and north-east is a mainly open grassed area used as playing fields/recreation space with areas of woodland on the periphery of the field including adjacent to Porset Brook which provides a buffer before the rear amenity areas of residential properties on Porset Drive.

Development: Erect single storey Childcare Unit on existing playing fields with off site parking. The applicant has advised that it is anticipated that the new Childcare Unit will cater for a maximum of 48 children when running at full capacity. The children will be predominantly 3 year olds for wrap-around care with a small number of 2 year olds. Only the 2 year olds will be additional numbers as they would not be already at site. The 3 year olds will already be attending nursery and will come to Childcare with the lunch time being changeover and will attend Nursery and Childcare half day each.

Dimensions: The footprint of the Childcare building measures approximately 22m long by 11m wide with a monopitch roof with highest part measuring 3.8m. An external canopy to infant play area measures 28m long by 3m wide with a height of 3.3m.

Materials: Walls: Brick plinth with areas of render and cedar composite cladding. Roof: Standing seam metal roofing.

Ancillary development, e.g. parking: Parking and access improvements with canopies associated with the Childcare unit.

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Application No. 20/0139/LA Continued

### PLANNING HISTORY 2010 TO PRESENT

12/0142/LA - Erect stone faced reinforced concrete retaining wall against the face of the existing stone built playground retaining wall - Granted - 31.10.2012.

12/0179/LBCC - Erect stone faced reinforced concrete retaining wall against the face of the existing stone built playground retaining wall - Granted - 10.08.2012.

14/0544/LA - Erect an external steel canopy (not attached to building) to rear of infants block - Granted - 14.10.2014.

15/0614/LA - Erect extension to existing module building - Granted - 14.12.2015.

### POLICY

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

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

Policies: CW2 (Amenity), CW3 (Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW8 (Protection of Community and Leisure Facilities), CW15 (General Locational Constraints), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage)

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design, Technical Advice Note 18: Transport (2007)

SUPPLEMENTARY PLANNING GUIDANCE Supplementary Planning Guidance note LDP 6 (Better Places to Live)

### 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? This is partially within a High area, and so it is intended to attach an informative note about mining conditions in the area.

Cont....

Application No. 20/0139/LA Continued

## CONSULTATION

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

Head Of Public Protection - No objections subject to conditions.

Senior Engineer (Land Drainage) - No response received.

Principal Valuer - No comments.

Dwr Cymru - No objection. Advise public sewer crosses site.

CADW - The proposed development comprises a single storey flat roofed building that will be constructed in part for the playing fields associated with the Twyn Primary School. It is located in the identified significant view between the Castle and The Van: however it is at a lower level than both designated heritage assets and will not block the view between them. Whilst it will be visible from the castle it will be seen as part of the existing town of Caerphilly. As such the visual change from the Castle will be very slight and will not have any effect of the way that it is experienced, understood and appreciated. Consequently the proposed development will have no impact on the setting of scheduled monument GM002.

Ecologist - "We object to this application at the current time; we note that the proposed development involves the loss of a number of trees and an area of vegetation, however, there does not appear to be any details of the proposed loss, nor details for any mitigation or compensatory measures.

Assessment of the impact on other biodiversity matters is not possible at the current time, as no ecological information has been submitted in support of the application. At present, the development represents a net biodiversity loss.

The site supports at least one priority species, namely hedgehog as there is an existing record for this site. Advise Ecological Method Statement required."

These matters are addressed in the Analysis section of this report.

Senior Arboricultural Officer (Trees) - Raised objection to the initial submission in particular the loss of trees T1 and T3. I broadly welcome the revised layout but still has concerns in relation to works close to root protection areas of retained trees and impacts of incorporating measures to achieve SAB approval.

Cont....

Application No. 20/0139/LA Continued

Natural Resources Wales - Our Flood Risk Map confirms the application site lies partially within Zone C2 of the Development Advice Map (DAM) as contained in TAN15 and within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of Porset Brook.

Given the location of the flood risk shown to be affecting the application site (the proposed childcare unit is located outside of the flood outlines), and in the absence of a flood consequences assessment, we consider the proposal could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

We note from the Preliminary Ecological Appraisal that two trees on site, mapped as TN1 and TN2, were deemed as having moderate potential to support roosting bats. We further note from the submitted drawing that these trees are to be retained.

Provided that the recommendations and mitigation measures outlined in Section 9 (page 5) the above Preliminary Ecological Appraisal are implemented, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. Therefore, we recommend you should only grant planning permission if you include the aforementioned documents within the condition identifying approved plans and documents on the decision notice.

Conservation & Design Officer - The proposal is broadly acceptable as new, infill development in this location, being set down on lower lying land and adjacent to the Early Years building; therefore I raise no objections to these proposals recommend planning condition to agree exact materials.

Parks And Open Spaces - I confirm that we have no objections to this proposed development.

Strategic & Development Plans - Highlights that the development would not be located on previously developed land so would be in conflict with criterion A of Policy SP3. Advises that Policy CW8 requires the application site to be surplus to requirements.

The Policy response concludes that if other material planning considerations are satisfactory they would not object to this proposal as, on balance, it would provide an important community facility in a sustainable location.

Cont....

Application No. 20/0139/LA Continued

Landscape Architect - Having studied the revised proposal plan submitted I welcome the revised layout and retention of category B tree T1 but further details on protection of this tree are required.

Should you be minded to approve the application, I'd recommend that a landscape condition is added in the interest of biodiversity and visual amenity, and that all trees removed to facilitate the development are mitigated for.

The Coal Authority - The Coal Authority has no objection to this planning application. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

Sport Wales - Advise that the application site does not strictly meet the legal definition of a playing field i.e. includes a sports pitch of at least 0.2 hectares, Sport Wales welcomes the opportunity to comment on other sites that could still be described as a playing field or other types of recreational spaces that offer opportunities for games and activities.

Raise concerns in relation to Policy CW7 (Protection of Open Space). The development will close off the last remaining clear view into the site off Southern Street therefore leaving an open space hidden from view with, it appears little natural surveillance. This will affect its sense of security especially for young children and might lead to anti-social behaviour and as a result a poorly used and valued space even though there might be a need for such a space in the locality.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by two sets of site notices. Following the receipt of amended plans a re-consultation was carried out.

Response: Six representations were received in respect of the application. Five of the representations received were in support of the application and one was in objection.

Summary of observations: Support the proposal. Current after school care provision far outstrips supply. On site childcare provision is also less disruptive for the children that attend it than having to travel to another setting. I believe this provision will be a great benefit to working parents as well as those seeking to return work. It also allows for closer links with the school which has the potential to compliment the great work already undertaken by the Twyn.

- In support of the proposal currently have a child on waiting list for afterschool club and another child to start nurse in September who will also be going on the waiting list.

Cont....

Application No. 20/0139/LA Continued

- This is long overdue and in desperate need for many parents who have had to make less than ideal alternative arrangements due to the lack of adequate spaces current.
- This is needed by many parents who have to fund private wrap around for their child attending the Twyn School. This will not only benefit parents, helping many return to work but can also increase opportunities for the current after school provider to increase job vacancies. For a school the size of the Twyn, the current after school provision is inadequate and we have already been on a waiting list for over 2 years.
- As a parent of children who are in/due to start in September, I highly support this application. We have been on the waiting list for a space in after school for 2 years and I now have to consider my working days/hours to ensure I have adequate child care provision from September. If I could rely on a space for my child just 2 days per week I would be able to continue in my current position. The club is a fantastic asset; I would welcome even greater provision for our children.
- Object to the application in relation to loss of woodland both on the application site and the wider area. Advises that many birds use the wildlife corridor to the south of Porset Drive which continues to Southern Street.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The submitted Preliminary Ecological Assessment submitted with the application considered the trees on the site and two of which were assessed to offer moderate potential for roosting bats, due to the presence of several cracks and holes.

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

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative.
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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The three tests were applied and answered as follows:

- (i) The derogation is of overriding public interest of a social nature as the facility will provide childcare facilities to Caerphilly.
- (ii) There are no satisfactory alternatives as the school's main site on the south-eastern side of Southern street includes the large grade 2 Listed Building (Twyn School) and development within the grounds would be likely to have a detrimental impact on the Listed building and its setting. There are no suitable alternative locations on the fields to the north of southern street as the siting of the building would not relate well to the existing pattern of development in the area, and dependent on alternative location have unacceptable impacts on residential properties, have the building's footprint within a designated floor zone or lead to an unacceptable impact on the larger area of recreational space.
- (iii) Provided that the recommendations and mitigation measures outlined in Section 9 (page 5) of the submitted Preliminary Ecological Appraisal are implemented, NRW have advised that they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The LPA concurs with this opinion.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development is CIL liable as the proposal intends to create more than 100 square metres of additional floor space. However, in that the proposed use of the building falls within a D1 use class which the CIL Charging Schedule rate is charged at £0 per square metre for new development and therefore no CIL will be payable on the development.

#### ANALYSIS

##### Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity; the visual appearance of the development and its impact on the character of the area; Highway safety considerations; the impact on ecology; and the loss of a leisure facility. These matters are discussed in turn below.

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In terms of the principal of the development, the application site is located in the Southern Connections Corridor and within the settlement boundary of Caerphilly as defined in the adopted Local Development Plan Policies SP3 (Development Strategy - Development in the Southern Connections Corridor), SP4 (Settlement Strategies) and Policy SP5 (Settlement Boundaries) respectively. In relation to Policy SP3 it would meet the majority of criteria of the policy whilst not located on previously developed land it would support the functions of the existing Twyn School providing additional educational/childcare facilities in very close proximity to the existing school and nursery buildings.

The supporting Local Development Plan text (paragraph 1.60) to Policy SP3 advises that restrictions for utilising previously developed land within the Southern Connections Corridor and, in particular Caerphilly Town is to ensure a balance within the borough as a whole to investment. It notes that a strategy which relies solely on the south of the County Borough for economic progress would be unsustainable in the long term. It goes on to explain that limiting development opportunity where feasible to previously developed land would make the most efficient use of existing infrastructure.

In terms of this particular application however approval of the scheme would bring forward an additional childcare facility to be co-located in close distance with the existing school infrastructure. It would utilise existing infrastructure and in this particular circumstance, reuse of land within the existing school site on the south side of Southern street, is not deemed an acceptable alternative because of the adverse visual impact on the setting of the main school building which is a Grade 2 Listed Building and the loss of playground space for the school. The use of previously developed land is therefore not feasible in this situation.

The siting of the childcare facility in close proximity to the existing school buildings would be likely to reduce overall carborne trips with parents having access to a wider range of facilities at the same site and the location within the settlement would be likely to afford opportunities for walking and use of public transport. It would also make efficient use of existing school infrastructure by virtue of the site's proximity to the other educational buildings. It would support the social function of the area and in its amended layout would protect natural heritage. On balance it is considered that it accords with the overall aim of the development strategy. The proposal also accords with Policy SP4 (Settlement Strategy) as Caerphilly is defined as a Principal Town within the Settlement Strategy and therefore the proposal would support the social/educational needs of the settlement as a centre of population.

In terms of the visual impact on the development, the design of the building is acceptable within the existing street scene which has the existing Twyn School Early years unit to the north-west with a similar roof form as the proposed building. The new building's finished floor level would be set below the pavement level of Southern Street by around 1.5m which correlates with the natural ground level in the area and would mitigate the building's visual impact. It would also have an acceptable impact on the Grade 2 Listed School building on the opposite side of Southern Street. It accords with Policy SP6 (Placemaking).

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The impact on surrounding residential dwellings would also be acceptable. There is a small lane in between the site and the nearest dwelling (14 Southern Street) and the development would be similar in nature and impact to the other educational uses in southern street and will not lead to any unacceptable cumulative impact in terms of noise or disturbance. It is separated from other dwellings in the area by Southern Street or areas of open space. The building is single storey in scale and no unacceptable overlooking would result from the development. It has an acceptable impact on the existing levels of amenity enjoyed by existing residential dwellings in the area. The development accords with Policy CW2 (Amenity).

In terms of highway safety, Policy CW3 considers highway implications and in this respect the development must have regard for the safe, effective and efficient use of the transportation network. The Council's Transportation and Engineering Manager has considered the development and raises no objection subject to the imposition of appropriate conditions in the interests of highway safety. The amended scheme has altered the vehicle access to utilise the existing access from the Nursery building and therefore the proposed conditions have been reviewed in light of the amended arrangements. The site is in a sustainable location close to bus stops and Caerphilly's bus and rail interchange.

As the development is located on an existing playing field, Policy CW8 (Protection of Community and Leisure facilities), is of relevance. This policy states:

"Proposals that would result in the loss of a community and/or leisure facility will not be permitted except where:

- A A comparable replacement facility can be provided by the developer either on or off site, and within easy and convenient access on foot or by bicycle, or
- B It can be demonstrated that the facility is surplus to requirements."

The application site is Council owned and controlled by the Parks Department. In consultation, Parks have confirmed that they raise no objection to the proposed development, and therefore it satisfies Criterion B of Policy CW8, i.e. is surplus to requirements.

Comments from Consultees:

The Council's Ecologist raised objection to the original site layout and the reasons for the objection include loss of trees and an area of vegetation and advises the development represents a net biodiversity loss. The planning application has been supported by both a Preliminary Ecological Assessment and also a Reptile Survey. The Ecological Assessment provides recommendations to mitigate the impact of the development and where appropriate these have been incorporated into proposed planning conditions. The Reptile Survey found no evidence that reptiles used the site.

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Application No. 20/0139/LA Continued

The Council's Tree Officer raised concerns in respect of original layout which has been amended to retain two trees. Following amendments to the scheme two additional trees (T1) and (T3) were incorporated into site plan to be retained and this is considered to limit the impact of the development on the existing biodiversity. One of these is tree (T1) which is a prominent mature Balsam Poplar tree (circa 20m high), graded a Category 'B' tree when surveyed. Tree (T3) a Norway Maple (circa 10m high) is located adjacent to the boundary with Southern Street and therefore although graded as a lower Category 'C' tree has particular value within the street scene adding visual interest and softening to the street scene of Southern Street. It is considered that the retention of these two trees along with an area of scrub/woodland within the site will have an acceptable impact in terms of biodiversity and with a proposed landscaping condition suitable mitigation can be achieved to offset any biodiversity loss caused as a result of the development.

It is proposed to require through condition the submission of further details prior to commencement to ensure the areas of retained scrub/woodland are protected during construction and details of management of these areas following the development. The matter of sustainable drainage (SAB approval) is covered under separate regulatory approval and the applicant is aware of this and will need to address this process.

The Sport Wales consultation response indicates that Sport Wales do not consider the application site meets their definition of a playing field. The concerns raised in respect of CW7 (Protection of Open Space) are not relevant as the Planning Policy section have advised that the site falls within Policy CW8 (Protection of Community and Leisure Facilities).

In respect of a loss of natural surveillance from Southern Street it is noted that natural surveillance from the rear elevations of the terrace of dwellings to the east of the application would be retained as well as from a lane to the side/rear of these dwellings and in fact much of the larger playing fields are out of sight from the portion of southern street adjacent to the application site. It is therefore not considered that the impact on natural surveillance would be so significant to warrant refusal of the application on this basis.

Comments from public:

Support the proposal. Current after school care provision demand far outstrips supply. On site childcare provision is also less disruptive for the children that attend it than having to travel to another setting. I believe this provision will be a great benefit to working parents as well as those seeking to return work. It also allows for closer links with the school which has the potential to compliment the great work already undertaken by the Twyn.

In support of the proposal currently have a child on waiting list for after-school club and another child to start nursery in September who will also be going on the waiting list.

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Application No. 20/0139/LA Continued

This is long overdue and in desperate need for many parents who have had to make less than ideal alternative arrangements due to the lack of adequate spaces currently available.

This is needed by many parents who have to fund private wrap around for their child attending the Twyn School. This will not only benefit parents, helping many return to work but can also increase opportunities for the current after school provider to increase job vacancies. For a school the size of the Twyn, the current after school provision is inadequate and we have already been on a waiting list for over 2 years.

As a parent of children who are in/due to start in September, I highly support this application. We have been on the waiting list for a space in after school for 2 years and I now have to consider my working days/hours to ensure I have adequate child care provision from September. If I could rely on a space for my child just 2 days per week I would be able to continue in my current position. The club is a fantastic asset, I would welcome even greater provision for our children.

Object to the application in relation to loss of woodland both on the application site and the wider area. Advises that many birds use the wildlife corridor to the south of Porset Drive which continues to southern street.

In relation to concerns of loss of woodland the scheme retains an area of woodland on the north-west of the site and following amendments to the layout two trees of particular value have been retained where they were previously scheduled for removal. It is considered that there would be an acceptable impact on natural heritage and planning conditions are proposed to ensure suitable construction measures are agreed where there are in close proximity to retained trees.

Other material considerations:

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

The proposed development would contribute to the social function of Caerphilly through providing additional childcare facilities for early years children in the town and with the recommended planning conditions would have an acceptable impact on biodiversity and impact on the character of the area. It is recommended for approval accordingly.

Cont....

Application No. 20/0139/LA Continued

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
  - Site Location plan, drawing reference PL-00;
  - Proposed Site plan, drawing reference PL-01 revision B;
  - Ground Floor Plan, drawing reference PL-02;
  - Proposed Elevations, drawing reference PL-03;
  - Preliminary Ecological Appraisal.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) 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.
- 04) 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.

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Application No. 20/0139/LA Continued

- 05) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.  
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 06) 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 and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 07) 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.
- 08) Prior to the commencement of any clearance works or development an Ecological Method and Management Statement shall be submitted for the written approval of the Local Planning Authority. This Ecological Method and Management Statement shall detail precautionary measures for the retention and protection during construction works of the ecologically sensitive areas of the site and outline details of mitigation and management of these areas following the completion of the development. The development shall be carried out in accordance with the approved scheme and agreed ecological management thereafter.  
REASON: In the interests of biodiversity in accordance with policy CW6 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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Application No. 20/0139/LA Continued

- 09) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) If mature trees originally identified to be retained require felling or tree management work as part of the development hereby approved, a climbing inspection for bats shall be carried out before such works take place, and the results of the survey, together with details of any proposed mitigation measures shall be submitted for the approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved measures.  
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Notwithstanding the submitted details prior to any excavations, ground level alterations or construction works being carried out within the tree canopies of trees known as 'T1' or 'T3' details as shown on drawing reference PL-01 revision B, an updated tree protection plan and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved updated tree protection plan and method statement.  
REASON: To ensure the development has an acceptable impact on the health of retained trees in accordance with policy CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Notwithstanding the submitted details prior to the construction of external pedestrian access paths and retaining structures details of these works shall be submitted for the written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the development has an acceptable impact on the retained trees in accordance with policy 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, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.

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- 14) Notwithstanding the submitted details prior to the occupation of the building 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 and a timescale for implementation. The boundary treatments shall be completed in accordance with the approved details and timescale.  
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 development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Within 2 calendar months from the first use of the development hereby approved commencing an amended School Travel Plan (STP) shall be submitted for the written approval of the Local Planning Authority. The amended STP shall aim to encourage more sustainable journeys through awareness raising, promote healthy and sustainable travel and reduce the reliance on single occupancy use of the private car. The approved amended School Travel Plan shall thereafter be implemented in accordance with any timescales contained therein.  
REASON: To encourage the use of a variety of transport options in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

The applicant is advised that they should liaise with the Authority's Traffic Management Section in order to discuss and (if required) instigate, and fund as necessary, the process to make any agreed alterations to the Traffic Regulation Order which fronts the site. The alterations (if deemed necessary by the Traffic Management Section) shall be made prior to the proposed new building's occupation.

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.

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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](http://www.groundstability.com) or a similar service provider.

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

**WARNING:**

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

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

Phone: 01443 866511

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

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

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