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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett
(Rhif Ffôn: 01443 864245 Ebst: barrerm@caerphilly.gov.uk)

Dyddiad: Dydd Mercher, 12 Mai 2021

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Pwyllgor Cynllunio** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Mercher, 19eg Mai, 2021** 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 y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n siarad yn ystod y Pwyllgor Cynllunio ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor: www.caerffili.gov.uk

Oherwydd cyfyngiadau yn ymwneud â Covid-19, mae Ymweliadau Safle'r Pwyllgor Cynllunio wedi'u hatal ac ni fydd y cyfarfod hwn ar agor i'r wasg na'r cyhoedd. Fodd bynnag, gall y rhai sydd â diddordeb wneud cais i fynychu o bell a siarad mewn perthynas ag unrhyw eitem ar yr agenda hon. I gael rhagor o fanylion am y broses hon, cysylltwch â Chlerc y Pwyllgor ar barrerm@caerffili.gov.uk

Yr eiddoch yn gywir,

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

Christina Harrhy
PRIF WEITHREDWR

AGENDA

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb

A greener place Man gwyrddach

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



2 Datganiadau o Ddiddordeb.

Atgoffi'r Cyngorwyr 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 Cyngorwyr a Swyddogion.

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

- | | | |
|---|--|--------|
| 3 | Cynhaliwyd y Pwyllgor Cynllunio ar 17eg Chwefror 2021. | 1 - 4 |
| 4 | Cynhaliwyd y Pwyllgor Cynllunio ar 3ydd Mawrth 2021. | 5 - 10 |

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

- | | | |
|---|--|---------|
| 5 | Rhif Cod 20/0983/NCC - Tir i'r Gorllewin o Coronation Terrace, Senghenydd, Caerffili. | 11 - 26 |
| 6 | Rhif Cod 21/0055/FULL – Tir ar Gyfeirnod Grid 316873 201344, Heol Abernant, Markham. | 27 - 42 |
| 7 | Rhif Cod 21/0225/NCC - Yr Hen Chwarel, Cemetery Road, Abercarn, Casnewydd. | 43 - 54 |
| 8 | Rhif Cod 21/0232/RET – Y Garej, Woodfield Street, Maes-y-coed, Pontllan-fraith, Coed Duon. | 55 - 66 |
| 9 | Cymru'r Dyfodol - Materion ac Ystyriaethau - Cyflwyniad. | |

Cylchrediad:

Cyngorwyr M.A. Adams, Mrs E.M. Aldworth, C. Andrews, A. Angel, J. Bevan, M. Davies, J.E. Fussell, R.W. Gough, D.T. Hardacre, L. Harding, A.G. Higgs, A. Hussey, B. Miles, Mrs G.D. Oliver, R. Saralis (Cadeirydd), J. Simmonds, J. Taylor, A. Whitcombe a T.J. Williams (heblaw bod hyn yn cael ei newid yn y CCB)

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

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

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

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r [Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn](#) ar ein gwefan neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio griffd2@caerffili.gov.uk neu ffoniwch 01443 863028.



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 17TH FEBRUARY 2021 AT 5:00 PM

PRESENT:

Councillor R. Saralis – Chair
Councillor E.M. Aldworth – Vice-Chair

Councillors:

M. Adams, C. Andrews, A. Angel, M. Davies, R.W. Gough, L. Harding, A.G. Higgs,
A. Hussey, B. Miles, J. Simmonds, J. Taylor

Councillor S. Morgan (Deputy Leader and Cabinet Member for Economy and Enterprise)

Together with:

M. Woodland (Senior Solicitor), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Boardman (Area Principal Planner), C. Powell (Area Principal Planner), E. Rowley (Area Senior Planner), L. Cooper (Assistant Engineer), R. Barrett (Committee Services Officer)

RECORDING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being recorded and would be made available following the meeting via the Council's website – [Click Here to View](#)
Members were advised that voting on decisions would be taken by way of roll call.

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. Bevan, J.E. Fussell, D.T. Hardacre, G. Oliver, A. Whitcombe and T.J. Williams, together with M. Godfrey (Environmental Health).

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. MINUTES – 20TH JANUARY 2021

It was moved and seconded that the minutes of the meeting held on the 20th January 2021 be agreed as a correct record and by a show of hands-up this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee held on 20th January 2021 (minute nos. 1-8) be approved as a correct record.

Councillor J. Taylor wished it noted that he had abstained from voting on the minutes as he had not been present at the last meeting.

4. PREFACE ITEM CODE NO. 20/0662/OUT - LAND NORTH WEST OF ATCOMBE COTTAGE, WATERLOO LANE, MACHEN, CAERPHILLY

Prior to the presentation of his report, the Planning Case Officer (Carwyn Powell) referred to a written representation from an objector in relation to the information contained within the preface report. Mr Powell responded to the observations made in the representation and provided clarification on a number of areas relating to planning procedure and policy.

It was also noted that the objector had spoken on the application at the last meeting and had asked to address the Committee again in relation to the preface report. Members were advised that under the speaker protocol there is no provision to allow speakers on a further occasion, but the objector had been invited to submit his comments in advance of the meeting and these had been circulated to the Committee. The same opportunity had been afforded to the applicant's agent who had declined.

Following consideration of the application it was moved and seconded that the recommendation for granting contained in the Officer's original report be approved and in noting there were 13 For, 0 Against and 0 Abstentions this was unanimously agreed.

RESOLVED that subject to the conditions contained within the Officer's original report at Appendix A, this application be GRANTED.

5. CODE NO. 20/1070/NCC - LAND ADJACENT TO ROWAN ROAD, TY SIGN, RISCA.

Mrs Z. Davies spoke in objection to the application on behalf of local residents and Mr R. Owen (the applicant's agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendation in the Officer's report be approved, and in noting there were 13 For, 0 Against and 0 Abstentions this was unanimously agreed.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the application be GRANTED;
- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: SP6, CW2, CW3, CW7 and CW8
- (iii) the applicant be advised of the comments of the Transportation Engineering Manager that are brought to the applicant's attention:

In relation to the proposed drop crossing as conditioned, the applicant should ring (01443) 863112 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

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

From 7th 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 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

- (v) The applicant be advised of the comments of Dwr Cymru/Welsh Water attached to the report that are brought to the applicant's attention.

The meeting closed at 5.47 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 19th May 2021.

CHAIR

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PLANNING COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 3RD MARCH 2021 AT 5:00 PM

PRESENT:

Councillor R. Saralis – Chair
Councillor E.M. Aldworth – Vice-Chair

Councillors:

M. Adams, C. Andrews, A. Angel, M. Davies, J.E. Fussell, L. Harding, A.G. Higgs, A. Hussey, B. Miles, J. Simmonds, J. Taylor, A. Whitcombe, T.J. Williams

Together with:

R. Tranter (Head of Legal Services & Monitoring Officer), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Boardman (Area Principal Planner), C. Powell (Area Principal Planner), A. Pyne (Principal Planner), E. Rowley (Area Senior Planner), C. Campbell (Transportation Engineering Manager), S. Couzens (Chief Housing Officer), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), J. Hobbs (Principal Engineer), J. Roberts-Waite (Strategic Coordination Manager), A. Vick (Senior Engineer), R. Barrett (Committee Services Officer)

RECORDING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being recorded and would be made available following the meeting via the Council's website – [Click Here to View](#)
Members were advised that voting on decisions would be taken by way of roll call.

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. Bevan, R.W. Gough, D.T. Hardacre and G. Oliver.

2. DECLARATIONS OF INTEREST

Councillor R. Saralis declared a personal and prejudicial interest for [Agenda Item No. 3](#) (Application Code no. 19/1024/RM) in relation to the objector speaking at the meeting as his family is well known to Councillor Saralis, and he left the meeting when the application was discussed. Details are also minuted with the respective item.

3. CODE NO. 19/1024/RM - LAND AT CWMGELLI, BLACKWOOD

Councillor R. Saralis (Chair) declared a personal and prejudicial interest in this item as the objector's family is well known to him and left the meeting during consideration of this application. Councillor E.M. Aldworth took the Chair for this item.

The Planning Case Officer presented the application and confirmed that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Mr D. Chivers, Councillor N. Dix and Councillor K. Etheridge spoke in objection to the application on behalf of local residents and Mr M. Roberts (the applicant's agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, and with the inclusion of amended conditions in relation to the submission of a Travel Plan and the removal of a section of hedgerow to accommodate a turning head, together with an additional condition in relation to the provision of gigabit capable broadband infrastructure, the recommendation in the Officer's report be approved, and in noting there were 10 For, 4 Against and 0 Abstentions this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report and the following amended and additional conditions this application be GRANTED.

Amended Condition (08)

Prior to the occupation of any of the dwellings hereby approved, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.

Reason

To encourage the use of a variety of sustainable transport options in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Amended Condition (17)

No works shall commence (including any clearance works along the western boundary) until details have been submitted to and agreed in writing with the Local Planning Authority outlining how the existing hedgerow that runs along the western boundary of the site between Cwm Gelli Villas and Plots 150-156 & 159-164 will be protected and retained throughout the construction of the development hereby approved. The development shall be carried out in accordance with these agreed details.

Reason

In the interests of biodiversity and visual amenity.

Additional Condition (21)

The development hereby approved shall make provision for gigabit capable broadband infrastructure capable of serving all of the approved dwellings. The necessary infrastructure required shall be installed prior to the occupation of the development.

Reason

To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.

4. CODE NO. 20/1043/LA - LAND AT (FORMER GARAGES) GRID REF 317584 188996, LLANFABON DRIVE, SOUTH LANE, TRETTHOMAS

Councillor R. Saralis re-joined the meeting and resumed the position of Chair.

The Planning Case Officer presented the application and confirmed that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, together with the inclusion of two additional conditions in relation to the provision of gigabit capable broadband infrastructure and a suitable site boundary fencing design to enable hedgehog access/egress, the recommendation in the Officer's report be approved, and in noting there were 15 For, 0 Against and 0 Abstentions this was unanimously agreed.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report and the following additional conditions this application be GRANTED.

Additional Condition (18)

The development hereby approved shall make provision for gigabit capable broadband infrastructure capable of serving all of the approved dwellings. The necessary infrastructure required shall be installed prior to the occupation of the first dwelling.

Reason

To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.

Additional Condition (19)

Notwithstanding the submitted plans all close boarded fencing on the boundary of the application site shall be designed to leave a continuous 100mm gap at the bottom to enable hedgehogs to access and egress the site. Such gap shall be maintained in perpetuity unless prior written approval is obtained from the Local Planning Authority for any amendment.

Reason

In the interests of the conservation of the natural heritage of the area and in order to ensure compliance with Policy SP10 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

- (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 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. The applicant's attention is drawn to the Coal Authority Policy in relation to new development and mine entries available through the following link: [Coal Authority Policy](#)

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 the [Coal Authority website \(Ground Stability\)](#) 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](#).

- (iii) the applicant's attention be drawn to the comments of the Council's Landscape Architect, Ecologist and Transportation Engineering Services Manager, Coal Authority, Dwr Cymru/Welsh Water and the Gwent Police Architectural Liaison Officer.

5. CODE NO. 20/1053/LA - LAND AT GRID REF 314350 187632, FORMER 49 CLUB & INSTITUTE, THE CRESCENT, TRECENYDD, CAERPHILLY

The Planning Case Officer presented the application and confirmed that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, together with the inclusion of an additional condition in relation to the provision of gigabit capable broadband infrastructure the recommendation in the Officer's report be approved, and in noting there were 15 For, 0 Against and 0 Abstentions this was unanimously agreed.

RESOLVED that:-

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

Additional Condition (14)

The development hereby approved shall make provision for gigabit capable broadband infrastructure capable of serving all of the approved dwellings. The necessary infrastructure required shall be installed prior to the occupation of the first dwelling.

Reason

To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040."

- (ii) the applicant's attention be drawn to the comments of the Council's Landscape Architect, Senior Arboricultural Officer and Transportation Engineering Services Manager, together with the comments of Dwr Cymru/Welsh Water and the Gwent Police Architectural Liaison Officer.

The meeting closed at 7.04 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 19th May 2021.

CHAIR

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Application Number: 20/0983/NCC

Date Received: 24.02.2021

Applicant: Mr J Newbury

Description and Location of Development: Vary conditions 3 and 4 of planning consent 11/0630/NCC (Vary conditions (3) and (4) of previous planning consent 06/0172/OUT (Erect residential development) to extend permission beyond expiration dates) to extend permission beyond expiration dates - Land West Of Coronation Terrace Senghenydd Caerphilly

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The site is located on a steeply sloping area of land to the north-west of Coronation Terrace, Senghenydd. The gradient of the site falls from east down to the western boundary.

The site is bounded by residential development to the north and east. To the west it abuts the main Aber Valley road, on the opposite side of which is B.S.W. Ltd (a large timber mill). To the south there is an allotment garden.

Site description: The land is currently overgrown and contains a number of trees. The most apt description for it would be rough grassland.

A defined footpath runs diagonally through the site, however this is not a registered right of way.

The site is roughly rectangular in shape and has a total area of 0.7 hectares (approximately 1.75 acres). It has a considerable gradient which falls roughly 20 metres over its width (measured east to west) which is approximately 30 metres.

Development: The proposal is for a variation of the two time limited conditions attached to an earlier consent for an outline application which was approved with access and siting not reserved for subsequent approval. The layout plan of that original approval shows an arrangement of eleven dwellings sited around a single cul-de-sac; of these dwellings five are detached with the remainder forming three pairs of semi-detached properties.

Access into the land is from a point in the north western corner of the site. Thereafter the road turns southwards through the site and ends in a turning head some 50 metres from the access. The road climbs approximately 4 metres from its access to the turning area.

Due to the sloping topography of the application site, approximately one quarter of the site area cannot be developed and is therefore to be landscaped after the slope is graded to 35 degrees.

Dimensions: Three potential house types have been identified. Type 1 would have scale parameters of 11-12m deep by 8-9m wide by 8.6-9.6m high. Type 2 has scale parameters of 8.5-10m deep by 7-8m wide by 8-9m high. Type 3 has scale parameters of 8.5-10m deep by 10-12m wide by 8-9m high.

Materials: As the application is in outline no construction materials are submitted.

Ancillary development: On site provision of a minimum of two parking spaces per dwelling is shown, along with visitor parking of three additional spaces.

The layout also shows that the footpath which crosses the site, albeit not a public one, will be retained on an amended line.

PLANNING HISTORY 2010 TO PRESENT

11/0630/NCC-Vary conditions (3) and (4) of previous planning consent 06/0172/OUT (erect residential development) to extend permission beyond expiration dates-Granted-24.02.2016.

POLICY

Local Development Plan: The site is within settlement limits and is an allocated housing site in the LDP - Land below Coronation Terrace, Senghenydd (HG1.73).

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligation) 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: Future Wales - The National Plan 2040.

Relevant guidance contained in Planning Policy Wales 11th Edition:-

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

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

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

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

CONSULTATION

CADW - No comments received.

CCBC - 21st Century Schools - No comments received.

Head Of Public Protection - No objection.

CCBC Housing Enabling Officer - No comments received.

Senior Engineer (Land Drainage) - No comments received.

Parks And Open Spaces - No comments received.

Head Of Public Services - Provide advice to be conveyed to the developer.

Transportation Engineering Manager - No objection subject to conditions.

Dwr Cymru - No objection subject to the re-imposition of the conditions attached to the previous consent.

Police Architectural Liaison Officer - No objection.

Western Power Distribution - Provide advice to be conveyed to the developer.

The Coal Authority - No objection.

Strategic & Development Plans - No objection.

ADVERTISEMENT

Extent of advertisement: The site was advertised by way of site and press notices, as well as 21 letters to neighbouring properties.

Response: One objection was received.

Summary of observations: 1. Loss of view.

SECTION 17 CRIME AND DISORDER ACT

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

There are no specific crime and disorder implications relevant to this proposed development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The site is not identified as an SSSI or a SIN, and there is no evidence that its development will affect any protected species. The original permission was granted on the basis that there were no such species present on site.

COMMUNITY INFRASTRUCTURE LEVY

This is an outline application and the appropriate CIL will be calculated at the reserved matters stage.

ANALYSIS

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks the renewal of outline consent for an allocated housing site within the defined settlement limits and as such the principle of development is considered to be acceptable.

In considering an application to renew outline consent it should be noted that the Welsh Government Development Management Manual confirms that Sections 73(2) and (4) of the Town and Country Planning 1990 Act restricts the Local Planning Authority in their determination of section 73 applications. The effect of the provisions is to limit the Local Planning Authority to considering the question of whether the conditions identified in the section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The Local Planning Authority cannot revisit the original permission and reconsider whether it should have been granted in the first place. However, as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been since the original permission was granted in order to ensure that all relevant material considerations have been assessed.

In that regard it is considered that there has been no material change in circumstances since the previous application was granted and no objections have been raised by consultees which would justify refusing the application. Whilst the Coal Authority have identified that the application site is located within a high risk area it also acknowledges that the proposal is exempt for the need for a Coal Mining Risk Assessment. Nevertheless, this advice should be brought to the attention of the applicant in order that they can consider this issue prior to the construction of any dwellings.

The indicative scale parameter plans submitted are considered to be acceptable and appropriate for this site and the dwellings should be in keeping with the character of the area.

With the exception of the land drainage condition, as that is now covered under separate legislation, it is considered that all of the conditions attached to the previous consent should be attached to this consent as they are still considered to be relevant and appropriate to the development.

In respect of Policy CW10 of the LDP, which requires the provision of open space on all sites with an area over 0.3ha or with 10 dwellings or more, it should be noted that the topography of the site does not allow for a formal area to accommodate play equipment to be provided on the site. However, the approved layout does provide for a large area of open space on the eastern boundary of the site. Whilst this area will be steeply sloping, subject to adequate planting it will provide excellent visual amenity to the application site and as such the proposal is considered to be acceptable in this regard.

In respect of Policy CW11 of the LDP, which requires the provision of affordable housing on the site, it should be noted that the topography of the site, together with the market conditions in the Aber valley dictate that such provision would not be viable in this instance. It should also be noted that this application seeks renewal of an existing consent where no affordable housing was secured previously. Bearing in mind that circumstances have not changed significantly since the approval of the previous application it is not considered that it would be reasonable to require affordable housing in respect of this application.

Comments from Consultees: No objections raised.

Comments from public: Loss of view is not a material planning consideration.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of appearance, landscaping and scale(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved. REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the appearance, landscaping and scale, of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, PLEW3001 Rev C and AL(00)1001 REV A.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 06) 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.
- 07) 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.
- 08) 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.

- 09) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining walls on site full engineering details and structural calculations for the proposed retaining walls, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed retaining walls additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) As part of the detailed information required in Condition 02 above details of the proposed public footpath between the access road and Coronation Terrace shown on the submitted plans shall be supplied to show a footpath that will accommodate wheeled traffic (such as prams, shopping baskets etc.). The agreed scheme shall be implemented concurrently with the development.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Parking throughout the development shall be provided in accordance with LDP5 Car Parking Guidelines.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.

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

- 14) Access to individual properties shall be completed in materials as agreed by the Local Planning Authority before the property is brought into use.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) The development hereby approved shall not be occupied until a 2.0m wide footway has been constructed on the site frontage adjacent to plot number 1 over the length of the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
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) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:
(a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
(b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
(c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

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

REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.
- 19) 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.
- 20) Prior to works commencing on site details shall be submitted for a minimum of 50% 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.
- 21) Before any development commences the developer shall carry out an investigation of the underground strata (the results of which shall be submitted to the Local Planning Authority) in order to satisfy themselves as to the stability of the site and the measures which should be taken to mitigate against the risk of subsidence. Details of the design of the foundations of the proposed building(s) and/or proposals for ground treatment shall take account of the result of the investigation and shall be submitted to and agreed with the Local Planning Authority before development commences. The foundations and/or ground treatment shall thereafter be completed in accord with such details as may be approved.

REASON: In the interests of health and safety

Advisory Note(s)

Please find attached comments from Dwr Cymru/Welsh Water and Western Power Distribution.

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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is 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 land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for 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.

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

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife

and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

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

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.

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Application Number: 21/0055/FULL

Date Received: 28.01.2021

Applicant: Mr S Howell

Description and Location of Development: Erect 2 No. 3 bedroom detached dwellings - Land At Grid Ref 316873 201344 Abernant Road Markham

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is located adjacent the highway of Abernant Road in close proximity to a convenience store and fast food outlets.

Site description: The application site is vacant scrubland with site levels significantly declining to the north east.

Development: Erect 2 No. 3 bedroom detached dwellings.

Dimensions: Dwelling 1: 5m (w) x 8.5m (d) x 9.8m (h).
Dwelling 2: 5m (w) x 8.5m (d) x 9.8m (h).

Materials: Brown facing brick with cream render, brown concrete roof tile, grey UPVC fenestration, brindle brick pavements, glazed balustrade and timber fencing.

Ancillary development, e.g. parking: Parking to front elevation and private garden area to rear.

PLANNING HISTORY 2010 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan (2010).

Site Allocation: Outside of the settlement boundary.

Policies Policy SP5 - Settlement Boundaries, Policy SP6 - Place Making, Policy SP14 - Total Housing Requirements, Policy SP21 - Parking Standards, Policy CW2 – Amenity, Policy CW3 - Design Considerations: Highways and Policy CW15 - General Locational Constraints.

NATIONAL POLICY Planning Policy Wales (Ed. 11).
Future Wales - The National Plan 2040.
TAN 12- Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager - The submitted is not annotated and therefore, accurate dimensions for car parking spaces minimum 2.4m X 4.8m must be provided. The plan also shows an area to the front of the proposed dwellings on Plot 1 for 2no parking spaces. Both dwellings require 3 No. parking spaces and a turning area so that vehicles can enter and leave the site in forward gear due to the sites proximity to the mini roundabout and the roads use by buses.

Could the applicant make these changes to the submitted plan and once its demonstrated that parking spaces and manoeuvring can be provided in accordance with the above then there will be no objection from the Highway Authority to the proposed scheme subject to conditions.

Head Of Public Protection - This Department would recommend the following conditions be added to any planning consent granted:-

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

REASON: In the interests of the amenity of the area.

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

REASON: In the interests of the amenity of the area.

Senior Engineer (Land Drainage) - We have reviewed the documentation provided to support the above application and we would like to advise you of Concerns that we have regarding this Application.

Our comments are given below.

1. No drainage information has been provided for Plot 1 and only limited information for Plot 2. The information is not sufficient to enable us to give informed comment on the drainage proposals for the site.
2. The construction area is greater than 100sqm and therefore a SAB Application is required. A SAB Application has not been received and neither has the applicant sought Pre-Application Advice. We recommend that the SAB process should commence as soon as possible and preferably before planning permission is considered as the SAB process could significantly affect the site design and layout.
3. The applicant has stated that the surface water will be disposed of soakaway but has not provided soakaway tests results or provided detailed calculations for the proposed drainage system.
4. The south western corner of plot 2 is shown as being at risk of surface water flooding and the whole plot as being in an area susceptible to groundwater flooding. A number of flooding incidents have been recorded in Abernant Road in the close proximity of these plots.
5. The applicant has not demonstrated that the drainage will be designed and constructed in accordance with the Statutory Standards for Sustainable Drainage Systems.

If Planning Permission is granted we recommend that an Advisory Note be added stating that A FULL SAB Application must be submitted and approved before work is commenced on site.

Landscape Architect - Having studied the information submitted, I note the proposed site is outside of the settlement boundary, although adjacent to, and situated on steeply sloping easterly facing / falling topography. Although I am not opposed to the site being developed for residential use, the size and scale of the proposed development extending to the east appears excessive for the site, given the very steep topography. I recommend that development therefore is brought into line with the adjacent existing properties and that rear boundary extends no further than those already existing.

Should you be minded to approve the application, it will also be challenging to soften such proposal with landscaping due to the significant change in levels and this will largely be limited to the boundaries. I therefore recommend that a soft and hard boundary condition is applied, along with a condition relating to the appearance of the houses, including materials, finish / colour, in the interests of visual amenity.

Ecologist - We recommend the inclusion of one planning condition to secure biodiversity enhancement on site.

Planning Condition #1 - Biodiversity Enhancement

An integrated bird box or bat box shall be built into each of the new build at the gable apex (or at the highest point of the gable end).

REASON: To provide nesting/roosting for birds/bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

Advisory #1 - Possible presence of bats

Bats use buildings for roosting and a bat roost may be present at the property and/or be affected by the works. Bats are secretive by nature and their roost site is not apparent from the outside and many householders are unaware that they have a bat roost at their property. The applicant is responsible for ensuring that a bat roost will not be affected by the works. If bats are found during the course of the works, all work must cease immediately and Natural Resources Wales contacted at the earliest opportunity for further advice on 03000 653000. A licence may be required to resume works. Bats and their roosts are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

Dwr Cymru - We note that the developer has indicated that foul flows are to be disposed of via the public sewerage system and we offer no objection in principle to the foul flows discharging to the public sewer. Whereas the surface water is set to be drained to a soakaway. Therefore, to ensure there is no detriment to the public sewerage system we request that should you be minded to grant planning permission the following Condition and Advisory Notes are included. SEWERAGE Condition No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

As of 07/01/2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Caerphilly Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting

property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

Strategic & Development Plans - No response.

ADVERTISEMENT

Extent of advertisement: The application was advertised by way of site notice, press advertisement and 2 No. neighbour notification letters.

Response: 3 x third party responses objecting (summarised):

- Very busy main road with vehicles parking on the highway outside the shops and homes.
- Located on a bus route.
- When the shops have deliveries, other vehicles cannot pass.
- Proposal will increase traffic when delivering materials and new occupants vehicles.
- Site notice was not erected on the date stated by Planning Officer.
- High levels of traffic in the area from school buses, people frequenting the shops and parking outside their homes.
- Vehicles damaged by passing traffic.
- Proposal would result in the loss of on street parking.
- Proposal would result in adverse impact on mental health and wellbeing through loss of view of the mountain.
- Operating hours and early deliveries causing noise.
- Blocking view from public benches opposite site.

Summary of observations: With regard to the amount of vehicles using Abernant Road, this factor falls outside of the scope of this planning application. However, this does

highlight that there are significant pressures for on street parking and the need for turning facilities within the site in order for vehicles to enter and leave in a forward gear. This aspect will be assessed within the body of the report.

With regard to the potential blocking of a view, there is no right to a view as such this is not a material planning consideration. Due to the location of the proposal within the urban area, it is considered that the proposal would not have an adverse impact on the wider landscape character of the area.

The concerns raised with regard to working hours and noise nuisance are governed by the Environmental Protection Act 1990. Therefore, this is not a consideration under planning legislation. However, a scheme of dust and noise mitigation is secured by condition to ensure minimal impact on residential amenity during the construction process.

The site notice was displayed in accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, Part 2, Article 12. Therefore, the Local Planning Authority has carried out its responsibilities with regard to publication of the application.

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 proposal is considered to not have an adverse impact with regard to crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The proposal does represent an opportunity to secure a biodiversity enhancement. Therefore, it is secured by condition that a bird or bat box is installed at the highest point of the gable apex.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The proposal would result in the net increase of dwellings therefore, the proposal is liable for CIL. The application site is located within a lower viability area therefore, the rate of CIL is £0.

ANALYSIS

The application site is located outside of the settlement boundary as designated by the maps contained within the Caerphilly County Borough Local Development Plan (2010), and therefore the principle of the development must be considered. Local Development Plan Policy SP5 seeks to prevent inappropriate development within the open countryside, and therefore the proposal is contrary to Policy SP5. However, the purpose

of Policy SP5 is also to prevent inappropriate development within the countryside. In this regard it is important to consider the context of the application site in that it is boundary to the north west and south east by existing residential development, with the dwellings to the south east having been approved in recent years. On this basis, the proposed dwellings are considered to represent appropriate infill development that would cause limited harm to the integrity of the settlement boundary.

Infill development in the countryside is also supported in certain circumstances in Planning Policy Wales (PPW) 11th Edition (February 2021). Paragraph 3.60 of PPW11 states that "development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area." Given the proximity of the proposed dwellings to existing and new constructed dwellings; the close proximity to local nearby shops, services and public transport; as well as the scale and design of the proposed dwellings mimicking those recently constructed on the adjoining land, the development accords with this national policy guidance.

On this basis it is considered that the proposed development will not undermine the purpose of protecting the open countryside. The proposal would not undermine Policy SP5 through inappropriate development in the open countryside and would integrate with the existing role and function of the area. Therefore, the principle of the development is considered to be acceptable.

Based on the principle of the development being accepted, the material planning considerations, i.e. main issues, for this application are considered to be the acceptability of the design of the dwellings and their impact of visual amenity; the impact on residential amenity; impact on highway safety; and ecological and landscape considerations. These matters will be discussed in turn below.

In terms of the design of the proposed dwellings, it should be noted that due to the topography of the application site, i.e. a difference of approximately 6 metres from the front boundary to the rear, the dwellings have been designed to take advantage of these site level differences resulting in the appearance of 2 No. two storey detached dwellings from the front elevation, and to the rear a 3 storey dwelling. Also, the proposed scheme replicates the design of the dwelling previously approved under planning permission 16/0884/FULL. As a result, the proposed dwelling would integrate with the street scene, and would be viewed as continuation of the previously approved dwellings on the adjacent sites. The proposal is considered to represent a high standard of design which accords with the role and function of this mixed residential and commercial area. On this

basis, it is considered that the proposal would complement and integrate with the character and appearance of the area in accordance with Policy SP6 (Placemaking).

Policy CW2 relates to amenity, and states that development proposals should not have an unacceptable impact on the amenity of adjacent properties or land. The proposal does have the potential to adversely impact the amenity of the neighbouring property at No. 59 Abernant Road (located to the south east of Plot 1) and also between the two proposed dwellings by way of potential overlooking from windows located in the side elevations. In order to overcome the potential overlooking from the side elevation windows, it is secured by condition that certain windows on the first and second floors shall be obscure glazed in perpetuity to protect the privacy of existing and future occupiers. In terms of the side facing windows in the basement and ground floors of the proposed dwellings, appropriate boundary treatments will ensure privacy is respected. Such boundary treatments will be agreed and secured by way of condition.

Plot 1 is located 5.85m to the north west of the neighbouring property of 59 Abernant Road. It is noted that there are windows in the side elevation of this existing property that would be impacted by the proposed development, and in particular by Plot 1. However, the approved plans for No. 59 Abernant Road (Planning permission 16/0884/FULL) show that these windows serve a stairwell only. On this basis, whilst Plot 1 will reduce the amount of light entering these windows, such an impact would not warrant a refusal of planning permission. Due to the orientation of the application site, any shadow created would primarily fall to the north of the application site, with some shadow falling onto 59 Abernant Road in the evening. On this basis, the proposal complies with Policy CW2, and is considered to be acceptable in terms of amenity impact.

Turning to highway safety considerations, it is noted that several concerns raised by local residents related to these matters given the position of the proposed dwellings on Abernant Road which is a bus route and also the local centre for Markham. To ensure the dwellings comply with the adopted car parking standards, and will not result in increased on street parking pressure, the proposed dwellings would be served by a tandem driveway with turning space within the site to ensure cars can enter and exit the site in a forward gear. Based on the proposed car parking arrangement and provision of three spaces per dwelling, the Transportation Engineering Manager raises no objection to the proposal. In theory the proposed dwellings should reduce existing on street car parking pressure across the frontage of the application site, thereby improving the free flow of traffic, including buses, in the area surrounding the site. On this basis the development is considered to accord with Policy CW3 and SP21 of the adopted LDP.

In terms of landscape impact, concern has been raised by the Landscape Architect with regard to encroachment into the countryside due to the size of the plot. In order to facilitate adequate turning facilities within the frontage of the application site and taking into account the curvature of the adjacent highway, the proposed dwellings are stepped back and include a rear garden of 6m in depth from the rear elevation. Taking into account the need for on-site vehicle turning provision, the modest scale of private

amenity space to the rear and the minor difference in plot size when compared to 16/0884/FULL, it is considered that the proposed dwellings would not have an adverse impact on the landscape character of the area, and that the extent of the plots is reasonable in this instance. Finally, in relation to ecology considerations, no objection has been raised by the Council's ecologist subject to the imposition of conditions requiring biodiversity enhancements for the proposed dwellings. On this basis, the proposal is also considered to be acceptable in this regard.

In conclusion the proposed dwellings are considered to represent an acceptable form of infill development in the countryside in accordance with PPW11 and would cause no harm to the role and function of the settlement boundary. The dwellings have been appropriately designed and sited to integrate with the existing streetscene whilst having no unacceptable impact on the amenity of existing or future residents, whilst also being acceptable in terms of highway safety. Furthermore, the proposed 2 No. dwellings would contribute to the total housing supply for the county borough in accordance with Policy SP14, in a sustainable location.

Comments of consultees: No objections subject to conditions and advice.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

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:
Proposed Elevations (Drawing ref: 01/1).
Proposed Elevations (Drawing ref: 01/2).
Proposed Ground Floor Plan (Drawing ref: 01/3).
Proposed First Floor Plan (Drawing ref: 01/4),
Proposed Basement Floor Plan (Drawing ref: 01/6).
Proposed Second Floor Plan (Drawing ref: 01/5).
Proposed Section Through Site and Dwelling (Drawing ref: 01/7).
Visibility Splays Plan (Drawing ref: 01/9).
Proposed Block Plan (Drawing ref: 01/8, received: 15/03/2021).
Site Location Plan (Received: 22/01/2021).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, 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 in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan (2010).
- 04) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development comes into beneficial use.
REASON: In the interests of the visual amenity of the area in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan (2010).
- 05) 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 the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan (2010).
- 06) 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 Caerphilly County Borough Local Development Plan (2010).

- 07) Rainwater run-off shall not discharge into the highway surface-water drainage system.
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan (2010).
- 08) Any boundary treatments fronting Abernant Road shall be limited to 0.9m in height to ensure adequate visibility for vehicles emerging from the site.
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan (2010).
- 09) 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 and turning of vehicles.
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan (2010).
- 10) The proposed parking area and turning area shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. are not carried on to the public highway.
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan (2010).
- 11) An integrated bird box or bat box shall be built into each of the new build at the gable apex (or at the highest point of the gable end).
REASON: To provide nesting/roosting for birds/bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 12) Prior to the first occupation of the development hereby approved, the first floor side facing bathroom window serving Plot 1 & Plot 2, and the second floor side facing window serving Bedroom 3 in Plot 1, shall be fitted with obscure glazing and shall be retained as such for the lifetime of the development.
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan (2010).
- 13) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan (2010).

- 14) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan (2010).
- 15) The development hereby approved shall make provision for gigabit capable broadband infrastructure capable of serving all of the approved dwellings. The necessary infrastructure required shall be installed prior to the occupation of the first dwelling.
REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.
- 16) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the building hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan (2010).

Advisory Note(s)

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

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

Before any vehicle crosses the public footway, a properly formed vehicular crossover must be provided, the constructional details of which must be agreed with the Highway Authority. The applicant should ring (01495) 235323 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

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.

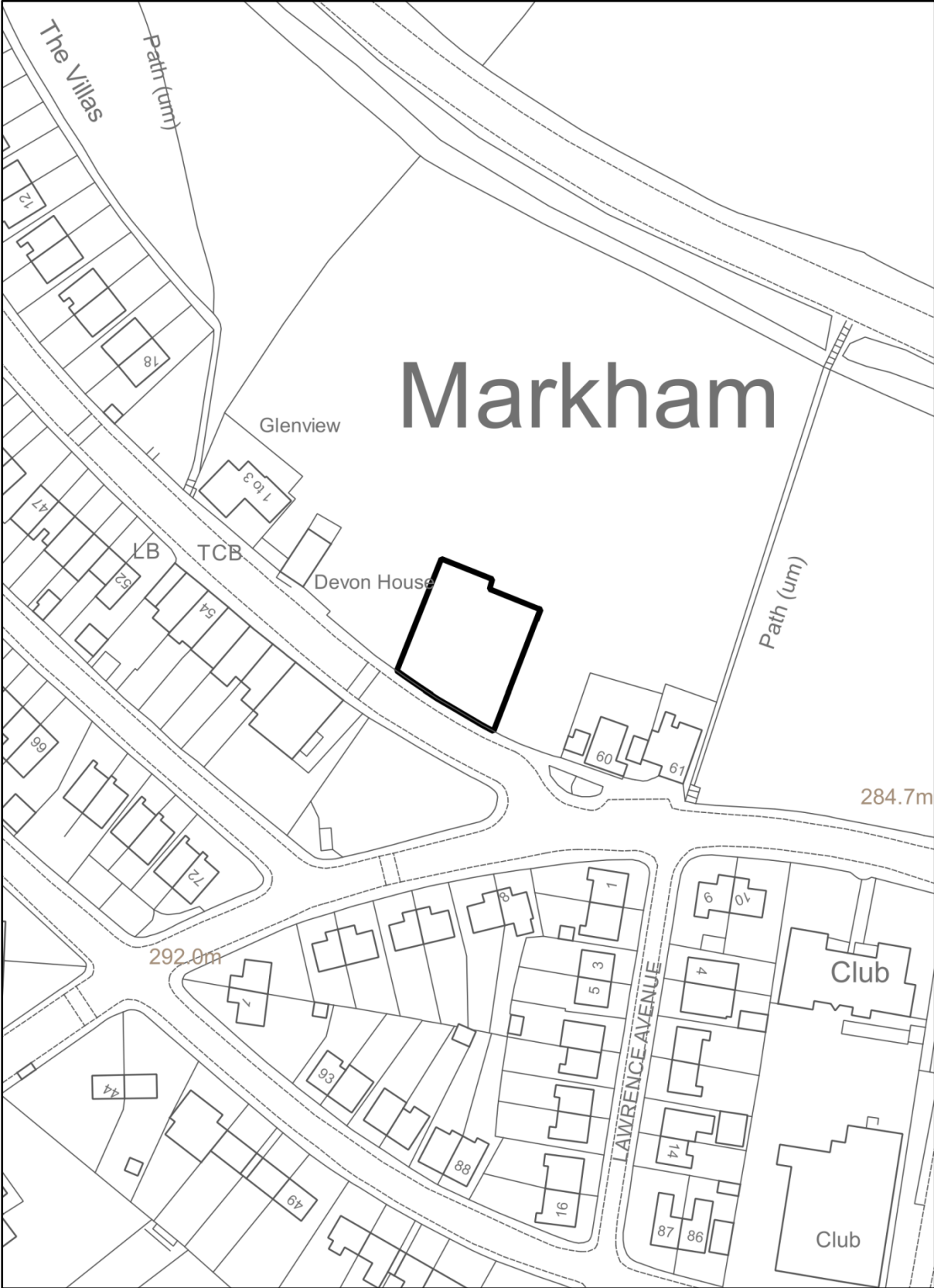
The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

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Application Number: 21/0225/NCC

Date Received: 25.03.2021

Applicant: Robinson Manufacturing Ltd

Description and Location of Development: Vary conditions 03, 04, 06 (Site Layout) and 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 permit the change of site layout and to amend the operating hours - 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. The 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 inter alia to the following conditions:-

3. 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.

4. 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.

6. The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: The Proposed General Layout plan drawing No MJA/EA/0712/01 received on 10 July 2012 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority; and

7. 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 08.00 hrs to 18.00 hrs Mondays to Fridays, 09.00 hrs to 13.00 hrs Saturdays, and not at all on Sundays or Bank Holidays.

REASON: In the interests of residential amenity.

A consent to vary condition 7 to allow longer operating hours was subsequently approved under application reference number 19/0803/NCC on a temporary basis of 12 months but that consent has now expired.

Development: This application seeks consent to carry out the previously approved use but to vary the above conditions as follows:-

3. A new general layout for the site has been submitted moving all parking to the western side of the site and away from the front of the manufacturing building in order to address concerns regarding potential conflict between pedestrians and plant vehicles in this area. As such a variation to this condition is proposed to refer to the newly submitted plan.

4. Similarly to condition 3 above, a variation to this condition is required to refer to the amended plan submitted.

6. As with conditions 3 and 4 above a variation to this condition is required to refer to the amended plan submitted.

7. 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 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.

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 - 08.09.2011.

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 - 16.08.2012.

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 - 21.05.2018.

19/0803/NCC - 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 - Granted - 20.02.2020.

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: Planning Policy Wales (11th Edition) 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.

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.

Future Wales - The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides Policies that should be taken into account in the determination of applications at all levels.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager – No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

ADVERTISEMENT

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

Response: Five letters of objection were received.

Summary of observations:

1. Large vehicles waiting to access the site cause an obstruction on the highway.
2. The use is unacceptable in a residential area.
3. The extended hours will increase noise disturbance.

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, the proposal is unlikely to have a significant impact on biodiversity. However, Policy 9 of Future Wales - The National Plan 2040 states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment. In that regard biodiversity enhancements will be sought as part of this development.

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. Consent is also sought to refer to an amended site layout plan that addresses health and safety concerns regarding parking and pedestrian movements on the site. 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.

In that regard it should be noted that application 19/0803/NCC was 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'. As circumstances have not changed since the determination of that application, the noise assessment is still applicable to this proposal.

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. 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 deemed 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.

In terms of the amendments to the layout of the site to deal with potential pedestrian and vehicle conflicts it is considered that this is acceptable in principle. However, at present the submitted plan does not clearly show the location and number of parking spaces within the site or the number of hgv parking bays. Nevertheless, as there is ample space within the site to accommodate these it is considered that it would be reasonable to impose a condition to any consent granted requiring the submission of further details within a specified period. Any condition should also require the provision of these parking spaces within a reasonable time frame.

Comments from Consultees:

Comments from public:

1. Large vehicles waiting to access the site cause an obstruction on the highway. As the use is lawful in planning terms, this application would have no bearing on the obstruction of the highway of vehicles from the site. Moreover, as discussed above, adequate on site hgv parking would be required as part of this proposal which should reduce the need to park on the highway.

2. The use is unacceptable in a residential area. 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.

3. The extended hours will increase noise disturbance. This is addressed above.

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

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report.

It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

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: MJA/EA/0612/02 and Planning Statement.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) 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.
- 03) Notwithstanding the approved plans within one month of the date of this consent revised plans showing a total of 16no off-street parking spaces shall be submitted for the written approval of the Local Planning Authority. The proposed spaces shall thereafter be provided in accordance with the approved details within two months of the date of the approval of the details and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Notwithstanding the approved plans within one month of the date of this consent revised plans showing a total of 5 No. hgv parking spaces shall be submitted for the written approval of the Local Planning Authority. The proposed spaces shall thereafter be provided in accordance with the approved details within two months of the date of the approval of the details and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Notwithstanding the approved plans within one month of the date of this consent revised plans showing a turning circle and access thereto demonstrated by a swept path analysis shall be submitted for the written approval of the Local Planning Authority. The proposed turning circle shall thereafter be provided in accordance with the approved details within two months of the date of the approval of the details and shall be maintained thereafter free of obstruction for the turning of motor vehicles only.

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" 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 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.

- 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.

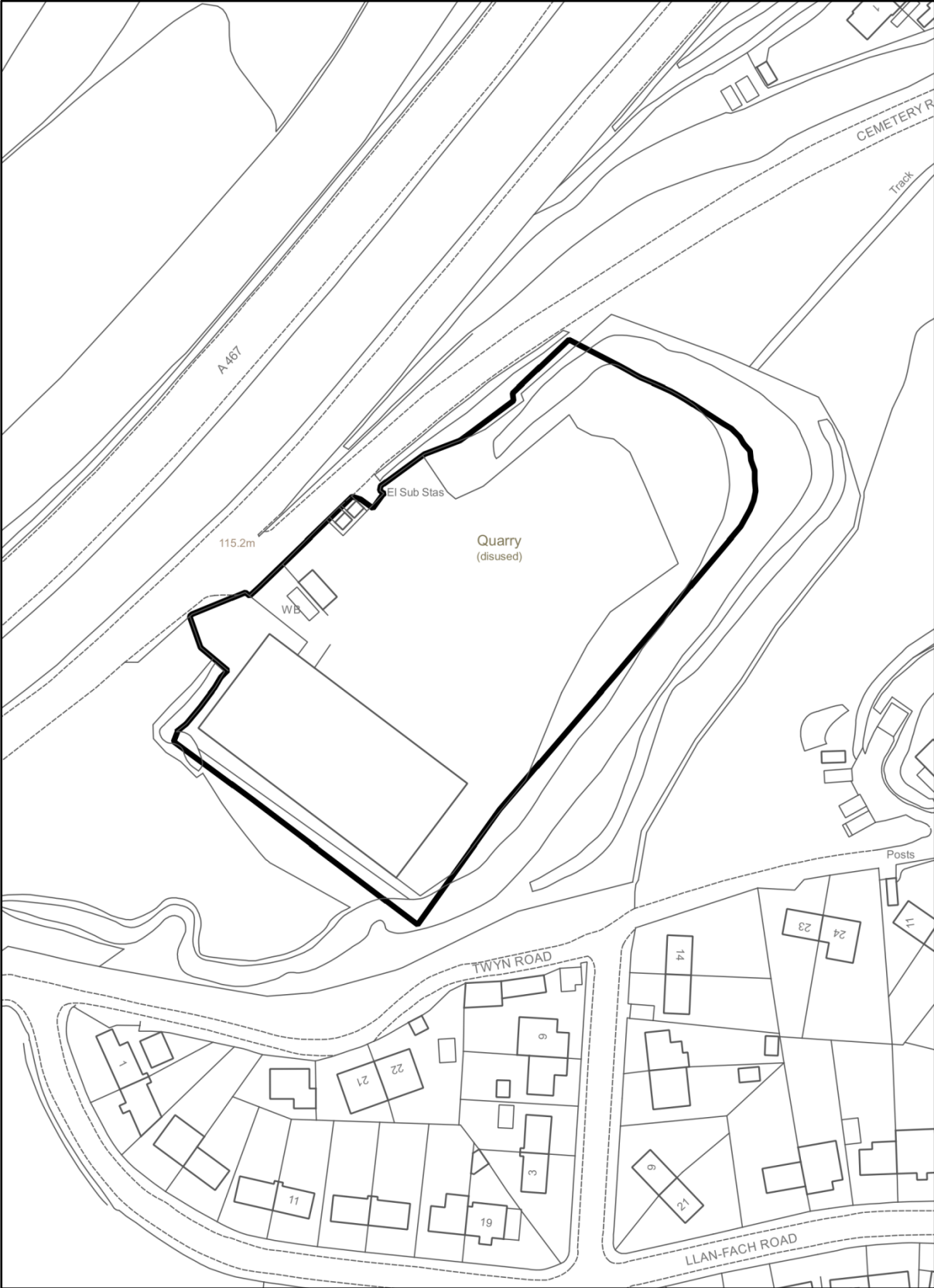
- 10) In association with both the B2 and B8 uses hereby approved, no machinery shall be operated, no processes shall be carried out and no deliveries shall be taken or dispatched from the site, other than those expressly approved by the other conditions of this consent, outside the following times 07.00 hrs - 18.00 hrs Mondays to Fridays, 07.00 hrs to 13.00 hrs 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 08.00 hrs to 18.00 hrs Monday to Fridays and 09.00 hrs to 13.00 hrs 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 06.00 hrs to 07.00 hrs Mondays to Fridays and 07.00 hrs to 08.00 hrs 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 18.00 hrs to 19.00 hrs Mondays to Fridays. No heavy goods vehicles shall be permitted to enter the site after 13.00 hrs 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.



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Application Number: 21/0232/RET

Date Received: 05.03.2021

Applicant: Mr Z Poyner

Description and Location of Development: Retain and complete the change of use from existing coach business to car sales compound - The Garage Woodfield Street Woodfieldside Pontllanfraith Blackwood

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The application site is located at the northern end of Woodfield Terrace and to the west of the Sirhowy Enterprise Way, Woodfieldside, Blackwood.

Site description: The application site is a former bus depot with associated yard and maintenance building situated on the edge of a residential area on the eastern periphery of Woodfieldside. The site is gently sloping from north west to south east with the maintenance building in the southern part of the site. There was a portable office building in the north west corner of the site that has now been demolished. The majority of the site was hard surfaced with tarmac with a small grassed area towards the north east boundary but the whole of the site has now been hard surfaced and a new office building has been sited adjacent to the western boundary of the site.

The site is within a mainly residential area with the Sirhowy Enterprise way to the north and east, an OAP hall close to the access which is in the north west corner of the site, a grassed area adjacent to the western and southern boundaries of the site, with houses on the western side of Woodfield Terrace and to the south of the grassed area.

Development: This application seeks full planning consent for the retention of the change of use of the yard to car sales. The repair building in the southern part of the site is to be retained with the remainder of the site to be used for car sales and parking of staff and visitors and the retention of the portable office building. The submitted site layout plan shows 26 spaces for car sales with 6 visitor parking spaces and 1 staff parking space.

Information submitted in support of the application states that the repair building will be used for simple maintenance of vehicles prior to be placed on sale. It is suggested that vehicles will not be brought to the site by transporter and instead will be brought to the site by the operator individually when purchased. The applicant also states that at present he has not experienced any more than three customers at the site at any time and that it is not expected that this would increase moving forward. The fuel tanks associated with the former bus depot use have been removed and hardcore has been

imported to create a hard surface in those areas and security lighting has been erected on the boundary of the site.

Dimensions: The site has overall dimensions of 60m by 25m.

Materials: Not applicable.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT

15/1113/NCC - Vary Condition 4 of planning consent 09/0230/OUT (Change the use of land from commercial to residential use and construct residential properties) to extend the period of time within which the development must commence by a further five years - Granted 07.01.2016.

13/0628/NCC - Vary condition 2 of Appeal decision 07/0036/REF (APP/K6920/A/07/2048787 - 06/0368/FULL) to allow the siting of a portable container and parking at this location for a term up to the time of the redevelopment of the site as per planning permission 09/0230/OUT granted 9th December 2010 or for an additional six years whichever is the sooner - Granted 18.10.2013.

09/0230/OUT - Change the use of land from commercial to residential use and construct residential properties - Granted 09.12.2010.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP2 (Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

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

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

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

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

National Policy: Planning Policy Wales (11th Edition) 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.

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 (TAN) 12 - Design and TAN 23 - Economic Development.

Future Wales - The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides Policies that should be taken into account in the determination of applications at all levels.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager – No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

ADVERTISEMENT

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

Response: 26 letters of objection have been received.

Summary of observations:

1. Access to the street is via a residential street.
2. Children play in the street and there may be an accident.
3. Security lighting has been erected that is very bright and shines directly onto the street at night.
4. The previous use didn't disturb residents as the movements were quite low. The proposed use would increase movements.
5. The use could lead to increased crime in the area.
6. Large vehicles have delivered items to the site.
7. Trees have been cut down on the bypass.
8. There is insufficient parking in the area for this use.
9. Exhaust pollution from the increase in vehicles.
10. The application site is not an established industrial use.
11. A court order prevents anyone other than Bernard Perry from operating the site as a bus depot.
12. Loss of privacy from the lights.
13. The site does not have a segregated pedestrian access.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks full planning consent for the retention of a car sales use on an existing commercial use in a residential area and as such the main points to consider in the determination of this application are whether the proposal would have a detrimental impact on the amenity of the area or on highway safety.

In respect of the first matter it is acknowledged that Woodfield Street is a quiet residential cul de sac but it should also be noted that the application site has a lawful planning use as a bus depot. Whilst that use has not operated on the site for over 2 years, it has not been abandoned in planning terms and could re-open as a bus depot without the need for further planning consent. That use would also be unrestricted by planning conditions as no such conditions were imposed on the previous use.

Whilst there has undoubtedly been disturbance during the setting up of this business, that is not to be unexpected when any new business or operation moves onto a site and efforts are made to improve the environment within the site. In this instance the applicant has moved over 20 vehicles onto site in a short period of time and has also imported a new office building onto site whilst removing the dilapidated portable building that was previously there. Whilst these works are a short term consequence of the re-use of the site they do not in themselves form part of the ongoing operations and should not be taken into account in the considerations of its impact moving forward.

With regard to the proposed use, the applicant has stated that new vehicles for sale will be driven to the site rather than brought on transporters and as such the impact of this is likely to be very low with a turnover of perhaps three to four vehicles per week. The number of customers to the site is also likely to be low with most sales now carried out on line with only the occasional passing visitor and customers collecting vehicles they have purchased. Whilst some customers may then call to the site to view this vehicle this would significantly reduce the number of passing customers. The maintenance of these vehicles is likely to be less than that of a bus depot that could operate from the site and as such it is considered that the impact of the use on the amenity of the area is acceptable in planning terms.

With regard to any visual impact of the development it should be noted that the works carried out by the developer have improved the appearance of the site. It should also be noted that the security lighting erected on site is able to be positioned such that no undue glare would be occasioned to nearby dwellings and this can be controlled by condition. The condition can also control the hours of operation of the lighting such that it is not in use at all times thereby reducing any impact on residential amenity.

It is considered in light of the above that the proposal is acceptable in terms of amenity, that it is compatible with surrounding land uses and as such it complies with Policy CW2 of the LDP.

In respect of highway safety a number of concerns were raised with regard to the current quiet nature of this cul de sac and the limited amount of vehicle movements in the area prior to the car sales use recently occupying the site. In that regard it should again be noted that the site had a lawful use as a bus depot and there were no controls over vehicular movements from that use. Consequently, and notwithstanding the fact that the movements associated with the previous use were low when the site was last occupied, the levels of movements had the potential to increase without any control from the Local Planning Authority. As most bus companies would operate school contracts, with buses leaving and entering the site in early morning and early afternoon periods, they would also operate other contracts and weekend work that the Local Planning Authority could not control.

It should also be noted that application 15/1113/NCC granted consent for residential development on this site for three dwellings. Whilst that consent has now lapsed, it does establish that the vehicular movements associated with those three dwellings would be acceptable on the highway network. Given a minimum of six vehicular movements per day per dwelling that is a minimum of eighteen movements per day for a residential development of three no. three bedroom dwellings on this site. This is likely to be higher than any figure associated with the proposed use.

With regard to on-site parking it should be noted that an amended plan submitted with the application shows the provision of 26 car sales spaces with 6 visitor parking spaces and one staff parking space. This is considered to be acceptable in highway safety terms.

Given the comparison in vehicular movements between the lawful and proposed use of the site, the type of vehicle that used to access the site for the lawful use, and the provision of parking on the site, it is considered that the proposed use is acceptable in highway safety terms and the proposal complies with Policy CW3 of the LDP.

Comments from Consultees: No objections raised. With regard to the suggestion from the Transportation Engineering Services Manager that the consent be made personal to the applicant as any future owner may wish to operate the business in a different way using transporters to deliver vehicles to the site, it is considered that such a condition would not be necessary. Whether any future owner wishes to operate in a different way or not would be irrelevant as they would still be required to comply with the conditions of the consent. Any variation from this would be a breach of the proposed condition and as such appropriate action could be taken to secure compliance.

Comments from public:

1. Access to the site is via a residential street. The access to the site is addressed above. - The proposed use is less intensive than the potential for the lawful use and as such it is considered to be acceptable in planning terms.

2. Children play in the street and there may be an accident. - There is no greater potential for accidents relating to the proposed use than to the lawful use for the site.
3. Security lighting has been erected that is very bright and shines directly onto the street at night. - This is addressed above.
4. The previous use didn't disturb residents as the movements were quite low. - The proposed use would increase movements. This is addressed above.
5. The use could lead to increased crime in the area. - There is no evidence to substantiate the claim that such a use would lead to increased crime in the area.
6. Large vehicles have delivered items to the site. - This is addressed above.
7. Trees have been cut down on the bypass. - This is not a material consideration in the determination of this application. The trees in question are on Council land and powers exist under other legislation to seek their reinstatement should it be considered necessary.
8. There is insufficient parking in the area for this use. - This is addressed above.
9. Exhaust pollution from the increase in vehicles. - As stated above it is not considered that there would be any increase in traffic over and above that which could be possible from the lawful use of the site. Moreover, the previous use involved the operation of large diesel vehicles which would have had the potential for more harm than the proposed use.
10. The application site is not an established industrial use. - This is addressed above.
11. A court order prevents anyone other than Bernard Perry from operating the site as a bus depot. - This is not a material planning consideration. As stated above the site has a lawful use in planning terms and that is what has to be considered here. Any action under the court order would be under other legislation.
12. Loss of privacy from the lights. - As stated above the lights on the site can be sited such that they do not shine into the residential area. Moreover, as the lights are a minimum of 25m from the nearest dwelling it is not considered that any loss of privacy would occur.
13. The site does not have a segregated pedestrian access. - A segregated pedestrian access is not required in planning law or guidance.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

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: SD556 01 received on 1st April 2021 and the design and Access Statement received on 25th March 2021.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) The use hereby permitted shall not be open to customers outside the following times (a) 10.00 hours to 18:00 Monday to Saturday, and (b) 10:00 hours to 16:00 hours Sundays and Bank Holidays.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 03) Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
REASON: In the interests of residential amenity in accordance with policy CW2 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.

- 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) Within two months of the date of this consent the area indicated for the parking of vehicles for sale, customer parking and staff parking shall be laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than that specified in the approved plan.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Notwithstanding the submitted details, no vehicle transporters shall be used to deliver or remove vehicles from 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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