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

Date: 3rd November 2021

Dear Sir/Madam,

A digital meeting of the **Planning Committee** will be held via Microsoft Teams on **Wednesday, 10th November, 2021 at 5.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so.

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

Due to restrictions in relation to Covid19, Planning Committee Site Visits have been suspended and this meeting will not be open to the press and general public. However interested parties may make a request to attend remotely and speak in regard to any item on this agenda. To obtain further details on this process please contact the Committee Clerk at barrerm@caerphilly.gov.uk

Yours faithfully,

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

Christina Harrhy
CHIEF EXECUTIVE

AGENDA

- 1 To receive apologies for absence.

Pages

A greener place Man gwyrdach

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



2 Declarations of Interest.

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

To approve and sign the following minutes: -

- 3 Planning Committee held on 13th October 2021. 1 - 4

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

- 4 Preface Item Application No. 20/0702/FULL - Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY 5 - 42
- 5 Application No. 18/1077/FULL - Llys Ifor, Crescent Road, Caerphilly. 43 - 56
- 6 Application No. 21/0574/FULL - The Rhos, Bedwas Road, Caerphilly. 57 - 72

Circulation:

Councillors M.A. Adams, Mrs E.M. Aldworth (Vice Chair), C. Andrews, J. Bevan, M. Davies, N. Dix, J.E. Fussell, R.W. Gough, L. Harding, A.G. Higgs, A. Hussey, B. Miles, J. Ridgewell, R. Saralis (Chair), J. Simmonds and J. Taylor

And Appropriate Officers

HOW WE WILL USE YOUR INFORMATION

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PLANNING COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 13TH OCTOBER 2021 AT 5:00 PM

PRESENT:

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

Councillors:

M. Adams, C. Andrews, N. Dix, R.W. Gough, L. Harding, A. Higgs, A. Hussey, B. Miles, J. Ridgewell, J. Taylor

Cabinet Member: Councillor A. Whitcombe (Sustainability, Planning and Fleet)

Together with:

R. Tranter (Head of Legal Services & Monitoring Officer), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Powell (Area Principal Planner), J. Burrows (Planning and Enforcement Officer), E. Rowley (Area Senior Planner), C. Lamnea (Planning Enforcement and CIL Monitoring Officer), B. Leader (Senior Design Technician), J. Harding (Building Consultancy), C. Campbell (Transportation Engineering Manager), J. Hobbs (Senior Engineer), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), R. Barrett (Committee Services Officer), M. Harris (Committee Services Support 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 via Microsoft Forms.

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. Bevan, M. Davies, J. Fussell and J. Simmonds.

2. DECLARATIONS OF INTEREST

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

3. MINUTES – 8TH SEPTEMBER 2021

It was moved and seconded that the minutes of the meeting held on the 8th September 2021 be agreed as a correct record and by way of Microsoft Forms (and in noting there were 9 for, 0 against and 1 abstention) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee held on 8th September 2021 (minute nos. 1-5) be approved as a correct record.

4. APPLICATION NO. 21/0675/LA - GLAN-Y-NANT LEARNING CENTRE, HANBURY STREET, GLAN-Y-NANT, BLACKWOOD.

The Planning Case Officer presented the application, with it confirmed in the accompanying report 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.

Mrs L. Morris and Councillor C. Bezzina spoke on behalf of local residents in objection to the application and Mr R. Evans (the applicant) 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, together with an additional condition relating to a Staff Travel Plan in the interests of highway safety, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 7 for, 3 against and 2 abstentions) this was agreed by the majority present.

Councillor J. Ridgewell wished it noted that he had abstained from voting as he lost connection during the item and was not present for the whole of the debate.

RESOLVED that:-

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

Additional Condition (11)

Notwithstanding the submitted details, prior to any part of the additional classrooms hereby approved being brought into beneficial use, a staff travel plan, encouraging the use of alternative modes of transport other than the private motor car, shall be submitted to and approved in writing by the LPA, and shall thereafter be implemented in accordance with the approved details and timescales contained therein.

Reason

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

- (ii) the applicant be advised that the following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3, CW5, CW7 and SP6;
- (iii) the applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further

information is also available on the Coal Authority website

- (iv) the applicant be advised that many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended).

Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing;

- (v) the applicant be advised of the attached comments from Dwr Cymru/Welsh Water;

- (vi) 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 areas 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

The meeting closed at 5.56 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 10th November 2021.

CHAIR

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PREFACE ITEM

APPLICATION NO. 20/0702/FULL

APPLICANT(S) NAME: Bryn Aggregates Ltd

PROPOSAL: Enable the retention of, and proposed extension to, quarry operations including new drainage systems and settlement ponds, landscape bunds and associated works and a site restoration scheme.

LOCATION: Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

1. This application was reported to Planning Committee on 3rd November 2021 with a recommendation of approval. The previous report is attached as an Appendix. A decision was deferred to allow officers to draft a reason for refusal based on the concerns of the local members and residents.
2. If Members are minded to refuse planning permission for this development, the following reason for refusal is suggested, based on the concerns raised by Members at Planning Committee:

“The proposal would result in a significant expansion of the quarrying operations at the site which would unacceptably extend the period of mineral operations as well as the proximity and cumulative impacts of quarrying (especially in terms of noise, dust and air quality) on the local communities including Gelligaer and Penybryn to the detriment of the amenity and well-being of residents contrary to the well-being goal of a healthier Wales as set out in the Well-being of Future Generations (Wales) Act 2015 and it has not been demonstrated that these impacts can be justified by the need for the mineral given current mineral landbanks. The proposal would therefore also be contrary to both Minerals Technical Advice Note (Wales) 1: Aggregates and policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.”

3. As detailed in the attached Committee report, there is no evidence or technical support to justify a reason for refusal on grounds of the impact of quarrying operations on the local community. On this basis Members are advised that a reason for refusal on these grounds is unlikely to be sustained and would likely place the Local Planning Authority at risk of costs being awarded in the event of an appeal.

RECOMMENDATION: That planning permission is granted subject to conditions as set out in the attached report. However, if Members are minded to refuse planning permission, it is suggested that they do so on the basis of the reason set out in paragraph 2 above.

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Application Number: 20/0702/FULL

Date Received: 24.08.2020

Applicant: Bryn Aggregates Ltd

Description and Location of Development: Enable the retention of, and proposed extension to, quarry operations including new drainage systems and settlement ponds, landscape bunds and associated works and a site restoration scheme. - Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY.

Site description: The application site has an area of approximately 29 hectares encompassing the existing Bryn Quarry and surrounding land. Bryn Quarry is situated at Gelliargwellt Uchaf Farm, which is a dairy farm and in addition to this and the existing quarry the applicant's other business activities such as waste recovery and recycling, and an anaerobic digestion facility within land between Gelligaer, Nelson and Trelewis. In terms of the application site relative to the surrounding settlements this can be broadly summarised as follows; Gelligaer lies to the north, Penybryn to the East, Trelewis to the west and Nelson to the south-west.

Development: Enable the retention of, and proposed extension to, quarry operations including new drainage systems and settlement ponds, landscape bunds and associated works and a site restoration scheme.

The submitted planning statement describes the proposal as seeking to continue quarry activities as well as extend the existing quarry with a saleable resource of approximately 2.6 million tonnes of Pennant sandstone. The existing quarry will be extended with a series of 'cuts', which will work the resource in a northerly and then westerly direction beginning at the southern boundary of the site and extending northwards throughout the proposed working period and subsequently westwards. The proposed extension will sit within a bund (part of which is constructed) which is proposed to be completed in full prior to any extraction within the extension area. The application seeks to consolidate the previous permissions for the existing quarry into a new permission to cover this and the extension to the quarry along with supporting infrastructure including alterations to the existing surface water attenuation management system which will be upgraded with new settling lagoons before connecting into the adjacent watercourse.

The stone quarried at the site meets the requirements for +68 PSV high specification aggregate (HSA), which is used where a high degree of skid resistance is required, including motorways and airport runway surfacing.

The anticipated programme is that extraction would be undertaken under a 24 year programme with phased restoration continuing for a further 7 years following cessation of extraction (end date for restoration is circa 2052/3). The phased restoration of the site will also be progressed in tandem with the quarry extraction process. Restoration will be achieved through backfilling the quarry void utilising quarry overburden, waste blast material and inert waste received at the wider Bryn Group site. The final restoration land management regime is anticipated to consist of a combination of elements including agricultural grazing, woodland and small copses, hedgerows, peatland and marshy grassland. The extraction rate is expected to be undertaken at approximately 111,200 tonnes per annum for each of the first 23 years with a reduction to 63,560 in the final year of extraction (year 24). Placement is anticipated to occur at a rate of approximately 55,600 tonnes per annum for the first 24 years with an increase to 166,800 tonnes per annum in the final 7 years (when extraction has ceased and the sole focus will be on restoration).

The phasing of extraction in the extended quarry area would be undertaken in six separate phases with works within the extended area starting in the south-eastern corner (phase one) and then sequentially moving in an anti-clockwise direction before finishing in the north-west corner with phase six.

The restoration would be undertaken in seven phases (A-G) starting within the existing quarry area and then following a broadly similar pattern to the anticlockwise extraction phases, noting however that most of the restoration phases cover larger areas encompassing both parts of the existing quarrying area together with areas of the quarry extension.

Dimensions: The application site area is 29 hectares in size.

Materials: Not Applicable.

Ancillary development, e.g. parking: New drainage systems and settlement ponds and Landscape bunds are proposed.

PLANNING HISTORY 2010 TO PRESENT 10/0429/RET - Retain and complete earthworks - Granted - 04/11/2010.

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused - 08/12/2011.

11/0226/FULL - Provide permanent operation of materials recycling facility and erection of new building - Refused - 08/12/2011.

11/0227/NCC - Delete condition 13 of planning permission ref 10/0429/RET to remove requirement to reduce height of bund to 1 metre above the adjoining ground level - Granted - 08/12/2011.

12/0570/FULL - Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works - Granted - 08/08/2013.

14/0226/FULL - Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) - Granted - 14/07/2014.

15/0488/RET - Retain development previously approved under planning permission. 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare - Granted - 10/12/2015.

16/0069/COND - Discharge Condition 12 (external lighting), Condition 13 (wheel and road washing), Condition 14 (surface water drainage), Condition 15 (slurry pipeline), Condition 16 (landscaping), Condition 18 (construction method statement) and Condition 20 odour management) of planning permission 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) - Decided - 25/04/2016.

18/0085/NCC - Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the d - Granted - 19/04/2018.

18/0843/NCC - Vary condition 08 of planning consent 18/0085/NCC (Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) to enable collections to take place on Sundays - Granted - 06/12/2018.

19/0011/FULL - Provide additional fire prevention measures including structures, storage tanks, engineering and associated works - Granted - 21/02/2019.

19/0275/NCC - Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers - Refused -12/09/2019.

19/0276/NCC - Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers - Refused - 12/09/2019.

20/0140/COND - Discharge conditions 03 (Drainage), 04 (Trees) of planning consent 19/0011/FULL (Provide additional fire prevention measures including structures, storage tanks, engineering and associated works) - Decided - 09/04/2020.

20/0171/COND - Discharge conditions 6 (Resurfacing of access road) and 7 (Site Management Plan) of planning consent 19/0275/NCC granted on appeal reference number APP/K6920/A/19/3240193 (Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers) - Decided - 09/04/2020.

20/0172/COND - Discharge conditions 09 (Resurfacing of access road) and 10 (Site Management Plan) of planning consent 19/0276/NCC granted on appeal reference number APP/K6920/A/19/3240204 (Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers) - Granted - 20/04/2020.

20/0293/FULL- Carry out engineering works to provide a lagoon and associated works and infrastructure - Granted -26-06/2020.

20/0479/FULL - Carry out engineering works to provide agricultural improvement work – Pending.

20/0937/FULL - Erect extension to existing milking parlour to provide covered feeding area – Pending.

21/0082/CLPU - Obtain a Lawful Development Certificate for the proposed provision of allotments for use by the local community, ancillary access and parking – Pending.

21/0226/FULL - Erect building over concrete yard space to provide additional feed storage, and to harvest rain water from the roofs and reduce the water run-off from the yards – Pending.

21/0383/FULL - Erect a farm building over concrete yard space to provide additional cattle housing and to harvest rain water from the roofs and reduce the water run-off from the yards – Pending.

21/0476/NCC - Vary condition 3 and remove condition 12 of planning consent 18/0087/NCC (Remove condition 12 of planning consent 14/0422/NCC (Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until

16:00 and on Bank Holidays from 07.30 to 13.00) to enable the continuation of restricted Saturday and Bank Holiday hours) to enable the continuation of hours of operation – Pending.

POLICY

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

Site Allocation: The site is within the Mynydd Eglwysilan Special Landscape Area, partially within a Green Wedge designation and a sandstone safeguarding area.

Policies: CW3 (Highways), CW2 (Amenity), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW6 (Trees, Woodland and Hedgerow Protection), CW15 Locational Constraints, CW22 Mineral Safeguarding, CW23 Locational Constraints - Mineral Site Buffer Zones, MN1 Mineral Site Buffer Zones and SI1 (Green Wedges), SP8 (Mineral Safeguarding).

NATIONAL POLICY Planning Policy Wales, Mineral Planning Policy Wales, MTAN1: Aggregates, Regional Technical Statement for Aggregates.

Planning Policy Wales

5.14.23 Aggregates suitable for road surfacing construction and maintenance, where high specification aggregates are required for skid resistance, are of importance to the UK and significant resources occur in Wales. The UK and regional need for such minerals should be accorded significant weight provided environmental impacts can be limited to acceptable levels. The fundamental characteristics of these materials, which distinguish them from more general-purpose aggregates, are their ability to meet the stringent specifications required for road construction and repair and wherever possible high specification aggregates should be used for these purposes. Planning authorities should identify potential high specification aggregate resources and consider whether there is a need to protect these resources and potential rail connections to the resources from sterilisation.

5.14.47 Extensions to existing mineral working, whether they be time, lateral or depth extensions should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and the wider surroundings and will need to be considered on its own merits.

5.14.48 The presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? The application was accompanied by an Environmental Statement.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, the application site falls partly within the defined Development High Risk Area.

CONSULTATION

Rights Of Way Officer - There are two public rights of way in the area of the proposed: Footpath 160 Gelligaer abuts the South-Western boundary and Bridleway 181 Gelligaer abuts the South-Eastern boundary.

It is recommended that conditions be added to any permission to safeguard these rights of way.

The Coal Authority - No objection subject to informative note to highlight Coal Mining legacy issues.

Ecologist - We recommend the inclusion of 3 No. planning conditions to secure biodiversity conservation and enhancement on site.

Mr R Jones - The Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

Transportation Engineering Manager - CCBC - Have considered the submitted information and raise no objection as on balance given the development has been in existence for a number of years, without a detrimental impact upon the highway and that the quantum of material currently being imported/exported from the site will continue to be limited.

Provide planning conditions to address detailed highway considerations.

Senior Engineer (Land Drainage) - It is recognised that NRW are the responsible organisation in relation to the discharge of surface from the site and they have indicated that a Discharge Permit will be required. The standard of water quality at the point of discharge will therefore be set by NRW. Whilst NRW have statutory responsibilities for many aspects of the activities which form carried out as part of the quarrying on the site there is a degree of overlap in the areas of responsibility with reference to this development.

Have concerns regarding the adequacy of the existing settlement lagoons and water quality.

Advises that two planning conditions are recommended to be imposed to address Quality of Water leaving the site and drainage restoration proposals.

Natural Resources Wales - The Nelson Bog Site of Special Scientific Interest (SSSI) is hydrologically linked to the application site. The habitats of special interest within the Nelson Bog SSSI are reliant on hydrological quantity and quality. Changes to either may be detrimental to the special interest of the site and could cause damage to features of the SSSI.

We recommend you should only grant planning permission if you attach NRW recommended conditions to the permission.

We are of the view that should the matters in the conditions be satisfactorily addressed, such that appropriate systems and controls are in place, maintained and monitored, these should be sufficient to prevent detrimental impacts to the SSSI.

Heritage And Placemaking Officer - No fixed permanent structures or buildings are proposed as part of this development that could potentially have an adverse impact upon the settings of the Historic Assets identified in the Heritage Statement submitted with this application.

The phased restoration of the site will be progressed in parallel with the proposed extraction. The restoration works will be completed 7 years following the completion of the mineral extraction. It is proposed to restore the land for agricultural purposes in the longer term, which is supported.

I have no objection in principle to an extension to the quarry. I remain concerned about the lack of consideration given to the grade I listed building in the near vicinity, i.e. Llancaiach Fawr Manor House only 1.35ks to the W and the lack of screening to the grade II listed Gelliargwellt Uchaf Farmhouse and garden walls, details of which should have been submitted as part of this application.

Public Health Wales - Raised queries in respect of air quality monitoring. Following receipt of additional short term modelling still have queries but advise that these present a reassuring picture of ambient air quality and that there should not be significant short-term impacts providing proper controls and mitigations measures are in place.

Recommend air quality monitoring be conditioned.

Merthyr Tydfil County Borough Council - No objections.

Chief Fire Officer - No objection, provides advice for developer.

Dwr Cymru - Provide standard advice for applicant.

Glamorgan-Gwent Archaeological Trust - There is no information to suggest that (apart from the Gelliargwellt Uchaf Farm house and beebole range) that any other archaeological features or structures are present in the immediate application area.

It is unlikely that significant archaeological remains will be encountered during the course of the proposal. Raise no objection to the positive determination of this application.

Health & Safety Executive - This application does not fall within any Health and Safety Executive (HSE) consultation zones. There is therefore no need to consult HSE on this planning application and HSE has no comment to make.

ADVERTISEMENT

Extent of advertisement: The application was advertised by way of neighbour notification letters, site notices and a press notice as the application is a major application submitted with an accompanying Environmental Statement.

Response: A petition including 495 signatures titled "Petition against Bryn Group expansion" was received by the Local Planning Authority. Representations have also made reference to an online petition on www.change.org against the proposal which at the time of writing this report appeared to have 1116 signatories.

Further representations objecting to the application from Cllrs Cushing, Gair and Parry were also received.

182 representations were also made which comprises of 100 objections, 81 supportive comments and 1 representation which could not be identified as either wholly supportive or objecting. A number of objectors made several representations which have not been included in the totals.

287 Proforma letters of support were also received in respect of the application.

Summary of observations: The objections raised can be summarised as follows:

Dust / Air Quality

Can't sit in garden or open windows or leave washing out or have to rewash

Impact on School and Children's health

Noise

Odour Issues

Adverse Impact on resident's Health (Physical and mental wellbeing including stress) and quality of life and human rights

Will lead to an Increase in blasting and associated vibration, Lack of notice for blasting, blasting limit too high

Adverse impacts and damage to surrounding residential properties from Blasting

Adverse Traffic Impacts including from HGVs

Impact on archaeology

Visual Impact

Pest/Vermin problems

Impact on Wildlife (including bats, lapwings, snipe, woodcock, ducks, newts, pee wits, red kites and frogs and their ponds)

Adverse impact on SINCs

Proximity of extended quarry to existing residents/settlements (Quarry too close to residents) and possible future encroachment

Property devaluation

The CCBC's LDP minerals policy includes a 250m buffer zone as a minimum allowed Effect on Conservation Area, Heritage/Tourism (including Llancaiach Fawr)

Contamination of the ground and bund with plastic waste and animal waste

We cannot know what they will use to backfill this quarry in later years

Cumulative effect of activities at Bryn Group are unacceptable

Misleading conduct of Bryn Group in media/press releases

Loss of Common

No benefits to local community

Company broken law numerous times

Raise concerns over the honesty/integrity of the planning process if application is granted as the Council use the site for Waste Management

Local Residents homes and communities should be respected and treated with a priority over this quarry

Bryn Group carry out works and then apply for retrospective planning, operates outside permitted hours

Allege that Bryn group threatened staff with their jobs if they don't support the application and get friends and family members to do the same

Urge councillors to reject application

Blocking a public rights of way with the bund

This place needs to be closed down not extended

Just for the financial benefit of applicants

No safe or secure fence to keep people out of quarry

CCBC ignores residents

Impact on Ecology, habitats and biodiversity, landscape and heritage would be much greater than acknowledged in the Environmental Statement

Contrary to the Council's duty under the Wellbeing of Future Generations (Wales) Act 2015

The Pre-Application Consultation and conclusions was flawed

The area around the application site has a low environmental capacity to absorb a further 24 years of quarrying

The argument put forward about the scarcity and quality of the High Specification Aggregate is not compelling enough

Extension of this quarry is not justified in the sensitive location

Impact on Coal workings, Historic mining records are not complete and there is a risk of subsidence/sink holes

The Transport Assessment has not taken into consideration the Ty Du Farm development in Nelson

The supportive comments received are summarised as follows:

Provides direct employment and contributes to local economy
Will safeguard jobs in companies that trade with and provide services to Bryn Group
Quarry provides an essential product for roads & buildings not just locally but on a national level and is important for UK infrastructure and UK economy
Impacts are acceptable
Company supports local community groups
This project is essential to Caerphilly Borough as provides materials for reactive works by Welsh Water help maintain water supplies
Local Supply of quarry products helps keep costs down for customers and reduce carbon footprint
Will secure a long term sustainable supply of materials
Very good business. How would we get rid of rubbish if we didn't have this huge recycling company going
Proposed conservation work will enhance the local environment

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Not applicable.

ANALYSIS

Policies: Planning Policy Wales (which incorporated and updated advice previously contained within Mineral Planning Policy Wales) sets out the over-arching land use planning policy guidance of the Welsh Government in relation to mineral extraction and it is a material consideration in determining planning applications for mineral development. The guidance seeks to strike a balance between the need for minerals to support our way of life and the need to protect the environment and the amenity of local communities.

The guidance sets out the key principles of sustainable mineral development as being to provide mineral resources to meet society's needs and to safeguard resources from

sterilisation; to protect areas of importance to natural or built heritage; to limit the environmental impact of mineral extraction; to achieve a high standard of restoration and to encourage efficient and appropriate use of minerals. These principles have been translated into the policies in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Minerals Technical Advice Note1 (MTAN1): Aggregates

This MTAN sets out detailed advice on delivering the government's minerals policy, including advice on demand, supply and reducing the impact of aggregates production.

Regional Technical Statement

The Regional Technical Statement (RTS) for the South Wales Regional Aggregates Working Party area examines demand and supply across the region and sets out recommendations for each county borough council in order that sufficient aggregates are provided in the most sustainable way. The concept of environmental capacity is used to direct mineral working to the least intrusive sites.

The RTS undertakes apportionment on a sub-regional basis, with areas determined by looking at patterns of supply and representing distinct market areas. Consideration has been given to the distribution of planned housing activity, environmental capacity, proximity and transport networks. Caerphilly, as part of the Cardiff City sub-region, has a required apportionment of 13.4 mt for crushed rock over a 25 year period, compared with existing permitted reserves of 31.3 mt as of the end of 2016, equating to a landbank of 58.5 years.

It is however noted that an earlier planning permission for part of the quarry (12/0570/FULL) considered the issue of the Landbank which at the time was more than 60 years and considered that the nature of the High Specification Aggregate product produced was sufficient justification for approval.

Para. 49 of Minerals Technical Advice Note (MTAN) 1 takes the position that mineral planning authorities (MPAs) should consider whether there is justification for extensions to existing sites where landbanks provide for more than 20 years supply, and that these should not be permitted except in rare and exceptional circumstances. However, these may be justified where supply of an aggregate of a particular specification is clearly demonstrated.

Para. B60 of Appendix B (South Wales) of the RTS states that

"pennant sandstone resources are widespread within the (Cardiff City) sub-region" and "may offer prospects for future resource development...particularly in the case of extensions to existing quarries. In terms of proximity to export markets, these offer greater benefits than those further west".

MTAN 1 requires that the potential use of all waste materials that are available in the locality be fully considered in environmental statements submitted as part of any planning application, in order to ensure that any opportunity to use waste materials is fully assessed before further extraction of natural resources is permitted.

In terms of alternative sources of aggregates, recycled aggregates from construction, demolition and excavation wastes are likely to be available locally. However, Bryn Quarry is a specialist facility producing a high-specification product with specific end uses. Substantial quantities of colliery spoil are understood to exist above Bedwas, Machen and Llanbradach, but these are generally remote from transport links and therefore difficult to utilise effectively. Moreover, previous efforts to obtain planning permission for the removal of tips in Machen have been refused.

MTAN 1 states that granting extensions to quarries where there is already an adequate landbank may be justified

"where supply of an aggregate of a particular specification is clearly demonstrated".

South Wales is the nearest source of supply of High Specification Aggregate (HSA) to The Midlands, South and South East England, and while Welsh Government guidance seeks to encourage self-sufficiency and sustainable mineral development, HSA is a national strategic resource with limited occurrences and it provides essential materials to maintain a safe highway network.

Sources of rock meeting the necessary levels of resistance to polishing, durability and strength to be used as HSA are limited within the UK as a whole. A report was prepared for the government in 2004 (Capita Symonds: The Sustainable Use of High Specification Aggregates for Skid Resistant Road Surfacing in England) which found that there were relatively few areas in the UK where the rock formations held the necessary characteristics and which were not constrained by being in areas remote from markets or in areas where extraction would be environmentally unacceptable. The report also concluded that

"optimum combinations of strength and resistance to polishing are found in a limited number of formations, foremost among which are the Carboniferous "Pennant" Sandstones of South Wales".

While Bryn Quarry was originally permitted for a different purpose it has previously been accepted under permission 12/0570/FULL that the need for High Specification Aggregates (HSA) from the quarry was in accordance with paragraph 49 of MTAN1.

The current application has been supported by correspondence from Tarmac and Hanson. Tarmac advise that a reserve of high specification aggregate at Hafod Quarry in Abercarn is sterilised as a result of unsuitable, poor quality materials above the +68 PSV product and were unable to operate due to high costs associated with the need to remove a significant amount of overburden materials. They advise that Bryn quarry is

strategically important to Tarmac's business as a supplier of High PSV asphalt within the UK. A further submission from Hanson Asphalt states that whilst Hanson does have its own source of +68PSV aggregate, reserves at their Craig Yr Hesg Quarry are almost exhausted and it is becoming increasingly difficult to produce the required volumes of +68PSV that the market now demands. Hanson advise that the only suitable alternative supply of aggregate that meets the required technical specification of a +68PSV aggregate for use in asphalt would be from Ireland. They raise concerns in terms of cost and carbon footprint with this alternative sourcing. It is noted that the RTS statement indicates potential other HSA quarry suppliers within Wales. Notwithstanding this fact it appears that there are constraints on the production of HSA stone from the nearest producers. Therefore it is considered that the proposal is in accordance with paragraph 49 of MTAN 1.

Principle of the development

Policy CW15 recognises that mineral development needs to take place in the countryside since minerals can only be worked where they occur. Therefore, in principle, the development accords with the development plan providing that it is acceptable in all other respects. The proposed extension to the quarry working area falls within the designated Mineral Site Buffer Zone under Policies MN1 (Minerals Site Buffer Zones) and CW23 (Locational Constraints - Minerals Site Buffer Zones) and the separation distance to surrounding residential properties (unconnected with the applicants) would be in excess of the 200m distance advised in MTAN1.

Amenity impacts

Noise

An Environmental Noise Impact Assessment has been carried out by Hunter Acoustics based on the proposals. Noise sensitive properties (NSP) have been identified at Top Hill Farm, Greenacres Bungalow, Claerwen Housing Estate, Llancaiach Isaf and Brynheulog Street/Cefn Llwynau Street/Trosnant Crescent.

Results of baseline monitoring carried out as part of previous environmental noise impact assessments at the Site in 2010 and 2011 have been used to set limits at nearest noise sensitive receptors. Typical background noise levels taking into account the farm, quarry, materials recycling facility and in-vessel composting facility, varied from 31.5 decibels to 41 decibels. MTAN 1 paragraph 88 states that during daytime (07.00 - 19.00 hours) noise levels above 55dB(A) may cause serious annoyance. Where background noise levels are less than 45dB(A), noise levels should not exceed background levels plus 10dB(A). Night time (19.00 - 07.00 hours) noise should not exceed 42dB(A) although it is not proposed to carry out quarrying operations during the night time.

The noise survey concluded that, with the exception of Greenacres, which is within the control of Bryn Quarry Noise map models indicate that based on a worst case 1hr

daytime period, proposed noise level limits should be met at all NSPs and that excluding Greenacres, the predicted noise levels at sensitive properties ranged (within the phases of development) from 37dB(A) at Llancaiach Farm to 51dB(A) at Claerwen.

The Council's Head of Public Protection has reviewed the noise assessment and has raised no objection subject to planning conditions.

Air Quality

Dust is a generic term to describe particulate matter which may be found on the ground or other surfaces but which can become airborne to disperse in the atmosphere before returning to a surface. It is produced at mineral extraction sites during soil stripping operations, excavation of the mineral, processing operations and during haulage. Particles of less than 10 microns can enter the respiratory system and may be associated with a range of effects on human health, including those on respiratory and cardiovascular systems. MTAN 1 states that the potential impact on health must always be considered in relation to proposals for aggregates extraction.

The Environmental Statement air quality and dust chapter assesses the likely significant effects of the Development on the environment in respect of Air Quality. An assessment has been undertaken using modelling and included baseline monitoring at the nearest residential properties to the proposed extension between November 2018 and October 2019. The particle monitoring included the health related fractions PM10 and PM2.5 along with wind speed and direction, to help determine the contribution from the existing quarry and materials recycling facility.

The worse cast predicted air pollution is that annual mean PM10 is predicted to increase in Penybryn by 5% (from a baseline of 15.7ug/m³ to 17.7ug/m³ annual mean) and PM2.5 by 1% (from a baseline of 7.9 ug/m³ to 8.3ug/m³ annual mean). All changes in PM10 and PM2.5 at sensitive receptors have been graded as negligible within the chapter. This is compared to a Wales limit value (annual mean) of 40ug/m³ for PM10 and 25ug/m³ for PM2.5.

The predicted increase in the annual mean levels of PM10 and PM2.5 as a consequence of the Development has been classified as negligible significance at all sensitive receptors considered within the study area in terms of the IAQM/EPUK assessment framework. These predictions ignore any reduction achieved by mitigation and are therefore likely to be pessimistic. Following comments from the Health Board additional information was supplied in terms of short term air quality and these results indicate that the impacts from the proposed quarry extension are highly unlikely to cause any exceedance of the short-term air quality objective.

The Council's Head of Public Protection has assessed the submitted information and has raised no objection subject to the imposition of conditions to mitigate impacts on existing residential receptors.

Ground vibration

Sandstone is a hard rock that generally requires to be extracted by blasting. When an explosive charge is detonated in a borehole, pressure waves are generated in the surrounding rock. In quarrying operations the blasting is designed to remove a given quantity of rock in a controlled manner by utilizing the pressure waves to cause sufficient displacement in the rock face to break out the rock. The greatest part of the energy from the blast is absorbed in creating mass movement and in direct release to the atmosphere. Some energy, however, escapes to cause vibration in the surrounding rock and when this happens it travels through quickly and diminishes over time and distance like ripples on a pond. Ground vibration is measured in three planes at any one location as peak particle velocity (PPV).

Studies in the USA, Canada, Sweden and the UK have indicated that within normal frequency range associated with blasting, structural damage may be caused at vibration levels exceeding 50 mm/sec PPV. Minor cosmetic damage such as plaster cracks may occur at levels exceeding 12mm/sec. MTAN 1 recommends that the maximum level of ground vibration at sensitive locations should not exceed 6mm in 95% of all blasts measured over a 6 month period, and that no individual blast should exceed 10mms-1.

However, the previous quarry permissions were subject to a more stringent condition, which required that 95% of blasts should not give rise to vibration levels of more than 4mm/sec measured over 6 months and that no blast should exceed 8mm/sec. Officers have monitored vibration from existing quarry blasts at the site and have found that 2mm/sec PPV is rarely exceeded, and blasts often range between 1-1.7mm/sec PPV. The applicant has committed within the submitted information to undertake future blasting from the extended quarry in line with the previous condition requirements and noting the levels of previous blasting from the existing quarry area it is anticipated that even with the closer proximity to residents from an extended quarry that the proposed limits which are tighter than national policy requires is likely to be achievable. Therefore it is recommended that any permission granted be subject to a condition restricting PPV to 4mm/sec and 8mm/sec.

Landscape and Visual impact

The Council's Landscape Officer has reviewed the submitted Landscape and Visual Assessment (LVA) and considers there is unlikely to be any significant medium and long term adverse effects upon the landscape character of the study area providing perimeter mounding, along with site wide restoration is implemented, including planting / seeding design and habitat creation. The construction phase and operational phases are expected to have the largest effect on the landscape character area, however, this should be, with phasing, short to medium term and diminished with the provision of the seeded screening perimeter mounds. Mounds once planted will assist to integrate the site into the landscape character areas and SLA and with mitigation should not be significant. It is however, seen as essential that in order to do so and prevent these

mounds being seen as contrived, that their gradients are gentle, established with grass and quickly followed with the planting.

The visual effects on sensitive receptors notably residential areas adjacent to the site and users of adjacent Public Right of Way will be limited primarily to the construction period. Although significant during the construction period of the mounds, this will be temporary and short term and limited primarily to users of the adjacent Public Right of Way and properties immediately adjacent to the site. This is largely limited to a small number of properties afforded views of the site from the southern edge of Gelligaer and east of Penybryn. Adverse visual effects on these local sensitive receptors should reduce as the proposed construction of mounds and associated landscaping establishes and matures, thus integrating and reducing the short term adverse visual effect.

The extended quarry area appears to slightly overlap the green wedge designation (S11 Gelligaer, Penybryn and Penpedairheol), although the remainder of the application area that falls within it would be subject to the proposed screening bund and peat habitat area. It is not considered that a small encroachment into this particular green wedge, which serves to protect the open nature of the land between Gelligaer and Penybryn, would be of detriment to its overall integrity.

The proposal has also been considered against policy CW4 (Natural Heritage Protection), which requires that proposals conserve and, where appropriate, enhance the distinctive characteristics of such designations. The existing quarrying operation already falls within the Mynydd Eglwysilan Special Landscape Area. Whilst the proposal seeks an extension of the area to be worked, it also proposes the restoration of the existing quarry area. In net terms, therefore, the impact upon the character of the Special Landscape Area is likely to be negligible.

Members are advised that the broad principle of bund screening has been established through earlier planning permissions (including 17/0973/FULL) with comments and oversight from the Landscape Officer and therefore it is considered that the proposals contained within the current application are reasonable and appropriate and finalised details can be achieved through conditions as required by the Landscape Officer to enable detailed discussions on planting and form.

It is noted and acknowledged that concerns have been submitted related to existing works carried out to provide part of the bund which has been raised in objection and subject to local publicity. This involved the contamination within the bund which has been subject to investigations including by Natural Resources Wales. Natural Resources Wales advised the Local Planning Authority that they served a Section 59 Notice to remove the plastic contaminated compost from the landscaping bund and the majority of this work has been undertaken.

The Bryn Group website includes a news article where Alun Price (Managing Director of Bryn Group) is quoted as saying

"Our neighbours are justifiably angry at the contamination found in some consignments of compost used atop the quarry bund, and we have and continue to apologise unreservedly for that. We hope they will find assurance from this detailed independent study that found the structure of the bund is not contaminated, as many of them believe, and is in fact properly constructed. There was clearly a failure in the physical sifting ("screening") and quality control systems in place for our compost, but we assure you that it was not deliberate. With advice from NRW and our advisors, we have taken steps to identify and resolve the issue and have already improved our processes with the addition of a new screening machine and extra quality assurance checking. We will now work hard and swiftly to remediate the surface of the quarry bund to remove the areas of contamination, so that it can be landscaped and planted to improve both the visual impact and its shielding properties."

The issues surrounding the contamination of material within the bund is undoubtedly regrettable but from the statements provided by both Natural Resources Wales and Bryn Group show this matter is being addressed and indications have been given from Bryn Group that revised processes and additional equipment has been adopted which provides some reassurance that future bund works can be undertaken without such problems reoccurring.

Ecology.

Part 1(6) of the Environment (Wales) Act 2016 imposes a duty on a public authority to seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

The Site is dominated by marshy and semi-improved grassland over deep peat, which is where most of the Development will be located. Other habitats include drystone walls, standing and running water, hedgerows, improved grassland, tall ruderal vegetation, scattered scrub, and ephemeral/short perennial vegetation.

The applicants have carried out ecological surveys including an Extended Phase 1 Habitat Survey, Botanical Survey of the Waun Rydd SINC, Survey for Great Crested Newt and Lapwing Survey.

There is one statutory designation within 2km of the site which is the nationally important Nelson Bog SSSI approximately located 300m to the south-west of the Site.

A further 16 Sites of Importance for Nature Conservation have been identified within the Biodiversity chapter of the Environmental Statement as being within 2km of the site. SINC's are local designations. The Waun Rydd SINC is located adjacent to the site boundary.

Overall the assessment concludes that impacts on the Nelson SSSI is likely to be negligible and the impact on SINC's are also likely to be negligible without further mitigation measures.

A Great Crested Newt Survey was undertaken and found no evidence of the species concluding that Great Crested Newt are considered to be absent on-Site and within 500 m of the site boundary. The Site is considered to be of importance for birds, invertebrates, reptiles and common amphibians at a site level.

The Environmental Statement identified the main likely significant effects during the extraction phase are habitat loss, degradation and fragmentation, and disturbance or displacement of animals and birds. The following activities have also been identified as having potential to cause these significant effects:

Digging / soil stripping of existing overburden, requiring removal or disturbance of existing vegetation, dry stone walls and soils

Pollution by chemicals associated with the use of heavy plant or mobilisation of suspended solids resulting in toxic effects to plants

Removal of hedgerows; and

Visual, noise or vibration related disturbance from vehicles / heavy plant, lighting and digging.

The site restoration proposals include three areas for the deposition of peat extracted from the quarry extension area. These will be connected to surface water lagoons and water levels within the peat controlled via penstocks. The peat cells are intended to retain the existing peat resource (avoiding carbon release) but will also offset the loss of marshy grassland through the creation of approximately 5.82ha of new peatland habitat. The north-western cells are included in the landscaping for the consented screening bund. The depth of peat in the cells has been indicated as likely to be between 1m and 2.5 m.

Based on experiences gained from another Welsh site the applicant's ecologist advises this is likely to result in the establishment of blanket bog vegetation and/or mire vegetation of higher quality and ecological value than the agriculturally improved habitat to be lost.

However whilst the three peat cells will offset the total habitat loss, the positioning of the cells is such that the largest of the three, positioned at the eastern end of the existing quarry, is isolated from the other cells and habitats on the landscape bund by agricultural grassland. This will result in reduced habitat connectivity between the designated sites to the north and south of the Site.

The assessment advises that overall, in the absence of further mitigation, the loss of marshy grassland will result in a permanent adverse effect of significance at the Local level.

To address this adverse impact it is proposed that the restoration plans include a corridor of new wetland habitat to restore connectivity between the Waun Rhyd SINC and Nelson Bog SSSI. It is considered that Landscaping plans can be finalised with the Landscape Officer and Ecologist to provide a visually acceptable restoration to provide enhanced habitat connectivity. A planning condition requiring details of finalised Landscaping and hedgerow enhancement are proposed to be included.

Whilst there will be a minor adverse effect on the disturbance / displacement of birds (including waders) and other wildlife during the operations phases, following restoration it is anticipated to result in a minor beneficial effect resulting from habitat creation (including provision of new habitat for lapwing) and long-term management for the peat and habitats, ponds and ditches, reptiles and invertebrates.

The Council's Ecologist has reviewed the submitted information and raises no objection recommending planning condition to secure biodiversity conservation and enhancement on site.

Hydrology/Hydrogeology

The submission has included detailed Hydrology information which has been reviewed by both Natural Resources Wales and the Council's Land Drainage Officer. The existing quarry operation has a dewatering process and existing lagoon system and it has been acknowledged by all parties that the proposed extension of the quarry will require additional measures to ensure there are no adverse impacts on the water environment particularly noting the hydrological linkages to environmental sensitive sites most notably the SSSI. It is proposed that planning conditions to require a full scheme of drainage measures is submitted and agreed prior to the quarry extension being brought into use and subject to agreement of these measures the proposal would accord with Policy CW5 (Protection of the Water Environment).

Heritage, Archaeology and Conservation

It is considered that the proposal will not have a detrimental impact on the closest Listed Buildings (Gelliargwellt Uchaf Farmhouse and Bee-holes) and that no other Listed Building (including Llancaiach Fawr and the adjacent barn) will be unacceptably impacted by the development. The consultation response received from Glamorgan Gwent Archaeological Trust indicates that it is anticipated that there will not be an impact in terms of known Archaeology and the application site is sufficiently separated from the Gelligaer Conservation Area to ensure its character and appearance is preserved by the development.

Traffic and Highway impacts

In terms of the impact of Traffic and the Highway impacts it is noted that the proposed development would maintain the existing levels of traffic already in place from the quarry and would therefore not lead to an increase in daily movements to/from the site.

On this basis the Transportation Engineering Services Manager has raised no objections to the development subject to planning conditions being imposed which restrict daily exportation and importation of stone and waste materials for fill, require cleaning of vehicles prior to entering the public highway and also restrict the number of vehicles laden with minerals to leave the quarry during school run hours and lunchtime during term time.

In response to a weight restriction Traffic Order put in place on the Shingrig Road Bridge at Nelson the applicant submitted a technical note which indicates that an alternative route (A470/A4059 4-arm roundabout near Abercynon - A472 towards Treharris - A472 towards Tredomen - Penallta Link Road - Penallta Road to Gelligaer - Church Road onto Gelligaer Road - Bryn Quarry access) has sufficient capacity to accommodate all HGV traffic associated with Bryn Quarry.

It is considered that with the requested conditions to address highway considerations that the proposal would accord with Policy CW3 (Design Considerations - Highways).

Legal Agreement

It is noted that previously legal obligations have been agreed with the developer in respect of a Section 106 agreement associated with the consent for the bund and also a variation of condition application (17/0971/NCC) in order to secure proposed peat mitigation measures, to secure monitoring of water levels within the SINC and to set trigger levels for further mitigation to protect the characteristic features of the SINC. This may include financial measures, for example a bond, to ensure that the peat mitigation measures can be completed if, for some reason, the operator fails to comply. It is considered that an updated Section 106 agreement based upon the previous agreement be sought reflecting the new proposal as well as the timescales of the revised extraction and restoration period and entered into if members are minded to approve the application.

Comments from Consultees:

Gelligaer Community Council advised that they unanimously objected to planning application Case Ref 20/0702/FULL for the retention of, and proposed extension to the quarry at Gelliargwellt Uchaf Farm on the following grounds:

1. Dust - local residents are having to endure the nuisance of increased visible dust on their clothes, cars, windows of their properties and on furniture throughout the inside of their homes which is causing much distress.
2. Noise - residents are having to endure loud noise from machinery and blasting at the site, and whilst industrial noise has controls in place, agricultural has none and it is nigh on impossible to distinguish between the two.

3. Environmental - the development has a direct negative impact on the natural habitat. Biodiversity is reduced when existing organisms in the habitat are displaced or destroyed.

They concluded that gradual incremental planning applications have resulted in this development encroaching closer to just within 300m of people's homes. The dust, noise and environmental damage does not affect just one home but a whole estate. It contributes to considerable hidden suffering, with increased levels of stress, anxiety and depression experienced, which can lead to long term physical health conditions. The residents have a basic right to quiet enjoyment which this development does not allow. The Public Rights of Way Officer has recommended a number of planning conditions to protect existing rights of way which are close to the site. It is however considered that separate legislative powers exist in respect of public rights of way and to avoid duplication of powers the comments will be provided to the applicant as informative advice.

In relation to the Heritage Officer's comments about the lack of consideration of Llancaich Fawr (Grade I listed Llancaiach Fawr Manor House and Grade II listed adjacent barn) which is located approximately 1.35km from the application site a Heritage Addendum was prepared and submitted by the applicant. This considered the impact on Llancaiach Fawr and in particular commented "The manor house is set more widely within enclosed fields and woodland creating a largely rural setting. The manor has no functional or associative relationship with the application site, nor does it have any visual linkages through designed or incidental long-distance views that contribute to its significance. By the virtue of their distance from the site, intervening built form, topography and landscape features, it is not considered that the site makes any contribution to the significance or setting of Llancaiach Fawr Manor House and barn."

The addendum went on to consider the Impact of the development as "Acknowledging that setting is not limited to visual effects. It is clear, that Llancaiach Fawr Manor House has an enclosed immediate setting with a clearly defined curtilage to the manor complex. The entrance to the property runs north to south and is lined by mature trees, providing screening to the east. Within the wider setting of the assets there is intervening woodland and modern industrial buildings which separate the assets from the Site. In addition, the assets are set c.50m lower than the level of the site, which prevents long distance views towards the site. By the virtue of their distance from the site, intervening built form, topography and landscape features, it is considered that the proposed development would have a neutral impact on the significance or setting of the historic assets." It is considered that the impact on Llancaiach Fawr from the development proposed would be acceptable.

In respect of a further matter raised by the Conservation Officer related to the impact of the development on the closest listed buildings (Gelliargwellt Uchaf Farmhouse, Grade II listed and Stone Garden Wall with Bee-Boles, Grade II listed) the addendum submitted reaffirms that the conclusions in the submitted heritage statement remain valid. It is considered that the setting of the farmhouse and wall has already been

impacted by previous development (in particular the recycling operation) and the proposed quarry extension will be adequately screened by existing landscaping and additional planting is not required to preserve the Listed Building and its setting.

Comments from public: - Dust / Air Quality.

Can't sit in garden or open windows or leave washing out or have to rewash.
Impact on School and Children's health.

The application submission has included monitoring and modelling for air quality and provisions are made for ongoing monitoring of dust and air quality during the proposed development including the restoration phases of the site following the cessation of extraction. The proposal is considered to have an acceptable impact on all surrounding receptors.

Noise.

The application submission has included an assessment of noise impacts and this has been found acceptable. A Planning condition to require agreed noise levels are not exceeded is proposed.

Odour Issues.

It is not anticipated that the quarrying operation will generate significant impacts in terms of odour. The issue of odour from other activities of Bryn Group (for example farming and recycling) would be matters to be addressed separately from the consideration of this application.

Adverse Impact on resident's Health (Physical and mental wellbeing including stress) and quality of life and human rights.

Impacts in terms of dust and noise have been addressed above. It is not considered that with the safeguards recommended in terms of dust and particulate monitoring that there would be any unacceptable impacts on health, quality of life or related human rights.

Will lead to an Increase in blasting and associated vibration, Lack of notice for blasting, blasting limit too high.

Adverse impacts and damage to surrounding residential properties from Blasting.

As considered in the report above the blasting/vibration levels would be restricted in line with the existing permissions for quarrying at the site. The level of vibration (PPV) contained within the planning condition is more onerous than national guidance (MTAN1) and below the recognised threshold for where damage to property may occur and is therefore considered to have an acceptable impact on neighbour amenity. The matter of notice period for blasting would be a matter for the applicant to address.

Adverse Traffic Impacts including from HGVs.

The proposal would continue the existing level of traffic in terms of HGV movements and the Transportation Engineering Manager has offered no objection to the development subject to conditions to restrict the quantum of minerals that can leave the site on a daily basis and further restrictions related to time periods to accord with school term dates.

Impact on archaeology.

The Council's Archaeological advisor (Glamorgan Gwent Archaeological Trust) has raised no concerns in respect of the impact on archaeology.

Visual Impact.

Subject to conditions and finalised restoration plans it is considered that the development will have an acceptable Visual Impact on the area.

Pest/Vermin problems.

It is not considered that the proposal for the quarrying operation and extension would itself lead to a material risk of pest/vermin.

Impact on Wildlife (including bats, lapwings, snipe, woodcock, ducks, newts, pee wits, red kites and frogs and their ponds).

The proposed development would impact some habitat and wildlife during the excavation phases however following restoration it is considered that it is anticipated to result in a minor beneficial effect resulting from new habitat creation.

Adverse impact on SINC's.

The SINC's and indeed a SSSI have been considered as part of the assessment submitted with the application and with the proposed restoration planned, no unacceptable impacts on the designations will occur.

Proximity of extended quarry to existing residents/settlements (Quarry too close to residents) and possible future encroachment.

The proposal would maintain a sufficient buffer to existing residential which exceeds the 200m required under MTAN1. Any future applications would be considered at the time they are submitted in accordance with national and local planning policy.

Property devaluation.

Devaluation is not a material planning consideration.

The CCBC's LDP minerals policy includes a 250m buffer zone as a minimum allowed.

The proposal accords with the Local Development Plan's mineral policies including buffer zone.

Effect on Conservation Area, Heritage/Tourism (including Llancaiach Fawr).

The proposal is not considered to have any unacceptable impacts on the Gelligaer Conservation Area, Heritage Assets or Tourism.

Contamination of the ground and bund with plastic waste and animal waste.

As detailed earlier in the report the issue of bund contamination has been investigated with NRW serving notice on the applicant and removal of unacceptable material has commenced.

We cannot know what they will use to backfill this quarry in later years.

The application documents state that restoration will be achieved through backfilling the quarry void utilising quarry overburden, waste blast material and inert waste. This is considered to be acceptable in human health terms.

Cumulative effect of activities at Bryn Group are unacceptable.

In assessing the application regard has been had to the existing lawful operations of Bryn Group which includes recycling, farming and anaerobic digestion facilities as well as the existing quarry operation. The proposed extension will not increase traffic movements of HGVs and will be subject to similar restrictions as the existing permissions. It is not considered that the cumulative impact is unacceptable.

Misleading conduct of Bryn Group in media/press releases.

No specific details have been provided and this is not considered a material planning consideration.

Loss of Common.

The land comprising the application site is within private ownership and is not common land. Following final restoration the site would return currently inaccessible quarry land to countryside and as such it will not result in a permanent loss of common.

No benefits to local community.

This is the personal view of the objector.

Company broken law numerous times.

No specific details have been provided and this is not considered a material planning consideration.

Raise concerns over the honesty/integrity of the planning process if application is granted as the Council use the site for Waste Management.

The planning application has been subject to normal publicity procedures and planning processes and the application has been reported to Planning Committee in a transparent manner. The Council has established separation of functions to ensure probity in the planning process.

Local Residents homes and communities should be respected and treated with a priority over this quarry.

The development has been assessed having regard to impacts on residents within the communities and the proposal is deemed acceptable.

Bryn Group carry out works and then apply for retrospective planning, operates outside permitted hours.

The application before members is to extend the quarry and consolidate existing quarry activities which can be lawfully carried out under extant planning permissions. The application should be considered on its merits.

Allege that Bryn group threatened staff with their jobs if they don't support the application and get friends and family members to do the same.

No evidence has been provided that any representations received have been made under duress.

Urge councillors to reject application.

This would be a matter for councillors to consider having regard to the relevant material planning considerations in respect of the application.

Blocking a public rights of way with the bund.

The Public Rights of Way Officer has been consulted on the application and has offered no objection to the application. Obstruction of Public Rights of Way is subject to specific legislation and therefore should this occur action can be undertaken.

This place needs to be closed down not extended.

Just for the financial benefit of applicants.

These are the personal views of the objectors.

No safe or secure fence to keep people out of quarry.

This would be a matter for the quarry operator to address through their responsibilities as landowner and in respect of other legislation (such as health and safety legislation).

CCBC ignores residents.

The representations received from residents have been summarised in this report. Impact on Ecology, habitats and biodiversity, landscape and heritage would be much greater than acknowledged in the Environmental Statement.

The Environmental Statement and subsequent submissions by the applicant are considered to be sufficient to address the issues raised above.

Contrary to the Council's duty under the Wellbeing of Future Generations (Wales) Act 2015.

The duties under the Well-Being of Future Generations (Wales) Act 2015 have been considered as detailed within the other material considerations section of this report.

The Pre-Application Consultation and conclusions was flawed.

It is considered that the pre-application consultation accorded with statutory requirements for validation of the planning application.

The area around the application site has a low environmental capacity to absorb a further 24 years of quarrying.

The argument put forward about the scarcity and quality of the High Specification Aggregate is not compelling enough.

The application has been considered with regard to National Planning Policy including Planning Policy Wales, Minerals Technical Advice Note 1 and supporting Regional Technical Statement. The consideration of environmental capacity has been balanced against the extension of an existing quarry operation which has the ability to produce High Specification Aggregate and the proposal is considered acceptable and in accordance with paragraph 49 of MTAN1 where supply of an aggregate of a particular specification is clearly demonstrated.

Extension of this quarry is not justified in the sensitive location.

The application has been considered in respect of the designations and impacts of the development is subject to the planning conditions proposed is considered to have an acceptable impact.

Impact on Coal workings, Historic mining records are not complete and there is a risk of subsidence/sink holes.

The Coal Authority have been consulted on the application and have raised no objections in relation to the development.

The Transport Assessment has not taken into consideration the Ty Du Farm development in Nelson.

The proposed traffic from this application would remain the same as the existing quarry operation with vehicle movements restricted by planning conditions and therefore would have neutral impact in overall traffic numbers versus the current baseline. The Transportation Engineering Manager has raised no objections to the development.

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 (A) that the application is DEFERRED to allow the applicants to enter into a Section 106 Agreement as set out above (B) On completion of the Agreement, that planning permission is GRANTED.

This permission is subject to the following condition(s)

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

- 02) The development shall be carried out in accordance with the following approved plans and documents:
 Drawing Reference BAL-NQE-2017-50m -026 - Site location plan 1_5000
 Drawing Reference BAL-NQE-2017-50m-018rev A - Site location plan-A4
 Drawing Reference BAL-NQE-2017-50m-017revD - Distances
 Drawing Reference BAL-NQE-2017-50m-023 - Section location plan
 Drawing Reference BAL-2018-NQE-50m-022 - Sections
 Drawing Reference BAL-NQE-2017-50m-020 - Extraction phasing
 Drawing Reference BAL-NQE-2017-50m-019 - Restoration phasing
 Drawing Reference BAL-NQE-2017-50m -003revD - Fully extracted quarry with 50m standoff
 Drawing Reference BAL-NQE-2017-50m -002revD - Whole site restoration with 50m standoff
 Drawing Reference BAL-NQE-2017-50m-001revB - New quarry extension areas with 50m standoff
 Drawing Reference BAL-NQE-2017-50m-004revB - Extraction Phase 1
 Drawing Reference BAL-NQE-2017-50m-005revB - Extraction Phase 2
 Drawing Reference BAL-NQE-2017-50m-006revB - Extraction Phase 3
 Drawing Reference BAL-NQE-2017-50m 007revB - Extraction Phase 4
 Drawing Reference BAL-NQE-2017-50m -008revB - Extraction Phase 5
 Drawing Reference BAL-NQE-2017-50m-009revB - Extraction Phase 6
 Drawing Reference BAL-NQE-2017-50m-010revB - Restoration Phase A
 Drawing Reference BAL-NQE-2017-50m-011revB - Restoration Phase B
 Drawing Reference AL-NQE-2017050m-012A - Restoration Phase C
 Drawing Reference BAL-NQE-2017-50m-013A - Restoration Phase D
 Drawing Reference BAL-NQE-2017-50m-014A - Restoration Phase E
 Drawing Reference BAL-NQE-2017-50m-015revA - Restoration Phase F
 Drawing Reference BAL-NQE-2017-50m-016revB - Restoration Phase G
 Drawing Reference BAL-NQE-2017-50m-002revE - Whole Site Restoration
 REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the submitted details no development relating to the quarry extension shall take place until an updated drainage scheme is submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include an updated Water Management system, Water Quality and Quantity Monitoring and Contingency Plan as well as details of the implementation, maintenance and management of the sustainable drainage scheme. The approved scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
 REASON: To ensure protection of water quality in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Before phase A of the restoration commences a full restoration scheme shall be submitted and approved in writing by the Local Planning Authority.

The scheme shall include but not be limited to the following:

Details of the design, implementation, maintenance and management of the sustainable drainage scheme for each phase of the restoration and the final restoration proposals. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include:

- i) a timetable for the implementation for each phase of the restoration
- ii) detailed drawings
- iii) detailed drainage calculations
- iv) a management and maintenance plan for the lifetime of the development.

REASON: To ensure suitable drainage and protection of water quality in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 05) Within 6 months of the approval of the application, a management and monitoring plan for the peat/wetland areas and Waun Rhyd SINC shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of post development monitoring and reporting, and a vegetation monitoring programme to include baseline and ongoing Phase 2 vegetation surveys of the SINC. The management and monitoring plan shall be implemented as agreed.
REASON: To provide biodiversity conservation measures, 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) and policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of development, a hydrological and ground water monitoring strategy for the application site and the adjacent SINC shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved.
REASON: To provide biodiversity conservation measures, 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) and policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the commencement of development, a reptile strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved.
REASON: To provide biodiversity conservation measures, 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) and policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 08) The maximum volume of stone exported from the site shall not exceed 400 tonnes a day. Records of the volume of stone exported from the site shall be kept by the quarry operator and shall be made available to the Local Planning Authority on request.
 REASON: In the interests of highway safety and general amenity in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) The maximum volume of waste material for fill imported to the site shall not exceed 200 tonnes a day. Records of the volume of fill imported to the site shall be kept by the quarry operator and shall be made available to the Local Planning Authority on request.
 REASON: In the interests of highway safety and general amenity in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) No vehicle shall enter the public highway unless its wheels and chassis have been cleaned to prevent material being deposited on the highway.
 REASON: In the interests of highway safety and to prevent mud being deposited on the highway in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) A maximum of three vehicles laden with mineral extracted under this permission shall leave the site and enter the B4254 during each of the following time periods during school term time:- 08.10 - 09.10 hours, 11.55 - 12.55 hours and 15.15 - 16.00 hours.
 REASON: In the interests of highway safety and general amenity in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Notwithstanding the submitted plans within 3 months of the date of this consent, detailed proposed topographic plans and accompanying sections showing the proposed ground profile of the mounds at suitable intervals along the mounds showing the proposed gentler gradients. The development shall be carried out in accordance with the approved details.
 REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) A suitably scaled and detailed planting plan and written specification (following the submitted drawing Landscape and Ecology Strategy dated June 2020 Drawing number 481 'PLANNING'01 Issue 01) shall be submitted for the written approval of the Local Planning Authority within three months of the date of this consent. The submitted details shall include the proposed soil types and depth, ground preparation, native planting species and mixes, plant sizes, planting numbers, wildflower and species grass seed mixes and sowing rates. Details of tree guards, mulches and the location of any stock-proof fencing, along with

details, in order to protect proposed woodland, hedgerows, wildflower and all areas of relocated peat. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) A construction works detailed timetable/programme, highlighting phasing of all operations during the construction period of the perimeter mounds, including implementation a timetable for construction, placing of soils and all seeding and planting operations shall be submitted for the written approval of the Local Planning Authority within three months of the date of this consent. The development shall be carried out in accordance with the approved details.
REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 15) Details relating to the 5 year landscape maintenance and defects plan and schedule of maintenance operations including routine physical tasks with monthly timetable, to satisfy appropriate standards of aftercare and to enable the soft landscape design, mitigation and implementation objectives to be satisfied. Including details of who is responsible for these tasks shall be submitted within three months of the date of this consent. The development shall be carried out in accordance with the approved details.
REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 16) A written detailed medium and long term landscape management plan, covering a 15 year period plus, including areas of peat translocation and to ensure that the proposed landscaping successfully matures and integrates the proposed quarry extension shall be submitted for the written approval of the Local Planning Authority within three months of the date of this consent. The development shall be carried out in accordance with the approved details.
REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 17) The operation phase for the proposed quarry extension shall only commence once the perimeter mounds have been completed and seeded and planted, with a completion report submitted, along with photographs both on site and from local residential areas and adjacent PRow Viewpoints 08, 09, and 11 for the written approval of the Local Planning Authority.
REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 18) An Arboricultural survey in accordance with recommendations given in BS 5837:2012 'Trees in relation to construction' and the draft Supplementary Planning Guidance LDP4 'Trees and Development' Tree Constraints Plan (TCP), Root Protection Area (RPA), Tree Protection Plan (TPP) shall be

submitted for the written approval of the Local Planning Authority within three months of the date of this consent. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 19) Except in emergencies to maintain safe quarry working (which shall be notified to the Local Planning Authority as soon as practicable) or unless the Local Planning Authority has agreed otherwise in writing:
- i) The winning, working and processing of stone and the tipping of inert waste shall not be carried out except between the following times
0800 - 1800 hours Monday to Friday
0800-1300 hours Saturday
 - ii) No blasting or hammering shall be carried out except between the hours of 1000 - 1600 hours Monday - Friday
 - iii) No operations other than environmental monitoring and water pumping shall take place at the site on Sundays or bank/public holidays.
- REASON: To protect the amenities of local residents in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) Blasting shall be designed so that the ground vibration measured as peak particle velocity in any one of three orthogonal planes shall not exceed 4 millimetres per second in 95% of all blasts measured over any 6 month period and no individual blast shall exceed a PPV of 8mm/second as measured at any sensitive receptor.
- REASON: To safeguard the amenity interests of local residents in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) No loaded lorries shall leave the site unless sheeted with the exception of those carrying stone larger than 500mm.
- REASON: To prevent material being deposited on the highway in the interests of highway safety and to safeguard the local environment in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 22) No secondary blasting shall be carried out at the site except with the prior written agreement of the Local Planning Authority.
- REASON: To safeguard the amenity interests of local residents in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 23) No Further blasting shall take place until a fully detailed scheme for the methods to be employed to minimise the effects of the air blast overpressure arising from blasting, having regard to blast design, methods of initiation, and the prevailing

weather conditions has been submitted to the Local Planning Authority for approval. Once approved the scheme shall be implemented in its entirety and the results made available to the Local Planning Authority upon request.

REASON: To protect the amenities of the local environment and to ensure compliance with the conditions relating to the blasting in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 24) No further quarrying operations, including the breaking up, movement or export of stone or other material shall take place until a scheme and programme of measures for the suppression of dust has been submitted to and approved by the local planning authority. The scheme shall include:
- A) the suppression of dust caused by the moving and storage of soil and overburden, stone and other materials within the site
 - B) dust suppression on haul roads
 - C) dust arising from blasting
- The scheme shall be implemented and complied with at all times, once approved.
- REASON: In the interests of amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 25) The daytime environmental noise limits (0800 - 1800hrs) shall not exceed the proposed environmental noise limits stated at the locations contained in 4153/NIA1_Rev2 Environmental Noise Impact Assessment dated 2nd July 2020.
- REASON: In the interests of amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 26) Green Acres bungalow must remain within the ownership and control of Bryn Group until such time as the quarry has been extended and fully restored in line with this permission.
- REASON: In the interests of amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 27) Within three months of the date of this consent a scheme for off-site dust monitoring shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme of off-site dust monitoring shall be implemented prior to any development being carried out in respect of the quarry extension. The approved scheme must thereafter be adhered until the completion of final restoration works.
- REASON: In the interest of the amenity of local residents in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 28) Within three months of the date of this consent a scheme for off-site PM10 monitoring shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme of PM10 monitoring shall be implemented prior to

any development being carried out in respect of the quarry extension. The approved scheme must thereafter be adhered until the completion of final restoration works.

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

- 29) 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.
- 30) Details of a safety bund/water screen around the quarry boundary and details of the installation of interceptors for potential contaminants shall be submitted for the written approval of the Local Planning Authority within three months of the date of this consent. The development shall be carried out in accordance with the approved details.
REASON: in the interests of the prevention of contamination of the water environment in accordance with policy CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 31) Extraction of minerals shall cease by 31 December 2046 and restoration shall be completed by 31 December 2053.
REASON: The permission relates to temporary development and to ensure that the site is restored in a timely manner.

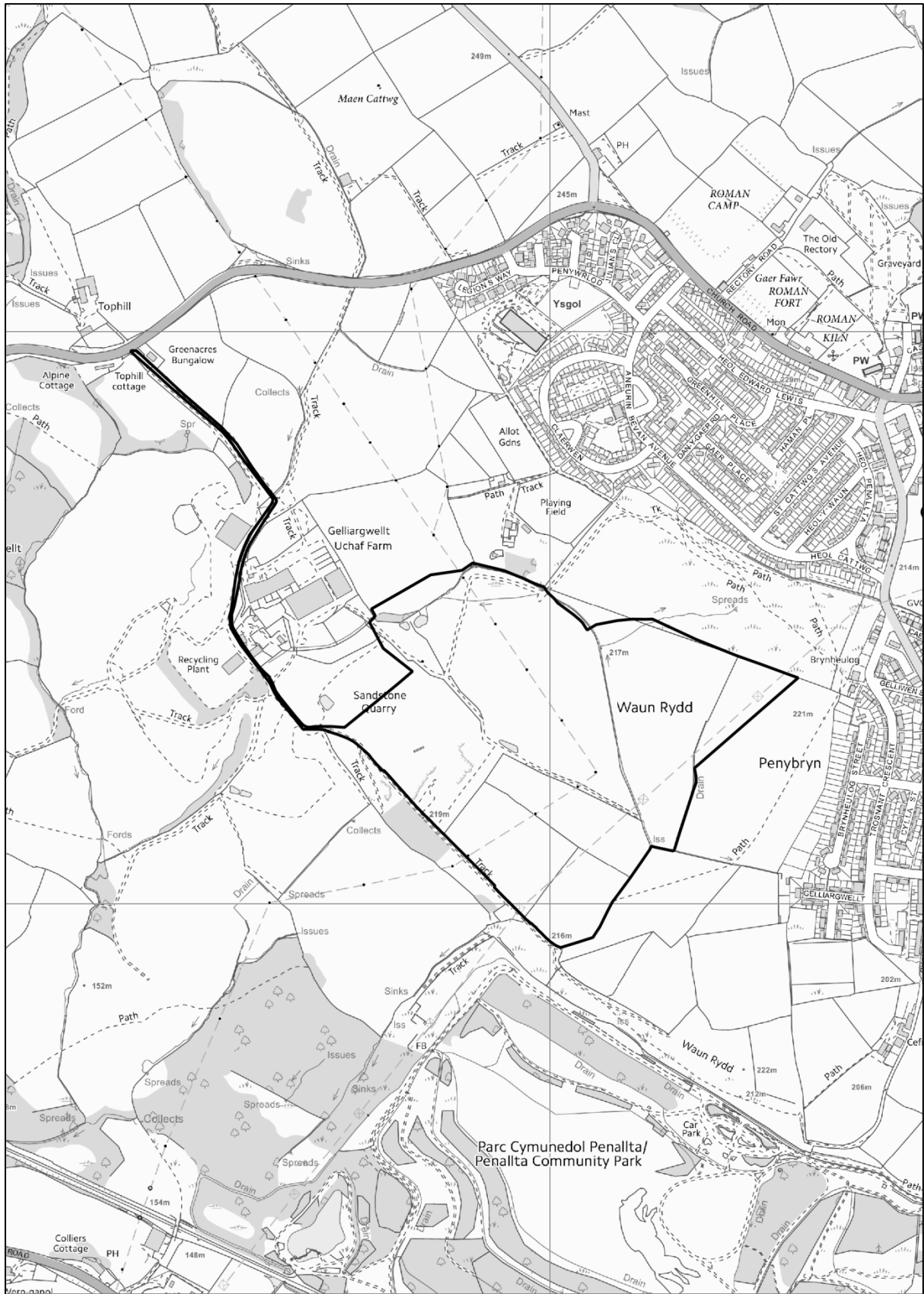
Advisory Note(s)

Please find attached the comments of The Land Drainage Officer, Fire Authority, Rights of Way Officer that are brought to the applicant's attention.

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.

If any coal mining feature is 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/coalauthority.

20-0702-FULL



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Application Number: 18/1077/FULL

Date Received: 02.01.2019

Applicant: The Caerphilly Development Company

Description and Location of Development: Demolish an existing office building and construct 29 apartments together with a ground floor retail unit and associated external works and parking - Llys Ifor Crescent Road Caerphilly.

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is located on the western side of Crescent Road at the entrance to the Crescent Road Car Park.

Site description: The application site encompasses a detached office building and associated parking area located on the edge of Caerphilly Town Centre. The office building is located in the centre of the site with a large grassed area to the front and a yard/car park to the rear. The application site also includes a small area of the public car park to the rear of the site.

Development: This application seeks full planning consent for the demolition of the existing building together with the erection of a new building to accommodate a five storey building providing 15no 1 bed apartments and 14no 2 bed apartments. The ground floor of the building will also accommodate a retail unit in the north east corner with scooter store, plant room and bin store. A drivers rest area is also proposed at the rear of the ground floor of the building.

Dimensions: The building is I-shaped with a frontage measuring 29.75m with a depth of 17.68m on the shortest side and 31.15m on the longest side. It has a height of 9.825m to the eaves with a height of 11.825m to the ridge.

Materials: The building is proposed to be finished in face brickwork with a zinc clad mansard roof.

Ancillary development, e.g. parking: 14no parking spaces are proposed to the rear of the building. The additional parking spaces are provided on land forming part of the Crescent Road public car park, which is to be leased from the Council.

PLANNING HISTORY 2005 TO PRESENT None.

POLICY

Local Development Plan: Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Policies Within settlement limits.

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), 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.

Caerphilly Basin Masterplan.

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

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

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

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? The site is located in a low risk area.

CONSULTATION

CADW - No objection.

Caerphilly Town Council - No comments received in respect of the amended scheme.

Transportation Engineering Manager - CCBC - No objection subject to conditions.

Head Of Public Protection - CCBC - No objection subject to conditions.

Heritage And Placemaking Officer - No objection subject to the submission of details of materials and for the design of the frontage of the retail area.

Senior Engineer (Land Drainage) - No objection subject to the submission of a land drainage scheme.

Senior Arboricultural Officer (Trees) - No comments received.

Parks And Open Spaces - No comments received.

Ecologist - No objection subject to the provision of bio-diversity enhancement.

Landscape Architect - CCBC - No objection subject to conditions.

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

Wales & West Utilities - No comments received.

Police Architectural Liaison Officer - No objection.

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

Landscape Architect - CCBC - No objection.

Senior Engineer (Land Drainage) - No objection subject to the submission of a land drainage scheme.

Landscape Architect - CCBC - No objection subject to conditions.

Strategic & Development Plans - Agrees with the findings of the Viability Assessment and raises no objection to the application.

ADVERTISEMENT

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

Response: One letter of objection was received.

Summary of observations:

1. Lack of car parking.
2. Loss of view.
3. Will elderly residents want to live in such a busy area?
4. The building is too large.

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? The application was supported by an ecological survey. This survey has been assessed by the Council's Ecologist and it is accepted that the impact on protected species is acceptable subject to bio diversity enhancement. In that regard the proposal complies with Policy CW4 of the LDP.

Is this development Community Infrastructure Levy liable? Yes. The application site is located in the Higher Viability area where CIL is charged at £40 per square metre for residential uses, CIL is also charged at £100 per square metre for retail uses and £25 for food and drink uses.

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 erection of a mixed use development of retail and residential uses on a site on the edge of Caerphilly Town Centre and located within the defined settlement limits. As such it is considered that the principal of the

development is acceptable having regard for the function of settlements within Caerphilly County Borough and the requirements of Policies SP3 and SP5 of the LDP. In that regard the main points to consider in the determination of this application are whether the proposed development is acceptable in terms of its design, scale and massing, impact on the amenity of the area and highway safety issues.

With regard to the first matter it is acknowledged that the application proposes a five storey building with accommodation provided in the mansard roof space. However, this height has been reduced by one storey from the original proposal and as can be seen from the street view elevation plans submitted with the application, the proposed building would be similar in scale to the adjacent office building with lower eaves and ridge heights than that building. In that regard it is not considered that the scale of the building is out of keeping with the character of the area. In terms of the use of materials it is considered that the face brickwork proposed for the walls of the building are in keeping with the character of the buildings immediately adjacent to the application site and in terms of the zinc mansard roof it is considered that this represents a good mixture of the old and the new which acknowledges the traditional character of materials used in roofing dwellings in the area whilst utilising modern construction techniques. In that regard it is considered that the materials used are acceptable. The design of the building is also considered to have regard for the character of the wider area and maximises the opportunities offered by this prominent site located close to Caerphilly Castle and as such the proposal is considered to be acceptable in design terms and complies with Policy SP6 of the LDP.

In terms of the amenity of the area it should be noted that the application site is located on the edge of Caerphilly Town Centre and in close proximity to Caerphilly Castle and Crescent Road car park. In that regard it is considered that the site offers a unique opportunity for a mixed use such as that proposed which will enable much needed housing to be provided in close proximity to the services offered in the town centre, together with a retail use that can complement the attractions offered by the castle. The provision of the driver's rest area will also help to meet the aims of the Caerphilly Basin Masterplan to improve Caerphilly as a tourist destination by encouraging increased dwelling time in the town centre. These benefits, together with the location of the building in a mostly commercial area surrounded by office buildings, churches, the castle and the car park mean that the use of the building is compatible with the existing uses in the area and there would be no unacceptable impact on the amenity of the area. There would also be no loss of privacy to neighbouring buildings as a result of the proposal and as such it is considered that the proposal complies with Policy CW2 of the LDP.

In respect of highway safety it should be noted that careful consideration has been given to the level of car parking to be provided as part of this development. In that regard additional land is also to be leased from the Council in order to provide additional parking to meet the requirements of the adopted supplementary planning guidance. The Transportation Engineering Services Manager has also considered the impact of the proposal on the highway network serving the area and it is not considered that there

would be any detrimental impact. In that regard it is considered that the proposal complies with Policy CW3 of the LDP.

It should be noted that Policy CW11 of the LDP sets out targets for the provision of affordable housing within the County Borough and in the Caerphilly Basin area this target is set at 40% of all units proposed. However this is a target and regard must be had for whether or not the development is viable. In that respect the applicant has submitted a viability assessment which has been independently assessed by the Council. It is considered that the assessment adequately establishes that the provision of affordable housing would not be viable in this instance and as such none is proposed. This is in accordance with Policy CW11 and the Guidance contained in Supplementary Planning Guidance LDP1.

Comments from Consultees: The Head of Public Services has raised concerns as to whether or not sufficient space has been provided within the development to accommodate the number of bins required to comply with the Council's current standards. It is acknowledged that the provision of refuse storage is a material planning consideration but it should also be noted that a balance must be struck between this and the need to enable development on this site. In that regard it is considered that sufficient provision has been made within the development for the storage of waste from a planning perspective and it is for the developer and the Head of Public Services to liaise with regard to alternative provision within the site.

No other objections are raised.

Comments from public:

1. Lack of car parking - This is addressed above.
2. Loss of view - This is not a material planning consideration.
3. Will elderly residents want to live in such a busy area? - This is a matter of personal choice for the potential residents and is not a material planning consideration.
4. The building is too large - 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 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:
1360 PL1 01A - Site Location Plan,
1360 PL1 03D - Proposed Ground Floor and Site Plan,
1360 PL1 04C - Proposed Upper Floors Plan,
1360 PL1 05C - Proposed Elevations,
1360 PL1 06B - Street Elevations.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The development shall not be commenced until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Prior to the occupation of the development hereby approved all hard surfacing within the site shall have been:
 - 1) constructed in porous or permeable materials, or
 - 2) provided with drainage to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse, and
 - 3) where a surface is to be used as a parking area or drive it shall not be constructed in loose materials,and thereafter those areas shall be permanently maintained so as to comply with requirements 1), 2) and 3) of this condition.
REASON: To provide a sustainable drainage system and avoid loose materials being taken out onto the highway in accordance with policies CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 05) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. 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.
- 06) Prior to the commencement of development, a Japanese Knotweed remediation plan shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall be implemented as agreed by a suitably qualified and licenced contractor.
- REASON: To prevent possible offences under the Wildlife and Countryside Act 1981 (as amended) by preventing damage to the proposed new building and infrastructure and to prevent the spread of a Schedule 9 species.
- 07) The building shall incorporate 6 No. integrated Swift boxes, to be installed in the walls at the highest points available and to be integrated as a cluster. The boxes must be built in prior to beneficial use of the building.
- REASON: To provide compensation and additional nesting for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 08) No part of the buildings shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for the control of noise emanating from the building(s) and associated plant and equipment. The

measures included in the approved scheme shall be implemented prior to the first occupation of the building that they relate to and thereafter the measures shall be operated in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

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

- 09) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.

REASON: To ensure that the demolition is carried out in an appropriate manner in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) Prior to the commencement of the development a scheme for on-site refuse storage (including any open air storage facilities) and for waste material awaiting disposal (including details of any screening) shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the first occupation of the development.

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

- 11) The retail use hereby permitted shall not be open to customers outside the following times:(a) 07.00 hours to 23.00 hours Monday to Saturday, and (b) 07.00 hours to 22.00 hours Sunday.

REASON: In the interests of residential amenity.

- 12) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.

REASON: To ensure the development is served by an appropriate means of drainage.

- 13) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 14) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
- b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

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

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:

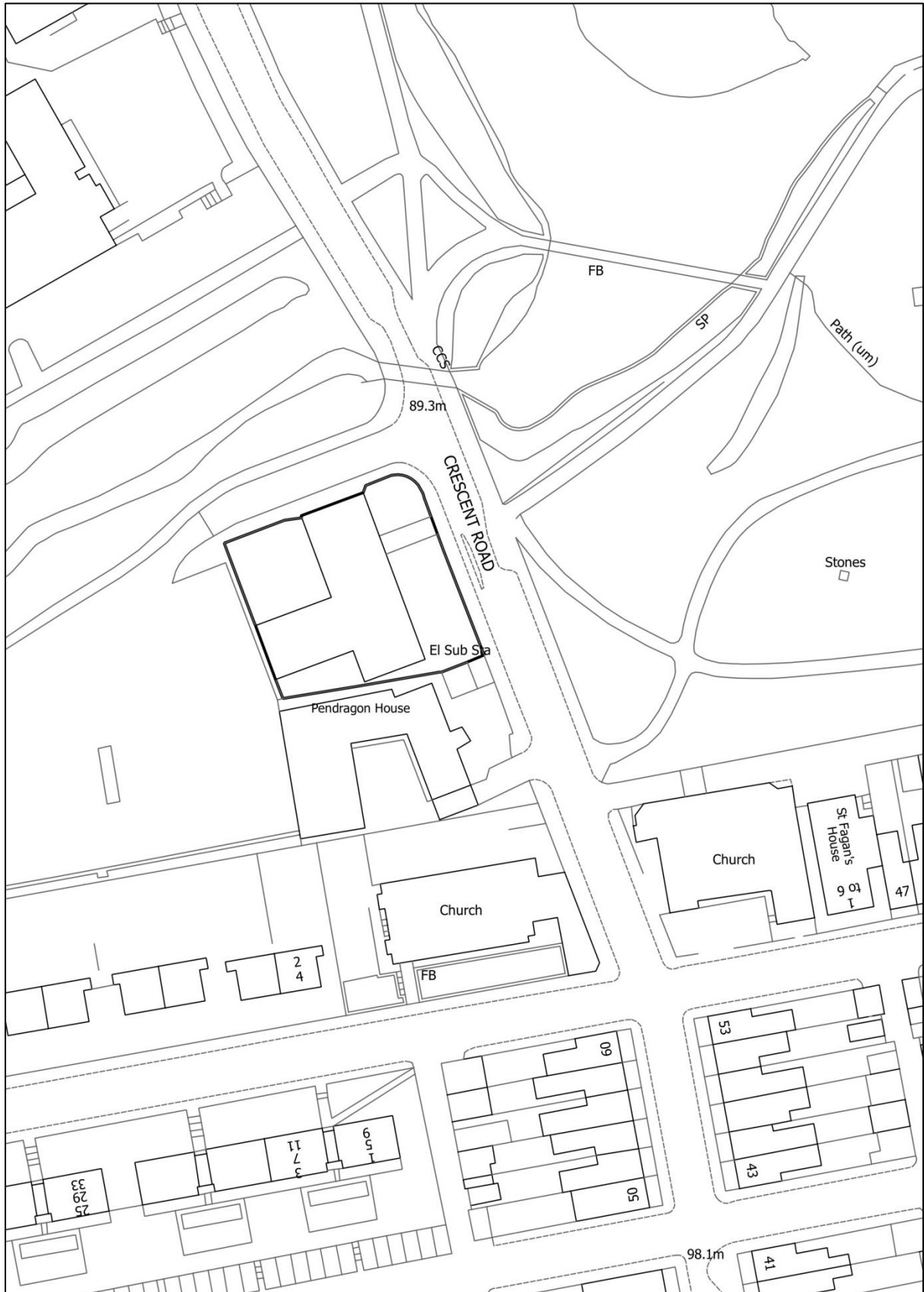
The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (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.

Please find attached comments from Dwr Cymru/Welsh Water.



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Application Number: 21/0574/FULL

Date Received: 18.06.2021

Applicant: Harmoni Homes Ltd

Description and Location of Development: Erect residential development, including demolition/removal of existing structures, for the erection of 31 affordable dwellings and associated works including sustainable drainage, car and bicycle parking and landscape planting - The Rhos Bedwas Road Caerphilly.

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

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

Site description: The application site is a small industrial estate located in a mainly residential area on the outskirts of Caerphilly Town Centre. The site contains a number of B2 (heavy industrial) uses and is accessed via the side lane between numbers 190 and 192 Bedwas Road. The site is flat and contains a number of single storey profile sheeting clad industrial buildings.

To the north west of the site is the Former Virginia Park Golf Course where planning consent has been granted for up to 350 dwellings, to the south west of the site is a paddock where horses are kept and where consent has been granted for the erection of 11 dwellings, to the south east are the terraced dwellings on Bedwas Road and to the north east are the modern detached dwellings at Hazel Grove.

Development: This application seeks full planning consent for the erection of 31 affordable dwellings. This would comprise of 16 dwellings and an apartment block containing 15 units. Access to the site would be achieved by an improvement to the existing access lane off Bedwas Road with 4 dwellings either side of the access road and a further 8 dwellings backing onto Virginia Park. The apartment block would be located in the south eastern part of the site backing onto Hazel Grove.

The dwellings would be a mixture of link and semi detached 2, 3 and 4 bed properties all of two storey height with front and rear gardens and parking largely to the side or rear. The apartment block will be a three storey building with parking located to the side. The apartments would be a mixture of 12 one beds and 3 two beds.

Dimensions: House types A1 and A2 measure 6.2m wide by 9.5m deep by 8m high.
House Types B1 and B2 measure 6.2m wide by 8.9m deep by 8m high.
House type C1 measures 6m wide by 9.4m deep by 9.4m high.

The apartment block is I-shaped and will have overall dimensions of 33m wide by 15.4m deep by 11.5m high.

Materials: The buildings will be finished in face brickwork with a tiled roof.

Ancillary development, e.g. parking: In order to improve visibility at the junction of the access lane and Bedwas Road, build outs are proposed in the highway with the junction line moved further out into the existing carriageway.

PLANNING HISTORY 2010 TO PRESENT None.

POLICY

Local Development Plan: Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Policies Within settlement limits.

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP14 (Total Housing Requirements), SP15 (Affordable Housing Target), CW2 (Amenity), CW3 (Design Considerations: Highways), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints) and HG1.62 Allocated Housing Sites).

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

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

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

Paragraph 3.16 - Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker

considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

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

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? The site is within a low risk area and an advisory note can be sent to the developer to advise them of this fact.

CONSULTATION

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

Welsh Government - Planning Directorate - No comments received.

Senior Arboricultural Officer (Trees) - No comments received.

Ecologist - No objection subject to conditions.

Landscape Architect - CCBC - No comments received.

Caerphilly Town Council - Raise objection on access, parking and privacy grounds.

The Coal Authority - Provide advice to be conveyed to the developer.

Glamorgan-Gwent Archaeological Trust - No objection.

Natural Resources Wales - No objection subject to conditions.

Transportation Engineering Manager - CCBC - Does not support the application given that there is a shortfall of 16 car parking space when assessed against the car parking guidance.

Would not support build outs at the junction with Bedwas Road or the lack of footway serving the flats and off street parking and on this basis should planning permission be granted the Highway Authority would not seek to adopt this site.

Head Of Public Protection - CCBC - No objection subject to conditions.

CCBC - 21st Century Schools - 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 - Requests information in respect of refuse storage and access for refuse vehicles.

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

ADVERTISEMENT

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

Response: None.

Summary of observations: None.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, 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? Yes, the site is located in the higher viability area where CIL is charged at £40 per square metre plus indexation.

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 residential development in a mainly residential area within the defined settlement limits and as such the principle of the development is acceptable in accordance with Policies SP3, SP5 and CW15 of the LDP. In that regard the main points to consider in the determination of this application are whether the design of the buildings is acceptable in the context, whether there would be any unacceptable impacts on neighbouring land and whether the proposal is acceptable from a highway safety perspective.

With regard to the first issue, it is considered that the relatively modern design of the proposed dwellings would depart from the traditional character of the dwellings along Bedwas Road, which are characterised by the use of stone and slate with some later alterations to render etc. However, the area has also been subject of several more modern developments on the land to the rear of Bedwas Road, using more modern materials and design features. In that the proposed development would only be visible in glimpsed views when travelling along Bedwas Road and that it is set well back from the dwellings along that frontage it is not considered that the more modern design of the dwellings would be unacceptable from a planning perspective. Moreover, taken in their own right it is considered that the proposed buildings incorporate a good design philosophy comparing favourably with the scale and pattern of development in the area, with a complimentary pattern of materials and architectural detailing which replicate features that can be found in both the traditional and modern dwellings in the area. In that regard it is considered that the proposal has sufficient regard for the context of the local, natural, historic and built features through a high standard of design that reinforces attractive qualities of local distinctiveness and as such complies with Criterion B of Policy SP6 of the LDP.

With regard to the possible impacts of the development on neighbouring properties it is clear that whilst no objections were raised in respect of the planning application, responses provided to the PAC exercise carried out by the applicant indicate that residents in Hazel Grove feel that the apartment block is too large and that this would have an overbearing impact and cause a loss of privacy. Whilst it is accepted that the apartment block is proposed as a three storey building, it is actually only approximately 2.5m higher than the other proposed buildings on the site. The main part of the building is also 21m away from the rear elevations of the dwellings directly facing it in Hazel Grove. Whilst the projecting element to the rear would only be some 6m away from the dwelling at number 70 Hazel Grove, it would be facing the blank pine end of that

dwelling and the unfenestrated rear elevation of a single storey extension to the front. In that regard it is considered that there is sufficient separation distance from the existing dwellings to the proposed buildings such that there would be no overbearing impact from the development. It should also be noted that there are no habitable room windows proposed in the elevations facing Hazel Grove and as such there would be no loss of privacy. With regard to the dwellings along Bedwas Road it should be noted that these properties have long rear gardens of approximately 18m length and this together with the rear lane in between results in sufficient distance to these properties to protect their amenity.

With regard to the privacy between the proposed dwellings it is noted that the dwellings either side of the access road have a separation distance of less than 21m but this is considered to be acceptable in a front to front scenario. However, the first floor bedroom windows of these dwellings are full height resulting in views being possible directly into these rooms. In order to protect the privacy of future occupiers it is considered that the bottom portion of these windows need to be obscurely glazed or in solid panels and as such a condition would be attached to any consent granted requiring the submission of details. In respect of the above issues it is considered that the proposal would not have a detrimental impact on the amenity of the area and as such the proposal complies with Policy CW2 of the LDP.

In respect of highway safety matters it is noted that the Transportation Engineering Services Manager does not support the application on the basis that the proposed development fails to provide adequate off street parking to serve the proposed dwellings. It is also considered that the internal layout of the development is such that the Local Highway Authority would not want to adopt it for future maintenance.

With regard to the first matter it is accepted that the proposal does not comply with the guidance contained in Supplementary Planning Guidance LDP 5 - Car Parking Standards in that the site is not categorised as being in a sustainable location having regard to the criteria set out within that document and as such the parking provision is short of the level required in the guidance. However, from a planning perspective, it is considered that the site is sustainably located. The entrance to the application site is located some 600m from the front of the Morrison's supermarket at Castle Court to the west and 1km away from the front of the Tesco supermarket at Gallagher Retail Park to the east. It should also be noted that Castle Court Shopping Centre also forms part of the retail core of Caerphilly with all of the services available therein. Immediately outside the entrance to the site is a small convenience store which could serve the immediate needs of future occupiers of the development. It should also be noted that immediately adjacent to the junction are bus stops that provide regular services to both of the above mentioned retail centres. On the basis that the site is well related to existing retail provision and the town centre, which are in walking distance for pedestrians, and is well served by public transport it is considered that a reduction in car parking provision can be justified in this instance.

Moreover, lower parking levels within development is supported by National Planning Guidance. Paragraph 4.1.9 of Planning Policy Wales states:-

The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act. 4.1.10 The planning system has a key role to play in reducing the need to travel, particularly by private car, and supporting sustainable transport, by facilitating developments which:
are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
are designed in a way which integrates them with existing land uses and neighbourhoods; and
make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

Paragraphs 4.1.50 - 4.1.52 also state:-

4.1.50 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.51 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. This includes preventing pavement parking through the design of the street. Car parking should be overlooked by surrounding properties to provide natural surveillance.

4.1.52 Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan. Local authorities should consider parking issues on a joint basis with neighbouring authorities. They should jointly establish maximum levels of parking for broad classes of development, together with a threshold size of development above which such levels will apply. These maximum standards should be set in collaboration with interested organisations. Local authorities will need to ensure that their parking standards reflect local transport provision, are adopted by individual authorities as supplementary planning guidance, and are kept under review. Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

In this instance the applicant has argued that the development is sustainably located and as such should benefit from the reduction in parking levels set out in the SPG which would result in a reduction of one parking spaces per dwelling such that two spaces would be provided for three bedroom dwellings and so on. Given the above considerations and the national guidance which points towards reduced levels of parking within developments and a push towards the use of modes of transport other than the private motor vehicle, it is considered that the levels of parking provided as part of this development are acceptable in planning terms.

In terms of the internal layout of the site it is considered that it would be a matter of preference for the developer to decide whether they wish to proceed with the development without the option of adoption by the Local Highway Authority. Moreover, Paragraphs 4.1.19 - 4.1.24 of Planning Policy Wales provide the following advice:-

4.1.19 Well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy, and children can play. To make streets safer and more attractive places for people, the Welsh Government is making 20 mph the new default speed limit for most streets and taking measures to prevent pavement parking.

4.1.20 The design and layout of streets must give a high priority to their role as public spaces and meeting the needs of pedestrians, cyclists and public transport users, reflecting the principles of the sustainable transport hierarchy. To create streets that are social places, the public realm needs to be safe and attractive and the street designed for low speeds of 20 mph or less.

4.1.21 Well integrated green infrastructure, such as SUDS, street trees and verges, not only create a pleasant environment but can also achieve a range of other benefits, including pollutant filtering, urban cooling, water management and habitat creation. Such features should be included as part of a well-designed street layout.

4.1.22 The Welsh Government policy, Manual for Streets and its companion guide Manual for Streets 221, requires that street design should not follow the conventional engineering-led approach. The design of new or enhanced streets should respond to urban design principles, including those in Manual for Streets and the Active Travel Design Guidance²², and not adhere to rigid standards. Design Bulletin 32: Residential Roads and Footpaths has been superseded by Manual for Streets.

4.1.23 Planning authorities must ensure the design of streets contributes to the creation of high-quality places, which will require a multi-disciplinary approach, and should challenge development proposals with standardised, prescriptive, engineering-focussed, risk-adverse street designs.

4.1.24 In residential areas, Home Zones are a way in which streets can be designed to slow vehicular traffic speeds down and give priority to people over motorised uses.

Local authorities should consider using powers available under the Transport Act 2000 to designate Home Zones.

It should also be noted in this instance that a condition can be attached to any consent granted requiring the provision of cycle parking in order to assist with sustainable modes of transport.

In that regard it is considered that the design of the internal layout of the site responds to the above guidance and creates a design that is not dominated by the car and creates sense of place that does not follow the traditional engineering led approach to highway layout but instead gives priority to the individual over the car. In light of the above considerations it is considered that the proposal is acceptable in highway safety terms and complies with Policy CW3 of the LDP.

Policy CW11 of the LDP requires the provision of affordable housing on all sites of 5 dwellings or more or with a site area exceeding 0.15 hectares. The Policy also sets targets for the provision of 40% of the units on a site to be affordable in the Caerphilly Basin Area. In that this development proposes 100% of the units to be affordable and as this can be secured by a legal agreement under Section 106 of the Town and Country Planning Act 1990 it is considered that the proposal complies with this Policy. However, it should be noted that as the policy only requires a maximum of 40% of the units to be affordable it will only be possible to require this amount through any legal agreement.

A small portion of the south west corner of the application site is located within Zone C2 as defined in the Development Advice Maps attached to TAN15; Flooding and Development and as such is susceptible to flooding in extreme events. However, the application is supported by a Flood Consequences Assessment that considers the impacts of flooding associated with the development. This assessment has been reviewed by Natural Resources Wales and they have confirmed that the risks of flooding are acceptable in this instance and as such the proposal complies with the advice contained in TAN15.

Comments from Consultees: The concerns of Caerphilly Town Council are addressed above.

Comments from public: None.

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

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.

It is therefore recommended that the application be deferred to allow for the completion of a Section 106 Agreement which will secure the following:-

A. Provision of 40% of the total number of units on the site as affordable units.

If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Regeneration and Planning to exercise discretion to refuse the application on the grounds of non-compliance with Policies CW3 and CW11 of the Caerphilly County Borough Local Development Plan which require that development has regard for the safe, effective and efficient operation of the transportation network and provides an adequate level of affordable housing respectively.

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: AL(00)01 Rev A, AL(00)20, AL(00)21, AL(00)23, AL(00)24, AL(00)26, AL(00)31, AL(00)32, AL(00)35, AL(00)36, AL(00)37, AL(00)20, AL(00)38, AL(90)10 Rev J, 02 Rev B, 21002.OS.103.01, P0503, The Rhos - Flood Consequences Assessment by JBA Consulting Ltd dated December 2020, Geotechnical and Geoenvironmental Report: Proposed Residential Development Land to the Rear Of 184-202 Bedwas Road, Caerphilly, CF83 3AU by Terrafirma Ltd dated September 2020, Preliminary Ecological Assessment & Bat Survey by Eco Logical Services Ltd dated 27th April 2021, Transport Statement Rev C by Lime Transport dated 14th August 2021 and Tree Survey by Treescene dated 1st February 2021.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of the development a scheme 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.

- 04) 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.

- 05) 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.

- 06) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.

The scheme shall include:

- (i) control of noise,
- (ii) control of dust, smell and other effluvia,
- (iii) control of surface water run off,
- (iv) site security arrangements including hoardings,
- (v) proposed method of piling for foundations,
- (vi) construction and demolition working hours,
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

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

- 07) Prior to the commencement of the construction of any of the proposed buildings on the site, an Air Quality Management Assessment shall be carried to assess the impact of the development on the Caerphilly Air Quality Management Area. The assessment should identify any mitigation measures required to make the

development acceptable and those measures shall be carried out prior to the occupation of any dwellings on the site.

REASON: In order to ensure that the development does not have any detrimental impact on the health of members of the public and in order to ensure compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

- 08) Prior to the commencement of the development, a long-term monitoring plan for groundwater quality and land contamination shall be submitted and approved in writing by the Local Planning Authority.

The long-term monitoring plan should include:

Details of the methods and triggers for action to be undertaken,

Timescales for the long-term monitoring and curtailment mechanisms (e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required),

Timescales for submission of monitoring reports to the LPA (e.g. annually),

Details of any necessary contingency and remedial actions and timescales for actions. Details confirming that the contingency and remedial actions have been carried out,

The monitoring plan shall be carried out in accordance with the approved details and within the agreed timescales.

REASON: In order to protect the water environment and in order to ensure compliance with Policy CW5 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

- 09) If, during development, contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

REASON: In the interests of public health.

- 10) No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

REASON: In the interests of public health.

- 11) Prior to the commencement of development, a Biodiversity Strategy shall be submitted to, and approved in writing by the Local Planning Authority. The strategy shall include, but not be exclusively limited to: Working methodologies including timing/phasing, wildlife friendly drainage, Underpasses, provision of bird nesting boxes, Dark vegetated flight corridors around the periphery of the site, no net loss of hedgerow, retention of trees and water bodies, buffer to water

courses, 100mm gaps under all fences, use of native species in the planting scheme and a biodiverse species planting mix for amenity/roadside grassed areas. The strategy shall be implemented as agreed.

REASON: To secure mitigation, compensation and enhancement measures for biodiversity on site, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2021) and Tan 5 Nature Conservation and Planning (2009).

- 12) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.
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) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Prior to the commencement of work on site, 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 transport options in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Prior to the occupation of the dwelling(s) hereby approved all hard surfacing within the curtilage(s) shall have been:
 - 1) constructed in porous or permeable materials, or
 - 2) provided with drainage to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse, and
 - 3) where a surface is to be used as a parking area or drive it shall not be constructed in loose materials,and thereafter those areas shall be permanently maintained so as to comply with requirements 1), 2) and 3) of this condition.

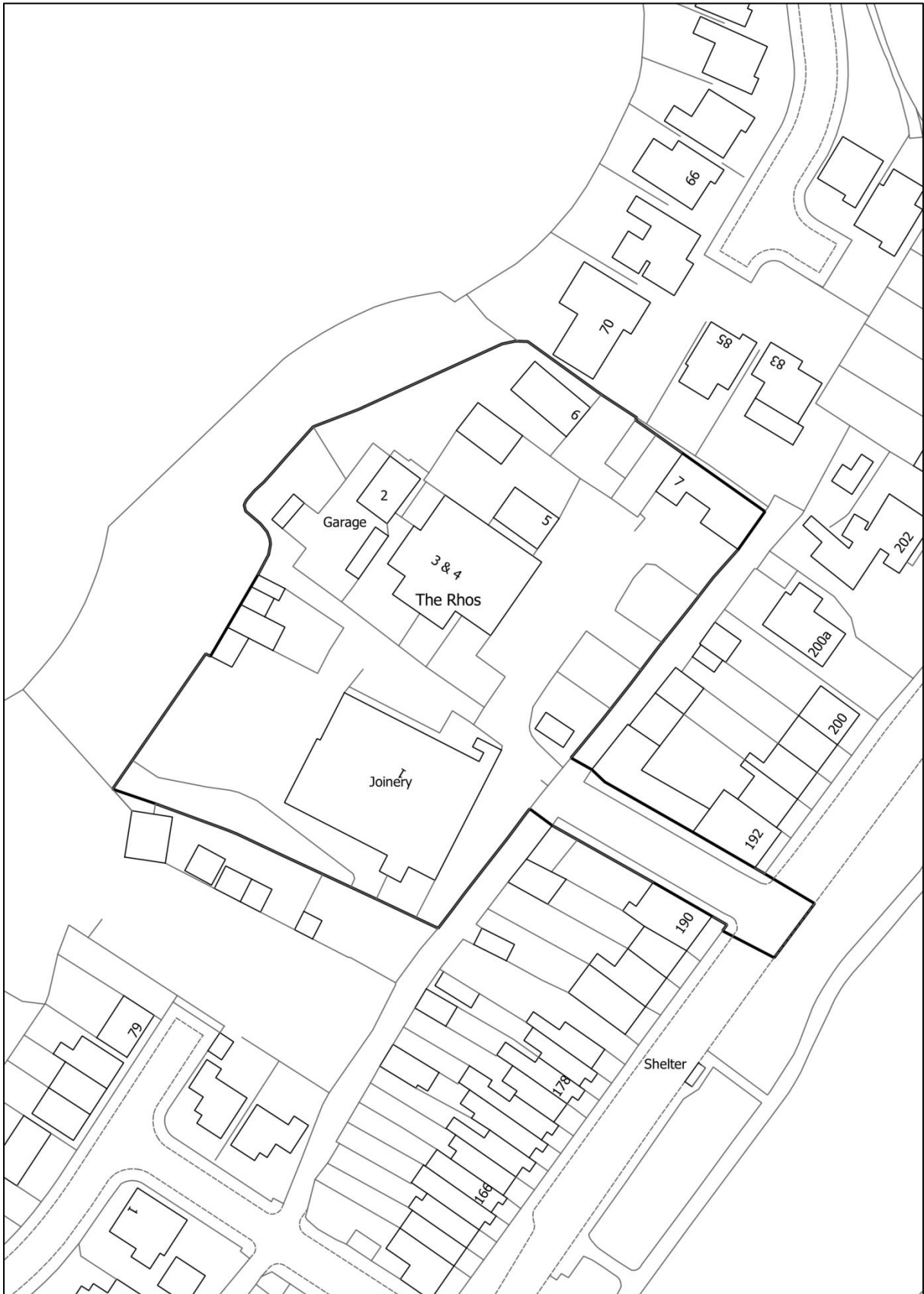
REASON: To provide a sustainable drainage system and avoid loose materials being taken out onto the highway in accordance with policies CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 17) 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.

- 18) The development shall not be occupied until covered and secure cycle parking facilities have been provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development is accessible by all modes of transport in the interests of sustainability in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.



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