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

Date: 5th April 2022

Dear Sir/Madam,

A digital meeting of the **Planning Committee** will be held via Microsoft Teams on **Wednesday, 13th April, 2022 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 'Chrissy'.

Christina Harrhy
CHIEF EXECUTIVE

AGENDA

	Pages
1 To receive apologies for absence.	

A greener place Man gwyrddach



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 9th March 2022. | 1 - 6 |
| 4 | Planning Committee held on 23rd March 2022. | 7 - 12 |

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

- | | | |
|---|---|---------|
| 5 | Application No. 21/0342/LA - Land At Parc Penallta, Penallta Road, Penallta, Hengoed. | 13 - 24 |
| 6 | Application No. 21/1090/RM - Austin Grange, Maes Glas South UL, Caerphilly, CF83 1LN. | 25 - 50 |
| 7 | Application No. 22/0018/RET - Chambers House, 49 Blackwood Road, Pontllanfraith, Blackwood, NP12 2BW. | 51 - 64 |

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

Those individuals that attend committee meetings to speak/give evidence will be named in the minutes of that meeting, sometimes this will include their place of employment or business and opinions expressed. Minutes of Meetings including details of speakers will be publicly available to all via the Council website at www.caerphilly.gov.uk. except for discussions involving confidential or exempt items.

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PLANNING COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 9TH MARCH 2022 AT 5:00 PM

PRESENT:

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

Councillors:

M. Adams, Mrs E.M. Aldworth (Vice-Chair), C. Andrews, M. Davies, N. Dix, J. Fussell, R.W. Gough, B. Miles, J. Ridgewell, R. Saralis (Chair), J. Simmonds, J. Taylor

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

Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Powell (Area Principal Planner), E. Rowley (Area Senior Planner), C. Campbell (Transportation Engineering Manager), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), M. Goodger (Senior Engineer – Drainage), J. Hobbs (Senior Engineer), C. Lamnea (Planning Enforcement and CIL Monitoring Officer), R. Barrett (Committee Services Officer), S. Hughes (Committee Services Officer)

RECORDING AND VOTING ARRANGEMENTS

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

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. Bevan, L. Harding, A. Higgs and A. Hussey.

2. DECLARATIONS OF INTEREST

Councillor R. Saralis declared a personal and prejudicial interest in [Agenda Item 4 \(Application No. 21/0899/FULL\)](#) on the basis that he has previously declared an interest in relation to this site (being a close friend of the family of one objector) and he left the

meeting when the application was discussed. Details are also minuted with the respective item.

3. MINUTES – 9TH FEBRUARY 2022

It was moved and seconded that the minutes of the meeting held on the 9th February 2022 be agreed as a correct record. By way of Microsoft Forms and verbal confirmation (and in noting there were 11 for, 0 against and 1 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee held on 9th February 2022 (minute nos. 1-5) be approved as a correct record.

Councillor R. Gough confirmed that he had abstained from voting on the minutes as he had not been present at the last meeting.

4. APPLICATION NO. 21/0899/FULL - LAND AT GELLI FARM, TREDEGAR ROAD, CWMGELLI, BLACKWOOD, NP12 1BZ

Councillor R. Saralis declared a personal and prejudicial interest in this item, having previously declared in relation to this site, and he left the meeting when the application was discussed. Councillor Mrs E.M. Aldworth took the Chair for this item.

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.

Mr C. Woolley and Councillor K. Etheridge spoke on behalf of local residents in objection to the application, and Mr M. Roberts (Applicant's Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that that the application be deferred pending further information in relation to the capacity of the proposed storage tanks at the site. It was then moved and seconded that subject to the conditions contained in the Officer's report, together with an amendment to condition 7 to remove part (a) of the wording in the interests of public safety, the recommendation in the Officer's report be approved.

The motion to defer the application pending further information was taken first and by way of Microsoft Forms and verbal confirmation (and in noting there were 2 for, 7 against and 0 abstentions) the motion was declared lost.

Voting then took place on the motion to grant as per the Officer's recommendation, and by way of Microsoft Forms and verbal confirmation (and in noting there were 7 for, 1 against and 0 abstentions) this was agreed by the majority present.

Councillor J. Ridgewell lost connection during the proceedings and was able to register his vote on the motion to defer but not on the subsequent motion to grant.

RESOLVED that:-

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

Amended Condition (7)

No development shall commence until;

a) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

In the interests of public safety.

- (ii) the applicant be advised that the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity 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. The applicant's attention is drawn to the Coal Authority Policy in relation to new development and mine entries available on the [Coal Authority Website – new development and 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 also available on the [Coal Authority website](#);

- (iii) The applicant be referred to Public Access on the Council's website to view the comments of the statutory consultees that are brought to the applicant's attention.

5. APPLICATION NO. 21/0452/FULL - FORMER CAERPHILLY POLICE STATION, MOUNTAIN ROAD, CAERPHILLY

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.

Mr J. Grenfell and Councillor S. Kent spoke on behalf of local residents in objection to the application and Mr M. Southall (Applicant's Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation in the Officer's report be approved. A further motion was moved and seconded for the application to be deferred for a further report with draft reasons for refusal based on the overbearing nature of the development. The mover of the further motion subsequently agreed for the initial motion to grant to be put to the vote as the main motion, with a yes vote to signify the grant of the application and a no vote to signify deferral of the application for a further report with draft reasons for refusal.

Voting took place on the recommendation in the Officer's report for the application to be granted pending completion of a Section 106 obligation, and by way of Microsoft Forms and verbal confirmation (and in noting there were 7 for, 5 against and 0 abstentions) this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report, the application be deferred to allow the applicants to enter into a Section 106 obligation which will secure 40% provision of Affordable Housing, and a £15,600 contribution towards enhancing transport for the residents of the development, in particular the provision of a demand responsive minibus service three days a week, and on completion of the Section 106 obligation the application be GRANTED.

If the obligation is not completed within three months of the resolution to approve, that the Head of Planning and Regeneration be granted delegated powers to refuse the application for failure to comply with Policy CW11 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

- (ii) Notification of initiation of development and display of notice:

The application be advised of the need to comply with their 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;
- (iii) The applicant/developer is advised to contact Dwr Cymru/Welsh Water in relation to the potential need for a scheme to reinforce the existing public water supply network. Dwr Cymru/Welsh Water can be contacted on 0800 917 2652 or via email at developer.services@dwrcymru.com

6. APPLICATION NO. 21/0477/RM - VIRGINIA PARK GOLF COURSE, VIRGINIA PARK, CAERPHILLY

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.

Councillor S. Cook spoke on behalf of local residents in objection to the application and Mr J. Wilks (Applicant's Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation in the Officer's report be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 11 for, 1 against and 0 abstentions) this was agreed by the majority present.

RESOLVED that subject to the conditions contained in the Officer's report the application be GRANTED.

The meeting closed at 7.44 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 13th April 2022.

CHAIR

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PLANNING COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 23RD MARCH 2022 AT 5:00 PM

PRESENT:

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

Councillors:

M. Adams, M. Davies, N. Dix, J. Fussell, R.W. Gough, L. Harding, A. Hussey, B. Miles,
J. Ridgewell, J. Simmonds, J. Taylor

Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Powell (Area Principal Planner), J. Waite (Principal Planner), M.W. Jones (Planning Officer), C. Campbell (Transportation Engineering Manager), M. Noakes (Principal Engineer), L. Cooper (Assistant Engineer), A. Vick (Senior Engineer), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), C. Lamnea (Planning Enforcement and CIL Monitoring Officer), C. Boardman (Development Manager), N. Taylor-Williams (Head of Housing), J. Roberts-Waite (Strategic Coordination Manager), S. Wilcox (Project Manager), R. Barrett (Committee Services Officer), M. Afzal (Committee Services Officer)

RECORDING AND VOTING ARRANGEMENTS

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

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors C. Andrews, J. Bevan and A. Higgs, together with Councillor A. Whitcombe (Cabinet Member for Sustainability, Planning and Fleet)

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting. Prior to consideration of [Agenda Item No. 3 Application No. 22/0046/COU](#), Councillor J. Simmonds sought advice on whether he was required to declare an interest as the applicant is known to him. Further details are minuted with the respective item.

3. APPLICATION NO. 22/0046/COU - 25 CEDAR ROAD, TRINANT, NEWPORT, NP11 3JW

Prior to consideration of this item, Councillor J. Simmonds sought advice as the applicant is known to him as he operates a similar establishment in his ward. On receiving advice from the Monitoring Officer, Councillor Simmonds decided that there was no need to declare an interest on this occasion.

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.

Councillor C. Thomas spoke on behalf of local residents in objection to the application, and Mr G. Pesticcio (Applicant) spoke in support of the application.

Following consideration of the application it was moved and seconded that the application be deferred to a future meeting for a further report with draft reasons for refusal based on a lack of need for this type of development and the loss of the use of the property as a family home. The motion then proceeded to a vote, with it noted that a yes vote would signify refusal of the application and a no vote would signify granting of the application.

By way of Microsoft Forms (and in noting there were 5 for, 8 against and 0 abstentions) the motion to defer for refusal was declared lost and it was therefore

RESOLVED that subject to the conditions contained in the Officer's report, the application be GRANTED.

4. APPLICATION NO. 21/1192/OUT - LAND AT GRID REF 318082 197935, CENTRAL AVENUE TO GROVESIDE ROAD, OAKDALE

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.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 13 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report, the application be GRANTED;
- (ii) Notification of initiation of development and display of notice:

The application be advised of the need to comply with their 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;
- (iii) 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

- (iv) The applicant/developer be advised that a revised and updated Aboricultural Impact Assessment, Tree Protection Plan and Aboricultural Method Statement will need to be submitted with the reserved matters application;
- (v) The applicant/developer be advised that the ground gas monitoring undertaken (frequency/duration) does not comply with Table 5.5a and 5.5b within Ciria 665 2007. As such, further monitoring will be required as part of further site investigation works;
- (vi) The applicant/developer be advised that a Materials Management Plan in accordance with the current CL:AIRE protocol will need to be submitted as part of a remediation strategy to ensure that any site won material intended

to be utilised from areas of potential asbestos contamination is appropriately managed and dealt with accordingly.

- (vii) The applicant/developer be advised that biodiversity conservation and enhancement measures should be considered at reserved matters stage including the following:
- the use of native species and local provenance in the landscaping scheme;
 - diverse species mixes for open/amenity areas of grassland, with an appropriate management plan;
 - landscaping to include rich-in-diversity boundaries such as hedgerows or tree lines;
 - refugia/nesting site for birds, bats and hedgehog throughout the development (minimum 25 bird boxes; to incorporate at least 3 No. 3-chamber sparrow terrace boxes, note that a 3-chamber box will count as 3 boxes in the total count);
 - provision of refugia such as deadwood/log piles etc; and
 - 100mm high continuous gaps under all fence panels.

5. APPLICATION NO. 21/1226/OUT - TY DARREN HOME FOR THE ELDERLY, CROMWELL ROAD, RISCA, NEWPORT, NP11 6HF

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.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 13 for, 0 against and 0 abstentions) this was unanimously agreed.

- (i) subject to the conditions contained in the Officer's report, the application be GRANTED;
- (ii) Notification of initiation of development and display of notice:

The application be advised of the need to comply with their 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;
- (iii) Warning: A European protected species (EPS) Licence is required for this development.

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

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or via [Link to Natural Resources Wales website](#)

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

From 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring that all new developments of more than one house or where the construction 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

- (v) The applicant/developer be advised that the landscaping scheme provided at reserved matters stage should incorporate native species and planting for the benefit of local wildlife, including reptiles and nesting birds;
- (vi) The applicant/developer be advised that prior to the demolition of any structures on site that an Asbestos Survey is conducted to identify and appropriately dispose of any ACM in accordance with the Control of Asbestos Regulations 2012. Failure to do this could result in the contamination of the site.
- (vii) 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](#);
- (viii) The applicant/developer be advised of the need to prepare and implement a flood management plan as recommended within the submitted Drainage Strategy and Flood Consequences Assessment Addendum Letter (dated 3rd February 2022).

The meeting closed at 6.16 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 13th April 2022.

CHAIR

Application Number: 21/0342/LA

Date Received: 17.05.2021

Applicant: CCBC

Description and Location of Development: Erect multi purpose visitor centre within country park - Land At Parc Penallta Penallta Road Penallta Hengoed

APPLICATION TYPE: Local Authority Application

SITE AND DEVELOPMENT

Location: The application site is located at Penallta Park, to the north of the A472 between Nelson and Ystrad Mynach.

Site description: The application site is a small plateau of land within the wider Penallta Country Park that was previously landscaped in preparation for development. The site encompasses a small irregular shaped parcel of land that has been levelled and grass seeded. The site is enclosed by a post and rail fence. Immediately to the south of the site is a car park that serves the country park as well as being the intended parking provision for the proposed development. Further to the south is the A472 road that provides the main east/west route through the County Borough. The topography of the area is largely sloping from south to north with the A472 at a higher level than the development plateau.

Development: This application seeks full planning permission for the erection of a new visitor centre to serve the country park and the wider area. It is proposed to erect a single storey building to comprise a teaching and learning hub, exhibition areas, cafe, kitchen, offices and ancillary facilities.

The proposed building would be constructed using sustainable construction techniques with a timber frame and materials to blend into the site. It would have a largely flat roof with a v profile in the middle portion to support the provision of solar panels, having an irregular shape with a curved elevation facing to the south.

Dimensions: The building has overall dimensions of 29.7m by 16.65m by 4.6m to the eaves and 6.7m to the ridge.

Materials: The building would be finished in a mixture of stone, wood and metal cladding with a sedam roof.

Ancillary development, e.g. parking: 39 parking spaces are already provided on adjacent land and some minor amendments will be made to create 4 accessible parking spaces within the site. A freestanding wind turbine measuring approximately 8m tall is also proposed.

PLANNING HISTORY 2010 TO PRESENT 11/0324/LA - Reprofile Tredomen Tip and formation of landform for future visitor centre, provision of car parking/coach area, new footpaths and new junction off A472 - Granted 15.09.11.

POLICY

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

Policies Outside settlement limits and within the Mynydd Eglwysilan Special Landscape Area (NH1.3).

Local Development Plan: SP2 (Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7(Planning Obligations), SP10 (Conservation of Natural Heritage), SP11 (Countryside Recreation), SP12 (Development of the Valleys Regional Park), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW15 (General Locational Constraints) and CW22 (Locational Constraints - Minerals).

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

Gelligaer Community Council - No objection.

The Coal Authority - No objection.

Dwr Cymru/Welsh Water - Provide advice to be conveyed to the developer.

Transportation Engineering Manager - CCBC -

Environmental Health Manager - CCBC - No objection subject to conditions.

Senior Engineer (Drainage) - No objection. Sustainable drainage approval is required prior to the commencement of works on site.

Landscape Architect - CCBC - No objection.

Principal Valuer - No objection.

Ecologist - No objection subject to conditions.

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? Yes, European protected species have been identified by a survey.

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

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

The three tests were applied and answered as follows:

- (i) The derogation is in the public interest as the proposed facility will make an important contribution to increasing access to the countryside for a wider section of the community whilst also improving knowledge and understanding of biodiversity issues both locally and nationally. The facility may also increase revenue for the Countryside Section of the Council, enabling them to invest further money into maintenance, protection and understanding of the ecology, landscape character and biodiversity of the area.
- (ii) The application site was developed for this specific purpose following a previous planning consent in 2011. No other site within or near to the park has the same attributes in terms of topography accessibility and ease of access to the strategic highway network and location within the park to meet the needs of the development.
- (iii) Subject to the measures set out in 'Supplementary Ecological Information in Support of the Parc Penallta Visitor Centre Planning Application; April 2021 by the Countryside and Landscape Section of CCBC' it is considered that the derogation would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks full planning permission for the erection of a visitor centre within Penallta Country Park and outside of the defined settlement limits as shown in the LDP. In that regard the proposal is considered to be acceptable in principle in accordance with Policies SP5 and CW15 of the LDP as it is a recreation, leisure and tourism proposal that is suitable in a countryside location. In that the principle of the development is considered to be acceptable the main points to consider in the determination of this application are the impact of the development on the visual amenity and landscape character of the area and the impact of the proposal on highway safety.

With regard to the visual impact of the development it is considered that the proposed building has been designed to the highest quality, using a modern design with a mixture of traditional and modern materials that seek to complement the landscape character of the surrounding country park, whilst providing a nod to the former industrial use of the site. The plateau that the proposed building will sit on was previously constructed for this purpose in accordance with planning permission reference 11/0324/LA and the surrounding landform has been engineered and landscaped such that it sits comfortably within the wider topography of the site. The building itself then uses a combination of metal and wood cladding that ties into this character and does not detract from the visual amenity of the area. In addition the proposed wind turbine is relatively modest in scale and considered appropriate in visual terms given the context.

The Council's Landscape Architect has commented as follows in respect of the proposal:-

Visually, I note that the site is partially obscured from the A472 highway by topography and existing verge hedgerow and informal trees and shrubs vegetation associated with the Country Park. Views from the SLA to the south are screened by existing woodland to the south of the A472. Views of the proposed building will be available at close range from the existing access road and car park and footpath link to the wider Park. Views from Parc Penallta will vary from open to partially filtered, to screened by existing woodland and largely limited to midrange to long distance views. Proposed planting once it matures, will further assist to soften and filter views, which along with the proposed built form which will visually improve the immediate area.

Having regard for the above it is considered that the proposed building represents a well designed addition to the Country Park, which will site comfortably within the landscape and would enhance the area within which it is located. As such the proposal is considered to exhibit a high standard of design that reinforces attractive qualities of local distinctiveness. On this basis therefore the proposal complies with Policy SP6 of the LDP.

With regard highway safety it should be noted that significant improvements to the access to the site were carried out in accordance with planning permission reference

11/0324/LA. That application also granted consent for the provision of a car park providing 39 parking spaces to serve the proposed development. This car park has been in use for approximately 8 years. The Transportation Engineering Manager has considered the impact of the proposal on the local highway network having regard for the significant increase in the numbers of people expected to use the proposed facility. In that regard, no objection is raised subject to the imposition of conditions requiring the provision of bicycle parking facilities and accessible parking spaces to complement the existing parking provision on site together with some minor improvements to the existing access.

Concern has been raised with regard to the provision of public transport links to the facility given the absence of any provision in close proximity to the site and the relative remoteness of the site in relation to the settlements of Nelson and Ystrad Mynach. In that regard it should be noted that the A472 road that passes the site forms part of the strategic highway network as defined in the LDP and in that regard an in-line bus stop would interrupt the flow of traffic on this route and pose dangers to highway safety. In that regard there is a preference for the provision of a service within the site. However, it is considered that there is ample space within the development to accommodate such provision and therefore this issue can be adequately addressed by the imposition of a condition requiring the submission of a scheme prior to the commencement of works on site.

In that regard it is considered that, subject to the imposition of the conditions referred to above, the proposal would be acceptable in highway safety terms and would comply with Policy CW3 of the LDP.

In terms of the amenity of the area it should be noted that the nearest residential properties are located some 100m to the south east at Tai-Fforest Cottages and 400m to the north west at The Rowan Tree. Given the types of activities that are likely to be carried out at the site, it is not considered that there would be any detrimental impact in terms of noise nuisance or disturbance and the additional traffic attracted to the site would be insignificant given the already heavy flow of traffic on this road. In that regard the proposal complies with Policy CW2 of the LDP.

In terms of the ecology of the area it should be noted that the Council's Ecologist raises no objection subject to the imposition of conditions. It should also be noted that the visitor centre would increase activities associated with biodiversity and the public's knowledge of such matters and as such the proposal would make a positive contribution to the biodiversity of the area. The proposal would also not lead to the loss of any trees and as such it is considered that it complies with Policies CW4 and CW6 of the LDP.

Comments from Consultees: No objections raised.

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.

In conclusion it is considered that the proposed development would make a positive contribution to the landscape character and biodiversity of the area and would not have any detrimental impacts in terms of amenity or highway safety. In that regard the proposal is considered to be acceptable in planning terms subject to the imposition of conditions and as such it is recommended for approval subject to conditions.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

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

- 02) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, PL-101, P001 Rev X and A-103 received on 31st March 2021;
PL-102, PL-103, PL-104, PL-105, PL-106, PL-107, PL-108, PL109 and Desk Top Study and Ground Investigation Report received on 17th May 2021;
Radon Report received on 18th May 2021;
Landscape Planting Schedule and Maintenance Programme received on 1st June 2021;
Landscape Planting Strategy received on 15th June 2021; and
Supplementary Ecological Information In Support Of The Parc Penallta Visitor Centre Planning Application received on 18th June 2021.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) 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.
- 04) 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.
- 05) No floodlighting shall be installed unless its details have been submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Thereafter the development shall be carried out in accordance with the approved details.
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.
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 development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter

the agreed scheme shall be employed as necessary to deal with noise arising from construction works.

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

- 09) 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.
- 10) The development shall not be brought into beneficial use 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.
- 11) 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.
- 12) The development hereby approved shall not be brought into use until the off site highway improvements have been completed in accordance with the details shown in drawing number P001 Rev X.
REASON: In order to ensure that the site is provided with an adequate access and in order to ensure compliance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to the commencement of works on site, a scheme for the provision of a public transport service to serve the site shall be submitted for the written approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON: In the interests of highway safety and to ensure compliance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

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

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

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

WARNING:

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

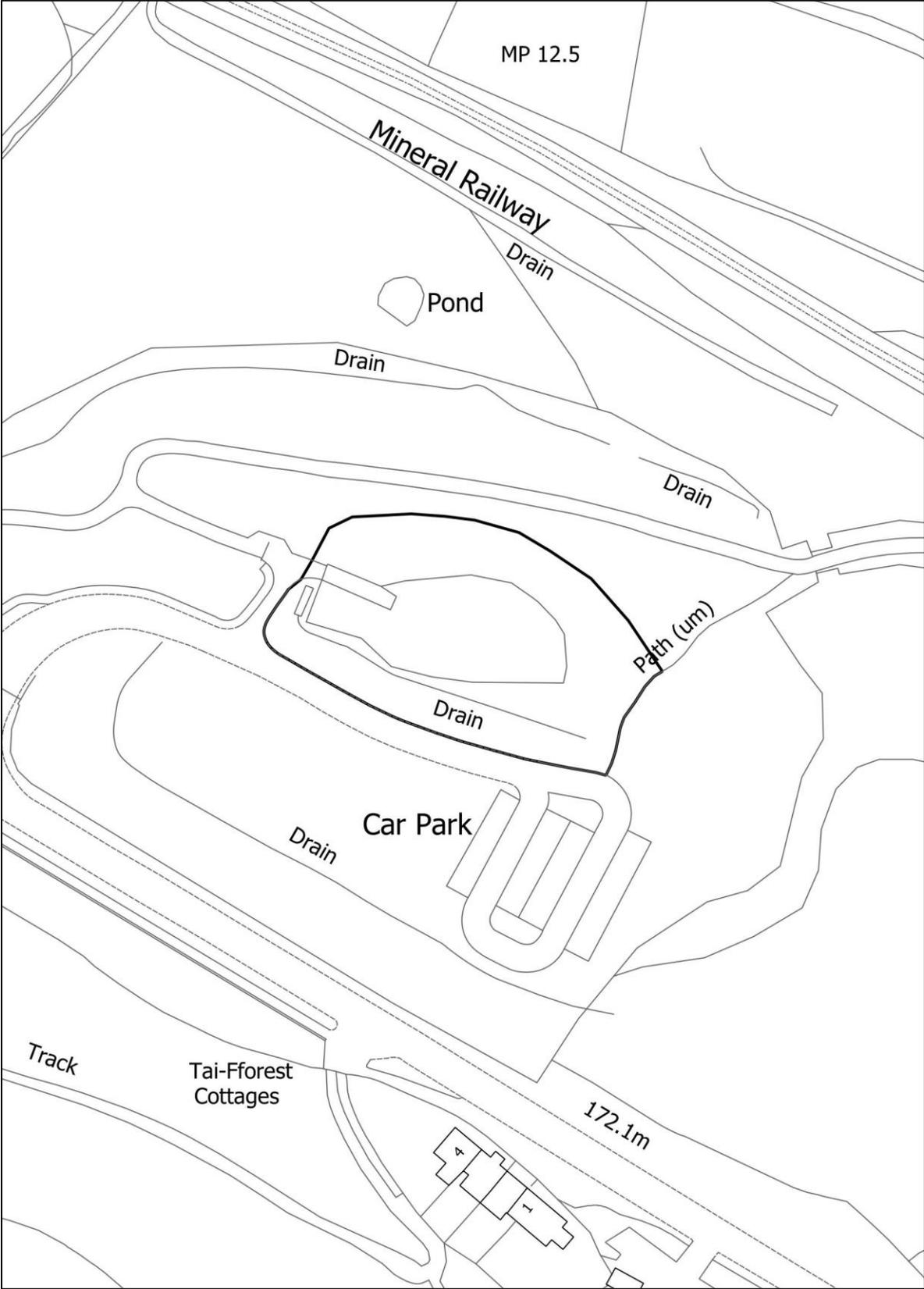
Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab



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Application Number: 21/1090/RM

Date Received: 12.11.2021

Applicant: JD Normansell & JA Gauregui

Description and Location of Development: Seek approval of the reserved matters in respect of appearance, landscaping, layout and scale of planning consent 20/0319/NCC (Vary condition 03 of planning application 17/0304/NCC (Vary condition 03 of planning consent P/05/1683)) to erect a total of 74 No. affordable dwellings, comprising of 15 No. 1 bed over 55s apartments, 42 No. social-rented units (24 No. 1 bed apartments, 15 No. 2 bed apartments, 3 No. 4 bed houses), and 17 No. shared-ownership units (13 No. 3 bed houses, 4 No. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works - Austin Grange Maes Glas South UL Caerphilly CF83 1LN

APPLICATION TYPE: Approval of Reserved Matters

SITE AND DEVELOPMENT

Location: The application site is located on the north/north-western side of the approach road to the park and ride facility at Caerphilly train station which is located approximately 130m to the west of the site.

Site description: The application site comprises of both a residential curtilage related to Austin Grange and an area of disused industrial land. There are a number of existing buildings on both parcels of land in varying states of use, disrepair and dereliction. The residential part of the site primarily comprises of a mixture of grass and scrub, while the industrial part of the site has an existing hard surface. The Nant y Calch watercourse flows in a north easterly direction across the site before following a section of the site's northern boundary. There is a difference in levels across the site with the land sloping gradually in a general northerly/north-easterly direction. The area of industrial land in the north eastern part of the site is also located at a lower level than the adjoining residential land with some retaining structures evident. A variety of boundary treatments are found on the site and include a prominent brick wall with a metal gate and bow top rail fencing adjacent to the approach road. The bow top rail fencing is screened by hedging along much of its length and there are also a number of prominent mature trees located adjacent to the allotments to the north and adjacent to the approach road in the north-eastern corner of the site.

Immediately to the west of the site is the residential area of Heol Awstin and residential properties at Maes Glas also adjoin the north-western corner of the site. Allotments adjoin the majority of the northern site boundary with the industrial units at Popular Road also lying adjacent to the site's north-eastern boundary. The approach road to the park and ride facility lies adjacent to the southern and eastern boundaries of the site.

Development: Approval of reserved matters is sought for layout, scale, appearance and landscaping pursuant to the renewed outline planning permission which was granted on 12th June 2020 (planning reference: 20/0319/NCC). The proposed development would provide 74 affordable units comprising of a mixture of 2 and 3 storey houses and maisonettes and 4 and 5 storey apartment buildings. The proposed unit types would be a mixture of social rent, shared ownership and accommodation for residents aged over 55. The proposed split amongst the unit types is as follows:

- 35 No. 1 bed apartments;
- 15 No. 2 bed apartments;
- 4 No. 1 bed maisonettes;
- 4 No. 2 bed houses;
- 13 No. 3 bed houses; and
- 3 No. 4 bed houses.

Dimensions: The approximate key dimensions for the proposed houses, maisonettes and apartment buildings are as follows:

- Apartment Building A: width between 37.2 and 40.4m, depth between 16.2 and 16.7m and flat roof height of 14.9m;
- Apartment Building B: width between 16.4 and 18m, depth between 15.6 and 19.7m and flat roof height of 12.3m;
- 2B4P House Type 1: width of 5.5m, depth of 9.2m and eaves and ridge height of 5.5m and 8.4m respectively;
- 3B5P House Type 1: width of 5.9m, depth of 9.6m and eaves and ridge height of 5.5m and 8.7m respectively;
- 4B6P House Type 1: width of 6.3m, depth of 10.8m and eaves and ridge height of 5.5m and 8.8m respectively;
- 4B6P House Type 2: width of 5.2m, dept of 9.8m and eaves and ridge height of 7.2m and 10.7m respectively; and
- 1B2P Maisonette: width of 9.6m, depth of 7m and eaves and ridge height of 5.5m and 9.2m respectively.

Materials: The proposed houses, maisonettes and apartment buildings would be finished in a mixture of buff coloured brick and stone, dark grey horizontal cladding and slate grey roofs.

Ancillary development, e.g. parking: The proposed houses, maisonettes and apartments would be served by 83 on-site car parking spaces. A plant, bin and cycle store enclosure is also proposed for the 4 storey apartment building, while similar facilities would be contained within the 5 storey building. The main area of proposed open space would be located in the north-eastern part of the site and would also function as a surface water attenuation area.

PLANNING HISTORY 2010 TO PRESENT P/05/1683 - Erect residential development (outline planning permission) - Granted 12.06.14.

17/0403/NCC - Vary condition 03 of planning consent P/05/1683 (Erect residential development) to extend the period of time for the submission of reserved matters by a further three years and extend the planning permission by a further five years - Granted 30.05.17.

20/0319/NCC - Vary condition 03 of planning application 17/0304/NCC (Vary condition 03 of planning consent P/05/1683 (Erect residential development) to extend the period of time for the submission of reserved matters by a further three years and extend the planning permission by a further five years) to extend the time for submission of reserved matters by a further three years and extend the planning permission by a further five years - Granted 12.06.20.

21/0408/NMA - Seek approval of non-material amendment to planning consent 20/0319/NCC (Vary condition 03 of planning application 17/0304/NCC (Vary condition 03 of planning consent P/05/1683 (Erect residential development) to extend the period of time for the submission of reserved matters by a further three years and extend the planning permission by a further five years) to extend the time for submission of reserved matters by a further three years and extend the planning permission by a further five years) to amend Condition 11 (visibility splays) - Granted 13.05.21.

21/0425/NMA - Seek approval of non-material amendment to planning consent 20/0319/NCC (Vary condition 03 of planning application 17/0304/NCC (Vary condition 03 of planning consent P/05/1683 (Erect residential development) to extend the period of time for the submission of reserved matters by a further three years and extend the planning permission by a further five years) to extend the time for submission of reserved matters by a further three years and extend the planning permission by a further five years) to tweak the red-line to address previous discrepancies with ownership boundary - Granted 14.05.21.

POLICY

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

Site Allocation: HG1.65 - Land between Van Road/Maes Glas and the railway.

Policies: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP10 (Conservation of Natural Heritage), SP14 (Total Housing Requirements), SP15 (Affordable Housing Target), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligation) and CW15 (General Locational Constraints).

Supplementary Planning Guidance - LDP 4 Trees and Development sets out guidance on the protection and integration of trees in new developments.

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.

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. The following policies are considered to be relevant to the proposed residential development: Policy 2 (Shaping Urban Growth and Regeneration - Strategic Placemaking), Policy 7 (Delivering Affordable Homes), Policy 9 (Resilient Ecological Networks and Green Infrastructure), Policy 12 (Regional Connectivity) and Policy 13 (Supporting Digital Communications).

NATIONAL POLICY Planning Policy Wales (Edition 11, February 2021), Technical Advice Note 2: Planning and Affordable Housing (June 2006), Technical Advice Note 5: Nature Conservation and Planning (September 2009) Technical Advice Note 11: Noise (October 1997) and Technical Advice Note 12: Design (March 2016).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? N/A.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within a low risk coal mining area and an advisory note can be added advising the applicant/developer of this fact if planning permission were to be granted.

CONSULTATION

CADW - No comments received.

The Coal Authority - No objection raised to the proposed residential development.

CCBC - 21st Century Schools Manager - The 21st Century Schools Officer has confirmed that there are generally sufficient pupil spaces available within catchment schools to meet the needs of the proposed residential development. The only exception is Ysgol Gyfun Caerffili which could be short of spaces if all proposed residential developments are built within the catchment area.

Environmental Health Manager - CCBC - No objection to the proposed residential development subject to a condition securing detailed and specific noise mitigation measures.

CCBC Housing Enabling Officer - It is advised that the proposed affordable house types would meet the identified housing need in the local area and the development would benefit from Welsh Government funding. It is also confirmed that the development is included in the Council's Programme Development Plan.

Parks And Countryside Operations Manager - No comments received.

Transportation Engineering Manager - CCBC - No objection to the proposed residential development subject to conditions relating to highways, car parking and street lighting and construction management plan.

Dwr Cymru - No objection raised in relation to foul or surface water drainage proposals.

Police Architectural Liaison Officer - No comments received.

Western Power Distribution - Advised that a separate application will need to be made to Western Power Distribution if a new connection or service alteration is required.

Natural Resources Wales - No objection to the proposed residential development subject to bat related conditions.

Waste Strategy and Operations Manager - Advised that sufficient waste storage space is required to meet the needs of future residents.

Ecologist - No objection to the proposed residential development subject to the application of the Habitats Regulations derogation tests for European Protected Species and the imposition of conditions relating to bats, a reptile strategy, a biodiversity strategy, invasive non-native species and a construction environmental management plan.

Senior Engineer (Drainage) - No objection raised in principle to the proposed residential development. However, it is advised that sustainable drainage consent is also required and whilst pre-application advice has been sought from the Sustainable Drainage Approval Body, a detailed drainage scheme has not yet been provided or agreed.

Landscape Architect - CCBC - No objection to the proposed residential development subject to additional/revised details being secured in relation to hard and soft landscaping and boundary treatments.

Senior Arboricultural Officer (Trees) - No objection to the proposed residential development subject to the proposal being carried in accordance with the submitted Arboricultural Method Statement.

Heritage And Placemaking Officer - No objection raised to the proposed residential development but it is recommended that certain plots are finished in stone and that soft

landscaping is incorporated along internal access roads to help soften on street car parking areas.

ADVERTISEMENT

Extent of advertisement: The application was originally advertised by means of site notices, neighbour letters and a press notice. A further re-consultation exercise, which included a site notices and neighbour letters, was undertaken as result of a small amendment to the site layout and amendments to the design of the residential buildings.

Response: The initial public consultation exercise resulted in one letter of objection being received. Following the re-consultation exercise a further letter of objection was received.

Summary of observations: The objections raised are summarised as follows:

- Impact on the visual amenity and loss of privacy to the existing houses at Maes Glas.
- Loss of wildlife.
- The local area is already busy and over-populated and the additional traffic would add to the congestion on the roads, particularly during the morning.
- The high number of proposed properties on the small plot of land would have a detrimental effect on the peaceful environment enjoyed by the residents of Heol Awstin.

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? Yes.

European protected species have been identified by a survey.

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

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

(ii) There is no satisfactory alternative.

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

The three tests were applied and answered as follows:

(i) The application site is allocated for housing development in the LDP and has benefitted from outline planning permission since 2014. The proposed residential development would provide much needed affordable housing that would meet a range of local housing needs, such as social rent, shared ownership and accommodation for residents aged over 55. As such, it is considered that the proposed residential development would provide significant social benefits to the local area and meets the overriding public interest test.

(ii) The existing main house on the site is a confirmed day roost for common pipistrelle and soprano pipistrelle bats. It is a relatively large, detached dwelling and is positioned somewhat centrally within the western area of the site. The removal of this building allows for a cohesive development layout and enables 17 affordable units to be delivered on this part of the site. In contrast, if this building were to be retained as part of the proposed development, the proposed layout would be severely compromised, detrimentally affecting the number of affordable units that could be delivered and the overall viability of the development scheme. It is therefore considered that there is no satisfactory alternative to the proposed development, which includes the removal of this existing building.

(iii) An Ecological Impact Assessment Report (EIAR) has been submitted with the application which indicates that in the absence of mitigation, there will be a negative impact on bat species as result of the proposed residential development. However, Section 5 of the EIAR sets out a range of mitigation measures that would minimise potential impacts on bat species, including a bat method statement, a further inspection of a tree for bat roost potential prior to felling, a lighting plan to maintain dark commuting corridors and compensatory bat boxes. Natural Resources Wales (NRW) has reviewed the aforementioned report and confirmed that a bat licence will be required to undertake the demolition works associated with the proposed development. Moreover, NRW states that subject to the implementation of the proposed bat mitigation measures, which can be secured by condition, it is not considered that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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 site is located within the settlement boundary and forms part of a wider housing allocation (Policy HG1.65). The proposed residential development is therefore acceptable in land use terms and the principle of residential development on the site has been confirmed through the grant of outline planning permission.

In terms of housing need, Policy SP14 makes provision for 10,269 new dwellings in the County Borough between 2006 and 2021 in order to deliver the 8,625 new dwellings required to meet the moderate growth strategy of the LDP. Policy SP15 also seeks to deliver at least 964 affordable units over the development plan period (between 2006 and 2021). The development plan period has now passed and both housing targets have not been met. Consecutive LDP Annual Monitory Reports have highlighted the requirement to have adequate regard to the urgent need to increase housing land supply in the consideration of proposals for new residential development on a site-by-site basis. This requirement continues to be a significant material planning consideration and regard needs to be had to the potential for achieving a higher density on allocated housing sites, where appropriate.

As indicated above, the application site forms part of a wider housing allocation and Policy HG1.65 indicates that the allocated site is anticipated to deliver 62 units. However, this highlighted capacity is indicative only and the site description details within Appendix 7 of the LDP state that a higher density would be acceptable on the site, due to its proximity to Caerphilly train and bus station (see page A7.18). As considered further below, the application site is considered to be located in a highly sustainable location and there is a clear need to bring suitable, sustainable housing developments forward. It should be noted that this site has not been delivered within the plan period despite having outline planning permission since 2014 and the increase in the number of units to 74 would improve the viability of the scheme, enabling the development to come forward. It is considered that this number of units would make a meaningful contribution to the housing land supply and accordingly, the proposal would meet the requirements of Policies SP14 and SP15. Moreover, the proposal would provide 100% affordable housing which would exceed the 40% affordable housing planning obligation requirement for housing sites in the local area (Policy CW11).

In respect of layout, the proposed residential development provides a good urban presence by fronting the houses on to the station approach road along the southern boundary of the site. These houses would also have pedestrian access either directly, or just off, the footpath running alongside the approach road which provides good active frontages and interaction with the immediate area. Also, whilst the proposed apartment buildings would back on to the approach road, the rear elevations of these buildings have the appearance of frontages with significant fenestration and a number of balconies overlooking the adjacent road. As such, the proposed development would provide a degree of active frontage and good natural surveillance along the south-eastern site boundary. In addition, a proposed small block of detached and semi-detached buildings on the more western part of the site would face towards the allotments, providing pleasant views for future occupiers and degree of natural surveillance over the adjacent public space.

Within the site itself, a number of residential blocks, including the proposed maisonettes, the short terrace adjacent to the site entrance and the apartment buildings would front on the internal access roads providing an acceptable level of active frontage. The main areas of open space and on-street car parking bays also benefit

from adequate levels of natural surveillance and the proposed corner buildings would incorporate either dual frontages or dual aspect rooms containing both front and side windows. Whilst it is acknowledged that parts of the internal streets would be characterised by rear boundary treatments, the nature and constraints of the site prevent active frontages being achieved both within and without the site. As such, in this instance, it is considered that an acceptable balance has been achieved.

In relation to the proposed residential development's level of connectivity with the surrounding area, only a single pedestrian, cycle and vehicular access is proposed off the station approach road. This access would, however, provide good connectivity to public transport and local services and facilities within Caerphilly Town Centre. It should also be noted that there is further potential for a pedestrian/cycle link to Van Road to be provided through the future development of the remainder of the housing allocation to the north of the current application site.

In terms of public open space, an area of amenity space is proposed along the northern boundary and towards the north-eastern part of the site. This amenity space would also have a dual function as a surface water attenuation area as part of the proposed sustainable drainage scheme. In addition, an area of amenity space would be created above the under-croft car parking area that would serve the residents of the larger 5 storey apartment building. No formal children's play facilities are proposed as part of the residential development; however, Bartlett Street Playground is located within reasonable proximity (approximately 600m) to the application site and could be utilised by future children residing at the site. No request has been made from the Parks and Countryside Operations Manager in respect of securing improvements to the existing playground.

With regards to the scale and design of the proposed residential development, the proposed houses and maisonettes located within the western part of the site would be two storeys in height which is in keeping with the typical scale of adjacent residential properties at Heol Awstin and Maes Glas. The proposed heights of the residential buildings would increase progressively across the site, stepping up to the 4 storey and then 5 storey apartment buildings located in the eastern/north-eastern part the site. The proposed 5 storey building would also be set back and set down from the station approach road, resulting in it appearing more as 4 storey building when viewed from the adjacent highway. This reduces the perceived scale and visual impact of the proposed 5 storey building. Existing trees located along the northern boundary and within north-eastern corner of the site would also help screen parts of this building and soften its built form.

In addition to the above, it is acknowledged that 4 and 5 storey residential buildings are not a common feature in the local area. However, the introduction of larger scale buildings is not considered to be visually unacceptable given that the application site is located on the edge of the residential area and in close proximity to the Caerphilly Business Park where buildings of a larger scale and mass are evident. An example of the latter includes the 3 storey office building located approximately 200m to the west of

the site. An existing 4 storey apartment building is also located within the surrounding area on the former magistrate's court site and planning committee recently resolved to approve a 5 storey apartment building, subject to the completion of S106 agreement, on the adjoining former police station site. As such, there are examples of visually acceptable larger scale buildings within the surrounding area.

The local context is characterised by varying residential building styles, ranging from more traditional stone terraces with bay windows and elaborate door and window detailing to simpler, more modern designs incorporating brick and render. It is not therefore considered that the surrounding area has a strong prevailing character that needs to be rigidly replicated as part of the proposed development. The proposed residential development itself would incorporate a good design approach based on a range of roof styles and building designs incorporating varying combinations of buff coloured brick and stone, dark grey horizontal cladding and slate grey roofs. House types proposed at the entrance of the site and on corner plots would also be finished in stone rather than brick to act as key focal points within the site. Overall, the proposed pattern of materials and architectural detailing of the proposed residential buildings are considered to complement the existing features that can be found in both the traditional and modern residential buildings in the local area.

It is therefore considered that the proposed residential development has had regard to the local context and provides a high standard of design that reinforces attractive qualities of local distinctiveness. Moreover, the proposal makes efficient use of the land by providing larger scale, higher density development in this highly sustainable location. Accordingly, the proposed residential development meets the requirements of Policy SP6.

In respect of highways matters, a single vehicular access off the approach road was approved at outline stage and has been incorporated into the detailed design of the scheme. From this vehicular access the main internal access road would connect to the proposed apartment buildings located towards the eastern end of the site. Two additional side roads on the more western part of the site are also proposed, comprising of a shared surface leading to the proposed maisonettes and a private access road serving 5 residential units. The submitted vehicle tracking assessment demonstrates that emergency and refuse vehicles would be able to adequately manoeuvre within the site and it is considered that the proposed internal access roads would be able to safely and effectively accommodate the scale and nature of traffic associated with the proposed development. Moreover, the Council's Highway Engineer has raised no concerns in relation to the capacity of the surrounding highway network to accommodate additional traffic generated by the proposed residential development.

In terms of car parking, the submitted Parking Technical Note (PTN) demonstrates that the application site is located in a highly sustainable location with good access to a range of local facilities and public transport. The Town Centre boundary and Caerphilly train and bus stations are located approximately 400m to the west of the site access, while Caerphilly Business Park lies approximately 300m to the east. As such, a

reduction in car parking provision is considered to be justified based on the sustainability criteria set out in Schedule 6 of the adopted LDP5 - Car Parking Standards SPG. The submitted PTN also indicates that based on 2011 census car ownership data for the local ward, the car ownership levels for the residents of both apartments and houses are likely to be less than the proposed level of onsite car parking spaces (83 in total). In addition, a survey of similar United Welsh housing sites in the surrounding area has found that the average demand for parking was less than one vehicle per household and the average for spaces occupied was 60%. As such, the PTN concludes that the proposed level of car parking provision is sufficient to meet the needs of future residents and visitors without resulting in overspill parking onto the surrounding highway network or having an unacceptable impact on highway safety. The Council's Highway Engineer has considered the findings of the PTN and has raised no objection to the proposed residential development in respect of the proposed level of car parking provision.

In addition to the above, a Travel Plan (TP) has been submitted with the application that seeks to reduce the need to travel, promote local pedestrian and cycle routes, promote public transport and ensure safe and easy access for all site users. In doing so, the proposed residential development would incorporate good sustainable travel practices and reduce reliance on the private car. The measures proposed within the TP include, among other things, the provision of onsite site cycle storage, the appointment of a travel plan co-ordinator, the provision of travel information packs and the promotion of car sharing schemes. The Transportation Engineering Manager has reviewed the submitted TP and considers it to be acceptable.

In summary, the proposed residential development is considered to be located in a highly sustainable location and would be provided with a sufficient level of onsite car parking that would meet the needs of future residents. The surrounding highway network is also considered to have sufficient capacity to accommodate the increase in vehicular movements generated by the proposed development. As such, it is considered that the proposed residential development would not have an unacceptable impact on the safe, effective and efficient use of the transportation network and accordingly, meets the requirements of Policy CW3.

In relation to residential amenity, the residential properties of Heol Awstin and Maes Glas lie adjacent to the western and north-western boundaries of the site respectively. The properties at Heol Awstin are positioned at a higher land level than the application site and an adequate separation distance of between approximately 14m and 17m would be maintained between the proposed semi-detached dwelling at plot 8 and the adjacent properties at Heol Awstin (Nos. 10a and 10b) to prevent any unacceptable overbearing or overshadowing impact. Moreover, the occupiers of these existing properties would not experience any unacceptable loss of privacy as no first floor windows are proposed in the western flank elevation of the proposed semi-detached dwelling.

Whilst only a minimum separation of approximately 7m would be maintained between the proposed maisonettes (units 9-12) and the adjacent neighbouring property at Heol Awstin (No.11), this neighbouring property has no windows in its eastern flank elevation which faces towards the rear elevation of the proposed maisonettes. Moreover, only first floor shower room windows are proposed in the rear elevation of the proposed maisonettes, which would be obscure glazed preventing any overlooking, and the difference in land levels between the application site and Heol Awstin would prevent any unacceptable overbearing impacts on the private amenity space of this neighbouring property.

In respect of the neighbouring residential properties at Maes Glas, the proposed dwellings in the northwest corner of the site (units 12 and 13) would maintain an adequate separation distance of over 25m from the nearest existing properties (Nos. 142 and 144). The orientation of the proposed dwellings in relation to the rear boundaries of these existing properties, together with the separation distances and existing soft landscape screening, would also prevent any unacceptable impacts on the private amenity space of these neighbouring properties.

An objection has been received highlighting concerns in relation to the high number of residential units proposed and the associated impact on the peaceful environment enjoyed by the residents of Heol Awstin. Firstly, it is not considered that the proposed residential development would generate unacceptable levels of noise and disturbance given that it would be compatible with surrounding residential uses. In addition, it should be noted that the residential units proposed on the western part of the site adjacent to Heol Awstin and Maes Glas, comprise of two storey dwellings in the form of a short block of Maisonettes and semi-detached dwellings. The higher density 4 and 5 storey buildings are located on the eastern part of the site over 110m away from the existing residential properties.

The proposed layout, building orientations and window arrangements would generally prevent any direct overlooking between the habitable room windows of the proposed residential buildings and/or any unacceptable overlooking of private amenity space within the site itself. However, it is recommended that proposed apartment building B incorporates privacy screens on certain upper floor balconies and obscure glazing on upper floor side windows to safeguard the privacy of the future occupiers of unit 24. Similarly, it is recommended that the proposed first floor side window on unit 4 is obscure glazed to prevent any direct overlooking with the habitable room windows of units 15 and 16. Such mitigation measures can be secured by condition. In addition, it is considered that future occupiers of the proposed dwellings and apartments would not experience unacceptable levels of overbearing or overshadowing from neighbouring buildings.

Given the above, it is therefore considered that the proposed residential development would not have an unacceptable impact on the occupiers of neighbouring properties by means of overbearing, overshadowing, overlooking or noise and disturbance.

Accordingly, the proposed residential development would meet the requirements of Policy CW2.

In terms of existing trees on site, the submitted Arboricultural Report (AR) indicates that whilst several trees and a section of hedgerow would be removed as part of the proposed residential development, all of these trees have been identified as being of a low or poor quality (Category C/U). Moreover, a high proportion of moderate value trees (Category B) would be retained as part of the proposed development and subject to the implementation of the arboricultural method statement contained within the AR, the proposal would not have an unacceptable impact on the root protection areas of these retained trees. The Council's Arboricultural Officer has reviewed the submitted AR and raised no objection to the proposed loss of trees on site. As such, it is considered that the proposed residential development meets the requirements of Policy CW6.

In relation to landscaping, the submitted landscaping scheme illustrates how existing trees and a section of hedgerow located along the periphery of the site would be retained and integrated with proposed landscaping features which form a key component of the Sustainable Drainage Scheme (SuDS) that would serve the proposed residential development. The SuDS features would include planted swales, rain gardens and an open attenuation basin. New tree, hedgerow, shrub and amenity grassland planting is also proposed throughout the residential development in order to create an appropriate visual setting.

The Council's Landscape Architect has reviewed the proposed landscaping scheme and confirmed that it is generally acceptable. However, additional hard and soft landscaping details have been requested for the roof of the under-croft car parking area in order to soften its built form. Further additional and/or revised details have also been requested in relation to hard landscaping details throughout the site, the rear boundary treatments of plots 18- 24 and the maintenance and aftercare details for soft landscaping. It is considered that such matters can be adequately addressed via conditions which secure the submission and approval of revised/additional hard and soft landscaping and boundary treatment details.

With regards to ecology, the submitted Ecological Impact Assessment Report (EIAR) confirms that the existing main house on the site is a day roost for a small number of soprano pipistrelle and common pipistrelle bats. A number of trees on site have also been assessed as having bat roost potential, but only one tree, which has a low suitability, would be removed as part of the proposed development. In addition to bats, the trees on site have varying degrees of suitability for nesting birds with several bird species encountered on site as part of the preliminary ecological appraisal. In terms of reptiles, a large population of slow worm inhabit the site along with a medium sized population of common lizards. The EIAR indicates that no direct evidence of common dormouse, European otter, great crested newt, European badger or hedgehog was found during the site survey and no further surveys for these species have been recommended.

PPW states that the presence of European Protected Species (EPS), such as bats, is a material consideration when a planning authority is considering a development proposal which is likely to result in disturbance or harm to the species or its habitat (paragraph 6.4.22). Moreover, PPW advises that planning authorities must take into account the three requirements (tests) for a derogation from the provisions of the Habitats Directive where an EPS is present. An assessment against these requirements is set out in the above Habitats Directive section of the report and it is considered that subject to appropriate mitigation measures being secured via condition, the proposed residential development meets the derogations tests and would not cause harm to the bat populations.

In terms of birds and reptiles, the Council's Ecologist has recommended several conditions including two that relate to reptile and biodiversity strategies. Such strategies would secure both mitigation and enhancement measures for both reptiles and birds as well as other species, and it is agreed that such related conditions are necessary. As such, subject to the imposition of these conditions, the proposed residential development would not have an unacceptable impact on protected or local species at the site. Accordingly, the proposed development meets the requirements of Policies SP10 and CW4.

With regards to drainage, the submitted Drainage Strategy (DS) indicates that foul drainage would be conveyed to the public sewerage network located at Popular Road, while surface water drainage measures would comprise of a mixture of rain gardens, swales, permeable paving and an attenuation basin. The surface water would ultimately discharge to the Nant y Calch water course that traverses the site. The proposals would also involve partially diverting this existing watercourse and creating a culverted section under the proposed carriageway, whilst also opening up the watercourse on certain parts of the site.

Dwr Cymru/Welsh Water has raised no objection in respect of the capacity of the public sewerage network to accept foul flows from the proposed residential development. As the proposed development is for more than one dwelling, the proposed sustainable drainage scheme will require a separate consent from the Sustainable Drainage Approval Body (SAB). The Council's Senior Engineer (Drainage) has also confirmed that whilst a full sustainable drainage application has not yet been submitted to the SAB, pre-application advice is being undertaken with the applicant and, in principle, no objection is raised to the layout of the site as it relates to drainage.

In terms of noise, the submitted Noise Impact Assessment (NIA) states that despite being near to a railway station and small industrial estate, the noise levels at the application site are not excessively high. Moreover, it indicates that when assessing against the criteria of Technical Advice Note (TAN) 11: Noise, the majority of the site would fall under Noise Exposure Category A, with only the southern elevations closest to the road falling within Noise Exposure Category B. TAN 11 advises that noise does not need to be considered as a determining factor where proposed dwellings fall within Category A; however, where proposed dwellings fall within Category B, noise should be

taken into account and, where appropriate, conditions imposed to ensure an adequate level of protection (see Annex A).

The NIA states that acceptable noise levels can be achieved with closed windows and standard double glazing. Trickle ventilators/air bricks (or mechanical ventilation) would, however, also be required to provide background ventilation as an alternative to open windows. The Council's Environmental Health Manager has reviewed the submitted NIA and whilst its general findings are not disputed, it is advised that specific and detailed mitigation measures need to be identified for each relevant plot within the proposed development. As such, it is recommended that a detailed scheme for sound insulation is secured via condition.

Comments from Consultees: All relevant matters raised by consultees have been addressed above.

Comments from public: A number of the concerns raised by local residents in relation to surrounding residential amenity, loss of wildlife, and highways matters have been addressed above. With regards to the concern over the high number of proposed units on a small plot of land, Policy SP6 states that development proposals should contribute to creating sustainable places through the efficient use of land, including higher densities where development is close to key transport nodes. This requirement is also reflected in Planning Policy Wales (Edition 11) which states that planning authorities need to ensure that they make the most efficient use of land in their areas and encourage higher densities on sites in town centres and other sites which have good walking, cycling and public transport (see paragraph 4.2.22). Similarly, one of the key strategic placemaking principles set out in Policy 2 of Future Wales is the need to increase population density, with development built at urban densities that can support public transport and local facilities.

As indicated above, the application site is located in a highly sustainable location with good access to Caerphilly bus and train station and a range of local facilities and services within Caerphilly Town Centre. As such, it is considered appropriate to accept a higher level of housing density on the application site, particularly as no unacceptable impacts have been identified.

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

- 01) Notwithstanding this approval, all other conditions on planning permission 20/0319/NCC shall remain in force and effect in relation to the development hereby approved unless expressly varied or discharged by the Local Planning Authority.
REASON: For the avoidance of doubt that the conditions contained in the planning permission reference number 20/0319/NCC are still applicable.

- 02) The development shall be carried out in accordance with the following approved plans and documents:
 - Proposed Site Location Plan, Drawing No. 9856 PL01 (Rev. A), dated March 2021;
 - Proposed Site Plan, Drawing No. 9856 PL03 (Rev. J), dated 16th February 2022;
 - Proposed Materials Plan, Drawing No. 9856 PL05 (Rev. C), dated 30th March 2022;
 - Proposed Affordable Housing Plan, Drawing No. 9856 PL06 (Rev. D), dated 15th February 2022;
 - Proposed Heights Plan, Drawing No. 9856 PL07 (Rev. B), dated 15th February 2022;
 - Proposed Parking Plan, Drawing No. 9856 PL08 (Rev. B), dated 15th February 2022;
 - 2B4P House Type 1 Plans & Elevations, Drawing No. 9856 PL30 (Rev. B), dated 30th March 2022;
 - 3B5P House Type 1 Plans & Elevations, Drawing No. 9856 PL32 (Rev. C), dated 24th March 2022;
 - 4B6P House Type 1 Plans & Elevations, Drawing No. 9856 PL33 (Rev. C), dated 30th March 2022;
 - 4B6P House Type 2 3 Storey Plans & Elevations, Drawing No. 9856 PL34 (Rev. B), dated 15th February 2022;
 - Apartment Block A Ground Floor Plan, Drawing No. 9856 PL35 (Rev. B), dated 15th February 2022;
 - Apartment Block A First, Second and Third Floor Plans 02, Drawing No. 9856 PL36 (Rev. B), dated 15th February 2022;
 - Apartment Block A Plans & Elevations, Drawing No. 9856 PL37 (Rev. A), dated 15th February 2022;
 - Apartment Block B Floor Plans & Elevations, Drawing No. 9856 PL38 (Rev. B), dated 15th February 2022;

1B2P Maisonette Plans & Elevations, Drawing No. 9856 PL39 (Rev. B), dated 16th February 2022;
Proposed Site Sections, Drawing No. 9856 SCH21 (Rev. C) dated April 21;
Proposed Levels, Drawing No. 20020 500 (Rev. P3);
Tree Protection Plan and Arboricultural Method Statement contained within Arboricultural Report, Project Reference - ArbTS_975.8_AUSTIN GRANGE, Prepared by ArbTS - Arboricultural Technician Services Ltd, dated 15th February 2022;
Ecological Impact Assessment - Austin Grange, Caerphilly (Rev. C), Document Reference: WWE20225/ECIA/REV_C Final, Prepared by Wildwood Ecology Ltd, dated 15th February 2022; and
Travel Plan - Austin Grange, Caerphilly, Document Reference: C21022/TP01, Prepared Apex Transport Planning Ltd, dated 5th November 2021.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) 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.
- 04) The development shall not be brought into beneficial use 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.
- 05) Prior to the occupation of the residential building(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 residential building, and
3) where a surface is to be used as a parking area or drive it shall not be constructed in loose materials,
and thereafter those areas shall be permanently maintained so as to comply with requirements 1), 2) and 3) of this condition.
REASON: To provide a sustainable drainage system and avoid loose materials being taken out onto the highway in accordance with policies CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) The apartment buildings hereby approved shall not be occupied until the cycle parking spaces have been provided in the locations identified for cycle parking on the approved plans. The cycle spaces shall be retained and kept available for their designated purpose at all times.
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.
- 07) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining walls on site full engineering details and structural calculations for the proposed retaining walls, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed retaining walls additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Notwithstanding the details forming part of the submitted documents, prior to the commencement of development details of a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be capable of achieving a night time internal LAeq level of 30 dB(A) in the residential part of the building(s). Development shall be carried out in accordance with the approved details before the residential building(s) are brought into beneficial use.
REASON: In the interests of residential amenity in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 10) Notwithstanding the details forming part of the submitted plans, prior to the commencement of the development a revised scheme depicting hard and soft landscaping together with a programme of long term maintenance of the landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the

next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the visual amenity of the area in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

- 11) 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.
- 12) Notwithstanding the details forming part of the submitted plans, prior to the commencement of the development a revised scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is brought into beneficial use.
- REASON: In the interests of the visual amenities of the area in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) No development, including site clearance or demolition works, shall commence until a detailed bat method statement prepared by a suitably qualified ecologist has been submitted to and approved in writing by the Local Planning Authority. The bat method statement shall include mitigation measures including but not limited to bat sensitive working practices and the installation of temporary and permanent bat roosts. The demolition and development works shall be carried out in accordance with the bat method statement as approved.
- REASON: To ensure adequate protection and mitigation for protected species in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Notwithstanding the details forming part of the submitted documents, prior to the felling of tree (T3) as identified in the approved Arboricultural Report, Prepared by ArbTS - Arboricultural Technician Services Ltd, dated 15th February 2022, a pre-felling survey shall be undertaken within 12 hours of any felling works commencing. If the survey confirms the presence of bat(s) the felling of the tree shall not proceed until the results of the survey together with proposed mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be carried out in accordance with the approved details.
REASON: To prevent accidental offences related to bats in accordance with the Wildlife and Countryside Act 1981 (as amended), Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2021) and Tan 5 Nature Conservation and Planning (2009) and policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) No development, including site or vegetation clearance, shall commence on site until a strategy for the protection of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be implemented as approved.
REASON: To prevent killing or injury to reptiles in accordance with the Wildlife and Countryside Act 1981 (as amended), Part 1 Section 6 of the Environment (Wales) Act 2016 and policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Notwithstanding the details forming part of the submitted documents, prior to the commencement of development, a biodiversity strategy shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity 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 Planning Policy Wales (2021) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first, second and third floor side windows

facing Plot 24 shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.

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

- 19) Notwithstanding any details indicated on the approved Apartment Block B Floor Plans and Elevations, Drawing No. 9856 PL38 (Rev. B), prior to any works progressing beyond ground preparation and laying of the slab details of side privacy screens for the first, second and third floor balconies positioned on the northwest corner of the building shall be submitted to and approved in writing by the Local Planning Authority. The side privacy screens shall be installed as approved prior to the building being brought into beneficial use and retained thereafter.

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

- 20) Notwithstanding any details indicated on the approved 2B4P Housing Type 1 Plans and Elevations, Drawing No. 9856 PL30 (Rev. B) or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor side window facing Plots 15 and 16 shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.

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

- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwellings hereby approved shall be constructed without the approval of the Local Planning Authority.

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

- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) with or without modification, no fences, gates, walls, hedges or other means of enclosure shall be erected or planted within the curtilage of the dwelling forward of the front wall of the dwelling hereby permitted or between the dwelling and any adjacent highway, driveway, footpath or car parking space other than those indicated in the approved plans without the approval of the Local Planning Authority.

REASON: To retain the open character of the development in the interests of visual amenity in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement to the roofs consisting of an addition to or alteration to the roofs shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of visual and residential amenity in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 25) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve all of the approved residential buildings. The necessary infrastructure required shall be installed prior to the first occupation of the residential buildings.
REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.
- 26) Prior to the commencement of the development hereby approved a Japanese Knotweed remediation plan shall be submitted to and approved in writing by the Local Planning Authority. The remediation 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.
- 27) No development shall commence on site (including any works of demolition) until a Demolition and Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Demolition and Construction Method Statement shall include details of:
hours of working;
the on-site parking of vehicles of site operatives and visitors;
loading and unloading of plant and materials;
storage of plant and materials used during demolition and construction works;
wheel washing facilities;
the erection and maintenance of security hoardings;
measures to control noise during demolition and construction works;
measures to control the emission of dust and dirt during demolition and construction works;

details of the proposed demolition methods and a scheme for the recycling/disposing of waste resulting from demolition and construction works; and
siting and details of any required demolition and construction compound.
Thereafter the demolition and construction of the development shall be undertaken in accordance with the approved Demolition and Construction Method Statement.
REASON: In the interests of amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.

Advisory Note(s)

Warning: A European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require a EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built-in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

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

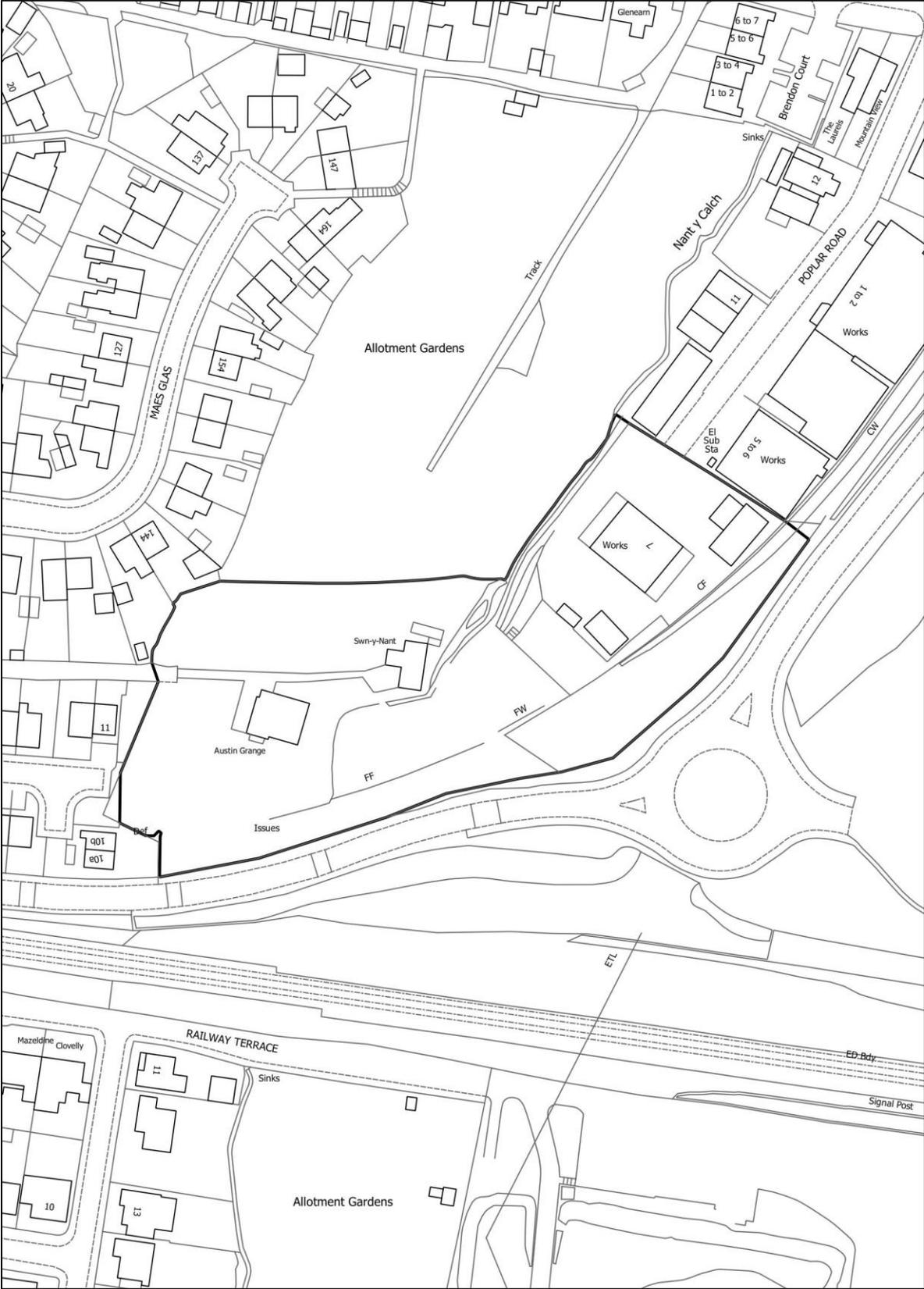
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

The applicant/developer is advised that the required strategy for the protection of reptiles should include, but not be exclusively limited to, a site timing and clearance methodology, identification of receptor site(s), reptile exclusion fencing, habitat management/enhancement, remedial measures and post development monitoring.

The applicant/developer is advised that the biodiversity strategy should include, but not be exclusively limited to, working methodologies including timing/phasing for clearance works, wildlife friendly drainage, provision of bird nesting boxes (average one nest box per unit), buffer to water courses, 100mm gaps under all fences and site protection measures for wildlife such as preventing entrapment in trenches etc.

21/1090/RM



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Application Number: 22/0018/RET

Date Received: 11.01.2022

Applicant: Lilyalex Properties Limited

Description and Location of Development: Retain and complete the change of use from office accommodation to HMO to be used for Emergency Housing/Move on Accommodation for the homeless (Sui Generis) and associated works - Chambers House 49 Blackwood Road Pontllanfraith Blackwood NP12 2BW

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The application property is located on the western side of Blackwood Road, Pontllanfraith.

Site description: A Large detached part two storey/part three storey building with a single storey rear annexe in an elevated position on rising ground above Blackwood Road, Pontllanfraith.

Development: Full planning permission is sought to retain and complete the change of use from office accommodation to HMO to be used for Emergency Housing/Move on Accommodation for the homeless (Sui Generis) and associated works.

Dimensions: The external footprint of the building remains unchanged. Depth of existing buildings from front porch to rear elevation of annexe 26.29 metres, width at widest point i.e. width of annexe 12.29 metres.

Materials: To match existing.

Ancillary development, e.g. parking: Installation internally of new level in annexe to create a first floor with stairs; new door/window openings at ground floor to rear elevation to facilitate direct access into new studio accommodation being created. Change in style of four of the existing five windows to first floor rear elevation of annexe. Formation of new door opening from corridor to north side elevation of annexe.

PLANNING HISTORY 2010 TO PRESENT 20/1035/CLPU - Obtain a Lawful Development Certificate for proposed emergency residential accommodation for the homeless for a twelve month period, which is to be operated by Caerphilly Keys - Granted 30.03.2021.

POLICY

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

Site Allocation: Within settlement limits.

Policies: SP2 Development Strategy - Development in the Northern Connections Corridor, SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), and CW15 (General Locational Constraints).

NATIONAL POLICY Future Wales - The National Plan 2040, Planning Policy Wales 11th Edition (February 2021) and Technical Advice Note 12: Design (2016). Welsh Government Houses in Multiple Occupation: Practice Guidance (March, 2017).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager - CCBC - No objection.

Environmental Health Manager - CCBC - No objection raised.

CCBC Housing Enabling Officer - No objection raised.

Senior Engineer (Drainage) - No objection raised seeks the imposition of a condition - Condition: Prior to the commencement of works on site a scheme of land and surface water drainage (inclusive of watercourses) 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.

Police Architectural Liaison Officer - No response received.

ADVERTISEMENT

Extent of advertisement: Two adjoining properties were notified of the application by letter and a site notice was displayed opposite the premises.

Response: Five responses have been received.

Summary of observations: The comments received can be summarised as follows:-

1. Large window facing property presumably a bathroom as often see naked men.
2. Has fire certificate been issued.
3. No disabled access.
4. Property was never intended for living accommodation.
5. What assurances have been given that no ex-prisoners will be housed at the property, worried about sex offenders with children's playground opposite.
6. No room for bins they are all over the pavement.
7. Abandoned car left in rear lane, Police had to be called.
8. No parking within the site.
9. Resident for 38 years no problems when premises were being used as a County Court or subsequent use both of which were 9-5. During COVID, Chambers House sold at auction and converted into HMO, without consulting the residents who were presented with a done deal by the Council for 1 year without planning permission. Over recent months have been woken in the early hours and late at night by car doors banging constantly, headlights shining directly into bedroom and engines being left running. Details of cars taken and all have connections with Chambers House. Initially owners were responsive to concerns expressed by residents. During December 2021 and January of this year their attitudes changed. Contractors on site working, and then application for permission to extend the level of accommodation was submitted. Neither the owners nor the architects have contacted neighbours regarding the proposal. Number of occupants to increase substantially, but the application states there will be no employment as a result. We are not happy that there will be no staff on the site to manage/monitor the premises.
10. Increase in accommodation will result in alterations to the premises particularly to the rear, and result in problems of access, refuse and 24 hour usage.
11. Residents are being ignored by the owner and the Council.
12. It is noted from correspondence the phrase HMO is applied to the premises. Has lived and worked in Blackwood for 58 years and knows the building. It is not a house and has never been used for residential purposes, it is a commercial building it is by definition being used as a hostel, which requires more stringent authorisation. Owners are taking advantage of COVID regulations to continue use when the restrictions are being lifted.
13. Close proximity of existing building to boundary extending full length of side boundary with side windows that look into garden.
14. At higher level than neighbours dominates rear garden areas infringing on privacy.
15. Risk assessments in respect of the potential occupants of the premises.
16. Appropriateness of the building for the proposed use.

SECTION 17 CRIME AND DISORDER ACT

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

There are no specific crime and disorder implications material to the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The building has been used for its lawful use for six months within the past three years and therefore the development is not CIL liable.

ANALYSIS

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

The site comprises a large detached, part two storey/part three storey building with a single storey rear annexe; the buildings occupy the major part of the site and in the past has been in use as a County Court. In 2008 planning permission was granted to change the use of the premises from a County Court to a mixed use of B1 (offices) and D1 (Non Residential Institutions, specifically for crime reduction initiative). In December 2020, an application for a lawful development certificate was submitted in respect of the proposed use of the front part of the building as emergency residential accommodation for the homeless, for a twelve month period, to be operated by Caerphilly Keys. A Lawful Development Certificate is a legal document stating the lawfulness of past, present or future development. The certificate is not a planning permission. The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The responsibility is on the applicant to provide evidence to support the application. There is no requirement for neighbouring properties to be consulted in respect of such an application. The description of the proposed use of the building was to provide emergency residential accommodation for the homeless for a twelve month period with the Council providing the operational management of the temporary accommodation to meet its obligations under part 2 of the Housing (Wales) Act 2014 in addition to Welsh Government's focus on rapid re-housing as a solution to homelessness through the Covid-19 pandemic.

The assessment had to be made as to whether the proposal would accord with Schedule 2, Part 12 A of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2020. The matters to be considered when determining such an application are purely matters of fact. On the basis that the

proposal complied with the requirements of the legislation referred to, the Local Planning Authority was obliged to issue a Certificate confirming that was the case. That decision was issued on 30th March 2021 and the use commenced in July 2021.

The site rises from the Highway frontage comprising a high stone faced retaining wall. The buildings are above the road level and are accessed by means of steps leading up from pavement level. There is no vehicular access into the building from the front or rear. To either side of the premises are dwellings, to the rear are school playing fields on the opposite side of Blackwood Road is open space.

Full planning permission is being sought for a change of use from office accommodation to a house in multiple occupation to be used for emergency housing/move on accommodation for the homeless (Sui Generis) and associated works. The application site is within the defined settlement boundary and the proposal is acceptable in principle conforming with the requirements of Policies CW15 (General Locational Constraints) and SP5 (Settlement Boundaries).

The existing plans indicate that the main building to the front of the site extends over three floors, and is divided internally into rooms of various sizes together with WC's which would have served the previous uses of the building. The flat roofed building to the rear of the site which is at a higher level is currently shown as internally having one floor level. There is an existing elevated link between the rear of the main building at first floor level and the single floor of the annexe, providing an internal connection between the two. There is also a separate external front entrance into the annexe via the southern side of the main building. There are single pedestrian doors to the northern side of the annexe and one to the southern side of the rear elevation. The proposed plans do not show any changes to the layout to the 'lower ground floor' of the main building behind the main entrance to the building. However a new window opening is shown at ground floor level on the southern side elevation and would appear to serve the room marked GF13. The proposed layout for the first floor shows seven rooms for single persons, bathroom utilising existing WC, new showers and a kitchen above the main entrance. Three of the rooms in this part of the building will have kitchenettes. Within the main building three further single person room are indicated on the second floor. In relation to the ground floor of the building to the rear, internally this has been re-configured to form five separate units described as studios, each has kitchen and bathroom facilities, three of these are indicated as being for a single person, two are for two persons and one can accommodate 1 /2 persons. The existing windows to the southern elevation are indicated as being obscurely glazed. Two of these, towards the front of the building are shown to serve an internal hallway. Two towards the rear, serve living accommodation. Three new door/side window openings are indicated to the rear elevation of the annexe at ground floor level, these together with an existing door which is being utilised will provide external access to four of the units described above. It is intended to add an additional floor within the annexe to create a first floor level accessed by a new stairs within the building. The proposed plan indicates that a further three single person studio units will be formed on the newly create floor level. There are existing windows at this height to the rear elevation facing the playing fields and front

elevation which faces the main building. The design of four of those windows in the rear elevation are shown as being changed to side hung casement windows. A new door opening is shown at ground floor level to the northern side elevation of the annexe.

In respect of housing delivery the national planning guidance document Planning Policy Wales (PPW Ed. 11) acknowledges that there must be "sufficient sites suitable for the full range of housing types to address the identified needs of communities" (paragraph 4.2.12). Caerphilly County Borough currently has a severe shortage of this type of property and heavily relies on bed and breakfast accommodation to meet the shortfall. It is therefore considered that the proposal will assist with the provision of emergency accommodation and contribute to meeting the needs of the community in line with Planning Policy Wales.

PPW also advises that "Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure on greenfield sites" (paragraph 4.2.17). In terms of the application site it conforms to the definition of 'previously developed land' as set out in PPW and is underutilised, having been vacant for a number of years. The proposal therefore accords with the aim to better utilise previously developed land located within the defined settlement boundary. Its close proximity to main bus routes locally and via these to railway links to the wider area, and its location within walking distance of Blackwood, a principal town in the borough, would make this a sustainable location in regard to accessibility to services and shops.

The Welsh Government published a practice guidance note on Housing in Multiple Occupation in March 2017 which advised that "HMOs provide a source of accommodation for certain groups, including students temporarily resident in a locality and individuals and/or small households unable to afford self-contained accommodation. Concerns can arise with the management of HMOs because of the transient nature of many tenancies, with many residents on low incomes and/or from vulnerable groups, the intensive use of shared facilities and lack of interaction between residents who may be complete strangers to each other. Consequently, HMO use of a house will generally be more intensive than single household use. This may have an impact not just on the residents in a HMO but on the wider neighbourhood and the likelihood of this increases where there are high concentrations of such properties." (Paragraph 1.3 WG HMO practice guidance note).

With regard to the above concerns contained in the Welsh Government practice guidance it should be noted that it is stated that these issues can arise when there are concentrations of HMO's in a particular area. The research document suggested that 10% is a general 'tipping point' beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households. There is not a high concentration of Houses of Multiple Occupation

in the immediate vicinity of the application site and In that context, the Local Planning Authority is not in a position to argue that the cumulative impacts of such HMOs together with this application for the proposed change of use would in itself significantly change the immediate character this part of Pontllanfraith or detrimentally impact the current levels of amenity received by the neighbouring occupiers.

Policy CW2 of the Local Development Plan sets out criteria relating to amenity and states that development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land. In terms of this application the proposal is to retain the current use within the main building and provide accommodation for ten persons, sharing a kitchen, showers, bathroom and toilet facilities. This will involve some re-configuration of internal walls to the first and second floor to create this accommodation, but this will not affect the external appearance of the main building as rooms will be served by the existing window openings already in situ at the time the building was previously in use, however as stated above it is noted that a new window opening is shown on the southern elevation ground floor level, but there is no indication that this is to serve living accommodation. In the building to the rear nine new bedrooms are to be created on the exiting ground floor and the proposed first floor these are 'studio type' and have cooking facilities and bathroom facilities within each unit, meaning there would be less reliance on those occupying them to use shared facilities. Potentially these could accommodate a further twelve persons, giving a capacity of 22 if all the rooms were to be occupied at one time. The new door openings at ground floor level to serve these units are on the rear elevation facing towards the adjacent playing fields which are at a higher level. The existing windows at first floor level also face towards the playing fields. Consequently they face away from the neighbouring dwellings to the north and the south and as a result will not overlook adjacent domestic curtilages. The existing windows to the southern elevation of the annexe at ground level are to be obscure glazed to restrict the potential for overlooking. On this basis it is not considered that the development would give rise to any adverse visual impacts to the character and appearance of the surrounding area.

In terms of its impact on neighbouring amenity, as stated previously, minimal external alterations to the building are proposed and therefore it is not considered that the development would give rise to any loss of privacy or overbearing impacts to the occupiers of the nearest residential properties. In this regard the Head of Public Protection has raised no objection to the proposal. It is therefore considered that the development accords with adopted Local Development Plan Policy CW2 (Amenity).

Policy CW3 states that development proposals should have regard for the safe, effective and efficient use of the transportation network. In that regard the Transportation and Engineering Services Manager has raised no objection to the proposal in that the building is in close proximity to public car parks. On that basis the proposed development is considered to be acceptable in terms of highway safety.

The Senior Engineer (Drainage) has confirmed that SAB approval is not required for the development as it relates to internal works only, but he has requested the imposition of

a condition requiring the submission of a scheme for the surface water drainage of the site for agreement and that the agreed scheme should be carried out before the beneficial occupation of the development. The development relates to the change of use of an existing building which is already connected to serviced drainage. Any new drainage works which may be required to extend or connect to the existing system would fall to be considered under the Building Regulations. It is considered that such a condition would not meet the test in Welsh Government Circular WGC 016/2014 in that it is not essential in planning terms to enable the development to proceed. The circular states " In considering whether a planning condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition."

In conclusion the proposal complies with Policy CW2 and Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010, as such it is considered to be acceptable in planning terms and it is recommended that planning permission is granted subject to conditions.

Comments from Consultees: No objections raised.

Comments from public: The comments received can be summarised as follows:-

1. Large window facing property presumably a bathroom as often see naked men.

2. Has fire certificate been issued.

LPA Response: With regards to points 1 and 2 these are not considered to be material planning considerations but the Local Planning Authority has been advised that the relevant fire certificates have been obtained.

3. No disabled access.

LPA Response: There is no disabled access. The relevant legislation seeks such provision where it is reasonable to do so.

4. Property was never intended for living accommodation.

LPA Response: The previous use of the building does not preclude an application for a change of use being made.

5. What assurances have been given that no ex-prisoners will be housed at the property, worried about sex offenders with children's playground opposite.

LPA Response: This is an application for the change of use to a house in multiple occupation, this is not an application for a medium or high secure facility where residents are not considered suitable to live within the community and the application should be considered on that basis. As such it is not for the Local Planning Authority to consider whether any potential tenants of the property are suitable in that regard.

6. No room for bins they are all over the pavement.

LPA Response: Refuse is stored within the site and is put out for collection on the pavement as is the case with surrounding properties.

7. Abandoned car left in rear lane, Police had to be called.

LPA Response: This is not a material planning consideration.

8. No parking within the site.

LPA Response: The Transportation Engineering Services Manager has raised no objection to the proposal. There is a Council car park on the opposite side of Blackwood Road, which would provide sufficient parking if it were to be required.

9. Resident for 38 years no problems when premises were being used as a County Court or subsequent used both of which were 9-5. During COVID, Chambers House sold at auction and converted into HMO, without consulting the residents who were presented with a done deal by the Council for 1 year without planning permission. Over recent months have been woken in the early hours and late at night by car doors banging constantly, headlights shining directly into bedroom and engines being left running. Details of cars taken and all have connections with Chambers House. Initially owners were responsive to concerns expressed by residents. During December 2021 and January of this year their attitudes changed. Contractors on site working, and then application for permission to extend the level of accommodation was submitted. Neither the owners nor the architects have contacted neighbours regarding the proposal. Number of occupants to increase substantially, but the application states there will be no employment as a result. We are not happy that there will be no staff on the site to manage/monitor the premises.

LPA Response: The Certificate of Lawful Development has been addressed in the main body of the report. It is understood that the car doors banging and car headlights and disturbance for engine noise relates to the use of the public car park opposite the site and is therefore not directly relevant to the consideration of this application. There is no requirement in this instance for the land owner or Agent to contact adjacent land owners to discuss their proposals. With regard to staff present on site, we have been advised that there is currently a presence on site at all times and that should permission be granted the current level of supervision will continue.

10. Increase in accommodation will result in alterations to the premises particularly to the rear, and result in problems of access, refuse and 24 hour usage.

LPA Response: These matters are discussed in the main body of the report.

11. Residents are being ignored by the owner and the Council.

LPA Response: This application is part of a process which affords those who so desire the opportunity to put forward their views on the proposal and to have those views taken into consideration by elected members when coming to a decision.

12. It is noted from correspondence that the phrase HMO is applied to the premises. Has lived and worked in Blackwood for 58 years and knows the building. It is not a house and has never been used for residential purposes, it is a commercial building it is

by definition being used as a hostel, which requires more stringent authorisation. Owners are taking advantage of COVID regulations when the restrictions are being lifted.

LPA Response: The application is seeking permission to change the use of the premises to that of a residential use. The previous use of a property does not prohibit such a change of use from being sought.

13. Close proximity of existing building to boundary extending full length of side boundary with side windows that look into garden.

LPA Response: The position of the building in relation to the site boundaries and overall scale and massing has not changed and remains as it was when the main building was originally constructed in the early part of the 20th Century.

14. At higher level than neighbours dominates rear garden areas infringing on privacy.

LPA Response: The massing of the existing building and elevations are unchanged as noted in point 13 above.

15. Risk assessments in respect of the potential occupants of the premises.

LPA Response: This is referred to in point 5 above.

16. Appropriateness of the building for the proposed use.

LPA Response: This has been considered in the main body of the report.

Other material considerations: None.

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

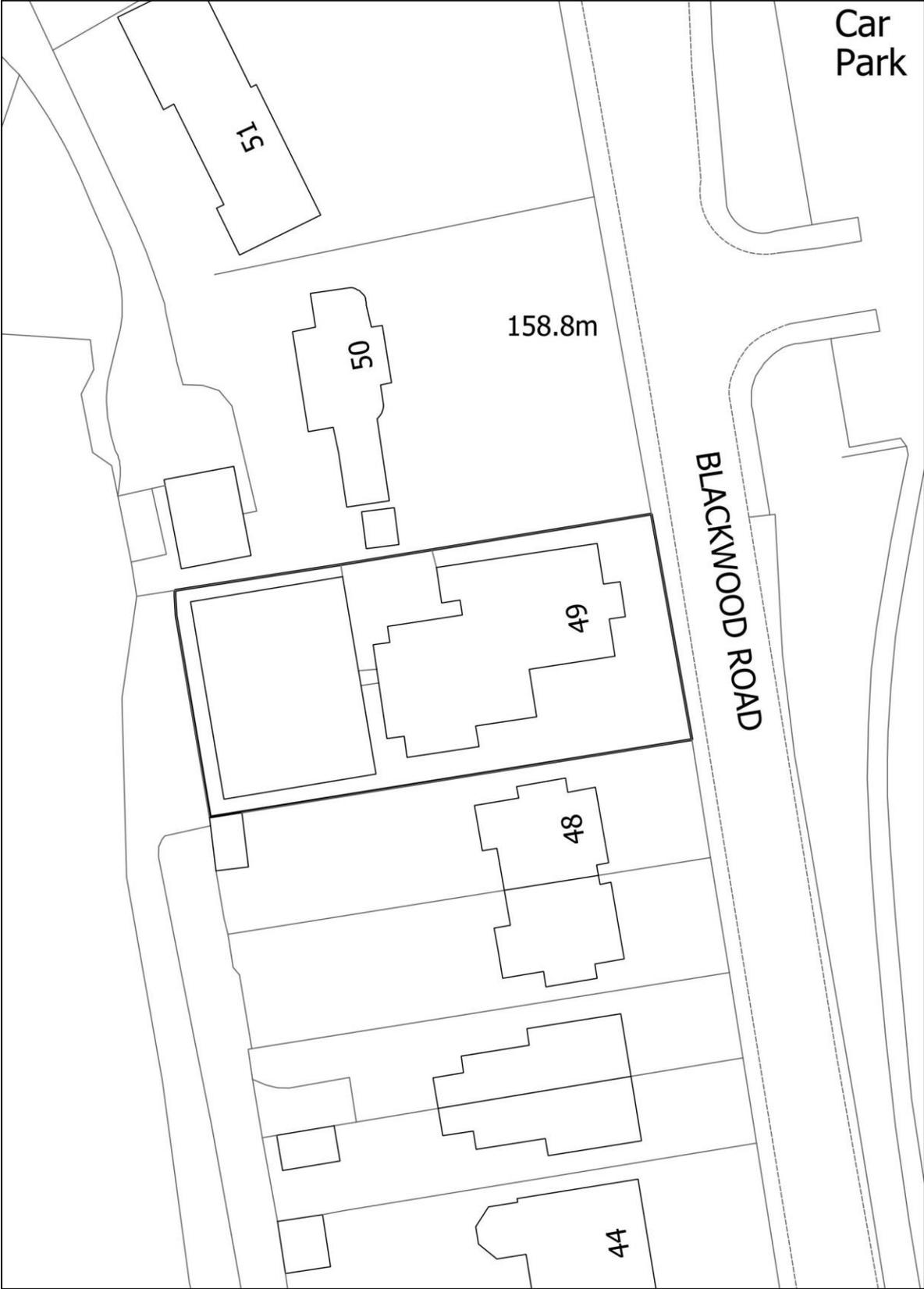
Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
Site Location Plan, Drwg No. 2788 [C] S (O) 01 Rev. B, Received 11th January 2022;
Lower Ground Floor Plan: Proposed, Drwg. No. 2788 [C] L (O) P201 Rev. A, Dated 11th January 2022, Received 11th January 2022;
Upper Ground/First Floor Plan: Proposed, Drwg. No. 2788 [C] L (O) P202 Rev. A, Dated 11th January 2022, Received 11th January 2022;
Second Floor Plan: Proposed, Drwg. No. 2788 [C] L (O) P203 Rev. A, Dated 11th January 2022, Received 11th January 2022;
Roof Plan: Proposed, Drwg. No. 2788 [C] L (O) P204 Rev. A, Dated 11th January 2022, Received 2022;
Section/Elevations: Proposed, Drwg. No. 2788 [C] L (O) P205 Rev. A, Dated 11th January 2022, Received 11th January 2022.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) the four windows shown in the southern side elevation serving the corridor and Studio Unit 1 shall be non-opening and glazed with obscure glass. Any replacement or repair shall only be with obscure glass and the same frame style.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification) the three windows shown in the northern side elevation serving Studio Unit 5 shall be non-opening and glazed with obscure glass. Any replacement or repair shall only be with obscure glass and the same frame style.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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