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

Dyddiad: Dydd Mawrth, 2 Awst 2022

I bwy bynnag a fynno wybod,

Bydd cyfarfod aml-leoliado'r **Pwyllgor Cynllunio** yn cael ei gynnal yn y Siambr, Tŷ Penallta a thrwy Microsoft Teams ar **Dydd Mercher, 10fed Awst, 2022** am **5.00 pm** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd gwasanaeth cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Gall aelodau'r Cyhoedd neu'r Wasg fynychu'n bersonol yn Nhŷ Penallta neu gallant weld y cyfarfod yn fyw drwy'r ddolen ganlynol: <https://civico.net/caerphilly>.

Bydd y cyfarfod hwn yn cael ei ffrydio'n fyw ac yn cael ei recordio a bydd ar gael i'w weld ar wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd y delweddau/sain o'r unigolion sy'n bresennol a/neu'n siarad yn y Pwyllgor Cynllunio ar gael i'r cyhoedd drwy'r recordiad ar wefan [y Cyngor](#)

Gall partïon â diddordeb wneud cais i siarad am unrhyw eitem ar yr agenda hon. I gael rhagor o fanylion am y broses hon, cysylltwch â Chlerc y Pwyllgor barrerm@caerffili.gov.uk.

Yr eiddoch yn gywir,

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

Christina Harrhy
PRIF WEITHREDWR

A G E N D A

Tudalennau

1 I dderbyn ymddiheuriadau am absenoldeb

A greener place Man gwyrddach



2 Datganiadau o Ddiddordeb.

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

I gymeradwyo a llofnodi'r cofnodion canlynol:-

3 Cynhaliwyd y Pwyllgor Cynllunio ar 13eg Gorffennaf 2022.

1 - 4

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

4 Cais Rhif. 22/0353/NCC - Parc Solar Hill Farm, Penrhiwarwydd Farm, Mynyddislwyn, Mountain Road, Mynyddislwyn

5 - 14

5 Cais Rhif. 22/0549/COU - 63 Y Stryd Fasnachol, Pont-y-meistr, Rhisga, Casnewydd, NP11 6AW

15 - 26

Cylchrediad:

Cyngorwyr M.A. Adams, Mrs E.M. Aldworth (Is Gadeirydd), A. Angel, R. Chapman, N. Dix, G. Ead, J.E. Fussell, A. Hussey, D. Ingram-Jones, B. Miles, M. Powell, R. Saralis (Cadeirydd), J. Taylor, S. Williams, A. Whitcombe a K. Woodland

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

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

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu. Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r [Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn](#) ar ein gwefan neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio griffd2@caerffili.gov.uk neu ffoniwch 01443 863028.



PLANNING COMMITTEE

MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 13TH JULY 2022 AT 5:00 PM

PRESENT:

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

Councillors:

M. Adams, A. Angel, R. Chapman, N. Dix, G. Ead, J. Fussell, D. Ingram-Jones, M. Powell,
J. Taylor, S. Williams, A. Whitcombe

Cabinet Member: Councillor P. Leonard (Planning and Public Protection)

Together with:

L. Lane (Deputy Monitoring Officer), R. Kyte (Head of Regeneration and Planning),
R. Thomas (Planning Services Manager), C. Powell (Team Leader Development
Management), A. Pyne (Principal Planner), E. Rowley (Principal Planner), C. Campbell
(Transportation Engineering Manager), L. Cooper (Assistant Engineer), K. Jennings
(District Environmental Health Officer), V. Julian (Senior Solicitor), R. Barrett (Committee
Services Officer), S. Hughes (Committee Services Officer)

RECORDING, FILMING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being live-streamed and 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.

ANNOUNCEMENT

With the permission of the Chair, Councillor M. Adams updated the Planning Committee on the dedication service for the Sirhowy Valley Crematorium which he had attended as the local ward member for Pontllanfraith.

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors A. Hussey, B. Miles and K. Woodland, together with M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience).

2. DECLARATIONS OF INTEREST

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

3. MINUTES – 8TH JUNE 2022

It was moved and seconded that the minutes of the meeting held on the 8th June 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 12 for, 0 against and 1 abstention) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee held on 8th June 2022 (minute nos. 1-7) be approved as a correct record.

4. APPLICATION NO. 21/0203/FULL – LAND AT Y FRON, MOUNTAIN VIEW, PWLLYPANT, CAERPHILLY, CF83 3HW.

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.

During the course of the debate, a point of correction was noted at page 6 of the Officer's report relating to the village store, which had been referenced as a local facility in the report but had since closed. Members were advised by the Case Officer that this correction did not alter the overall assessment of the application or the report's recommendation.

Following consideration of the application it was moved and seconded that subject to the inclusion of an additional condition relating to the construction of a retaining wall and/or similar structures in the interests of residential amenity, together with 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 8 for, 1 against and 1 abstention) this was agreed by the majority present.

RESOLVED that the application be:

- (i) DEFERRED to allow the applicants to enter into a Section 106 Obligation to provide 40% provision of Affordable Housing.

On completion of the Section 106 Obligation that:

Planning permission be GRANTED subject to the conditions contained in the Officer's report and the following additional condition:-

Additional Condition (09)

Notwithstanding the submitted plans, prior to the commencement of development, details shall be submitted for the written approval of the Local Planning Authority of any retaining wall(s) and/or similar structures. The retaining wall(s) and/or similar structures shall be constructed in accordance with the approved details prior to the beneficial occupation of the building hereby permitted.

Reason

In the interests of residential amenity in accordance with paragraph 6.9.23 of Planning Policy Wales (Edition 11) and policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Should the Section 106 Obligation agreement not be completed within three months of the resolution to approve, then 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) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

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

- (iii) The applicant be advised of the comments of The Police Designing out Crime Officer, Dwr Cymru and the Senior Engineer (Drainage).
- (iv) The applicant be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).
- (v) The applicant be advised that mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.
- (vi) 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](#).

The meeting closed at 6.06 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 10th August 2022, they were signed by the Chair.

CHAIR

Application Number: 22/0353/NCC

Date Received: 06.05.2022

Applicant: Lightsource BP

Description and Location of Development: Vary condition 02 (Timescale for cessation and removal of solar PV facility and associated site restoration) of planning consent 14/0512/FULL (Install ground mounted photo voltaic solar arrays to provide circa 8.5MW generation capacity together with power inverter systems, transformer stations, internal access tracks, landscaping, deer fencing and associated access gate) to extend operational period of the solar farm up to 40 years and 6 months - Hill Farm Solar Park Penrhiwarwydd Farm Mynyddislwyn Mountain Road Mynyddislwyn.

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site relates to land at Penrhiwarwydd Farm, Mynyddislwyn, which is located on the upper slopes of northern side of the Sirhowy Valley above Nine Mile Point Industrial Estate.

Site description: The application site comprises of agricultural fields which accommodate rows of photovoltaic solar arrays arranged in an east-west alignment across the site. Ancillary infrastructure onsite includes a control house, substations, perimeter fencing and CCTV security cameras. Existing field boundaries on the site have been retained and the grass strips between the solar arrays remain available for sheep grazing. The site covers an area of 18.9 hectares and is surrounded by open countryside. Access to the site is gained off the mountain road that runs in a north/south direction to the east of the site.

Development: Planning permission was granted for the photovoltaic solar farm and associated infrastructure on 7th November 2014 (Planning Reference 14/0512/FULL) and condition No. 2 was imposed that reads as follows:

'Within 25 years and 6 months following completion of construction of development, or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, the panels, their supporting structures and associated stations and control buildings together with the security fencing, ground equipment, cabling, access paths and plant, shall be removed from the site and the site shall be subsequently restored in accordance with a scheme the details and timing of which shall have been submitted to and approved in writing by the Local Planning Authority.'

This application seeks to vary condition No. 2 in order to extend the operational life of the solar farm from 25 years and 6 months to 40 years and 6 months. The supporting letter submitted with the application states that solar installations can continue to

operate efficiently for many years beyond the end of their performance warranty, which typically guarantees a minimum level of performance for around 30 years. Moreover, it is common practice for the operational lifetime of solar panels to be well beyond the equipment's performance warranty through regular maintenance, operational monitoring and appropriate component refurbishment or replacement, where necessary. As such, it is technically and economically feasible for the solar farm to remain operational for a period of 40 years, which would also result in the following extended benefits:

- Reuse of existing renewable energy resource to meet local and national renewable energy targets.
- Continued use of fully functioning solar panels with an export of up to 8.5MW per annum.
- Continued management of biodiversity enhancements and native planting which may otherwise diminish over time.

It should be noted that the application is not seeking to make any physical changes to the design, layout or scale of the solar farm or amend any mitigation required as part of the original planning permission. The requirement to remove all solar farm infrastructure and reinstate the site to its original agricultural use at the end of the solar farm's operational life would also be retained.

PLANNING HISTORY 2010 TO PRESENT

14/0512/FULL - Install ground mounted photo voltaic solar arrays to provide circa 8.5MW generation capacity together with power inverter systems, transformer stations, internal access tracks, landscaping, deer fencing and associated access gate - Granted 07.11.2014.

18/0155/NMA - Seek approval of a non-material amendment to planning consent 14/0512/FULL (Install ground mounted photo voltaic solar arrays to provide circa 8.5MW generation capacity together with power inverter systems, transformer stations, internal access tracks, landscaping, deer fencing and associated access gate) to install a composting toilet and container on the site for use by site operatives - Granted 21.03.2018.

POLICY

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

Site Allocation: Land outside of the settlement boundary, which falls within Mynyddislwyn Special Landscape Area (SLA) and lies adjacent to Nant Hafod Tudor Site of Interest for Nature Conservation (SINC).

Policies: Development in the Southern Connection Corridor), SP5 (Settlement Boundaries), SP8 (Mineral Safeguarding), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), CW19 (Locational Constraints - Rural Development and Diversification), CW22 (Locational Constraints - Minerals).

Future Wales: Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure.

NATIONAL POLICY Planning Policy Wales (Edition 11, February 2021).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, but the site is low risk and this application does not involve any new or additional built development.

CONSULTATION

Transportation Engineering Manager - CCBC - No objection raised.

Rights Of Way Officer - Whilst no objection has been raised to extending the operational life of the solar farm, attention has been drawn to the fact that the existing Public Right of Way which crosses the site has not been diverted. The latter will now need to be progressed under Section 119 of the Highways Act 1980.

Natural Resources Wales - No objection raised.

Senior Engineer (Land Drainage) - Senior Engineer (Drainage) - No objection raised.

Head Of Public Protection - Environmental Health Manager - No objection raised.

Strategic & Development Plans - No comments received.

Dwr Cymru - No objection raised.

Western Power Distribution - Advised that the applicant will need to submit a separate application to Western Power Distribution if any new connections or service alterations are required.

Senior Arboricultural Officer (Trees) - No objection raised.

Glamorgan-Gwent Archaeological Trust - No comments made.

Civil Aviation Authority - No objection raised.

Police Architectural Liaison Officer - No observations or recommendations made.

Wales Air Ambulance - No comments received.

Council For The Protection Of Rural Wales - No comments received.

Chief Fire Officer - No objection raised.

Gwent Wildlife Trust - No comments received.

National Grid - No comments received.

Ramblers Cymru - No comments received.

Natural Environment & Agriculture Team - No comments received.

Welsh Government - Planning Directorate - No objection raised.

Ecologist - No comments received.

Landscape Architect - CCBC - No objection raised.

ADVERTISEMENT

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

Response: A local ward member has raised a number of matters for consideration and an objection has been received from a member of the public.

Summary of observations: The local ward member has questioned whether the solar farm development is liable for Community Infrastructure Levy (CIL) and raised the following matters on behalf of a constituent:

- The developer has not yet complied with the surface water planning condition to implement attenuation swales which might contribute to drainage issues and increased road repairs in the catchment.
- There is an access/highway issue in that some of the maintenance vehicles used at the solar farm come in on a transporter that cannot access the mountain road.

The matters raised by the member of the public are as follows:

- The solar farm is a massive blot on the landscape.
- It is not vital that an extension is given at this time as there are 12 or more years to go before the current planning permission expires.
- Better technological alternatives could be developed during the remaining operational life of the solar farm which would make solar farms on green spaces redundant.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No - renewable energy developments are not CIL liable.

ANALYSIS

Policies: The reason provided for imposing condition No. 2 on the planning permission is to "retain effective control in the interests of visual amenity". It is considered that this reason reflects the solar farm's negative visual impact on the rural character of the area, the temporary nature of the solar farm operation and the need to ensure that all of the infrastructure associated with the solar farm is removed at the end of its operational life and the site is restored to its previous agricultural use. The proposed extension of the operational life of the solar farm to 40 years and 6 months is not considered to change the temporary nature of the solar farm development. The requirement to remove the infrastructure and restore the site to its original use also remains unaffected by the proposed variation of condition No. 2. The main consideration of this application is therefore considered to be whether the proposed extended benefits of the renewable energy generation over the additional 15-year period outweighs the prolonged negative landscape and visual effects of the solar farm.

The Welsh Government has set an ambitious target for 70% of electricity consumption to be generated from renewable energy by 2030 and a net zero greenhouse gas emission target by 2050. Planning Policy Wales (PPW) states that the planning system should maximise renewable energy and low carbon energy generation (see paragraph 5.7.7). Moreover, paragraph 5.9.29 of PPW indicates that the extension to the life of

existing renewable energy infrastructure is important to meeting renewable energy and decarbonisation targets and advises planning authorities to support such schemes and take into account changes in renewable energy technology and viability.

In terms of the development plan framework, a key objective of the LDP is improving energy, waste and water efficiency while promoting environmentally acceptable renewable energy to maintain a cleaner environment and help reduce our impact on climate change (paragraph 0.94). Policy 17 of Future Wales also states that, among other things, in determining planning applications for renewable and low carbon energy development, decision makers must give significant weight to the need to meet Wales' international commitments and the Welsh Government target for renewable electricity generation by 2030 in order to combat the climate emergency.

The supporting letter submitted with the application indicates that solar installations typically have a guaranteed performance for around 30 years, which is 4 years and 6 months longer than the limit currently imposed on the operational life of the solar farm by condition No.2. Moreover, the supporting letter advises that solar installations can also continue to operate efficiently well beyond the equipment's performance warranty through regular maintenance, operational monitoring and appropriate component refurbishment or replacement, where necessary. Whilst it is recognised that some degradation in the performance of the solar farm is possible over the final quarter of its operational life if it were to be extended to 40 years and 6 months, it is considered that the solar farm would continue to make an important and meaningful contribution to renewable energy generation and, in doing so, would contribute to meeting the longer term net zero greenhouse gas emission target, while also being of benefit to energy security over this extended period of time. As such, in accordance with the general thrust of national policy and the development plan framework, it is considered that significant weight should be afforded to these renewable energy and climate change mitigation benefits.

Turning to landscape and visual impacts, the application site is located within the Mynyddislwyn Special Landscape Area (SLA) (LDP Policy NH1.6). The distinctive and/or characteristic features of this landscape are protected by Policies SP10 and CW4 of the LDP. In addition, PPW states that, among other things, renewable and low carbon energy proposals should take into account the impact on the natural environment (see paragraph 5.9.20). The proposed variation to condition No. 2 would increase the length of time over which the solar farm's negative visual impact on this landscape would be experienced. However, it is considered that even with an increase in the operational life of the solar farm to 40 years and 6 months, the development would remain temporary and fully reversible.

It is therefore considered that, on balance, the benefit of the proposal in generating up to 8.5 MW of renewable electricity for over an additional 15-year period would outweigh the prolonged negative visual impact on the Mynyddislwyn SLA and the rural character of the area.

In addition to the above, it should be noted that the application site falls within a sandstone safeguarding area (LDP SP8). Criterion B of LDP Policy CW22 states that proposals for development uses of a temporary nature within mineral safeguarding areas will only be approved where they can be completed and the site restored to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed. There are currently no known proposals for the extraction of sandstone from the application site within the proposed extended operational lifetime of the solar farm and condition No.2 would retain the requirement to remove all infrastructure and restore the site to its original agricultural use at the end of its operational life. As such, the proposed variation of condition No.2 would comply with the requirements of LDP Policy CW22.

Comments from Consultees: With regards to the comments received from the Rights of Way Officer, there is a marginal conflict with the existing public right of way that crosses the site and photovoltaic solar arrays on certain areas of the site. The Rights of Way Officer has, however, raised no objection to the proposed variation of condition No.2 and the applicant has confirmed their intention to apply for the diversion of the public right of way under Section 119 of the Highways Act 1980. As such, this matter can be addressed outside of the planning system and should not influence the determination of this application.

Comments from public: In respect of the comments received by the local ward member, confirmation that this proposal is not liable for CIL is provided above. The planning authority is not aware of any breach in relation to the provision of the sustainable drainage measures on the site or access/highway issues relating to maintenance vehicles and no issues have been raised by the Council's Drainage Engineer or the Transportation Engineer Manager as part of the consultation undertaken on this application. Such matters can, however, be investigated through planning authority's enforcement service and addressed, as necessary, where they are controlled via a separate condition imposed on the original planning permission. It should also be noted that this Section 73 application specifically relates to the variation of condition No.2 and is not re-considering the original application or the solar farm's wider range of impacts.

The matters raised by the member of the public in relation to visual impact and the need for the solar farm over the proposed extended operational lifetime have been addressed above.

Other material considerations:

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

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

RECOMMENDATION that Permission be GRANTED

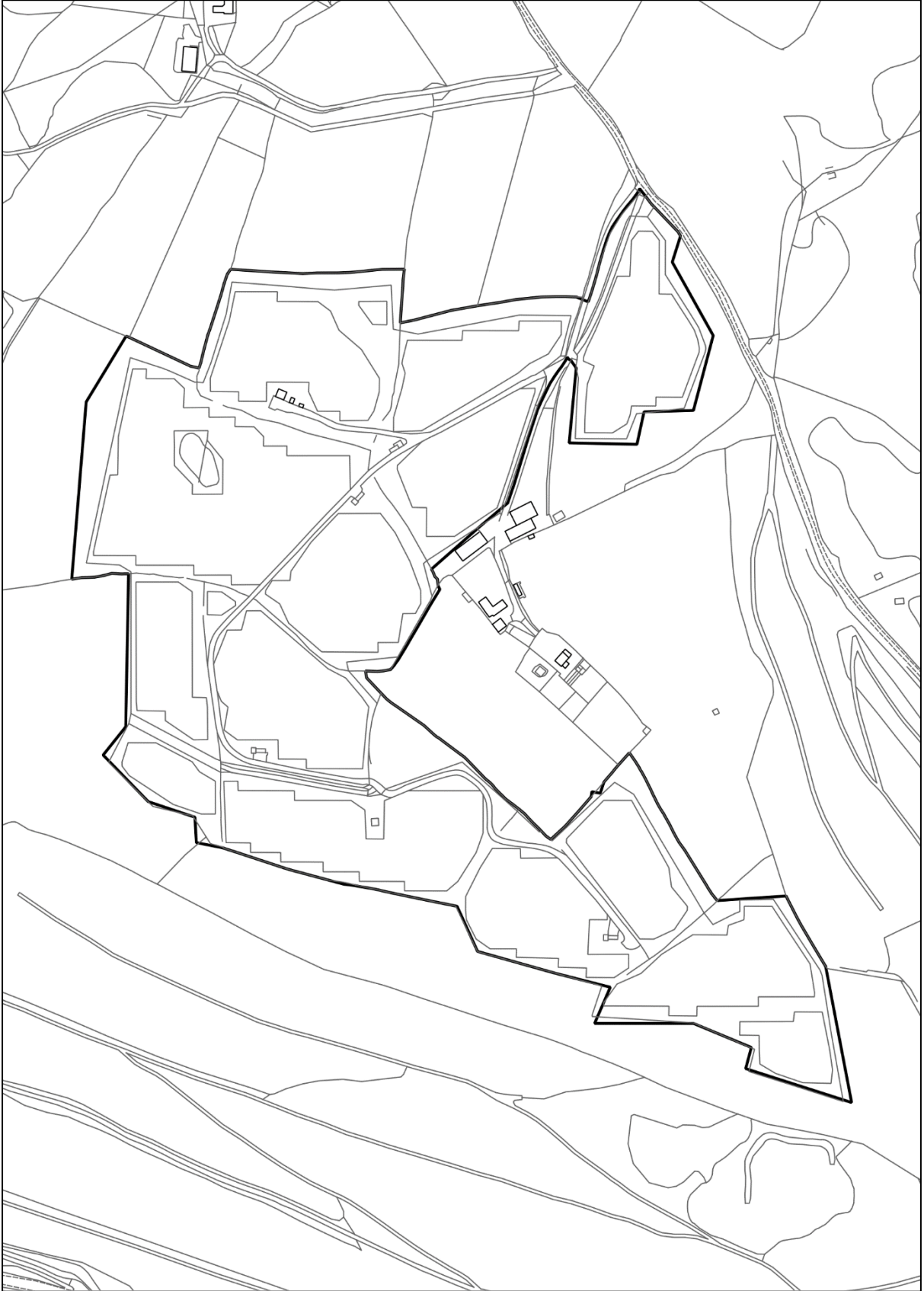
This permission is subject to the following condition(s)

- 01) Within 40 years and 6 months following completion of construction of development, or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, the panels, their supporting structures and associated stations and control buildings together with the security fencing, ground equipment, cabling, access paths and plant, shall be removed from the site and the site shall be subsequently restored in accordance with a scheme the details and timing of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: To retain effective control in the interest of visual amenity.

- 02) Notwithstanding this approval, all other conditions on planning permission 14/0512/FULL 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 Full Planning Consent reference number 14/0512/FULL are still applicable.



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Application Number: 22/0549/COU

Date Received: 15.06.2022

Applicant: D2 Propco Ltd

Description and Location of Development: Change the use from dwelling house to HMO - 63 Commercial Street Pontymister Risca Newport NP11 6AW

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: 63 Commercial Street, Pontymister, Risca, Newport, NP11 6AW

Site description: Mid Terrace property located on Commercial Street. To the west is the adjacent terrace property (61 Commercial Street) which includes a business and flat. To the east is 65 Commercial Street which is a terrace dwelling. To the rear (south) is a lane with business uses beyond. To the front (north) is Commercial Street with a terrace of residential dwellings opposite.

Development: Change the use from dwelling house to HMO.

Dimensions: The footprint of the building remains unchanged.

Materials: No external alterations to the fabric of the building are proposed.

Ancillary development, e.g. parking: Two parking spaces are indicated within rear curtilage.

PLANNING HISTORY 2010 TO PRESENT

None.

POLICY

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

Site Allocation: Within settlement limits.

Policies: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), and CW15 (General Locational Constraints).

Supplementary Planning Guidance Supplementary Planning Guidance LDP5 - Car Parking Standards.

NATIONAL POLICY Planning Policy Wales; Future Wales - The National Plan 2040, Planning Policy Wales 11th Edition (February 2021), 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

Police Architectural Liaison Officer - No response received.

Transportation Engineering Manager - CCBC - No objections subject to planning conditions and informative notes in relation to the proposed parking area.

Head Of Public Protection - CCBC - No adverse comments to make in respect of the application.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters.

Response: 44 representations have been received together with a Local Member Objection.

Summary of observations:

- Concerns in respect of parking and congestion.
- Concerns about type and conduct of future residents (e.g. antisocial behaviour/safety issues/criminality/ex-offenders/drug users).
- Risca is fast becoming a dumping ground.
- Concern for welfare/safety of local residents including children.
- Taking away first time buyer/starter home.
- Loss of family accommodation.
- Limited access to rear.

- Noise concern from the potential number of residents on existing houses/businesses.
- Existing problems with an HMO nearby.
- Unsuitable location due to proximity to public house.
- Levels of rubbish in other areas with HMOs.
- Devaluation of property.
- Loss of Privacy.
- Concern over size/quality of accommodation.
- Fire risk to building and adjacent terrace properties.
- The location on the High Street will be detrimental to business recovery and areas of wellbeing.
- This type of accommodation comes with high turnover.
- It is not logical to put such a property on the High Street of a town principal or any town or village for that matter.
- For what it offers, a bedroom for four people - it will hinder the economic recovery of the town and clearly this far outweighs the benefits of the former.
- Raise concerns in respect of another HMO nearby and alleged activities by a resident.
- When it comes to Caerphilly itself all we seem to find that it gets more money ploughed into regenerating the area.
- Risca has been long forgotten since we left the Islywn borough and is the last to receive any kind of regeneration for the good of the community.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

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 in the determination of this application is the compatibility of the proposed use within a residential area, the visual appearance of the development on the character of the area, the impact on neighbour amenity and highway safety implications.

The proposal comprises the change of use of 63 Commercial Street, from use as a single dwelling (C3) to a House in Multiple Occupation (C4). The application site is within the defined settlement boundary and the proposal is acceptable in principle conforming to the requirements of Policies CW15 (General Locational Constraints) and SP5 (Settlement Boundaries).

In respect of housing delivery, the national planning guidance document Planning Policy Wales (PPW) 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 accommodation and contribute to meeting the needs of the community in line with Planning Policy Wales.

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 an 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. In this instance it should be noted that there are in the region of 200 unlicensed HMO's in the Caerphilly County Borough and that these are spread throughout the area. In that context, the Local Planning Authority is not in a position to argue that there is a high concentration of Houses of Multiple Occupation in the immediate vicinity of the application site or within Caerphilly County Borough as a

whole. Taking into consideration the cumulative impacts of such HMOs within the Caerphilly County Borough and their dispersed placement, it is not considered that the proposed change of use in itself would significantly change the immediate character of Risca or detrimentally impact the current levels of amenity received by the neighbouring occupiers. Therefore the proposal complies with Policy CW2 in that it would not have an unacceptable impact upon the immediate character and amenity of the local area of Risca.

The application property is a mid-terrace two storey dwelling within the town centre of Risca. The application states that the property currently has three bedrooms. The existing ground floor layout is shown to comprise of two living room areas to the front of the house with kitchen and shower room to the rear. The first floor is shown as having three bedrooms served off a landing area. The application seeks full planning permission for the change of use of the property to a HMO with four bedrooms. The proposed ground floor plan shows that the front living room area will become a bedroom and the rear living room area will remain as a living room and the existing kitchen and shower room are retained. The bedrooms to the first floor will remain although the current smallest bedroom will be enlarged slightly by a new partition being installed leading to a slight reduction to the adjacent larger bedroom. All bedrooms are served by windows and the kitchen and living room have windows (the living room window has a rear porch outside it).

The proposed change of use would reconfigure the internal layout and increase the capacity of the building to a total of 4 bedrooms. It is not considered that the addition of this one bedroom would lead to a significant increase in activities at the property over and above that which could occur with the lawful use of the building. It is conceivable that up to six residents, living as a single household, could live in the property at present without the need for planning consent.

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

Policy CW3 states that development proposals should have regard for the safe, effective and efficient use of the transportation network, and parking space should be provided in accordance with the CSS Wales Parking Standards 2008. At present the property has no off-street parking provision. The proposed plans indicate that two off-street car parking spaces will be provided for the development accessed from an existing rear lane which already serves parking for other properties in the street. The Transportation and Engineering Manager is satisfied with the level of parking proposed and in highway safety terms subject to planning conditions.

Comments from Consultees: Addressed in the body of this report.

Comments from public:

- Concerns in respect of parking and congestion.

The existing property does not have any off-street car parking and the proposal would provide off street parking. The impact of the scale of development is not considered to have a material impact on congestion within Risca.

- Concerns about type and conduct of future residents (e.g. antisocial behaviour/safety issues/criminality/ex-offenders/drug users).
- Risca is fast becoming a dumping ground.
- Existing problems with an HMO nearby and its residents.

This is an application for the change of use of a dwelling to a dwelling for use by persons not living as a single household and as stated above it is not considered that the proposal would materially affect the character of the area. Crime prevention and fear of crime are social considerations and regard has been had to the proposal and impact on the local area and residents. It is however considered that as there is not a high concentration (i.e. 10% or more of properties in the area) of the existing housing stock being HMOs then the proposal will not have an unacceptable impact on the character of the area. Where anti-social behaviour does occur responsibility for dealing with such anti-social behaviour is shared between a number of agencies, particularly the Police, local authorities and landlords. It is considered that existing legislative powers exist should specific issues arise as is the case with other dwellings (including HMOs) in Risca.

- Taking away first time buyer/starter home.
- Loss of family accommodation.

The low concentration of HMOs as a total of the existing housing stock of the area means that the loss of one dwelling is not considered likely to have a material impact on housing stock or availability within Risca.

- Limited access to rear.

The lane to the rear serves a number of properties/businesses and is considered suitable for providing access to off-street parking which the application property currently lacks.

- Noise concern from the potential number of residents on existing houses/businesses.

The addition of a bedroom to the property is not considered to have a material impact on surrounding residents. It is acknowledged that those living within an HMO are typically not previously known to each other and this may result in an intensification of use and related possibility of noise disturbance. The Environmental Health Officer has reviewed the proposal and offers no objection to the development and the Environmental Health department has separate powers to address issues of noise nuisance. It is also noted that the level of occupation is similar to what the house could accommodate at present without requiring any change of use.

- Unsuitable location due to proximity to public house.

There is a mixture of uses in the area include residential and commercial and the presence of a public house on the same street is not considered a justifiable reason for refusal of the application.

- Levels of rubbish in other areas with HMOs.

There is sufficient space in the rear yard to accommodate bin storage.

- Devaluation of property.

This is not a material planning consideration.

- Loss of Privacy.

There are no external changes proposed and it is not considered that privacy of neighbouring properties will be materially impacted by the development.

- Concern over size/quality of accommodation.

The proposed layout is considered to provide an acceptable amount of accommodation, amenity and living space for occupants.

- Fire risk to building and adjacent terrace properties.

The proposed changes are not considered to materially alter the internal fabric of the building or the resultant fire risk.

- The location on the High Street will be detrimental to business recovery and areas of wellbeing.

- For what it offers, a bedroom for four people - it will hinder the economic recovery of the town and clearly this far outweighs the benefits of the former.

The proposed development being limited in scale is not considered to be likely to have a material impact on business recovery for Risca.

- This type of accommodation comes with high turnover of occupants.
- It is not logical to put such a property on the High Street of a town principal or any town or village for that matter.

It is acknowledged that HMOs are often different to other housing stock in regard to the transient nature of many tenancies, however as Welsh Government Planning Policy Wales cites there should be "sufficient sites suitable for the full range of housing types to address the identified needs of communities" (paragraph 4.2.12) and the proposal is deemed acceptable.

- When it comes to Caerphilly itself all we seem to find that it gets more money ploughed into regenerating the area.

Risca has been long forgotten since we left the Islywn borough and is the last to receive any kind of regeneration for the good of the community.

This is not a material planning consideration in the determination of this application.

Other material considerations:

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

The application site is within a designated flood zone (C1) however the change of use will not result in a change in the nature of land use with both the existing use C3 and the proposed C4 use classes being classed as Highly Vulnerable Development under Technical Advice note 15 (Flood risk and Development) and on balance noting paragraphs 6.1 and 11.20 of the TAN is considered justified in its location.

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 the proposal complies with Policies CW2, Policy CW3 and Policy CW15 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.

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:
Combined plan, drawing reference 2874 C.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The development shall not be brought into beneficial use as an HMO until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Prior to the occupation of the dwelling(s) hereby approved all hard surfacing within the curtilage(s) shall have been:
 - 1) constructed in porous or permeable materials, or
 - 2) provided with drainage to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse, and
 - 3) where a surface is to be used as a parking area or drive it shall not be constructed in loose materials, and thereafter those areas shall be permanently maintained so as to comply with requirements 1), 2) and 3) of this condition.REASON: To provide a sustainable drainage system and avoid loose materials being taken out onto the highway in accordance with policies CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Rainwater run-off shall not discharge into the highway surface-water drainage system.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

It should be noted by the applicant that they will need to liaise with the appropriate utility in order to relocate the telegraph pole which abuts the wall to the rear of the property, in order to access the parking area as proposed.



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