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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Sharon Hughes  
(Rhif Ffôn: 01443 864281 E-bost: [hughesj@caerphilly.gov.uk](mailto:hughesj@caerphilly.gov.uk))

**Dyddiad: Dydd Mercher, 2 Tachwedd 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, 9fed Tachwedd, 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 [hughesj@caerffili.gov.uk](mailto:hughesj@caerffili.gov.uk).

Yr eiddoch yn gywir,

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

**Christina Harrhy**  
PRIF WEITHREDWR

## AGENDA

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb.

A greener place Man gwyrddach



2 Datganiadau o Ddiddordeb.

Atgoffi'r Cynghorwyr 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 Cynghorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

- 3 Cynhaliwyd y Pwyllgor Cynllunio ar 28ain Medi 2022. 1 - 8
- I dderbyn ac ystyried yr adroddiad(au) canlynol:-
- 4 Rhif Cais Eitem Rhagarweiniol 19/1018/OUT - Tir Cyfeirnod Grid 310845 196295, Brooklands, Nelson. 9 - 34
- 5 Rhif Cais 22/0743/RET - MCI Logistics, Uned B Canolfan Fusnes MCI, 4-5 Ystâd Ddiwydiannol Newton, Crosskeys, NP11 7PZ. 35 - 44
- 6 Rhif Cais 22/0619/NCC - Austin Grange, Lôn Drefol Ddeheuol Maes Glas, Caerffili CF83 1LN. 45 - 64
- 7 Rhif Cais 22/0207/RET - T G Howell and Sons Limited, Clifton Street, Ty-du, Rhisga, Casnewydd, NP10 9YU. 65 - 78

**Cylchrediad:**

Cynghorwyr 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](http://www.caerffili.gov.uk) ac eithrio am drafodaethau sy'n ymwneud a g 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](mailto: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, 28TH SEPTEMBER 2022 AT 5:00 PM

#### PRESENT:

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

#### Councillors:

M. A. Adams, A. Angel, R. Chapman, N. Dix, G. Ead, J. Fussell, A. Hussey, B. Miles, M. Powell, J. Taylor, S. Williams, K. Woodland

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

#### 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 (Team Leader Development Management), A. Pyne (Principal Planner), E. Rowley (Principal Planner), L. Cooper (Assistant Engineer), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), V. Julian (Senior Solicitor), R. Barrett (Committee Services Officer), J. Lloyd (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.

### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors D. Ingram-Jones and A. Whitcombe, together with C. Campbell (Transportation Engineering Manager).

### 2. DECLARATIONS OF INTEREST

Councillor G. Ead declared a personal interest in [Agenda Items No. 4, 5, 6 and 7 \(19/0787/COU, 19/0788/LBC, 19/0789/COU and 19/0790/LBC\)](#) as a member of the Ruperra Castle Preservation Trust, and remained in the meeting during consideration of the applications. Details are also minuted with the respective items.

Councillor M. Adams sought advice from the Monitoring Officer on Agenda Item No. 8 (21/0877/FULL) as his wife is a former employee of the business owned by the applicant. It was established that his wife was employed some years ago, and on receiving advice he decided that he had no personal interest to declare.

### **3. MINUTES – 10TH AUGUST 2022**

It was moved and seconded that the minutes of the meeting held on the 10th August 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 13 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 10th August 2022 (minute nos. 1-5) be approved as a correct record.

### **4. APPLICATION NO. 19/0787/COU - RUPERRA CASTLE ESTATE, RUDRY ROAD TO CRAIG LLAN, RUDRY**

Councillor G. Ead declared a personal interest in this item as a member of the Ruperra Castle Preservation Trust, and remained in the meeting during consideration of the application.

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.

It was also noted in the report that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority. The effect of the direction means if Members were minded to approve the application the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

Mr A. Williams (representing objectors) and Councillor C. Morgan (Local Ward Member) spoke in objection to the application and Mr Alkhafaji (Applicant) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination, the recommendation in the Officer's report be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 7 for, 2 against and 5 abstentions) this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the application be GRANTED subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application will be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination;
- (ii) the applicant's attention be drawn to the Landscape and Ecological Management Plan required under planning condition should include all

those matters detailed in Natural Resources Wales consultation letter for 19/0787/COU dated 25.06.21 (NRW ref CAS-153570-Z9Y7);

- (iii) the applicant be reminded that it is an offence to obstruct a public right of way. There are three public rights of way in the area of this application, one of which, Footpath 1 Llanfedw, is obstructed. The planning permission does not authorise the stopping up or diversion of the public rights of way. The public rights of way may be stopped up or diverted by Order under section 257 of the Town and Country Planning Act 1990, provided that the order is made before the development is carried out. As the public right of way is currently obstructed any Order cannot proceed until the obstruction is removed. Should the applicant require further information regarding their responsibilities to the Public Right of Way, they are requested to contact the Rights of Way Officer;
- (iv) the applicant be advised that 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 [Natural Resources Wales website](#).

## **5. APPLICATION NO. 19/0788/LBC - RUPERRA CASTLE ESTATE, RUDRY ROAD TO CRAIG LLAN, RUDRY**

Councillor G. Ead declared a personal interest in this item as a member of the Ruperra Castle Preservation Trust, and remained in the meeting during consideration of the application.

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.

It was also noted in the report that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority. The effect of the direction means if Members were minded to approve the application the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

Following consideration of the application it was moved and seconded that subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination, the recommendation in the Officer's report be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 10 for, 1 against and 3 abstentions) this was agreed by the majority present.

RESOLVED that subject to the conditions contained in the Officer's report the application be GRANTED subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning

Authority and the application will be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

**6. APPLICATION NO. 19/0789/COU - RUPERRA CASTLE ESTATE, RUDRY ROAD TO CRAIG LLAN, RUDRY**

Councillor G. Ead declared a personal interest in this item as a member of the Ruperra Castle Preservation Trust, and remained in the meeting during consideration of the application.

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.

It was also noted in the report that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority. The effect of the direction means if Members were minded to approve the application the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

Mr A. Williams (representing objectors) spoke in objection to the application and Mr Alkhafaji (Applicant) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination, 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 2 abstentions) this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the application be GRANTED subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application will be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination;
- (ii) the applicant be advised that any trees that are outside the "red line boundary" of this application and are proposed to be felled would need to be submitted separately as a Section 211 Notice. You are advised to contact the Council's Tree Officer for further advice;
- (iii) the applicant be advised that 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 [Natural Resources Wales website](#)

**7. APPLICATION NO. 19/0790/LBC - RUPERRA CASTLE ESTATE, RUDRY ROAD TO CRAIG LLAN, RUDRY**

Councillor G. Ead declared a personal interest in this item as a member of the Ruperra Castle Preservation Trust, and remained in the meeting during consideration of the application.

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.

It was also noted in the report that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority. The effect of the direction means if Members were minded to approve the application the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

Following consideration of the application it was moved and seconded that subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application would be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination, 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 2 abstentions) this was agreed by the majority present.

RESOLVED that subject to the conditions contained in the Officer's report the application be GRANTED subject to it being noted that Welsh Government have issued a direction restricting the grant of permission by the Local Planning Authority and the application will be sent to Welsh Ministers for their consideration as to whether or not they wish to call in the application for determination.

**8. APPLICATION NO. 21/0877/FULL - FAIR VIEW GARAGE, WOODLAND PLACE, PENGAM, BLACKWOOD, NP12 3QX**

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 the recommendation in the Officer's report be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 14 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that:-

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

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

- (iv) The applicant be advised to refer to Public Access to view the comments of Dwr Cymru/Welsh Water, The Coal Authority and Environmental Health Manager.

The meeting closed at 6.42 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 9th November 2022, they were signed by the Chair.

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CHAIR

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## PREFACE ITEM

APPLICATION NO. 19/1018/OUT

APPLICANT(S) NAME: Mr & Mrs Rees

PROPOSAL: Erect 11 No. dwellings including access, car parking and new foul and surface water drainage system for existing dwellings.

LOCATION: Land At Grid Ref 310845 196295, Brooklands, Nelson

At the meeting of the Planning Committee on 17<sup>th</sup> June 2020 members resolved to approve this application in accordance with the recommendation of the planning officer and subject to an Agreement Under Section 106 of the Town and Country Planning Act 1990 to secure the provision of affordable housing. In accordance with The Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2020 the application was then referred to Welsh Government to seek confirmation that they did not wish to call in the application as the proposal is a departure from the Local Plan. On 3<sup>rd</sup> December 2020 the Council received confirmation from Welsh Government that they did not wish the application to be called in and as such the Local planning Authority was permitted to determine the application.

In light of this negotiations were commenced to secure the aforementioned S106 Agreement. To date no progress has been made and the applicant has shown no desire to enter into such an agreement. In the absence of the agreement, the development would not provide adequate affordable housing to meet the needs of the area and as such the proposal would be contrary to the provisions of Policy CW11 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 and as such is unacceptable in planning terms.

Recommendation: that planning be Refused for the following reason:

- 1 The development fails to provide adequate affordable housing to meet the needs of the area and as such the proposal is contrary to the provisions of Policy CW11 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/1018/OUT 21.01.2020	Mr & Mrs Rees Brooklands House Brooklands Nelson Treharris CF46 6DR	Erect 11 No. dwellings including access, car parking and new foul and surface water drainage system for existing dwellings at Brooklands, Nelson Land At Grid Ref 310845 196295 Brooklands Nelson

**APPLICATION TYPE:** Outline Application

**SITE AND DEVELOPMENT**

Location: Land At Grid Ref 310845 196295, Brooklands, Nelson.

Site description: The application site undulates but is broadly flat with mainly scrub vegetation. To the east of the site is a belt of vegetation with footpath before reaching Shingrig Road which increases in height to the north where the road runs to the County boundary with Merthyr Tydfil and continues over a railway bridge. To the northern boundary the land then falls away sharply to the Nant Caeach water course. To the western boundary is some vegetation/trees. The southern site boundary bounds the existing road and public right of way serving properties in Brooklands and Park Bungalow and Park Farm to the north-west.

Development: The proposal is an outline application (with all matters reserved for future consideration) for the construction of 11 semi-detached and detached two storey dwellings, with associated access, parking, gardens, and service infrastructure.

Use: Residential

The amount of development proposed for each use: 11 Dwellings.

Indicative layout: The dwellings are shown to be facing an internal estate road.

Indicative access points: Single point of vehicular access from Brooklands.

Cont....

Application No. 19/1018/OUT Continued

Dimensions:

Dimensions (upper and lower limits for height, width and length of each building):

Minimum width: 6m.

Maximum width: 12m.

Minimum length (depth) 8.5m.

Maximum length (depth) 11m.

Minimum ridge height 8.5m.

Maximum ridge height: 8.9m.

Materials: Indicative plans show properties with painted render walls with areas of stonework and wood cladding. Standing seam metal roofs are proposed.

Ancillary development, e.g. parking: Indicative plans show on plot parking with driveways and/or garages. Improvements to Brooklands Road in terms of width, parking bays and a turning head.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located outside but adjacent to the defined settlement boundary. It is designated as a Green Wedge (Policy SI1.11) and within Mynydd Eglwysilan Special Landscape Area Special Landscape Area (NH1.3). It is also within the Brooklands Marsh Site of Importance for Nature Conservation (SINC).

Policies:

CW1 - (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Highways), (CW4 - Natural Heritage Protection), CW5 (Protection of the Water Environment) CW6 (Trees, Woodland and Hedgerow Protection), CW10 (Leisure and Open Space Provision) CW11 (Affordable Housing Requirements), CW15 (General locational constraints) CW22 (Minerals), NH1 (Special Landscape Area), NH3 (Site of Importance for Nature Conservation (SINC)), SP2 (Development in the Northern Connections), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Placemaking), SP10 (Conservation of Natural Heritage), SI1 (Green Wedge).

Cont...

Application No. 19/1018/OUT Continued

Supplementary Planning Guidance.

LDP 4 - Trees and Development.

LDP 6 - Better Places to Live.

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12 (Design).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is within a High Risk Area.

### CONSULTATION

Strategic & Development Plans - Whilst a departure from policy CW15 of the adopted Local Development Plan, it is not considered that the small incursion into the green wedge represented by this proposal would detrimentally affect its underlying purpose of maintaining the open nature of the land between Nelson and Quakers Yard. The magnitude of the existing housing shortfall is significant and development of this site would make some contribution towards meeting the housing requirements set out in the adopted LDP, in accordance with the recommendations of the 2019 AMR to increase the supply of housing. Within this context, incursion into the green wedge is justified, and clearly outweighs any harm that would be done to this particular designation.

It is not considered that the proposal would have a material bearing on the integrity of the SLA, although Countryside should be satisfied that the development of the site would not amount to the contravention of the relevant provisions of policy CW4 as regards the preservation of both the distinctive characteristics of the SLA and, accounting for the proposed species and habitat mitigation, the SINC.

Rights Of Way Officer - Advises of a public right of way in the vicinity of the site and provides advisory notes for the applicant.

Cont....

Application No. 19/1018/OUT Continued

The Coal Authority - The Coal Authority has no objection to the proposed development subject to the imposition of a planning condition requiring that intrusive site investigations should be undertaken prior to development. This is required in order to confirm the exact ground conditions present beneath this site and to inform any remedial/mitigatory measures that may be required to ensure that the development is safe and stable.

Ecologist - The Site is designated as Brooklands Site Important For Nature Conservation. The north of the site supports wet woodland (in its early stages) beside the Nant Caeach stream. Alder and Willow dominate the woodland. The extent of past tipping has had a significant impact upon the character of the Site Important For Nature Conservation. Given that the site has already been affected by tipping and much of the sites interest in terms of nature conservation has been compromised, then an objection on ecological grounds will not be submitted.

Recommends planning conditions in respect of Ecological matters.

Landscape Architect - Although the current proposed development represents an incursion into the Green Wedge and SLA on the North East edge of the Nelson settlement boundary, the potential area for development is generally small and has the potential to relate well to the existing settlement pattern, if designed and laid out well. Therefore overall the effect on the Green Wedge and SLA is minor and providing mitigation landscaping and mature trees are retained would be seen as acceptable in principle.

Recommends consideration given to layout amendments to provide an active frontage to Brooklands.

Principal Valuer - No comments.

CCBC - 21st Century Schools - There is adequate room at all schools for the above development to go ahead.

Head Of Public Protection - No objection, recommend conditions to address site contamination and noise/dust during construction.

CCBC Housing Enabling Officer - The size of the proposed site and the number of units being proposed triggers thresholds within the SPG allowing the council to seek an affordable housing contribution. The area falls within the Northern Connections Corridor (NCC) which attracts an affordable housing target of 25%, subject to viability. 25% of the 11 planned units, equals 3 units when rounded. I see from the Revised Site Plan that the applicants propose providing 3 affordable units, which complies with policy.

Cont....



Application No. 19/1018/OUT Continued

The mix of affordable units being put forward by the applicant are 3 bed houses, shown at plots 1 to 3. The 2018 LHMA fails to identify a need for this size of accommodation in the Nelson ward and overall in the NCC housing market area, although, there is a need for 4 bed accommodation. On this basis I would suggest that the 3 bed affordable units are changed to 4 beds.

The affordable units would need to be provided as social rented accommodation and would, therefore, need to be designed and built to DQR. Could you please request that the applicant provides property layout plans which show compliance with DQR.

The units should be provided as 4 bed, 6 person houses.

The units would be transferred to the council at £89,415 per unit. If the council fails to take up the offer to transfer the units, then they should be offered to United Welsh Housing Association (UWHA). If UWHA declines to take up the offer, then the units should be offered to a zoned housing association.

The proposed site layout complies with the SPG in terms of pepper-potting the affordable housing units throughout the development in clusters of 6 or more units.

Senior Engineer (Land Drainage) - Raises concerns in relation to Sustainable Drainage requirements and lack of drainage information. Highlights existing constraints in respect of the nearby watercourse and culverts and recommended refusal of the application.

Head Of Public Services - The site layout is adequate for on-plot bin storage for new residents. If the highway is unlikely to be adopted then we would require in writing from the developer, a statement confirming that the construction is of a sufficient standard to support our vehicles.

Transportation Engineering Manager - No objection subject to conditions requiring parking to meet adopted standards, details of the proposed turning head and provision of a travel plan.

Dwr Cymru - Advise a public sewer crosses the site but do not object subject to detailed layout addressing the sewer constraint and a condition addressing drainage.

Police Architectural Liaison Officer - Recommend that the development is built to comply with Secured by Design Homes 2019.

Cont...

Application No. 19/1018/OUT Continued

Western Power Distribution - A separate application to Western Power Distribution will be needed if the developer requires a new connection or service alteration.

Natural Resources Wales - In order to address our concerns in respect of contamination of ground water and land recommend that planning conditions be attached to require a scheme to deal with land contamination, decommissioning of the septic tanks and implementation of ecological mitigation measures for the Nant Caeach Watercourse.

Merthyr Tydfil County Borough Council - I write to confirm that this authority has no objection to the proposed development. Advise on ecological buffer.

Wales & West Utilities - Provide details of apparatus within the locality and development advice.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a press notice, site notices and neighbour notification letters were sent.

Response: 12 representations have been received in relation to the application.

Summary of observations:

- Existing traffic, parking and highway safety concerns.
- Existing problems with double yellow lines in the locality.
- Request that Brooklands is made residents permit parking.
- Concern over turning head on Brooklands.
- A limit of 20mph should be imposed for along Shingrig Road and Bwl Road.
- Contamination of the site.
- Impact on the existing properties of Brooklands sanitation.
- General issues with drainage in the area.
- General issues with sewage system in the area.
- Damage to septic tanks.
- Flooding and lack of SUDS.
- Loss of Privacy and outlook.
- Lack of notification of application.
- Site not included within the Local development plan.
- Development would be out of keeping.
- Overdevelopment.
- Loss of wildlife.
- Restrictions/Loss of parking and for existing residents.
- Devaluation.

Cont....

Application No. 19/1018/OUT Continued

- Sufficient housing within Nelson and these are not required.
- Redevelopment of the site is suitable.

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? The application site falls within the Mid-range area for CIL purposes attracting a CIL charge for residential development of £25/sqm (excluding indexation). The CIL charge would be calculated at reserved matters stage.

ANALYSIS

Policies:

The application has been submitted in outline with all matters (access, appearance, landscaping layout and scale) reserved for future consideration. The overall number of dwellings (11) is stated within the development description and is therefore fixed and not subject to change and scale parameters have been given for the minimum and maximum dimensions of the proposed dwellings. The applicant has submitted indicative plans including site layout and example floorplans and elevations, however, the exact form of development would be considered at reserved matters stage.

The indicative layout supplied with the planning submission indicates the applicant is envisaging the development to be served from a single point of access from Brooklands road close to the existing junction with Shingrig road. The new dwellings are shown on the indicative plan to be arranged primarily fronting onto a single estate road. The indicative mix of dwellings is 3 and 4 bedroom dwellings each provided with parking and amenity areas.

Cont....

Application No. 19/1018/OUT Continued

The general form and density of the site as shown on the indicative site plan demonstrates that the provision of the 11 dwellings could be achieved with acceptable levels of privacy and amenity for the new dwellings and an acceptable impact on the existing residential properties on Brooklands.

The application site is located to the west of Shingrig Road close to the County Boundary with Merthyr Tydfil which at this point runs along the watercourse to the north-eastern boundary of the application site. The application site is located close to but lies outside, the settlement boundary as delineated by Policy SP5 (Settlement Boundaries) within the adopted Local Development Plan. The site is covered by a Site of Importance of Nature Conservation (SINC), Green wedge and Special Landscape Area designations. It also lies within safeguarding areas for both coal and sandstone.

The site's location outside the settlement boundary means the proposal does not accord with adopted Local Development Plan Policy CW15 (General Locational Constraints). However, it is necessary to weigh the potential benefits of granting permission for housing in this location against any detrimental impact this may have, both in terms of policy CW15 and other development plan policies.

The application site falls within a green wedge designation (SI.1.11 - West of Nelson) identified within Adopted Local Development Plan Policy SI1 (Green Wedges). The supporting text to Policy SI1 in paragraph 3.98 of the Local Plan states "The need to define and maintain open spaces between and within urban areas and settlements to prevent coalescence is considered important for the County Borough to protect the integrity of both the built and natural environment. Within green wedges, it is intended to resist any development proposal that would not maintain this open character.

The Local Development Plan appendices defines the purpose of the green wedge designation. In respect of the reasoning behind the designation of the defined green wedge (west of Nelson) that the application site resides within the appendix to the Local Development Plan advises that "This green wedge prevents the coalescence between Nelson in Caerphilly County Borough Council and Quakers Yard in Merthyr Tydfil County Borough Council. This area is under significant residential and employment pressure. The area is an important open area that is not only important to retain for anti-coalescence purposes, but also for its landscape quality."

In the national planning policy wales document (paragraphs 3.69 and 3.70) it advises that there should be a presumption against inappropriate development within green wedges and planning permission should not be granted except in very exceptional circumstances where other considerations clearly outweigh the harm to which such development would do to the green wedge.

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Application No. 19/1018/OUT Continued

In terms of the application site it forms a small part of the defined green wedge but is closer to parts of Trelewis within Merthyr CBC than Quakers Yard which is the stated purpose for the green wedge. The existing watercourse and beyond that the railway line provide a buffer between the application site and the neighbouring parts of Trelewis within Merthyr CBC. The site's location to the north-east of the existing dwellings at Brooklands is such that were the site to be developed it would not materially alter the existing buffer zone provided by the green wedge between Nelson and Quakers Yard in Caerphilly. Loss of the application site as green wedge would have little impact upon the overall aim of the Green wedge for anti-coalescence purposes between Nelson and Quakers Yard as the vast remainder of the green wedge would be unaffected. The impact upon the underlying rationale of this green wedge would therefore be negligible.

The site is also within the defined Special Landscape Area (NH1.3 - Mynydd Eglwysilan). This is a large designation and the site's proximity to existing residential development and settlement of Nelson means that it is not considered that the proposed development would have an unacceptable impact on the Special Landscape Area.

The application is also located within a designated Site of Importance for Nature Conservation (SINC). A previous planning permission (P/04/0221) was approved for the importation of waste material. The Council's Ecologist has advised that due to the extent of past material importation this has had a significant impact upon the character of the Site Importance For Nature Conservation. The Ecologist's concludes that because the application site's interest in terms of nature conservation has been compromised that they raise no objection to the development. However, the Ecologist recommends that as the site has been designated a SINC and previously it did have more than 8 indicator species, then the remaining areas along the boundary of the site closest to the stream will need to be retained and enhanced and excluded from the development. It is recommended that a planting and management plan will be required for this ecological buffer area. The indicative layout plans does include provision for such a buffer zone with 5 metre and 10 metres zones from the watercourse. It is noted that the wider 10 metre does include parts of some garden areas however as the layout is not finalised at this stage it is considered that a suitable ecological buffer can be agreed via the imposition of a suitable planning condition requiring full details to be submitted prior to the commencement of development.

The Strategic and Development Plans section's consultation response to the application highlights that previously, the Council's lack of a five-year housing land supply would have constituted a material consideration in respect of planning applications. However, since the revocation of Technical Advice Note 1 (Joint Housing Land Availability Studies) by Welsh Government in March 2020, housing trajectories, to be set out in adopted Local Development Plans, will form the basis for the monitoring of development plan housing requirements.

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Application No. 19/1018/OUT Continued

Whilst the adopted Caerphilly Local Development Plan does not contain a housing trajectory, the Annual Monitoring Review (AMR) does already monitor housing delivery against the housing requirements set out in the adopted LDP. It is evident from the AMR that new housing has not been delivered at the levels required in the first half of the plan period. Policy SP14 (Total Housing Requirements) indicates that there is a housing requirement for 8,625 new dwellings to be delivered to meet identified need. In order to have met this need, an average of 575 dwellings needed to be delivered per annum. The 8th AMR indicated that 4,713 units had been delivered (55% of the total housing requirement) up to the end of March 2019. Therefore, there is a requirement for a further 3,912 dwellings to be developed over the remainder of the plan period, i.e. by the end of 2021, to meet the total housing requirement.

The 2019 AMR identifies that the failure of the housing policies to deliver housing, including affordable housing, is a key issue. Recommendation R2 of the AMR states "In recognition of the need to identify more land for employment and housing to support local need and regional aspirations, the 8th Annual Monitoring Report recommends that a review of the Adopted LDP be commenced". Further to this, Recommendation R3 states that "in the period up to the adoption of the revised LDP, the Council will need to continue to address the shortfall in the five year housing land supply through proactive action, including: to consider proposals for new residential development on their relative planning merits on a site-by site basis and have due regard for the need to increase the housing land supply in line with national planning policy and guidance". In this respect given the current housing shortfall the contribution towards overall housing number and provision of affordable housing within the scheme is a material consideration which weighs in favour of the proposed development.

The impact on the amenity of neighbouring properties has been considered. The existing 11 dwellings on Brooklands have their principal elevations facing the application site. The majority of these properties are single storey bungalows and some have dormer windows on the front roof slope. The indicative layout shows that 11 dwellings can be accommodated on site without harming the existing levels of privacy enjoyed by properties on Brooklands. Whilst the indicative plans show new dwellings that would be two storey in height this is considered to be acceptable in principle as whilst there are mainly bungalows facing the site there are two storey dwellings in this part of Nelson (particularly along Shingrig Road) and on the entrance to Brooklands itself there is a two storey property in a prominent corner plot. The indicative details suggest that the development would be of a good quality design able to accord with Policy SP6 (Placemaking) in having an acceptable impact on the character of the area.

The indicative layout broadly faces inwards with properties facing the internal access road. The Landscape Architect has recommended that the layout should be amended to provide an active frontage to Brooklands.

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Application No. 19/1018/OUT Continued

It is considered that a suitable layout can be agreed at reserved matters stage and if the layout remained broadly as the indicative plans shows with rear amenity areas adjacent to Brooklands that a suitable boundary treatment to Brooklands could be agreed as part of the development together with upgraded façade treatments/architectural detailing on the rear facades of some properties. It is therefore considered that an acceptable street scene could be achieved through the consideration of finalised layout and dwelling plans as part of the reserved matters process.

The indicative plans show a layout which suggests suitable access and parking can be accommodated within the site and also indicates improvements to Brooklands road in the form of a turning head and access and parking alterations. The Highway Authority has offered no objection to the proposal subject to planning conditions to address detailed highway considerations. The proposal in principle accords with Policy CW3 (Highways).

The developer has submitted an indicative drainage design for foul and surface water. This indicates that application site contains four brick built septic tanks that receive the foul and surface water discharge from the existing dwellings at Brooklands and the document states that these septic tanks are in a poor state of repair and are leaking. The developer proposes to discharge the foul drainage from the new dwellings into the existing Dwr Cymru/Welsh Water drainage infrastructure located within Shingrig Road. The document also indicates the developer's intention to undertake provision of new foul and surface water sewers within the existing Brooklands highway to allow the connection of the foul and surface water flows from the existing Brooklands dwellings to the existing foul and surface water drainage infrastructure. The provision of new infrastructure within the Brooklands Highway will allow the removal of the 4 existing defective Septic Tanks.

The Land Drainage Officer has raised concerns in relation to the development in relation to Sustainable Drainage requirements and lack of drainage information as well existing constraints in respect of the nearby watercourse and culverts and recommended refusal of the application. The applicant has been provided with the comments of the Land Drainage Officer and has indicated that the layout could be amended to comply with bylaw restrictions. The proposed development is of a scale that requires separate SAB approval from the Land Drainage section and the developer is aware of this requirement. The separate need for sustainable drainage approval does not preclude planning permission being granted for the development and as applicant has reserved matters such as layout for future consideration thereby giving scope to amend the scheme (if required) to address any matters pertinent to the SAB approval process.

Cont...

Application No. 19/1018/OUT Continued

It is therefore considered that it would not be reasonable to refuse the application on drainage grounds given the separate approval process for SAB and the ability for the applicant to address issues of drainage affecting layout through the reserved matters details and compliance with a proposed drainage condition.

The development would exceed the threshold in Policy CW10 (Leisure and Open Space Provision) for provision of open space and this will be secured via a planning condition. It also exceeds the threshold for affordable housing (CW11 Affordable Housing Planning Obligation) and it is proposed that this is secured by a section 106 legal agreement to secure necessary affordable housing on site.

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

Comments from public:

- Existing traffic, parking and highway safety concerns.
- Concern over turning head on Brooklands.

The Highway Authority have reviewed the proposed development and layout in the context of the existing highway network and have offered no objection to the applicant subject to planning conditions to require parking for the new dwellings in accordance with adopted Parking Guidelines and full details of the proposed turning head and travel plan to promote sustainable travel objectives. The scheme includes the widening of Brooklands land and the provision of a turning facility which are considered to improve the general highway network adjacent to the site. It is noted that concerns have been raised over these measures particularly in relation to loss of parking for existing residents.

- Existing problems with double yellow lines in the locality.  
The existing traffic regulations in place within this part of Nelson would have been subject to the relevant consultation and statutory processes and any future measures would be subject to the relevant processes. This is not considered to be a separate matter for the Highway Authority and is not material to the consideration of this application.

- Request that Brooklands is made residents permit parking.  
A limit of 20mph should be imposed for along Shingrig Road and Bwl Road  
These would be a separate matter to be considered by the Highway Authority.

- Contamination of the site.  
The Environmental Health Officer has requested planning conditions in respect of contamination which ensure that the site is suitable for development.

Cont....



Application No. 19/1018/OUT Continued

- Impact on the existing properties of Brooklands sanitation.  
It is understood that private sewerage from properties on Brooklands currently is located on the application site. This is private civil matter between the developer and the residents. The submitted indicative site plan includes reference to replacement foul drainage arrangements and details can be agreed through the proposed drainage condition.
- General issues with sewage system in the area.  
In respect of concerns in relation to the existing sewage network in the locality Dwr Cymru have offered no objection to the proposed development.
- General issues with drainage in the area.  
Dwr Cymru has been consulted and have offered no objection to the proposal and the indicative drainage details submitted show provision for existing and new dwellings.
- Damage to septic tanks.  
This would be a private matter between the developer and the residents and the indicative details supplied indicate that the developer is seeking to provide alternative drainage arrangements for both existing and new dwellings.
- Flooding and lack of SUDS.  
The site lies outside a designated flood zone and the development will require separate SAB approval, finalised drainage arrangements can be agreed through the submission of details to the Local Planning Authority.
- Loss of Privacy and outlook.  
The indicative plans indicate that sufficient privacy could be achieved for the development and general outlook for the existing residents would not be unacceptably harmed. The loss of a view is not a material planning consideration.
- Lack of notification of application.  
The application was publicised via a press notice, site notices and neighbour notification letters to adjoining residents complying with regulations.
- Site not included within the Local Development plan.  
Development would be out of keeping. This has been considered and addressed within the body of this report.
- Overdevelopment.  
The indicative plans show that a development of 11 dwellings can be accommodated on the site with individual dwellings having amenity areas and parking. The plans indicate that suitable access arrangements can also be achieved. It is therefore considered that overdevelopment would not occur.

Cont....

Application No. 19/1018/OUT Continued

- Loss of wildlife.

The Council's Ecologist has considered the proposal and does not consider that the development of the site would be unacceptable. Planning conditions are proposed to address ecological issues of concern such as reptiles and site lighting to minimise the impact on bats and mitigation in the form of an ecological buffer and bat roosting is required through planning conditions.

- Restrictions/Loss of parking and for existing residents.

The proposed development has been considered by the Highway Authority who have offered no objection to the indicative layout plans. There will be works proposed to Brooklands Road which would improve general access arrangements and include a new turning facilities improved width and parking bays. This has been weighed against the existing circumstance and is found to be acceptable.

- Devaluation.

This is not a material planning consideration.

- Sufficient housing within Nelson and these are not required.

The Planning Policy section have highlighted that the Annual Monitoring Review has identified a shortfall in housing provision.

- Redevelopment of the site is suitable.

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.

A section 106 Agreement may be required where:

- (a) It is necessary to make the development acceptable in planning terms.
- (b) It is directly related to the development.

The need to address affordable housing provision arise directly as a result of the proposed development of the site for 11 houses, which exceeds the threshold of 5 houses and 0.15 hectares stated in Policy CW11, in terms of the number of dwellings and area of the site.

- (c) It is fairly and reasonably related in scale and kind to the development.

Cont....

Application No. 19/1018/OUT Continued

The total number is reasonable and is based on housing demand in the Caerphilly County Borough.

Members are advised that if they are minded to approve the application that as the proposal constitutes major development being more than 10 residential units which is not in accordance with one or more provisions of the development plan in force the application will be referred to Welsh Government under The Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2020.

RECOMMENDATION: that the application be REFERRED to Welsh Government as a Departure from the provisions of the Development Plan under The Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2020 and subject to confirmation from Welsh Government that they do not wish to call in the application that planning permission be GRANTED subject to the completion of a Section 106 Planning Obligation, which requires:

25% affordable housing provision comprising 3 x 4 bedroom (6 person) homes, built to DQR standards and at a transfer price of £89,415 per unit; and subject to the following conditions: -

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

Cont...

Application No. 19/1018/OUT Continued

- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.  
REASON: In the interests of public health.
- 06) 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.
- 07) 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.
- 08) 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.

Cont....

Application No. 19/1018/OUT Continued

- 09) 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.
- 10) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The plans and particulars submitted in accordance with Condition 1) shall include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 5.2.2 of BS5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.
  - b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
  - c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
  - d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.
  - e) the details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
  - f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.

Cont....

Application No. 19/1018/OUT Continued

g) No 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. In this condition a "retained tree" means an existing tree that is to be retained in accordance with the plan referred to at paragraph (a) above.

REASON: To safeguard the vegetation that is considered to be worthy of retention in the interests of visual amenity of the area in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 12) No development or site or vegetation clearance shall take place until a detailed reptile survey has been carried out and the results of the survey, including an impact assessment, and if necessary details of any proposed mitigation measures, have been submitted to and approved by the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.

REASON: To ensure that reptiles are protected, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed on site. The treatment of Japanese Knotweed shall be carried out in accordance with the approved details.

REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

- 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.

Cont....

Application No. 19/1018/OUT Continued

- 15) Prior to the commencement of any site clearance or development works, a species planting and management plan for the Ecological Buffer Zone shall be submitted for the approval of the Local Planning Authority.  
REASON: In the interests of biodiversity conservation and enhancement in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 16) Prior to the commencement of any works on site, a plan showing details of the provision of roosts and a means of access for bats in the new properties at Land at Grid Ref 310845 196295, Brooklands, Nelson, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 17) Prior to the commencement of development the applicant shall:  
- Undertake a scheme of intrusive site investigation works which are adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;  
- Submit for the approval of the Local Planning Authority a report of findings arising from the above referenced intrusive site investigations and (where identified as necessary by the report) a scheme of proposed remedial works.  
Following the approval of the report in writing by the Local Planning Authority the developer shall implement any required remedial works in accordance with the recommendations and timescales of the approved report.  
REASON: To address mining legacy issues.
- 18) No works to the four brick built septic tanks located on the application site that receive the foul and surface water discharge from the existing dwellings at Brooklands shall be carried out before details of the method of decommissioning, demolition and removal have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details.  
REASON: To ensure appropriate removal and decommissioning of the septic tanks and reduce the risk to the water environment.

Cont....

Application No. 19/1018/OUT Continued

- 19) Prior to the commencement of development detailed plans showing the new junction onto Brooklands and the proposed turning head shall be submitted for the written approval of the Local Planning Authority. The agreed junction and turning head shall be constructed in accordance with the approved details prior to the occupation of the first dwelling.  
REASON: In the interests of Highway Safety in accordance with adopted Local Development Plan Policy CW3 (Highways).
- 20) The vehicle parking and turning space(s) serving each dwelling unit shall be surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Prior to the occupation of each dwelling unit the spaces shall be completed in accordance with the approved details and shall not thereafter be used for any purpose other than the parking and turning of vehicles.  
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) Prior to the occupation of the first dwelling, a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the timescales and measures contained therein.  
REASON: To encourage transport other than by single occupancy vehicle trips.
- 22) No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.  
REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 23) Details submitted in relation to Condition 1 of this permission shall include details of proposed public open space (a LAP) designed in accordance with the standards set out in Fields in Trust guidance, and the timing of its provision, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.  
REASON: To ensure the adequate provision of public open space.

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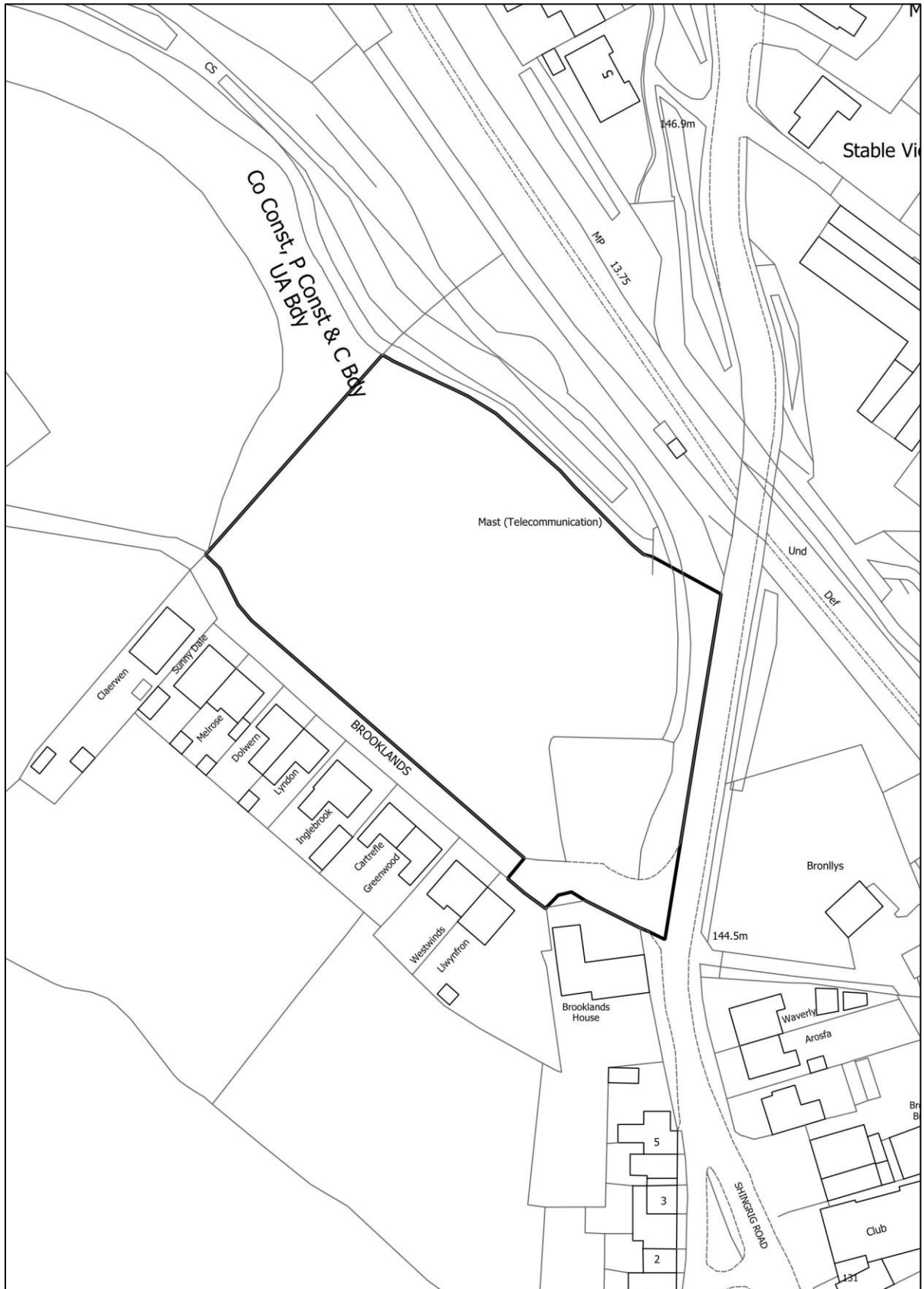
Advisory Note(s)

Please find attached the comments of Natural Resources Wales, Public Rights of Way Officer, Dwr Cymru/Welsh Water, Western Power Distribution, Wales and West Utilities and Police Architectural Liaison Officer that are brought to the applicant's attention.

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**APPROVE IN ACCORDANCE WITH RECOMMENDATION SUBJECT TO  
REFERRAL TO WELSH GOVERNMENT AND THE SIGNING OF A SECTION 106  
AGREEMENT**

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**Application Number:** 22/0743/RET

**Date Received:** 12.09.2022

**Applicant:** MCI Logistics Limited

**Description and Location of Development:** Retain and complete the erection of a 25m x 50m warehouse building for the storage of raw materials for local manufacturers - MCI Logistics Unit B MCI Business Centre 4-5 Newtown Industrial Estate Crosskeys.

**APPLICATION TYPE:** Retain Development Already Carried Out.

## SITE AND DEVELOPMENT

Location: MCI Logistics, Unit B, MCI Business Centre, 4-5 Newtown Industrial Estate, Crosskeys, Newport, NP11 7PZ.

Site Description: Yard area to the south of the large commercial unit of MCI logistics. Existing commercial units surround the site apart from the south/south east where a public footpath and the River Sirhowy lie.

Development: Retain and complete the erection of a 25m x 50m warehouse building for the storage of raw materials for local manufacturers.

Dimensions: The building measures 25m wide by 50m long with an overall height of 10.3m to the ridge.

Materials: Walls: Grey Steel Sheeting Roof: White PVC fabric.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT No relevant planning history.

## POLICY

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

Site Allocation: The site lies within the defined settlement boundary and within the Newtown, Crosskeys employment site.

Policies: CW2 (Amenity), CW3 (Highways), CW13 (Use Classes Restrictions - Business and Industry), CW15 (General Locational Constraints), EM2 (Employment Sites Protection), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Future Wales: the National Plan 2040, Planning Policy Wales (Edition 11), Technical Advice Note 12: Design. Technical Advice Note 15: Development and Flood Risk.

SUPPLEMENTARY PLANNING GUIDANCE None.

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

CONSULTATION

Estates Manager -

Transportation Engineering Manager - CCBC - No objections recommend that planning conditions on parking and restriction of building to purposes ancillary and incidental to the existing units are imposed.

Environmental Health Manager - No objection, propose conditions on hours of operation and restriction on external storage.

Senior Engineer (Drainage) - Confirms Sustainable Drainage (SAB) approval is required.

Rights Of Way Officer - No objections, provides advice in respect of public footpaths.

The Coal Authority - No objection.

Natural Resources Wales - We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application.

Clarification has been sought with Natural Resources Wales and it is anticipated that an updated response from Natural Resources Wales will be verbally reported to members at committee.

## ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice.

Response: No responses were received.

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?  
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 CIL charge would be applicable as commercial/industrial development is zero rated for CIL.

## 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 the visual appearance of the development on the character of the area.

The proposed development is for the erection of a warehouse building within the grounds of an existing commercial property on the Newtown Employment site. The land is within the adopted Local Development Plan designation under Policy EM2 as an employment site (EM2.30 Newtown, Crosskeys) and is designated a 'secondary' site within the hierarchy of employment sites. Policy EM2 works in tandem with a separate policy within the adopted Local Development Plan, Policy CW13 (Use Class Restrictions - Business and Industry) and Policy CW13 states in relation to secondary sites that:

On sites allocated or identified as Secondary Sites, development will only be permitted if it is:

- i within use classes B1, B2 or B8;
- ii an appropriate sui generis use;

- iii to provide an ancillary facility or service to the primary employment use;
- iv an acceptable commercial service unrelated to class B uses.

The submitted planning statement advises that the proposed warehouse building will be used in association with the existing operations of MCI Logistics and it is stated that it is required to help to continue to operate and expand the business. The purpose of the building is described as to store materials for an existing customer who requires significant additional storage to support their manufacturing operations.

It is considered that the proposed development would accord with the designation as a secondary site and would comply with Policy CW13. As such the development is acceptable in principle subject to consideration of other material planning considerations.

The building would be a large structure however it would be primarily viewed in conjunction with the larger existing commercial unit and along with other commercial buildings in the area. It is not considered that it would have any unacceptable visual impacts on the character of the area and would accord with adopted Local Development Plan Policy SP6 (Placemaking).

The development would be significantly separated from the nearest residential properties (in excess of 90m away) and would be in close proximity to existing business uses on an allocated employment site. It is considered appropriate to restrict the use of the new building to purposes within Class B8 (Storage and Distribution) and to be also restricted to purposes ancillary and/or incidental to the existing businesses on the site. It is considered that the impact on the amenity of the area including the nearest residential receptors would be acceptable according with Policy CW2 (Amenity).

The Transportation Engineering Manager has requested a planning condition on parking be imposed. The applicant has indicated that there will be under 3 vehicles per week serving the development and apart from exceptional circumstances these will be through the existing main entrance. It is noted that the proposed building is within the site sufficiently to avoid any significant impacts on the highway network in terms of access/egress and parking/manoeuvring is available within the wider site on land under the applicant's control. In this situation it is not considered that it would be necessary to impose requirements and/or restrictions in relation to parking/turning. It is considered that the development accords with Policy CW3 (Highways).

Comments from Consultees: The Environmental Health Manager has requested hours of operation be imposed on the new building, however noting the limited vehicle movements, significant separation distance (in excess of 90m to the closest residential receptors) and other units on the wider MCI site having no restriction it is not considered reasonable to impose such restrictions on the development.

Comments from public: None.



Other material considerations: The site is within the designated flood zone under Technical Advice Note 15: Flood Risk and Development (TAN15). It is primarily within Flood Zone C1. The development is categorised as being "Less Vulnerable Development" within the TAN which includes industrial, employment and commercial uses in this category.

In respect of justification of the location of the development as required by Technical Advice Note 15 section 6 it is demonstrated that:

Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or

Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region.

In terms of the application site Local Authority Strategy (which is defined in the TAN as the adopted development plan) it is part of the employment designation under Policy EM2 and therefore it would be part of the strategy to sustain the existing settlement, it also would contribute to key employment objectives by supporting an existing business within the settlement.

A further requirement is that it concurs with the aims of Planning Policy Wales and meets the definition of previously developed land.

The application site is formed of previously developed commercial/industrial land on an identified employment site and the proposal accords with the aims of Planning Policy Wales particularly with reference to Economic development (section 5.4 PPW11). Subject to the finalised advice of Natural Resources Wales to be reported verbally to members at committee it is anticipated that the flooding consequences can be acceptably managed noting the low vulnerability of the proposed use.

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

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

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan, drawing reference MCI/PP/01;  
Proposed Block Plan, drawing reference MCI/PP/02;  
Proposed Floor plan, drawing reference LH.2500.620.E.075.002\_A;  
Proposed Elevations, drawing reference V-2.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) The premises shall only be used for B8 purposes as defined by the Town and Country Planning (Use Classes) Order 1987, or as defined by any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, without the approval of the Local Planning Authority. The B8 purposes shall also be limited to that ancillary and incidental to the operation of Units within 4-5 Newtown industrial Estate, Crosskeys and for no other purposes.  
REASON: To define the scope of the permission and in the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 03) No goods, materials, plant or machinery shall be stored outside any of the buildings on the site without the prior written agreement of the Local Planning Authority.  
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

WARNING:

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

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

must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

Phone: 01443 866511

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

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

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

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

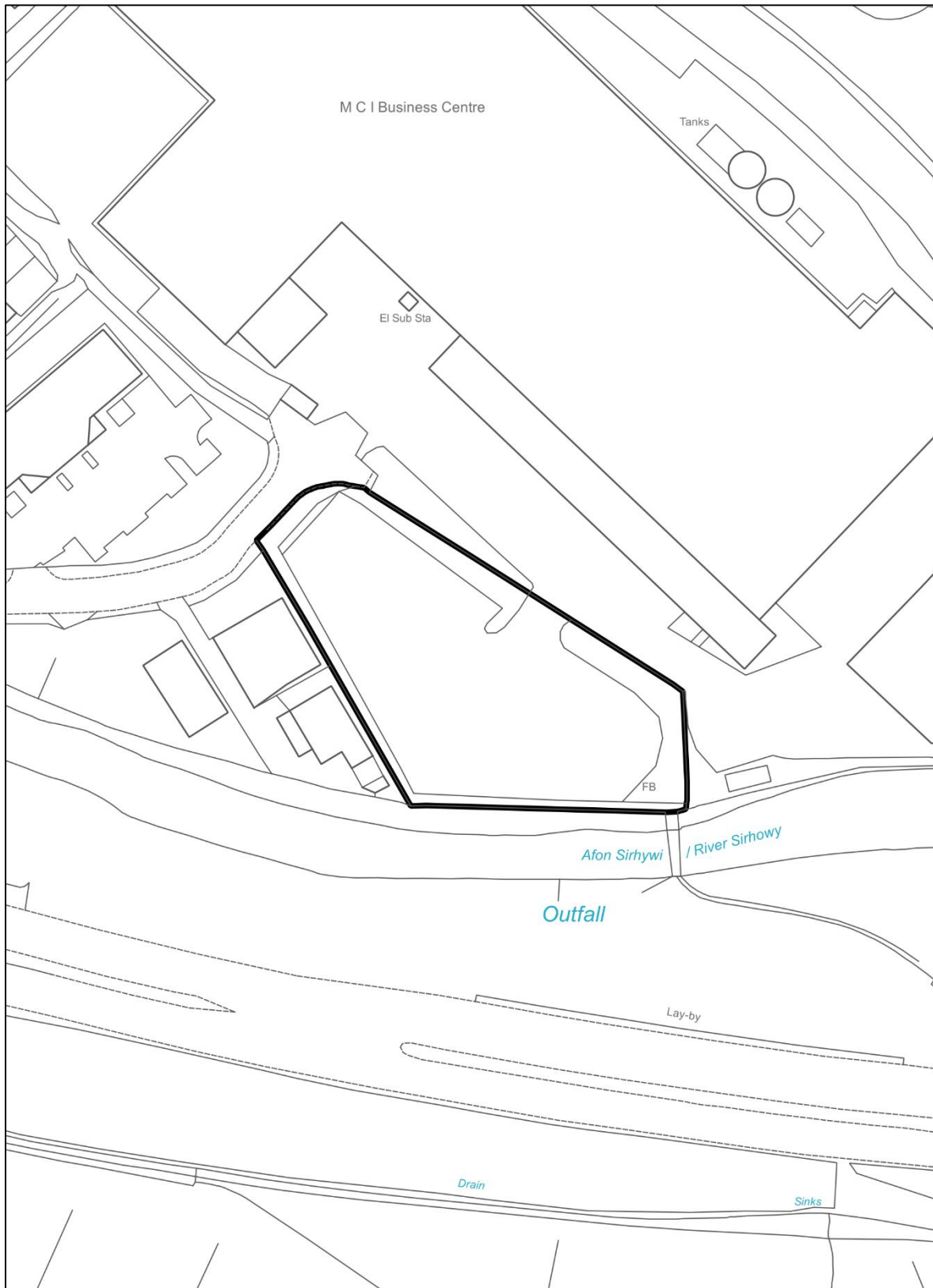
Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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

Please find attached the comments of The Senior Engineer (Drainage), Environmental Health Manager and the Public Rights of Way Officer that are brought to the applicant's attention.

Please also 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).



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**Application Number:** 22/0619/NCC

**Date Received:** 13.07.2022

**Applicant:** United Welsh Housing Association

**Description and Location of Development:** Vary condition 02 of planning consent 21/1090/RM (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 74no. affordable dwellings, comprising of 15no. 1 bed over 55s apartments, 42no. social-rented units (24no. 1 bed apartments, 15no. 2 bed apartments, 3no. 4 bed houses), and 17no. shared-ownership units (13no. 3 bed houses, 4no. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works) to relocate the 1 bed apartment at Plot 12 (as approved) to within Apartment Block A, together with other associated amendments to the plans - Austin Grange Maes Glas South UL Caerphilly CF83 1LN.

**APPLICATION TYPE:** Development without complying with conds.

## 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 a number of existing buildings on both parcels of land in varying states of 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. This 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 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 Poplar 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: This application seeks approval of minor material amendments to the approved housing development for 74 No. affordable dwellings. The proposed amendments would involve removing a residential unit from the two storey maisonette building and introducing an additional ground floor unit to apartment block A. The total number of affordable dwellings would remain unchanged. Whilst the footprint of the maisonette building would remain as originally approved, the northern half of the building would reduce from two to one storey in height. A reconfiguration of the internal layout of apartment block A would enable the introduction of the additional unit, with only a minor change to the building's footprint. Associated minor fenestration changes to the north-eastern corner elevations of the building are also proposed, along with the introduction of ground floor terrace.

Dimensions: The overall dimensions of the proposed houses, maisonettes and apartment blocks which form part of the previously approved housing development remain largely unchanged. The only notable change relating to this proposal relates to the northern part of the maisonette building, which will reduce from two to one storey in height. The proposed ridge and eaves height of the proposed one storey element would measure approximately 6.7m and 3m respectively.

Materials: The proposed materials would remain unchanged from the previously approved housing development, comprising of 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 continue to be served by 83 on-site car parking spaces. A plant, bin and cycle store enclosure is proposed for the 4 storey apartment building, while similar facilities would be contained within the 5 storey apartment 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 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.

21/1090/RM - 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 74no. affordable dwellings, comprising of 15no. 1 bed over 55s apartments, 42no. social-rented units (24no. 1 bed apartments, 15no. 2 bed apartments, 3no. 4 bed houses), and 17no. shared-ownership units (13no. 3 bed houses, 4no. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works - Granted 14.04.2022.

## 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, CW11 (Affordable Housing Planning Obligation) and CW15 (General Locational Constraints).

NATIONAL POLICY 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 housing 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).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

### COAL MINING LEGACY

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

Dwr Cymru/Welsh Water - No objection raised to the proposed changes to the development.

Transportation Engineering Manager - CCBC - No objection raised to the proposed changes to the development.

Environmental Health Manager - No objection raised to the proposed changes to the development.

Heritage And Placemaking Officer - No objection raised to the proposed changes to the development.

CCBC Housing Enabling Officer - No objection raised to the proposed changes to the development.

Strategic & Development Plans - No objection raised to the proposed changes to the development.

### ADVERTISEMENT

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

Response: One response was received as part of the public consultation exercise.

Summary of observations: Queries and concerns have been raised in relation to the height of the apartment building, noise and disturbance during construction works and the impact on trees surrounding the area of the allotments.

## 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 submitted as part of the previously approved reserved matters application.

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 as part of the consideration of the previous reserved matters approval (planning reference 21/1090/RM). The justification previously provided for tests (i) and (ii) remain applicable and the minor material changes proposed to the housing development do not give rise to any different effects on the European Protected Species (common pipistrelle and soprano pipistrelle bats) to those previously considered. As such, it is not considered that the proposal is likely to be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (test iii)).

## 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 has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. In this regard it should be recognised that this application has been submitted under Section 73 of the Town and Country Planning Act 1990 which allows applications to be made for planning permission without complying with conditions previously imposed on an extant planning permission. The purpose of this application is to consider minor material amendments to the approved housing development for 74 No. affordable dwellings by varying the approved plans listed under condition 2 of the extant reserved matters approval, which was granted on 14th April 2022 (planning reference: 21/1090/RM). A minor material amendment is commonly considered to be one whose scale and nature results in a development which is not substantially different from that which has been approved.

It should also be noted that the Welsh Government Development Management Manual confirms that:

"Sections 73(2) and (4) of the 1990 Act restrict the LPA in their determination of section 73 applications. The effect of the provisions is to limit the LPA to considering the question of whether the conditions identified in the section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The LPA cannot revisit the original permission and reconsider whether it should have been granted in the first place. However as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been in terms of policy since the original permission was granted in order to ensure that all relevant material considerations have been assessed." (see paragraph 13.3.12)

Based on the parameters for the consideration of this section 73 application as set out above, it is considered that the main issues are:

Impact on visual amenity;  
Impact on off-street parking provision;  
Impact on residential amenity; and  
The need for affordable housing.

With regard to visual amenity, the application seeks to make changes to two buildings on the housing development site, namely the two storey maisonette building (units 9-12) located on the western edge of the site adjacent No.11 Heol Awstin, and the five storey apartment building (block A) located on the north eastern part of the site adjacent to the industrial units at Poplar Road. The proposed removal of an affordable unit (unit 12) from the maisonette building would result in the northern half of the building reducing to single storey in height. The footprint of the building would, however, remain unchanged and the proposed single storey element would incorporate an appropriate pitched roof

design, along with complementary fenestration and materials, which would allow the building as a whole to retain a coherent form and design.

The proposed introduction of an additional affordable unit to apartment building A would be facilitated by reducing the size of the plant room, reconfiguring the internal layout of the building and utilising the internal space more effectively. The proposal would involve a minor change to the building's footprint, minor fenestration changes to the north-eastern corner elevations of the building and the introduction of a ground floor level terrace. The proposed fenestration changes and terrace would complement the design and appearance of the apartment building's elevations in terms of their size, symmetry and detail. Moreover, these changes would provide further visual interest to the building's appearance.

It should also be noted that the Council's Placemaking and Building Conservation Officer has raised no objection to the proposed changes to the scale and design of the maisonette and apartment buildings. It is therefore considered that the proposed changes are acceptable in visual and placemaking terms and accordingly, meet the requirements of Policy SP6.

In respect of off-street parking, the proposed number of car parking spaces for the housing development would remain unchanged at 83. Two additional cycle spaces would, however, be provided within apartment building A, increasing the number from 26 to 28 spaces. The proposal would not involve an increase in the overall number of residential units on the housing development and the Transportation Engineering Manager has raised no objection to the proposed relocation of the residential unit from the maisonette building to apartment building A. The proposed change is therefore considered to be acceptable in terms of car and cycle parking provision and accordingly, meets the requirements of Policy CW3.

In terms of residential amenity, the nearest existing residential properties to the proposed maisonette building are No. 11 Heol Awstin to the west and No. 142 Maes Glas to the north. The impact of the proposed housing development on these existing properties was fully considered in the determination of the previously approved reserved matters application, where the impact on residential amenity was not considered to be unacceptable. Moreover, the proposed reduction in the height of the northern half of the maisonette building would further reduce any impact on the amenity of the occupiers of these neighbouring properties.

Proposed apartment building A would be located on the eastern part of the site over 100m away from existing residential properties. The introduction of additional windows and a terrace at ground floor level would not therefore adversely affect surrounding residential properties. The Head of Public Protection has also raised no concerns in relation to the introduction of the affordable unit adjacent to the plant room and cycle store within the apartment building.

Given the above, it is therefore considered that the proposed changes to the maisonette and apartment buildings would not have an unacceptable impact on the amenity of the occupiers of neighbouring properties or future occupiers of the development itself and accordingly, the proposal meets the requirements of Policy CW2.

In relation to affordable housing provision, the 1 bed maisonette that would be removed from the housing development would be replaced by a 1 bed apartment, which is very similar in terms of the affordable housing need that it meets. Furthermore, the Council's Housing Strategy Officer has raised no objection to the proposed minor change in the type of affordable housing unit being provided.

In summary, the principle of housing development on the site has previously been established and it is not considered that the impacts of the proposed changes to the approved maisonette and apartment building would be unacceptable in terms of visual amenity, off-street parking provision, residential amenity or affordable housing provision. Moreover, it is not considered that the proposed changes would be significantly different from the scale and nature of the housing scheme previously approved under reserved matters application 21/1090/RM. As such, the proposal is considered to meet the requirements of a minor material amendment and accordingly, it is recommended that planning permission be granted subject to a revised condition 2 which incorporates the associated changes to the approved plans. As there have been no other changes in planning policy or site circumstances since the reserved matters approval was granted in April of this year, it is also recommended that all other conditions are re-imposed in their original form.

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

Comments from public: In response to the queries/concerns raised as part of the public consultation exercise, the incorporation of an additional residential unit into apartment block A would not result in any change to the overall scale of the building from what was originally approved. The proposed changes to the housing development would also not give rise to any significant additional or different impacts to those originally considered in detail as part of the original reserved matters application. It should also be noted that the original conditions attached to the reserved matters approval, which addressed matters such as tree protection and a demolition/construction method statement, would be re-imposed if planning permission were to be granted.

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.

Living Decision Document: Condition 02 has been varied by consent 22/0619/NCC dated 10.11.2022 granted by Caerphilly County Borough Council.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 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. N), dated 1st August 2022;  
Proposed Materials Plan, Drawing No. 9856 PL05 (Rev. D), dated 26th October 2022;  
Proposed Affordable Housing Plan, Drawing No. 9856 PL06 (Rev. E), dated 26th October 2022;  
Proposed Heights Plan, Drawing No. 9856 PL07 (Rev. C), dated 26th October 2022;  
Proposed Parking Plan, Drawing No. 9856 PL08 (Rev. C), dated 26th October 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 SCH135 (Rev. A), dated 1st August 2022;  
 Apartment Block A First, Second, Third & Fourth Floor Plans, Drawing No. 9856 PL136 (Rev. A), dated 26th October 2022;  
 Apartment Block A Elevations, Drawing No. 9856 SCH137 (Rev. A), dated 1st August 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. E), dated 3rd July 2022;  
 1B2P Single Storey Apartment Plans & Elevations, Drawing No. 9856 PL31;  
 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 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

Phone: 01443 866511

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

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

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](http://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.

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**Application Number:** 22/0207/RET

**Date Received:** 19.04.2022

**Applicant:** Mr J Norvill

**Description and Location of Development:** Retain the change of use of existing site and buildings to mixed-use (B1, B2, B8, D2, Sui Generis) - T G Howell And Sons Limited Clifton Street Rogerstone Risca Newport.

**APPLICATION TYPE:** Retain Development Already Carried Out.

## SITE AND DEVELOPMENT

Location: The application site is located on land adjacent to Clifton Street, Risca.

Site description: The site is former sawmill, consisting of approximately 9 units spread across the site, the site as a whole is considered to be a B2 use. The site is accessed via Clifton Street, a single track road off Herbert Avenue, Rogerstone. There are 8 dwellings along Clifton Street, of which the end dwelling shares a boundary with the application site. The remaining boundary of the site is largely covered in trees. The Brecon and Monmouthshire Canal is to the north of the site, well screened by vegetation, the canal can be accessed via a public right of way that crosses the site.

Development: The proposed development is for the retention of the change of use of the units within the site. The site has been split into 8 units, as well as the top yard area of the site. The units are as follows:

- Unit 1 - Car Body Repairs, B2 use.
- Unit 2 - Karate Club, D2 use.
- Unit 3 - Builder Storage, B8 use.
- Unit 4 - Clairvoyant, B1 use.
- Unit 5 - Builder Storage, B8 use.
- Unit 6 - Motorbike Breaking, Sui Generis use.
- Unit 7 - Personal Training Gym, D2 use.
- Unit 8 - Van Repairs, B2 use.
- Top Yard Area, remaining as B2 use.

No additional buildings or construction work is required to facilitate the changes of use, with each business/use occupying the existing buildings/units.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking: A more formal parking layout and turning area has been proposed, however no physical development is required to facilitate this.

PLANNING HISTORY 2010 TO PRESENT 17/0165/FULL - Erect office extension to front and wood burning boiler system flues- Granted - 15.06.2017.

## POLICY

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

Site Allocation: The application property is located within settlement limits.

Policies: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW13 (Use Class Restrictions - Business and Industry ), CW15 (General Locational Constraints) and together with advice contained within the Council's adopted Supplementary Planning Guidance contained within LDP5: Car Parking Standards and LDP6: Building Better Places to Live.

NATIONAL POLICY Planning Policy Wales Edition 11 (February 2021), Technical Advice Note 5: Nature Conservation and Planning (September 2009) 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? Not applicable.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within an area of low risk, should any issues arise, this will be dealt with through the building regulations approval process.

## CONSULTATION

Environmental Health Manager - No objection, subject to conditions relating to operating hours for each use/unit, sound mitigation, external lighting, safe ingress and egress routes and potable water/sanitary facilities.

Transportation Engineering Manager - CCBC -

Rights Of Way Officer - Objection raised, informative notes suggested.

CADW - No comments received.

Landscape Architect - CCBC - No objection, subject to conditions relating to improvements to the main site entrance and signage relating to the Public Right of Way.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour letters.

Response: Four letters of objection were received.

Summary of observations: The objections can be summarised into the following points:

1. The volume and speed of traffic generated is excessive.
2. The noise generated by the uses is excessive.
3. The operating hours currently used are longer than outlined in the submission.
4. The number of parking spaces in reality is fewer than shown on the submitted plans.
5. The Public Right of Way is often blocked.
6. Visitors to the site often block the properties along Clifton Street.
7. The previous owner of the site would not allow his employees to hinder the use of the Public Right of Way and would not allow them to be rude the users.
8. Issues raised in relation to the completion of the application, these being:  
Development started without consultation.  
How can contamination not be an issue?  
Access is substandard.  
Parking is not sufficient.  
Statement relating to trees and hedges is not correct.  
The mains sewer would not cope with additional volume of waste as a result of the development.  
Employment of the number of staff would further worsen parking issues.  
Opening hours and laws relating to proximity to residential properties, including noise.
9. Owner of the site is not maintaining vegetation and land within ownership.
10. The units have been numbered 1 to 8, as such residents of 1-8 Clifton Street often receive mail meant for the units within the site.

### SECTION 17 CRIME AND DISORDER ACT

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

None.

### EU HABITATS DIRECTIVE

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

Is this development Community Infrastructure Levy liable? No, as no additional floor space is proposed. Furthermore, the uses do not generate a need for CIL payments.

## ANALYSIS

Policies: This application has been considered in accordance with national policy and guidance, local plan policy and supplementary planning guidance. The main issue for consideration in the determination of this planning application is whether the proposals are considered acceptable in terms of the principle of the development in this location, its impact upon the character of the surrounding area and neighbouring properties together with highway safety implications.

Policy SP5 relates to settlement boundaries. The purpose of this policy is to promote resource efficient settlements, indicating where growth will be permitted through the delineation of settlement boundaries. By defining settlement boundaries, the plan defines the area within which development would normally be allowed, taking into account material planning considerations. The plan can also promote the full and effective use of urban land and concentrate developments within settlements.

To that end, SP3 outlines development within the Southern Connections Corridor, in which the application site is located. Policy SP3 promotes development that uses previously developed land within settlement limits, makes the most efficient use of existing infrastructure and has regard to the social and economic function of the area. The proposal is within the settlement of Risca, and utilises previously developed land and the infrastructure that is currently in situ, with no physical construction required. Furthermore, the uses proposed will serve the social and economic function of the area by offering a variety of uses that can be used by residents of the settlement and wider areas.

Policy CW15 of the Local Development Plan (LDP) states that development proposals will be considered against the following criteria, where they apply:

B - Within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located.

As detailed above, the proposed development is to change the use of the whole site, into a number of different uses for each of the units within the site. As such, the site provides a wider variety of roles and functions that can serve the settlement in which it is located.

Given the commercial nature of the site, being a lawful B2 use, which is general industry. This use class included the former use of the site as a sawmill, but can also include manufacturing and engineering, as well as car/van repairs. It should also be noted that under The Town and Country (General Permitted Development) Order 1995, Schedule 2, Part 3 (as amended), B2 uses can change use to B1 and B8 with restrictions. The restriction being that any B8 floor space created does not exceed 500 sqm of the floor space in the building. As such, some aspects of the development do not need specific planning permission. This does not, however, negate the need to assess the impact of the development as part of this planning application.

Unit 1 is remaining a B2 use, as such no change of use required.

Unit 2 is changing to a D2 use, planning permission is required for this.

Unit 3 is changing to a B8 use, permitted development allows for this change of use without the need for planning permission.

Unit 4 is changing to a B1 use, permitted development allows for this change of use without the need for planning permission.

Unit 5 is changing to a B8 use, permitted development allows for this change of use without the need for planning permission.

Unit 6 is changing to a Sui Generis use, planning permission is required for this.

Unit 7 is changing to a D2 use, planning permission is required for this.

Unit 8 is remaining a B2 use, as such no change of use required.

The top yard area of the site is remaining a B2 use, as such no change of use required.

Policy SP6 of the LDP states that development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through:

A. An appropriate mix of uses that reflect the role and function of settlements.

B. A high standard of design that reinforces attractive qualities of local distinctiveness.

D. A location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all.

The proposed development is considered to comply with criterion A, B and D of Policy SP6 as it results in a mix of uses within the settlement of Risca, providing a service that reflects the function of the settlement. Risca/Pontymister is the principal town within the Southern Connections corridor and as such, the transport links and accessibility of the area is highest in this location. The town is also considered to be a major employer of the area, provider of services and centre of population. As such, the location is considered to be a sustainable location with transport links and accessibility an existing

feature, and with the need for such a development. Furthermore, the proposed development gives an opportunity for the site to be utilised for an appropriate use and not fall into disrepair through vacancy. The external appearance of the buildings will remain unchanged in that no new openings are proposed.

Policy CW2 states that development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

- A. There is no unacceptable impact on the amenity of adjacent properties or land.
- B. The proposal would not result in over-development of the site and/or its surroundings.
- C. The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use.
- D. Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

The proposed development results in a number of different uses, spread throughout the units across the site. As such, the different uses have a potential to result in different impacts to the amenity of the area. Of which this issue would be most noticeable in its impact on the nearby residential properties at Clifton Street. To that end, consultation with the Council's Head of Public Protection was undertaken, to which no objection was raised providing a number of conditions were added to any consent granted. The conditions relate to operating hours, specific to each use, so that work cannot be undertaken at unsociable hours. In addition to this, no deliveries in relation to the B2 uses, shall be undertaken outside of the operational hours of the units. A condition requiring sound insulation has been added with regard to the D2 uses, to ensure that any music associated with the use is mitigated to an appropriate degree. On a wider note, a condition requiring an external lighting plan to be submitted will also be attached, to ensure that lighting is appropriate for the use, and does not impact the neighbouring dwellings.

It should also be noted that the site benefits from a lawful, unrestricted, B2 use, as such it would not require planning permission to continue operating as a B2, albeit with a different business. In addition to this, and mentioned above, under permitted development, a B2 use can change to a B1 use and B8 use without the need for planning permission, subject to certain restrictions. Given this, and the above mentioned conditions, it is considered that the proposed development and uses would not have a detrimental impact on the amenity of the dwellings along Clifton Street any greater than the lawful use, and as such complies with criterion A of Policy CW2.

In a wider sense, the proposed development would not result in over development of the site in that sufficient operational and servicing space has been demonstrated, it will also not constrain neighbouring land uses adjacent to the site and it's visual impact would be limited given the existing commercial/ light industrial setting and therefore it is not considered that the proposed development would cause any undue harm to the



character of the surrounding area. As such, the proposal complies with criterion B, C and D of Policy CW2.

Policy CW3 of the LDP considers highway safety implications and states that:

A. The proposal has regard for the safe, effective and efficient use of the transportation network.

C. Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008.

Further to consultation with the Council's Transportation and Engineering Manager, no objection was raised subject to conditions relating to the implementation of the submitted parking plan. Concerns have been raised regarding the existing access and volume of traffic that the proposal would generate. It is acknowledged that the access is narrow, however the extant use catered for numerous HGV movements on a daily basis, in an unrestricted fashion. As such, it is considered that the proposed use and the traffic generated would not result in an impact over and above the previous use and potential lawful use of the site. Each of the proposed uses within the site generates its own parking requirements, a plan has been submitted that outlines the parking spaces for each use in accordance with the Local Planning Authorities Supplementary Planning Guidance LDP5: Car Parking Standards. As such, given the above, the proposed development is considered to comply with Policy CW3.

Policy CW4 of the LDP is in relation to Natural Heritage Protection and states that development proposals that affect locally designated natural heritage features will only be permitted:

A. Where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA) or Visually Important Local Landscape (VILL).

B. Within, or in close proximity to sites designated as Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), Regionally Important Geological Sites (RIGS), Green Corridors, or Local Priority Habitats and Species, where proposals either:

i. Conserve and where appropriate enhance the ecological or geological importance of the designation, or

ii. Are such that the need for the development outweighs the ecological importance of the site, and where harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure that there is no reduction in the overall value of the area or feature.

Further to consultation with the Council's Landscape Architect, it was acknowledged that the site is largely bounded by large mature trees and vegetation. As such, the natural characteristic of the site surroundings helps to shield the wider vantage points. Furthermore, the proposal does not alter the existing tree cover. As such, the proposal complies with Policy CW4.

On the basis of the above observations the proposals comply with policies SP3, SP5, SP6, CW2, CW3, CW4 and CW15 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010 and guidance contained within SPG LDP5: Car Parking Standards and SPG LDP: Building Better Places to Live. The application is therefore considered acceptable in planning terms and recommended for approval.

Comments from Consultees: An objection was raised by the Council's Rights of Way Officer on the basis that it obstructs a Public Right of Way. Referring to this obstruction, which was initially implemented in 1963, given the length of time, there would be a reasonable expectation to update the definitive maps. The buildings causing the obstruction at the site are lawful, and it would therefore be unreasonable to request the reinstatement of the Public Right of Way, as this would result in the demolition of the buildings. Moreover, this application merely seeks a change of use of these buildings and as such, this does not affect any existing obstruction to the right of way.

Comments from public: The following responses are provided in relation to the objections raised:

1. The volume and speed of traffic generated is excessive - The speed of the traffic cannot be controlled through the planning process. The site is capable of accommodating the number of cars for the associated uses. The issues relating to the access are addressed in the above report.
2. The noise generated by the uses is excessive - Conditions to mitigate the noise created have been recommended.
3. The operating hours currently used are longer than outlined in the submission - Regardless of this, conditions have been added to the decision with appropriate operating hours for each use.
4. The number of parking spaces in reality is fewer than shown on the submitted plans - The applicant will need to ensure the parking spaces are laid out in accordance with the submitted plan.
5. The Public Right of Way is often blocked - This is covered under separate legislation and is not a planning or a material planning consideration.
6. Visitors of the site often block the properties along Clifton Street - This is not a planning or a material planning consideration.
7. The previous owner of the site would not allow his employees to hinder the use of the Public Right of Way and would not allow them to be rude to the users - This is not a planning or a material planning consideration.
8. Issues raised in relation to the completion of the application form, these being:

Development started without consultation - There is no duty on the applicant to consult nearby residents. The LPA consulted in accordance with planning legislation.  
How can contamination not be an issue? - Given the proposed uses, contamination is not considered to be an issue.

Access is substandard - The Highways Authority have not objected on this basis, as discussed in the above report.

Parking is not sufficient - The parking provided is in accordance with SPG LDP5: Car Parking Standards.

Statement relating to trees and hedges is not correct - No trees or hedges are impacted by the proposed development.

The mains sewer would not cope with additional volume of waste as a result of the development - To install toilets and connect to the public sewer system does not need planning permission. Consent would need to be obtained from Welsh Water prior to any connections, whereby they would advise if the system has capacity for additional toilets at the site.

Employment of the number of staff would further worsen parking issues - Sufficient parking has been provided.

Opening hours and laws relating to proximity to residential properties, including noise – The hours of opening for each of the uses are controlled by condition as discussed above.

9. Owner of the site is not maintaining vegetation and land within ownership - This is not a planning a material planning consideration.

10. The units have been numbered 1 to 8, as such residents of 1-8 Clifton Street often receive mail meant for the units within the site - This is not a planning a material planning consideration.

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) The development shall be carried out in accordance with the following approved plans and documents:  
Dwg No. Site Location Plan received on 04.03.2022;  
Dwg No. Site Plan received on 04.03.2022; and  
Dwg No. RAC/9479/5 - Parking Plan received on 23.08.2022.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) Any units within the site with a B1 use shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:  
(a) 08:00 hours to 22:00 hours Monday to Saturday, and  
(b) 09:00 hours to 17:00 hours Sunday and Bank Holidays.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 03) Any units within the site with a B2 use shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:  
(a) 08:00 hours to 18:00 hours Monday to Friday, and  
(b) 08:00 hours to 13:00 hours Saturday.  
and no operation Sundays and Bank Holidays.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Any units within the site with a D2 use shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:  
(a) 08:00 hours to 22:00 hours Monday to Saturday, and  
(b) 09:00 hours to 17:00 hours Sunday and Bank Holidays.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Any units within the site with a B8 use shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:  
(a) 07:00 hours to 18:00 hours Monday to Friday, and  
(b) 08:00 hours to 13:00 hours Saturday.  
and no operation Sundays and Bank Holidays.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Any units within the site with a B2 use shall not operate any machinery, no process shall be carried out, no deliveries taken or dispatched and no customer attendance to the site outside the following times:  
(a) 07:00 hours to 18:00 hours Monday to Friday, and

(b) 08:00 hours to 13:00 hours Saturday.  
and no operation Sundays and Bank Holidays.

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

- 07) Details of a scheme of sound mitigation for the units with a D2 use shall be submitted within one calendar month of the date of this consent to the Local Planning Authority for approval. The approved sound mitigation scheme shall be installed within two calendar months of the approval of such details.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Within one calendar month of the date of this permission, a scheme for external site lighting including details of the lighting units, levels of illumination and hours of use shall be submitted to the Local Planning Authority for approval. No lighting shall be provided at the site other than in accordance with the approved scheme.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) No goods, materials, plant or machinery shall be stored outside any of the buildings on the site without the prior written agreement of the Local Planning Authority.  
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) 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 unit within the site shall change use class without the approval of the Local Planning Authority.  
REASON: In the interests of neighbour amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Within 3 calendar months from the date of this consent, the areas indicated for the parking and turning of vehicles shall be laid out in accordance with the submitted plans to the satisfaction of the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.  
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Within 3 calendar months of the date of this consent, the proposed materials to surface the parking and turning areas shall be submitted to and approved in

writing by the Local Planning Authority. The approved details shall then be implemented within 3 calendar months of their approval.

REASON: To ensure that the development is provided with appropriate surfacing in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

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

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.

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](http://www.gov.uk/government/organisations/the-coal-authority)



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