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For all enquiries relating to this agenda please contact Sharon Hughes
(Tel: 01443 864281 Email: hughesj@caerphilly.gov.uk)

Date: 3rd April 2023

To Whom It May Concern,

A multi-locational meeting of the **Planning Committee** will be held in the Council Chamber, Penallta House, and via Microsoft Teams on **Wednesday, 12th April, 2023** at **5.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided on request.

Members of the Public or Press may attend in person at Penallta House or may view the meeting live via the following link: <https://civico.net/caerphilly>

This meeting will be live-streamed and a recording made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals present and/or speaking at Planning Committee will be publicly available to all via the recording on the [Council website](#).

Interested parties may make a request to speak in regard to any item on this agenda. To obtain further details on this process please contact the Committee Clerk hughesj@caerphilly.gov.uk.

Yours faithfully,

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

Christina HARRY
CHIEF EXECUTIVE

A G E N D A

A greener place Man gwyrddach

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



1 To receive apologies for absence.

2 Declarations of Interest.

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

To approve and sign the following minutes: -

3 Planning Committee held on 8th March 2023.

1 - 8

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

4 Application No. 21/0005/OUT - Land Off Tir Y Wen, Bedwellty Road, Aberbargoed.

9 - 44

5 Application No. 22/0370/COU - Gwaun Gledyr Isaf Farm, Old Nantgarw Road, Groeswen, Cardiff, CF15 7UN.

45 - 58

6 Application No. 22/0718/OUT - Trinant Sports And Social Club (CIO), Conway Road, Trinant, Newport, NP11 3JP.

59 - 82

7 Application No. 22/0961/COU - Land At South Wales Motors, St Cenydd Road East, Trecenydd, Caerphilly.

83 - 102

8 Application No. 22/0997/NCC - Austin Grange, Maes Glas South UL, Caerphilly, CF83 1LN.

103 - 124

9 Application No: 23/0097/RET - Rosalyn, 31 King Charles Road, Pentwyn-mawr, Newport, NP11 4HF.

125 - 132

10 Application No. 23/0114/FULL - 28 Pantglas Industrial Estate, Bedwas, Caerphilly, CF83 8DR.

133 - 146

Circulation:

Councillors M.A. Adams, Mrs E.M. Aldworth (Vice Chair), A. Angel, R. Chapman, N. Dix, G. Ead, J.E. Fussell, A. Hussey, D. Ingram-Jones, B. Miles, M. Powell, R. Saralis (Chair), J. Taylor, S. Williams, A. Whitcombe and K. Woodland

And Appropriate Officers

HOW WE WILL USE YOUR INFORMATION

Those individuals that attend committee meetings to speak/give evidence will be named in the minutes of that meeting, sometimes this will include their place of employment or business and opinions expressed. Minutes of Meetings including details

of speakers will be publicly available to all via the Council website at www.caerphilly.gov.uk. except for discussions involving confidential or exempt items.

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PLANNING COMMITTEE

MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 8TH MARCH 2023 AT 5:00 PM

PRESENT:

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

Councillors:

M. A. Adams, E.M. Aldworth (Vice-Chair), A. Angel, R. Chapman, N. Dix, G. Ead, J. Fussell, A. Hussey, B. Miles, M. Powell, R. Saralis (Chair), S. Williams, A. Whitcombe and 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), E. Rowley (Principal Planner), A. Pyne (Principal Planner), C. Lamnea (Planning Officer), L. Cooper (Assistant Engineer), J. Hobbs (Principal Engineer), J. Harding (Client Manager), M. Godfrey (Team Leader - Pollution Control), V. Julian (Senior Solicitor) and S. Hughes (Committee Services Officer).

Also present to speak on applications:

Agenda Item 6 – Councillor G. Enright (Local Ward Member) and C. Wainwright (Applicant).
Agenda Item 7 – Councillor C. Andrews (Cabinet Member for Education and Communities).

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 were received from Councillors D. Ingram-Jones and J. Taylor.

2. DECLARATIONS OF INTEREST

Councillor A. Whitcombe declared that he had predetermined Agenda Item 4 – Preface Item Application No: 21/1158/RET - GLJ Recycling Ltd, Chapel Bridge Yard, Chapel Farm Industrial Estate, Cwmcarn, Newport NP11 7NL, due to speaking in objection as a local Ward Member. He took no part in the discussion or vote. Details are also minuted with the respective item.

Councillor B. Miles declared a personal and prejudicial interest in Agenda Item 5 – Preface Item Application No: 22/0175/NCC -Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY, due to having a beneficial interest in a quarry which could be considered as a competitor. She left the meeting whilst the application was discussed. Details are also minuted with the respective item.

Councillor M. Adams declared a personal and prejudicial interest in Agenda Item 7 – Application No. 22/0994/LA - Pontllanfraith Comprehensive School, due to living in close proximity to the site. He left the meeting whilst the application was discussed. Details are also minuted with the respective item.

3. MINUTES – 8TH FEBRUARY 2023

It was moved and seconded that the minutes of the Planning Committee meeting held on the 8th February 2023 be agreed as a correct record. By way of Microsoft Forms and verbal confirmation (and in noting there were 8 for, 0 against and 5 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee meeting held on 8th February 2023 (minute nos. 1-7) be approved as a correct record.

The Planning Committee considered the applications in the order recorded below.

6. APPLICATION NO. 22/0841/COU - LAND WITHIN MORGAN STREET WORKS PERIMETER, MORGAN STREET, LLANBRADACH, CAERPHILLY, CF83 3QT

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

Councillor G. Enright (Local Ward Member) spoke in objection to the application and C. Wainwright (Applicant) spoke in support of the application. A written representation was read out on behalf of D. Strong (Local Resident) in objection to the application.

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

RESOLVED that: -

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

Customers are not permitted on the premises and no deliveries shall be taken at or dispatched from the premises outside the hours of 06:00 – 10:00 hours Monday to Sunday.

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

- (ii) The applicant be advised of the comments of Network Rail, The Coal Authority and Natural Resources Wales.
- (iii) The applicant be advised that due to the proposal being next to AIW managed infrastructure, prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement.
- (iv) The applicant be advised that they should make contact a minimum of 3 months prior to works starting. Initially the outside party should contact CVLAssetProtection@tfwrail.wales
- (v) The applicant be advised of the comments of CCBC Senior Engineer (Drainage).

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

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

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

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

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

Further information is also available on the [Coal Authority Website](#).

- (vii) The applicant be advised that mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted

for advice on any special precautions, and whether a licence is required, before continuing.

- (viii) The applicant be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

7. APPLICATION NO. 22/0994/LA - PONTLLANFRAITH COMPREHENSIVE SCHOOL, COED-CAE-DDU ROAD, PONTLLANFRAITH, BLACKWOOD, NP12 2YB

Councillor M. Adams declared a personal and prejudicial interest due to living in close proximity to the site. He left the meeting whilst the application was discussed.

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

Councillor C. Andrews (Cabinet Member for Education and Communities) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation be approved. By way of Microsoft Forms (and in noting there were 12 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 to refer to Public Access on the Council's website to view the comments of the consultees. Informative information is also provided.
- (iii) The applicant be advised that mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.
- (iv) The applicant be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and

Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

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

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: [Coal Authority Policy](#).

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

- (vi) The applicant be advised:
NOTIFICATION OF INITIATION OF DEVELOPMENT AND DISPLAY OF NOTICE:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

(vii) NOTE

The applicant should be made aware that access points will associated with the development will require highway licences / agreements and no work shall be undertaken on or adjacent to the adopted highway until such have been agreed in writing. The applicant is therefore advised to contact Highway Development Control once planning consent has been granted to discuss the specific requirements.

The applicant should also be made aware that the existing Bus Stop road markings should be removed and may require changes to the existing Traffic Regulation Order (TRO) and as such the cost of such will be borne by the applicant.

(viii) The applicant be advised:

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 [Natural Resources Wales Website](#)

4. PREFACE ITEM APPLICATION NO. 21/1158/RET - GLJ RECYCLING LTD, CHAPEL BRIDGE YARD, CHAPEL FARM INDUSTRIAL ESTATE, CWMCARN, NEWPORT, NP11 7NL

Councillor A. Whitcombe declared that he had predetermined the application due to speaking in objection as a local Ward Member. He left the meeting whilst the application was discussed.

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.

Committee noted that this application had been deferred for a site visit which was held on 6th March 2023.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation be approved. By way of Microsoft Forms (and in noting there were 7 for, 2 against and 3 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.
- (ii) The applicant be advised of the comments of Network Rail, The Coal Authority and Natural Resources Wales.
- (iii) The applicant be advised that mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

5. PREFACE ITEM APPLICATION NO. 22/0175/NCC - GELLIARGWELLT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 8FY

Councillor B. Miles declared a personal and prejudicial interest due to having a beneficial interest in a quarry which could be considered as a competitor. She left the meeting whilst the application was discussed.

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

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation be approved. By way of Microsoft Forms (and in noting there were 6 for, 3 against and 3 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.

The meeting closed at 7.50 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 12th April 2023, they were signed by the Chair.

CHAIR

Application Number: 21/0005/OUT

Date Received: 03.11.2022

Applicant: Amity Planning

Description and Location of Development: Erect residential development of up to 76 No. dwellings with parking, landscaping and associated works, across two parcels of land to the north of Bedwellty Road and to the south of Bedwellty Road - Land Off Tir Y Wen Bedwellty Road Aberbargoed

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site collectively comprises of three individual parcels of land to the north and south of Bedwellty Road on the eastern edge of Aberbargoed and is located amongst four self-build developments along Lon Ty Gwyn on the northern side of Bedwellty Road and two residential estates on the southern side of Bedwellty Road, namely Y Ffordd Wen and Cwrt Neuadd Wen.

Site description: The area of the proposed housing on the northern side of Bedwellty Road development essentially comprises of two fields parcels separated by a traditional stone wall measuring some 2.41 hectares and wraps around the side and rear boundaries of the four self build dwellings along Lon Ty Gwyn and to the west of a triangular shaped field parcel associate with Tir Neuaddwen Farm.

The smaller parcel of land on the southern side of Bedwellty Road measures some 0.066 hectares and is located adjacent to the eastern side boundary of No.1 Y Ffordd Wen and to the rear of the bus stop and telegraph pole positioned adjacent to the highway.

The larger parcel of land on the southern side of Bedwellty Road measures some 2.55 hectares and comprises of two field parcels wrapping around the southern and south-western boundaries of the housing developments at Y Ffordd Wen and Cwrt Neuadd Wen. The site is bounded to the east by the former Aberbargoed mine tip, to the south and south-west by a formal community leisure facility, Hangar 81 and outdoor playing pitches, and to the north-west by the Neuadd Wen Public House and intervening trees and scrub.

The boundaries to the fields are a mixture of hedgerows and traditional stone walls with some mature trees. There is a small group of derelict agricultural buildings in the north eastern corner with the surrounding land comprising of horse grazed pasture with occasional isolated patches of low or tall scrub, grassy vegetation and large spoil heaps.

Development: Outline planning permission is sought in respect of residential development of up to development of up to 76 dwellings with parking, landscaping and associated works, across two parcels of land to the north and south of Bedwellty Road.

The indicative masterplan submitted indicates that the proposed development would comprise of a mixture of two storey properties, bungalows and apartments and would be served off Bedwellty Road with the vehicular access point to be widened on the northern side of Bedwellty Road to provide an adoptable access and internal estate road, with pedestrian access gained from the existing footpath running parallel to the frontage of the proposed development. Those dwellings fronting onto Bedwellty Road would potentially have the opportunity to benefit from direct vehicle access. The proposed development on the southern side of Bedwellty Road would be accessed via the Y Fford Wen estate road and would connect to a new internal estate road to serve the proposed development. Several drainage attenuation areas are also proposed across throughout the development which are associated with the required Sustainable Urban Drainage approval process (SAB) together with a number of areas assigned to public open space providing formal and informal play areas.

All matters relating to access, appearance, landscaping, layout and scale have been reserved for future consideration and as such, only the principle of the proposed residential development is being considered at this stage.

The planning application and related plans are supported with the following documents:

Design and Access Statement;
Noise Impact Assessment;
Planning Statement;
Pre-Application Consultation (PAC) Report.
Preliminary Ecological Appraisal;
Technical Drainage Note;
Topographical Survey;
Tree Survey Report;
Tree Constraints Plan; and
Transport Assessment.

Dimensions: The site amounts to 5.026 hectares in total and is irregular in shape by virtue of the individual land parcels but does follow the existing field parcel pattern.

The scale parameters for the proposed dwellings are as follows:

Length - Minimum 4 metres and Maximum 12 metres.

Width - Minimum 4 metres and Maximum 12 metres.

Height to ridge - Minimum 5 metres and Maximum 9.6 metres.

The scale parameters for the proposed bungalows are as follows:

Length - Minimum 4 metres and Maximum 12 metres.

Width - Minimum 4 metres and Maximum 12 metres.

Height to ridge - Minimum 3 metres and Maximum 6 metres.

The scale parameters for the proposed apartment buildings are as follows:

Length - Minimum 4 metres and Maximum 15 metres.

Width - Minimum 4 metres and Maximum 15 metres.

Height to ridge - Minimum 5 metres and Maximum 13 metres.

Materials: To be determined at reserved matters stage.

Ancillary development, e.g. parking: To be determined at reserved matters stage.

PLANNING HISTORY 2010 TO PRESENT

10/0204/RM - Provide highways and drainage works for residential development (Phase one) - Granted 18.11.2010.

12/0090/RM - Erect 48 residential dwellings with associated roads and drainage - Granted 9.11.2012.

12/0104/NCC - Vary Condition 03 of planning permission P/06/0671 to extend the period for the submission of reserved matters by a further three years - Granted 04.10.2013.

POLICY

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

Site Allocation: The majority of the application site is located within the Aberbargoed settlement boundary however the settlement boundary has been drawn in a manner that does not align with the existing field parcel and as such 7.2% of the application site does extend beyond the definitive settlement boundary by a minimum distance of 12.5 metres and maximum distance of 37 metres on the eastern field parcel to the north of Bedwellty Road and to the west of Tir Neuaddwen Farm but this land was previously identified to provide part of the Bedwellty Relief Road in the formerly approved Unitary Development Plan (UDP), the extant plan at the time of the determination of planning consent P/06/0671.

Further to the granting of outline planning consent P/06/0671 in February 2009, the Local Development Plan (LDP) was adopted in November 2010 with the site designated as housing site (HG1.15) Bedwellty Road, Aberbargoed. The relief road did not form part of any allocation in the LDP and there have been further approvals on the site since, mainly being 10/0204/RM granted in November 2010 and 12/0090/RM granted in November 2012 to provide for the first phase of the housing development and associated highways and drainage infrastructure to facilitate the remainder of the site at a later date.

The section of land which extends beyond the settlement boundary falls within a Sandstone Safeguarding Area (SP8) and Coal Safeguarding Area (MN2.5) East of Markham.

Policies: The Policies of relevance in the Local Development Plan are:-

Strategic Policies

Policy SP1 Development Strategy - Development in the Heads of the Valleys Regeneration Area (HOVRA);
Policy SP4 Settlement Strategy;
Policy SP5 Settlement Boundaries;
Policy SP6 Placemaking;
Policy SP7 Planning Obligations;
Policy SP8 Minerals Safeguarding;
Policy SP10 Conservation of Natural Heritage;
Policy SP14 Total Housing Requirements; and
Policy SP15 Affordable Housing Target.

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion;
Policy CW2 Amenity;
Policy CW3 Design Considerations - Highways;
Policy CW4 Natural Heritage Protection;
Policy CW5 Protection of the Water Environment;
Policy CW6 Trees, Woodland and Hedgerow Protection;
Policy CW10 Leisure and Open Space Provision;
Policy CW11 Affordable Housing Planning Obligation;
Policy CW15 General Locational Constraints;
Policy CW22 Locational Constraints: Minerals;
Policy MN2 Minerals Safeguarding; and
Policy HG1 Allocated Housing Sites.

Supplementary Planning Guidance

LDP1: Affordable Housing Obligations;
LDP4: Trees and Development;
LDP5: Car Parking Standards; and
LDP6: Building Better Places to Live.

NATIONAL POLICY Future Wales: The National Plan 2040

Policy 2 Shaping Urban Growth and Regeneration - Strategic Placemaking;
Policy 3 Supporting Urban Growth and Regeneration - Public Sector Leadership;
Policy 7 Delivering Affordable Homes;
Policy 9 Resilient Ecological Networks and Green Infrastructure;
Policy 12 Regional Connectivity; and
Policy 13 Supporting Digital Communications.

Planning Policy Wales Edition 11, February 2021;

Technical Advice Note 2: Planning and Affordable Housing;
Technical Advice Note 5: Nature Conservation and Planning;
Technical Advice Note 11: Noise; and
Technical Advice Note 18: Transport.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No in that the proposed development does not reach the 150 dwellings threshold as set out in Schedule 2 Part 10 (Infrastructure projects) of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is located within a low risk coal mining referral area but lies immediately adjacent to a high risk coal mining referral area. The Coal Authority has been consulted on the application and standing advice is provided by way of an informative note to be added to any consent if granted.

CONSULTATION

Welsh Government - Planning Directorate - No comments received.

CADW - No comments received.

Transportation Engineering Manager - CCBC - The submitted documentation including Transport Assessment - Acstro - Nov 2020 and Indicative Masterplan have been reviewed and the Highway Authority has the following observations on the highway and transportation aspects of the scheme:-

TRANSPORT ASSESSMENT

The methodology and conclusions of this document are acceptable. The TRICS data base has been used (Industry Standard) to establish future vehicle movements and although one site in Scotland has been selected (Normally not acceptable) it is considered that given the scale of the development this would not have had an adverse effect on the findings. It is considered that the trip generation of the scheme will not have an adverse impact on the local highway network and will have minimal impact.

The document details a previous site plan with swept path for refuse vehicles which are no longer applicable and any new layout will need to be assessed to ensure it accords

with CCBC design standards and swept paths will be required at any future reserved matters stage based on a detailed final scheme.

INDICATIVE MASTERPLAN

The plan details the access points, one directly off Bedwellty Road utilising an existing constructed bellmouth which has already been adopted by the highway authority and the southern parcel of land which will access through the adjacent housing estate which has been adopted by the highway authority. This is acceptable in principle but it should be noted that full details of the access arrangement ties ins including widths, visibility splays, radii, footways and alignment will be required at the reserved matters stage.

The indicative layout shows no individual plots access drives off Bedwellty Road which is acceptable and preferable from a highway perspective. Any future reserved matters would need such a scheme was put forward each plot would need a turning area to enable vehicles to enter and leave the plot in forward gear.

All internal roads should be of a minimum 5.5m with 2m footways on either side. Shared surface roads should be of a minimum 7.5m and only serve a maximum of 20 dwellings.

Swept paths of the internal layout including turning heads shall be provided using a 10.2m refuse vehicle.

Internal visibility splays at junctions and at bends shall be provided.

PARKING

Parking shall be in accordance with LDP5- Parking standards this will need to include visitor parking this is over and above on street parking as required by the standards. For clarity a parking matrix will be required.

Therefore, Highways have no objection subject to conditions.

Environmental Health Manager - Requests that an Air Quality Impact Assessment is submitted prior to any construction works taking place to assess the impact of the proposed development (construction and operational phases) on local air quality.

Additional conditions are also requested regarding noise and dust, contamination, remediation and validation along with glazing to be installed in accordance with the Noise Impact Assessment Report.

Heritage And Placemaking Officer - No comments received.

Senior Engineer (Drainage) - Advises that Sustainable Drainage Approval is required for the proposed development in addition to separate Land Drainage Byelaws Consent.

Senior Arboricultural Officer (Trees) - Requests for all trees to be retained or removed to be shown on all the layout drawings along with their respective root protection areas and tree canopies at outline stage.

Additional detailed advice is also provided to inform any future reserved matters application.

Parks And Countryside Operations Manager - No comments received.

Rights Of Way Officer - No objection.

CCBC Housing Enabling Officer - The application site itself lies within the Aberbargoed ward, which for the purposes of the Supplementary Planning Guidance (SPG) LDP1: Affordable Housing sits within the Heads of the Valley Regeneration Area (HOVRA). This area attracts a 0% affordable housing target, although paragraph 5.15 of the SPG states that it is recognised that there may be some areas within this part of the County Borough where the provision of affordable housing would be viable and there is evidence of need. The local authority will therefore give consideration to the viability of provision on sites within the HOVRA on a site-by-site basis.

The most recent Local Housing Market Assessment (LHMA) identifies a need for accommodation in the ward and wider housing market area. On this basis, I would be seeking an affordable housing contribution of up to 10% subject to viability. 10% of 76 units equates to 8 units when rounded. The type of accommodation required would be one bed flats for social rent. Being social rented, the flats would need to be built to DQR standards and would be required to have their own separate walk-ups.

In terms of the s106, the affordable housing contribution would be transferred to the Council.

Waste Strategy and Operations Manager - With regards to waste collection service, the northern development appears to have sufficient space per property for the off road storage of 2 x 240 litre wheeled bins and a food caddy. The usual kerbside service is provided with resident required to place out and then retrieve bins and caddies on the set collection days. Several properties off the main spine roads would require the residents to place out their bins/caddy at an agreed collection point at the kerbside for collection days and retrieving the bins/caddy once emptied.

The southern development also appears to have enough off road storage for the majority of properties (same bin/caddy requirements as above) but the apartments would also need to have similar storage.

In all cases should refuse and recycling vehicles be required to travel over any unadopted highway then prior approval in writing from the developer would be required confirming that the relevant highway is suitable for the weight of the collection vehicles.

21st Century Schools Manager- There is room in Aberbargoed Primary, Heolddu Comprehensive, Ysgol Bro Sannan, Ysgol Cwm Rhymni schools for catchment pupils during the normal admission rounds.

However, there are two other planned housing applications being built in the area - 18/1005/FULL and 20/0277/FULL and once built, the additional pupils from the above application and this would mean that we would need another classroom in Aberbargoed Primary School.

Ecologist - No objection subject to conditions to secure biodiversity enhancement provision within the site.

Landscape Architect - CCBC - Requests that a revised layout with further detail regarding landscaping and layout proposals before the application is determined along with concurring with the comments made by this Council's Arboricultural Officer.

The Coal Authority - No objection however informative advice is provided.

Dwr Cymru - No objection but requests the imposition of a condition to any consent subject to the developer demonstrating that the existing potable water supply network can suitably accommodate the proposed development site.

Police Architectural Liaison Officer - No comments received.

Welsh Government - Planning Directorate - No comments received.

Western Power Distribution - Provides informal advice to the developer with regards to service connections and separate third party legal consents.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, by means of a site notice and over the course of the two neighbour consultations 105 letters were sent to neighbouring properties.

Response: Twenty nine letters of representation have been received.

Summary of observations: The following matters have been raised:-

HIGHWAYS

Requests that a revised access should be sought for both the construction and completion phase.

Highways safety issues in respect of construction traffic.

There will be numerous obstructions on a regular basis if construction vehicles are to rely on using Y Ffordd Wen.

The Transport Assessment does not take into account the impacts of the additional number of vehicles (at least 80-100) expected to use Y Ffordd Wen with narrow roads and on-street car parking issues as well as accommodating large vehicles.

Disagrees with the statements and outcomes of the Transport Statement.

Additional traffic through the estate presents a danger to pedestrians and children.

The highway network is already at capacity leading to the site with regular traffic jams on the B4511 in both directions.

Requests whether speed ramps, lighting and a pedestrian footway would be installed from Bedwellty Church to the proposed development.

Requests whether the bypass is still going ahead.

PUBLIC OPEN SPACE

The play areas are not practical in terms of their location in that there is limited visibility to them.

Requests detail on the play areas proposed and the exact location on the southern parcel of land.

HEALTH AND WELL BEING

Noise and dirt impact upon quality of life for existing residents.

Air pollution will increase.

LOSS OF EXISTING PLAY AREAS AND GREEN SPACE

The development is taking away existing green space that is habitat to many endangered species.

The proposed development will take away areas used by children for recreational/leisure purposes including the road at the southern end of the site.

GENERAL

Loss of view.

Loss of existing safe places on the roads for children to play at the bottom the site.

More properties on the estate have been advertised for sale since the application was submitted.

Previously advised in 2014 that the southern part of the site would not be built upon.

Homeworkers will be disrupted by the level of noise associated with the construction phase of the development.

Legal advice will be sought if the development is approved.

Residents should be compensated for damage to air quality and buildings during construction.

Concerns in respect of the settlement boundary to the rear of 5-15 Y Ffordd Wen.

Requests whether the bypass is still going ahead.

The community centre and playing fields is a regular gathering area for teenagers smoking, drugs and drinking and this access road would provide direct access to the estate from the playing fields, which would bring additional issues in terms of anti-social behaviour.

Noise, vibration and dust will impact directly on the wear and tear of properties.

Loss of value to properties for which there would be no compensatory measures.

Lack of neighbour consultation.

Unnecessary development of new homes during an economic crisis.

The council should review the application based on the needs of the local area and not solely because of the greed of a developer.

People are struggling to heat their homes and the council should consider whether the location and time to build new houses which people can't afford is appropriate.

FLOODING

Bedwellty Road is dangerous during bad weather and flooding.

The potential for flooding and its associated remedial costs is likely to increase insurance premiums for existing residents.

Requests reassurances that the proposed development would not lead to drainage issues in respect of flooding to existing properties.

Queries the detail submitted in respect of the drainage strategy and questions matters that should be considered by technical experts.

Queries whether the detention basins on the southern development are capable to take the run-off in adverse weather conditions and the implications for neighbouring land.

EDUCATION AND HEALTH

There is already a lack of GP availability. Approximately 300 additional residents will require the large expansion of current services already at capacity.

How will the additional 250K for Aberbargoed Primary be funded?

The developer should fund the additional school facilities requirements rather than the tax payer, before the site is constructed.

AMENITY ISSUES

Concerns relating to loss of privacy in relation to orientation positioning and height of the proposed dwellings.

Requests for additional trees to be planted to provide adequate screening.

Noise concerns exacerbated from additional neighbours.

PLANS

The landscaping and drainage plans conflict on the southern development in that properties are clearly shown within 20 metres of main drainage lines.

Requests for new proposals to be submitted.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? European protected species implications are unlikely to be significant issue following a satisfactory Preliminary Ecological Appraisal survey reviewed by this Council's Ecologist, however advisory notes will be added to any consent granted as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the proposed development is CIL Liable but is not chargeable in that the site is located within the low viability area for which CIL is charged at a rate of £0 per square metre.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The vast majority of the application site is located within the settlement boundary within which development is normally permitted subject to the requirements of other relevant Local Development Plan (LDP) policies and material planning considerations. The main area of the site within the settlement boundary however a strip of land on the northern side of Bedwellty Road running along the edge of the eastern field parcel which equates to 7.2% of the application site area falls outside of the settlement boundary. This linear parcel of land is also covered by two designations, namely a Sandstone Safeguarding Area (SP8) and Coal Safeguarding Area (MN2.5) East of Markham. The main issues for consideration in the determination of this application are:

The principle of development on the site;
Ecology and landscape impacts;
Leisure and open space provision;
The impact upon residential amenity;
The impact upon the highway network; and
Affordable housing provision.

These issues will be discussed in turn.

THE PRINCIPLE OF DEVELOPMENT ON THE SITE

The application site is a greenfield site located in the Heads of the Valleys Regeneration Area (HOVRA). Policy SP1 states that proposals in the HOVRA will be required to promote the north of the County Borough as a tourist, employment and residential area at the heart of the valleys city region; provide appropriate forms of growth in response to the role and function of settlements; and serve to address existing problems of deprivation in order to sustain and develop communities in a manner that is consistent with the underlying principles of sustainable development. The Development Strategy for the HOVRA seeks to exploit appropriate development opportunities where they exist in the more deprived northern part of the County Borough, with a view to creating a viable future for all of the communities in this area with the Strategy seeking to accommodate new housing in villages where there is a need to diversify the housing stock in order to retain the existing population and regenerate existing communities. The erection of up to 76 dwellings in the HOVRA therefore accords with Policy SP1.

Policy SP5 (Settlement Boundaries) is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines

the area within which development would normally be allowed, taking into account material planning considerations. Importantly it promotes the full and effective use of urban land and concentrates development within existing settlements. The policy also seeks to prevent coalescence and inappropriate development in the countryside. In that regards whist the application site is considered to be greenfield land, 92.8% of the application site falls within the settlement boundary of Aberbargoed with 7.2% of the site falling outside of the settlement boundary for which that area is located within a designated Sandstone Safeguarding Area and Coal Safeguarding Area. In that regard it is highly unlikely that an future planning permission would be granted for any form of quarry in this location given its proximity to the surrounding residential properties. Furthermore, paragraph 3.6 of Planning Policy Wales (PPW) discusses development in the countryside and states:-

"Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable..."

Notwithstanding the existing delineation of the settlement boundary the development of the whole application site would constitute a logical rounding off to the settlement boundary of Aberbargoed by slightly extending the built form in an easterly direction. Furthermore, there are material planning considerations weighing in favour of approving the site for residential development in that the application site is designated as housing site HG1.15 Bedwellty Road, Aberbargoed, for which the phase one infrastructure and residential properties have been completed and therefore this application for consideration would seek to develop the wider allocated housing site. On that basis in policy terms development of the site would be consistent with Policy SP5 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010 (LDP) in that it promotes the full and effective use of urban land and serves to concentrate new development within the existing settlement, although it is accepted that a small extension to the settlement boundary is required ranging between distances of 12.5 metres and 37 metres respectively to accommodate all of the application site.

Policy SP4 (Settlement Strategy) defines the settlement hierarchy for towns and villages across the county borough and identifies those areas where development would be supported and enhanced based on the specified role and function of a particular area. The Strategy seeks to concentrate new development to respond appropriately to the economic, social and environmental needs of individual settlements and thus settlement boundaries are identified accordingly to indicate the potential areas where development is likely to be permitted. Aberbargoed is identified as a residential area and 92.8% of the application site is designated as housing site HG1.15 Bedwellty Road, Aberbargoed.

Chapter 4 of PPW covers the theme of active and social places. With respect to transport the planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. The site is within walking distance of a number of local facilities including

community, education, health services, formal leisure provision and recreational spaces together with the wider service centre of Aberbargoed High Street and wider town centres of Bargoed and Blackwood being easily accessible by public transport.

In line with national planning policy, SP6 (Place Making) requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. Policy SP6 requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and where appropriate through the use of Sustainable Urban Drainage Systems (SUDS). In that the proposed development exceeds more than 100 square metres of floor space the development will require SUDs approval. The indicative masterplan indicates various drainage attenuation areas will be provided across the northern and southern developments and connected by small watercourses comprising of shallow ditches or swales and those technical details will require consideration from the Sustainable Drainage Approval Body (SAB) and is an independent approval process outside of planning legislation. It should however be noted that the detail submitted at outline stage is only illustrative at this stage and any detailed reserved matters application will need to consider the role in which the planning system has to play in making the development resilient to tackling the climate emergency through the decarbonisation of the energy system and the sustainable management of natural resources along with shaping the social, economic, environmental and cultural factors which determine health and which promote or impact on well-being in line with the Healthier Wales goal as part of the Well-being of Future Generations Act.

Policy, SP6 also requires mitigation measures that improve and maintain air quality. The nearest air quality management area within Caerphilly County Borough Council (CCBC) is Hafodyrynys with Blackwood High Street also designated as an automatic monitoring site in the County Borough. The Caerphilly 2021 Air Quality Progress Report dated February 2022 states that the CCBC confirms that there are no new or newly identified local developments which may have an impact on air quality within the Local Authority area. Given the distance away from Blackwood High Street and notably Hafodyrynys, which is located much further away from the site together with the limited scale of the development and its associated vehicular movements, it is not considered that the proposed development will give rise to any detrimental impact on the nearest air quality management area or monitoring sites. Whilst a request from the Council's Environmental Health Department sought an Air Quality Assessment to consider the impact of the development on the surrounding area, this request was considered unreasonable having regard to the indicative air quality assessment criteria published by the Institute of Air Quality Management, the amount of vehicle trips generated by the proposed residential development and the distance of the site away from the nearest Air Quality Management Area. It is therefore recommended that air quality matters should be further considered at reserved matters stage and opportunities to integrate new infrastructure that will contribute to further improving air quality as a result of development can be secured at that time. No objection has been raised by the Council's Environmental Health department with this approach. Furthermore, the modal shift in

travel patterns is an essential part of reducing the growing concerns related to air quality.

In design terms all matters are reserved for future consideration however the scale parameters details indicate that the proposed dwellings, comprising of two storey and single story with some flats, would be in keeping with the scale and height of the surrounding residential properties. It is therefore considered that the proposed residential development is compliant with Policy SP6.

ECOLOGY AND LANDSCAPE IMPACTS

In tandem with criterion D of Policy SP2, Policy SP10 (Conservation of Natural Heritage) is of relevance and indicates that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. Ten Sites of Importance for Nature Conservation (SINCs) fall at least partly within 1km of the site. The closest such site is 'Bedwellty Churchyard' which lies some 330 metres to the east together with Aberbargoed Grasslands National Nature Reserve, a designated Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI)/ National Nature Reserve lies some 400 metres to the south east of the southern parcel beyond the adjacent redundant mine tip. The application is supported by a Preliminary Ecological Appraisal (PEA) and confirms that there was evidence found to indicate that the application site or immediately adjacent land is likely to be used by protected species and no habitats of particular ecological interest or conservation concern were found to be present within the site. The PEA also confirmed that the application site does not include any Moorgrass meadow or habitat suitable for material use by the Marsh Fritillary Butterfly associated with Aberbargoed Grasslands National Nature Reserve and consequently there is no reason to indicate that the proposed development would have any adverse impact on the SAC and SSSI or use of it by Marsh Fritillary Butterfly. The Council's Ecologist has reviewed the PEA and its recommendations and no objection is raised subject to the imposition of conditions imposed to any consent. In that regard the majority of the suggested conditions related to the finer details of a reserved matters scheme it would not be appropriate to impose such conditions at outline stage but that information is available to inform any future reserved matters application.

In terms of landscaping, the masterplan for the site has been developed around the principle of the retention of existing landscape features. The indicative masterplan facilitates the retention of mature trees and hedgerows around the site peripheries, and hedgerow loss would only occur where absolutely essential for access or to facilitate development. Existing landscape features and retained landscape areas would be bolstered by buffer/enhancement planting, which would adhere to the following principles:

- Expansion of perimeter and buffer planting including further tree planting to soften perimeters and built form improving integration and biodiversity;
- Softening and integration of the detention basins;

Softening of the garden boundaries with primarily native mixed planting and notably along the NE fringe of the development, in order to improve its relationship / interface with the adjacent agricultural land.

Addition of elements of drystone walling along the southern boundary; and
Native mixed shrub planting.

Policy CW6 (Trees, Woodland and Hedgerow Protection) therefore requires proposals to ensure that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. In respect of trees, the submitted Tree Survey indicates that a total of 8 Category U trees have the potential to be removed based on the indicative masterplan submitted with the majority of trees and hedgerows within and adjacent to the site to be retained. The Council's Arboricultural Officer has reviewed the Tree Survey submitted but has requested further information in respect of tree protection and an Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP). At this stage, the application is seeking all matters for subsequent approval and as such the indicative masterplan may be subject to change at reserved matters stage and consequently it is not considered reasonable or necessary to request further detail from the developer at outline stage. They would however require detailed consideration at reserved matters stage and it is advised that the loss of any further trees should be avoided through a sensitively designed layout.

Similarly, the Council's Landscape Architect has also requested further information regarding a detailed Landscape Biodiversity and Amenity Strategy, however in that the application is only seeking outline planning consent with all matters reserved to establish the principal of residential development on the site, the level of information submitted to accompany the indicative masterplan layout is considered sufficient at this stage.

It is therefore considered that the proposed development will not have any adverse impact upon protected species and subject to a sensitively designed comprehensive landscape masterplan, maintenance and management plan along with the required AIA and TPP at reserved matters stage there is no reason to indicate that the proposed development would not have an unacceptable impact on the natural heritage of the area and therefore complies with Policies SP10 and CW6.

LEISURE AND OPEN SPACE PROVISION

Policy CW10 requires all new housing sites capable of accommodating 10 or more dwellings or exceeding 0.3 ha to make adequate provision for useable open space, appropriate formal children's play facilities and adequate outdoor sport provision to meet the needs of the residents of the proposed development. The indicative masterplan shows that the proposed development is capable of providing the number of dwellings sought along with providing areas of open space, local equipped areas of play area with buffer zones together with drainage attenuation areas that have the potential to be used as open space and a green corridors. Whilst the masterplan is only indicative, it has been demonstrated that the provision of appropriate levels of public open space to serve the proposed development is in accordance with the Fields in Trust standards and

this can also be secured by way of condition to inform any reserved matters layout. It is also noted that there are other play facilities and sports pitches within easy walking distances directly to the south of the application site. As such, it is considered that the proposed residential development would meet the requirements of Policy CW10. Furthermore, such provision would also enhance placemaking and health and well-being opportunities for the existing residents of Y Ffordd Wen and Lon Ty Gwyn in that there is currently no on-site open space or formal play provision for residents to enjoy as part of the constructed phase one development central to the wider comprehensive development of the northern and southern parcels of land for consideration as part of this application.

THE IMPACT UPON RESIDENTIAL AMENITY

Policy CW2 (Amenity) requires new development to be compatible with surrounding land-uses. The proposal is for residential development immediately adjacent to two residential estates on the southern side of Bedwellty Road, namely Y Ffordd Wen and Cwrt Neuadd Wen and four self build properties at Lon Ty Gwyn on the northern side of Bedwellty Road. Whilst it is acknowledged that the submission details for the proposed development are only indicative, the scale parameters and masterplan demonstrate that the proposed dwellings can be accommodated within the site comfortably together with providing a sufficient level of outdoor amenity space for its future occupiers in line with a similar provision to that of the existing dwellings adjoining the site along with demonstrating off-street car parking provision. It is acknowledged that there will be some impact on neighbouring residents and therefore sympathetic development with sensitive boundaries should be sought, however there is no reason to indicate that the proposed development would have any unacceptable overbearing or overshadowing impacts on the amenity of existing neighbouring properties in that the required levels of back to back privacy distances and minimum standard garden areas would need to be demonstrated at reserved matters stage when the full details of the development's layout, scale, appearance and landscaping would be fully considered. On that basis it is therefore considered that the application site is capable of accommodating the proposed residential development without having any unacceptable impact on the amenity of the occupiers of neighbouring properties and accordingly, the proposal would meet the requirements of Policy CW2.

THE IMPACT ON THE HIGHWAY NETWORK

Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion) requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling and that appropriate infrastructure is included in the layout to facilitate short trips on foot. In that regard, both sides of Bedwellty Road are served by eastbound and westbound bus stops, with further bus stops within 200 metres walking distance to the north-west at Lewis Street. Those bus stop provide convenient and frequent access to Aberbargoed High Street, Bargoed Town Centre, Markham, Bedwellty and Blackwood Town Centre along with

Bargoed Train Station being a short walk from Bargoed bus station. Therefore the range of accessible and sustainable travel choices to and from the development site will reduce the need to travel by private motor vehicles. Notwithstanding the site's sustainability credentials, the proposed development would need to provide off-street car parking provision in line with Supplementary Planning Guidance LDP 5: Car Parking Standards.

Policy CW3 (Design Considerations - Highways) requires development proposals to have regard for the safe, effective and efficient use of the transportation network. The submitted indicative masterplan indicates that the majority of the dwellings proposed on the northern side of Bedwellty Road will be served by an estate road that will be accessed from the already constructed junction bellmouth with the internal estate road providing a 5.5 metre wide carriageway with 2 metre wide footways on both sides. The front facing plots indicated as plots 1 to 9 Road would have direct accesses onto Bedwellty Road achieving visibility splays of 2.4 metres x 43 metres. The proposed dwellings to the south of Bedwellty Road would be accessed by extending the recently constructed Y Ffordd Wen development that has previously been designed and built to meet modern design standards and to accommodate future planned phases of residential development associated with allocated housing site HG1.15 Bedwellty Road. The extended section of cul-de-sac at the southern end of Y Ffordd Wen will provide a 5.5 metre wide carriageway with footways on both sides along with a turning area, capable of accommodating a refuse vehicle at the end of the cul-de-sac.

The submitted Transport Assessment has applied a growth factor to the traffic recorded at the time the surveys were undertaken indicates that the proposed residential development is likely to generate 37 two-way vehicle movements during the AM and PM peak periods respectively and will result in an increase of between 5-6% in peak hour traffic movement through the Bedwellty Road / Heol y Bedw Hirion Road junction and the Bedwellty Road / B4511 junction. Working on the baseline assumption that the normal volume of traffic will normally fluctuate from day-to-day by approximately + or - 10%. As such given that the increase in traffic associated with the development is within this limited range it would be difficult to distinguish any significant impacts of the proposed development from these normal day-to-day fluctuations in traffic volume. It should also be noted that the predicted increase in traffic at the B4511/A4049 signal controlled junction equates to no more than 2% estimated traffic volume.

The proposed residential development is considered to be located in a reasonably sustainable location and the surrounding highway network is considered to have sufficient capacity to accommodate the increase in vehicular movements without having a detrimental impact on highway safety. The Council's Transportation Engineering Manager has reviewed the supporting information in full and no objection is raised subject to the imposition of several highways conditions. Informative advice in respect of detailed highway design matters is also provided to inform any reserved matters application and accordingly, the proposed development is considered compliant with Policy CW3.

AFFORDABLE HOUSING

Policy SP7 (Planning Obligations) recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effects of that development. In the context of this application, the Council will be seeking to secure the residential development to provide 10% of the residential units as affordable housing.

With regards to housing need, Policy SP14 (Total Housing Requirements) made provision for 10,269 new dwellings in the County Borough between 2006 and 2021 in order to deliver the 8,625 new dwellings required to meet the moderate growth strategy of the LDP. This equated to an annual requirement of 575 dwellings per annum. The most recent Annual Monitoring Report (AMR) of the LDP was approved in October 2022 and includes a housing trajectory of the 15 year plan period up to 2021 plus 6 years. This shows that the number of dwellings completed has been below the annual requirement of 575 dwellings per annum since 2008/09 and is forecast to continue to be below this requirement for most years up to 2026/27. There is just one exception in the year 2023/24 where the number of dwelling completions is forecast to be 635 units. The affordable housing target of delivering at least 964 affordable units between 2006 and 2021 associated with Policy SP15(Affordable Housing) has also not been met and the AMR continues to recommend that proposals for residential development should be considered on their relative merits on a site-by-site basis, having regard to the need to increase the housing land supply.

The proposed residential development would provide up to 8 much needed affordable homes out of the 76 dwellings proposed within the Aberbargoed and Bargoed ward, with the overall number of units considered to make a substantial contribution to the overall provision to the supply of new housing within the County Borough but most particularly in the Heads of the Valleys Regeneration Area where volume house builders have previously focussed development sites to the Northern Connections Corridor (NCC) and Southern Connections Corridor (SCC). Accordingly, the proposed residential development would meet the requirements of Policies SP14 and SP15.

Policy CW11 (Affordable Housing Obligations) seeks to negotiate the inclusion of an appropriate element of affordable housing on housing developments of five or more dwellings. Policy CW11 states:

Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

Where there is evidence of need, the Council will seek to negotiate the following affordable housing targets of:

40% of the total number of dwellings proposed on sites within the Caerphilly Basin (excluding Aber Valley);
25% in the Northern Connections Corridor (excluding Newbridge); and
10% in the Rest of Caerphilly County Borough (including Aber Valley and Newbridge but excluding the Heads of the Valleys Regeneration Area) up to 25% in the Northern Connections Corridor subject to viability.

The site falls within the Aberbargoed and Bargoed ward, which attracts an affordable housing target of 0%. The Council's Housing Enabling Officer has requested that the proposed development should provide 10% of the overall number of dwellings proposed as affordable housing. The agent on behalf of their client has provided a statement confirming that they are willing to enter into a Section 106 agreement to provide the requested 10% affordable housing provision.

In conclusion Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision on this proposal to be made in accordance with the development plan unless material considerations indicate otherwise. The Adopted Caerphilly County Borough Local Development Plan up to 2021 is the development plan for purpose of Section 38(6).

The site is greenfield land within the defined settlement boundary of Aberbargoed for which it is also an allocated housing site in the LDP. The first phase of residential development and associated infrastructure on the site has been completed to serve future phased development on the site. The proposed development complies with both local and national planning policies, would make a positive contribution to addressing the affordable housing targets for the County Borough and the surrounding highway network is considered to have sufficient capacity to accommodate the modest increase in vehicular movements without having a detrimental impact on highway safety. The concerns of statutory consultees can be addressed by way of planning conditions and a legal agreement. This application offers an opportunity to provide up to 76 dwellings within the Heads of the Valleys Regeneration Area without causing any significant harmful effects which cannot be successfully mitigated.

A Section 106 Agreement will be required to secure affordable housing provision on the site. The applicants have agreed to enter into such an agreement.

The recommendation is to require the applicant to enter into a Section 106 Agreement in respect of affordable housing provision. In that regard there are tests for Section 106 Agreements which have to be met.

These are as follows:-

- (a) The financial contribution, arrangements and works contained in the obligation are required;
- (b) They are directly related to the development, and;
- (c) They are fairly related in scale and kind to the development.

With regard to criterion (a) there is a need to secure affordable housing provision on-site to comply with national and local policy.

With regard to criterion (b) the development is located within an area of housing need and pressure. The proposal will provide a small number of affordable homes within the local community.

With regard to criterion (c) in view of the scale of the development and the proximity to the existing community the applicants have offered to provide 10% affordable housing. Whilst no indicative targets have been provided for the Heads of the Valleys Regeneration Area it is recognised that there may be some areas within this part of the County Borough where the provision of affordable housing would be viable and there is evidence of need. In this instance consideration has been given to the 15% affordable housing contribution that was previously secured on the site by way of the previous permissions on the site and therefore having regard to the LDP, the Council's request to provide 10% on-site affordable housing is considered reasonable to the outline residential development proposed.

Comments from Consultees: The Council's 21st Century Schools Manager has confirmed that two sites have come forward in close proximity to the development site that are nearing completion i.e. 18/1005/FULL and 20/0277/FULL and taking into consideration the proposed development once constructed that the only way in which Aberbargoed Primary School could accommodate any increase in pupils would be to provide another classroom at the school itself.

In that regard the Council is responsible for preparing and keeping up-to-date the LDP. The LDP sets out planning policies and allocates sites for different types of development. The Council is also responsible for development control which involves the processing and determination of planning applications with the LDP guiding and controlling development by providing the foundation for consistent and clear decision making. In meeting the above responsibilities, the preparation or review of an LDP plays an important part in guiding future opportunities for the provision of new homes, jobs and leisure opportunities and this is supported by a wealth of demographic and economic forecasting evidence. The application reference numbers provided by the 21st Century Schools Manager relate to the Former Bedwellty Comprehensive School site, allocated as housing site HG1.22. It should also be noted that the application site for consideration is allocated within the LDP as a residential housing site (HG1.15) with the potential to deliver up to 180 units on a 7.34 hectare site with phase one on the site as constructed delivering only 52 units. Taking into consideration the 76 dwellings proposed on the site, there is still a shortfall of 52 units on the site alone which have previously been forecasted into the population and growth projections for the approved LDP. Furthermore, it is also noted that allocated housing site HG 1.18 Aberbargoed Plateau has also not come forward in the plan period which was estimated to provide 413 units over the 11.8 hectare site. On that basis the planned population and housing delivery associated with pupils attending Aberbargoed Primary School will have been addressed in the interim since the original planning consent on the site was granted.

Whilst the 21st Century Schools Manager has not requested the developer to provide funding towards a future extension to Aberbargoed Primary School, it should be noted that such a request would not meet the statutory tests laid down for a S106 obligation in that it would not be directly related to the development nor would it be fairly and reasonably related in scale and kind to the development and on that basis would fail the three tests.

Furthermore, this Council adopted the Community Infrastructure Levy in July 2014 and Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out the requirement for the CIL Charging Authority to publish a list of the infrastructure that can be funded through CIL. Off-site education infrastructure requirements such as incremental extensions to existing schools (due to development increasing school place requirements over existing school capacities) can potentially be assisted in terms of a financial contribution through CIL monies being collected from developments. Whilst the application site is located within a low viability charging area, the Council is in receipt of CIL monies for applications 18/1005/FULL and 20/0277/FULL for which those sites fall within the mid viability charging area. Furthermore, it is noted that the 21st Century Schools and Colleges Band B investment programme runs from 2019-2026 for a 7 year period and focuses on the improvement of the condition of school buildings and maximising community usage. On that basis it is considered that there is sufficient scope to provide an extension to Aberbargoed Primary School if required but the finance to fund such an extension is a separate matter unrelated to the determination of this application.

Comments from public: The representations received have been addressed below:-

HIGHWAYS

1. Requests that a revised access should be sought for both the construction and completion phase.

LPA RESPONSE: The existing estate, Y Ffordd Wen, was developed to provide the first phase of a wider development. As such the estate road has been specifically designed to modern standards and to accommodate traffic from the completed development. The Transportation Engineering Manager has raised no objection with the proposed access arrangements and the management of construction traffic, including construction traffic routes and access, will form part of a Construction Management Plan to be conditioned for approval. Furthermore, the developer has indicated that they do have additional land within their control to provide a construction access to and from the site. Should this option wish to be explored, a separate consent would be required.

2. Highways safety issues in respect of construction traffic.

3. There will be numerous obstructions on a regular basis if construction vehicles are to rely on using Y Ffordd Wen.

LPA RESPONSE: With regards to points 2 and 3, these are addressed above.

4. The Transport Assessment does not take into account the impacts of the additional number of vehicles (at least 80-100) expected to use Y Ffordd Wen with narrow roads and on-street car parking issues as well as accommodating large vehicles.

LPA RESPONSE: The existing access and estate road to serve Y Ffordd Wen has been designed to modern highway standards able to accommodate future anticipated development. The Transport Assessment has carefully monitored the capacity of the surrounding highway, taking into account traffic movements associated with the proposed development and vehicle tracking for large vehicles have been provided where requested for the relevant roads.

5. Disagrees with the statements and outcomes of the Transport Statement.

LPA RESPONSE: The Transport Statement has taken into account relevant planning policy and a wide range of reliable data methods to reach the informed conclusion and the Council's Transportation Engineering Manager has raised no concerns in terms of its content or recommendations.

6. Additional traffic through the estate presents a danger to pedestrians and children.

LPA RESPONSE: Please refer to the response provided to point 1 above. No highway safety issues have been raised by the Council's Transportation Engineering Manager

7. The highway network is already at capacity leading to the site with regular traffic jams on the B4511 in both directions.

LPA RESPONSE: There is no evidence contained within the Transport Assessment to suggest that the existing highway network is unable to accommodate the increase in traffic that will be generated by the proposed development and the Council's Transportation Engineering Manager has not disputed the Transport Assessment. Furthermore, the proposed development promotes active travel with the site is located less than 1000 metres walking distance to key services, and all essential services can be accessed by walking/public transport without the need to rely on the use of private motor vehicles.

8. Requests whether speed ramps, lighting and a pedestrian footway would be installed from Bedwellty Church to the proposed the development.

LPA RESPONSE: No in that it has not been identified as necessary to enable the development to proceed.

9. Requests whether the bypass is still going ahead.

LPA RESPONSE: Land for the Bedwellty Relief Road was in the formerly approved Unitary Development Plan (UDP), the extant plan at the time of the determination of planning consent P/06/0671. Further to the granting of outline planning consent P/06/0671 in February 2009. The LDP was adopted in November 2010 with the site designated as housing site (HG1.15) Bedwellty Road, Aberbargoed, however the relief road did not form part of any allocation in the LDP and there are no proposals in the future to provide the relief road.

PUBLIC OPEN SPACE

10. The play areas are not practical in terms of their location in that there is limited visibility to them.

11. Requests detail on the play areas proposed and the exact location on the southern parcel of land.

LPA RESPONSE: In respect of points 10 and 11 the masterplan layout submitted is for illustrative purposes, full specification details of play areas and areas of public open space serving both the northern and southern parcels of land will be required as part of any subsequent reserved matters application.

HEALTH AND WELL BEING

12. Noise and dirt impact upon quality of life for existing residents.

LPA RESPONSE: Noise, dust and dirt from any construction works would be strictly managed by a construction management plan required to be submitted for approval.

13. Air pollution will increase.

LPA RESPONSE: Air quality has been fully addressed in the report, should there be a significant change to air quality in the area, this can be addressed at reserved matters stage. Furthermore, a condition has been recommended to contribute measures towards further improving air quality.

LOSS OF EXISTING PLAY AREAS AND GREEN SPACE

14. The development is taking away existing green space that is habitat to many endangered species.

LPA RESPONSE: The ecological survey undertaken concluded that other than native hedgerows to be retained/reinstated where necessary, no habitats of specific ecological interest were found on site. Any effects to low-level habitats will be minimised and additional planting/ecological enhancements planned on site will ensure the site maintains its ecological value. It should also be noted that the land is allocated within the LDP as a housing site and any access to the wider land beyond the existing estate as constructed requires the landowner's permission because it is not accessible open land available for use to the public.

15. The proposed development will take away areas used by children for recreational/leisure purposes including the road at the southern end of the site.

LPA RESPONSE: There are currently no safe, accessible and formalised play areas spaces for children within the Y Ffordd Wen estate. The proposed development will seek to provide multiple safe spaces and formalised play areas across the northern and southern development parcels and will meet Fields in Trust standards.

GENERAL

16. Loss of view.

LPA RESPONSE: Loss of view is not a material planning consideration.

17. Loss of existing safe places on the roads for children to play at the bottom the site.
LPA RESPONSE: As stated in point 15 above, Y Fford Wen does not have any on-site public open space or formalised play areas. Playing on the highway cannot be considered as a safe place for children.

18. More properties on the estate have been advertised for sale since the application was submitted.

LPA RESPONSE: This is not a material planning consideration and it is for the market to determine whether an individual wishes to move into or out of an area.

19. Previously advised in 2014 that the southern part of the site would not be built upon.

LPA RESPONSE: The Local Planning Authority cannot comment on information provided by a third party however both the northern and southern parcels of land have been allocated for residential development within the Caerphilly County Borough Local Development Plan since the adoption of the LDP in 2010.

20. Homeworkers will be disrupted by the level of noise associated with the construction phase of the development.

LPA RESPONSE: As with any development there will always be some limited short term disruption impacts however it is not considered that any noise levels during the construction phase of the development would completely disrupt the ability for any neighbouring occupier to work in an agile manner.

21. Legal advice will be sought if the development is approved.

LPA RESPONSE: There are no comments for the Local Planning Authority to make in this instance.

22. Residents should be compensated for damage to air quality and buildings during construction.

LPA RESPONSE: There is no reason that the development should cause any damage to existing properties and the construction process will be strictly controlled to mitigate impacts on existing neighbouring residents. If any damage to property did occur this would be a private matter to address with the developer.

23. Concerns in respect of the settlement boundary to the rear of 5-15 Y Ffordd Wen.

LPA RESPONSE: The land to rear of the referenced properties is within the settlement boundary and this land is within the ownership of the applicant but does not form part of the red line boundary submitted for consideration.

24. The community centre and playing fields is a regular gathering area for teenagers smoking, drugs and drinking and this access road would provide direct access to the estate from the playing fields would bring additional issues in terms of anti-social behaviour.

LPA RESPONSE: The masterplan layout submitted is for indicative purposes however the final layout associated with a reserved matters scheme will be carefully considered to design out crime and accord with Secure by Design principles. The adopted estate

road benefits from high levels of natural surveillance and the proposed development will need to ensure that all streets are afforded a strong frontage. Furthermore, anti-social behaviour is a matter for the police to enforce.

25. Noise, vibration and dust will impact directly on the wear and tear of properties.
LPA RESPONSE: Any negative impact in terms of noise, dust and vibration will be effectively managed and mitigated through conditions imposed to any permission granted.

26. Loss of value to properties for which there would be no compensatory measures.
LPA RESPONSE: Devaluation of property is not a material planning consideration.

27. Lack of neighbour consultation.
LPA RESPONSE: The Local Planning Authority has a duty to advertise applications for planning permission in accordance with article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The necessary publicity requirements have been met.

28. Unnecessary development of new homes during an economic crisis.
LPA RESPONSE: The officer report explains that the proposed development accords with both national and local planning policies. The principle of residential development on the site is considered acceptable in planning terms and is reflective of neighbouring land uses immediately adjacent to the site and within the wider area. The ongoing delivery of new housing is an important part of the planning process and Local Development Plan and this is reinforced by the site's housing allocation in the LDP and forms part of a strategic growth zone for residential development within the plan period. The proposed housing contribution would also respond to the shortfall of both market and affordable housing within the County Borough and the immediate locality and finally, given its sustainable location within close proximity to key employment nodes, over time development of the site will also support and grow the local economy and encourage localised spending.

29. The Council should review the application based on the needs of the local area and not solely because of the greed of a developer.
LPA RESPONSE: There is a shortage of both market and affordable homes within the Aberbargoed and Bargoed ward and development of the site will make a significant contribution to the shortfall of housing across the County Borough.

30. People are struggling to heat their homes and the Council should consider whether the location and time to build new houses which people can't afford is appropriate.
LPA RESPONSE: The scheme meets the required level of affordable housing sought by the Council. There is a housing need in the area for both market and affordable homes, which this development will help in providing the necessary supply.

FLOODING

31. Bedwellty Road is dangerous during bad weather and flooding.

LPA RESPONSE: There is no evidence to indicate that the proposed development will exacerbate any surface water flooding issues that may currently exist.

32. The potential for flooding and its associated remedial costs is likely to increase insurance premiums for existing residents.

33. Requests reassurances that the proposed development would not lead to drainage issues in respect of flooding to existing properties.

34. Queries the detail submitted in respect of the drainage strategy and questions matters that should be considered by technical experts.

35. Queries whether the detention basins on the southern development are capable to take the run-off in adverse weather conditions and the implications for neighbouring land.

LPA RESPONSE: In terms of points 32-35 as stated previously the masterplan layout submitted is for illustrative purposes at outline stage and detailed consideration of the design and drainage strategy that will inform the intended final layout are reserved for future consideration and would also require separate sustainable urban drainage (SAB) approval from the Local Lead Flood Authority (LLFA). The drainage scheme submitted will need to comply with Schedule 3 to the Flood and Water Management Act (2010) and satisfy the LLFA that the proposed development would not lead to any adverse impacts on the existing hydrology of the area. Such considerations will include demonstrating opportunities to tackle climate change effects in flooding, prevent groundwater contamination and integrate water sensitive urban design solutions to the design of the development, all of which will need to be supported by robust drainage calculations.

EDUCATION AND HEALTH

36. There is already a lack of GP availability. Approximately 300 additional residents will require the large expansion of current services already at capacity.

LPA RESPONSE: Additional pressure on GP availability is a matter for the Aneurin Bevan Health Board to consider and address as part of population growth.

37. How will the additional 250K for Aberbargoed Primary be funded?

38. The developer should fund the additional school facilities requirements rather than the tax payer, before the site is constructed.

LPA RESPONSE: With regards to points 37 and 38 please refer to the Comments from Consultee section above where the comments received from the 21st Century School Officer have been addressed.

AMENITY ISSUES

39. Concerns relating to loss of privacy in relation to orientation positioning and height of the proposed dwellings.

LPA RESPONSE: The masterplan layout submitted is indicative at this stage and future detailed consideration will be given at reserved matters stage.

40. Requests for additional trees to be planted to provide adequate screening.

LPA RESPONSE: There are plans for significant levels of buffer/enhancement planting on site however that will be addressed through the reserved matters stage and conditions in respect of detailed landscaping scheme.

41. Noise concerns exacerbated from additional neighbours.

LPA RESPONSE: Whilst it is accepted that there would be some disruption and noise during the construction process, however once the development it would be difficult to for any new properties to exacerbate noise levels for existing residents to an unacceptable degree.

PLANS

42. The landscaping and drainage plans conflict on the southern development in that properties are clearly shown within 20 metres of main drainage lines.

43. Requests for new proposals to be submitted.

In response to points 42 and 43 the masterplan layout submitted is indicative at this stage and future detailed consideration will be given at reserved matters stage and any drainage strategy will need separate sustainable drainage approval.

Other material considerations: Paragraph 1.18 of PPW states:-

"A plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review. Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated."

Paragraph 4.2.2 of PPW states:-

"The planning system must:

identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures;
enable provision of a range of well designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and
focus on the delivery of the identified housing requirement and the related land supply."

Paragraph 4.2.25 of PPW states:

"A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications."

In conclusion Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision on this proposal to be made in accordance with the development plan unless material considerations indicate otherwise. The Adopted Caerphilly County Borough Local Development Plan up to 2021 is the development plan for purpose of Section 38(6).

Having regard to the above, the proposed development site's designation as an allocated housing reinforces its accordance with national policy and guidance together with the local planning policies.

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 (A) the application be deferred to allow the applicants to enter into a Section 106 Obligation to provide the following:-

1. 10% provision of Affordable Housing.

On completion of the Section 106 Obligation that (B) planning permission is granted subject to the following conditions.

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 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) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development shall be carried out in accordance with the following approved plans and documents:
Site Location Plan received on 30.09.2022;
Indicative Masterplan in relation to Scale Parameters only received on 09.11.2022;
Noise Impact Assessment prepared by Parker Jones Acoustics received on 17.05.2021;
Preliminary Ecological Appraisal Rev 1 prepared by Clarke Webb Ecology Limited received on 30.09.202; and
Transport Assessment prepared by Acstro received on 25.01.2021;
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 05) This permission is for no more than 76 dwellings.
REASON: To allow any change in the number of total units to be reviewed in respect of the delivery of affordable housing in accordance with policy CW11 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is

developed. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of public health.

- 07) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 08) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 09) Prior to beneficial occupation of the dwellings hereby approved any glazing serving habitable room windows shall be installed in accordance with the recommendations specified in the Noise Impact Assessment prepared by Parker Jones Acoustics received on 17.05.2021 and any replacement or repair shall be maintained thereafter on a like for like basis for the lifetime of the consent.
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 10) The primary means of vehicular access into the northerly development shall be from the existing bellmouth along Bedwellty Road and the main access into the southerly development will utilise the existing adopted road known as Y Ffordd Wen. Full engineering details shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing 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.
- 11) The development hereby approved shall not be brought into beneficial use until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan as approved shall be implemented in accordance with the details and any timescales contained therein.
REASON: To encourage the use of a variety of transport options in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 12) No development shall commence on site until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The 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 construction works;
wheel washing facilities;
the erection and maintenance of security hoardings;
measures to control noise during construction works;
measures to control pollution from plant and runoff;
measures to control the emission of dust and dirt during construction works; and
details of a scheme for the recycling/disposing of waste resulting from construction works.
Thereafter the construction of the development shall be undertaken in accordance with the approved 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.
- 13) Details submitted in relation to Condition 1 of this permission shall include details to take into account the need to provide appropriate leisure facilities to meet the needs of the residents of the proposed development. Those facilities shall include areas of well-designed open space that benefit from good access and surveillance together with suitably sized equipped play areas (a LEAP and/or LAP) on both the northern and southern development sites and shall be designed in accordance with the standards set out in Fields in Trust guidance. The development shall be carried out in accordance with the approved details and provided in accordance with the timetable contained therein.
REASON: To ensure the adequate provision of public open space in accordance with policy CW10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) Details submitted in relation to Condition 1 of this permission shall include a topographic site survey demonstrating existing and proposed levels and detailed cross section drawings of the site.
REASON: To enable the relationship between new and existing buildings to be carefully considered in the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Details submitted in relation to Condition 1 of this permission shall include an updated Preliminary Ecological Appraisal to inform the reserved matters application.
REASON: To ensure up to date consideration of protected species, in the interests of biodiversity in accordance with policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 16) Details submitted in relation to Condition 1 of this permission shall include the following surveys:-
Tree Protection Plan (TPP);
Arboricultural Method Statement (AMS); and
Arboricultural Implications Assessment (AIA).
REASON: In the interests of visual and residential amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to the commencement of works onsite a timescale for the improvement of the potable water supply in the locality of the development shall be submitted to and agreed in writing with the Local Planning Authority. The required improvements shall be completed in accordance with this approved scheme.
REASON: To ensure the site is served by a suitable potable water supply.
- 18) Prior to works commencing on site details shall be submitted for a minimum of 25% of the residential units to be constructed to make provision to allow for the installation of electric charging points for vehicles.
REASON: In order to ensure that adequate mitigation is provided in respect of air quality in the interests of residential amenity in accordance with policy CW10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 19) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve all of the approved dwellings. The necessary infrastructure required shall be installed prior to the first occupation of the dwellings.
REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.

Advisory Note(s)

Please refer to Public Access on the Council's website to view the comments of the consultees that are brought to the applicant's attention. Informative information is also provided.

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.

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.

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).

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).

WARNING:

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

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

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

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

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Application Number: 22/0370/COU

Date Received: 29.04.2022

Applicant: Mr F Cardelli

Description and Location of Development: Change the use from stone barn to a 3 bed dwelling with car parking - Gwaun Gledyr Isaf Farm Old Nantgarw Road Groeswen Cardiff CF15 7UN

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is located in a complex of farm buildings, Gwaun Gledyr Isaf Farm, situated 100m to the north of the Penrhos roundabout at the western edge of the Caerphilly.

Site description: This application seeks consent for the conversion of an agricultural building (barn) into a single dwelling. The group of 'farm buildings' sits within an area of agricultural land, but it is no longer a working farm. The barn lies to the south-east of the former farmhouse. The barn is single storey and is currently disused.

Development: Proposal to convert a redundant agricultural building, to one dwelling, with three bedrooms (two ensembles) and bathroom at first floor level. An entrance area, w/c, living room and kitchen/diner are proposed on the ground floor level. The application was accompanied by a Design and Access statement, a structural survey and a bat survey report.

Dimensions: The building would have approximately dimensions of 16.8m by 7m (excluding porch canopy) with a height to ridge of 6.8m (this would represent a raising of the existing ridge height by approximately 0.5m).

Materials: The existing building is a long rectangular stone building with a corrugated metal sheet roof. It has timber barn doors. The proposed external finishes would be: the retention of the natural stone walls, except for the gable wall that needs to be replaced - in blockwork and render; a slate roof to match the farmhouse; and timber joinery (doors and windows) and porch canopy.

Ancillary development, e.g. parking: 3 Parking spaces.

PLANNING HISTORY 2010 TO PRESENT 12/0646/RET - Retain alterations to extension previously approved by way of planning permission 5/5/84/0240 to include the replacement of the stables with living room accommodation - Granted 29.10.2012.

18/1057/NCC - Vary condition 01 (Commencement of Development) of planning consent 13/0162/COU (Convert stone barn to a three bedroom dwelling) to extend the time period for a further 5 years - Refused 19.03.2020.

22/0147/COU - Change the use of a stone barn into a three bed dwelling with car parking - Refused 08.04.2022.

POLICY

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

Local Development Plan: Outside settlement limits and within the Mynydd Eglwysilan Special Landscape Area (SLA).

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints), CW20 - locational constraints - Conversion, extension and replacement of buildings in the countryside, and NH1.3 (Mynydd Eglwysilan - Special Landscape Area), MN2 (Coal Safeguarding Area), CW23 Mineral Site Buffer Zones - Sandstone).

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

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

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

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

proposal meets the objectives of good design including the relationship between the site and its surroundings.

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

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 falls partially within a high risk area however the Coal Authority have advised that the development is exempt.

CONSULTATION

Glamorgan-Gwent Archaeological Trust - No objections.

Ecologist - The survey identified a small number of Common Pipistrelle bats using the building for nonbreeding summer use with the potential for bat use in the winter.

In addition, evidence of the use of the building by roosting Barn Owl was also discovered.

Therefore we make recommendations for bats and barn owls, and for biodiversity enhancement.

Transportation Engineering Manager - CCBC - No objection subject to planning condition on parking.

Environmental Health Manager - No adverse comments.

Senior Engineer (Drainage) - Raise no objection, recommend planning condition for drainage details.

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

Landscape Architect - CCBC - As the existing barn is closely associated with the existing farmhouse and does not seek to extend the existing barn it is considered that the proposed development, from a landscape and visual perspective, subject to conditions, that the proposed conversion would be appropriate and would not undermine the overall qualities of the locally important landscape, its rural character or views associated.

Strategic & Development Plans - Raise objection but does not recommend refusal in respect of Policy CW20 in terms of alterations required and marking of the building for other uses. Seeing as policy requirements have not changed since the 2013 and 2018 applications were assessed, it is for the development-management officer to weigh the policy objection against all other material considerations.

The Coal Authority - Development falls within the exemptions list.

Rhondda Cynon Taf Council – No comments received.

ADVERTISEMENT

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

Response: None.

Summary of observations: None.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes.

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

(ii) There is no satisfactory alternative.

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

The three tests were applied and answered as follows:

(i) Conversion of the building to residential for social/economic reasons, noting previous planning permission accepted this use.

(ii) There is no satisfactory alternative to provide the accommodation and a new building would not be deemed acceptable.

(iii) The submitted bat survey assessed the roost as of low conservation significance and noted that the scale of the impact is thought to be low, given the small numbers of non-breeding bats found of a common and widespread species. It is therefore considered that the derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Is this development Community Infrastructure Levy liable? Yes, the site is within the higher viability area where CIL is charged at £40 per square metre.

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 principle of the development, impact on neighbour amenity and the visual appearance of the development on the character of the area.

The proposal is for the conversion of a barn located outside of the defined settlement boundary of Caerphilly, within a Special Landscape Area, however it is within 150m of the settlement boundary and is within the grounds of Gwaun Gledyr Isaf Farm. Planning Permission was previously granted under permission 13/0162/COU for conversion of the barn to a three bedroom dwelling but this has since lapsed. It is considered that the principle of the use of the building for residential purposes has been previously assessed through the earlier application and found to be acceptable. It is not considered that there have been any material changes in adopted Planning Policy since that earlier decision.

It is considered that the previous planning permission for the building to be converted to residential use and which was approved under the current Local Development Plan, although lapsed, is material in the consideration of this application. It is noted that an application to extend the life of the permission was submitted in 2018 however this was refused based on the lack of an ecological survey.

The current application has included an ecological survey with the submission and this survey identified a small number of Common Pipistrelle bats using the building for nonbreeding summer use with the potential for bat use in the winter. In addition, evidence of the use of the building by roosting Barn Owl was also discovered. The Council's Ecologist has reviewed the survey and offered no objection to the proposed development, advising that the developer would need to obtain a European Protected Species Licence and recommended ecological enhancement be provided in the form of two barn owl boxes and a replacement bat roost to be incorporated into the building in accordance with the survey recommendations.

The design of the conversion is deemed acceptable according with Policy SP6 (Placemaking) and there would be no unacceptable impacts on neighbour amenity according with Policy CW2 (Amenity). Car parking would be provided and the Highway

Authority have raised no objections and the development would meet the requirements of Policy CW3 (Highways).

Comments from Consultees: The Planning Policy Officer has raised objection but does not recommend refusal. The Policy response considers that aspects of Policy CW20 have not been met, in particular they consider that works to the north gable would comprise of major reconstruction or alteration above what is supported by the Policy. They also raise a second issue with the lack of marketing of the building for a business use. The application has been advertised as a departure from the Local Development Plan. In regard to both of these aspects raised in relation to Policy CW20, compliance with the Policy has to be weighed against the fact that planning permission has been previously granted for conversion of the building to residential use and both of these matters were considered acceptable under the earlier permission. A letter from structural engineers has been submitted indicating the building is in broadly the same state as was in 2013 (and indeed when first inspected by them in 2007). There have been no material changes in the development plan policy since the earlier permission and therefore on balance noting the building works would retain the majority of the building it is considered acceptable.

Comments from public: None.

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

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 02) The development shall be carried out in accordance with the following approved plans and documents:
Site Location plan, drawing reference 100;
Proposed Site plan, drawing reference 101 rev C;
Proposed Elevations, drawing reference 105, rev B;
Proposed Ground Floor plan, drawing reference 106, rev A;
Proposed First Floor plan, drawing reference 107 rev A;
Strengthening Details, drawing reference 6530/01.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 04) Prior to the beneficial use of the building, 2 No. barn owl boxes shall be erected on or within the building. The boxes shall be designed, sited and installed under the advice of an ecologist and shall be retained in situ for a minimum of 10 years.
REASON: To provide nesting for birds as a biodiversity conservation and enhancement measure, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 05) A replacement bat roost shall be incorporated in the converted building in accordance with the survey report recommendations and as detailed in the European Protected Species Development Licence.
REASON: To provide roosting for bats as a biodiversity conservation measure, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 06) 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.

- 07) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) 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 building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the 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 policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,

- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

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.

- 11) 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.

- 12) Notwithstanding the submitted details, prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected, and a timetable for its implementation. The boundary treatment shall be completed in accordance with the approved details and timetable.

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

Advisory Note(s)

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

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

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

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

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental

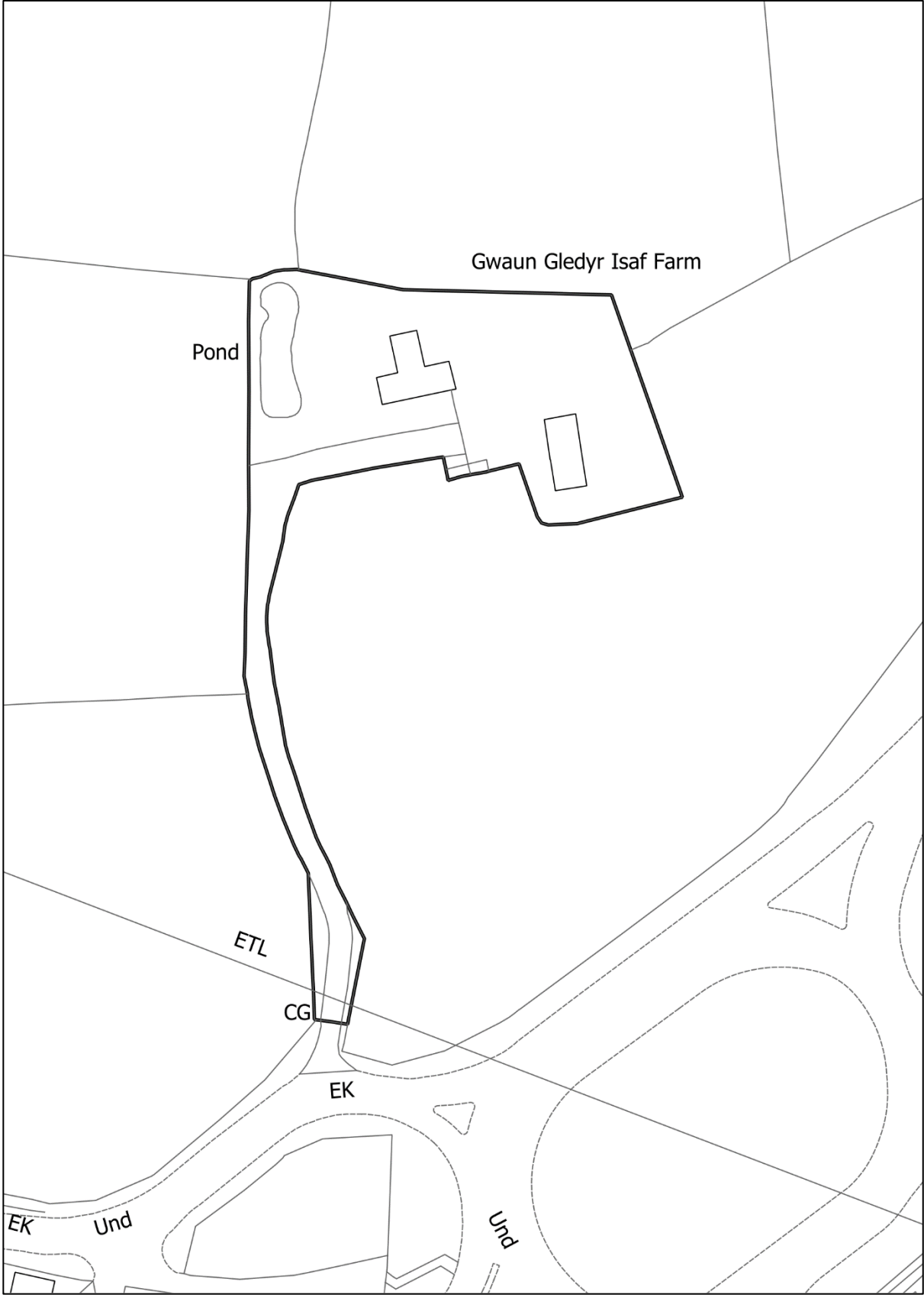
risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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

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

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: 22/0718/OUT

Date Received: 07.09.2022

Applicant: Davies & Jones Construction

Description and Location of Development: Erect residential development along with associated infrastructure in order to facilitate improvement of the club - Trinant Sports And Social Club (CIO) Conway Road Trinant Newport NP11 3JP

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site relates to Trinant Sports and Social Club and an area of undeveloped land which adjoins its south-eastern boundary of the clubhouse and playing field.

Site description: The application site covers an area of approximately 1.5 hectares and comprises of two distinct elements: the existing vehicular access and informal parking area to the front of the clubhouse; and an area of undeveloped, greenfield land primarily consisting of semi-improved acid grassland, marshy grassland and scrub. Groups of trees also exist on the more southern and south-eastern part of the greenfield site, as well as along its boundaries. The site is relatively flat but falls away steeply to the south. Informal footpaths cross the site, indicating that the site is used informally for recreation.

To the south of the application site is a locally designated Site of Importance for Nature Conservation (SINC) which supports a mixture of acid, marshy and neutral grassland communities and broad-leaved woodland. To the southeast and northeast of the site are predominantly rural fields and associated buildings. Immediately to the north of the site is the clubhouse for Trinant Sports and Social Club and its rear parking area, along with an adjacent residential property and a multi-use games area. Slightly further to north are more fields. Immediately west of the main development area of the site is a rugby field, with the residential street of Pen-Y-Waun Road beyond. The residential streets of Cedar Road and Conway Road also lie to the southwest and northwest of the site respectively.

Development: Outline planning permission is sought for residential development comprising of up to 44 units. The proposed mix of units would be split between 66% affordable (29 units) and 34% general market (15 units). The indicative plans and supporting information submitted indicate that the proposed development would comprise of a mixture of houses and flats, and would be served by a single, vehicular access off Conway Road. Compensatory car parking for Trinant Sports and Social Club is also shown on the indicative site layout plan, along with off-street car parking for all residential units, landscaping and surface water drainage features.

Access is currently being considered at outline stage, while matters relating to layout, scale, appearance and landscaping are reserved for future consideration.

Dimensions: The scale parameters for the proposed house types are set out below.

House Type 1 (Affordable 1 Bed Flat): Width - Min. 7.8m and Max. 8.8m;
Depth - Min. 7.5m and Max. 8.5m; and Height - Min. 8.5m and Max. 9.5m.

House Type 2 (Affordable 2 Bed Flat): Width - Min. 9.8m and Max. 11m; Depth - Min. 7.5m and Max. 8.5m; and Height - Min. 8.5m and Max. 9.5m.

House Type 3 (Affordable 2 Bed House): Width - Min. 5m and Max. 6m; Depth - Min. 9.5m and Max. 10.5m; and Height - Min. 8.5m and Max. 9.5m.

House Type 4 (Affordable 2 Bed House): Width - Min. 5m and Max. 6m; Depth - Min. 9.5m and Max. 10.5m; and Height - Min. 8.5m and Max. 9.5m.

House Type 5 (General Market 3 Bed House): Width - Min. 5.5m and Max. 6.5m; Depth - Min. 9.8m and Max. 10.8m; and Height - Min. 8.8m and Max. 9.8m.

House Type 6 (General Market 4 Bed House): Width - Min. 6.5m and Max. 7.5m; Depth - Min. 10m and Max. 11m; and Height - Min. 8.8m and Max. 9.8m.

Materials: To be determined at reserved matters stage.

Ancillary development, e.g. parking: To be determined at reserved matters stage.

PLANNING HISTORY 2010 TO PRESENT None.

POLICY

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

Site Allocation: The site is primarily located outside of settlement limits.

Policies: Policy SP2 (Development Strategy - Development in the Northern Connections Corridor), Policy SP4 (Settlement Strategy), Policy SP5 (Settlement Boundaries), Policy SP6 (Placemaking), Policy SP7 (Planning Obligations), Policy SP8 (Mineral Safeguarding) Policy SP10 (Conservation of Natural Heritage), Policy SP14 (Total Housing Requirements), Policy SP15 (Affordable Housing Target), Policy CW2 (Amenity), Policy CW3 (Design Considerations - Highways), Policy CW4 (Natural Heritage Protection), Policy CW5 (Protection of the Water Environment), Policy CW6 (Trees, Woodland and Hedgerow Protection), Policy CW10 (Leisure and Open Space Provision), Policy CW11 (Affordable Housing Planning Obligation), Policy CW15 (General Locational Constraints) and Policy CW22 (Locational Constraints - Minerals).

Supplementary Planning Guidance: LDP1 - Affordable Housing Obligations (Revision), LDP4 - Trees and Development and LDP6 - Building Better Places to Live (Revision No. 3).

Future Wales - The National Plan 2040: Policy 2 (Shaping Urban Growth and Regeneration - Strategic Placemaking), Policy 7 (Delivering Affordable Homes), Policy 9 (Resilient Ecological Networks and Green Infrastructure), Policy 12 (Regional Connectivity) and Policy 13 (Supporting Digital Communications).

NATIONAL POLICY Planning Policy Wales (Edition 11, February 2021), Technical Advice Note 2: Planning and Affordable Housing (June 2006), Technical Advice Note 5: Nature Conservation and Planning (September 2009), Technical Advice Note 12: Design (March 2016) and Technical Advice 24: The Historic Environment (May 2017).

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 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

CCBC Housing Enabling Officer - Confirmed that the proposed housing development would be required to provide policy compliant affordable housing on site, which will need to be secured via a Section 106 Agreement.

Rights Of Way Officer - Whilst no objection has been raised to the proposed housing development, it is recommended that links to the surrounding public rights of way network are explored.

The Coal Authority - No comments made in respect of the proposed housing development.

Ecologist - No objection raised to the proposed housing development subject to conditions securing biodiversity mitigation, compensation and enhancement measures.

Transportation Engineering Manager - CCBC - No objection raised to the proposed housing development subject to conditions relating to access, highway and parking matters.

Senior Arboricultural Officer (Trees) - Whilst no objection has been raised in principle to the proposed housing development, some concerns have been raised in relation to the potential impacts on certain trees located along the site boundary.

Estates Manager - No comments received.

CCBC - 21st Century Schools Manager -

Environmental Health Manager - No objection raised to the proposed housing development subject to conditions relating construction phase mitigation measures and land contamination.

Heritage And Placemaking Officer - Concerns raised in placemaking terms in relation the proposed housing development's indicative site layout.

Senior Engineer (Drainage) - No objection raised in principle to the proposed housing development; however, it is advised that only limited information has been provided to consider the viability of the surface water drainage proposals.

Parks And Countryside Operations Manager - No comments received.

Strategic & Development Plans - No objection raised in principle to the proposed housing development.

Waste Strategy and Operations Manager - No objection raised in relation to the proposed housing development and general advice provided in relation waste service requirements.

Dwr Cymru - No objection raised to the proposed housing development. Also advised that a hydraulic modelling assessment is required to establish the scope of any water supply system reinforcement works.

Police Architectural Liaison Officer - No comments received.

Natural Resources Wales - No objection raised to the proposed residential development subject to a condition relating to a lighting plan.

Chief Fire Officer - No objection raised to the proposed housing development. Advice also provided in relation to the provision of adequate water supplies and access for firefighting purposes.

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

Landscape Architect - CCBC - Whilst no objection is raised in principle to the proposed housing development, concerns are raised in respect of the proposed indicative layout. In particular, the concerns relate to the proposed layout's inward focus and lack of integration with the surrounding landscape, the impact on existing perimeter trees and the lack of sufficient mitigation planting.

ADVERTISEMENT

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

Response: Objections from two members of the public have been received as part of the public consultation exercise. One of the objectors has also submitted a written and online petition opposing the proposed residential development with 223 and 263 valid entries respectively. It should be noted that the online petition includes entries from people living outside of the local area, including people living in other countries.

Summary of observations: The objections raised by members of the public are as follows:

The proposed development would have a detrimental impact on local ecology and the operation of the neighbouring animal welfare charity.

There are other sites elsewhere within the County Borough that could be redeveloped for housing.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? There are no specific crime and disorder implications material to the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The submitted Preliminary Ecological Appraisal indicates that the application site contains habitats that are likely to support foraging and commuting bats. There are also a small number of mature trees located on the north-eastern and south-eastern site boundary that have low potential for supporting roosting bats. The retention of such trees and the implementation of an appropriate lighting mitigation plan would, however, prevent any detrimental impact on the maintenance of the population of the bat species concerned at a favourable conservation status in their natural range.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the application site is located in the mid-range viability area where CIL is charged at £25 per square metre plus indexation.

ANALYSIS

Policies: The application site has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application site is located outside of the settlement boundary where development is strictly controlled to prevent inappropriate development in the countryside (Policy SP5). The application site also falls within a sandstone safeguarding area according to the LDP Proposals Map (Policy SP8).

With regards to the principle of development, the application site is primarily a greenfield site located on the edge of the settlement of Trinant. This settlement is located within the Northern Connections Corridor where, among other things, Policy SP2 seeks to promote sustainable development that: focusses significant development on both brownfield and greenfield sites that have regard for the social and economic functions of the area; reduces car borne trips by promoting more sustainable modes of travel; makes the most efficient use of existing infrastructure; and protects the natural heritage from inappropriate forms of development. The LDP also states that limited housing development will be allowed in villages such as Trinant, where there is a need for a greater variety of housing to maintain the viability of the settlement (paragraph 3.93).

It is also recognised that brownfield sites should be used in preference to greenfield sites, where feasible (paragraph 1.59), and that Planning Policy Wales (PPW) sets out a sequential approach to identifying housing sites, starting with the re-use of previously developed land and/or underutilised land within settlements, then land on the edge of settlements and then greenfield land within or on the edge of settlements (paragraph 4.2.16). In terms of development in the countryside, PPW also states that such development should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access, habitat and landscape conservation (paragraph 3.60). Moreover, PPW goes on to indicate that minor extensions to existing settlements may be acceptable where they meet a local affordable housing need or increase local economic activity.

As indicated above, Policy SP5 seeks to prevent inappropriate development in the countryside, and Policy CW15 (criterion C) does not identify housing developments as a potentially acceptable form of development outside of the settlement boundary. As such, the proposed housing development conflicts with the requirements of these policies and there is a general presumption against allowing the proposed development. Notwithstanding this, consideration also needs to be given to other material considerations in determining whether, on balance, the proposal is acceptable in planning terms. These include the sustainability credentials of the proposed housing development and the need for housing, which are considered below.

The application site adjoins a predominately residential area and would result in an increase in the area of the existing settlement by nearly 4%. Whilst a development of this scale is greater than a small affordable housing exception site as defined by Policy CW12, it is considered that the proposed 4% increase would represent a minor extension to the settlement boundary as a whole.

The proposed housing development would be accessed from the existing highway network at Conway Road and would require just a short stretch of new highway through the existing Trinant Sports and Social Club site to access the main development. The site is also within walking distance of bus stops (approximately 500m) and local facilities, including a primary school (approximately 300m) and shop (approximately 400m). Whilst it is recognised that rural settlements, such as Trinant, do not offer the same level of local facilities and services as principal towns such as Blackwood, it is considered that the proposed housing development would be located within a reasonably sustainable location and would support the role and function of the settlement (Policy SP2 criterion A).

In relation to housing need, Policy SP14 made provision for 10,269 new dwellings in the County Borough between 2006 and 2021 in order to deliver the 8,625 new dwellings required to meet the moderate growth strategy of the LDP. This equated to an annual requirement of 575 dwellings per annum. The most recent Annual Monitoring Report (AMR) of the LDP was approved in October 2022 and includes a housing trajectory of the 15-year plan period up to 2021 plus 6 years (see Appendix 1 of AMR). This shows that the number of dwellings completed has been below the annual requirement of 575 dwellings per annum since 2008/09 and is forecast to continue to be below this requirement for most years up to 2026/27. The affordable housing target of delivering at least 964 affordable units between 2006 and 2021 (Policy SP15) has also not been met and the AMR continues to recommend that proposals for residential development should be considered on their relative merits on a site-by-site basis, having regard to the need to increase the housing land supply.

The proposed housing development would provide up to 44 residential units which would be split between 66% affordable (29 units) and 34% general market (15 units). It is considered that the proposed development would make a much-needed contribution to the supply of land for housing to help address the shortfall of houses being delivered elsewhere within the County Borough, and accordingly, the proposal would meet the requirements of Policies SP14 and SP15. It is also noted that the Council's Strategic Planning Officer has raised no objection in principle to the proposed housing development and it is considered that the need for housing should be afforded significant weight.

In respect of highway and access matters, the submitted indicative layout plan indicates that the proposed residential development would be served by a vehicular access off Conway Road and a new road that passes through the existing Trinant Sports and Social Club site. The proposed site access road would be 5.5m wide with a 2m wide footway on both sides and would tie in with the existing road layout. There are also 10 formal car parking spaces proposed on the south side of the access road, opposite the clubhouse, to offset the loss of the existing informal hardstanding parking area that currently serves Trinant Sports and Social Club.

The submitted Transport Statement (TS) indicates that the proposed housing development is likely to generate 16 and 17 two-way vehicle movements during the AM

and PM peak periods respectively. This is estimated to equate to less than 1 vehicle every 3.5 minutes. The TS concludes that such an increase in vehicle movements would be barely perceivable and as such, will not have an adverse effect on the local highway network which has an excellent safety record. The TS also commits to the provision of a Travel Plan that will promote the use of sustainable modes of transport when travelling to and from the site.

The Council's Transportation Engineering Manager has reviewed the findings of the TS and confirmed that the proposed housing development would have a minimal effect on the local highway network. The revised access details provided within the submitted Addendum Transport Note (Drawing No. 23-151-SK01) have also been reviewed and confirmed as being acceptable in principle. Moreover, the proposed Travel Plan can be secured via condition and detailed highway design and car parking matters would be addressed at reserved matters stage. It is therefore considered that the proposed housing development would not have a detrimental impact on the safe, effective and efficient use of the transportation network and accordingly, meets the requirements of Policy CW3.

Policy SP6, which relates to placemaking, requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. A thorough site and context analysis is therefore essential in achieving good design and placemaking principles.

The relationship between the built form of the proposed housing development and surrounding residential areas to the west would be limited to a certain extent by the intervening playing field and existing natural boundary screening. As the site is also relatively contained, there is scope to introduce some variety to the existing house types found within the surrounding area to provide greater choice and help maintain the viability of the settlement. It is, however, recognised that the application site is most suited to buildings of two storey in height and the statement within the submitted Design and Access Statement (DAS) confirming that the proposed houses would generally be 2 storey in height is welcomed. The scale parameters set out within the DAS are also broadly acceptable and any proposed buildings of more than a typical two storey height would need to be carefully considered at reserved matters stage. For instance, the siting of taller buildings on the southern part of the site, which would be visually prominent when viewed from the wider landscape, is unlikely to be acceptable in placemaking and landscape terms.

In terms of layout, the Council's Placemaking and Building Conservation Officer has raised concerns over the extensive areas of frontage car parking, the predominance of hard landscaping, the poor creation of a 'sense of place' and the lack of public open space, including children's play areas, as shown on the submitted indicative site layout plan. In order to improve the scheme in placemaking terms, the Placemaking and Building Conservation Officer has recommended that off-street car parking provision is relocated to the sides of buildings, which would allow the buildings themselves to be

located as close to the street as possible (generally 3m). It is also recommended that vistas across the site are terminated by buildings, all corner buildings incorporate multiple facades and enhanced architectural detailing, and interconnected useable open space is provided as part of the proposed development.

The Council's Landscape Officer has also raised concerns over the proposed indicative site layout in relation to the orientation of the proposed houses along the site's southern edge, which front into the site and present their rear elevations and boundary treatments to wider views from the south. This negative visual impact is exacerbated by the removal of existing vegetation along the site's southern boundary, and it is recommended that the indicative site layout is revised to incorporate a more 'perimeter block' urban form with plots backing on to one another. This design approach would create an active frontage on internal streets, whilst also allowing houses to face towards the southern perimeter of the site. The introduction of appropriate soft landscaping at reserved matters stage would also help soften the built form of the development to prevent an unacceptable impact both visually and in terms of landscape character.

Overall, whilst it is accepted that the indicative layout and design of the proposed housing development in its current form does not incorporate good placemaking principles, it is considered that such matters can be adequately addressed at reserved matters stage when layout, scale, appearance and landscaping are considered in detail. It is also acknowledged that a reduction in the number of proposed residential units may be necessary in order to address the development's current shortcomings and achieve an acceptable development in placemaking terms.

In respect of landscape and visual impacts, the submitted Landscape and Visual Appraisal (LVA) states that the application site is considered to make a limited contribution to landscape character and offers fair to poor visual amenity. The LVA also concludes that the proposed housing development is considered to have a slight adverse effect on the landscape resource and local landscape character. However, this effect is considered to be very localised given the site's character and surrounding built form, and with the establishment of appropriate landscape proposals, the significance of the landscape effect in the longer term would reduce to a neutral effect on the landscape resource and character. In addition, the significance of the proposed housing development's visual effect is considered to range from neutral to slight adverse effect on views and visual amenity.

Whilst the Council's Landscape Architect broadly agrees with the findings of the LVA, he notes that the conclusions are, in part, based on a number of mitigation measures being taken into account, such as the retention of trees and hedgerow vegetation along the site's countryside boundaries and additional tree and hedgerow planting along the site's southern and western boundaries. The submitted indicative site layout for the proposed housing development has not, however, had sufficient regard to the need for these mitigation measures, particularly along the site's southern boundary with the rear elevations and boundary treatments of several plots exposed to wider views from the south. As such, the Landscape Architect is of view that the proposed housing

development in its current indicative form would have an unacceptable adverse impact on the landscape character of the site and adjacent countryside.

Notwithstanding the above, the Landscape Architect has acknowledged that the application site does have the potential for a more sensitively designed housing development that incorporates a more outward looking site layout to the south, with a more holistic approach to the retention of existing boundary tree and hedgerow vegetation and robust mitigation planting along the site's southern perimeter. It is considered that such matters can be adequately addressed at reserved matters stage, and subject to a sensitively designed development layout with appropriate building designs and boundary landscape screening, the proposal would not have an unacceptable impact on the character of the local landscape (Policy SP10).

With regards to trees, the submitted Tree Survey (TS) identifies 3 groups of trees within the application site that would be lost, either in whole or part, as result of the proposed development. All of the tree groups are located on the southern part of the site and are described in the TS as follows: G35 - comprising of a group of goat willow, ash, oak, birch and hawthorn; G38 - comprising of a group of goat willow and ash; and G39 - comprising of a group of ash, sycamore, birch, oak and hawthorn. All groups are young in age, of fair to poor condition and categorised as being of either low quality (category C - G35 and G39) or recommended for removal (category U - G38).

The Council's Arboricultural Officer has raised no specific concerns over the loss of the aforementioned tree groups as a result of the proposed development. She has, however, advised that further careful consideration will need to be given to the impact of the proposed layout on other existing trees and hedgerows located along the boundaries of the site, including a category B beech tree of moderate quality (T4). As these trees and hedgerows are located along the site's periphery, it is considered that, subject to a sensitively designed layout at reserved matters stage, the proposed housing development would not have an unacceptable impact on the site's existing trees and hedgerows. Moreover, an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement can be considered at reserved matters stage, along with detailed landscaping proposals that seek to enhance this existing landscape buffer. Accordingly, it is considered that the proposed housing development would meet the requirements of Policy CW6.

In terms of local ecology, the application site is not covered by any statutory or non-statutory nature conservation designations. The submitted Preliminary Ecological Appraisal (PEA) indicates that the application site supports a range of habitat types, including semi-improved acid grassland, marshy grassland, dense and scattered scrub and scattered trees. The site also adjoins Pentwyn Fields Site of Importance for Nature Conservation (SINC) to the south. This area of adjoining land is designated for its mosaic of broad-leaved woodland, patches of acid and marshy grassland and areas of semi-improved grassland.

The proposed indicative site layout, as originally submitted, located the surface water attenuation basin in the southeast corner of the site, which would have resulted in the removal of an area of semi-natural broad-leaved woodland. However, in order to address concerns over its loss raised by the Council's Ecologist, a revised indicative site layout has been submitted with the attenuation basin relocated to the west of the site. This has been facilitated by the loss of 4 No. residential units. The Council's Ecologist has also confirmed that the impact of the proposed drainage route through the SINC can be minimised by replacing the proposed swale with an underground surface water pipe and following the route of an existing informal footpath on site. Moreover, it is considered that the applicant's commitment to improved habitat management of the SINC, for the benefit of grassland habitat, would compensate for the loss of grassland habitats on the application site and mitigate the ecological impacts. The Council's Ecologist has advised that this compensatory measure should be secured via the imposition of a habitat management plan condition.

In relation to European protected species, the submitted PEA states that the application site contains habitats that are likely to support foraging and commuting bats. There are also a number of mature trees located on the north-eastern and south-eastern site boundary that have low potential for supporting roosting bats. Such trees can, however, be retained as part of the proposed development and Natural Resources Wales (NRW) has raised no objection to the proposed housing development subject to a lighting mitigation plan being secured via condition. The lighting mitigation plan would help prevent "light spillage" on to the surrounding protected species' habitats and commuting corridors, such as the SINC to the south of the site and boundary hedgerows, scrub and trees. Provided that an appropriate lighting mitigation plan is approved and implemented, NRW is satisfied that the proposed housing development is not likely to be detrimental to the maintenance of the population of the bat species concerned at a favourable conservation status in their natural range.

In respect other fauna, the PEA indicates that the reptile presence/absence surveys recorded only a 'low' population of slow worm (6 individuals recorded) on the adjoining SINC to the south of the site. No slow worm or other reptiles or amphibians were recorded on the application site. It is also noted that the promotion of compensatory rough grassland in the south-eastern corner of the site and the SINC through improved habitat management, would provide greater suitable habitat availability for reptiles.

The PEA states that areas of dense scrub and woodland at the site are likely be used by a number of bird species for foraging and nesting purposes and as such, any future vegetation clearance should be undertaken outside of the nesting bird season. The PEA also recommends that the proposed housing development provides bird boxes for new buildings and retained trees, which can be secured via condition.

Given the above, and subject to the imposition of the aforementioned ecological conditions, it is not considered that the proposed housing development would have an unacceptable impact on priority habitat or protected and local species. Accordingly, the proposal would meet the requirements of Policies SP10 and CW4.

In relation to the historic environment, approximately 190m to the southeast of the application site lies the Grade II Listed Buildings of Llanerch-Uchaf Farmhouse and attached Farm Range and Barn at Llanerch-Uchaf. As such, the proposed housing development falls within its setting. Planning Policy Wales (PPW) advises that there is a statutory requirement to have special regard to the desirability of preserving the setting of a listed building (paragraph 6.1.10). Technical Advice Note (TAN) 24: The Historic Environment also explains that the setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated embracing present and past relationships to the surrounding landscape (paragraph 1.25). Moreover, TAN 24 goes on to state that the extent of any setting is not fixed and may change as the historic asset and its surroundings evolve.

The submitted indicative site plan indicates that there are no buildings proposed in the south-eastern part of the site and the existing boundary trees and hedgerow vegetation would be retained. The latter would continue to screen the application site when viewed from the Listed Buildings to the southeast and it is evident that a sensitively designed housing development would preserve the setting of the Listed Buildings at Llanerch-Uchaf. The full details of the development's layout, scale, appearance and landscaping can be adequately controlled at reserved matters stage and accordingly, it is considered that the proposed housing development meets the requirements of PPW and TAN 24 in respect of this matter.

In terms of residential amenity, the nearest existing residential property to a new building forming part of the proposed housing development is No. 28 Cedar Road. The proposed indicative layout plan demonstrates that an adequate separation distance of over 30m could be maintained between this existing property and the proposed building. As such, it is considered that the application site is capable of accommodating the proposed housing development without having an unacceptable impact on the amenity of the occupiers of neighbouring properties by means of overlooking, overbearing or overshadowing. Moreover, any amenity impacts during the construction phase of the development would be temporary and capable of being adequately controlled through the implementation of a construction working method statement that can be secured via condition. Accordingly, it is considered that the proposal would meet the requirements of Policy CW2.

With regards to drainage, the submitted Outline Sustainable Drainage Strategy (OSDS) indicates that foul drainage would be conveyed to an existing combined sewer located at the southwest corner of the playing field, while sustainable surface water drainage measures would comprise of a combination of water butts, raised planters, permeable paving, roadside swales and bio retention areas and a landscaped retention basin. Only general details of the sustainable drainage proposals have been provided at this stage, which indicate that controlled surface water discharge off site would potentially be via a piped network through the SINC before discharging to ditch/watercourse to the south of the site.

Dwr Cymru/Welsh Water (DCWW) has raised no concerns in respect of the capacity of the public sewerage network to accept foul flows from the proposed housing development and no problems are envisaged in relation to wastewater treatment. Whilst DCWW has indicated that the water supply system in the immediate vicinity of the site has insufficient capacity to serve the proposed development, no objection has been raised in this regard and no request has been made for any improvement works to be secured via condition. The required hydraulic modelling assessment and the scope of any reinforcement works, as may be required, is therefore considered to be a matter for DCWW and the applicant/developer. The requirement for such an assessment can, however, be brought to the attention of the applicant/developer via a suitably worded informative.

The Council's Senior Engineer (Drainage) has raised concerns in relation to the proposed housing development on the basis that the limited information provided does not demonstrate compliance with the statutory sustainable drainage standards. However, he has also confirmed that a separate approval for the sustainable drainage proposals would be required from the Sustainable Drainage Approval Body. As only the principle of development and access are being considered at this stage, it is considered that there is sufficient scope to incorporate any necessary changes to the sustainable drainage proposals into the final housing development scheme.

In relation to leisure and open space provision, Policy CW10 requires all new sites capable of accommodating 10 or more dwellings or exceeding 0.3ha to make adequate provision for useable open space, appropriate formal children's play facilities and adequate outdoor sports provision. It is noted that a multi-use games area adjoins the northern boundary of the site and a locally equipped area for play is located approximately 150m to the northwest of the proposed housing development. However, the submitted indicative site layout plan does not include sufficient useable open space or any onsite children's play facilities, which is not considered to be acceptable in placemaking terms. This lack of provision would need to be addressed at reserved matters stage when layout and landscaping are considered in detail. It is also recommended that a Local Area for Play (LAP) is secured via condition to ensure that young children have an informal area for play and interaction on site.

With regards to the local Public Right of Way (PROW) network, PROW Footpath 42 lies adjacent to the south-eastern boundary of the site. The Council's Rights of Way Officer has indicated that access to the surrounding PROW would benefit both future residents of the development as well as existing residents in the vicinity of the site. The submitted indicative site layout plan also acknowledges the opportunity to link the proposed development to PROW, but this would need to be given more detailed consideration at reserved matters stage to ensure that any proposed footpath link does not harm biodiversity interests and trees within the wooded area in the south-eastern part of the site. As the PROW is located on neighbouring land, an agreement is also likely to be required with the adjoining landowner to link into the PROW.

In respect of the sandstone safeguarding area, LDP Policy CW22 states that proposals for permanent development uses within identified mineral safeguarding areas will not be approved unless, among other things, there is an overriding need for the development (criterion A(iii)). As indicated above, there is a clear need to increase housing land supply and the proposed 44 residential units would make a valuable contribution to meeting this need. It is therefore considered that the need for the proposed housing development outweighs the need to safeguard the sandstone resource in this location. Notwithstanding this, given the proximity of the site to existing housing, it is considered unlikely that consent would be granted for quarrying in this location in any event.

In terms of planning obligations, the Council's Housing Enabling Officer has confirmed that the policy compliant requirement for affordable housing (25%) will need to be secured on site via a Section 106 Agreement. This equates to 11 on site affordable units and the type of units to be provided will also need to be secured as part of the S106 Agreement.

With regards to other matters, it is noted that the submitted indicative site layout plan is described as 'phase 1' and an internal access road connecting the residential housing development to the SINC to the south is shown in the southwest corner of the site. However, any future development of this land to the south is unlikely to be acceptable given its nature conservation value. Moreover, it should be recognised that the proposed ecological mitigation measures for the housing development include compensatory habitat management of the SINC for the benefit of grassland habitat and without this compensatory measure the proposed development would not be considered acceptable. As such, it is considered that the proposed internal access road in the southwest corner of the site should not be retained in its current form at reserved matters stage when the site layout is considered in detail.

In addition, it is also noted from the development description and the submitted DAS that the proposed housing development would enable much needed investment in Trinant Sports and Social Club, which is necessary for the future survival of the community facility. No evidence has, however, been provided to support this claim and as such, it is considered that any financial benefits to the club associated with the proposed development should be afforded little weight.

In summary, the proposed housing development would broadly represent an inappropriate form of development in the countryside. However, it is considered that the proposed development, which includes 29 affordable units, would only result in a minor extension to the settlement boundary and would be located within a reasonably sustainable location with good access to local facilities and services. Moreover, there is an unequivocal need to increase the housing land supply and no unacceptable impacts in relation to placemaking, highway safety, amenity or the natural environment have been identified that can't be adequately mitigated via specific conditions or addressed at reserved matters stage through an appropriately designed housing development. It is therefore considered that, on balance, the proposed housing development is acceptable.

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

Comments from public: With regards to the concern over the proposal's impact on the operation of the neighbouring animal welfare charity, residential uses are widely recognised as a 'sensitive' land use that do not typically give rise to unacceptable impacts on the amenity of an area. As such, it is considered that the proposed use would be broadly compatible with surrounding land uses. Moreover, any specific impacts that the proposed housing development is likely to have on adjoining land uses would be considered in more detail at reserved matters stage, where there would be further opportunity for public consultation and comment.

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 (A) the application be deferred to allow Welsh Ministers to be notified that the Local Planning Authority is minded to grant planning permission for this major residential development which is not in accordance with one or more provisions of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

On the expiry of the period of 21 days beginning with the date on which the Welsh Ministers receive the notification, or the date on which the Welsh Ministers confirm that they do not intend to call-in the application, whichever is the sooner, that (B) the applicants enter into a Section 106 Obligation to provide the following:

1. 25% provision of Affordable Housing.

On completion of the Section 106 Obligation that (C) planning permission is granted subject to the following conditions.

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

This permission is subject to the following condition(s)

- 01) Approval of the details of layout, scale, appearance and landscaping (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 layout scale appearance of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) The development shall be carried out in accordance with the following approved plans:
Site Location Plan, Drawing No. 1.1, Received 28/03/2023; and
Access Road Layout, Drawing No. 23-151-SK01 within Appendix 1 of Addendum Transport Note, prepared by Magna Transport Planning Ltd, Received 22/02/2023.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 06) The development hereby approved shall not be occupied until the means of vehicular access has been provided in accordance with the approved plans.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) The development hereby approved shall not be brought into beneficial use until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan as approved shall be implemented in accordance with the details and any timescales contained therein.
REASON: To encourage the use of a variety of transport options in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) 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.
- 09) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WPGA 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.
- 10) 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.
- 11) Details submitted in relation to Condition 1 of this permission shall include a topographic site survey demonstrating existing and proposed levels and detailed cross section drawings of the site.
REASON: To enable the relationship between new and existing buildings to be carefully considered in the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Details submitted in relation to Condition 1 of this permission shall include details of proposed public open space (a LAP) to be designed in accordance with the standards set out in Fields in Trust guidance. The development shall be carried

out in accordance with the approved details and provided in accordance with the timetable contained therein.

REASON: To ensure the adequate provision of public open space in accordance with policy CW10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) Prior to the commencement of the development hereby approved, a Habitat Management Plan for the grassland habitat within the adjacent Pentwyn Fields Site of Importance for Nature Conservation shall be submitted to and approved in writing by the Local Planning Authority. The Habitat Management Plan as approved shall be implemented in accordance with the details and any timescales contained therein.
REASON: To secure mitigation, compensation and/or enhancement measures for biodiversity on site in accordance with policies SP10 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) Prior to the commencement of the development hereby approved, details of a biodiversity sensitive drainage scheme within the adjacent Pentwyn Fields Site of Importance for Nature Conservation shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be carried out in accordance with the approved details.
REASON: To conserve and enhance biodiversity by protecting retained habitats on site in accordance with policies SP10 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Prior to the commencement of the development hereby approved, a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging and commuting habitats for bats, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved strategy and retained thereafter.
REASON: To ensure that proper measures are taken to safeguard the habitat of bats in accordance with policies SP10 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Prior to the commencement of the development hereby approved, a biodiversity strategy shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity strategy shall be implemented as agreed.
REASON: To provide biodiversity conservation measures, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Planning Policy Wales (2021) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 17) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve all of the approved dwellings. The necessary

infrastructure required shall be installed prior to the first occupation of the dwellings.

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

- 18) 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.

- 19) No development shall commence on site until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The 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 construction works;

wheel washing facilities;

the erection and maintenance of security hoardings;

measures to control noise during construction works;

measures to control pollution from plant and runoff;

measures to control the emission of dust and dirt during construction works; and

details of a scheme for the recycling/disposing of waste resulting from construction works.

Thereafter the construction of the development shall be undertaken in accordance with the approved 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.

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 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

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

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

The applicant/developer is advised that the water supply system in the immediate vicinity of the application site has insufficient capacity to serve the proposed housing development. Dwr Cymru/Welsh Water therefore requires a hydraulic modelling assessment to establish the scope of any reinforcement works to be completed at the same time as the provision of new water mains to serve the new development under Sections 41 and 51 of the Welsh Industry Act (1991). Further information relating to the hydraulic modelling assessment is available at www.dwrcymru.com.

The applicant/developer is advised that the habitat management plan required under condition shall include, but not be exclusively limited to, details of the management, duration, monitoring and any remedial works considered necessary following monitoring.

The applicant/developer is advised that the biodiversity strategy to be submitted in accordance with condition 16 should include, but not be exclusively limited to, the following:

- Clearance methodologies for vegetation, including timing/phasing for birds and reptiles;
- The use of native species in the planting scheme;
- Details of proposed bird nesting boxes; and
- Details of hedgehog passes under fences (i.e., 100mm gaps).

Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012

or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

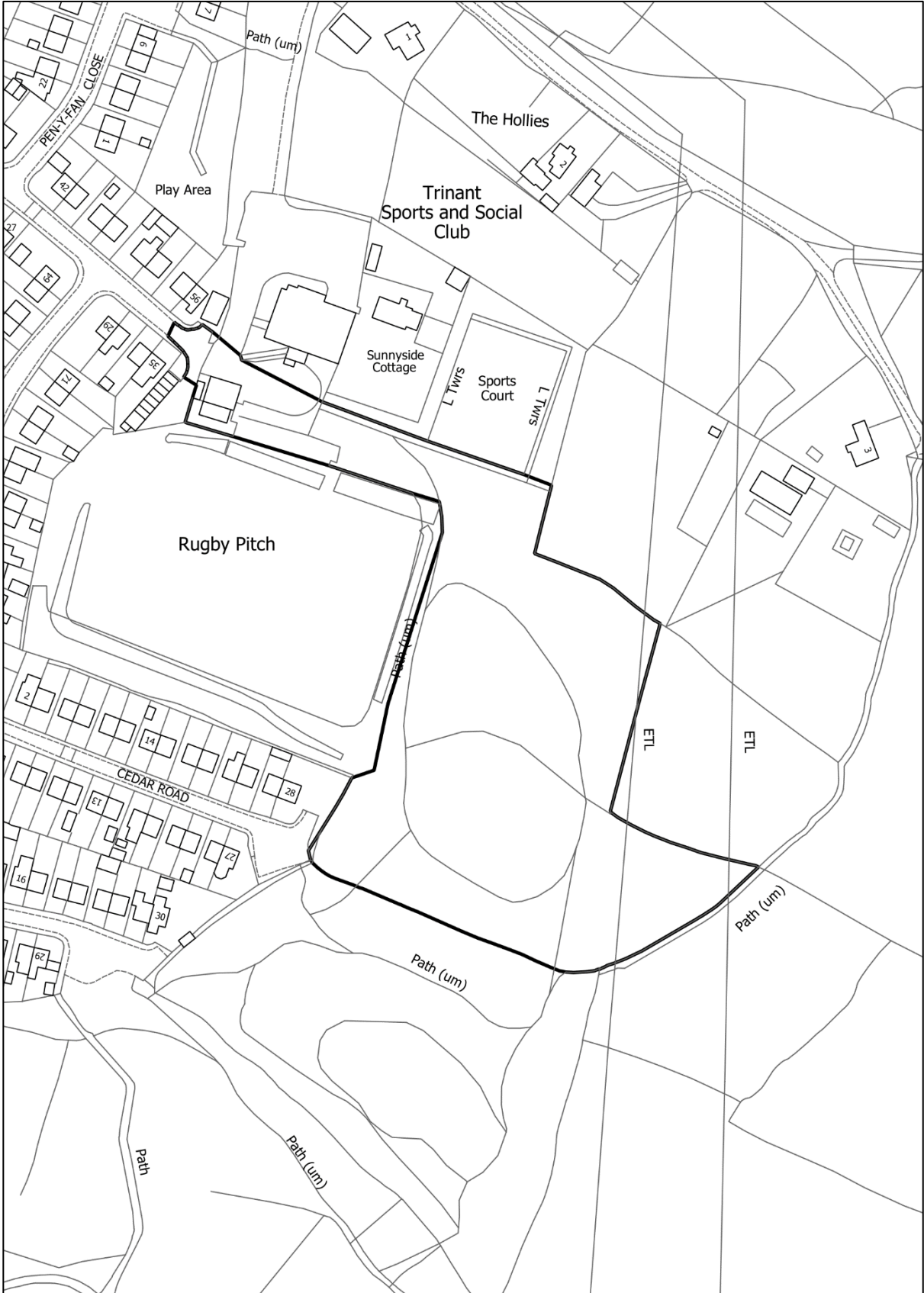
Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

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Application Number: 22/0961/COU

Date Received: 11.11.2022

Applicant: Mr A Kharzi

Description and Location of Development: Change the use to a B1 use class - car wash and valeting - Land At South Wales Motors St Cenydd Road East Trecenydd Caerphilly

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: Land At South Wales Motors, St Cenydd Road East, Trecenydd, Caerphilly. The application site is located on the eastern side of St Cenydd Road.

Site description: The application site is an irregular shaped parcel of land situated adjacent to the juncture between Station Terrace and the vehicular access to the former Zonner Industries otherwise known as 'The Sidings Building' (St Cenydd Road). The site is relatively level and has been cleared with the surface completed in loose gravel and some soft landscaping remaining along the rear site boundaries. A single shipping container and portable cabin have been left on the site. The site is enclosed in-part at the front with an existing weldmesh and concrete post fence but is open along the remainder.

To the rear (north), the site shares a boundary with properties situated along the southern end of Thomasville (No's 31 and 32) and No. 1 Station Terrace. The boundary with Thomasville is delineated with a combination of residential 'timber fencing' and weldmesh with a larger mature tree to the east. To the west of the site, adjacent to the side of No. 1 Station Terrace is a smaller enclosed parcel of land, accommodating a collection of storage containers and larger shipping units (presumed for storage).

Development: Planning permission is sought for the change of use from B1 Use Class to Sui Generis (Car Valeting and Hand Washing).

Access will be achieved via an existing pavement crossing to the front of the site (southern site boundary) derived from the access track which serves the Sidings Building (former Zonner Industries) set to the east of the application site. The access is set approx. 38.0m from the juncture with Station Terrace and will be gated with a 180-degree opening security gate. The remaining site enclosure comprises 2.4m high paladin strip mesh security fencing.

The site will feature a covered polishing bay, jet wash bay sited on a resilient pad with both encased via proprietary specialist canopies and screens to contain spray. An existing portacabin relocated to the east of the site to provide an office/staff welfare

facility, with a site for a permanent WC connected to existing sewer networks. A large storage container will be sited along the northern perimeter for storage of cleaning materials.

Parking for 9 No. vehicles will be sited around 5.50m from the northern site boundary with an intervening vegetation buffer zone. In this case, the proposed site layout plan (Drawing No. 2208. PL03 - Revision B) features limited details with respect to the construction, scale and design of the proposed canopies, bay screening and storage containers.

Dimensions: Site area is approx. 1150 sqm (0.11Ha). Covered polishing bay and Jet wash bays measure 5.70m square. Parking bays: 4.80m (l) x 2.50m (w). Portacabin: 6.10m (l) x 2.50m (w). Staff WC: 2.50m x 3.00m, storage container: 6.10m x 2.50m and refuse storage area of 7.60sqm.

Materials: Not specified with respect to the above, additional details are required.

Ancillary development, e.g., parking: Parking area accommodating 9 No. vehicle bays is proposed within the site curtilage. The site will be enclosed via 2.40m high paladin stripe mesh security fencing at the front (west, east, and south site boundaries) and 2.40m high closed lap timber fencing to the rear (north). To the north of the site, within proximity to the rear boundary are residential properties set around two cul-de-sacs comprising the southern end of Thomasville. No's 31 and 32 Thomasville adjoin the site on this side, with the dwellings in Thomasville featuring Mansard roofs with habitable room windows in the pine ends facing directly onto the application site. A vegetation buffer is proposed within the site, to further 'screen' the rear boundary.

PLANNING HISTORY 2010 TO PRESENT 17/0914/COU - Provide car wash and valeting service - Refused 14.12.2017.

18/0146/COU - Provide car wash and valeting service - Refused 05.04.2018.

22/0463/COU - Change the use to a B1 use class for car valeting and hand washing - Refused 21.10.2022.

22/0251/RET - Retain the change of use from manufacturing to vehicle recovery and storage - Pending Consideration.

18/0146/COU - Provide car wash and valeting service - Refused 05.04.2018.

17/0914/COU - Provide car wash and valeting service - Refused 14.12.2017.

POLICY

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

Site Allocation: The application site is located within the settlement limits of Caerphilly and local ward of Penyrheol.

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

SUPPLEMENTARY PLANNING GUIDANCE: Supplementary Planning Guidance (SPG) is produced to provide further detail on certain policies and proposals contained within the Caerphilly County Borough Local Development Plan (LDP). The guidance ensures that certain policies and proposals are better understood and applied effectively to all relevant development. The following adopted SPG's are relevant to this application:

LDP 5: Car Parking Standards (Revision No. 2) adopted January 2017.

The application of parking standards enables a transparent and consistent approach to the provision of parking facilities associated with new development and change of use. This Supplementary Planning Guidance (SPG) identifies how the CSS Wales - Wales Parking Standards 2014 will be applied across Caerphilly county borough. This guidance supplemented LDP Policy SP21.

LDP 6: Building Better Places to Live (Revision No. 3) adopted January 2017.

The main purpose of this Supplementary Planning Guidance (SPG) is to improve the standard of design in residential development, regardless of its size and location. The guide focuses on assessing development against the key placemaking principles, as such, to ensure that development is designed to meet the requirements of Planning Policy Wales (PPW) and convey the design implications of Technical Advice Note - TAN 12: Design (March 2016).

NATIONAL POLICY Planning Policy Wales (Edition 11) and Future Wales - The National Plan 2040 (February 2021). The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides Policies that should be considered in the determination of applications at all levels.

Paragraph 3.9 of PPW: The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

Paragraph 3.14 of PPW: Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment.

Paragraph 3.16 of PPW: Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected.

Paragraph 3.50 of PPW: A broad balance between housing, community facilities, services and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting.

Paragraph 5.4.15 of PPW: 5 whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

Technical advice notes (TANs) provide detailed planning advice. The following have been considered when assessing this proposal: Technical Advice Note (TAN) 4: Retail and Commercial Development (November 2016), TAN 12: Design (2016) and TAN 23: Economic Development (February 2014).

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 application site lies within a Coal Mining Development - Low Risk Area. Advisory notes will be attached to any consent granted, to raise awareness to the coal mining conditions in this area.

CONSULTATION

Transportation Engineering Manager - CCBC - No objection subject to the following conditions:

Beneficial use of the site shall not commence until the areas indicated for the parking of vehicles have been laid out in accordance with the submitted plans to the satisfaction of the LPA, and those area shall not thereafter be used for any purpose other than the parking of vehicles.

The proposed parking areas shall be completed in materials as agreed with the LPA, to ensure loose stones or mud etc. is not carried on to the public highway.

The proposed operational areas indicated for the washing, drying and polishing of vehicles, shall be completed in materials as agreed with the LPA, to ensure loose stones or mud is not carried onto the unadopted access road leading to the site.

Rainwater run-off shall not discharge into the surface-water drainage system on the unadopted access road leading to the site.

Reasons: In the interests of highway safety and to ensure that adequate parking facilities are provided within the curtilage of the site.

Notes: It should be noted that the intervening access road between Station Terrace/St Cenydd Road/B4263 is neither a highway adopted by the Highway Authority, nor within the applicant's red/blue line boundary. However, conditions have been imposed regarding surface water run off and surfacing materials to prevent water and mud/debris being dragged onto the B4263 vehicles leaving the site.

Environmental Health Manager have no adverse comments to make with regards to the above planning application, subject to the following conditions:

Waste from commercial premises: Unless otherwise agreed in writing with the local planning authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the local planning authority.

REASON: In the interest of public health

Site control - dust suppression: 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.

Site control - noise suppression: 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.

Our Health and Safety team also have the following comments to make: "This type of business falls to the HSE for Health and Safety enforcement."

Senior Engineer (Drainage) - No Objections - SAB Approval is required for this Development. Standing advice is made available to the applicant.

Estates Manager - No further comments from Property. Council land appears to be no longer included.

Dwr Cymru - We note that the developer has indicated that the surface water flows are to be disposed of via the public sewerage system however, there is no justification within the application submitted investigating sustainable methods of surface water drainage. In the absence of this information and to ensure there is no detriment to the public sewerage system we request that should you be minded to grant planning permission the following Condition and Advisory Notes are included.

CADW - No comments submitted.

Penyrheol Trecenydd & Energlyn Community Council - Councillors wish to object to this planning application due to the following reasons:

1. Difficulty with access from the highway.
2. Close proximity to houses.
3. Traffic/congestion due to possible queues.
4. Water issues: how will it be disposed of?

ADVERTISEMENT

Extent of advertisement: The application was advertised via means of a site notice displayed on 21.11.2022 and neighbour notification letters issued to No.'s 31 and 32 Thomasville and No. 1 Station View (St Cenydd Road).

Response: In total 1 No. OBJECTION comment has been received from immediate neighbours to the site, with 1 No. representation OBJECTING to the proposal from the Penyrheol Trecenydd & Energlyn Community Council at the time of finalising the officer report.

Summary of observations: The key points contained within the submitted representations are summarised below:

1. No hazardous substances are listed, please comment on the storage of chemicals used in the cleaning process.
2. The proposed jet wash bays are within a meter of the boundary with the neighbouring residential property and will be facing a window, previous applications considered the impact of a gable end window and the noise disruption to residential.

3. Where will the surface water containing cleaning chemicals run off into as main sewer connection looks unlikely and are SuDS appropriate for such chemical run off. There could be potential for a water pipework to have been run into the residential property behind Greensleaves bungalow as fairly recently, a new trench was dug across the road from the proposed site to the property behind Greensleaves, and then covered back up.
4. There was no water supply to the site originally as it is all landfill having formerly been the roofline of a bridge over the Senghenydd railway line. Where is the water supply coming from for the site and where is the chemical run off going?
5. The application states there are no trees on the boundary of the site. There are trees on the boundary line, within 2 meters approx.

The following comments are from Penyrheol Treceenydd & Energlyn Community Council:

Councillors wish to object to this planning application due to the following reasons:

- Difficulty with access from the highway.
- Close proximity to houses.
- Traffic/congestion due to possible queues.
- Water issues: how will it be disposed of?

SECTION 17 CRIME AND DISORDER ACT

Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications): Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area; and (d) serious violence in its area.

Planning Policy Wales (PPW) Edition 11 (Feb 2021) - section 3.11 (community safety): Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive community's well-being goal.

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
Crime and disorder are not considered to be an issue for this application. It is noted that the opening hours for this facility would need to be controlled to prevent operation in the early hours of the morning when issues with anti-social behaviour or other crimes may arise. In addition it would be the responsibility of the landowner to ensure that no valuables were left on site overnight and that the site was secured to deter crime.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. Based on current evidence, this is unlikely to be a significant issue in this case, if appropriate, advisory notes will be attached to the consent and sent to the applicant as a precautionary measure. In this case it is not necessary to secure any biodiversity enhancements via planning condition.

The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. 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 can be sought as part of this development through any additional landscaping proposals required if the development is considered acceptable in all other areas.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is not CIL Liable.

ANALYSIS

Policies: The proposal has been assessed against all relevant Local Development Plan Policies, associated supplementary planning guidance and other material planning considerations, in conjunction with overarching national planning guidance contained with Planning Policy Wales (PPW), Future Wales: The National Plan 2040 and Technical Advice Notes (TANs).

This application attempts to overcome the reasons for refusal of planning application reference 22/0463/COU, validated on 20.05.2022 and subsequently refused on 21.10.2022. By way of background, previous planning refusals are also of note, given the rejected proposals are of the same nature. Planning permission 17/0914/COU (Provide car wash and valeting service) was refused on 14.12.2017 and subsequently 18/0146/COU (Provide car wash and valeting service) was also refused on 05.04.2018. The primary reasons for refusal of the latest planning permission 22/0463/COU are listed below, and are of the same nature as those outlined on the 2 No. prior applications:

1. The proposed use, by virtue of the potential for noise and vibration from power washers, vacuum cleaners and other equipment, would have an unacceptable impact on the amenity of neighbouring dwellings. Therefore it is considered that the use is not

compatible with surrounding land uses and as such the proposal is contrary to criteria A and C of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

2. The proposed use, by virtue of the potential for spray from power washers crossing the boundaries of the site, would have an unacceptable impact on the amenity of neighbouring dwellings. Therefore it is considered that the use is not compatible with surrounding land uses and as such the proposal is contrary to criteria A and C of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

This proposal would need to demonstrate that the above reasons for refusal have been significantly overcome. In this case the site has previously featured limited 'permanent' development, with the siting of temporary buildings for use for storage and an office provision ancillary to the neighbouring land use (1990's). From 2001 to 2016, the site has mostly been left open, as an area of 'green' space at the curved juncture between the entrance to Zonner Industries and Station Terrace. A small area of hardstanding has always been present to the east of the site, with the land predominantly laid with grass and some unkempt vegetation. However, the boundary with Thomasville has been greatly screened with mature shrubs/trees across this period, until the site has been cleared and coated in gravel circa 2020/2021.

This former use, together with its location adjacent to other industrial uses on a main arterial route between the B4263 and A469 are material considerations that weigh in its favour. However, in this case the site shares a boundary with a wider residential area, with 3 No. properties in close proximity to the development with no geographical separation or any significant densities of boundary landscaping. In that regard, it is accepted that this type of car wash facility can lead to noise and air-borne water spray issues.

The proposal presents a separation distance of less than 10.0m to the nearest rear elevation of the dwelling at No. 32 Thomasville from the site boundary. However, given the reconfigured site layout, the applicant proposes a landscape buffer zone of 5.00m at this side (formerly absent from the scheme), with the 9 No. parking bays now positioned to the south of the shared boundary with properties along Thomasville. This provides a suitable exclusion zone, such to alleviate noise disturbance from the jet washing bay but also to provide a natural area for ground drainage, in addition to a hard surface with suitable porosity. The density and nature of this landscaped region can be controlled by planning condition, notably a pre-commencement or pre-occupation condition, allowing the LPA to consider a landscaping scheme in detail prior to discharging any conditions. A degree of screening and natural 'noise insulation' can be expected with the growth of denser native or evergreen species, which in combination with the 2.40m high lap fencing serves to create an adequate divider/shield along this perimeter. To mitigate noise impacts, the proposed fencing may also be conditioned as such to be constructed with acoustic grade timber.

In addition the applicant has increased the distance of 20.0m from the jet washing bay to the dwelling by a degree of 6.0m. The jet wash bay is also now positioned, as such the closest corner (southeast) of the abutting parcel of land (east of the site) partly intervenes the jet wash unit. Both operational servicing bays are now set proximate to the boundary shared with the highway, with a grassy verge of around 1.0m prior to the fencing. In any case the bays are concealed with proprietary screening and canopies to control outputs, with the bays backed up against an open border shared with a neighbouring land parcel, that is also an undeveloped brownfield site or amenity area currently used for storage (scrap vehicles and storage containers). This area has little visually amenity and due to it being uninhabited there would be no overriding adverse impacts upon any occupants of this land. The Councils Transportation Engineering Manager (TEM) has raised no objections with respect to the siting of the bays adjacent to the highway and is satisfied that the level of any sprays etc. would not pose any risks to users of the highway.

It should be noted that the adjacent site of Lanes Recovery Ltd (The Sidings Building) was granted planning permission 22/0251/RET (Retain the change of use from manufacturing to vehicle recovery and storage) on 15.12.2022. The jet wash bay, operating under controlled daytime hours in order to protect residential amenity would present a less intensive use and it would be expected that the noise disturbance from a handheld jetwash (largely contained) would be less than that generated from the use at the adjacent site. In any case, a planning condition will be applied to secure an appropriate design, materiality and scale of shelter to each servicing bay, such that noise impacts and spray drift could be further mitigated. Mitigation measures could also include containment of any vacuum bodies within 'acoustic boxes' and denser Perspex screening. With respect to vibrations from equipment, these would likely be hand-arm vibrations opposed to ground vibrations, notably if equipment was sited on rubber matting.

Previous applications have been refused on ground 1; non-compliance with the policy objectives of CW2 (criteria A and C). The question is, has this reason for refusal been successfully overcome in this application. LDP Policy CW2 presents a number of objectives to ensure that development proposals give due regard to the visual and residential amenities of adjacent occupants and land. Notably criteria (A) "There is no unacceptable impact on the amenity of adjacent properties or land" and (C) "The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use". Given the adjacent land-uses to the east and west of the site, there are no objections, such that impacts on neighbouring residential land uses is at the forefront of the debate. However, given the now increased separation distances from the boundary of concern, intervening sections of hard/soft landscaping 'buffers' and reasonable steps to be undertaken by the operator to significantly reduce noise emissions from the site it would be concluded, in union with the above points, that reason (1) and (2) for refusal can be satisfactorily overcome. Matters regarding the design of the screens and canopies, or instruction for a 'chamber' style containment to prevent spray drift during northerly winds, and more detailed noise mitigation measures (i.e. equipment housings, slab coverings, fencing) can be managed

via the submission of schemes considered at pre-commencement stage (discharge of imposed conditions) in order to ensure compliance with LDP policy SP6, TAN 11 and WHO guidelines.

Criterion D of SP6 states that development proposals must be in, "a location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all". In this case the applicant intends to utilise an existing access (eastern side of the site) onto St Cenydd Road, which has been utilised for vehicular crossover since the 2000's when the area of hardstanding (storage yard) was well established. With regard to highway safety it should be noted that the access from the site onto St Cenydd Road is an existing access with acceptable vision splays. Likewise, the applicant intends to provide 9 No. allocated on-site parking spaces.

It has been queried by the Councils TEM as to whom would maintain/control the intervening section of highway, given the stretch of this access approximately 70m down from Station terrace is not maintainable highway. With respect to earlier applications, no objections were raised against application reference 18/0146/COU, provided planning conditions were imposed to safeguard on-site parking, materials, layout (in/out movements of vehicles) and a directional signage scheme. The officer noted "the proposed access into the site from the access road to Zonner Industries would need to be located at the furthest end of the site from St Cenydd Road in order to ensure that vehicles do not queue onto St Cenydd Road."

With respect to this application the council's TEM instructs the application of 4 No. planning conditions to ensure i) areas indicated for the parking of vehicles have been laid out in accordance with the submitted plans to the satisfaction of the LPA, ii) proposed parking areas shall be completed in materials as agreed with the LPA, to ensure loose stones or mud etc. is not carried on to the public highway, iii) The proposed operational areas indicated for the washing, drying and polishing of vehicles, shall be completed in materials as agreed with the LPA and lastly iv) Rainwater run-off shall not discharge into the surface-water drainage system on the unadopted access road leading to the site. In addition the TEM clarifies, "It should be noted that the intervening access road between Station Terrace/St Cenydd Road/B4263 is neither a highway adopted by the Highway Authority, nor within the applicant's red/blue line boundary. However, conditions have been imposed regarding surface water run off and surfacing materials to prevent water and mud/debris being dragged onto the B4263 by vehicles leaving the site." Given the above, it is considered that the use can be adequately controlled by condition and as such the proposal is considered to be acceptable in highway safety terms and complies with Policy CW3 and SP21 of the Local Development Plan and SPG LDP5: Parking Standards.

On the basis of the above discussions, the application is recommended for APPROVAL subject to the application of both standard planning conditions and those suggested by principle consultees. The applicant is advised to consider the suggestions made by the case officer and those as presented within the attached informative notes and standing advice.

Comments from consultees: No Objections from any parties, subject to the suggested planning conditions being imposed. The Councils Estates Manager has advised that a cross-section of the land parcel (western side) is land adopted by the Highways Authority and should the applicant wish to include this land in future they would need to address this land ownership. At present this area has been excluded and provides a grassy verge interjecting between the public footway and fencing along the western site perimeter.

Comments from public: Any objection comments which relate to matters that have not been discussed within the main body of the report are acknowledged below:

1. No hazardous substances are listed, please comment on the storage of chemicals used in the cleaning process - This is not a planning matter.

6. The proposed jet wash bays are within a meter of the boundary with the neighbouring residential property and will be facing a window, previous applications considered the impact of a gable end window and the noise disruption to residential - The Proposed Site Layout has now been significantly amended such that the jet wash bay is now sited some 25.0m from the rear elevation of No. 32 Thomasville and around 20.0m from the side elevation of No. 1 Station Terrace. The applicant has included a vegetation buffer approximately 5.0m closest to the northern boundaries as a means to provide for mitigation measures to reduced noise/spray disturbances.

7. Where will the surface water containing cleaning chemicals run off into as main sewer connection looks unlikely and are SuDS appropriate for such chemical run off. There could be potential for a water pipework to have been run into the residential property behind Greensleaves bungalow as fairly recently, a new trench was dug across the road from the proposed site to the property behind Greensleaves, and then covered back up - The applicant will be required to achieve separate SAB approval for this development. SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of an area exceeding 100m² are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

8. There was no water supply to the site originally as it is all landfill having formerly been the roofline of a bridge over the Senghenydd railway line. Where is the water supply coming from for the site and where is the chemical run off going - This is not a planning matter.

9. The application states there are no trees on the boundary of the site. There are trees on the boundary line, within 2 meters approx. - The scheme does not involve the removal of any existing trees (the site is predominantly scrub land) and the enhancement of existing soft landscaping residing along the northern site perimeter.

10. Difficulty with access from the highway and Traffic/congestion due to possible - The Councils TEM has raised no objections to the proposal and is satisfied that

queuing/congestion would not be an overriding concern as the applicant can safely accommodate parking for 9 No. vehicles within the site. Highway Safety has been discussed in greater detail within the officer report with respect to the aims of LDP Policy CW3 (Design Considerations - Highways).

Other material considerations: None.

Regard has been given to the duty to improve the economic, social, environmental, and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, No. 2208.PL01, received 06/02/23; Proposed Site Layout, No. 2208.PL03 Rev B, received 06/02/23; and Design and Access Statement, received 11/11/22.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The use hereby permitted shall not be open to customers outside the following times 08.00hrs to 18.00hrs Monday to Saturday; and 10.00hrs to 16.00hrs on 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) Unless otherwise agreed in writing with the local planning authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.
REASON: In the interest of public health and protecting residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) 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: To prevent pollution in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) 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.
- 07) A scheme presenting the full details for the scale, design and materiality of the proposed 2 No. servicing bays for polishing and jet washing vehicles, inclusive of the systems to be used for the designated proprietary screening enclosures on each bay and overlying roof canopies, any resilient mounts, equipment housings and any sound attenuating structures shall be submitted for consideration by the Local Planning Authority prior to any development commencing at the site.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) The approved land use shall not commence until space has been laid out within the site in accordance with the approved plan for 9 No. cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. The spaces shall not thereafter be used for any purpose other than parking.
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.

- 09) The proposed operational areas indicated for the washing, drying and polishing of vehicles and hard surfacing across any parking areas shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud is not carried onto the adopted access road leading to the site.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) No rainwater or surface water run-off shall discharge into the highway surface-water drainage system.
REASON: In the interests of highway safety.
- 11) Prior to the first beneficial use of the approved car washing / valeting centre hereby approved all other areas of 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 dwelling house, and
 - 3) Where any surface is to be used for an additional parking area, forecourt or access way 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.
- 12) Prior to the commencement of any development works on site a scheme outlining all soft landscaping within the curtilage, including the vegetation zone 'buffer' as detailed on the Proposed Site Layout, drawing No. 2208.PL03 Rev B shall be submitted to and agreed in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees and/or shrubs to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified.
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.
- 13) Prior to the commencement of any development works on site a scheme for the construction of the timber lap fencing as a continuous noise barrier of minimum height of 2.4 metres as depicted along the northern site perimeter on Proposed Site Layout, drawing No. 2208.PL03 Rev B, shall be submitted to and agreed in writing by the Local Planning Authority. The approved fencing shall be retained and maintained to a good standard in perpetuity along this boundary to protect

the residential amenities of occupants of No.'s 31 and 32 Thomasville, unless previously agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and residential amenities in accordance with policy SP6 and CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) Prior to the first beneficial use of the approved car washing facility, details for a signage scheme, outlining ingress and egress points to the facility, advising of on-site parking, publicising that queuing is not permitted on the highway and announcing the flow of traffic within the enclosed compound and in/out of servicing bays shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented on site in accordance with the approved details.

REASON: In the interests of highway safety.

- 15) Prior to the first beneficial use of the approved car washing facility, a scheme highlighting any means of external illumination of the site and/or lighting to be housed within servicing bays, inclusive of lighting design, positions, proposed luminosity/ lighting capacity and systems for lighting control shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented on site in accordance with the approved details.

REASON: In the interests of visual amenity and residential amenities in accordance with policy SP6 and CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021 and to ensure there are no adverse impacts upon highway safety.

- 16) At no time shall here be any form of car servicing or repairs or sales of vehicles carried out within the site.

REASON: In order for the Local Planning Authority to maintain reasonable control over the use of the site and to preserve the current levels of residential amenity afforded to occupants along Thomasville and Station Terrace.

Advisory Note(s)

Please find attached the comments of the Council's Senior Engineer (Drainage) that are brought to the applicant's attention.

Please find attached the comments of Dwr Cymru/Welsh Water; that are brought to the applicant's attention.

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.

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

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

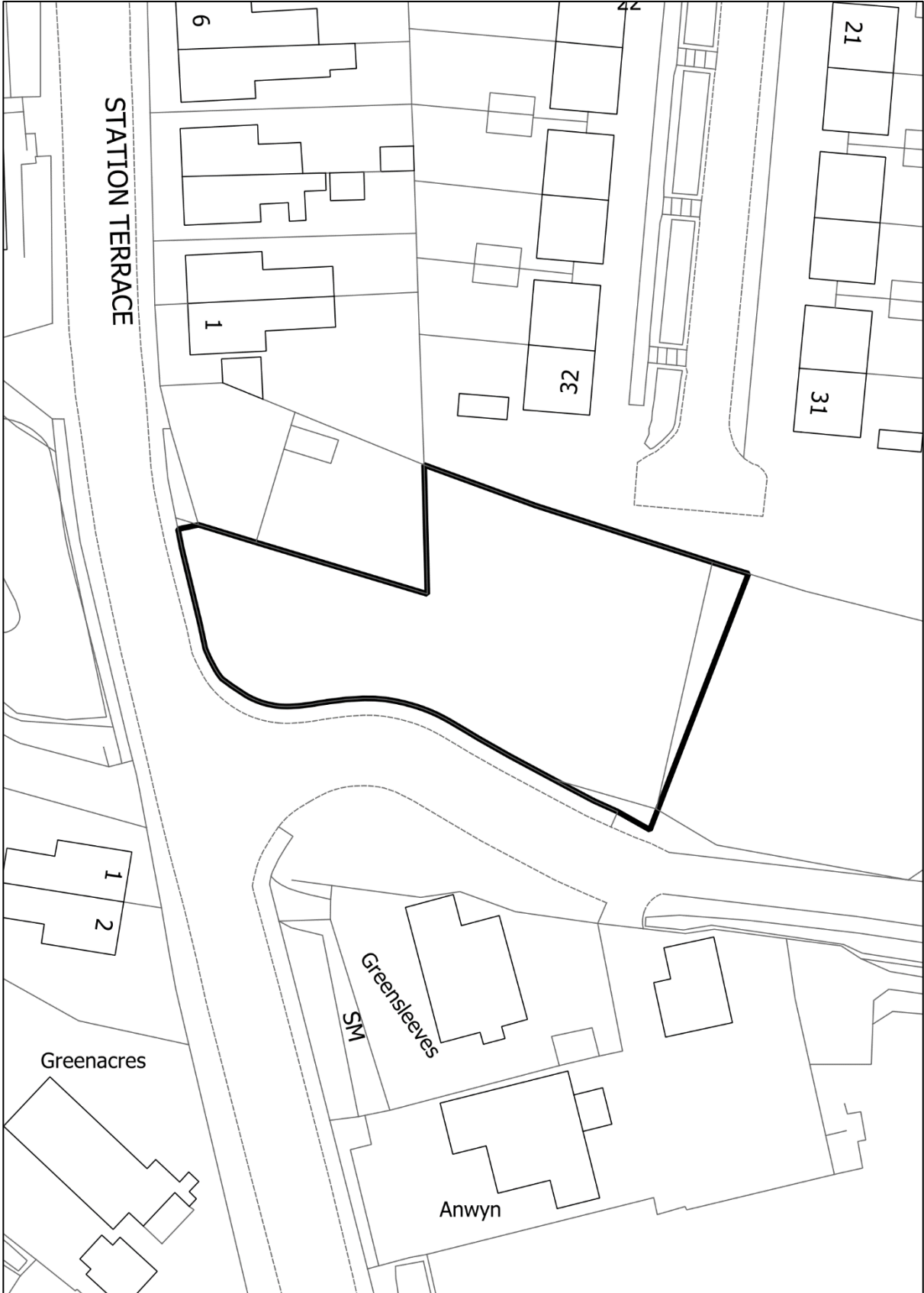
The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

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

PLANNING PERMISSION: ADVERTS AND SIGNS

In line with the guidance within Technical advice note (TAN) 7: outdoor advertisement control (1996) and legislation within the Town and Country Planning (Control of Advertisements) (Amendment) Regulations 1994 (accompanied by Welsh government circular 70/94) advertisement consent may be required for any signage displayed at this site.

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Application Number: 22/0997/NCC

Date Received: 18.01.2023

Applicant: United Welsh Housing Association

Description and Location of Development: Vary condition 2 (Approved Plans) of Planning Consent 22/0619/NCC (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 74 no. affordable dwellings, comprising of 15 no. 1-bed over 55s apartments, 42 no. social-rented units (24 no. 1-bed apartments, 15 no. 2-bed apartments, 3 no. 4-bed houses), and 17 no. shared-ownership units (13 no. 3-bed houses, 4 no. 2-bed houses), open space, roads, footpaths, drainage infrastructure and associated works) to relocate the 1-bed apartment at Plot 12 (as approved) to within Apartment Block A, together with other associated amendments to the plans) to amend Block A by removing the podium deck and associated car parking and façade alterations - 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 are 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 Popular Road also lying adjacent to the site's north-eastern boundary. The approach road to the park and ride facility lies adjacent to the southern and eastern boundaries of the site.

Development: This application seeks approval of a minor material amendment to the approved housing development for 74 No, affordable units. The proposed amendment would involve removing the podium deck from the rear elevation of apartment building A, which sits above the car parking area serving the proposed building. Some minor changes to the number and position of louvre vents serving the internal bin and bike store areas are also proposed. The total number of affordable units would remain unchanged.

Dimensions: The overall dimensions of apartment building A would remain unchanged from the previously approved housing development.

Materials: The proposed materials would remain unchanged from the previously approved housing development and would comprise of a mixture of buff coloured brick and stone, dark grey horizontal cladding and slate grey roofs.

Ancillary development, e.g. parking: Proposed ancillary development would remain unchanged from the previously approved housing development and would include 83 on-site car parking spaces, bin and cycle stores and open spaces incorporating sustainable drainage features.

PLANNING HISTORY 2010 TO PRESENT

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 - Granted 30.05.2017.

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 12.06.2020.

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

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 14.05.2021.

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 13.05.2021.

22/0741/COND - Discharge conditions 7 (engineering layout), 12 (proposed boundaries plan), 19 (privacy screen details) and 26 (Japanese Knotweed Species Assessment) 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 74 No. affordable dwellings, comprising of 15 No. 1 bed over 55s apartments, 42 No. social-rented units (24 No. 1 bed apartments, 15 No. 2 bed apartments, 3 No. 4 bed houses), and 17 No. shared-ownership units (13 No. 3 bed houses, 4 No. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works) – Pending Consideration.

22/0680/COND - Discharge of condition 16 (Reptile Strategy) 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 74 no. affordable dwellings, comprising of 15 no. 1 bed over 55s apartments, 42 no. social-rented units (24 no. 1 bed apartments, 15 no. 2 bed apartments, 3 no. 4 bed houses), and 17 no. shared-ownership units (13 no. 3 bed houses, 4 no. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works) - Decided 18.11.2022.

22/0619/NCC - 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 74 no. affordable dwellings, comprising of 15 no. 1 bed over 55s apartments, 42 no. social-rented units (24 no. 1 bed apartments, 15 no. 2 bed apartments, 3 no. 4 bed houses), and 17 no. shared-ownership units (13 no. 3 bed houses, 4 no. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works) to relocate the 1 bed

apartment at Plot 12 (as approved) to within Apartment Block A, together with other associated amendments to the plans - Granted 10.11.2022.

22/0623/FULL - Erect 2 No. 1 bed walk-up apartments and undertake associated works – Pending Consideration.

22/0908/COND - Discharge of condition 13 (Bat mitigation measures) to 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 74 no. affordable dwellings, comprising of 15 no. 1 bed over 55s apartments, 42 no. social-rented units (24 no. 1 bed apartments, 15 no. 2 bed apartments, 3 no. 4 bed houses), and 17 no. shared-ownership units (13 no. 3 bed houses, 4 no. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works) - Decided 24.01.2023.

POLICY

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

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

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

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

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

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

Future Wales - The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides policies that should be taken into account in the determination of applications at all levels. The following policies are considered to be relevant to the proposed residential development: Policy 2 (Shaping Urban Growth and Regeneration - Strategic Placemaking), Policy 7 (Delivering Affordable Homes), Policy 9 (Resilient Ecological Networks and Green Infrastructure), Policy 12 (Regional Connectivity) and Policy 13 (Supporting Digital Communications).

NATIONAL POLICY Planning Policy Wales (Edition 11, February 2021) 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 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 - 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 - Concerns are raised regarding the proposed removal of the podium deck as it helps reduce the perceived scale of the apartment building at the rear, whilst also providing valuable amenity space, natural surveillance and SuDS benefits.

CCBC Housing Enabling Officer - No comments made in respect of 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: No responses have been received.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes- European protected species have been identified by a survey.

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

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

(ii) There is no satisfactory alternative.

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

The three tests were applied as part of the consideration of the original reserved matters approval (planning reference 21/1090/RM). The justification previously provided for tests (i) and (ii) remain applicable and the minor material change proposed to the housing development does 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)). It should also be noted that Natural Resources Wales has issued a European protected species licence in relation to the loss of the bat roosts within the existing two storey house at the site.

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 1990 Act 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 previously varied reserved matters approval, which was granted on 10th November 2022 (planning reference:

22/0619/NCC). 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's 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;

Loss of open space;

Development viability; and

Cumulative effect of the proposed removal of the podium deck and insertion of louvre vents in conjunction with previously approved minor material amendments.

With regard to visual amenity, the podium deck, as originally approved, does not represent a key architectural design feature that directly enhances the character and appearance of apartment building A. It does, however, create 'undercroft car parking' which helps screen views of the car parking area to the rear of this apartment building. By partly screening the ground floor of the apartment building's rear elevation, the podium deck also helps reduce the perceived scale of the proposed 5 storey apartment building when viewed from the south and east of the site.

The previously approved car parking area to the rear of apartment building A would not be visually prominent within the development's street scene, due to significant screening provided by apartment building A itself and apartment building B which would be located immediately to the southwest. This car parking area would also not be visible within the street scene of the approach road adjacent to the south-eastern boundary of the site, given that this part of the site is at a lower land level than the adjacent highway and the fact that a band of existing soft landscaping runs along this section of the site's boundary. The visual impact of the proposed removal of the podium deck would therefore be to primarily allow more distant views of the car parking area, together with the full 5 storey height of the rear elevation of apartment building A, from the wider area. The visual impact of the car parking area and the full scale of apartment building A

would, however, reduce to some degree with distance, and it is not considered that this impact would be significant when viewed within the surrounding context, which includes Caerphilly Business Park with its extensive staff car parking areas to the east of the site.

In addition, whilst the proposed louvre vents to be incorporated in to the rear elevation of apartment building A would have a utilitarian appearance, it is not considered that they would be out of keeping with the design and appearance of the apartment building A as a whole. Furthermore, the proposed louvre vents would not be visible within the development's street scene or visually prominent when viewed from the wider area.

Overall, it is acknowledged that the previously approved podium deck has benefits in terms screening the car parking area to the rear of apartment building A and helping to reduce the perceived scale of this 5 storey building. However, these benefits would primarily be experienced when the site is viewed from the wider area and are not considered to be visually significant given the local context. As such, the proposed removal of the podium deck, together with the associated minor alterations to the rear elevation of apartment building A, are not considered to have an unacceptable impact on the design and appearance of the apartment building or the visual amenity of the surrounding area. As such, the proposed changes would not conflict with the requirements of Policy SP6.

In terms of open space provision, whilst the podium deck, as originally approved, did not form part of the wider open space provision for the development as a whole, it would provide a beneficial area of open space that would contribute to meeting the amenity space needs of future occupiers of apartment building A. It is, however, recognised that future residents of apartment building A would not be solely reliant on the podium deck for the provision of outdoor amenity space, as each flat would be served by a private terrace/balcony. In addition, condition 12 of the outline planning permission 20/0319/NCC only requires the provision of appropriately landscaped public open space comprising of not less than 6% of the area of the application site to serve the housing development as a whole. The applicant has submitted an illustrative open space provision plan, demonstrating that up to 15% of the development site would comprise of useable open space without the inclusion of the podium deck. As such, whilst the proposed removal of the podium deck is regrettable in terms open space provision, it is not considered to be unacceptable given that the future residents would continue to be sufficiently served by open space proposed elsewhere on the development site. Accordingly, the proposed removal of the podium deck would not conflict with the requirements of Policy CW10.

In relation to development viability, the covering letter submitted in support of the application indicates that the primary reason for the proposed removal of the podium deck is its significant cost. The most recent cost estimate for the podium deck is estimated to be £378,000 and reasons given for this cost include additional mechanical ventilation, fire alarm and sprinkler system. It is, however, noted that the installation of a sprinkler system is a choice being made by the applicant rather than a formal requirement of building regulations. Also, whilst the supporting letter makes the case

that the removal of the podium deck and the associated cost saving would allow the registered social landlord to deliver up to 4 additional affordable units, there is no suggestion that the proposed development would become unviable and undeliverable if the podium deck were to be retained. In addition, there is no suggestion in the supporting letter that the applicant would seek to provide the 4 additional affordable units as part of the housing development on the application site, or elsewhere within Caerphilly County Borough for that matter. As such, it is not considered that the cost of the proposed podium deck and its implications for the viability of the proposed housing development should be afforded significant weight.

In respect of the cumulative effect of minor material amendments on the originally approved housing development, it should be noted that permission has previously been given to remove a residential unit from a proposed two storey maisonette building and introduce an additional ground floor unit to apartment block A (planning reference: 22/0619/NCC). As part of this previous permission, the footprint of the maisonette building remained as originally approved, with only the northern half of the building reducing from two to one storey in height. A reconfiguration of the internal layout of apartment block A enabled 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 have also been approved, along with the introduction of ground floor terrace to serve the additional affordable unit.

The proposed changes would make further alterations to previously approved apartment building A through the removal of the podium deck and the insertion of a number of louvre vents into the ground floor rear elevation of the building. It is not, however, considered that the proposed changes in conjunction with those previously approved under 22/0619/NCC would be significantly different from the scale and nature of the housing development originally approved under reserved matters application 21/1090/RM. As such, the proposal is considered to meet the requirements of a minor material amendment.

With regard to other matters, the supporting letter submitted with the application raises additional concerns over the lack of natural surveillance of the car parking area beneath the podium deck and the creation of areas of concealment within enclosed but ungated parking areas. The Council's Placemaking and Building Conservation Officer has, however, confirmed that 'undercroft car parking' is a common design approach for providing car parking areas in housing developments of this nature and standard design solutions, including the use of appropriate LED lighting measures, can appropriately address Secured by Design requirements. It is also considered that sufficient natural surveillance of the access and entrance into the 'undercroft car parking' would continue to be provided by future occupiers of proposed apartment building B whose habitable room windows directly overlook this part of the site.

The Welsh Government's Development Management Manual advises that where conditions attached to a previous permission require approval of the Local Planning Authority (LPA) and that approval has already been obtained, the LPA should ensure

that conditions are redrafted on any section 73 decision notice (see paragraph 13.3.19). As the details of a number of conditions attached to the reserved matters approval have already been agreed, it is recommended that these conditions are updated accordingly, if permission were to be granted for the proposed further changes to apartment building A. No other changes in site circumstances or planning policy are considered to have occurred since the original approval of reserved matters that need to be taken into account as part of the determination of this application.

In summary, it is not considered that the viability concerns raised by the Applicant in relation to the cost of the podium deck should be given significant weight in the determination of this Section 73 application. Notwithstanding this, it is also not considered that the proposed removal of the podium deck and associated changes to the ground floor elevation of apartment building A would have an unacceptable impact on the design and appearance of the apartment building or the visual amenity of the wider area. Moreover, whilst the loss of open space provided by the podium deck is regrettable, it is considered that there is sufficient open space provision elsewhere on the development site to comply with the requirements of the outline planning permission and meet the needs of the future residents. On balance, it is therefore considered that the proposed changes are acceptable in placemaking terms.

It is also not considered that the proposed changes to apartment building A in conjunction with those previously approved under 22/0619/NCC would be significantly different from the scale and nature of the housing development originally approved under reserved matters application 21/1090/RM. As such, it is considered that the proposal meets the requirements of a minor material amendment and accordingly, it is recommended that planning permission is granted subject to a revised condition 2, which incorporates the associated changes to the approved plans, and the update of relevant conditions where the details have previously been agreed.

Comments from Consultees: Concerns raised by the Council's Placemaking and Building Conservation Officer in relation to the design benefits of the podium deck and the loss of open space provision have been addressed above. Additional concerns raised in relation to the loss of sustainable drainage benefits provided by the podium deck would also be addressed separately as part of the sustainable drainage approval process. It should be noted that an application for sustainable drainage is currently under consideration by the Sustainable Drainage Approval Body.

Comments from public: Not applicable.

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 22/0997/NCC dated [] 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. O), dated 10th November 2022;
Proposed Materials Plan, Drawing No. 9856 PL05 (Rev. E), dated 16th November 2022;
Proposed Affordable Housing Plan, Drawing No. 9856 PL06 (Rev. F), dated 16th November 2022;
Proposed Heights Plan, Drawing No. 9856 PL07 (Rev. D), dated 16th November 2022;
Proposed Parking Plan, Drawing No. 9856 PL08 (Rev. D), dated 16th November 2022;
2B4P House Type 1 Plans & Elevations, Drawing No. 9856 PL30 (Rev. B), dated 30th March 2022;
3B5P House Type 1 Plans & Elevations, Drawing No. 9856 PL32 (Rev. C), dated 24th March 2022;

4B6P House Type 1 Plans & Elevations, Drawing No. 9856 PL33 (Rev. C), dated 30th March 2022;
 4B6P House Type 2 3 Storey Plans & Elevations, Drawing No. 9856 PL34 (Rev. B), dated 15th February 2022;
 Apartment Block A Ground Floor Plan, Drawing No. 9856 PL35 (Rev. G), dated 10th March 2023;
 Apartment Block A First, Second, Third & Fourth Floor Plans, Drawing No. 9856 PL136 (Rev. A), dated 26th October 2022;
 Apartment Block A Plans & Elevations, Drawing No. 9856 PL37 (Rev. C), dated 10th March 2023;
 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. D) dated 20th March 2023;
 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) The development shall be carried out in accordance with the Method Statement (Austin Grange, Caerphilly), prepared by Wildwood Ecology Ltd, Document Ref: WWE22041_MS/REV_A as agreed on 24/01/2023 under discharge of condition application 22/0908/COND.

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) The development shall be carried out in accordance with the Reptile Mitigation Strategy (Austin Grange, Caerphilly), prepared by Wildwood Ecology Ltd, Document Ref: WWE22041 RMS REV_C_FINAL as agreed on 18/11/2022 under discharge of condition application 22/0680/COND.

REASON: To prevent killing or injury to reptiles in accordance with the Wildlife and Countryside Act 1981 (as amended), Part 1 Section 6 of the Environment (Wales) Act 2016 and policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 17) Notwithstanding the details forming part of the submitted documents, prior to the commencement of development, a biodiversity strategy shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity strategy shall be implemented as approved.
REASON: To provide biodiversity conservation measures in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Planning Policy Wales (2021) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first, second and third floor side windows facing Plot 24 shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 19) Notwithstanding any details indicated on the approved Apartment Block B Floor Plans and Elevations, Drawing No. 9856 PL38 (Rev. B), prior to any works progressing beyond ground preparation and laying of the slab, details of side privacy screens for the first, second and third floor balconies positioned on the northwest corner of the building shall be submitted to and approved in writing by the Local Planning Authority. The side privacy screens shall be installed as approved prior to the building being brought into beneficial use and retained thereafter.
REASON: In the interests of residential amenity in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) Notwithstanding any details indicated on the approved 2B4P Housing Type 1 Plans and Elevations, Drawing No. 9856 PL30 (Rev. B) or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor side window facing Plots 15 and 16 shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwellings hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) with or without modification, no fences, gates, walls, hedges or other means of enclosure shall be erected or planted within the curtilage of the dwelling forward of the front wall of the dwelling hereby permitted or between the dwelling and any adjacent highway, driveway, footpath or car parking space other than those indicated in the approved plans without the approval of the Local Planning Authority.
REASON: To retain the open character of the development in the interests of visual amenity in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement to the roofs consisting of an addition to or alteration to the roofs shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of visual and residential amenity in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 25) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve all of the approved residential buildings. The necessary infrastructure required shall be installed prior to the first occupation of the residential buildings.
REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.
- 26) Prior to the commencement of the development hereby approved a Japanese Knotweed remediation plan shall be submitted to and approved in writing by the Local Planning Authority. The remediation plan shall be implemented as agreed by a suitably qualified and licenced contractor.
REASON: To prevent possible offences under the Wildlife and Countryside Act 1981 (as amended) by preventing damage to the proposed new building and infrastructure and to prevent the spread of a schedule 9 species.
- 27) No development shall commence on site (including any works of demolition) until a Demolition and Construction Method Statement has been submitted to and

agreed in writing by the Local Planning Authority. The Demolition and Construction Method Statement shall include details of:

- hours of working;
- the on-site parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used during demolition and construction works;
- wheel washing facilities;
- the erection and maintenance of security hoardings;
- measures to control noise during demolition and construction works;
- measures to control the emission of dust and dirt during demolition and construction works;
- details of the proposed demolition methods and a scheme for the recycling/disposing of waste resulting from demolition and construction works;
- and
- siting and details of any required demolition and construction compound.

Thereafter the demolition and construction of the development shall be undertaken in accordance with the approved Demolition and Construction Method Statement.

REASON: In the interests of amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Advisory Note(s)

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

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

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

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

WARNING:

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

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement

sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

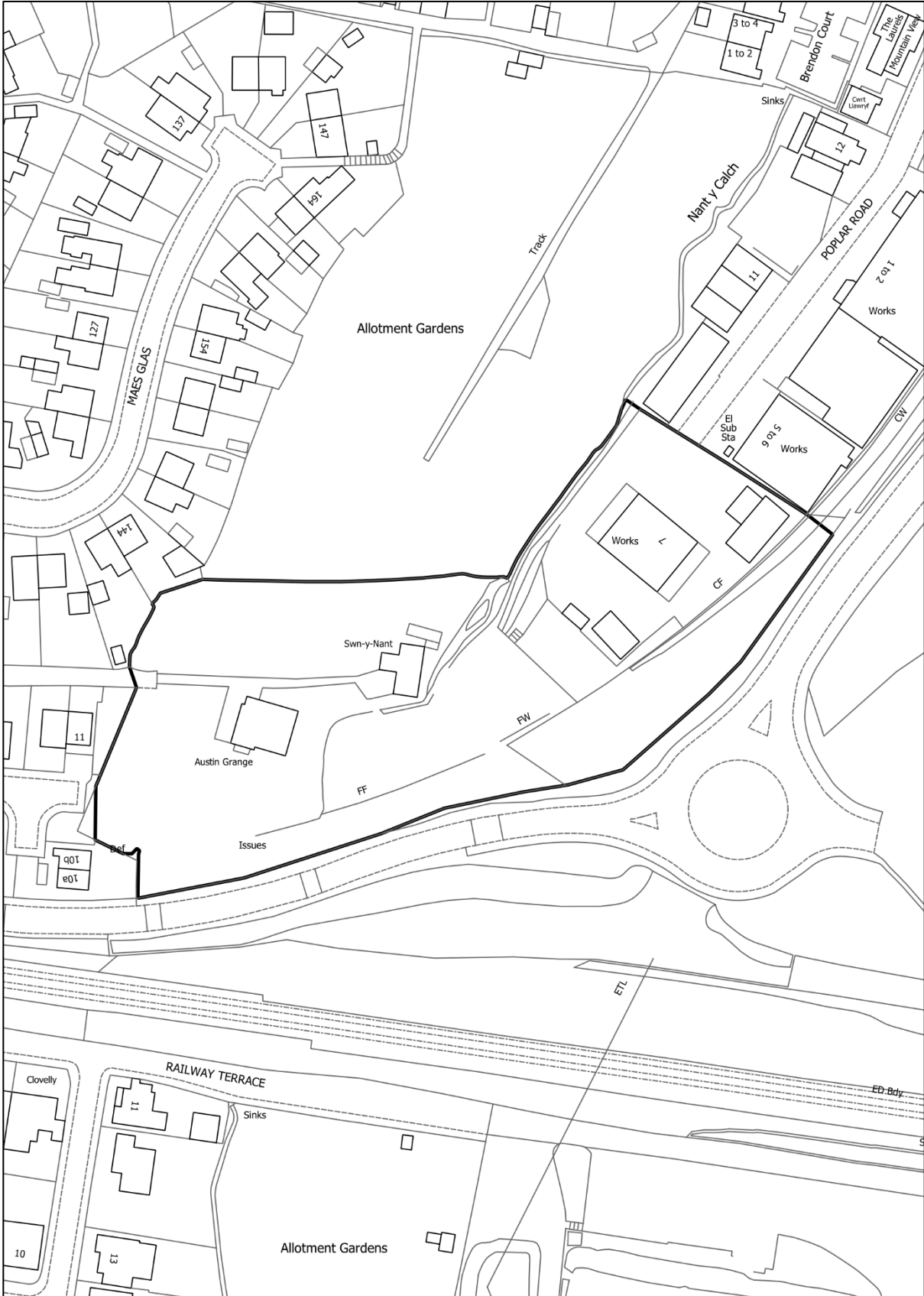
Website: www.caerphilly.gov.uk/sab

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

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

The applicant/developer is advised that the 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, 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: 23/0097/RET

Date Received: 17.02.2023

Applicant: Mr & Mrs Williams

Description and Location of Development: Retain and complete partially constructed front conservatory following the demolition of existing conservatory - Rosalyn 31 King Charles Road Pentwyn-mawr Newport NP11 4HF

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The site is located at 31, King Charles Road, Pentwyn-mawr.

Site description: The dwelling is a semi-detached bungalow, which previously possessed a front conservatory, which has since been demolished, work has already been undertaken on the proposed conservatory.

Development: The proposed development is to retain and complete a front conservatory.

Dimensions: The proposed extension has a width of 4.04 metres and a depth of 3.1 metres. The extension has heights of 1.66 metres to the eaves and 2.73 metres to the ridge line.

Materials: The materials as viewed on the submitted plans, are to match the incumbent dwelling.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT 22/0004/FULL - Construct hardstanding and retaining walls to form car parking area - Granted 24.02.2022.

22/0747/RET - Retain and complete partially constructed front conservatory following the demolition of existing conservatory - Refused 02.02.2023.

POLICY

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

Site Allocation: The site is within settlement limits.

Policies: SP2 (Development Strategy - Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW15 (General Locational Constraints) and advice contained within the Local Planning Authority's adopted Supplementary Planning Guidance LDP5: Car Parking Standards, LDP 6: Building Better Places to Live and LDP 7: Householder Developments.

NATIONAL POLICY Future Wales: The National Plan 2040 (February 2021), (Planning Policy Wales Edition 11 (February 2021) 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 required.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site falls in an area deemed to have 'high coal mining risk' associated with development, informative advice will be provided should the application be approved planning permission.

CONSULTATION

Ecologist – No comments received.

ADVERTISEMENT

Extent of advertisement: The application was advertised by neighbour letter.

Response: Several responses received.

Summary of observations: - Submitted plans and proposals are not in accordance with the reality of what is currently existing on site.
Extension would be contrary to Council planning guidance.
Overbearing impact on neighbours' amenity.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Not liable.

ANALYSIS

Policies: This application has been considered in accordance with national policy and guidance, local plan policy and supplementary planning guidance. The primary points for consideration within this report are the impact that a front extension would have on the amenity of the adjacent neighbour, as well as if the design of the extension is viewed to be suitably in keeping with the incumbent dwelling. It needs to be noted that the previous front conservatory was demolished and therefore there is no fall back, this application is being viewed as if the front extension is a new proposal, regardless of what was sited there previously. It must first be noted that this application is a re-submission of a previous refusal (reference 22/0747/RET) what will first be investigated is the degree of consistency between the two submissions and if the previous reason for refusal has been addressed and incorporated into the amended plans.

The previous application was refused for the following reasons:-

'The proposed extension by virtue of its reduced eaves and ridge line is at odds with the height of the front projecting gable creating a discordant and jarring feature. It fails to pay adequate regard to the existing character of the host dwelling and does not exhibit a high standard of design that reinforces attractive qualities of local distinctiveness. The proposals do not therefore comply with policy SP6 of the Caerphilly Borough County Council Local Development Plan, up to 2021 (introduced in 2010).'

As can be viewed on the submitted plans attached to this most recent application- the ridge height of the front extension has been heightened to match and run consistent with the ridge of the front gable of the host dwelling, this directly addresses the above reason for refusal, therefore eliminating the previous unacceptability of the submission, rendering it compliant and an acceptable standard of design. The proposed development is now in full compliance with policy SP6 of the Caerphilly Borough County Council Local Development Plan, up to 2021 (Adopted November 2010).

In terms of the impact on the amenity of neighbouring dwellings, the previous application was assessed as follows:-

'Policy CW2 of the Caerphilly County Borough Local development Plan, up to 2021 (adopted 2010) is termed 'amenity' and it states that 'development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements', one of these requirements being; 'there is no unacceptable impact on the amenity of adjacent properties or land'. The front extension is perceived to have no unacceptable impacts on the adjacent neighbours, despite its location on the front of the

dwelling. Ancillary to the LDP are supplementary planning guidance (SPG) documents that offer advice on varying areas of planning, one being SPG LDP7, termed 'Householder developments'. It states within SPG LDP7 that the limitations surrounding extensions can be exceeded if; 'the extension does not breach a line taken at 45 degrees from the centre of the nearest ground floor window of any principal room in an adjoining property'. It can be viewed on the submitted plans that the extension would not breach the 45 degree rule, the angle take from the nearest principal room of the adjacent property would be 25-30 degrees, and would therefore not give rise to any unacceptable impact on amenity.' Although it is noted that there are also minimal boundary treatments that mitigate against the potential impact on amenity of the adjacent property, the angle of the extension to the French doors of the neighbouring dwelling is acute enough to not require any mitigation. It should also be noted that the proposed extension would overlook the front garden of the neighbouring property, but as this is the front garden and not the principal private amenity space, such overlooking would not be unacceptable in planning terms. This front garden is also readily visible from the adjacent highway. The proposals therefore are in accordance with policy CW2 of the Caerphilly County Borough Local development Plan, up to 2021 (adopted 2010).

The proposed development has remained consistent with the previous submission, with the exception of heightening the ridge line of the extension to match the protruding gable of the host dwelling, this therefore addresses the sole reason for refusal and establishes that the development is running in full accordance with policy from the Caerphilly County Borough Local development Plan, up to 2021 (adopted 2010) has been established. This application is therefore recommended for approval of planning permission, as per the conditions.

Comments from consultees: None received.

Comments from public: Comments received are addressed as follows:

Submitted plans and proposals are not in accordance with the reality of what is currently existing on site - Whilst the submitted plans do not reflect the extension that has been partially built on site, it should be noted that the applicant has been advised that that structure would not be acceptable in planning terms. In that regard, and as discussed above, this application has been submitted in order to present an alternative design that would be acceptable. In that regard the submitted plans accurately reflect what is proposed and as such the application is valid.

Extension would be contrary to Council planning guidance - It is accepted that Guidance Note 2 of Supplementary Planning Guidance LDP7 - Householder development suggests that extensions should not normally be sited to the front of dwellings. However, that same guidance suggests that the context and quality of the existing house and proposed extension will be taken into account when determining any application. In this instance it is noted that the adjacent dwelling has an existing large side extension that already serves to unbalance the symmetry of this pair of bungalows and as such the proposed extension would not be unacceptable in that regard.

Moreover, as discussed above, the proposed extension has been amended such that its roof follows the ridge line of the host dwelling such that it does not present an incongruous feature. In that regard, it is considered that the context of the site and the quality of the extension allows the proposed development in this instance.

Overbearing impact on neighbours' amenity - This is considered at length above.

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

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with all conditions of the original consent (Ref: 21/0276/FULL), except where they are amended by the following plans:
Drawing reference 003 (Proposed floor plans and elevations) (received 10/02/2023).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

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



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Application Number: 23/0114/FULL

Date Received: 21.02.2023

Applicant: Woodpecker Flooring

Description and Location of Development: Demolish existing commercial unit and construct a new warehouse and offices - 28 Pantglas Industrial Estate Bedwas Caerphilly CF83 8DR

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: 28 Pantglas Industrial Estate, Bedwas, Caerphilly, CF83 8DR.

Site description: The site is an existing business unit and compound within the Pantglas Employment Site in Bedwas, Caerphilly and includes a telecommunications mast within the site boundary. The site is surrounded by other commercial uses to the north and west and open land (part of Bedwas Community Park) lies to the east. To the south is a tree belt with a commercial unit beyond.

Development: Demolish existing commercial unit and construct a new warehouse and offices.

Dimensions: The proposed building measures approximately 60m by 25m with an overall height of 13.7m.

Materials: The building will be clad in Dark grey composite metal sheeting.

Ancillary development, e.g. parking: Parking/turning area at the front of the proposed unit including 11 car parking spaces, cycle parking and motorcycle parking.

PLANNING HISTORY 2010 TO PRESENT None.

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 the Pantglas Employment Site under Policy EM2.

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), EM2.25 (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: Flood risk and Development.

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 6: Better Places to Live.

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

CONSULTATION

Natural Resources Wales - No objection. Recommend planning conditions on Site Lighting and contamination condition. Considers the submitted Flood Consequence Assessment to be shows the risks and consequences of flooding are manageable to an acceptable level.

Environmental Health Manager - No objection subject to planning conditions to address contamination and Working Method Statement to mitigate works during construction.

The Coal Authority - The Coal Authority considers that the information prepared by Terra Firma Ltd is sufficient for the purposes of the planning system and meets the requirements of Planning Policy Wales in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Transportation Engineering Manager - CCBC - No objection subject to the conditions addressing detailed highway considerations.

Senior Engineer (Drainage) - No comments received.

Waste Strategy and Operations Manager - Due to the development being commercial, our only observations would be that there is adequate container storage on site and access to a suitable collection point by either our vehicles or other contractor.

Dwr Cymru - Provide details and advice on their assets crossing the site.

Police Architectural Liaison Officer - No comments received.

Western Power Distribution - Can you make the applicant aware that if they require a new connection or service alteration, they will need to make a separate application to National Grid.

Heritage And Placemaking Officer - Raises no objection. The proposed replacement, whilst larger adopts a similar architectural language of the wider industrial estate.

The nearest listed building (The former Bedwas Workingmen's Club) is located in excess of 500m to the west. As a result of intervening built form and topography there will be no effect on the setting of the listed building, or any other designated historic asset arising from this proposal.

Chief Fire Officer - The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to current standing advice.

Ecologist - No comments received.

Strategic & Development Plans - No comments received.

Senior Arboricultural Officer (Trees) - No comments received.

Estates Manager - Advised that there are no comments from Property services.

ADVERTISEMENT

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

Response: No responses were received relative to the consultation exercise.

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? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development falls within use classes which are zero rated for CIL purposes.

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 Flood risk, principle of the development, impact on neighbour amenity and the visual appearance of the development on the character of the area.

The application is being reported to planning committee as it falls within the major development category with a proposed floor area in excess of 1000sqm.

Flood Risk and the principle of the development

The application site is partially within Flood Zone C1 of the Development Advice Map and would represent less vulnerable development. The applicant has submitted a Flood Consequence Assessment with the planning application and Natural Resources Wales have been consulted and have not objected to the development and advise that the Flood Consequence Assessment shows the risks and consequences of flooding are manageable to an acceptable level.

Section 6 of Technical Advice Note 15 (Development and Flood Risk) advises in paragraph 6.2 that "New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted.

All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i) 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,
- ii) 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; and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land; and,

iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In response to these criteria, it is considered that the following is relevant to the proposed development:

i) The application site is located within the designated Employment Site (EM2.25 Pantglas Bedwas) within the adopted Local Development plan. Policy EM2.25 designates Pantglas, Bedwas as a Primary site and Policy EM2 works in tandem with Policy CW13 (Use Class Restrictions - Business and Industry) which considers that use classes within B1, B2 or B8 are acceptable within the employment designation. The proposal is for commercial development falling within Classes B1 and B8 and therefore accords with Policies EM2 and CW13. Technical Advice Note 15 clarifies that for the purposes of "Local Authority Strategy" the adopted Development Plan for the area will be strategy and therefore the proposal accords with the requirements of the TAN in terms of 6.2(i) as the development will accord with the Local Authority Strategy required to sustain an existing settlement.

ii) not required to be met as part i) is already met;

iii) The application site would meet the definition of previously developed land as set out in Planning Policy Wales and therefore this test is met;

iv) NRW have assessed the submitted Flood Consequence Assessment and conclude that it shows the risks and consequences of flooding are manageable to an acceptable level.

It is therefore considered that the tests within section 6.2 of Technical Advice Note 15 have been met and the location of the development has been justified in accordance with Technical Advice Note 15. For the reasons outlined above it is also considered that the development is in accordance with the employment designation under Policies EM2 and related policy CW13 and the principle of the site for the use proposed is acceptable.

Design and Impact on Neighbour amenity

The area is characterised by large scale commercial units and the proposed building will have an acceptable visual impact on the character of the area according with Policy SP6 (Placemaking). A landscaping scheme will be required to be submitted under a planning condition and the submitted site plan includes Sustainable drainage elements (e.g. rainwater gardens which will also be subject to separate SAB approval). These garden areas include opportunities to either incorporate existing trees or provide new landscaping to mitigate any loss of existing trees on the site frontage. The development is well separated from the nearest residential properties (in excess of 45m) and there are intervening commercial units between the nearest residential properties and the

application site and therefore there is no unacceptable impacts on neighbour amenity and the development accords with Policy CW2 (Amenity).

Ecology

The applicant has submitted a Bat Survey with the application and this included a dusk emergence survey. The survey found no bat roosts confirmed within the building. It recommends dark zones should be set up along the southern and eastern boundaries of the site as these are foraging rounds for bats. Bat enhancement measures (two bat boxes) are recommended to be included. The report indicates that Nesting birds (house sparrows) were found in the building and so it is recommended in the report that demolition occurs outside of bird nesting season. The applicant will be reminded of the need to consider nesting birds and legislative requirements via an informative note. The report also recommends mitigation to provide bird boxes (house sparrow terrace) as enhancement and this will be required through the imposition of planning conditions for bat and bird boxes.

Highway considerations

The building will be located within the existing industrial estate served by suitable road access. The Transportation Engineering Manager has raised no objections to the proposed development and planning conditions will be attached to require the provision of the parking/turning area prior to the new building coming into operation. The development accords with Policy CW3 (Highways).

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

Comments from public: None.

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

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

The proposed development is considered acceptable and is recommended for approval accordingly.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
Site Location Plan, plan reference WF-5394-01;
Proposed Floorplan and Elevation, plan reference WF-5394-02;
Proposed Site plan, plan reference WF-5394-03a;
Vehicle Tracking Plan, plan reference WF-5394-04;
Wildwood Ecology Bat Report, reference WWE22117 BAS FINAL, dated 08/12/22.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:
Details of the siting and type of any external lighting to be used;
Drawings setting out light spillage in key sensitive areas, in particular the retained vegetation to the south and east of the site;
Details of lighting to be used both during construction and operation;
Measures to monitor light spillage once development is operational.
The lighting shall be installed and retained as approved during construction and operation.
REASON: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors.
- 04) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.

- 05) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 06) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.
The scheme shall include:
(i) control of noise,
(ii) control of dust, smell and other effluvia,
(iii) control of surface water run off,
(iv) site security arrangements including hoardings,
(v) proposed method of piling for foundations,
(vi) construction and demolition working hours,
(vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.
The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) The development shall not be occupied until the area indicated for the parking of vehicles and turning of vehicles (including articulated lorries) 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.
- 09) Any gates shall be located and fitted so as not to open out over the highway.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) The proposed cycle storage area, and motor cycle parking area shall be provided prior to beneficial use of the building commencing, and shall be maintained thereafter for the storage of cycles and motorcycles only.
REASON: To ensure that adequate cycling and parking facilities are provided within the curtilage of the site in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The proposed parking and turning area shall be completed in bound (not loose) materials.
REASON: To avoid loose materials being taken out onto the highway in the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The premises shall only be used for B8 and B1 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.
REASON: To define the scope of the permission and to accord with the employment site designation in accordance with policy EM2 and CW13 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Use of the proposed offices shall be limited to that ancillary and incidental to the use of the proposed warehouse, and for no other purposes.
REASON: To define the scope of the permission, prevent overdevelopment of the site and to ensure that adequate parking facilities are maintained in the interests of highway safety in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) Prior to the occupation of the development hereby approved, two bat boxes shall be provided as part of the approved development in accordance with section 5 and appendix 2 of the submitted Wildwood Ecology Bat report dated 08/12/2022 and plan reference WF-5394-03a.
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 and Tan 5 Nature Conservation and Planning (2009) in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Prior to the occupation of the development hereby approved, nesting sites for birds shall be provided as part of the approved development in accordance with section 5 and appendix 2 of the submitted Wildwood Ecology Bat report dated 08/12/2022 and plan reference WF-5394-03a.
REASON: To provide additional roosting for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and

policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009)

- 16) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the building being brought into beneficial use of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

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

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

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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

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

WARNING:

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

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

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

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

Please find attached the comments of Western Power Distribution, Dwr Cymru/Welsh Water and Fire Authority that are brought to the applicant's attention.

The developer is reminded that the submitted Wildwood Ecology report has indicated that nesting birds have been found in the existing building and has made recommendations on timescales for demolition of the building which should be referred to prior to any demolition works commencing.

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).

Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

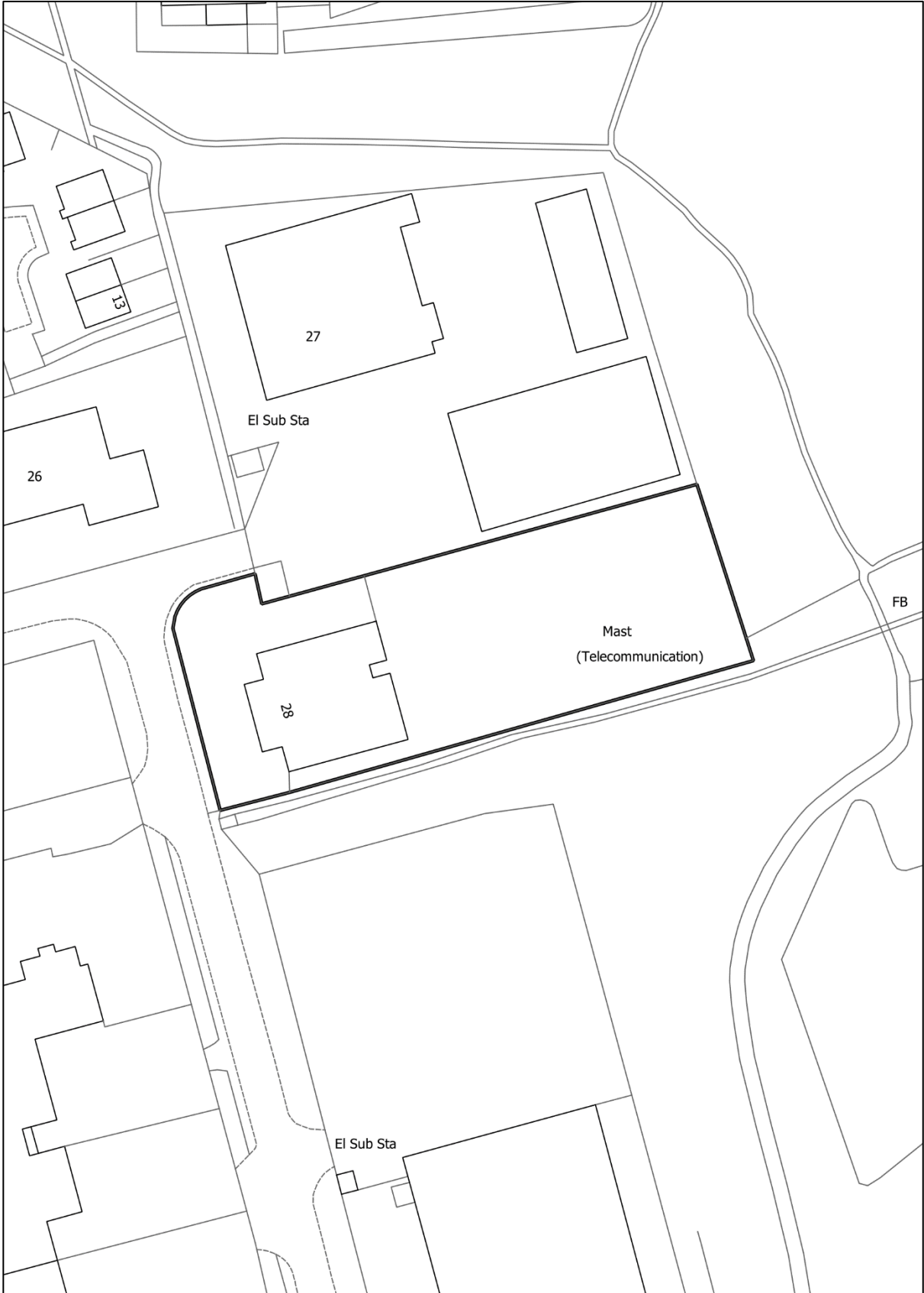
Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.



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