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

Date: 6th August 2024

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, 14th August, 2024 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

AGENDA

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 10th July 2024.

1 - 8

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

4 Application No: 23/0264/FULL - Land Adjacent To Woodlands, 13A Golwg Y Coed, Caerphilly, CF83 2UA.

9 - 20

5 Application No: 23/0891/FULL - Land At Grid Ref 315476 196261, And Including 40 Victoria Road, Fleur-de-lis, Blackwood, NP12 3UG.

21 - 40

6 Application No: 24/0217/RET - Dan Y Graig Works, Dan Y Graig Road, Risca.

41 - 52

7 Application No: 24/0254/FULL - The Co-operative Food, Mafon Road, Nelson, Treharris, CF46 6PE.

53 - 74

8 Application No: 24/0308/FULL - Car Park At Grid Ref 317301 197037, Bus Station Road, Blackwood.

75 - 110

Circulation:

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

And Appropriate Officers

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PLANNING COMMITTEE

MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 10TH JULY 2024 AT 5:00 PM

PRESENT:

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

Councillors:

M. A. Adams, A. Angel, R. Chapman, N. Dix, A. Hussey, B. Miles, M. Powell, J. Simmonds, J. Taylor, S. Williams, A. Whitcombe and K. Woodland.

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

Together with:

L. Lane (Head of Democratic Services and Deputy Monitoring Officer), R. Thomas (Planning Services Manager), C. Powell (Team Leader Development Management), E. Rowley (Principal Planner), M. Tanner (Principal Engineer - Transport Strategy and Development Control), C. Campbell (Transportation Engineering Manager), L. Cooper (Assistant Engineer), M. Godfrey (Team Leader - Pollution Control) and S. Hughes (Committee Services Officer).

Also present to speak on applications:

Agenda Item 4 – J. Parsons (Local Resident) and A. Hawke (Agent).

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 G. Ead and J. Fussell.

2. DECLARATIONS OF INTEREST

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

3. PLANNING COMMITTEE HELD ON 12TH JUNE 2024

It was moved and seconded that the minutes of the Planning Committee meeting held on 12th June 2024 be agreed as a correct record. By way of Microsoft Forms and verbal confirmation (and in noting there were 12 for, 0 against and 1 abstention) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee meeting held on 12th June 2024 (minute nos. 1-5) be approved as a correct record.

4. APPLICATION NO: 23/0882/FULL - THE NEW FORGE, BRYNHOWARD TERRACE, OAKDALE, BLACKWOOD, NP12 0LG

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 12.

J. Parsons (Local Resident) spoke in objection to the application and A. Hawke (Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 13 for, 1 against and 0 abstentions) this was agreed by the majority present.

RESOLVED that: -

- (i) (A) the application be deferred to allow the applicants to enter into a Section 106 Obligation to provide 25% provision of Affordable Housing.

On completion of the Section 106 Obligation that (B) the application be GRANTED subject to the conditions contained in the Officers report.

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

- (ii) The applicant be advised to 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.
- (iii) 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 an 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 [Natural Resources Wales Website](#).

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

Please note from 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

- (viii) 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.

- (ix) The applicant be advised:
NOTE:
Prior to the demolition, the applicant is advised to undertake an asbestos survey to ensure that any asbestos containing material is identified and removed by a competent contractor to achieve compliance with the Control of Asbestos Regulations.
- (x) The applicant be advised:
NOTE:
The applicant is encouraged to liaise with the Council's Highway Development Control team with regard to its requirements for the vehicular footway crossover.

5. **APPLICATION NO: 24/0299/RM - LAND OFF TIR Y WEN, NORTH OF BEDWELLTY ROAD, ABERBARGOED**

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 12.

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 verbal confirmation (and in noting there were 14 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report the application be GRANTED.
- (ii) The applicant be advised to 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.
- (iii) The applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

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

Please note from 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

- (vii) 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.

- (viii) The applicant be advised:
NOTE:
1. The construction of the proposed internal roads, access points onto the existing highway and off-site highway improvements will be subject to Section 38/278 Highway Agreements between the Council and Developer under the Highways Act 1980.

2. The applicant is encouraged to liaise with the Council's Highway Development Control team with regard to its requirements for the required S38/278 Highway Agreements.

The meeting closed at 6.05 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 14th August 2024, they were signed by the Chair.

CHAIR

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Application Number: 23/0264/FULL

Date Received: 11.10.2023

Applicant: Mr W Bevan

Description and Location of Development: Erect 2 storey house with ancillary and external works - Land Adjacent To Woodlands 13A Golwg Y Coed Caerphilly CF83 2UA

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land Adjacent To Woodlands, 13A Golwg Y Coed, Caerphilly,CF83 2UA.

House type: Detached dwelling.

Development: Erect 2 storey house with ancillary & external works.

Dimensions: The footprint of the house is 9m wide by 10.2m deep with an overall height of 7.7m.

Materials: Walls: Brick and Render Roof: Grey Tile.

Ancillary development, e.g. parking: Two parking spaces shown on site plan.

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.

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Future Wales: the National Plan 2040, Planning Policy Wales (Edition 12), Technical Advice Note 12: Design.

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

CONSULTATION

Heritage Officer - Peter Thomas - No heritage implications.

Transportation Engineering Manager - CCBC - Advise a turning head would be required.

Environmental Health Manager - Environmental Health have no adverse comments to make but recommend planning conditions to address possible contamination and measures to address dust and noise mitigation during construction.

Dwr Cymru - Having had an opportunity to review the application submission package, we advise that the proposed development site is crossed by a 150mm foul water public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru/Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, having regard to the submitted 'Proposed Site Plan it appears the proposed development would be situated outside the protection zone of the public sewer measured 3 metres either side of the centreline.

Provides informative advice to the applicant.

Ecologist - We recommend the inclusion of two planning conditions to secure biodiversity conservation and enhancement on site.

Natural Resources Wales - We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics.

Provide informative advice for applicant on pollution prevention.

Penyrheol, Trecenydd & Energlyn Community Council - Councillors asked that this application be referred to full Planning Committee, due to the following objections from the Community Council and residents:

1. Removal of trees.
2. Deposit of material with no record of what is being deposited.
3. Lack of drainage, with some sort of pond draining directly into the river.
4. Damaged hedgerows.

The Coal Authority - The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system 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.

ADVERTISEMENT

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

Response: 17 representations have been received relative to the consultation exercise.

Summary of observations:

Unauthorised Tipping of material on site, possible contamination and earthworks.
Noise and disruption over the past 3 years due to development of 13a and nearby volume housebuilder site.

Previous tree felling for 13a and concern over tree felling.

Flood risk impacts on and off site and Pollution and other impacts to the river.

Site stability and subsidence risk.

Adverse Impact on wildlife/ecology, fauna and flora.

Impact on nearby cycle path used by cyclists, dog walkers and families for walks/exercise.

Two houses shown on plans.

Silt management for the public highways and noise/dust.

Will be built directly on a flood plain.

Traffic impacts during construction and occupation.

Invalid applications from applicant.

Owner has been reported to NRW for dumping commercial waste.

Pond has been created which is adjacent to river with a drainage channel directly into the river.

Actions of the owner tantamount to vandalism and needs to stop at once.

Loss of view.

Retaining wall concerns.

Increased demand on sewerage.

Suggest Council put a Tree Preservation Order on whole woodland.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes.

ANALYSIS

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

The application site is within the defined settlement boundary as designated under adopted Local Development Plan Policy SP5 (settlement boundaries) where there is a presumption in favour of development unless material planning considerations indicate otherwise. The house is set back behind the existing housing estate however there is an existing dwelling (13A Golwg Y Coed) which is accessed from the same shared access and is similarly set behind the existing estate line and this would therefore not be unacceptable in terms of the existing settlement layout at this location. The proposed house would be sited below the level of the existing residential estate but again this would have a similar context to number 13A Golwg Y Coed, which is also set below the level of dwellings to the south.

The proposed development form would be a detached four bedroom dwelling with its principal facade orientated broadly south-east. There would be no unacceptable impacts on the existing levels of amenity and privacy enjoyed by surrounding residential properties. The development accords with adopted Local Development Plan Policy CW2 (Amenity).

In respect of parking and turning for the property there is adequate space to achieve parking for three cars in accordance with Supplementary Planning Guidance note LDP5 (Carparking Standards) agreement on a suitable turning area as recommended by the Highway Authority can be secured by a suitably worded planning condition. The development would accord with Policy CW3 (Highways).

Comments from Consultees: Addressed by the imposition of conditions.

Comments from public:

Unauthorised Tipping of material on site, possible contamination and earthworks
The Environmental Health Officer has reviewed the application and raised no objections subject to the imposition of planning conditions to address possible contamination.

Noise and disruption over the past 3 years due to development of 13a and nearby volume housebuilder site
Silt management for the public highways and noise/dust.

These concerns relate in part to a volume house builder working on a major site which would be an unrelated party to the current applicant. The impacts arising from a single dwelling construction is not considered likely to have an unacceptable impact on amenity of surrounding residents or the amenity of the area.

Adverse Impact on wildlife/ecology, fauna and flora
Previous tree felling for 13a and concern over tree felling
The developer is required to submit full landscaping details via a proposed condition and no substantial trees were present on site at the time of the site visit.

Flood risk impacts on and off site and Pollution and other impacts to the river
Will be built directly on a flood plain
Natural Resources Wales have been consulted and did not offer any objection to the development. The site lies outside of flood risks areas as defined by Technical Advice note 15.

Site stability and subsidence risk
Retaining wall concerns
This would be a matter for the developer to address however a planning condition is proposed to be attached to any permission which would require structural calculations and certification by a suitably qualified person of any retaining walls above 1.5m in height.

Impact on nearby cycle path used by cyclists, dog walkers and families for walks/exercise.
The cycle path will not be directly impacted by the proposed development and dwellings are already visible from the path at points along its length.

Two houses shown on plans
This application is for one dwelling. Any future proposal would require a separate planning application.

Traffic impacts during construction and occupation
The scale of the development is such that no unacceptable impacts during construction are considered likely. There is sufficient room for off street parking and turning facilities which will be secured by planning condition.

Invalid applications from applicant

This is not a material planning consideration as the current application is valid and is under consideration.

Owner has been reported to NRW for dumping commercial waste
This would be a separate matter.

Pond has been created which is adjacent to river with a drainage channel directly into the river
This does not relate to the application site and is not material to the determination of this application.

Actions of the owner tantamount to vandalism and needs to stop at once
The proposed development has to be considered on its planning merits and is considered acceptable in that regard.

Loss of view
There is no right to a view in planning terms. There will be no unacceptable impacts in terms of outlook or amenity to existing residents and the new dwelling will be set down in level from neighbouring dwellings and is orientated with its front and rear facades not directly overlooking these surrounding dwellings.

Increased demand on sewerage
Dwr Cymru/Welsh Water has been consulted and have offered no objection to the development.

Suggest Council put a Tree Preservation Order on whole woodland
This would be a separate matter to be considered and no substantial woodland would be directly impacted by the development.

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

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

RECOMMENDATION 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:
Coal Mining Risk Assessment by Rhondda Geotechnical Services,
Site Location Plan;
Ground Floor Plan, drawing reference 001;
First Floor Plan, drawing reference 002;
Proposed Side elevations, drawing reference 003;
Proposed Front Elevation drawing reference 005;
Proposed Rear Elevation, drawing reference 006;
Proposed site plan drawing reference 007, received 05.04.24; and
Proposed section received 05.04.24.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) An external or integrated bird box shall be attached to/built into the new build at the gable apex or at the eaves on the northern or eastern elevation. The box shall be retained in situ for a minimum of 5 No. years.
REASON: To provide nesting for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 04) All boundary fences must include access for hedgehog via a 100mm high gap under fence panels; or 130mm x 130mm gaps every 2m throughout all boundaries. The hedgehog gaps shall be maintained for a minimum of 5 No. years.
REASON: To provide continued access for hedgehog 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).
- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is

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

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

- 06) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 07) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 08) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) Notwithstanding the approved plans before the dwelling hereby approved is occupied a turning area and 3 no off-street parking spaces shall be provided within the curtilage of the site in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.

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) 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.

- 12) The rear amenity area of the dwelling hereby approved is limited to the area to the south-east of the line shown to the rear of the dwelling on the proposed site plan, drawing 007 received 05.04.2024.

REASON: To define the scope of the permission in the interests of the amenity of the area in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 13) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining wall(s) or structure(s) above 1.5m in height on site full engineering details and structural calculations for the proposed wall(s)/structure(s), 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 wall(s)/structure(s) 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.

Advisory Note(s)

1. Please find attached the comments of Dwr Cymru/Welsh Water and Natural Resources Wales that are brought to the applicant's attention.

2. 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

3. WARNING:

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

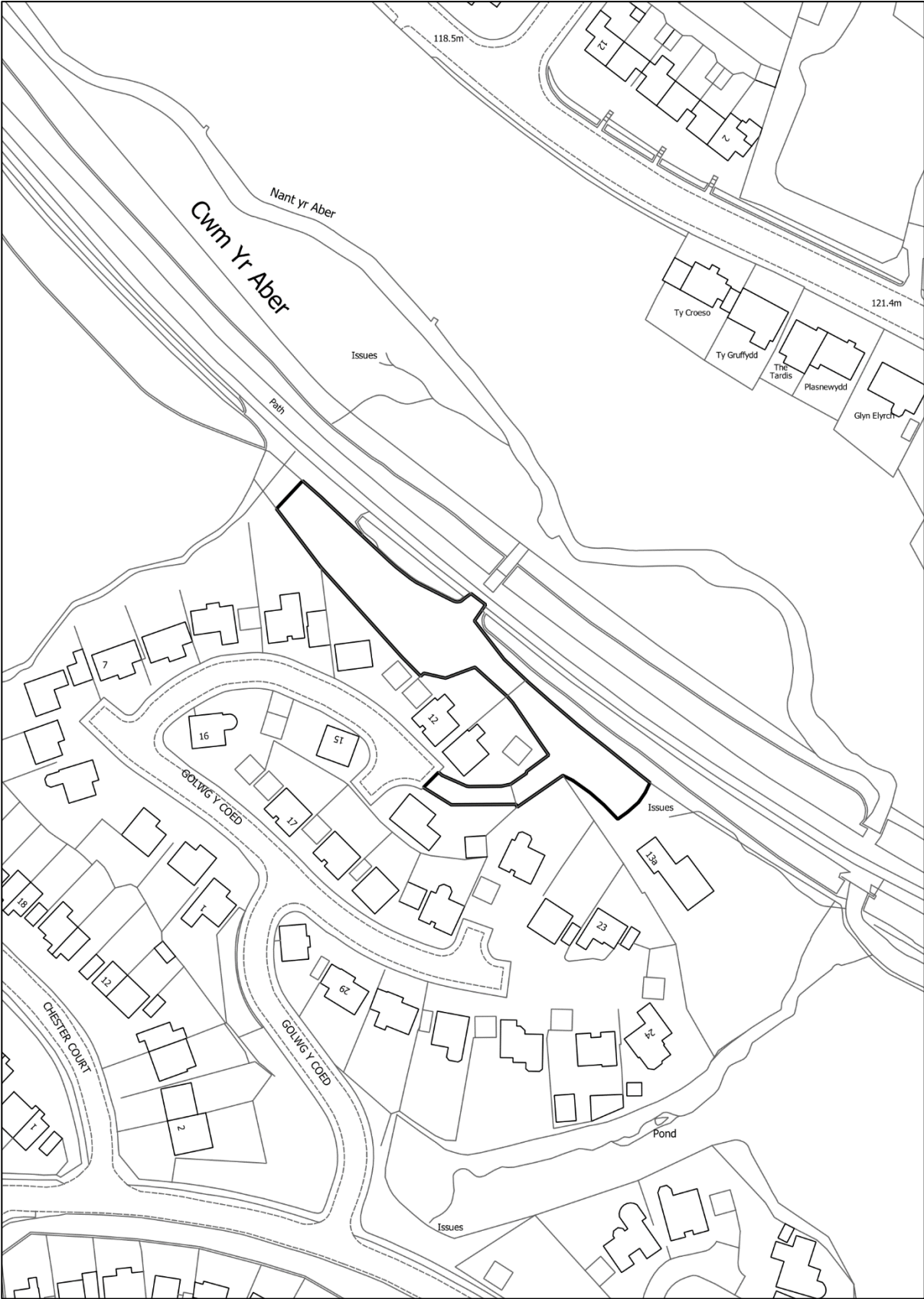
Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage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

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

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab



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Application Number: 23/0891/FULL

Date Received: 26.02.2024

Applicant: Mr & Mrs Carrafa

Description and Location of Development: Demolish existing property and erect 5 No. detached dwellings on land and the formation of a new access onto Victoria Road to be undertaken as a phased development - Land At Grid Ref 315476 196261 And Including 40 Victoria Road Fleur-de-lis Blackwood NP12 3UG

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property and associated land is located on the western side of Victoria Road, Fleur De Lys.

Site description: Detached two storey dwelling set back off the highway with a significantly large garden to the rear which stretches behind the row of detached dwellings on Victoria Road. The rear western boundary of the site is made up of a tree-lined embankment, which is covered by a Woodland Tree Preservation Order No. 50/09/CCBC with the embankment falling to the River Rhymney. The application site is relatively flat, gently sloping from east to west and from north to south with the adjoining woodland falling more sharply down towards the river. Vehicular access is derived off Victoria Road, which is the main access to both Maesycwmmmer and Ystrad Mynach to the south of Fleur De Lys and Blackwood to the north.

Development: Full planning permission is sought to demolish the existing property and erect 5 No. detached dwellings on land and the formation of a new access onto Victoria Road to be undertaken as a phased development.

Dimensions: Plot 1 has a maximum footprint measuring 17.88 metres wide and 17.46 metres long with a maximum height of 5.2 metres to the eaves and 8.74 metres to ridge height.

The ground floor comprises of an entrance hallway, lounge, snug, wc, office, TV room, utility room and open plan kitchen/dining room. The first floor comprises of a large landing, 1 x double bedroom, 3 x double bedrooms with en-suite and 1 x master bedroom with en-suite and dressing room. The bedrooms on the rear elevation are all served by a walkout balcony.

Plot 2 measures 12.18 metres wide and 10.15 metres long with a height of 5.06 metres to the eaves and 8.04 metres to ridge height.

The ground floor comprises of an integral garage, entrance hallway, lounge, wc, utility room and open plan kitchen/dining room. The first floor comprises of a large landing, 2 x

double bedrooms with en-suite, 2 x double bedrooms with a shared en-suite and 1 x master bedroom with en-suite.

Plot 3 measures 12.18 metres wide and 10.15 metres long with a height of 5.08 metres to the eaves and 7.85 metres to ridge height.

The ground floor comprises of an integral garage, entrance hallway, lounge, wc, utility room and open plan kitchen/dining room. The first floor comprises of a large landing, 2 x double bedrooms with en-suite, 2 x double bedrooms with a shared en-suite and 1 x master bedroom with en-suite.

Plot 3 measures 11.27 metres wide and 9.25 metres long with a height of 5.28 metres to the eaves and 8.38 metres to ridge height.

The ground floor comprises of a hallway, lounge, wc, utility room, dining room, open plan kitchen/diner and a double bedroom. The first floor comprises of a landing, 2 x single bedrooms, 2 x double bedrooms and a family bathroom.

Plot 5 measures 12.18 metres wide and 10.15 metres long with a height of 5.08 metres to the eaves and 7.85 metres to ridge height.

The ground floor comprises of an integral garage, entrance hallway, lounge, wc, utility room and open plan kitchen/dining room. The first floor comprises of a large landing, 2 x double bedrooms with en-suite, 2 x double bedrooms with a shared en-suite and 1 x master bedroom with en-suite.

Materials: The external surfaces have not been specified.

Ancillary development, e.g. parking: Off-street parking is to be provided in accordance with Supplementary Planning Guidance LDP 5: Car Parking Standards. The proposal will include the demolition of existing outbuildings.

PLANNING HISTORY 2010 TO PRESENT18/0593/NCC - Vary condition 1 of planning consent 08/1355/FULL (Erect residential development) to extend development for a further five years from 31st July 2018 - Granted 04.09.18.

21/1101/FULL - Remodel existing house to include single storey front extension, rear ground and first floor extension and second floor loft extension together with proposed dwelling with access arrangements and associated works - Refused 07.01.2022.

POLICY

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

Site Allocation: The site is located with defined settlement limits.

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

Strategic Policies

Policy SP2 Development Strategy - Development in the Northern Connections Corridor (NCC);

Policy SP4 Settlement Strategy;

Policy SP5 Settlement Boundaries;

Policy SP6 Placemaking;

Policy SP7 Planning Obligations;

Policy SP10 Conservation of Natural Heritage;

Policy SP14 Total Housing Requirements;

Policy SP15 Affordable Housing Target;

Policy SP19 Transport Infrastructure Improvements; and

Policy SP21 Parking Standards.

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; and

Policy CW15 General Locational Constraints.

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 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 12, February 2024;

Technical Advice Note 2: Planning and Affordable Housing;

Technical Advice Note 4: Retail and Commercial Development;

Technical Advice Note 10: Tree Preservation Orders;

Technical Advice Note 11: Noise;

Technical Advice Note 12: Design; and

Technical Advice Note 18: Transport.

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 high risk coal mining legacy area. A Coal Mining Risk Assessment (CMRA) has been submitted and based on the findings of this report the Coal Authority raises no objection to the proposed development subject to conditions imposed to any permission granted. Standing advice will be provided to the developer by way of an informative note.

CONSULTATION

The Coal Authority - No objection subject to conditions.

CCBC Housing Enabling Officer - Requested for the development to provide on-site affordable housing as indicated by Policy CW11 and that the proposed dwelling should provide a five bedroom dwelling in that there is an identified need for this type of accommodation.

Revised plans have been submitted to reflect this request however no further comments have been received.

Transportation Engineering Manager - CCBC - No objection subject to conditions relating to providing an appropriate access and vision splay, details of the surfacing to serve the driveway, secure off-street car parking, removing permitted development right to convert the integral garages and controlling surface water run-off.

Environmental Health Manager - No comments received.

Senior Engineer (Drainage) - No comments received.

Strategic & Development Plans - It is noted that comments on the principle of development have been provided as part of pre-application advice reference SPA/22/0131. I shall offer further comments on the density and the requirement for affordable housing.

The site occupies an area of 0.73 Ha and should accommodate a greater number of houses than the proposal seeks to provide, particularly as Future Wales now requires higher densities.

Whilst a previous permission, now expired, proposed 20 dwellings, this development did not progress and I understand there are constraints that will affect deliverability of a higher density scheme.

Further supporting evidence should be submitted to demonstrate and justify such a low number of dwellings and in the absence of such evidence we would consider a formal objection to the proposed development.

Ecologist - The absence of bats or nesting birds on the building to be demolished is noted and therefore we no further comments are offered on this matter. We welcome the retention of the mature trees on site, both the individual standards and the boundary trees. There are no major concerns with the application but suggests biodiversity enhancements to be included by way of condition.

Landscape Architect - CCBC - No objection but further detailed information is required in relation to a detailed hard and soft planting scheme as the plan submitted extends to SUDs planting only with indicative tree planting. Further detail in relation to boundary treatments will also be required, all of which can be suitably controlled by way of condition.

Dwr Cymru - No objection, informative advice is however provided.

Police Architectural Liaison Officer - No comments received.

Natural Resources Wales - NRW have concerns with the application as submitted given the proximity of the site to the Main River (Rhydney River) approximately 13 meters west of the site and the associated potential risk of pollution from the proposed development. However, are satisfied that those concerns can be overcome by imposing a Construction Environment Management Plan (CEMP) condition to any planning permission granted. Without the inclusion of the condition NRW would be raising an objection.

Senior Arboricultural Officer (Trees) - No comments received.

Rights Of Way Officer - No objection, informative advice is however provided.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of a site notice and 27 neighbours were notified by way of letter.

Response: One letter of representation in support of the development was received.

Summary of observations: The representation confirmed that there is no objection to the proposal of five houses and that regard to the existing Tree Preservation Orders within the site would be had.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No, a Preliminary Ecological Survey and Dusk Emergency Survey Report accompanies the application and confirms that bats are not using the dwelling but there is activity passing through the site which is a route likely to be used by commuting and foraging bats. An advisory note will however be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development falls within the mid-viability area for which CIL is charged at a rate of £25 per square metre of new floor space plus indexation.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The main issues in relation to this application are considered to be the principle of residential development in this location, the scale of the proposed development, the effect the development would have upon the character of the surrounding area and the amenity of neighbouring properties together with highway safety implications.

By way of background history it should be noted that outline planning permission was granted upon completion of a Section 106 Agreement in July 2013 for the erection of 20 dwellings comprising detached and semi-detached houses and flats on the land that included the demolition of the application property also (Planning reference: 08/1355/FULL). That permission was also renewed in 2018 to extend the period of time in which to commence development by a further five years (Planning reference: 18/0593/NCC) and granted in September 2018 subject to the provisions of the Section 106 Agreement being varied by way of a Deed of Variation to address any new consent issued and to ensure compliance with current policy in terms of affordable housing provision.

The affordable housing provision agreed by way of the S106 Agreement required the proposed development to provide 19% affordable housing comprising of 2 x 1 bedroom flats and 2 x 3 bedroom houses.

It should be noted that the previous permission included additional land to front of Victoria Road to provide the required highway infrastructure improvements to serve 20 dwellings and is now in separate ownership meaning that the access and indicative layout would no longer be achievable in planning terms.

In that the site's location within the settlement boundary remains unchanged and the principle of residential development on the site has been established, this is a material planning consideration in the determination of this application.

Strategic Policy SP6 sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement and realise the efficient use of land. The Council's Strategic and Development Planning Team have concerns that the proposed development would represent an inefficient use of land in density terms in that a higher density of residential units including a higher number of affordable units was previously approved, particularly where national planning policy is advising to increase density in urban areas. In that regard the applicant has fully justified to the Local Planning Authority (LPA) that even with the additional land it would not be possible to construct 20 dwellings on the site without failing to comply with national and local planning policies. In that regard the LPA is satisfied that the principle of 5 dwellings is considered acceptable subject to all other relevant material planning considerations.

Policy SP6 also 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. In that regard the proposed development focuses upon the inclusion of the existing green infrastructure within the site to accommodate the significant Oak and Maple Trees and protect the woodland TPO trees along the western boundary. The development would be served by a high quality landscaping scheme including the addition of new native trees and hedges as well as incorporating a fully planted Sustainable Drainage scheme to increase ecological and biodiversity within the site.

In terms of the built form Plot 1 is of a much larger scale compared to Plots 2-4. The design of Plot 1 is not in keeping with the traditional local vernacular, however there is no strong design nor architectural character to the locality of Victoria Road. Furthermore, recent planning approvals within the area are incrementally introducing more contemporary design elements into new build developments and householder projects. There is a subjective element to architecture and building design and significantly, national planning policy seeks to ensure that innovative and new designs are not stifled by the planning process. Moreover, Planning Policy Wales makes it clear that whilst design should be carefully considered, planning authorities 'should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.' It is considered that this proposal fits into that category.

Whilst Plots 2-5 are considered to be large detached dwellings in their own right, individually their overall footprints are smaller than Plot 1. In design terms, both phases tie together and indicate a unified material palette and architectural features within a high quality landscaped setting and are all well served by a proportionate amount of outdoor amenity space.

In terms of external finishes, boundary treatments and hard surfacing, additional detail is required, and it is therefore considered necessary to control such matters by way of imposing conditions to any permission granted to ensure the proposals add richness and identity to the development together with being visually acceptable within the local context.

Policy CW2 sets out the criteria relating to amenity. In this respect it is considered that the proposed development is compatible with surrounding residential land uses, and it is not considered that there would be any adverse impacts upon the character of the surrounding area and will only serve to add visual interest.

With regards to neighbouring amenity, careful consideration has been given to the siting, scale and orientation of the proposed dwellings to avoid any overbearing, overshadowing or overlooking impacts to the nearest occupiers along Victoria Road. Whilst balconies are proposed on the northern elevation of Plot 1, their locations nonetheless demonstrates that the required privacy distances can be achieved for neighbouring occupiers. Consequently, it is not considered that the proposed dwelling would give rise to any adverse impacts in amenity terms.

Policy CW6 requires that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. The proposed layout has taken account of the existing trees within and around the site's peripheries together with the landscaping scheme proposing additional tree planting and native hedges. An Arboricultural Method Statement (AMS), Tree Protection Plan (TPP) will be required to be submitted by condition to ensure that scheme for the protection of trees can be provided and to ensure compliance with any agreed scheme during the demolition and construction phases of the proposed development.

Policy CW3 considers highway implications and in this respect the development must have regard for the safe, effective and efficient use of the transportation network. Appropriate levels of off-street parking are proposed to serve each dwelling together with a large turning facility to enter and leave the site in forward gear. The Council's Transportation Engineering Manager raises no objection to the proposal subject to conditions. On that basis the proposed dwelling accords with Policy CW3 of the LDP.

In terms of affordable housing Policy CW11 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 Cefn Fforest and Pengam ward, which attracts an affordable housing target of 25%. The Council's Housing Enabling Officer has requested that the proposed development should provide 25% of the overall number of dwellings proposed as affordable housing, this equates to 1 x 5 bedroom 8 person dwelling. Whilst the proposal only provides one affordable dwelling, the Local Housing Market Assessment (LHMA) indicates a need for this type of accommodation and the affordable dwelling proposed would directly meet this identified need to provide a family home to meet this need.

In tandem with Policy CW11 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 the indicated 1 x 5 bedroom 8 person dwelling. 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) it has been evidenced that 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 the delivery of an affordable home within the local community and there is no other mechanism available to the Local Planning Authority to secure affordable housing other than through granting consent for residential development schemes.

With regard to criterion (c) in view of the scale of the development, the proximity to the existing community and the planning commitment at both national and local level to securing such provision, on-site provision is considered reasonable.

Comments from Consultees: The comments of the consultees have been addressed in the report above.

Comments from public: The comment in support of the application has been noted and the development, as well as the suggested conditions, has appropriate regard to existing trees within the site.

Other material considerations: None.

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

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 12 has also been published on 7th February 2024. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 12 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 12.

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

1. 25% 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.

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:
Dwg No. A1.1 Site Location Plan received 21.12.2023;
Tree Constraints Plan received 21.12.2023;
Tree Survey Report received 21.12.2023;
Dwg No. 17341/C3000 Rev 03 Landscaping Plan received 21.12.2023;
Report 17341-PS01-R01 SuDS Planting Schedule received 21.12.2023;
Preliminary Ecological Appraisal received 21.12.2023;
Report 21872R01SWPK Noise Assessment received 21.12.2023;
Dwg No. HPS 001 Demolition Plan received 21.12.2023;
Coal Mining Risk Assessment (CMRA) received 21.12.2023;
Report 17341-FCA-R01 Flood Consequences Assessment received 21.12.2023;
Dusk Emergency Survey Report received 21.12.2023;
Dwg No. A1.3 Rev F Proposed Site Layout Plan received 11.06.2024;
Dwg No. A1.4 Rev C Proposed Context Elevations received 11.06.2024;
Dwg No. A1.5 Rev D Floor Plans - Plot 3 and 5 (Plot 3 Handed) received 11.06.2024;
Dwg No. A1.6 Rev C Elevations - Plot 3 and 5 (Plot 3 Handed) received 11.06.2024;
Dwg No. A1.7 Rev C Floor Plans - Plot 2 received 11.06.2024;
Dwg No. A1.8 Rev B Elevations - Plot 2 received 11.06.2024;
Dwg No. A1.9 Rev C Floor Plans - Plot 1 received 11.06.2024;
Dwg No. A1.10 Rev C Front and Rear Elevations - Plot 1 received 11.06.2024;
Dwg No. A1.11 Rev B Side Elevations - Plot 1 received 11.06.2024;
Dwg No. A1.12 Rev D Proposed Site Sections received 11.06.2024; and
Dwg No. A1.17 Rev E Proposed Phasing Plan received 11.06.2024;
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) No development shall commence other than demolition until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented

on site in full in order to ensure that the site is safe and stable for the development proposed.

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

REASON: In the interests of public safety to overcome instability in accordance with Planning Policy Wales.

- 04) No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- Construction methods: details of materials, how waste generated will be managed;
 - General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
 - Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use;
 - Traffic Management: details of site deliveries, plant on site, wheel wash facilities;
 - Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;
 - Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
 - Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations;
- The CEMP shall be implemented as approved during the site preparation and construction of all phases of the development.
- REASON: To ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with policies CW2, CW5 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of the development on site full details of the tree protection measures for the existing trees, shrubs and hedges growing adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed Arboricultural Method Statement to include a plan clearly showing the location and specification of the protective fencing. The approved protective fencing must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground

disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

REASON: To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include a suitably scaled, detailed and annotated plan as appropriate:
Hard surfacing size, texture, colour and edging materials;
Proposed tree species, sizes, means of support, mulching and pit details;
Hedgerow plant mixes, species, sizes at planting, along with planting numbers / density, cultivation and means of mulching;
Grass seed mixes and sowing rates. Grass seed mixes that contain a percentage wildflower mix should be included, to improve biodiversity net gain; and
Five year maintenance and management plan.
REASON: To ensure appropriate landscaping provision in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: To ensure that the works are carried out as approved 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.
- 08) This permission does not grant any consent for or allow the felling or any other works to any trees protected by Tree Preservation Order No. 50/09/CCBC.
REASON: For the avoidance of doubt as to the scope of the permission hereby granted and in accordance with policy CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Prior to the occupation of Plot 1 the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 43 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.
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) 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. The boundary treatment shall be completed in accordance with the approved details before each phase of the development is occupied.
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The dwellings shall not be occupied until the areas indicated for the parking and turning of vehicles of vehicles have been laid out in accordance with the approved plans to the written satisfaction of the Local Planning Authority and 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.
- 12) The proposed private driveway, as indicated on Dwg No. A1.3 Rev F Proposed Site Layout Plan and Dwg No. A1.17 Rev E Proposed Phasing Plan shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and shall be completed prior to beneficial occupation of the development. The turning area incorporated in the proposed private driveway shall be maintained free of obstruction to ensure that vehicles can both enter and leave the site in a forward gear at all times.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) Surface water run-off associated with the development hereby approved shall not discharge into the highway surface-water drainage system.
REASON: To prevent hydraulic overload of the existing highway system in the interest of highway safety in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Prior to beneficial use of the building, 1 x integrated bird box shall be included at the gable apex on each of the new dwellings. The boxes shall be retained in situ for a minimum of 5 years.
REASON: To provide nesting for birds as a biodiversity enhancement in accordance policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021, Part 1 Section 6 of the Environment (Wales)

Act 2016, policy contained in Planning Policy Wales (2024) and Technical Advice Note 5: Nature Conservation and Planning (2009).

- 16) Prior to beneficial use of the building, all boundary fences shall include access for hedgehog via a continuous 100mm high gap under fence panels; Or 130mm x 130mm gaps every 2m throughout all boundaries. The hedgehog gaps shall be maintained for a minimum of 5 years.
REASON: To provide biodiversity conservation and enhancement measures, in accordance policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021, Part 1 Section 6 of the Environment (Wales) Act 2016, policy contained in Planning Policy Wales (2024) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 17) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
REASON: In the interests of public safety to overcome instability in accordance with Planning Policy Wales.
- 18) 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), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 19) 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 hard surfacing forward of the principal elevation of the dwellinghouse and between the principal elevation and a highway shall be constructed or laid without the approval of the Local Planning Authority other than those indicated on the approved plans.
REASON: In the interests of visual amenity and to safeguard the highway drainage system in accordance with policies SP6, CW2 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) 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 whatsoever shall be erected or planted without the approval of the Local Planning Authority other than those indicated on the approved plans.
REASON: To retain the open character of the development in the interests of visual amenity in accordance with policy 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 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.

Advisory Note(s)

1. 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.

2. 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.

3. 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

4. NOTE:

Before any vehicle crosses the public footway, a properly formed vehicular crossover must be provided, the constructional details of which must be agreed with the Highway Authority. The applicant should ring (01443) 866511 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

The applicant will need to liaise with the Council's Street Lighting Team in terms of relocating the street lighting column to facilitate the proposed new access. The applicant should ring (01443) 866511 in this regard.

5. WARNING:

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

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems

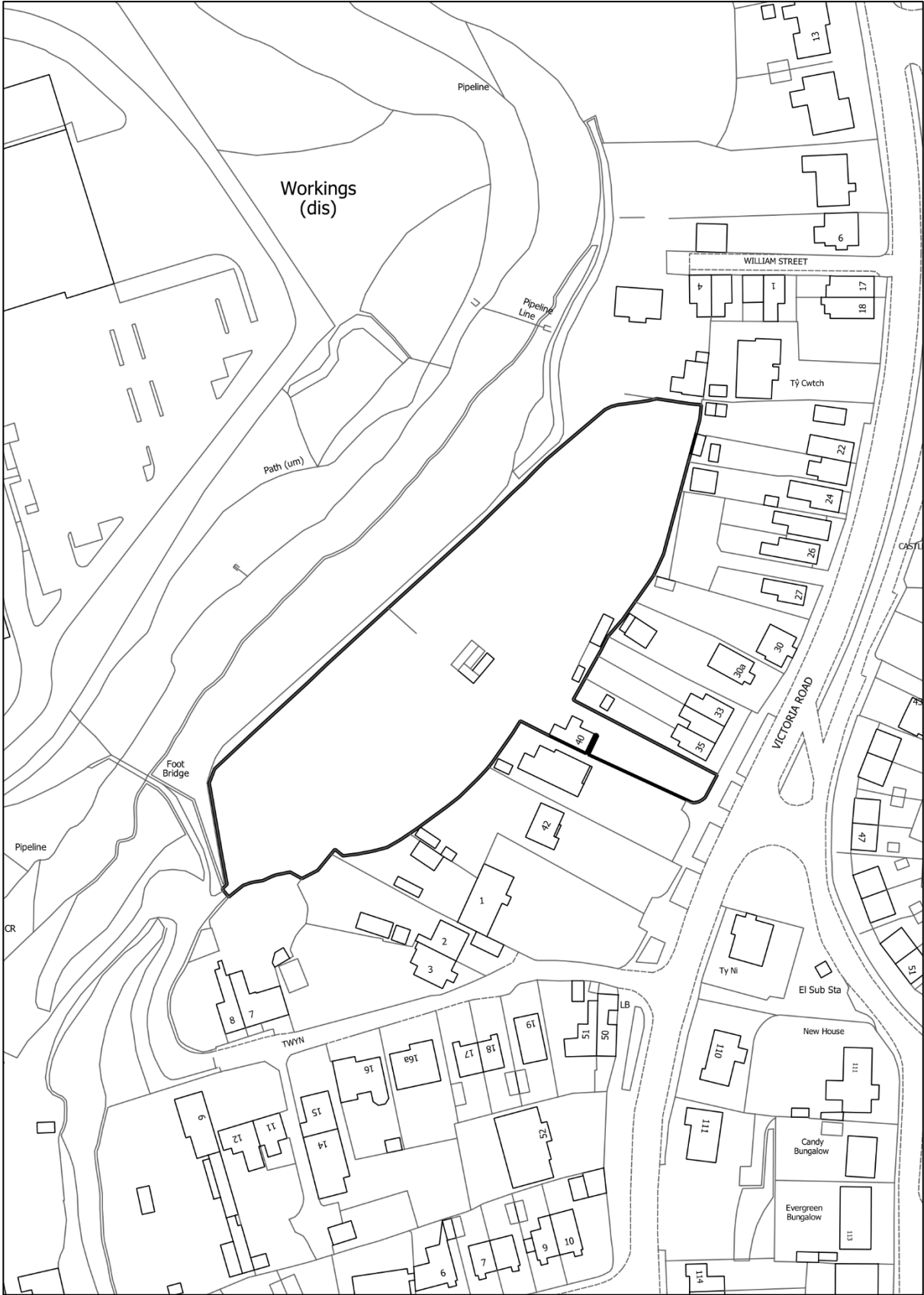
must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab



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Agenda Item 6

Application Number: 24/0217/RET

Date Received: 25.03.2024

Applicant: James Norvill Property

Description and Location of Development: Retain the change of use to mixed use of B1/B2/B8/D2, Car sales (Sui Generis) including retention of office cabin and single storey car preparation building - Dan Y Graig Works Dan Y Graig Road Risca

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The site is located to the West of the A467 - directly adjacent to the settlement of Risca.

Site description: The site has historically been of B2 use, with the old Brickwork's characterising the majority of the larger built form on site, with the garages and workshops being single storey. The site sits at the bottom of a steep incline, with the means of access being along Dan Y Graig Road.

Development: The application seeks permission to retain what has already been erected and is in operation on site, which is as follows; a mix of use classes, limited to; B1, B2, D2, B8 and Sui Generis as well as the retention of the erection of two buildings within 'yard 3', which can be summarised as a 'portable cabin' and 'covered work area'.

Dimensions: The structures measure 6.7 metres by 2.45 metres with a height of 3 metres and 3.98 metres by 6 metres, with a height of 3.7 metres.

Materials: The structures will be a; 'metal portable cabin' supported by 'brick plinths' and 'wood cladding'.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT 18/0286/OUT - Obtain outline planning permission for up to 22 dwellings and seek approval of access - Granted 29.08.2018.

POLICY

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

Site Allocation: The site is located within settlement limits.

Policies: CW2 (Amenity), CW3 (Highways), CW4 (natural heritage protection), CW5 (protection of the water environment), CW6 (trees, woodland and hedgerow protection), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales Edition 12 (February 2024), Technical Advice Note 5: Nature Conservation and Planning (September 2009) and Technical Advice Note 12: Design (March 2016).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not required.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within an area where no coal mining report is required.

CONSULTATION

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

Environmental Health Manager - No objection subject to conditions.

Senior Engineer (Drainage) - None received.

Dwr Cymru - Advisory recommended.

Risca Town Council - Advisory recommended.

Rights Of Way Officer - Advisory recommended.

Ecologist - No objection, condition recommended.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour letter in addition to a site notice being erected.

Response: Objection received.

Summary of observations: Objection relates to unsuitable access to the site and associated highway issues.

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 main issue for consideration in the determination of this planning application is whether the proposals are considered acceptable in terms of the principle of the development in this location, its impact upon the character of the surrounding area and neighbouring properties together with highway safety implications.

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

To that end, SP3 outlines development within the Southern Connections Corridor, in which the application site is located. Policy SP3 promotes development that uses previously developed land within settlement limits, makes the most efficient use of existing infrastructure and has regard to the social and economic function of the area. The proposal is within the settlement of Risca and utilises previously developed land (brownfield). Furthermore, the uses proposed will serve the social and economic function of the area by offering a variety of uses that can be used by residents of the settlement and wider areas.

Policy CW15 of the Local Development Plan (LDP) states that development proposals will be considered against the following criteria, where they apply: (B) - Within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located.

As detailed above, the proposed development is to change the use of the whole site, into a number of different uses for each of the units within the site. As such, the site

provides a wider variety of roles and functions that can serve the settlement in which it is located. Given the commercial nature of the site, being of historic industrial use (lawful B1/B2) it can be understood that the principle of such uses have been established on site and the fallback would be for this to continue, however it is noted that there are other uses on site that are currently operating and require planning permission, the principle however has been established and is supported by the planning history of the site.

Policy SP6 of the LDP states that development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through: A. An appropriate mix of uses that reflect the role and function of settlements. B. A high standard of design that reinforces attractive qualities of local distinctiveness. D. A location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all. The proposed development is considered to comply with criterion A, B and D of Policy SP6 as it results in a mix of uses within the settlement of Risca, providing a service that reflects the function of the settlement, whilst some of the uses that are proposed to be retained on site have not existed within this location (D2), this use is utilising an existing structure, and so visually would not alter the makeup of the site, whilst benefitting from the sites location within Risca, which is the principal town within the Southern Connections corridor and as such, the transport links and accessibility of the area is highest in this location. The town is also considered to be a major employer of the area, provider of services and centre of population. As such, the location is considered to be a sustainable location with transport links and accessibility an existing feature. The retention of the uses on site and associated works are seen to comply with policy SP6 of the Caerphilly County Borough Local Development Plan, up to 2021.

Policy CW2 states that development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements: A. There is no unacceptable impact on the amenity of adjacent properties or land. B. The proposal would not result in over-development of the site and/or its surroundings. C. The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use. D. Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development. The retention of these uses on site would not be judged to have any unacceptable impact on the adjacent sites or dwellings. Whilst it is noted that there is a nearby residential area on the Western side of the A467 adjacent to the site, accessed via Tir-Y-Cwm Lane, the effect on these properties would not be exacerbated by the retention of these various uses, with the historic lawful use of the site being industrial, which is the most 'intense' proposed uses within the proposal description. Whilst the current use on the site is unregulated and not benefitting from planning controls/conditions (due to its established use), this application presents an opportunity to regularise the uses and add some constraints to the various uses operating hours and delivery times, in the interest of the

nearby residential amenity, the controls, as recommended by the Authority's Environmental Health Team, are as follows;

- B1 Use:

customer use limited to; 07:00-20:00 (Monday-Saturday), 09:00-17:00 (Sunday).

- B2 Use:

machinery operation and processes/deliveries (taken/dispatched) and customer use limited to; 08:00-18:00 (Monday-Friday), 10:00-15:00 (Saturday), no operation Sundays/Bank Holidays.

- D2 Use:

Sound mitigation scheme must be received and approved, in addition to customer use limited to; 06:00-22:00 (Monday-Saturday), 09:00-17:00 (Sunday).

- B8 Use:

machinery operation and processes/deliveries (taken/dispatched) and customer use limited to; 07:00-18:00 (Monday-Friday), 08:00-13:00 (Saturday), no use Sundays/Bank Holidays.

- Sui Generis:

machinery operation and processes/deliveries (taken/dispatched) and customer use limited to; 08:00-18:00 (Monday-Friday), 08:00-13:00 (Saturday), no use Sundays/Bank Holidays.

Other conditions are recommended including a scheme for external lighting, water/sanitary provision and external access routes and the associated safety. All of these conditions combine to provide adjacent sites and places of residence with adequate protections for their amenity. The proposed uses, by virtue of these conditions are acceptable and compliant with policy CW2 of the Caerphilly County Borough Local Development Plan, up to 2021.

Policy CW3 of the LDP considers highway safety implications and states that: A. The proposal has regard for the safe, effective and efficient use of the transportation network. C. Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008. No objection was raised by the authority's highways department based on the following conditions being added to any consent;

- Within 3 calendar months from the date of this consent the areas indicated for the parking and turning areas shall be laid out in accordance with the submitted plans to the satisfaction of the LPA and shall be maintained thereafter for the parking and turning of vehicles and for no other purposes.

- All parking and turning 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.

- Within 3 calendar months from the date of this consent, an amended scheme shall be submitted to and agreed in writing with the LPA showing the gates for the retained self-storage use (located in Yards 1 & 2) set back a minimum of 6m from the back edge of the carriageway, to allow vehicles to stand clear of the highway when entering the site.

The agreed scheme shall be implemented within a further 2 calendar months from its details being agreed.

- Any gates shall be located and fitted so as not to open out over the highway.
- No vehicle transporters shall visit the site to deliver/remove vehicles from the site.

By virtue of these conditions being added, the retention of the uses will not have any unacceptable impact on the highway network, whilst it is noted that there have been objections based on the overspill of parking onto the highway, this is not a matter that would justify the refusal of this application, due to the applicant providing adequate on-site parking for the identified use. Based on these conditions being added to any consent, the retention of the uses and associated works are acceptable and in accordance with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.

A GI Statement is required on all developments following PPW12, and the Environment (Wales) Act 2016 Section 6 duty to show that development has a net benefit to biodiversity and green infrastructure. The applicant has attached a GI statement that demonstrates the 'step-wise' approach identified within PPW12, presenting ecological enhancements throughout the site. The authority's ecologist was consulted on this document and is satisfied with the approach, which will be enforced by the statement being included within the 'approved plans' condition. The development is therefore in line with PPW12.

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

Comments from consultees: No objections received.

Comments from public: Objections received- addressed in report.

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 12 has also been published on 7th February 2024. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 12

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 12.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents:
SITE PLAN (ref.RAC10295-2) (received 22 Mar 2024);
ELEVATIONS (RAC10295-3) (received 22 Mar 2024);
AMENDED PARKING SPACES/PLAN (received 04 Jun 2024);
INTERNAL OFFICE FLOOR SPACE/PLAN (received 04 Jun 2024); and
GREEN INFRASTRUCTURE STATEMENT (received 22 Mar 2024).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) Any B1 use on site shall not be open to customers outside the following times:
(a) 07:00 hours to 20:00 Monday to Saturday, and
(b) 09:00 hours to 17:00 hours Sunday.
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 03) Any B2 Use on site shall have; no machinery operated, no process carried out, no deliveries taken at or dispatched from and no customer attendance to the site outside the following times:
(a) 08.00 hours to 18:00 Monday to Friday,
(b) 10.00 hours to 15:00 hours Saturday.
And no operation Sundays or Bank Holidays.
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 04) Details of a scheme of sound mitigation with regard to the D2 use on site shall be submitted to and approved in writing by the Local Planning Authority to ensure noise from the proposed class use does not impact nearby residents. The development shall thereafter be carried out in accordance with the approved details.
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 05) The D2 use on site shall not be open to customers outside the following times:
(a) 06.00 hours to 22:00 Monday to Saturday, and
(b) 09.00 hours to 17:00 hours Sunday.

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

- 06) Any B8 use on site shall have; no machinery operated, no process carried out, no deliveries taken at or dispatched from and no customer attendance to the site outside the following times:
(a) 07:00 hours to 18:00 Monday to Friday,
(b) 08:00 hours to 13:00 hours Saturday.
And no operation Sundays or Bank Holidays.

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

- 07) Any Sui Generis use on site shall have; no machinery operated, no process carried out, no deliveries taken at or dispatched from and no customer attendance to the site outside the following times:

(a) 08.00 hours to 18:00 Monday to Friday,
(b) 08.00 hours to 13:00 hours Saturday.

And no operation Sundays or Bank Holidays.

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

- 08) A scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.

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

- 09) All external access routes shall be restored and maintained within the site to ensure that there is a safe means of ingress and egress to those utilising the facility.

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

- 10) All units hereby approved shall be supplied with a means of potable water and adequate sanitary provision.

REASON: In the interests of public safety in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 11) Within 3 calendar months from the date of this consent the areas indicated for the parking and turning areas shall be laid out in accordance with the submitted plans to the satisfaction of the Local Planning Authority, and shall be maintained thereafter for the parking and turning of vehicles and for no other purposes.

REASON: In the interests of highway safety and to ensure that adequate off-street parking facilities are provided within the curtilage of the site, in accordance

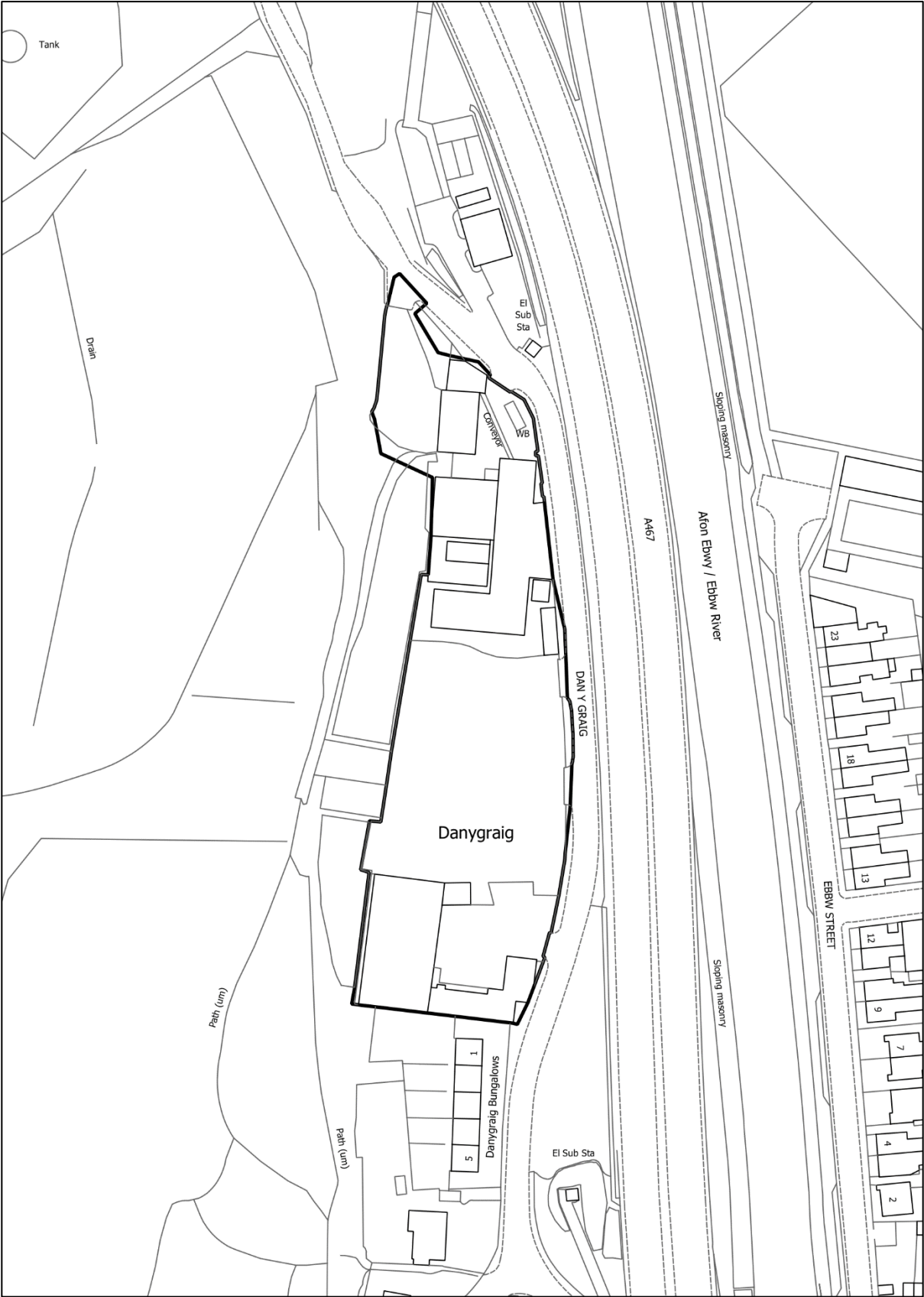
with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.

- 12) All parking and turning areas shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. is not carried on to the public highway.
REASON: In the interests of highway safety and to ensure that adequate off-street parking facilities are provided within the curtilage of the site, in accordance with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.
- 13) Within 3 calendar months from the date of this consent, an amended scheme shall be submitted to and agreed in writing with the Local Planning Authority showing the gates for the retained self-storage use (located in Yards 1 & 2) set back a minimum of 6m from the back edge of the carriageway, to allow vehicles to stand clear of the highway when entering the site. The agreed scheme shall be implemented within a further 2 calendar months from its details being agreed.
REASON: In the interests of highway safety and to ensure that adequate off-street parking facilities are provided within the curtilage of the site, in accordance with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.
- 14) Any gates shall be located and fitted so as not to open out over the highway.
REASON: In the interests of highway safety and to ensure that adequate off-street parking facilities are provided within the curtilage of the site, in accordance with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.
- 15) No vehicle transporters shall visit the site to deliver/remove vehicles from the site.
REASON: In the interests of highway safety and to ensure that adequate off-street parking facilities are provided within the curtilage of the site, in accordance with policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.

Advisory Note(s)

The proposed development will not directly affect the Public Rights of Way, but the applicant should be made aware of the existence of RISC/FP39/1, RISC/FP107/1, RISC/RBW108/1, and RISC/RBW109/1 and the need to maintain public access and safety at all times. If any Public Right of Way is to be utilised by construction traffic, appropriate signage must be erected advising the public (Chapter 8 of the Traffic Safety Measures and Signs for Road Works and Temporary Situations), and banksmen utilised during plant movement to ensure the safety of the public. The applicant is reminded that it is an offence to obstruct a Public Right of Way. There are several Public Rights of Way in the area of this application. The planning permission does not authorise the

stopping up or diversion of the Public Rights of Way. The Public Rights of Way may be stopped up or diverted by Order under section 257 of the Town and Country Planning Act 1990, provided that the order is made before the development is carried out, but this process is independent of the planning process and as such the applicant is advised to contact the Rights of Way Officer. If the Public Rights of Way are obstructed before the Order is made, the order cannot proceed until the obstruction is removed. Should the applicant require further information regarding their responsibilities to the Public Rights of Way, they are requested to contact the Rights of Way Officer."



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Application Number: 24/0254/FULL

Date Received: 21.05.2024

Applicant: Aldi Stores Limited

Description and Location of Development: Demolish existing retail foodstore (Use Class A1) & replace with a new discount retail foodstore (Use Class A1) with reconfigured access and car parking, external lighting, drainage, landscaping, and other associated site works - The Co-operative Food Mafon Road Nelson Treharris CF46 6PE

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is the current Co-op Supermarket and car park at Mafon Road, Nelson.

Site description: The site is an operational supermarket with access from Mafon Road. It is adjacent to an existing petrol filling station which sits to the north west of the site. There is a culverted watercourse running through the site, under the existing building. There are trees on the site boundaries.

Development: The proposal is to demolish the existing supermarket and replace it with a larger Aldi supermarket. The new building would be at the rear (south) of the site and accessed from Mafon Road in the same location as at present.

Dimensions: The site is 1 hectare in size. The proposed building is 72.5 metres in total length, 31 metres in width and 6.4 metres in overall height.

Materials: The building is proposed to be finished in a mix of brickwork, metal cladding and timber cladding. Areas of glazing are proposed on the east elevation and in the north east corner of the building, as well as some high level windows being proposed on the north elevation.

Ancillary development, e.g. parking: Parking for 112 vehicles, cycle parking and landscaping are also proposed as part of the proposal.

PLANNING HISTORY 2010 TO PRESENT 10/0483/ADV - Erect 3 x fascia signs (A/B & C) - externally illuminated by overhead trough lights and 1 x internally illuminated Totem sign (D) - Granted 25.08.2010.

15/1088/FULL - Install an Automated Teller Machine (ATM) – Granted 24.12.2015.

15/1089/ADV-Install non-illuminated signs – Granted 24.12.2015.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021.

Site Allocation: The site is within the settlement boundary of Nelson, which is identified as a Local Centre in LDP Policy SP4 (Settlement Strategy).

Policies: SP2 (Development Strategy- Development in the Northern Connections Corridor); SP4 (Settlement Strategy); SP5 (Settlement Boundaries); SP6 (Placemaking); SP10 (Conservation of Natural Heritage); SP21 (Parking Standards); CW2 (Amenity); CW3 (Design Considerations: Highways); CW5 (Protection of the water Environment); CW6 (Trees, Woodland and Hedgerow Protection); CW15 (General Locational Constraints); CW16 (Locational Constraints- Retail); CM1 (Principal Town Centre Boundaries); CM4 (Principal Town and Local Centre Development Sites); and EM1 Employment Allocations (EM1.2 Ty Du).

Supplementary Planning Guidance: LDP 4 – Trees and Development (2017); LDP 5 – Car Parking Standards (2017); LDP 6 – Building Better Places to Live (January 2017); Ystrad Mynach Masterplan (2019).

NATIONAL POLICY Future Wales - The National Plan 2040 (2021): Policy 2-Shaping Urban Growth and Regeneration – Strategic Placemaking, Policy 6-Town Centre First, Policy 9-Resilient Ecological Networks and Green Infrastructure, Policy 12-Regional Connectivity.

Planning Policy Wales (Edition 12, 2024).

Technical Advice Notes: 4: Retail and Commercial Development (2016); 5 Nature Conservation and Planning (2009); 11: Noise (1997); 12: Design (2016); 18 Transport (2007).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within an area of low risk due to past coal mining activities. The Coal Authority have advised that they have no specific comments to make.

CONSULTATION

Environmental Health Manager - No objections subject to conditions. No concerns with regard to food hygiene and general comments provided with regard to food safety and health and safety.

Rhondda Cynon Taf Council - No objections to the proposal.

Strategic & Development Plans - It is considered that the proposed development would meet local need in a manner which supports the role and function of Nelson as a local centre. It would serve to increase the level of expenditure retention within the primary catchment area identified, and would not have a detrimental impact upon, or undermine the vibrancy, attractiveness and viability of, any principal town centre. The sequential assessment undertaken by the applicant complies with relevant policy, and the site is considered appropriate in relation to the proposal. Therefore, notwithstanding the need to comply with all other applicable planning considerations, there is no objection to this proposal.

Waste Strategy And Operations Manager - No comments made.

Estates Manager - Property Division - No comments made.

Landscape Architect - CCBC - Still has concern regarding a number of issues, including the requirement for additional rooting space, the requirement for larger trees, use of close boarded fencing and the length of time that maintenance will be provided for any landscaping defects.

Transportation Engineering Manager - CCBC - No highway objection is raised subject to conditions.

Senior Engineer (Drainage) - Request informative notes in respect of the requirement for SAB approval and ordinary watercourse consent. Request a drainage statement.

Senior Arboricultural Officer (Trees) - No comments made.

Placemaking Officer - Douglas McGlyn - Concerns raised regarding lack of landscaping, the design of the building, its location at the rear of the site, the dominance of parking on the site, the lack of a green roof and lack of discussion of other sustainability measures. Concern that the proposal conflicts with Policy SP2 of the Local Development Plan due to a lack of sustainable design measures.

Ecologist - Conditions are recommended to secure biodiversity conservation and enhancement on the site.

Merthyr Tydfil County Borough Council - No comments made.

Police Architectural Liaison Officer - Have provided advice in respect of site security.

Nelson Community Council - No comments made.

Heritage Officer - Peter Thomas - No comments made.

Chief Fire Officer - No objection to the proposed development.

Natural Resources Wales - Concerns can be overcome through attaching conditions.

The Coal Authority - No specific comments to make.

Dwr Cymru - Request a condition in respect of no surface water and /or land drainage being allowed to connect with the public sewerage network and advisory notes.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by a press notice, site notice and letters to neighbouring properties.

Response: 47 representations have been received in support of the application.

It should be noted that a number of the representations received are from outside the County Borough, primarily from residents in Treharris and the surrounding villages.

1 representation has been received objecting to the application.

Summary of observations: The representations received in support of the application are summarised as follows:

This proposal is needed in the area;

Will reduce the need to travel for local people;

The proposal will create jobs;

The proposal is an investment in the area;

The proposal will benefit the community;

The design of the site and current secluded nature of the car park results in antisocial behaviour;

The proposal would be an improvement in the appearance of the site;

Support, but concerns regarding traffic flow and highway safety, particularly from right hand turns into and out of the development;

Support, but queries if the number of disabled parking spaces provided is sufficient.

The representation objecting to the development raises concern regarding the impact of the proposal on nesting swallows in the eaves of the building.

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?

No significant impact is anticipated. The comments of the Gwent Police Designing Out Crime Officer are broadly supportive of the layout of the proposal.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? In respect of European Protected Species, a bat survey report has been submitted. No bats were observed emerging from the building during the emergence survey.

There are known to be active swallow nests in the eaves of the existing building.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes. As an A1 retail development, the development is liable for a CIL charge of £100 per square metre.

ANALYSIS

Policies: The site is within the settlement boundary of Nelson, which is identified as a Local Centre in LDP Policy SP4 (Settlement Strategy). The site is nearly 4 kilometres from the nearest Principal Town Centre, this being Ystrad Mynach. The site is already within a retail use, as a food store. The proposal would replace the existing supermarket with a larger one.

Principle of Development: Policy 6 of Future Wales (Town Centre First) requires that significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres, with good access by public transport to and from the whole town or city and, where appropriate, the wider region.

Section 4.3 (Retail and Commercial Development) of Planning Policy Wales (PPW) (Edition 12, February 2024) advises that the need for additional retail provision should first be considered.

Policy CW16 (locational Constraints – Retailing) of the adopted Local Development Plan only permits additional retail floorspace outside the defined Principal Town Centres where the vitality and viability of nearby Principal Town Centres will not be undermined, taking into account the cumulative effects of other approved retail development, recently completed developments and Plan commitments; and the proposal would not undermine the Council's retail strategy, a Town Centre Action Plan or any regeneration plans that the Council has formally approved; or the proposal is a new retail unit of 1000 sq m or less in size, or the change of use of such a size and to serve neighbourhood needs, or is ancillary to another commercial use.

The scheme submitted in this application proposes an increase of 410m² in gross internal floorspace, and 633m² in net retail sales area – the latter representing an increase of 87.6%. In the context of the above policy requirements, the applicant has submitted retail capacity and sequential assessments in order to demonstrate local need and suitability of the site within the context of the sequential approach, as well as an impact analysis with respect to the effect of the proposal on surrounding centres.

Of the total proposed uplift in net retail sales area, 434m² will be convenience floorspace, with the remainder (199m²) for comparison goods. Applying Experian-derived sales densities to these sales areas and combining them with population estimates produces a total convenience expenditure figure for the study area. Zone 3 of the Council's Retail Capacity Study (which includes Nelson, Gelligaer, Penpedairheol, Llanfabon, Pengam, Tir-y-Berth and Treharris, but excludes Ystrad Mynach) represents the primary catchment, which is characterised by low levels of expenditure retention and inflow. On the basis of the analysis presented, it is acknowledged that, in quantitative terms, there is capacity within the catchment to accommodate additional floorspace.

As a local centre, Nelson has no defined, town centre boundary. However, the applicant's assertion that the proposal would support Nelson's role and function as required by policy SP4 of the adopted LDP, particularly in respect of the anticipated Ty Du development, is accepted.

The catchment area adopted for the application of the sequential test (the consideration of town centre; edge-of-centre; out-of-centre sites in that order) is based upon professional judgement and is regarded as appropriate. No suitable or available sites have been identified in any of the locations forming part of the catchment area (comprising the centres of Nelson, Treharris and Abercynon).

While the proposal is below the 2,500m² threshold set out in national policy for requiring a retail impact assessment, the applicant has undertaken one at the request of the Council, due to the need to demonstrate that the vibrancy, attractiveness and viability of nearby principal town centres (Ystrad Mynach, in practice) would not be undermined. By virtue of its location adjacent to the Ty Du site, it is considered that the proposal would play a complementary role to the ambitions for Nelson set out in the Ystrad Mynach Masterplan, and would not impact on committed or planned investment, or prospects for the implementation of allocated sites.

The retail capacity assessment has identified a fairly localised catchment for the proposed facility. The smaller, comparison goods element of the proposed, additional floorspace would be unlikely to compete with existing, comparison goods retailers due to its 'special buy' nature, which offers a limited and ever-changing range of items. In terms of the larger, convenience element, 95% of the trade draw is expected to come from within zone 3, which contains no principal town centres. As the proposal concerns a food-led shopping destination, it is reasonable to expect that the vast majority of trade will be diverted from equivalent facilities, including the existing store on the site in

question as well as the Aldi store at Tir-y-berth – the latter of which is overtrading and, due to its location, is not protected by policy.

As mentioned, there is significant 'leakage' from zone 3 presently, including to the nearest principal centre at Ystrad Mynach. The new store would result in some retention at the expense of Ystrad Mynach, although the impact is anticipated as being 6.9% in expenditure terms which is not significant.

In accordance with Policy 12 (Regional Connectivity) of Future Wales, a minimum of 10% of car parking spaces should have electric vehicle charging points. 20 potential spaces are proposed within the car park for this purpose, but only 4 are proposed to be provided with fully operational charging points at present, representing a shortfall of 8. As such, a condition is recommended that 10% of parking spaces shall be provided with full operational electric vehicle charging points.

It is noted that a small part of the site to the east of the existing access is in the Ty Du Employment Allocation (EM1.2) in the Local Development Plan and is considered to be "natural and semi natural greenspace". This area is currently well vegetated and is proposed to be retained as an area of landscaping with maintenance access provided to the headwall of the culvert. The inclusion of this area within this site is not considered to impact on the potential to deliver a scheme on the Ty Du site.

Design and Landscaping: Policy SP6 (Place Making) of the Local Development Plan requires that development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through:

- A. An appropriate mix of uses that reflect the role and function of settlements.
- B. A high standard of design that reinforces attractive qualities of local distinctiveness.
- C. Design in accordance with best practice in terms of designing out crime.
- D. A location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all.
- E. The incorporation of resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation, and where appropriate the use of sustainable drainage systems.
- F. The efficient use of land, including higher densities where development is close to key transport nodes.
- G. The incorporation and enhancement of existing natural heritage features.
- H. The incorporation of mitigation measures that improve and maintain air quality.

In respect of the above policy, there is concern that the proposed design of the building is "shed-like" in appearance and lacks visual interest, particularly on the northern elevation that faces the proposed car park. There is also concern that the layout of the site, with the building at the rear, results in car parking being dominant in appearance in the street scene.

In respect of the proposed site layout, it is acknowledged that although the current store is located on top of the culverted watercourse in the north of the site, the watercourse does present a significant constraint to the location of the proposed replacement building within the site, due to Caerphilly's current drainage byelaws.

It is also noted that Gwent Police Designing Out Crime Officer considers that the new proposed layout and orientation of the building will be a huge improvement on the current site and that moving the building to the south of the site and the parking to the north improves overall surveillance and in turn reduces the fear of crime.

In respect of the appearance of the building itself, some alterations have been made to the proposed building elevations to provide a greater level of visual interest including an element of timber cladding, and additional glazing. While these have resulted in some improvement to the proposal, it is considered that the building still lacks visual interest.

It is also considered that the levels of parking provided could have been reduced further to allow for a greater level of green infrastructure on the site which would have assisted further in improving the appearance of the site and in making this a more pleasant destination to visit. It should be noted that the applicant has raised concern that this would result in insufficient parking being provided for the development.

However, while the site is on the edge of the countryside and there are a number of trees around the site boundary, there is currently little green infrastructure within the car park area. Along the frontage with Mafon Road, the current green infrastructure is restricted to a small grass verge. While further landscaping provision would have been beneficial, the redevelopment of the site would still result in significant additional landscaping and green infrastructure being provided on the site, including tree planting along the frontage with Mafon Road, native hedgerow along the site boundaries and shrub planting within the carpark.

It is also noted that the buildings facing Mafon Road in this immediate area are dominated by the existing store, petrol station, and vehicle repairs/sales buildings, which provide the immediate local area with little in the way of architectural merit.

Therefore, on balance, it is considered that, notwithstanding the shortcomings of the design and layout presented, the scheme does still represent a visual improvement, particularly in respect of green infrastructure on the existing situation and as such is considered acceptable.

In respect of the comments of the Council's Landscape Architect, some further revised plans and documents have been submitted to address the concerns raised and it is considered that any outstanding issues can be addressed through the recommended conditions for the final landscaping scheme and landscape management and maintenance plan.

In respect of the Placemaking Officer's concern regarding lack of provision of a green roof, the justification for this and concern regarding the sustainability of the building, it is acknowledged that a green roof would have had the potential to be beneficial for the appearance, sustainability and biodiversity of the site. However, the lack of provision of this in itself is not considered to warrant refusal of the application.

In terms of the sustainability measures that are proposed, solar panels are included on the roof and the submitted energy statement sets out that an air source heat pump and a system of heat recovery from the refrigeration utilised at the store will be used.

Highways and Parking: In respect of highway safety, the Council's Transportation Engineering Manager has advised that the proposed means of access gives no fundamental cause for concern. In addition, it is considered that the submitted Transport Assessment demonstrates that there would be no adverse impact on the local highway network.

In respect of parking, in accordance with the Council's approved Car Parking Standards Supplementary Planning Guidance, the development has an off-street parking requirement of 1 space per 40m², which equates to a requirement of 50 spaces. The submitted information indicates that 112 spaces are to be provided, including 8 spaces for staff within the proposed service area. As such sufficient levels of parking are considered to be provided.

A Transport Assessment and draft travel plan have been submitted as part of the application, with the travel plan being specifically for staff. A condition has been recommended for the provision of a full travel plan for the development.

A condition has been requested by the Council's Transportation Engineering Manager for details of the proposed tie in of the access with Mafon Road, which has been recommended. A condition has also been requested in respect of surface water run off not discharging on to the public highway or connecting to the existing highway drainage system, but it is considered that this matter should be addressed by the SAB process (see below).

In respect of the provision of disabled parking spaces, the Council's Car Parking Standards Supplementary Planning Guidance suggests that 6% of the layout should be provided as disabled car parking spaces. This in turn suggests that 7 bays should be provided in this scheme as opposed to the 5 proposed. Therefore, a condition is recommended that the final layout of the car parking shall be agreed via a planning condition so extra spaces can be provided for this purpose.

Comments from Consultees: A geo-environmental appraisal, noise assessment and waste management plan have been submitted as part of the planning application. The conditions requested by the Council's Environmental Health Team in respect of these documents have been recommended. This is with the exception of a condition relating to the lighting of signage, which would be more appropriately

addressed through a future advertisement consent application for signage. Subsequent to the comments provided, the Council's Environmental Health Team have accepted a request from the applicant for delivery hours on Sundays between 8.00.a.m. and 6.00 p.m.

Conditions have also been recommended which reflect the comments made by Natural Resources Wales in respect of contamination, piling, invasive species, lighting and construction management.

It is noted that the applicant has submitted a Construction Method Statement, Construction Environmental Management Plan (CEMP) and Lighting Plan at this stage. However, it is still considered that conditions are required for the final details of these and these have been recommended accordingly.

It is noted that significant areas of the site are within zones 2 and 3 for flood risk from surface water and small watercourses on the Flood Map for Planning and that a Flood Consequences Assessment has been submitted. In respect of the comments made by the Council's Drainage Engineers and Dwr Cymru/Welsh Water, it is considered that further matters related to surface water drainage are most appropriately addressed by the SAB process. However, the advisory notes requested have been recommended for inclusion on the decision notice.

It is acknowledged that the building is an active swallow nesting site. The submitted Ecological Impact Assessment recommends the erection of five nest shelters, each containing two nesting cups as compensation and enhancement for this. However, the Council's Ecologist has advised this should be increased to 18 nest cups to ensure appropriate conservation and enhancement. This is included as part of a recommendation for a condition for a biodiversity strategy. Conditions requested by the Council's ecologist for a CEMP in relation to wildlife, a lighting plan and invasive species have been recommended.

Comments from public: It is noted that the comments from the public are largely supportive of the proposal. It is considered that the matters raised have been addressed above.

Other material considerations: The western boundary of the site is adjacent to the Mynydd Eglwysilan Special Landscape Area (allocation NH1.3 in the Local Development Plan). Given the site is a brownfield site that is already developed as a supermarket and car park and the location of the existing petrol station adjacent to this boundary, it is not considered that the proposal would have a significant impact on the Special Landscape Area.

An arboricultural impact assessment has been submitted. While the proposal will not result in any trees being removed, the development will require two trees on the site boundary to be pruned and surfacing works within the root protection area of another. As such, a condition for an arboricultural method statement is recommended.

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 12 has also been published on 7th February 2024. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 12 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 12.

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:
200413-1000 Rev P02- Site Location Plan;
200413-1310 Rev P08- Proposed Site Plan;
200413-1320 Rev P04- Proposed Hard Landscaping;
200413-1330 Rev P05- Proposed Boundary Treatment;
200413-1350 Rev P02- Proposed Floor Plan;
200413-1360 Rev P02- Proposed Roof Plan;
200413-1410 Rev P03- Proposed Elevations;
200413-1450 Rev P04- Proposed Site Sections;
200413-1703 Rev P03- Proposed Boundary Treatment; and
200413-AD5950 Rev P02- EVCP Parking Space Detail.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) Prior to the commencement of the development a 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.

- 04) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority, to accommodate:
- (a) Parking of vehicles of site personnel, operatives and visitors,
 - (b) Loading and unloading of plant and vehicles,
 - (c) Storage of plant and materials used in constructing the development,
 - (d) Wheel cleaning facilities
- and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (d) above without the prior written agreement of the Local Planning Authority.
- REASON: In the interests of amenity and highway safety in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of development, a Construction Environment Management Plan (CEMP) for the protection of wildlife shall be submitted to and approved in writing by the Local Planning Authority.
- The CEMP shall include, but not be specifically limited to:
- Site clearance methodology with respect to hedgehog, birds, amphibians.
 - Provision of a buffer a minimum of 10m from the stream, details of location and methods for demarcation.
 - Details of pollution prevention measures to protect the watercourse during construction (to include oils, dusts and noise).
- The CEMP shall be implemented as agreed throughout the construction period.
- REASON: To protect the environment in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2024), Tan 5 Nature Conservation and Planning (2009) and BS5837:2012 and in accordance with Policy SP10 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 and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

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

REASON: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

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

REASON: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development, in

accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 11) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.
REASON: To ensure that the demolition is carried out in an appropriate manner in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Prior to the commencement of the development hereby approved, an arboricultural method statement for works to trees and the protection of trees during construction shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.
REASON: To ensure the protection of the trees on the site, and in accordance with Policy CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to the commencement of development, an Invasive Non-Native Species (INNS) remediation and management plan shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall include, but not be exclusively limited to details of containment, control, removal and post development monitoring. The plan shall be implemented as agreed by a suitably qualified and licenced contractor.
REASON: To prevent 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.
- 14) Prior to the commencement of development, a Biodiversity Strategy shall be submitted to, and approved in writing by the Local Planning Authority. The strategy shall include, but not be exclusively limited to: Site clearance methodology for birds, amphibians, hedgehog and otter; a plan showing details for the provision of 18 No. swallow nest cups under bespoke shelters, 3 No. general purpose nest boxes (such as the Schwegler 2GR Nest Boxes), 2 No. bat boxes (Vivara Pro Woodstone Bat Box, or similar) and 2 No. swift boxes (such as the Schwegler 18 Swift Nest). The strategy shall be implemented as agreed.
REASON: To secure mitigation, compensation and enhancement measures for biodiversity on site, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2024) and Tan 5 Nature Conservation and Planning (2009) and Policy SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 15) 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 first 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.
- 16) Notwithstanding the submitted plans, development shall not commence until details providing for the tie-in between the public highway and the proposed development together with any further proposed highway works required have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial use of the proposed development.
REASON: To ensure the adequacy of the proposed tie-in in the interests of highway safety and the free flow of traffic, in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to the development commencing, a lighting scheme shall be submitted to and agreed, in writing, with the Local Planning Authority. That scheme shall indicate the type and positioning of luminaires, and a plan indicating expected illuminance levels both on and off site. The lighting shall thereafter be installed and maintained in accordance with the agreed scheme and no additional lighting shall be installed without the approval of the Local Planning Authority.
REASON: In the interests of nature conservation in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 18) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 19) Notwithstanding the submitted details, prior to the markings being provided for the car parking layout, the final layout for vehicle and cycle parking shall be submitted to and agreed in writing by the Local Planning Authority. The vehicle and cycle parking shall be provided on site as agreed prior to beneficial use of the development and remain for the purpose of vehicular and cycle parking only.

REASON: To ensure vehicles and cycle can park off the public highway, in the interests of highway safety and the free flow of traffic., in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 20) A Landscape Management Plan, including
(a) long term design objectives,
(b) management responsibilities, and
(c) maintenance schedules for all landscape areas, other than domestic gardens, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.
The Landscape Management Plan shall be carried out as agreed.
REASON: To ensure that the landscaping is maintained 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.
- 21) No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The plant and machinery shall be operated in accordance with the approved details. The rating level of the sound emitted from the site shall not exceed 41 dBA between 0700 and 2300 hours, and 30 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014+A1:2019.
REASON: In the interest of residential amenity in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 22) Before any of the development hereby approved is occupied, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.
REASON: To encourage the use of a variety of transport options in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 23) Prior to their installation, details of the photovoltaic panels shall be submitted to and agreed in writing by the Local Planning Authority. The panels shall be installed in accordance with the agreed details.
REASON: To clarify these details and in the interests of visual amenity, in accordance with Policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 24) At least 10% of car parking spaces within the car park shall be provided with electric vehicle charging points as shown on drawing 200413-AD5950 Rev P02

and these shall be fully operational prior to the commencement of the beneficial use of the building.

REASON: To provide appropriate electric vehicle infrastructure to comply with Policy 12 of Future Wales: The National Plan 2040.

- 25) 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 the waste management plan dated 13th February 2024.
REASON: In the interest of public health in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 26) A 2m-high solid acoustic barrier along the west of the loading bay shall be constructed prior to the beneficial use hereby permitted, as per the noise report dated 16th February 2024.
REASON: In the interest of residential amenity in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 27) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve the approved development. The necessary infrastructure required shall be installed prior to the first occupation of the building.
REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.
- 28) No deliveries shall be taken at or dispatched from the site outside the hours of 0700-2100 Monday-Saturday and 0800-1800 Sunday and Bank Holidays.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 29) The use hereby permitted shall not be open to customers outside the following times 0700-2200 hours Monday to Sunday.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

1. 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.

2. 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

3. WARNING - SEPARATE APPROVAL UNDER THE LAND DRAINAGE ACT (1991) / CAERPHILLY COUNTY BOROUGH COUNCIL LAND DRAINAGE BYELAWS (2018) REQUIRED: Please note that Caerphilly County Borough Council operate Land Drainage Byelaws and that works on or near a watercourse may require Ordinary Watercourse Consent (OWC). The erection or construction of any Building or Structure within the Byelaws distance is only permitted following written consent from the Lead Local Flood Authority. Planning Permission granted here does

not remove the requirement for approval from the Lead Local Flood Authority to be obtained. You are advised to contact the Lead Local Flood Authority. Their contact details are provided below:

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website:

<https://www.caerphilly.gov.uk/Services/Roadsand-pavements/Flood-riskmanagement/Consent-to-work-on-an-ordinarywatercourse>

4. Natural Resources Wales advise that infiltration of surface water drainage into the ground should only be permitted for parts of the site where it has been demonstrated there is no resultant unacceptable risk to controlled waters. This should be informed by the applicant's existing ground investigations and/or remediation strategy. If this is not properly controlled, the development may create pathways for pollution to controlled waters.

5. Please note, Dwr Cymru/Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. It is recommended that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e., a drain which extends beyond the connecting property boundary) or via a new sewer (i.e., serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and private Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

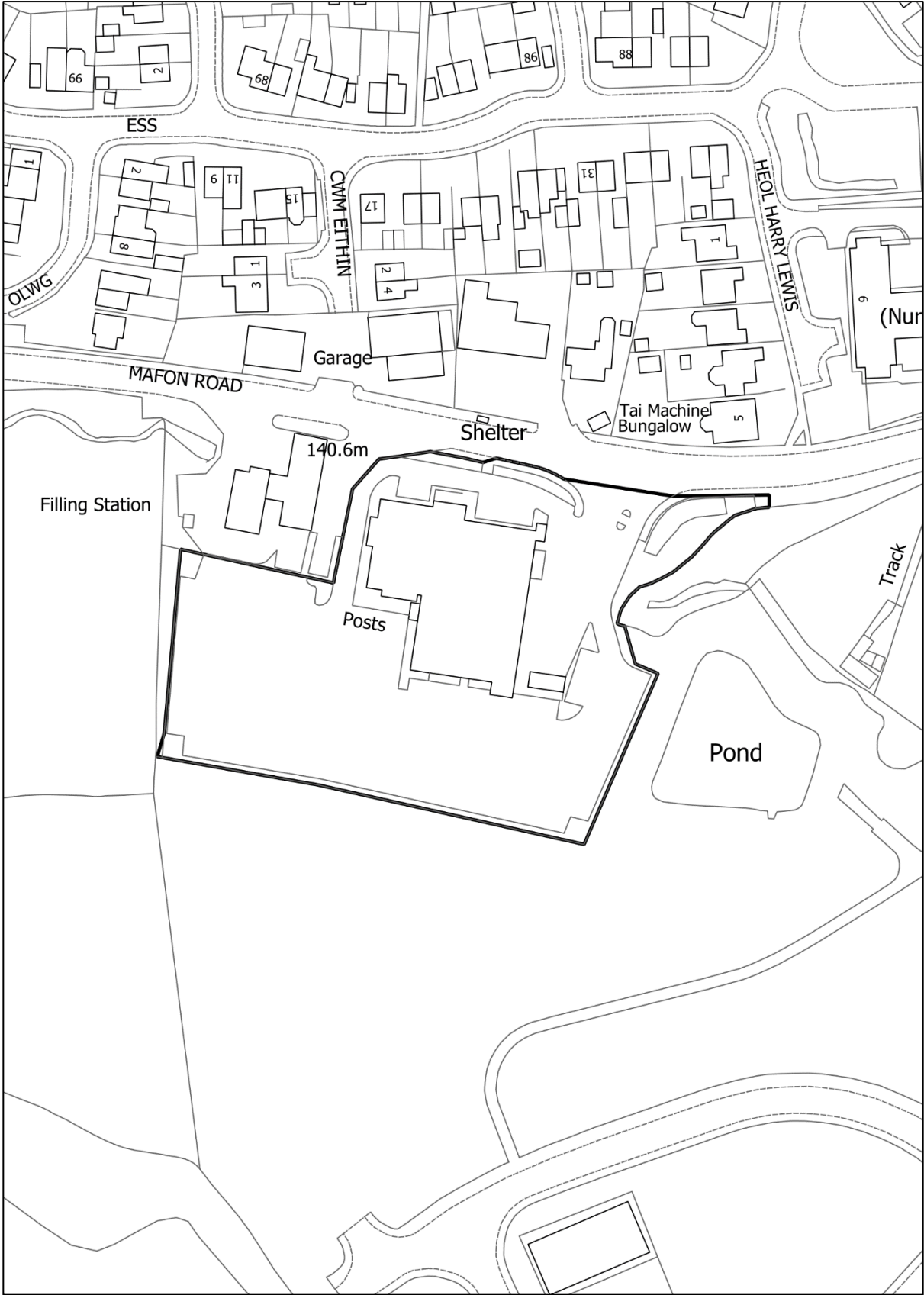
The planning permission hereby granted does not extend any rights to carry out any works permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned

and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru/Welsh Water. Under the Water Industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all times.

The applicant will need to apply to Dwr Cymru/Welsh Water for a connection to the potable water supply system under Section 45 of the Water industry Act 1991. The applicant attention is drawn to the new water connection application guidance notes available on their website.

6. It should also be noted that a registered Asbestos contractor should remove any asbestos within the boundary of the development.



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Application Number: 24/0308/FULL

Date Received: 24.04.2024

Applicant: GHR Developments Ltd

Description and Location of Development: Redevelop part of a surface level car park to provide residential development, access, drainage, landscaping and associated works - Car Park At Grid Ref 317301 197037 Bus Station Road Blackwood

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located to the west of The Market Place, Blackwood and to the north of the Council Car park directly above Blackwood Bus Station.

Site description: A privately owned car park within the town centre. It is understood that the site was excavated for its development as a car park to serve the Market Place shopping centre development and the excavation left steep embankments on three sides reinforced with stone fill gabion retaining walls. Much of the embankment has self-seeded and there is significant tree cover on the upper slopes above the cut rock face. Residential properties adjoin the site boundaries around the embankment and the site links to a neighbouring Council car park.

Development: Full planning permission is sought to re-develop part of a surface level car park to provide residential development, access, drainage, landscaping and associated works.

Dimensions: The development comprises of two blocks of separate apartments.

Block A is a five-storey building located along the western boundary. It has a maximum footprint measuring 40.4 metres long and 20.5 metres wide and measures 14.0 metres in height with a small addition of a lift shaft extending 1.2 metres above the flat roof. The building will provide 31 x 1 bedroom apartments and 13 x 2 bedroom apartments.

Block B is a three-storey building located adjacent to the eastern side of Block A at the northern end of the site. It has a maximum footprint measuring 22.9 metres long and 16.9 metres wide and measures 9 metres in height. The building will provide 14 x 1 bedroom apartments and on-site ground floor office accommodation.

Materials: The external finishes indicate a mix of three differing facing bricks combined with dark framed elongated window openings.

Ancillary development, e.g. parking: The development will be served by 42 off-street car parking spaces, 62 internal cycle spaces, external refuse and recycling stores bin stores and communal garden/amenity spaces.

PLANNING HISTORY 2010 TO PRESENT 19/0002/FULL - Re-develop the former Somerfield Supermarket, including the partial demolition of the existing structure and construction of 47 No. 1 and 2 bed apartments over three storeys; and development of 19 permanent artisan market units, to be located on the existing market square to the south of The Market Place shopping centre - Pending Decision subject to completion of S106 agreement.

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 Blackwood settlement boundary and is also within the Principal Town Centre Boundary of Blackwood, (CM 1.2).

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

Strategic Policies

Policy SP2 Development Strategy - Development in the Northern Connections Corridor (NCC);
Policy SP4 Settlement Strategy;
Policy SP5 Settlement Boundaries;
Policy SP6 Placemaking;
Policy SP7 Planning Obligations;
Policy SP10 Conservation of Natural Heritage;
Policy SP14 Total Housing Requirements;
Policy SP15 Affordable Housing Target;
Policy SP19 Transport Infrastructure Improvements; and
Policy SP21 Parking Standards.

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 CW10 Leisure and Open Space Provision;
Policy CW11 Affordable Housing Planning Obligation; and
Policy CW15 General Locational Constraints.

Supplementary Planning Guidance

LDP1: Affordable Housing Obligations;

LDP4: Trees and Development;
LDP5: Car Parking Standards;
LDP6: Building Better Places to Live; and
Greater Blackwood Masterplan.

NATIONAL POLICY 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.

Planning Policy Wales Edition 12, February 2024;

Technical Advice Note 2: Planning and Affordable Housing;
Technical Advice Note 4: Retail and Commercial Development;
Technical Advice Note 12: Design;
Technical Advice Note 18: Transport; and
Technical Advice Note 23: Economic Development.

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? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No, the application site is located within a low risk coal mining referral area. However, standing advice will be provided to the developer by way of an informative note.

CONSULTATION

Transportation Engineering Manager - CCBC - The proposed development consists of 58 residential dwellings, comprising of 45 No. 1 bedroom apartments and 13 No. 2 bedroom apartment The proposal is located within parking zone 2, as set out in the Council's Supplementary Planning Guidance (SPG). As such, the proposed apartments have an off-street requirement of 1 space per bedroom (maximum requirement 3 spaces) for residents plus 1 space per 5 units for visitors. The development has a total requirement of 71 spaces for residents and 12 spaces for visitors, a total of 83 spaces.

It is acknowledged that there is sufficient capacity in nearby car parks to accommodate the developments short-term visitor parking requirement. Furthermore, a sustainable location relaxation can be applied to arrive at a requirement of 1 space per unit. As such, the revised off-street parking requirement is considered to be 58 spaces.

The submitted proposed site plan indicates that 26 spaces are to be provided for the residential dwellings. This equates to a shortfall of 32 spaces from the development's requirement. Nevertheless, the development is located in a highly sustainable location in the vicinity of Blackwood town centre with a significant amount of amenities and employment opportunities available within easy walking distance. Furthermore, there are an additional 36 spaces located within the applicant's control. 20 of these spaces will be retained for use by the neighbouring gym, providing an additional 16 spaces available for use to residents and visitors of the proposed residential development. As such, the proposed development has provision of up to 42 spaces. With these points in mind. The proposed development is, on balance, considered acceptable with regard to parking provision.

The proposed development also has a cycle parking requirement of 1 stand (2 spaces) per 5 bedrooms. The proposed development has a total of 74 bedrooms resulting in a cycle parking requirement of 15 stands (30 spaces). There are 62 secure cycle spaces proposed within the ground floor of the building. As such, the proposal gives no undue cause for concern regarding cycle parking.

No highway objection is raised subject to conditions to secure on-site parking and cycle storage, for the developer to submit a Construction Method Statement and measures to ensure surface water run-off from within the site do not discharge into the highway.

CCBC Housing Enabling Officer - Requested amended plans to replicate the housing mix identified for the area. No further comments have been provided.

Aneurin Bevan University Health Board - No comments received.

Environmental Health Manager - No objection subject to conditions in the interests of residential amenity.

Senior Engineer (Drainage) - Advises that Sustainable Drainage Approval is required.

Waste Strategy And Operations Manager - Provides advice in relation to the development to be able to accommodate the Council's refuse and recycling requirements in terms of storage/bin containers.

Town Centre Manager CCBC - No comments received.

CCBC - 21st Century Schools Manager - No comments received.

Strategic & Development Plans - The principle of development accords with relevant policies (or parts of policy documents) in the following ways:

- The proposal would help to 'focus significant development on [a] brownfield [site] that [has] regard for the social and economic functions of the area' (see criterion A of LDP policy SP2);
- A town-centre proposal would help to 'reduce car-borne trips by promoting more sustainable modes of travel' (see criterion B of LDP policy SP2);
- The proposal would make efficient use of existing infrastructure (see criterion C of LDP policy SP2);
- The proposal would not 'prejudice the implementation of wider comprehensive redevelopment or constrain the development of any adjacent site for its allocated land-use' (in land-use terms, housing is compatible with the development permitted under 16/1006/COU and proposed under 19/0002/FULL) (see criterion A of LDP policy CW15);
- The proposal would 'accord with the role and function of the settlement' (see criterion B of LDP policy CW15);
- The proposal would help to 'promote the full and effective use of urban land and thus concentrate development within settlements' (see criterion B of LDP policy SP5);
- Owing to the site's location, the proposal would 'reflect sustainable transport and accessibility principles' and has the potential to '[provide] full, easy and safe access for all' (see criterion D of LDP policy SP6, Policy 2 of Future Wales and Figure 5 of PPW);
- The proposal would help to sustain or even enhance the town centre's 'vibrancy, viability and attractiveness' (see Policy 6 of Future Wales and paragraphs 4.3.2 and 4.3.3 (second bullet point) of PPW);
- The proposal would create (affordable) homes in a National Growth Area (see Policies 1, 7 and 33 of Future Wales);
- The proposal is compatible with the Greater Blackwood Masterplan's development strategy (see paragraph 5.13) and several of the development principles under project B1: Blackwood Square, Blackwood. It may not involve a new town square or market, but it does not go against the broad aims of the masterplan.

No obvious conflict arises between other policies and the principle of development.

Paragraph 10.6 of the 2022 Annual Monitoring Report (AMR) states:

'It has not been possible for the adopted LDP to achieve its target of 8,625 dwellings, and at least 964 affordable dwellings, over the plan period.'

Paragraph 10.7 of the 2022 AMR states that 'there remains a need to increase the housing land supply in the short term, utilising a number of direct interventions'.

Paragraph 9.43 of the 2022 AMR states:

'Despite the increase in affordable housing delivery since 2019, only just over one third of the target identified within the LDP has been delivered.'

Paragraph 4.2.26 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.'

The creation of up to 58 affordable dwellings must weigh in favour of the proposal.

In conclusion there is no objection to the principle of development in that it accords with relevant policies and parts of policy documents, and the need for (affordable) housing is a material consideration that weighs in favour of the proposal.

Ecologist - No objection subject to conditions.

Heritage Officer - Peter Thomas - No comments received.

Landscape Architect - CCBC - The following observations are offered:

Context

It's noted that the proposed development is located within the settlement of Blackwood, within an existing hard landscaped carpark. The site is enclosed within the steeply cut hillside, with Blackwood Shopping Centre adjacent on the east, with the remaining aspects characterised by residential development.

Green Infrastructure Statement (GIS)

The application includes a GIS, this acceptably demonstrates through the below combined proposed elements, how the development intends to provide a net benefit for biodiversity and ecosystem resilience from the baseline state.

- Retention of existing landscape features around the embankments surrounding the site;
- Proposed landscaping and a centrally located communal garden space;
- Incorporation of SUDs drainage features with rain gardens to be provided; and
- Inclusion of bird (e.g. House Sparrow) and bat boxes.

Landscape and Visual appraisal (LVA)

A Landscape and Visual appraisal, undertaken by McQuitty Landscape Design, has been submitted in support of this application. This comprehensively outlines the baseline site, settlement and landscape. It discusses the acceptability of effects of the proposed development on both landscape character (referencing LANDMAP) along with the visual effects of the proposed development.

The appendix includes photographs taken from the 8 selected viewpoints, that illustrated the site and location of the proposed development in the existing settlement context.

The site is not within a designated landscape or a Conservation Area and it benefits from a strong degree of enclosure within the settlement of Blackwood and that proposed development will be in keeping with the urban landscape character.

It is accepted that when viewed from elevated land to the east of Blackwood, that within the context of the wider settlement, views of the development will be limited to the higher parts of the proposed development which will be visible beyond the shopping centre, but these will not be visually significant given the wider urban context and distance from the viewpoints from the east. Having studied the requested and submitted visual 'Wider Landscape View from Woodfieldside', which shows the development within the context from the east, that the proposed mass and height of the buildings at 3 and 5 storeys, although visible, is considered to be acceptable.

In that regard with the development being located recessed into the rising topography and existing vegetated embankments, there will generally be limited visibility of the development from outside of the site.

Where visible, the new buildings and landscaped setting will be of higher quality, replacing a poor-quality area of car parking with unmanaged embankments. Generally, it is accepted that the visual effects on residential receptors close to the development will not be substantial, notably once proposed planting has become established. The LVA does however acknowledge that a few properties adjacent on the western boundary, that are afforded views, will potentially experience substantial visual effects as result of the development.

On balance, given the urban context and providing a high quality approach to both the building and landscaping is taken forward as indicated, it is considered that the proposed housing development, has the potential to be assimilated successfully and make a positive contribution to the settlement character of this part of Blackwood, with no significant or unfavourable landscape or visual effects. Conditions will however be required to ensure that the proposed development maintains the indicative commitment to quality currently shown.

Placemaking Officer - Douglas McGlyn - The building's mass and scale are appropriate for the site's location, its context, and its relationship to the surrounding elements specifically to the west and north. The scale of the Market Place building still provides context to the 3-storey element to the north of the development.

The entrances need to be more legible for Blocks A and B and can be achieved by adding colour with contrasting textures and materials on all exterior elevations.

Advice is also provided in terms of potential amendments that could enhance the proposal regarding the design and location of the buildings, reducing the overall number of car parking spaces and for the scheme to include undercroft parking to increase landscaping and outdoor amenity space.

Blackwood Town Council - No comments received.

Dwr Cymru - Provides advice in relation to the public sewer crossing the site and that only foul water from the development site shall be allowed discharge to the public sewerage system.

Police Architectural Liaison Officer - Requests a 1.8m high perimeter fence around the site to limit the potential number of access points to the site and for car parking spaces to be allocated.

Informal advice is also provided in relation to landscaping, mail deliveries, CCTV, bike storage, communal lighting, window and door security along with access control.

Chief Fire Officer - No objection, informative advice is provided.

Estates Manager - Property Division - Provides advice to be conveyed to the applicant.

ADVERTISEMENT

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

Response: Fifteen representations were received.

Summary of observations: The following issues were raised from the representations received:-

1. Concerns relating to overlooking and overshadowing.
2. Concerns relating to building height, visual impact and preference for a development limited to three storeys in height.
3. Concerns in relation to the loss of public car parking and the associated impact on nearby businesses.
4. Suggests alternative sites more appropriate for the development.
5. Concerns around the quality of public consultation undertaken.
6. There is a lack of shops in Blackwood.
7. Queries whether the road at pinch point/crossing requires widening? Will access provision be sufficient for emergency vehicles?
8. Queries how the above will be managed - currently a one-way system is in operation.
9. Requests that the rear access must be maintained at all times to the above properties on Lilian Road.
10. Concerns raised in relation to the construction impacts.
11. The development will increase the strain on local services.
12. There is a clear lack of investment in the town centre.
13. Anti-social behaviour and crime at bus station and in town centre will increase.
14. Queries whether the proposal is a suitable location for social rented apartments?
15. Concerns relating to the design of the proposed buildings.
16. There is a lack of green space or parks for residents.
17. No additional parking is set aside for visitors/family/liaison or Welfare Officers, refuse collection vehicles, or emergency services.
18. Not enough parking set aside for gym users.
19. Poor transport services/links. Bus link to Ystrad Mynach train station has been stopped.

20. No leisure/welfare facilities to hand, travel would be necessary. Drug and alcohol services difficult to get to (main one in Caerphilly).
21. There is a surge of social housing developments around the Blackwood area.
22. Caerphilly town centre is more suitable location for the development.
23. It is not stated what types of trees will be planted.
24. There is an over-concentration of affordable housing in Blackwood.
25. Queries who will be managing the landscaping.
26. No biodiversity enhancements proposed.
27. Lack of parking for residents and associated potential for overspill on surrounding streets.
28. Exploring consideration of Right to Light with insurers.
29. The development will result in the loss of unobstructed views.
30. Concerns that the neighbouring properties will be damaged by future occupiers using the site to take short cuts from one side of the town to the other.
31. The development will give rise to increased levels of noise, disruption and crime.
32. As one of the apartments has been designated on the plans for social services/police to use as a hub, it raises concerns for potential anti-social behaviour.
33. The proposals do not contribute to the regeneration of the town and are incompatible with Blackwood Masterplan SPG, the Council's own policies.
34. The development is falsely publicised as affordable housing and the development is to be used for homeless and a halfway house.
35. The submission details provide insufficient detail on the impact on surrounding houses particularly shadow analysis that wasn't provided at PAC stage.
36. Concerns around fire safety and access.
37. The development will burden emergency service resources.
38. Concerns relating to the presence of Japanese Knotweed within the site.
39. Concerns that the development will impact on bats and birds and thorough surveys have not been undertaken.
40. The density is too high and the development is out of context.
41. There is potential for future development on the buildings (e.g. telecommunication masts).
42. Queries whether planted trees will be replaced if vandalised.
43. The development will give rise to increased litter.
44. The proposed development will give rise to light pollution and impact the ecological corridors around the site.
45. The proposed development will devalue property prices.
46. The proposed development would be a great addition to the town and it would be nice to see a modern development in the town centre.
47. Comments that the removal of the external balconies is a welcomed addition.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the development is CIL liable in that new residential floor space is proposed. The site is located within a mid-viability area where the CIL is charged at a rate of £25 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 to re-develop part of a surface level car park to provide residential development, access, drainage, landscaping and associated works. The main issues for discussion in the determination of this application are:

- The suitability of the site for residential development;
- Affordable housing provision;
- Planning obligations;
- Placemaking and design;
- Ecology and landscape impacts;
- The impact upon residential amenity; and
- The impact upon the highway network.

These issues will be discussed in turn.

THE SUITABILITY OF THE SITE FOR RESIDENTIAL DEVELOPMENT

The application site is a private carpark located in the Northern Connections Corridor (NCC). 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 LDP Proposals Map confirms that the site falls within Blackwood Principal Town Centre Boundary (reference CM 1.2 Blackwood) and in policy terms re-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.

Policy SP2 (Development Strategy in the Northern Connections Corridor (NCC) requires development proposals within the NCC to promote sustainable development.

Specifically proposals in this area should be targeted to both greenfield and brownfield sites having regard to the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; and protect the natural heritage from inappropriate forms of development.

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. Blackwood is identified as a Principal Town and the application site meets the definition of previously developed land (also referred to as brownfield) as set out in Planning Policy Wales (PPW).

In settlements, brownfield land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. Policy SP2 also requires that new proposals reduce car borne trips by promoting sustainable modes of travel and make the most efficient use of existing infrastructure. 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 adjacent to Blackwood bus station, within walking distance to the main town centre and a number of local facilities including community, education, health services, supermarkets, recreational spaces and formal leisure provision.

Having regard to the above, it is therefore considered that the principle of re-developing the site for residential purposes is considered acceptable in land use terms subject to satisfying all other material planning considerations.

With regards 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. There is just one exception in the year 2023/24 where the number of dwelling completions is forecast to be 625 units. 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.

'Town Centre First' is a policy position that has been embedded into national planning policy documents produced by Welsh Government and in 2021 this position was bolstered through the introduction and publication of the National Development Framework for Wales (Future Wales: The National Plan 2043) which makes it clear that the sequential test applies to uses other than retail, recognising that successful town centres are diverse in their composition, and are more than just shops.

The policy has also been worked into PPW whose purpose is to set out the detail of land use policies in Wales. The 'Town Centre First' approach requires local authorities to put "the health and vibrancy of town centres as the starting point of locational decision-making. Although the policy has been a part of the wider planning framework within Wales for some time, its inclusion as a standalone policy (Policy 6) in the National Development Framework is a demonstration of further commitment to Welsh Town Centres.

Moreover, in May 2023, Welsh Government released a new position statement ('Town Centres') that offers up a series of actions and activities to support the 'Town Centre First Policy': a policy position integrated across existing national planning documents referred to above that seeks to focus the delivery of new development within town centres which reiterates the benefits of bringing new residential development into town centre locations and seeks to reduce car dependency.

It states:

"Footfall is key to achieving thriving, successful town centres. The best footfall is the residential kind, for people who live in a town centre will not only use its shops and institutions but can do so via active or public transport and will care for its safety and security in the evenings at night. It is critically important that if town centres are to be reinvented, town centre living must be delivered and of mixed tenure and type, supported by active travel infrastructure within wider efforts to help create walkable neighbourhoods."

The proposed residential development would provide 58 units comprising of one and two bedroom apartments all of which are proposed to be affordable within close proximity to a Principal Town Centre. It is considered that this would meet the aims of 'Town Centre First.'

AFFORDABLE HOUSING

In terms of affordable housing, 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 Blackwood ward, which attracts an affordable housing target of 25%. The Council's Housing Enabling Officer has requested that the proposed development should provide 25% of the overall number of dwellings proposed as affordable housing, this equates to 15 apartments when rounded up. The proposals would make a meaningful contribution towards addressing the 5,977 applicants on the Common Housing Register seeking affordable housing in Blackwood. The affordable housing need in the most recent Local Housing Market Assessment (LHMA) is predominantly for 1 bedroom apartments. The proposed development would directly meet the needs identified within the LHMA. Whilst the overall amount of housing proposed on the site would not make a significant contribution to the overall supply of housing, it would make a much needed contribution, particularly in terms affordable housing. Accordingly, the proposal would meet the requirements of Policies SP14 and SP15.

PLANNING OBLIGATIONS

In tandem with Policy CW11 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 25% of the proposed apartments as affordable housing. Whilst it is acknowledged that the proposed development seeks to provide a 100% affordable housing scheme development, which is over and above the required 25% housing target, the Local Planning Authority can only require the relevant housing target for the area in terms of any Section 106 agreement. The agent on behalf of the developer has provided a statement confirming that they are willing to enter into the necessary Section 106 agreement to secure the delivery of affordable housing.

PLACEMAKING AND DESIGN

In line with national planning guidance, 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. It 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).

The existing car park is largely flat at a level of approximately 180m Above Ordnance Datum (AOD) with the embankment to the west rising up to around 193m AOD. The site has strong enclosure on all sides. Cut into the hillside, it is now tightly enclosed by the Market Place shopping centre buildings to the east and by residential properties along the western and northern boundaries. In landscape terms the application site is considered to be within an area of low townscape quality and is considered to be a small element within the wider urban context of Blackwood as a large town of built development.

In terms of the design and layout of the proposed development this has responded to the existing built form and access arrangements to the site. It should be noted that the proposal has evolved through both the pre-application consultation stage and application process by limiting the extent of the perceived overlooking from neighbouring residents, changing the housing mix in response to housing need together with increasing refuse/recycling provision, outdoor amenity space and on-site parking provision.

The proposed residential development comprises of two apartment blocks with the larger of the two apartment blocks (Block A) being five storeys in height running in a northerly to southerly direction along the western boundary and the smaller three storey apartment block (Block B) running in a westerly to easterly direction along the northern boundary. The proposed development does not attempt to replicate the more traditional character and styles of houses within the local area. Instead, the design approach seeks to provide a modern and contemporary residential development within an enclosed site by incorporating a flat roof design and a strong vertical emphasis in fenestration which helps break up the mass of the building. Such an approach is considered to be acceptable having regard to the detailed Landscape and Visual appraisal undertaken. The proposed apartment buildings when viewed from elevated land to the east of Blackwood, and within the context of the wider settlement, would not be considered to be visually significant given the wider urban context and visibility of the development would only be limited to the higher storeys above the existing Market Place shopping centre buildings. It is therefore considered that the overall mass and height of the proposed apartment buildings are considered to be acceptable.

In terms of external finishes, a combination of three brick finishes has been indicated although no details have been submitted for consideration. In that regard it is considered reasonable to impose a condition to control the external finishes to ensure that the use of a variety of materials, textures and finishes assist with visually reducing the scale and massing of the proposed buildings from short range viewpoints together with adding visual interest to each of the apartment buildings.

The principal elevations of each of the two apartment blocks would overlook a centralised area of useable communal open space including integrated seating areas for residents to enjoy and also duals as providing additional GI, biodiversity, introducing various on-site drainage attenuation measures and further enhances the site and its surrounding context. Accordingly, the proposed development would meet the requirements of Policy SP6.

With regards to surface water management the proposed development exceeds 100 square meters and will therefore require Sustainable Urban Drainage approval and the technical details associated with a comprehensive drainage requires separate consent from the Sustainable Drainage Approval Body (SAB), an independent approval process outside of planning legislation.

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. With regards to green infrastructure (GI) there is very little in terms of existing soft landscaping or GI features of note within the site as the majority of the site is occupied by hardstanding with occasional ephemeral/short perennial vegetation emerging from cracks within the tarmac, dense continuous scrub wraps around and the carpark at a lower level and towards the higher elevations of the elevated embankments there are multiple species of relatively small scattered-broad leaved trees and areas of tall ruderal vegetation. It should be noted that the embankments would remain unaffected by the proposed development where possible in order to minimise the impact on biodiversity and ecosystems by retaining the existing elevated landscape features.

The application is supported by an Ecology Summary Note and confirms that based on the limited site features present within the site combined with its location adjacent to the busy and well-lit high street location with limited green links/connectivity, the site is considered of negligible potential for roosting bats, although the steep embankments could support nesting birds and have potential to be used by foraging bats in the immediate local area. No features suitable for use by other protected or notable species (e.g. Badgers, common reptiles) were identified within the site boundary and no non-native species listed under Schedule 9 of the Wildlife and Countryside act (1981) were identified.

The Council's Ecologist has reviewed the Ecology Summary Note and the suggested mitigation and enhancement recommendations, no objection is raised subject to the imposition of conditions for the development to provide biodiversity enhancement and conservation measures.

Policy CW6 (Trees, Woodland and Hedgerow Protection) requires that effective measures are taken to ensure the protection of existing trees and hedgerows on

development sites. In that regard as indicated above, there are no trees within the elevated embankment identified for removal.

In terms of landscaping, the Indicative Landscape Strategy and Indicative Plant Species/Planting Notes Plan indicate that the design includes a range of GI features to enhance biodiversity across the site and to create multi-functional useable outdoor amenity spaces. The Council's Landscape Architect confirms that the landscaping principles are considered acceptable but a specific hard and soft landscape scheme including details of retaining walls, boundary treatments and enclosures to be erected along with details of hard would need to be submitted for consideration and can be secured by way of condition. Subject to such conditions, there is no reason to indicate that the proposed development would not have an unacceptable impact on any existing GI within the site. The proposed development therefore complies with Policies SP10 and CW6.

THE IMPACT UPON RESIDENTIAL AMENITY

Policy CW2 (Amenity) states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. In that regard the proposal is for residential development and is considered to be compatible with surrounding land uses and is not considered to be over-development. It should also be noted that the existing use of the site as a carpark would create a certain amount of traffic, noise and general disturbance. Moreover, historically the carpark and the former associated vacant Market Place building would have been used more intensively whilst in use as a supermarket or latterly after its closure as a free carpark. In recent years pay and display car parking has been introduced on the site which has seen the intensity of use within the car park decline.

In terms of the relationship of the proposed apartments and the neighbouring residential properties, it should be noted that Block A, the five storey apartment building, would be sited at its closest point a minimum distance of 21 metres away from the rear common boundaries along 1-4 Mayhill Bungalows and would project approximately 2.9 metres above the top of the embankment boundary. Whilst the rear properties and gardens of Mayhill bungalows face out onto the development site, the existing boundary treatments and tree coverage along the embankments provide a considerable degree of screening. It is accepted that leaf coverage differs throughout the seasons and consequently the outlook for existing occupiers of Mayhill Bungalows will change during the year, nonetheless given the separation distances involved it is not considered that the development will give rise to any loss of privacy in terms of overlooking or give rise to any unacceptable overshadowing impacts.

In terms of the nearest residential properties at the north-western corner along Tuckers Villas (Rowanlea and Rosegarth), these properties are also located at a higher level with their principal elevations facing in an easterly direction and their associated front gardens running parallel to the embankment. In terms of the impact of the proposed

development Block A would be 0.82 metres lower than the ridge height of the pair of semi-detached properties and would be located 10.89 metres away from the boundary and at its closest point would be 14.35 metres away from the side elevation of Rowanlea. Block A would also extend 10.4 metres east beyond the principal elevation of Rowanlea. There are no habitable room windows in the side elevation of Rowanlea but careful consideration has been given to the habitable room window sizes on the fourth and fifth floors to reduce any perceived impact in terms of overlooking from the apartments to the front gardens of Rowanlea and Rosegarth. Nonetheless the separation distances are considered acceptable in planning terms and it is not considered that the proposed development would give rise to any unacceptable degree of loss of privacy in terms of overlooking to the occupiers of Rowanlea and Rosegarth.

With regards to potential overshadowing Block A will give rise to some slight overshadowing impacts to the front garden of Rowanlea during the early spring months and the garden will be subjected to additional overshadowing to the garden in the winter months by virtue of long shadows being created as a result of low solar altitude. In residential amenity terms the extent of any additional overshadowing would be limited to periods of the year when outdoor amenity space is not normally used or enjoyed as intensely. During the months of the year when daylight hours are longer and the sun is positioned at a higher altitude Block A would not give rise to any overshadowing impacts to Rowanlea. Block B being three storeys in height is not considered to have any impact in terms of overshadowing.

Block B is located to the east of the side elevation of Block A along the northern boundary. The nearest property closest to Block B is No. 4 Graig View, Highland Terrace, which is located at lower level than the application site. In terms of the impact of the proposed development Block B would be 1.73 metres taller than the ridge height of the terraced properties along no.1 - No.4 Graig Terrace and would be located 10.62 metres away from the southern side garden boundary of No.4 Graig View. Block B is positioned to the south-west of No.4 Graig View. In that regard the position and fenestration of Block B would be similar to Block A in terms of the relationship with the nearest neighbouring garden. There are habitable rooms at third storey level that would overlook the garden area of No.4 Graig View in the same way as Block A overlooks Rowanlea, the window openings would be limited but the separation distances are such that an acceptable distance away from the common boundary are maintained. Furthermore, there is a significant amount of vegetation and well-established tree cover providing a significant degree of screening along this boundary that would further reduce any perceived overlooking impacts. It is noted that a landscaping scheme has yet to be agreed and the maintenance of any existing landscaping would need to be considered at a later date, nonetheless the separation distances without reliance on any landscaping are considered acceptable and it is not considered that development would be overbearing to the neighbouring occupiers.

In terms of potential overshadowing in the same vein as the analysis provided above for Rowanlea, the impacts for the corresponding months are considered to be similar but would reiterate that the current situation would give rise to overshadowing impacts

during the darker and wetter months of the year by virtue of the elevated boundary, associated vegetation, domestic outbuildings combined with the sun's movements and low positioning throughout the day.

It is also acknowledged that the ground floor windows on the rear elevation of no.4 Graig View receive limited light as a result of its positioning in relation to the stone retaining wall and rising garden levels above, however the separation distances involved between the nearest point of the northern elevation of Block B and the relevant rear windows of No.4 Graig View ranges between 18.9 and 20 metres at angles of 59 and 43 degrees respectively. On that basis it is not considered that the proposed development would adversely affect the current levels of sunlight or daylight received for the occupiers of No.4 Graig View.

With regards to potential overlooking the nearest first floor window would be located in excess of 24 metres away at an angle of 20 degrees and those distances and angles increase respectively further along the northern elevation of Block B towards Block A. In that regard the distances exceed the recommended 21 metres required between opposing rear habitable room windows and the viewing angles from the limited width of the window opening would be too acute.

Whilst it is acknowledged that there will be some properties where the visual effects of the proposed development will change in terms of outlook, this is not considered to be sufficient justification to warrant refusal of the application. The proposed development is therefore considered to meet the requirements of Policy CW2.

THE IMPACT ON THE HIGHWAY NETWORK

Policy CW3 (Design Considerations - Highways) requires development proposals to have regard for the safe, effective and efficient use of the transportation network. A Transport Note and Statement accompanies the planning application submission details and in combination provides a comprehensive assessment of the transport implications associated with the proposed development. In that regard the site is located within a highly sustainable location, with good public transport links and the existing vehicular access to the site from Bus Station Road would remain unchanged. The layout also indicates an appropriate turning facility for refuse and delivery vehicles to enter and leave the site in forward gear, including management of a one-way system, the same as the existing situation.

In terms of parking arrangements 26 off-street parking spaces are indicated within the red line boundary and an additional 16 spaces to the front of the Market Place building are within the applicant's control, in addition to the 20 spaces to be retained for the gym. Therefore, the proposed development can provide 42 spaces, which would be unallocated allowing residents and visitors to share on-site parking. Alternatively short-term parking is available within the Council Bus Station car park adjacent to the application site. The development would also provide secure cycle storage and given the sustainability of the site in terms of its proximity to the town centre and the car

parking availability studies undertaken in all of the Council car parks within the town centre, the loss of the private car park would not exacerbate the existing town centre car parking demand. On balance the Council's Transportation Engineering Manager considers that the proposed development would therefore respond to the flexibility provided by Supplementary Planning Guidance LDP 5 and a relaxation to the maximum car parking standards can be applied.

This would be in accordance with the maximum parking standards and in accordance with Paragraph 4.1.51 of PPW whereby it states:-

"A design led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport ... among other things, car parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a shift to walking, cycling and public transport. Moreover, it states that well designed schemes which keep parking levels down, especially off-street parking, must be supported by planning authorities."

This is further reinforced in Policy 12 of Future Wales in respect of car parking matters where it states:-

"Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time."

In terms of trip generation given that the site's proposed use has a lesser demand for vehicle movements compared with its current car park use, the surrounding highway network is considered to have sufficient capacity to accommodate the proposed vehicular movements including site circulation without having a detrimental impact on highway safety.

The proposed development therefore complies with Policy CW3.

CONCLUSION

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 brownfield land within the defined settlement boundary of Blackwood. 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 number of anticipated vehicular movements when compared to the existing situation 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 58 affordable homes within the Northern Connections Corridor 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 and deliver 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 applicant, as a Registered Social Landlord, proposes to provide 100% affordable housing. This exceeds the 25% affordable housing target in the Northern Connections Corridor and therefore it is only reasonable for the Local Planning Authority to secure the maximum 25% affordable housing target. This would not prevent the Registered Social Landlord from providing the remainder of the apartments as affordable housing.

Comments from Consultees: The Council's Placemaking Officer has provided additional comments to enhance the proposed development regarding the design and location of the buildings, reducing the overall number of car parking spaces and for the scheme to include undercroft parking to increase landscaping and outdoor amenity space. In that regard it would be desirable if all of the amendments could be accommodated but there are competing priorities for the respective consultees to consider and the potential impacts of those changes. The Local Planning Authority has to consider whether the

scheme as submitted is considered acceptable in the planning balance of weighing up all the key considerations.

Comments from public: Responses to the representations received are as follows:

1. Concerns relating to overlooking and overshadowing.

LPA RESPONSE: The separation distances from the proposed development to the boundaries of the site and to adjacent properties are considered to be acceptable and in compliance with amenity standards. The submitted overshadowing plans demonstrate that neighbouring properties and their amenity space will receive adequate daylighting from a planning perspective as discussed in detail in the report above.

2. Concerns relating to building height, visual impact and preference for a development limited to three storeys in height.

LPA RESPONSE: Justification for the scale and height of the development is provided within the Planning Statement, Design and Access Statement and shown on the submitted sections. The building's height has been informed by a Landscape and Visual Appraisal prepared by a qualified landscape architect. The 3 storey element building relates to the shopping centre, whilst the 5 storey building relates to the existing residential properties which sit at a higher level. Consequently, the building will sit comfortably within its setting within the bowl of the car park which was historically excavated to form the current ground level. The height has been reviewed by both the Council's Placemaking Officer and Landscape Architect and are confirmed to be acceptable.

3. Concerns in relation to the loss of public car parking and the associated impact on nearby businesses.

LPA RESPONSE: The car park is in private ownership and can close at any point. This is not a material planning consideration. In any case, the applicant has submitted a Transport Note which identifies that the surrounding area also has sufficient public car parking. This is underpinned by a series of surveys undertaken evidencing the parking capacity in existing car parks elsewhere. On this basis, the town would continue to be well served by local car parks and the closure of this car park would not have a material impact on parking stress in the surrounding area.

4. Suggests alternative sites are more appropriate for the development.

LPA RESPONSE: The Local Planning Authority can only consider the application submitted on its planning merits. The development for consideration accords with the role and function of Blackwood and the proposed land use responds positively to the immediate and wider surrounding area. Furthermore, the provision of affordable housing would assist in meeting an identified need within the community whilst regenerating an underutilised car park.

5. Concerns around the quality of public consultation undertaken.

LPA RESPONSE: It is understood that the applicant has undertaken Pre-Application Consultation which has surpassed the statutory minimum requirement. Additional

engagement with the community has extended to a meeting held on-site with the local ward councillors and the Mayor of Blackwood, a presentation was made to Blackwood Town Council at their monthly meeting and two consultation drop-in events were held (one during the daytime and one to cover evening hours).

In terms of the Council's Requirements the Local Planning Authority has advertised the application in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2014.

6. There is a lack of shops in Blackwood.

LPA RESPONSE: This is outside of the scope of the Local Planning Authority to consider in the determination of this application.

7. Queries whether the road at pinch point/crossing requires widening? Will access provision be sufficient for emergency vehicles?

LPA RESPONSE: The application does not include any widening of the highway. The applicant has supplied swept path diagrams within the Transport Note demonstrating that the development can be safely accessed.

8. Queries how the above will be managed - currently a one way system is in operation.

LPA RESPONSE: The application includes a reconfiguration of the parking layout within the site, as shown on the submitted plans. The one way system would remain unchanged.

9. Requests that the rear access must be maintained at all times to the above properties on Lilian Road.

LPA RESPONSE: The proposed development does not impact upon any rear access to Lilian Road.

10. Concerns raised in relation to the construction impacts.

LPA RESPONSE: Construction impacts and management can be controlled via measures within a Construction Traffic Management Plan which has been required by way of condition.

11. The development will increase the strain on local services.

LPA RESPONSE: The number of apartments proposed is not significant or disproportionate to the overall settlement and will not result in any undue pressure to the wider community. Furthermore, it could also be viewed that the additional homes created will help to support existing shops and services through the increased demand.

12. There is a clear lack of investment in town centre.

LPA RESPONSE: The proposal does represent an investment in the town centre. Wider proposals beyond the site are outside of the scope of the Local Planning Authority to consider as part of this application.

13. Anti-social behaviour and crime at bus station and in town centre will increase.

LPA RESPONSE: This issue lies beyond the application site. Management procedures will be put in place by the Registered Social Landlord to assist with on-site management and social cohesion.

14. Queries whether the proposal is a suitable location for social rented apartments?

LPA RESPONSE: The development for consideration accords with the role and function of Blackwood and the proposed land use responds positively to the immediate and wider surrounding area. Furthermore, the provision of affordable housing would assist in meeting an identified need within the community.

15. Concerns relating to the design of the proposed buildings.

LPA RESPONSE: Design is subjective, the building is considered to be of a contemporary design for its immediate and surrounding context. PPW confirms that Local Planning Authorities should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. It is considered that this proposal fits into that category. Whilst a flat roof building is not in keeping with the traditional local vernacular, it would also be true to say that the Market Place shopping centre buildings or the properties along Mayhill Bungalows would not have been in keeping when they were erected. In that regard it is not considered that the use of a flat roof is unacceptable in design terms and it will also assist with maximising the overall roof space to accommodate the maximum number of photovoltaic roof arrays to ensure that the proposed development can be as efficient as possible in terms of its carbon footprint and overall heat demand for its future occupiers. The external finishes have yet to be agreed and will be controlled by way of condition.

16. There is a lack of green space or parks for residents.

LPA RESPONSE: The proposals include centrally located communal amenity space areas which are considered appropriate for the proposed development. Additional formal and informal public open spaces are also available for use within walking distance of the site.

17. No additional parking is set aside for visitors/family/liaison or Welfare Officers, refuse collection vehicles, or emergency services.

LPA RESPONSE: No objection has been raised by the Transportation Engineering Manager in relation to the parking provision within the site. Additional car parking can also be used within the town centre car parks.

18. Not enough parking set aside for gym users.

LPA RESPONSE: It is understood that 20 no. spaces are to be retained on land within the applicant's control for gym users. Further parking is available within the town centre car parks.

19. Poor transport services/links. Bus link to Ystrad Mynach train station has been stopped.

LPA RESPONSE: The site is located within the town centre and adjacent to the town's main bus station. Therefore, is considered to be in a highly sustainable location.

20. No leisure/welfare facilities to hand, travel would be necessary. Drug and alcohol services difficult to get to (main one in Caerphilly)

LPA RESPONSE: The site is sustainably located with access to local services and public transport provision. There is no set policy requirement for additional welfare facilities to be available locally.

21. There is a surge of social housing developments around the Blackwood area.

LPA RESPONSE: The development responds to the local housing needs assessment and the housing mix has been informed by discussions with the Council's Housing Officers.

22. Caerphilly town centre is more suitable location for the development.

LPA RESPONSE: The development for consideration accords with the role and function of Blackwood and the proposed land use responds positively to the immediate and wider surrounding area. The Local Planning Authority cannot consider the suitability of an alternative site.

23. It is not stated what types of trees will be planted.

LPA RESPONSE: A Landscape Strategy has been submitted which has been reviewed by the Council's Landscape Architect. A detailed planting plan will be secured by way of condition where the types of trees to be planted will be agreed with the Local Planning Authority.

24. There is an over-concentration of affordable housing in Blackwood.

LPA RESPONSE: Please refer to point 21 above.

25. Queries who will be managing the landscaping.

LPA RESPONSE: The management and responsibility of an agreed landscaping scheme will be with the Registered Social Landlord.

26. No biodiversity enhancements proposed.

LPA RESPONSE: Biodiversity enhancements have been addressed and will be controlled by way of condition. Measures considered appropriate within the submitted Ecology Report as part of the application include supplementary planting to include native species, landscaping would also be controlled by condition. Detailed comments are provided by the Council's Ecologist and Landscape Architect.

27. Lack of parking for residents and associated potential for overspill on surrounding streets.

LPA RESPONSE: Justification for the level of parking proposed is provided within the Transport Note and Travel Plans submitted as part of the application. This includes the site's sustainable town centre location, evidenced lower levels of car ownership amongst residents of social rented housing and mitigation measures within the submitted Travel Plan. An increase in parking provision by 16no. spaces has been proposed over the course of the application. No objection has been raised by the Transportation Engineering Manager in relation to the parking provision within the site.

Further parking is also available for anyone to use within the wider town centre including the pay and display car park immediately adjacent to the application site.

28. Exploring consideration of Right to Light with insurers.

LPA RESPONSE: Loss of daylight and sunlight have been addressed in the report above. Right to Light is not a material planning consideration and is covered by separate legislation, which is a civil matter.

29. The development will result in the loss of unobstructed views.

LPA RESPONSE: In planning terms there is no right to a view and as such this is not a material consideration.

30. Concerns that the neighbouring properties will be damaged by future occupiers using the site to take short cuts from one side of the town to the other.

LPA RESPONSE: This is not a material planning consideration, however defensible boundary treatments and landscaping have been recommended as imposed conditions to prevent any potential permeability through the site.

31. The development will give rise to increased levels of noise, disruption and crime.

LPA RESPONSE: The site will be managed by a Registered Social Landlord who can put in place management procedures. Notwithstanding this, the application proposes residential development on site that is on the edge of the town centre and adjacent to existing housing. In that regard it is considered that the proposed use is compatible with surrounding land uses in terms of amenity impacts.

32. As one of the apartments has been designated on the plans for social services/police to use as a hub, it raises concerns for potential anti-social behaviour.

LPA RESPONSE: The hub facility proposed on the ground floor of Block 2 is to help support residents with any queries. Furthermore, there is no evidence to establish that social housing leads to anti-social behaviour.

33. The proposals do not contribute to the regeneration of the town and are incompatible with Blackwood Masterplan SPG, the Council's own policies.

LPA RESPONSE: The proposed development is compatible with the Greater Blackwood Masterplan's development strategy (see paragraph 5.13) and several of the development principles under project B1: Blackwood Square, Blackwood. It may not involve a new town square or market, but it does not go against the broad aims of the masterplan. The Council's Strategic Planning Policy Officers have raised no objection to the development. Furthermore, the scheme would not prejudice the creation of a square on the existing market site, which is outside of the red line boundary for the application site.

34. The development is falsely publicised as affordable housing and the development is to be used for homeless and a halfway house.

LPA RESPONSE: The development is for affordable housing.

35. The submission details provide insufficient detail on the impact on surrounding houses particularly shadow analysis that wasn't provided at PAC stage.

LPA RESPONSE: The planning application and accompanying submission details provides sufficient detail for the Local Planning Authority to determine the application. Further information to be submitted is also controlled by a series of recommended conditions.

36. Concerns around fire safety and access.

LPA RESPONSE: South Wales Fire and Rescue Authority have been consulted on the application and raise no objection to the development.

37. The development will burden emergency service resources.

LPA RESPONSE: The number of proposed apartments is not significant or disproportionate to the overall settlement and will not result in any undue pressure to the emergency service resources.

38. Concerns regarding the presence of Japanese Knotweed within the site.

LPA RESPONSE: The proposed development is limited to the existing hardstanding areas where no knotweed is present.

39. Concerns that the development will impact on bats and birds and thorough surveys have not been undertaken.

LPA RESPONSE: Ecological surveys have been carried out by a suitably qualified ecology consultant. Much of the site is made up of hardstanding and there are limited works proposed to the embankments. Biodiversity enhancement conditions are also recommended.

40. The density is too high and the development is out of context.

LPA RESPONSE: Future Wales and PPW encourage a higher density of residential development within existing settlements. The proposal would help to 'promote the full and effective use of urban land and thus concentrate development within settlements' (see criterion B of LDP policy SP5). The density proposed is considered appropriate for its context and the scale and massing of the development has also been considered acceptable.

41. There is potential for future development on the buildings (e.g. telecommunication masts).

LPA RESPONSE: There are telecommunication permitted development rights for telecommunication code system operators to enjoy subject to specific criteria. In the determination of this application the Local Planning Authority would not be in a position to confirm whether any additional speculative development could be undertaken, however it is important to note that the relevant consent from the landowner would be required. Any further development proposals requiring planning permission within the site would be the subject of separate planning applications, the merits of which can only be considered on a case by case basis.

It should also be noted that photovoltaic roof arrays are proposed on the flat roofs of each building, this is a requirement for Registered Social Landlords in order to secure the relevant Welsh Government grant funding for affordable housing.

42. Queries whether planted trees will be replaced if vandalised.

LPA RESPONSE: A landscaping condition has been imposed to ensure that the site will provide green infrastructure for ecological, amenity and placemaking purposes and this would extend to a standard period of five years to allow any agreed planting and landscaping scheme to establish successfully.

43. The development will give rise to increased litter.

LPA RESPONSE: Litter is a material planning consideration but it would be unreasonable to refuse permission on that basis alone in that the site is located within the settlement boundary where the use is considered to be acceptable and where litter enforcement can be carried out by the relevant agencies. There is no reason to indicate that the development will give rise to unacceptable littering, the site will be managed by a Registered Social Landlord who can implement anti-litter procedures. Notwithstanding such matters, appropriate levels of refuse and recycling facilities are provided within the site.

44. The proposed development will give rise to light pollution and impact the ecological corridors around the site.

LPA RESPONSE: The proposals are not considered to give rise to significant light pollution. The design of any external site lighting to minimise increased light spill (relative to the existing lighting provision within the car park) can be secured by condition to minimise any impact on foraging bats or light spill into neighbouring gardens.

45. The proposed development will devalue property prices.

LPA RESPONSE: Devaluation of property is not a material planning consideration.

46. The proposed development would be a great addition to the town and it would be nice to see a modern development in the town centre.

47. Comments that the removal of the external balconies is a welcomed addition.

LPA RESPONSE: In response to points 46 and 47, both comments are noted.

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 4.2.26 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 site 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 12 has also been published on 7th February 2024. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 12 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 12.

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

1. 25% 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) 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:
Dwg No. AL(90)01 Rev B Location Plan received 24.07.2024;
Dwg No. AL(90)01 Rev L Proposed Site Plan Location Plan received 24.07.2024;
Dwg No. AL(00)10 Rev J Proposed Ground Floor Plan received 24.07.2024;
Dwg No. AL(00)11 Rev I Proposed First and Second Floor Plans received 28.06.2024;
Dwg No. AL(00)12 Rev H Proposed Third and Fourth Floor Plans received 28.06.2024;
Dwg No. AL(00)13 Rev A Proposed Roof Plan received 28.06.2024;
Dwg No. AL(00)15 Rev D Proposed Elevations received 28.06.2024;
Dwg No. AL(00)16 Rev D Proposed Elevations received 28.06.2024;
Dwg No. AL(00)20 Rev E Proposed Sections AA and BB received 28.06.2024;
Dwg No. AL(00)21 Rev B Proposed Sections CC and DD received 18.04.2024;
Ecology Summary Note prepared by Soltys Brewster received 18.04.2024;
Report TN01 Transport Note prepared by Apex Transport Planning received 18.04.2024;
Document C22159/TN02 Transport Note- Further information prepared by Apex Transport Planning received 18.04.2024; and
Travel Plan prepared by Apex Transport Planning received 18.04.2024.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) 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;
the management of vehicular and pedestrian traffic.
wheel washing facilities;
the sheeting of lorries leaving the site;
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 demolition and construction of the development shall be undertaken in accordance with the approved Construction Method Statement.
REASON: In the interests of amenity and highway safety in accordance with policies CW2 and CW3 of the Caerphilly County Borough Local Development Plan up to 2021.

- 04) 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.
- 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: 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.
- 06) Prior to the commencement of the development full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate:
Hard surfacing materials;
Minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting); and
Proposed and existing functional services and above ground drainage.
The soft landscape details shall include:
Planting plans;
Written specifications (including cultivation and other operations associated with plant and grass establishment);

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
Implementation timetables;
Detail of 5 year maintenance operations and a maintenance schedule for approval; and
Suitably scaled detailed hard landscape general arrangement plan and information on paving and hard boundaries including materials.
REASON: To ensure appropriate landscaping provision in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) 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. The boundary treatment shall be completed in accordance with the approved details before the development is occupied.
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Prior to beneficial use of the building, 3 x triple chamber integrated Swift boxes shall be built into the new apartment buildings at the eaves, and all boxes placed close to one another. The boxes shall be retained in situ for a minimum of 5 years.
REASON: To provide nesting for birds as a biodiversity enhancement in accordance policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021, Part 1 Section 6 of the Environment (Wales) Act 2016, policy contained in Planning Policy Wales (2024) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 09) Prior to beneficial use of the building, all boundary fences shall include access for hedgehog via a continuous 100mm high gap under fence panels; Or 130mm x 130mm gaps every 2m throughout all boundaries. The hedgehog gaps shall be maintained for a minimum of 5 years.
REASON: To provide biodiversity conservation and enhancement measures, in accordance policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021, Part 1 Section 6 of the Environment (Wales) Act 2016, policy contained in Planning Policy Wales (2024) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 10) Prior to the development commencing, a lighting scheme shall be submitted to and agreed, in writing, with the Local Planning Authority. That scheme shall indicate the type and positioning of luminaires, and a plan indicating expected illuminance levels both on and off site. The lighting shall thereafter be installed and maintained in accordance with the agreed scheme and no additional lighting shall be installed without the approval of the Local Planning Authority.

REASON: In the interests of nature conservation in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) Surface water run-off associated with the development hereby approved shall not discharge into the highway surface-water drainage system.
REASON: To prevent hydraulic overload of the existing highway system in the interest of highway safety in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The development shall not be occupied until the areas indicated for cycle storage and the parking of vehicles has been laid out in accordance with Dwg No AL(90)10 Rev L as identified within the red and the blue line boundaries to serve the proposed development. Those areas shall not thereafter be used for any purpose other than the parking of vehicles associated with the development hereby approved.
REASON: To ensure vehicles and cycles can park off the public highway in the interests of highway safety and the free flow of traffic in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) This permission is for no more than 58 dwellings.
REASON: To retain effective control of the development to ensure appropriate provision for off-street parking is required and to allow any change in the number of total units to be reviewed in respect of the delivery of affordable housing in accordance with policies CW3 and CW11 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

1. 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.
2. 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.

3. 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.

4. WARNING:

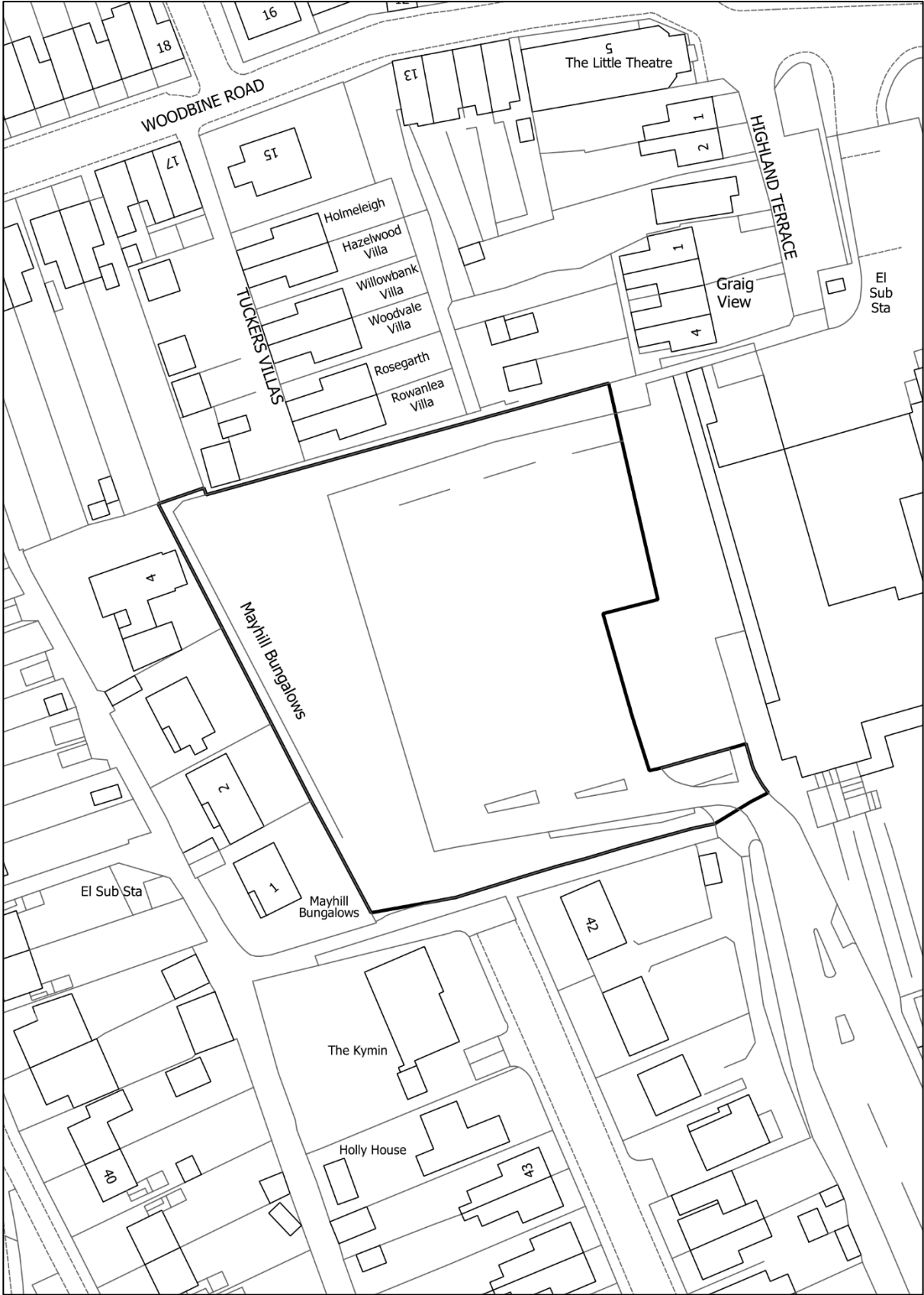
SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

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

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

Phone: 01443 866511

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



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