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**Date: 1st July 2015**

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 8th July, 2015** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

**Chris Burns**  
INTERIM CHIEF EXECUTIVE

## AGENDA

	Pages
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 June 2015 (minute nos. 1-16).	1 - 8

**A greener place Man gwyrdach**

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



4 To receive any requests for a site visit.

To receive and consider the following reports: -

5 Site Visit Code No. 14/0847/FULL - Land to the Rear of Brynmynach Avenue, Ystrad Mynach. 9 - 30

6 Site Visit Code No. 15/0158/FULL - Chez Nous, 26 Sunny Bank Terrace, Machen, Caerphilly. 31 - 44

**Planning Applications Under The Town And Country Planning Act - North Area: -**

7 Preface Item Code No. 03/09336 - Consultation by Torfaen County Borough Council, Proposed Reclamation of Former Opencast Workings, Recovering of Secondary Aggregates and Construction of New Access Road , Affecting Public Rights of Way at Tir Pentwyns, Hafodyrynys. 45 - 50

8 Preface Item Code No. 15/0097/FULL - Land at Cefn Bach Farm, Cefn Road, Upper Deri. 51 - 66

9 Preface Item Code No. 14/0604/OUT - Car Park, Aiwa Technology Park, Newbridge. 67 - 98

10 Code No. 15/0334/FULL - 16 The Avenue, Wyllie, Blackwood. 99 - 104

11 Code No. 15/0226/COU - 55 Cardiff Road, Bargoed. 105 - 110

**Planning Applications Under The Town And Country Planning Act - South Area: -**

12 Code No. 15/0385/FULL - 61 The Avenue, Ystrad Mynach, Hengoed. 111 - 114

13 15/0161/OUT - Chez Nous, 26 Sunny Bank Terrace, Machen, Caerphilly. 115 - 122

14 Code No. 14/0688/LA - Ty Dyffryn, 5a and 5b Alder Avenue, Dyffryn Business Park, Ystrad Mynach, Hengoed. 123 - 154

To receive and note the following information items: -

15 Applications determined by delegated powers. 155 - 164

16 Applications which are out of time/not dealt with within 8 weeks of date of registration. 165 - 172

17 Applications awaiting completion of a Section 106 Agreement. 173 - 174

18 Appeals outstanding and decided. 175 - 176

**Circulation:**

Councillors M.A. Adams, Mrs E.M. Aldworth, J. Bevan, D. Bolter, D.G. Carter (Chair), Mrs P. Cook, W. David (Vice Chair), H.R. Davies, J.E. Fussell, Ms J. Gale, L. Gardiner, R.W. Gough, A.G. Higgs, A. Lewis, K. Lloyd, Mrs G.D. Oliver, D. Rees, Mrs E. Stenner, Mrs J. Summers and J. Taylor

And Appropriate Officers

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## PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH (CHAMBER) ON WEDNESDAY, 10TH JUNE 2015 AT 5:00PM

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#### PRESENT:

Councillor D.G. Carter - Chair  
Councillor W. David - Vice-Chair

#### Councillors:

J. Bevan, Mrs P. Cook, D. Bolter, Mrs J. Gale, L. Gardiner, R.W. Gough, A. Lewis, Mrs G.D. Oliver, Mrs J. Summers, Mrs E. Stenner and J. Taylor.

#### Together with:

P. Elliott (Head of Regeneration and Planning), T. Stephens (Development Control Manager), J. Rogers (Principal Solicitor), R. Crane (Solicitor), C. Campbell (Manager, Highway Planning), C. Davies (Senior Environmental Health Officer), G. Mumford (Senior Environmental Health Officer), C. Powell (Senior Planner), P. Den Brinker (Principal Planner), G. Lewis (Principal Planner), R. Amundson (Principal Planner), M. Davies (Principal Planner), E. Rowley (Senior Planner), R. Lloyd (Special Projects Officer) and E. Sullivan (Democratic Services Officer).

#### APOLOGIES

Apologies for absence had been received from Councillors M. Adams, E. M. Aldworth, H.R Davies, A.G. Higgs, K. Lloyd and D. Rees.

#### 1. DECLARATIONS OF INTEREST

Declarations of interest were received as follows:-

Councillor J. Bevan and Mrs E. Sullivan (Democratic Services Officer) – 13/0732/MIN – details are minuted with the respective item.

#### 2. MINUTES

RESOLVED that the minutes of the Planning Committee held on 6th May 2015 (minute nos. 1-18) be approved and signed as a correct record.

**3. TO RECEIVE ANY REQUESTS FOR A SITE VISIT**

Requests for a site visit were received and accepted by Members of the Planning Committee, as follows:

1. 13/0732/MIN – Nant Llesg Surface Mine.
2. 14/0847/FULL – Erect Three Detached Residential Dwellings, Land to the Rear of Brynmynach Avenue, Ystrad Mynach, Hengoed.
3. 15/0158/FULL – Erect Extension to Existing Dwelling and Construct a Double Garage, Chez Nous, 26 Sunny Bank Terrace, Machen, Caerphilly.

**4. SITE VISIT CODE NO. P/99/0768 – LAND AT PENALLTA COLLIERY, YSTRAD MYNACH – DISCHARGE OF CONDITION 5 – IN RESPECT OF THE PROPOSED LOCALLY EQUIPPED AREA OF PLAY (LEAP)**

Councillor D. Bolter requested advice from the Principal Solicitor as to whether he should declare an interest in that he is able to view the proposed development from his home. Given the distance and that the proposed development would have no direct impact; the Principal Solicitor advised that there was no requirement to declare an interest.

Mrs H. Jones and Councillor M. James on behalf of local residents spoke in objection to the application; the applicant who had been advised was not present at the meeting.

Following consideration of the application it was moved and seconded that the application be deferred to allow further discussion between residents, Officers and the applicant in relation to nature of the equipment to be installed within the designated site. By show of hands (and in noting there were 4 against and 1 abstention) this was agreed by the majority present.

In accordance with Rule of Procedure 15.5 Councillor D. Bolter wished it recorded that he had abstained from voting.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) the application be deferred to allow further discussions between Residents, Officers and the Applicant.

**5. SITE VISIT CODE NO. 14/0604/OUT – CAR PARK, AIWA TECHNOLOGY PARK, NEWBRIDGE, NEWPORT, NP11 6EY**

Mr C. Sutton spoke on behalf of Axiom Manufacturing Limited in objection to the application and Mr L. Powell the applicant's agent spoke in support of the application.

Following consideration of the application it was moved and seconded that the application be deferred for further information with regard to noise mitigation and land ownership as it relates to the provision of a public foot/cycle path to service the proposed developed.

An amendment was moved and seconded that the application be refused and the site be retained for economic development.

By a show of hands (and in noting that there were 7 against) the amendment was lost and as such the motion was declared carried.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) the application be deferred for further information.

**6 SITE VISIT – CODE NO. 15/0087/COU – FORMER ROWECORD ENGINEERING, COMMERCIAL STREET, NEWPORT ROAD, PONYTMISTER, RISCA, NEWPORT, NP11 6EY**

It was reported that the application had been withdrawn.

**PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - NORTH AREA.**

**7. PREFACE ITEM – CONSULTATION BY TORFAEN COUNCIL – APPLICATION REFERENCE 03/09336: PROPOSED RECLAMATION OF FORMER OPENCAST WORKINGS, RECOVERING OF SECONDARY AGGREGATES AND CONSTRUCTION OF NEW ACCESS ROAD AFFECTING PUBLIC RIGHTS OF WAY AT TIR PENTWYS, HAFODYRYNYS**

The report summarised an application made to Torfaen County Borough Council for the recovery of secondary aggregates and its impact on public rights of way. As the neighbouring Authority, Caerphilly County Borough Council was asked to comment as part of the application's consultation process.

Members noted the consultation responses from the Group Manager Transportation Planning, Countryside Services Manager and Head of Public Protection and the Case Officer's recommendation.

Following consideration of the report it was moved and seconded that Torfaen County Borough Council be informed that this Planning Authority objects to the application on the grounds of its detrimental impact on residential amenity, highway safety and air quality and by a show of hands this was unanimously agreed.

RESOLVED that Torfaen County Borough Council be advised that Caerphilly County Borough Council objects to the application on the grounds of its detrimental impact on residential amenity, highway safety and air quality.

**8. CODE NO. 13/0732/MIN – NANT LLESG SURFACE MINE**

Having regard to the impact of the proposed development on the local and wider landscape and residential amenity it was moved and seconded that the application be deferred for a site visit and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit by the Planning Committee (All Members).

**9. CODE NO. 15/0097/FULL – LAND AT CEFN BACH FARM, CEFN ROAD UPPER, DERI, BARGOED, CF81 9GW**

Mr P. Holdcroft the applicant's agent and Councillor D. Hardacre spoke in support of the application.

Following consideration of the application, it was moved and seconded that the application be deferred for a further report with suitable conditions attached should permission be granted at a future meeting and by a show of hands (and in noting there were 2 against and 2 abstention) this was agreed by the majority present.

Councillor D. Bolter wished it recorded that as he had not been present for the whole of the debate he had not taken part in the vote.

RESOLVED that the application be deferred for a further report with suitable conditions attached should permission be granted at a future meeting.

**10. CODE NO. 15/0207/FULL – 2 MOUNT VIEW, PLAS ROAD, FLEUR-DE-LIS, BLACKWOOD, NP12 3RH**

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report this application be granted;
- (ii) the applicant be advised of the comments of Welsh Water;
- (iii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW3.

**11. CODE NO. 15/0181/FULL – MANDALAY, 10 GELLIHAF ROAD, FLEUR-DE-LIS, BLACKWOOD, NP12 2UY**

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report and the following additional conditions this application be granted;

**Condition (04)**

Prior to the demolition of the existing wall on the southern boundary of the application site with 11 Gellihaf Road, details of the external appearance and dimensions of any replacement wall shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the replacement wall shall be erected in accordance with the agreed details.

**Reason**

In the interests of visual and residential amenity.

**Condition (05)**

Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new two storey extension at 10 Gellihaf Road, Fleur-de-lis, shall be submitted to the Local Planning Authority for approval. The

approved details shall be implemented before the new extension hereby approved is first occupied.

**Reason**

To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning policy Wales and Tan 5 Nature Conservation and Planning.

**Condition (06)**

Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow and Swift) in the new two storey extension at 10 Gellihaf Road, Fleur-de-lis, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new extension hereby approved is first occupied.

**Reason**

To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.

- (ii) the applicant be advised that the following policy of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 is relevant to the conditions of this permission: CW2.

**PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT - SOUTH AREA.**

**12. CODE NO. 15/0158/FULL – CHEZ NOUS, 26 SUNNY BANK TERRACE, MACHEN, CAERPHILLY, CF83 8PY**

Having regard to the impact of the development on the existing street scene and residential amenity it was moved and seconded that the application be deferred for a site visit and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit by the Planning Committee (All Members).

**13. CODE NO. 14/0847/FULL – LAND TO THE REAR OF BRYNMYNACH AVENUE, YSTRAD MYNACH, HENGOED**

Having regard to the impact of the development on residential amenity it was moved and seconded that the application be deferred for a site visit and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit by the Planning Committee (All Members).

**14. CODE NO. 14/0387/FULL – CRAIG BACH, PENRHIW LANE, MACHEN, CAERPHILLY, CF83 8PX**

Dr C. Rae on behalf of local residents spoke in objection to the application and Mr S. Groucott the applicant's agent, spoke in support of the application.

Following consideration of the application it was moved and seconded that the recommendation contained within the Officers report be approved and by a show of hands (in noting there was 1 against) this was agreed by the majority present.

RESOLVED that the application be refused.

**15. CODE NO. 14/0841/OUT – LAND SOUTH OF GLENDALE, VAN ROAD, CAERPHELLY.**

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) the application be deferred to enable the completion of a Section 106 Agreement in relation to affordable housing provision;
- (ii) on completion of the Section 106 Agreement and subject to the conditions contained in the Officer's report and the following additional condition this application be granted;

**Condition (26)**

Prior to the occupation of the development hereby approved noise mitigation measures shall be installed at each dwelling capable of achieving the World Health Organisation guideline values for community noise, namely 50dB(A) measured as a 16hour Laeq for outdoor living areas and 30dB(A) measured as an 8hour Laeq inside bedrooms during the night, and in accordance with details that shall have been submitted to and agreed in writing with the Local Planning Authority.

**Reason**

In the interests of residential amenity.

- (iii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW3.
- (iv) the applicant be advised of the comments of this Council's Ecologist, Wales and West Utilities, Senior Engineer (Land Drainage), Dwr Cymru/Welsh Water, Public Services, Heddly Gwent Police.

**16. ITEMS FOR INFORMATION**

The following items were received and noted: -

- (1) Applications determined by delegated powers;
- (2) Applications which are out of time/not dealt with within 8 weeks of date of registration;
- (3) Applications awaiting completion of a Section 106 Agreement;
- (4) Appeals outstanding and decided.

The meeting closed at 19.52 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 8th July 2015, they were signed by the Chairman.

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CHAIRMAN

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## PLANNING COMMITTEE – 8TH JULY 2015

**SUBJECT: SITE VISIT - CODE NO. 14/0847/FULL – LAND TO THE REAR OF BRYNMYNACH AVENUE, YSTRAD MYNACH, HENGOED**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

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### PRESENT:

Councillor D.G. Carter – Chair  
Councillor W.H. David - Vice Chair

Councillors Mrs E.A. Aldworth, A. Angel, Ms J. Gale and M. James

1. Councillor M. James declared an interest in that family members live on Brynmynach Avenue and although he was present at the site, he took no part in the formal meeting.
2. Apologies for absence were received from Councillors A. Lewis, Mrs J. Summers and J. Taylor.
3. The Planning Committee deferred consideration of this application on 10th June 2015 for a site visit. Members and Officers met on site on Thursday, 18th June 2015.
4. Details of the application to erect three detached residential dwellings, on land to the rear of Brynmynach Avenue, Ystrad Mynach, Hengoed were noted.
5. Those present viewed the site and examined the plans submitted with the application to fully appreciate the proposals.
6. Officers confirmed that following advertisement to neighbouring properties and a site notice being posted, 20 letters of objection and 10 letters of support had been received. Details of the objections are contained within the Officer's original report.
7. Members noted the proximity of the proposed site to the existing lane and the neighbouring dwellings. The Planning Officer confirmed that there would be a distance of approximately 7.5 - 9 metres between the existing properties and proposed new dwellings. Officers also outlined access arrangements to the proposed development on the application plans.
8. Clarification was sought on the location of a number of trees within the proposed site which are currently the subject of a Tree Preservation Order. The Planning Officer outlined the location of these trees and confirmed that the Council's Arboricultural Officer is in agreement with the tree survey submitted by the developer, which suggests that the majority of trees could be removed and replaced with new specimens that would achieve the same amenity value.
9. Members noted the proposed improvements of the existing lane access to the proposed development, to incorporate lane widening where necessary, to achieve a minimum width of

4.8 metres. Officers confirmed that these improvements would not impede access to existing garages along the lane and that boundary treatments would be erected accordingly.

10. Members were asked to note that Officers have had regard for the appeal decision to refuse consent in a previous planning application for housing at the southern end of Brynmynach Avenue but that those reasons for refusal were not directly relevant to the determination of this application.
11. Members sought clarification on the ownership and maintenance of the rear lane, along with the responsibility for the costs of improving it in order to accommodate additional dwellings (including widening works, the provision of a vehicle turning facility, street lighting and surface water drainage). Officers confirmed that the lane forms part of the adopted highway network, and as such is maintainable at the public expense and is therefore accessible by all members of the public. Officers also confirmed that, should consent be granted, the necessary improvements to the lane would be undertaken at the expense of the developer.
12. A Local Ward Member, on behalf of local residents, summarised a number of concerns regarding the application, which included the method of notification to residents, drainage and sewerage arrangements, provision of refuse bin storage and concern regarding a watercourse/open culvert within the application site. Residents' queries on a number of conditions attached to the application were also outlined to Members.
13. Officers confirmed that the connection to the main sewers would be a matter for discussion between the developer and Welsh Water. Officers made reference to visual amenity considerations and explained that the proposed dwellings are considered to be acceptable and not out of character with the surrounding area. Members also noted that those Officers consulted on the application have no objections to the development, subject to the conditions outlined in the report, which include a condition requiring the provision of a drainage scheme.
14. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
15. A copy of the report submitted to the Planning Committee on 10th June 2015 is attached. Members are now invited to determine the application.

Author:	R. Barrett	Committee Services Officer, Ext. 4245
Consultees:	C. Powell	Area Planning Officer
	G. Lewis	Team Leader
	R. Crane	Senior Solicitor
	G. Mumford	Senior Environment Health Officer
	M. Noakes	Senior Engineer (Highway Development Control)
	L. Cooper	Engineer (Highway Development Control)

Appendices:

Appendix 1 Report submitted to Planning Committee on 10th June 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0847/FULL 18.12.2014	Mr & Mrs G John C/o RPS Mr D Williams Park House Greyfriars Road Cardiff CF10 3AF	Erect three detached residential dwellings Land To The Rear Of Brynmynach Avenue Ystrad Mynach Hengoed

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application site is situated to the east of Brynmynach Avenue and to the south of Brynview Avenue.

Site description: The application site is an overgrown parcel of former railway owned land situated off the rear lane to Brynmynach Avenue. The site has a number of mature trees on it and it slopes from west to east up towards the railway line to the east. There is a modern detached dwelling to the north of the site and older semi detached split level bungalows to the west. The mineral railway line serving Ffos Y Fran Opencast Site and Cwmbargoed washery is to the east of the site with the main Rhymney Valley line to the east of that. There is a mixture of house types in the area with the detached dwellings to the north and the semi detached dwellings to the west being joined by terraced dwelling to the north of the detached dwelling.

Development: The application seeks full planning consent for the erection of 3 detached dwellings together with associated off street car parking, amenity space and bin stores. The dwellings are proposed to be of a fairly modern design with apex roofs and terrace balconies. They are three storeys high with a hallway, living room, dining room and kitchen on the ground floor, three bedrooms and a bathroom on the first floor and a fourth bedroom with en-suite on the second floor. Each of the dwellings will have a terrace balcony off the second floor bedroom and these will have glazed privacy screens to the side.

The site layout shows the provision of three parking spaces per dwelling with private gardens for each property. The dwellings on Plots 2 and 3 would be sideways onto the lane with Plot 1 facing directly onto it.

Dimensions: The site has an overall area of 87m long by 13m deep. Each of the dwellings has maximum dimensions of 8.9m by 9.3m by 5.8m high to the eaves and 10.7m to the ridge.

Cont'd.....

Application Number 14/0847/FULL Continued.

Materials: The dwellings are proposed to be finished in a mixture of face brickwork and render with a tiled roof.

Ancillary development, e.g. parking: Each of the properties will be served by a foul sewerage pumping station to connect to the mains sewerage.

## PLANNING HISTORY

06/0644/OUT - Erect residential development (three housing plots) - Refused 25/10/07.

13/0860/FULL - Erect four detached houses with integral garages - Withdrawn 12/02/14.

## POLICY

### Site Allocation

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP5 (Settlement Boundaries)

SP6 (Place Making)

SP10 (Conservation of Natural Heritage)

CW2 (Amenity)

CW3 (Design Considerations: Highways)

CW6 (Trees, Woodland and Hedgerow Protection)

CW11 (Affordable Housing Planning Obligation)

CW15 (General Locational Constraints).

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

National Policy: Planning Policy Wales (2014)

4.9.1 Previously developed (or brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

Cont'd.....

Application Number 14/0847/FULL Continued.

4.11.1 Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.

4.11.2 Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals.

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

5.2.9 Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.

5.2.10 Local planning authorities should, as appropriate, make full use of their powers to protect and plant trees to maintain and improve the appearance of the countryside and built up areas.

5.5.1 Biodiversity and landscape considerations must be taken into account in determining individual applications and contributing to the implementation of specific projects. The effect of a development proposal on the wildlife or landscape of any area can be a material consideration. In such instances and in the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities. Where development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the environmental quality of land. Pre-application discussions between the developers, local planning authorities and statutory advisers such as CCW and Environment Agency<sup>29</sup> are recommended.

Cont'd.....

Application Number 14/0847/FULL Continued.

5.5.2 When considering any development proposal (including on land allocated for development in a development plan) local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.

5.5.3 In some cases it will be necessary to refuse planning permission on conservation grounds. However, local planning authorities must always consider whether environmental issues could be adequately addressed by modifying the development proposal or by attaching appropriate planning conditions or obligations. Where this is not possible and the adverse effect on the environment clearly outweighs other material considerations the development should be refused.

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat. Local planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site concerned, and should consult CCW before granting permission. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the planning decision.

5.5.13 Local authorities have a duty to ensure that adequate provision is made for the planting or preservation of trees by imposing conditions when granting planning permission and/or by making Tree Preservation Orders (TPOs).

5.5.14 Local authorities have a general power to make TPOs if it appears it is expedient to do so in the interests of amenity. They can make a provisional TPO which takes effect immediately, and it can remain effective for six months or until the TPO is confirmed.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

Cont'd.....

Application Number 14/0847/FULL Continued.

13.15.1 Noise can be a material planning consideration, for example in proposals to use or develop land near an existing source of noise or where a proposed new development is likely to generate noise. Local planning authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer.

Technical Advice Note 5 - Nature Conservation and Planning

4.4.1 The local planning authority can direct the applicant to supply any further information reasonably necessary to determine any planning application. Where a local planning authority is considering whether a planning application is likely to have a significant effect on a European site or European offshore marine site, so as to make it necessary to carry out an appropriate assessment under the Habitats Regulations, the planning authority may require the applicant to provide such information as it reasonably needs to determine that question; and where a planning authority determines that an appropriate assessment is necessary, it may require the applicant to provide such information as it reasonably needs for the purposes of that assessment. The collection, analysis and reporting of this information may sometimes mean a delay in deciding the application, especially if there are seasonal constraints on surveys.

4.4.2 The potential delay should not be seen as a justification for granting permission without taking the information into account. Apart from the harm that could result, the decision may be open to legal challenge if all material considerations are not properly addressed in the decision. Where the information is necessary to adequately assess the potential harm to nature conservation, but it is not provided (because the applicant cannot or will not provide it), planning permission will need to be refused if significant adverse effects on the nature conservation interests are possible and the benefits of the development do not clearly outweigh the harm that could result.

Technical Advice Note 10 - Tree Preservation Orders

The effect of planning proposals on protected trees is a material planning consideration. It may be appropriate to require applicants seeking full planning permission to provide details of all existing trees on site, including their crown spread, and the location of those to be felled.

Technical Advice Note 11 - Noise

10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

Cont'd.....

Application Number 14/0847/FULL Continued.

Technical Advice Note 12 - Design.

4.9 Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. Thorough appraisal of context can provide design pointers, which help to inspire an innovative design response, which meets present and future needs. A contextual approach should not necessarily prohibit contemporary design.

5.11.3 The design of housing layouts and built form should reflect local context and distinctiveness, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces, consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area. All residential proposals should seek to minimise energy demand, larger schemes should investigate the feasibility of a district heating scheme especially when mixed uses are proposed for the site.

## CONSULTATION

Senior Arboricultural Officer (Trees) - No objections subject to conditions.

Countryside And Landscape Services - Raises no objection.

Network Rail - Raises no objection but provides advice to be conveyed to the applicant.

Principal Valuer - Raises no objection.

Gelligaer Community Council - Objection on the grounds of highways and loss of amenity. TPOs on some of the trees all of which act as a buffer from the noise of the freight trains. The area is prone to flooding due to a natural water culvert.

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - Raises no objection subject to a condition requiring secondary glazing.

Senior Engineer (Land Drainage) - Raises no objection subject to a condition requiring the provision of a drainage scheme.

Cont'd.....



Application Number 14/0847/FULL Continued.

## ADVERTISEMENT

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

Response: 20 letters of objection were received. 10 letters also received in support of the application.

Summary of observations: The objections are based on the following concerns:-

1 The access to the site from Nelson Road into Brynmynach Avenue, from Brynmynach Avenue into Brynview Avenue and from Brynview Avenue into the rear lane is not suitable for further development as the roads are too busy and too narrow with vehicles parking on the pavements.

2 The application states that there are no watercourses on the site. This is not true as there is a rainwater drain on the southern part of the site.

3 Rainwater drainage from the dwellings in Brynmynach Avenue goes onto the application site. Where will this water go if the site is developed?

4 The rear lane is privately owned and not adopted. No access will be allowed to the application site.

5 No footpath or street lighting is to be provided as part of the development.

6 The rear lane is to be reduced in width to 4.8m. This will make it impossible for the residents of Brynmynach Avenue to leave their drives at the rear of their properties.

7 The proposed car parking spaces and garages are too small.

8 The lane is in the ownership of the property owners in Brynmynach Avenue. This application proposes a reduction in this width thereby encroaching on land that is not in the applicant's ownership.

9 The dwellings are overbearing, out of scale and out of keeping with the character of the other dwellings in the area.

10 The dwellings would cause a loss of privacy to the dwellings in Brynmynach Avenue and at Station Houses.

11 The proposal will compromise the safety of the railway line to the rear.

12 There have been previous applications refused in this area and circumstances have not changed.

13 The turning area provided by the applicant for the existing dwelling at 16 Brynview Avenue is used as a car parking space for that dwelling and is never available for vehicles to turn.

14 There is no amenity space for the dwellings.

15 The applicant states that the site has no amenity value. This is disputed as local residents feel that this small woodland is attractive to look at.

16 The railway line to the east of the site will cause noise issues for the occupiers of the dwellings.

17 This land should be safeguarded for the provision of new facilities should the passenger line be re-opened to Cwm Bargoed.

Cont'd.....

Application Number 14/0847/FULL Continued.

18 The trees on the site should be retained and they are now subject of a Tree Preservation Order.

19 There is Japanese Knotweed on the site.

20 There is no provision for bin storage.

21 The new pedestrian link to the rail underpass is in contravention of the covenants on the land.

22 The appeal statement appended to the planning statement is not relevant and should be ignored.

23 The rear lane is used as a play area by local children.

24 The proposal will cause a loss of light to neighbouring dwellings.

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

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, 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.

Is this development Community Infrastructure Levy liable? Yes. Based on a floor area of 471 square meters the proposal is liable to CIL for £11775.

#### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is situated within the defined settlement limits in the Caerphilly County Borough Local Development Plan and as such the principle of development is acceptable. However, the proposal falls to be considered against material planning considerations and many of these are encapsulated in the objections received from members of the public. In that regard they will be considered in turn below: -

1 The adequacy of the access to the site from Nelson Road and on into the rear lane of Brynmynach Avenue has been considered by The Transportation Engineering Manager and he has raised no objection to the principle of the development. He has had regard for the appeal decision to refuse consent for housing at the southern end of Brynmynach Avenue under application reference number P/02/1083 and the previous refusal on this site under application reference number 06/0644/OUT.

Cont'd.....

Application Number 14/0847/FULL Continued.

However, he has also been mindful of the appeal decision to approve the dwelling now known as 16 Brynview Avenue under application reference number P/03/0143 and new guidance provided by Manual for Streets. In particular the guidance contained within Manual for Streets indicates that the junctions in the area are no longer substandard and as such circumstances have changed since the previous refusal to a degree that refusal of the application would not be supported on the basis of the substandard nature of the roads serving the development.

2 It is acknowledged that there is indeed a watercourse on the application site. This is referred to in the consultation response received from the Council's Drainage Engineer, who requests that the exact location be identified and a comprehensive drainage scheme be provided as part of a condition attached to any consent granted. This is considered to be reasonable in planning terms.

3 The discharge of rainwater drainage into the application site from Brynmynach Avenue could also be covered adequately as part of a comprehensive drainage scheme.

4 The ownership of the rear lane does not affect the acceptability of the scheme from a planning point of view. Transportation Engineering Manager has considered whether or not the development would encroach onto the rear lane and is satisfied that this is not the case. It should also be noted that whilst the residents are of the opinion that the rear lane is not adopted, the Highway Authority is of the opinion that it is maintainable at the public expense and as such is usable by all members of the public.

5 The development is proposed to be served via a private drive that is in accordance with Manual for Streets and the Council's Adopted Design Guidance. As such the lack of street lighting and pavements are not in themselves a reason that justifies the refusal of this application.

6 As stated above Transportation Engineering Manager is satisfied that the development does not encroach onto the maintainable highway and a minimum width of 4.8m will be maintained for the length of the application site. Any proposal to stop up the highway would be the subject of consent under the Highways Act.

7 The parking spaces on the submitted plans all comply with supplementary planning guidance and in some instances are actually larger than suggested. As such it is considered that the proposals are acceptable in terms of parking provision.

Cont'd.....

Application Number 14/0847/FULL Continued.

8 Encroachment onto land not in the applicant's ownership is a private legal matter and it has no bearing on the determination of this application.

9 In terms of the scale and design of the proposed dwellings it should be noted that Paragraph 4.11.9 of Planning Policy Wales states: "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions". Therefore the design of the proposed dwellings should have regard for the context and character of the surrounding dwellings. However it should also be noted that Paragraph 4.9 of TAN12 Design states "Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. Thorough appraisal of context can provide design pointers, which help to inspire an innovative design response, which meets present and future needs. A contextual approach should not necessarily prohibit contemporary design". In that regard it is not considered that the modern design of the dwellings is in itself a reason to refuse the application. There is no distinctive or overriding architectural style in the surrounding area with traditional terraced dwellings on Brynview Avenue, split level bungalows on the southern side of Brynmynach Avenue and more modern terraced dwellings on the northern side of Brynmynach Avenue. It should also be noted that the proposed dwellings are of a similar style to the existing dwelling at 16 Brynview Avenue and as such it is not felt that the proposed dwellings would be out of character with the area. In respect of the scale of the dwellings and whether they are overbearing on the dwellings at Brynmynach Avenue, the dwellings to the west are split level bungalows with the majority of the living accommodation being at ground floor level (with lower ground floor levels at the rear). The dpc levels of the proposed dwellings are in the region of 2 to 4 metres lower than the existing dwellings. The dwellings existing and proposed are also between 14 and 28 metres apart and therefore it is not felt that the dwellings would have a detrimental effect or overbearing impact on the dwellings at Brynmynach Avenue.

10 The dwellings have been designed and sited in such a way as to maximise the distance between habitable rooms and to ensure that there is no direct window to window distance of less than 21m. It is acknowledged that the terrace balconies in the roofs of the dwellings on plots 2 and 3 would be within 21m of the rear of the properties in Brynmynach Avenue but privacy screens are proposed on the sides of these balconies which would mitigate any loss of privacy. It is also accepted that there is less than 21m between the terrace balcony on Plot 1 and the rear bedroom window of the property at number 2 Station Houses. However the angle between these two features is such that a reduced privacy distance (somewhere in the region of 6m) would be reasonable and the actual distance of 20m is more than adequate in planning terms.

Cont'd.....

Application Number 14/0847/FULL Continued.

11 The safety of the railway line to the rear is a private matter between the developer and Network Rail. Network Rail has asked for notes to be forwarded to the developer advising them of their requirements in that regard. Subject to any retaining walls at the rear of the dwellings being designed to have regard for the presence of the railway line it is not felt that this is an issue that would warrant refusal of the application.

12 As discussed above circumstances have changed since the previous refusals in this area and as such it is not felt that those decisions have a bearing on the determination of this application.

13 The availability of the existing turning facility to the front of 16 Brynview Avenue is not justification for the refusal of this application. The turning facility has been provided as part of a previous application and the fact that the occupier may park vehicles there possibly obstructing the highway is a matter for the Police.

14 It is considered that the amenity space indicated as part of the proposed scheme is adequate in planning terms. It is acknowledged that this is considerably less than the bungalows in Brynmynach Avenue but it compares favourably with the gardens of the dwellings in Brynview Avenue.

15 Paragraph 10 of TAN 11 states: "Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night". The applicant has submitted a TAN11 Noise survey which has been considered by the Council's Head of Public Protection and considered to be acceptable. Therefore the development of the land for housing is considered to be acceptable from a noise perspective subject to the provision of secondary glazing in the new dwellings.

16 The safeguarding of this land for any possible provision of passenger facilities along the Cwm Bargoed line is not a matter for the Local Planning Authority. Whilst the line itself is protected from development in order to ensure that passenger services can be provided in the future it is a matter for Network Rail to identify and secure/protect the necessary land to facilitate this. They have taken the decision to release the application site and therefore it must be assumed that does not form part of their long term planning. The provisions of a passenger service is too uncertain at present to protect this site from a planning point of view, and there are no such restrictions in the Local Development Plan.

Cont'd.....

Application Number 14/0847/FULL Continued.

17 With regard to the retention of the trees on the site the developer has submitted a tree survey which suggests that the majority of the trees on site could be removed and replaced with new specimens that would achieve the same amenity value. This report has been considered by the Council's Arboricultural Officer and he agrees with this assertion. Whilst the trees have an amenity value as a group in terms of the visual amenity of the area and in terms of providing a screen between the dwellings in Brynmynach Avenue and the railway line, they do not in themselves have any intrinsic value as trees of a high quality. As such their replacement with new trees would help to lengthen the lifespan of trees on the site. Therefore it is considered that the removal of the trees is acceptable in planning terms subject to the imposition of suitable conditions.

18 The presence of Japanese Knotweed on the site is not a justification for refusal of this application as safe removal can be secured by condition.

19 The description of the site as former railway sidings may be incorrect but this has no bearing on the determination of this application. However, as the land was formerly part of railway land (former platform and access path) it can justifiably be considered as brownfield land.

20 It is considered that there is adequate space within the site to provide for bin storage.

21 Contravention with any covenants placed on the land by Network Rail is not a material planning consideration.

22 The Appeal Decision appended to the Planning Statement has been included in order to support the developer's case that the protected trees on site should not be a barrier to development. The decision contains a comment from an Inspector to that effect and as such it has some relevance to this application.

23 As the rear lane is considered to be maintainable highway it cannot be safeguarded as a play area and it would be unreasonable to refuse any application on that basis.

24. Given the distances from the application property to the surrounding dwellings it is not considered that there would be any loss of light or overbearing impact as a result of this proposal.

In conclusion it is considered that the application is acceptable in planning terms subject to the imposition of suitably worded conditions.

Comments from consultees: The comments from statutory consultees have been addressed above.

Cont'd.....

Application Number 14/0847/FULL Continued.

Comments from public: The comments from the public have been addressed above.

Other material considerations: None.

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 balconies hereby approved shall not be used until the screening shown on the approved plans has been erected. Thereafter, the agreed screening shall remain in place at all times.  
REASON: To prevent a loss of privacy.
- 03) 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 dwellings hereby approved are first occupied.  
REASON: In the interests of the visual amenities of the area.
- 04) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 05) Prior to the commencement of development details of a scheme shall be submitted to and approved in writing by the Local Planning Authority to include secondary glazing systems in all windows to all habitable rooms that shall be capable of achieving an internal L<sub>max</sub> level of 45 dB(A). The development shall be carried out in accordance with the approved details before first occupation of the dwellings hereby approved.  
REASON: In the interests of residential amenity.

Cont'd.....



Application Number 14/0847/FULL Continued.

- 06) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 07) The existing lane access shall be improved in a manner to be agreed in writing with the Local Planning Authority before any works commence. The improvements shall be in the form of a lane widening, where necessary, to achieve a minimum lane width of 4.8m, along with the provision of a public turning facility, street lighting and surface water drainage. The lane improvements shall be completed to at least base course level before any construction work on the dwellings commence and be completed prior to beneficial occupation of any dwelling.  
REASON: In the interests of highway safety
- 08) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.  
REASON: In the interests of highway safety.
- 09) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety.
- 10) Prior to the first use the proposed parking areas shall be completed in permanent materials as agreed in writing with the Local Planning Authority to ensure loose stones or mud etc are not carried on to the public highway.  
REASON: In the interests of highway safety.
- 11) No gates shall be fitted so as to open outwards towards the highway.  
REASON: In the interests of highway safety.

Cont'd.....



Application Number 14/0847/FULL Continued.

- 12) No surface water run off shall discharge onto the public highway.  
REASON: In the interests of highway safety.
- 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.
- 14) 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.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement to the dwellings consisting of an addition to or alteration to its roof shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity.
- 16) The development hereby approved relates to the details received on 05/02/2015 and 16/04/2015 by the Local Planning Authority.  
REASON: For the avoidance of doubt as to the details hereby approved.
- 17) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.  
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.

Cont'd.....

Application Number 14/0847/FULL Continued.

- 18) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
- b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity.
- 19) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
- b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
- d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,

Cont'd.....

Application Number 14/0847/FULL Continued.

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

REASON: In the interests of visual amenity.

Cont'd.....

Application Number 14/0847/FULL Continued.

20) Prior to the commencement of any vegetation clearance, works or development a specification of all proposed tree planting shall be submitted to and agreed in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

REASON: In the interests of visual amenity.

21) Prior to the commencement of work on site a scheme for the removal and disposal of Japanese Knotweed shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in accordance with the agreed scheme.

REASON: To ensure the appropriate treatment of invasive species.

#### Advisory Note(s)

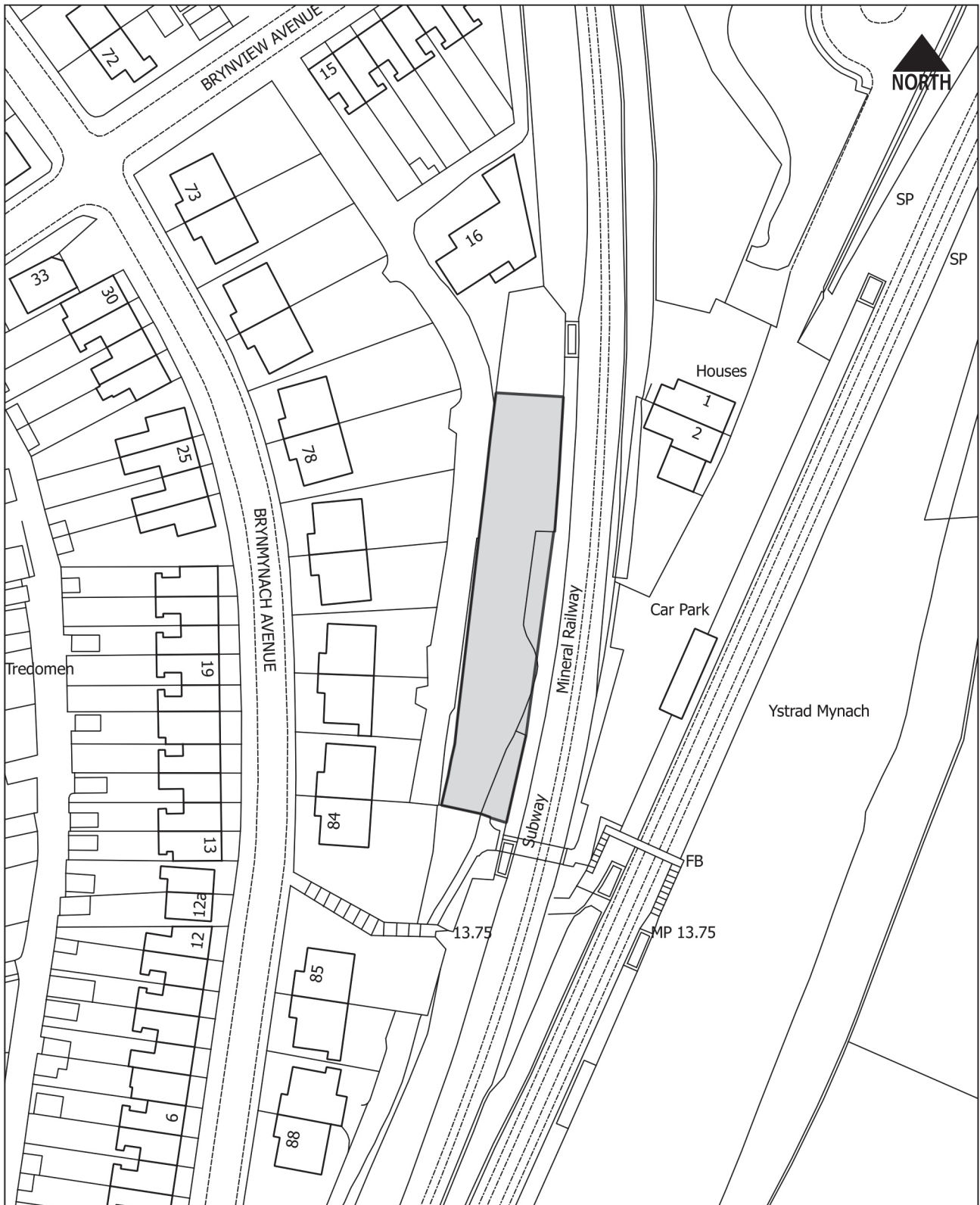
The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW4.

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.

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

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





## PLANNING COMMITTEE – 8TH JULY 2015

**SUBJECT: SITE VISIT - CODE NO. 15/0158/FULL – CHEZ NOUS, 26 SUNNY BANK TERRACE, MACHEN, CAERPHILLY, CF83 8PY**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

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### PRESENT:

Councillor D.G. Carter – Chair  
Councillor W.H. David - Vice Chair

Councillors Mrs E.A. Aldworth, Ms J. Gale, D. Havard

1. Apologies for absence were received from Councillors A. Lewis, Mrs J. Summers and J. Taylor.
2. The Planning Committee deferred consideration of this application on 10th June 2015 for a site visit. Members and Officers met on site on Thursday, 18th June 2015.
3. Details of the application to erect extensions to the existing dwelling and construct a double garage at Chez Nous, 26 Sunny Bank Terrace, Machen, Caerphilly, CF93 8PY were noted.
4. Those present viewed the site from the drive leading to the property, from the rear garden and from the front of the dwelling, and examined the plans submitted with the application to fully appreciate the proposals.
5. Officers confirmed that following advertisement to neighbouring properties and a site notice being posted, 5 letters of objection had been received. Details of the objections are within the Officer's original report.
6. Officers referred to the objection relating to the application proposal for a flat roof dwelling and Members were asked to note the diverse designs and character of the other dwellings in the area.
7. Officers outlined the plans for a proposed deck to the rear and a subterranean double garage and clarified details of the access arrangements for the proposed garage. Members were asked to note the height of a neighbouring extension at the rear of the property, which was elevated higher than the main part of that dwelling.
8. A Local Ward Member raised concerns regarding the impact of the proposed rear deck on the privacy of neighbouring properties. Officers clarified that the deck would be in excess of 21 meters from a nearby dwelling and would therefore be sufficiently far away to ensure that there would be no unacceptable loss of privacy to that property. Despite its proposed elevated level, the deck would not give rise to any views into habitable rooms of the neighbouring dwellings, and in terms of the neighbouring rear garden, would not be any more overlooking than the existing garden of the application property. It was therefore the Officer's



view that the proposed deck to the rear would not cause an unacceptable loss of privacy to neighbouring properties and that the proposal was acceptable in planning terms.

- 9 Officers outlined the plans for a balcony to the front of the property and the privacy concerns associated with that proposal. Officers explained that in their view the proposed front balcony would not cause an unacceptable loss of privacy to neighbouring dwellings.
10. Members were asked to note a condition which requested that a scheme for the protection of the retained trees be agreed in writing with the Local Planning Authority prior to the commencement of any vegetation clearance, works or development.
11. A Member raised a query regarding highway access considerations and Officers confirmed that these were not applicable to this planning application. Clarification was sought on the ownership of the front drive and Officers confirmed that it was shared with neighbouring properties and had not been adopted by the Local Authority. Officers also outlined details of the boundaries relating to this planning application.
12. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
13. A copy of the report submitted to the Planning Committee on 8th June 2015 is attached. Members are now invited to determine the application.

Author:	R. Barrett	Committee Services Officer, Ext. 4245
Consultees:	C. Powell	Area Planning Officer
	G. Lewis	Team Leader
	R. Crane	Senior Solicitor

Appendices:

Appendix 1 Report submitted to Planning Committee on 8th June 2015



Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0158/FULL 24.03.2015	Mr & Mrs D Davies Chez Nous 26 Sunny Bank Terrace Machen Caerphilly CF83 8PY	Erect extensions to existing dwelling and construct a double garage Chez Nous 26 Sunny Bank Terrace Machen Caerphilly CF83 8PY

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application property is situated at the western end of Sunnybank Terrace approximately 50m from the junction with Dranllwyn Lane.

House type: The application property is a detached bungalow within a large plot that slopes steeply from north to south such that the dwelling is elevated above the adjacent highway with terraced and sloping gardens. The dwelling is largely rectangular in shape with a projecting gable on the right hand side and it is finished in pebble dash with a tiled roof. There is a drive to the east of the dwelling that currently provides an informal access to the rear garden. Whilst the main portion of Sunny Bank Terrace is characterised by 'inter-war' semi detached dwellings, the area surrounding the application site has an eclectic mix of dwelling styles including a two storey dwelling to the east and detached bungalows to the west.

Development: The application seeks full planning consent for extensions to the dwelling to increase its footprint and to increase the roof height. This will include creating a first floor to the dwelling, the erection of a two storey extension to the left hand side of the dwelling for two bedrooms and a bathroom on the ground floor with a large kitchen/dining room and family room on the first floor, and an extension to the right hand side of the building to create two bedrooms on the ground floor and a study/lounge and cinema/games room on the first floor. There will also be a balcony on the front of the property leading from the family room, with a deck to the rear also leading from the family room and onto the elevated rear garden. The property is to have a very modern appearance with a flat roof and large picture windows and French doors to the front elevation.

Cont'd.....

Application Number 15/0158/FULL Continued.

Consent is also sought for the erection of a detached garage to the rear of the dwelling. This garage is to be built into the rear garden such that it will be underground with access being derived off the existing drive to the side of the dwelling. Three off street parking spaces are also proposed to the front of the dwelling with the front garden being excavated to provide the space to accommodate them.

Dimensions: The existing dwelling has maximum dimensions of 10.65m wide by 9.5m long by 5.75m high. The proposed dwelling will have maximum dimensions of 17.2m wide by 9.9m long by 5.75m high. The garage measures 6.5m wide by 6.5m long by 3.5m high.

Materials: the dwelling is to be finished in a mixture of render and cedar boarding with a single ply membrane roof.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY

No previous planning history.

## POLICY

### Site Allocation

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP5 (Settlement Boundaries)  
SP6 (Place Making)  
CW2 (Amenity)  
CW3 (Design Considerations: Highways)  
CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on extensions and conservatories.

Cont'd.....

Application Number 15/0158/FULL Continued.

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

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2014) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

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

### CONSULTATION

Dwr Cymru - Provides advice to be conveyed to the developer.

### ADVERTISEMENT

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

Response: Five letters of objection were received from local residents.

Summary of observations: 1 The application to extend the dwelling and the application for a detached dwelling in the rear garden of the application property should be considered together.

2 The proposal would be out of keeping with the character of other dwellings in the area.

3 The scale of the proposal is out of keeping with the character of the host dwelling which would not remain the dominant element.

4 There is no precedent set within Machen for the use of a flat roof.

5 The proposal should not be viewed as an extension to the existing dwelling.

6 Using the first floor for living accommodation would totally alter the established pattern within the area.

7 Using the first floor for living accommodation would also increase noise levels unacceptably.

8 The increased height of the dwelling will have an adverse impact on light

9 The increased height would also cause a loss of view.

10 The developer has removed all of the trees from the site.

11 The proposal will lead to increased flooding problems to adjacent dwellings.

Cont'd.....

Application Number 15/0158/FULL Continued.

12 The existing hedgerows on the boundary of the site should not be removed.

13 Ysgubor Fach is unsuitable to provide access to serve the site for the delivery of building materials.

14 The developer has already destroyed important habitat with the removal of the trees on the site.

15 The development would lead to a devaluation of properties.

16 The proposal would cause a loss of privacy to neighbouring dwellings.

#### SECTION 17 CRIME AND DISORDER ACT

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

None.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, 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.

Is this development Community Infrastructure Levy liable? Yes. Based on an additional floor area of 244.82 square meters the proposal is liable to CIL for £9792.80.

#### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are the objections raised by members of the public and will be considered in turn below.

1 This application and the application for a new dwelling in the rear garden cannot be considered under the same application and each application has to be considered on its own individual merits. However the impacts of each proposal on each other and on surrounding properties will need to be considered.

Cont'd.....

Application Number 15/0158/FULL Continued.

2 Guidance Note 1 of Supplementary Planning Guidance LDP7 (SPGLDP7) states 'Extensions and alterations should be designed to complement the character of your property and street or area.' As discussed above, there is an eclectic mix of dwellings in the area surrounding the application property, exemplified by the two-storey dwelling to the east and the extended bungalow to the west and as such it is not felt that there is any overriding character to the area. It should also be noted that the existing bungalow has no intrinsic architectural merit being a simple 1960s bungalow with an apex roof and therefore it is not considered that it is particularly desirable to retain the bungalow for its own sake. Indeed, were an application submitted to demolish the dwelling and erect a replacement dwelling then this would be acceptable in principle. In that regard it is not felt that the proposal is out of keeping with the character of the area to the degree that refusal of the application is warranted.

3 Guidance Note 2 of SPGLDP7 states that 'the extension or conservatory should not normally dominate your house. As a general rule all extensions should be smaller than the original property, and with the exception of front porches they should be located to the rear or the side of the property, although the context and quality of the existing house and proposed extension will be taken into account.' As stated above, the existing application property has no architectural merit and its replacement with a new dwelling would be acceptable in planning terms. As such the proposals before the Council, whilst not strictly complying with the design guidance, have to be considered on their planning merits and the character of the host dwelling is not a major consideration in the determination of this application. Moreover, the scale of the dwelling is considered to be in keeping with the dwellings in the area and in particular the dwellings on either side.

4 It is accepted that there are no other dwellings within the area that have flat roofs to the main roof. However, as stated in Paragraph 4.11.9 of Planning Policy Wales, Local Planning '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 dwelling is not in keeping with the traditional local vernacular, it would also be true to say that the adjacent dwellings would not have been in keeping when they were erected and indeed in respect of the dwelling to the west, this has an extension to the rear that would also not be in keeping with the local vernacular. In that regard it is not felt that the use of a flat roof is unacceptable in design terms.

5 Whilst the application is described as an extension to the host dwelling it effectively creates a new dwelling. However, as discussed above this is not considered to be unacceptable in principle.

6 Whilst neither of the adjacent dwellings has its principal living accommodation on the first floor it is not uncommon for dwellings on sloping plots to be built in this way in order to maximise the views from the site. As such it is not felt that this would be unacceptable in planning terms.

Cont'd.....

Application Number 15/0158/FULL Continued.

7 It is not felt that the use of the first floor as living accommodation would lead to a marked increase in noise levels to such a degree that this would make the proposal unacceptable in planning terms.

8 Whilst the eaves height of the dwelling would be increased, the overall height of the building has not increased. There would inevitably be an increase in shadowing of the property to the west but it is not considered that this would be to such a degree that it would be unacceptable in planning terms.

9 Loss of view is not a material planning consideration.

10 There is nothing in planning legislation to prevent a developer from removing trees from an application site prior to the submission of a planning application. If trees are on site at the time of a planning application the Local Planning Authority can request a tree survey if it considered that they would be affected by the development or conditions can be imposed for their retention as part of the development.

11 No objection has been received from the Council's Senior Engineer (Land Drainage) in respect of the application for a dwelling on the rear garden of the application site. Therefore it is considered that drainage of the site should not be an issue subject to the imposition of suitable conditions to deal with surface water run off from the site.

12 It is accepted that the existing hedgerows and mature trees on the boundary of the application site provide an element of screening between the properties as well as contributing to the semi rural character of the site. It is felt that this character is important and as such the removal of any of these features would be unacceptable in planning terms. Therefore a suitably worded condition should be added to any consent granted requiring a scheme for their protection and retention as part of the scheme.

13 Whilst it may be considered that Ysgubor Fach is unsuitable to provide access for delivery vehicles to the application site, there is nothing in the planning application to suggest that this would be the case in any event. Moreover, it would be unreasonable to refuse the application on that basis.

14 There is no evidence to prove that any protected species were harmed as a result of the removal of any trees from the site. As stated above the remaining trees on site will be protected by condition as part of the development.

15 Loss of property values is not a material planning consideration.

Cont'd.....

Application Number 15/0158/FULL Continued.

16 Guidance Note 8 of SPGLDP7 refers to balconies and decking and suggests that such structures should ensure that they do not result in overlooking of adjacent properties. The application proposes the erection of a balcony to the front of the property and a deck to the rear. In respect of the property to the east it is considered that the balcony would not give rise to views of that property and the deck to the rear would be sufficiently far away from that property that there would be no unacceptable loss of privacy. With regard to the property to the west it should be noted that the front balcony is screened such that this would only give views into the drive area of that dwelling. It is not felt that this would amount to an unacceptable loss of privacy in planning terms. With regard to the deck to the rear it should be noted that this does not give rise to any views into habitable rooms of the neighbouring dwelling and in terms of the rear garden would not be any more overlooking than the existing garden of the application property. In that respect it is not felt that there would be any unacceptable loss of privacy as a result of this proposal.

In conclusion it is considered that the proposed extension is acceptable in planning terms as the proposed design, whilst modern and with architectural features that are not in keeping with the local vernacular, is considered to be acceptable in its own regard, there would be no loss of privacy or amenity to the neighbouring dwellings and adequate off street parking is provided within the site. Therefore it is recommended that planning consent be granted subject to conditions.

Comments from consultees: No objections raised.

Comments from public: These are considered above.

Other material considerations: None.

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 driveway to serve the proposed development shall be not less than 3.65 metres wide and shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and be completed prior to the first occupation of the development hereby approved.  
REASON: In the interests of highway safety.

Cont'd.....



Application Number 15/0158/FULL Continued.

- 03) 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 garage hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garage shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.  
REASON: In the interests of highway safety.
- 04) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety.
- 05) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
  - b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
  - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
  - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
  - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
  - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
  - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),

Cont'd.....



Application Number 15/0158/FULL Continued.

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

REASON: In the interests of visual amenity.

- 06) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted within 12 months of the completion of the development.  
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).

Cont'd.....

Application Number 15/0158/FULL Continued.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW4.



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## PREFACE ITEM

CONSULTATION BY TORFAEN COUNTY BOROUGH COUNCIL  
APPLICATION REFERENCE 03/09336 PROPOSED RECLAMATION OF  
FORMER OPENCAST WORKINGS, RECOVERING OF SECONDARY  
AGGREGATES AND CONSTRUCTION OF NEW ACCESS ROAD  
AFFECTING PUBLIC RIGHTS OF WAY AT TIR PENTWYS,  
HAFODYRYNYS.

Torfaen County Borough Council has consulted this Council on an application to recover 4.75 million tonnes of aggregates from a former opencast coal site near Hafodyrynys. The matter was reported to this Committee on 10 June 2015 when it was resolved that:

Torfaen County Borough Council be advised that this Planning Authority objects to the application on the grounds of its detrimental impact on residential amenity, highway safety and air quality.

The previous report is attached at Appendix A.

It had not been possible to fully assess the impact of the proposal on the Air Quality Management Area at Hafodyrynys due to lack of information. However, following the resolution on 10 June it became apparent that the applicant had submitted additional information in respect of the AQMA, which had not been passed on to this Council.

In a letter dated 17 April 2015 the applicant confirmed that consideration had been given to the potential for impact on air quality in Hafodyrynys as a result of lorry movements associated with the proposed development. The Annual Average Daily Traffic flow (AADT) on the A472 Hafodyrynys Road is 16,111 of which 3.7% (596) are HGVs. The Transport Assessment sets out that the number of predicted additional HGV movements through Hafodyrynys AQMA will be a theoretical maximum of 25 movements a day (12.5 trips). This figure would amount to a 0.15% increase in overall traffic movements and a 0.2% increase in the percentage of HGV movements in relation to total traffic flow.

The letter states that, based on the design manual for roads and bridges (DMRB), a quantitative assessment of the potential air quality impact is required where a development will result in high changes in flow, for example roads where daily traffic flows will change by 1,000 AADT or more, or where there is a high proportion of heavy duty vehicle traffic, for example, where HDT flows will change by 200 AADT or more. If none of the roads in the network meet the criteria, the impact can be considered to be neutral in terms of air quality.

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Continued

In this case the predicted daily HGV movements through the Hafodyrynys AQMA is significantly below the DMRB criteria and, even allowing for local factors such as topography, the HGVs resulting from the Tir Pentwys scheme will not result in a significant worsening of the nitrogen dioxide levels in Hafodyrynys. The nature of deliveries to market means that deliveries during the morning and evening peak will largely be avoided and the applicant concludes that there will be no adverse impact on air quality as a result of the development.

Head of Public Protection has been consulted on the new information and comments that: -

“The additional information adequately explains why an in depth air quality impact assessment is not required for the development. Therefore, this removes any objection raised on the lack of information with respect to air quality.”

#### RECOMMENDATION

That, in view of the additional information now received, no objection be raised to the proposed development on the grounds of air quality.

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## PREFACE ITEM

### **Consultation by Torfaen Council – Application reference 03/09336: Proposed reclamation of former opencast workings, recovery of secondary aggregates and construction of new access road affecting public rights of way at Tir Pentwys Hafodyrynys.**

An application was made to Torfaen County Borough Council (TCBC) in 2003 for the above development. This council has been consulted as an adjoining local authority as the site lies near the county boundary.

The site, which extends to circa 56 hectares, comprises a deep narrow ravine, a former unrestored opencast coal extraction void, bounded by linear tips of mineral waste from the opencast workings, which ceased several decades ago.

The site lies approximately 4 kilometres west of Pontypool, 2 kilometres south-east of Abertillery and 3 kilometres north-east of Swffryd. Whilst it is approximately 2 kilometres from the county borough boundary at the nearest point, it occupies a prominent position on an elevated plateau and can be seen from certain parts of the east of the county borough including Pen-Y-Fan Country Park and the Croespenmaen area.

The mineral waste tips have been identified as containing gritstone capable of producing aggregate. The overburden at the site is comprised mainly of a deposit of Pennant Sandstone and it is therefore inferred that the tips contain high specification material suitable for the wearing courses of road construction. Such material is valued for its skid resistance and strength and is an important national resource.

The application proposes to excavate the mineral waste tips in the eastern part of the site in order to recover the gritstone for road surfacing and other products for the construction industry. The residual material would be used to restore the former opencast coal site. No drilling or blasting operations would take place. The material would be processed on site. It is estimated that the overall yield of recoverable rock from the site would be approximately 4.75 million tonnes and the operations would take place over 11 years at a rate of 250,000 tonnes per annum.

Concern was expressed by local residents and by members of the Planning Committee that the application contained insufficient information about certain elements of the reclamation works, including the timing and sequence of tree planting, grass seeding and heath restoration, proposals for overcoming the lack of soils, the exposed location, risk of vandalism, grazing by stock from the adjacent common and management of the restored site. These comments were passed to Torfaen Council on 6 February 2004. However, the application was not determined and TCBC invited the applicant to consider a wider range of alternatives to those proposed.

In 2006, the applicant submitted supplementary information relating to air quality, highways and transportation, and noise, and exhibitions were held in the local area, including one at a venue in Hafodyrynys. Additional alternatives were put forward, leading to the applicant promoting a southbound route to the A472 at Cwm Y Glyn.

On 17 August 2006, following consideration by Planning Committee, this council advised TCBC that CCBC strongly objected to the development by virtue of the danger and detriment to residential amenity that will be caused by the generation of heavy vehicles through the Crumlin area and requested a meeting with TCBC.

In 2013, a second supplementary environmental statement was submitted for the proposed development, containing minor amendments to the 2006 documents and providing updated information in respect of certain issues, including ecology and landscape.

Additional information was requested by this council in respect of the impact of the proposed development on the Air Quality Management Area in Hafodyrynys. However, the applicants have now indicated that they do not intend to submit any further information and are pressing for the determination of the application. TCBC has therefore requested this council's final comments.

### **Consultation Response**

Group Manager Transportation Planning (2 May 2013) – Traffic movements resulting from the development equates to 140 movements per day, with peak hour movements of 18 vehicles, 12 of which would be by HGVs. The assumed percentage distribution split of HGVs at the A472/Crumlin Road junction results in only 25% of vehicles west toward Newbridge. The proposed development will have a negligible impact on the highway network.

Countryside Services Manager – The success of the restoration, and therefore, the effect on distant views of the site from Caerphilly county borough, will depend on the proposals for the management of the restored landscape, including the transition from conifer woodland to wet grassland in the south of the site and the removal of the conifer woodland on the northern rim.

Head of Public Protection – Hafodyrynys Road, Crumlin was designated as an Air Quality Management Area in September 2013 due to a failure to meet the national air quality objectives. The area is affected with unacceptable levels of nitrogen dioxide, which is primarily associated with vehicle exhaust emissions and is a respiratory irritant. It has not been possible to fully assess the impact of the proposed development on the AQMA as additional information requested from the developer, via TCBC has not been received.

Cont'd.....



**Recommendation:**

1 That TCBC be requested to take into account the effect of the proposal on the Air Quality Management Area in Hafodyrynys in any decision and to ensure that the proposals for management of the restored landscape are appropriate.

2 That two letters of objection received in connection with the 2013 Second Supplementary Environmental Statement be forwarded to TCBC for consideration.

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## PREFACE ITEM

APPLICATION NO.	15/0097/FULL
APPLICANT(S) NAME:	Empirica Development Partners (EDP) Ltd
PROPOSAL:	Erect a single wind turbine with a maximum blade tip height of up to 78 metres and associated infrastructure including the installation of a new access track and upgraded access track; a crane pad (measuring approximately 25m by 40m) and a substation
LOCATION:	Land At Cefn Bach Farm Cefn Road Upper Deri Bargoed

The Planning Committee deferred this application on the 10<sup>th</sup> June 2015, as Members were minded to approve the application contrary to Officer recommendation. Members considered that the proposed development would not have unacceptable impacts on the landscape character of the area and would make a contribution to the provision of renewable energy within the County Borough.

## RECOMMENDATION

If Members are still minded to approve the application, the following suggested conditions should be attached to the consent:-

1. 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.
2. The level of noise from the wind turbine (hereby approved) measured at the nearest noise sensitive properties shall not exceed 35dB(A) (LA90, 10 mins) up to wind speeds of 10m/s at 10m height when calculated in accordance with the attached Guidance Notes, or such other guidance as may be agreed in writing by the Local Planning Authority.  
REASON: In the interest of the amenity of noise sensitive properties.

Cont....

3. Following the commissioning of the wind turbine hereby approved, the power generation, the wind speed and direction data, shall be continuously logged in accordance with a method that shall have been agreed in writing by the Local Planning Authority and such data shall be retained for a period of not less than 24 months and it shall be provided to the Local Planning Authority at its written request within 14 days of such request.

REASON: To monitor the wind turbine use and provide information to the Local Planning Authority to retain effective control.

4. Within 21 days from the receipt of a written request from the Local Planning Authority and following a noise complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at the operator's expense, engage an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbines at the complainant's property following the procedures described in the attached Guidance Notes or such other guidance as may be agreed in writing by the Local Planning Authority. The independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based, shall be submitted for the approval of the Local Planning Authority within 2 months of the date of the written request, unless otherwise extended in writing by the Local Planning Authority. The assessment recommendations as may be approved in writing by the Local Planning Authority shall be implemented and carried out within a set timescale agreed in writing by the Local Planning Authority.

REASON: In the interest of the amenity of noise sensitive properties.

5. During the course of the investigation as required by Condition 04, should the wind turbine or turbines be identified as operating above the parameters specified in Condition 04, the wind turbines will be modified, limited or shut down as required to ensure compliance with this condition. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified.

REASON: In the interest of the amenity of noise sensitive properties.

Cont....

Application No. 15/0097/FULL Continued

6. Deliveries and construction works associated with the wind turbine hereby approved shall not take place outside the hours of 07.00 and 19.00 Mondays to Fridays, 09.00 and 16.00 Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In the interest of residential amenity.
7. Prior to the commissioning of the wind turbine hereby approved it shall be fitted with a control system that automatically shuts down the turbine during times when shadow flicker occurs, in accordance with a scheme of control that shall have been agreed in writing with the Local Planning Authority and the turbine shall be operated in accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To control flicker in the interest of amenity of nearby flicker sensitive properties.
8. Notwithstanding the submitted details the development shall not commence until after a revised Traffic Management Plan (TMP) has been submitted to and agreed in writing by the Local Planning Authority. The TMP shall indicate full consultation and approval with neighbouring Authorities which the loads pass through and consultation and approval with the Welsh Government. The TMP shall provide evidence that the necessary permits have been given by the South Wales Police Liaison Transport Officer who co-ordinates the safe passage of abnormal vehicles and shall also include full details of the hauliers indemnity insurance for approval. Any highway improvements required to the highway network with Caerphilly County Borough Council shall also be provided for approval by the Local Planning Authority and be completed prior to the delivery of the loads. The development shall proceed in accordance with the TMP following approval in writing by the Local Planning Authority.  
REASON: In the interests of highway safety.
9. Prior to the transportation of any turbine components; a highway condition survey along the proposed route within Caerphilly County Borough shall be carried out and agreed in writing with the Local Planning Authority, which includes a scheme and timetable for the repair of any damage caused by abnormal loads associated with this development. The development shall thereafter be carried out in accordance with those agreed details.  
REASON: In the interests of highway safety.

Cont....

Application No. 15/0097/FULL Continued

10. Prior to the transportation of turbine components to the site commencing, the haulier's indemnity insurance shall be provided to the Highway Authority for inspection and written approval of that insurance granted from the Authority's Legal Services Manager.  
REASON: In the interests of highway safety.
11. Prior to the commencement of works on site, details of the position and extent of the cable route together with an assessment of the ecological value of the habitats and species along the route together with any necessary mitigation measures shall be submitted for agreement of the Local Planning Authority. The agreed measures shall be strictly complied with.  
REASON: to minimise impact on species rich habitats.
12. Prior to the commencement of works on site, the applicant shall submit details of the means of protection of any retained trees that lie within 5m of the working area associated with the cable route for Local Planning Authority approval. The works shall be carried out in accordance with the agreed details.  
REASON: In the interests of visual amenity.
13. The wind turbine, tower and ancillary equipment shall be removed from the site and the land restored to its former condition upon cessation of the use of the turbine in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cessation of the use shall be defined as the wind turbine becoming inoperative for a continuous period of six months.  
REASON: In the interests of visual amenity.
14. The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
15. Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.  
REASON: In the interests of highway safety.

Cont....

Application No. 15/0097/FULL Continued

16. The wind turbine and tower hereby approved together with the ground equipment and plant shall be removed from the application site, either before the end of 25 years from the date of commencement of the development hereby approved or within six months upon their becoming no longer operationally active in the generation of electricity, whichever is the earlier.

REASON: In order to define the extent of the permission hereby granted.

Advisory Note

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions attached to this consent: policies CW2, CW3 and CW4.

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0097/FULL 17.02.2015	Empirica Development Partners (EDP) Ltd The Hawk Creative Business Park The Hawkhill Estate Easingwood York North Yorkshire YO61 3FE	Erect a single wind turbine with a maximum blade tip height of up to 78 metres and associated infrastructure including the installation of a new access track and upgraded access track; a crane pad (measuring approximately 25m by 40m) and a substation Land At Cefn Bach Farm Cefn Road Upper Deri Bargoed CF81 9GW

**APPLICATION TYPE:** Full Application

#### SITE AND DEVELOPMENT

Location: The application site is situated at Cefn Bach Farm, which is approximately 500m to the east of Deri.

Site description: The proposed site stands on land at a height of approximately 380m above Ordnance Datum (AOD) and is currently hilltop pasture located above the Darran Valley to the west, and the Rhymney Valley to the east. Apart from the farmhouse the nearest, residential property, are at Deri.

Development: The applicant is proposing to erect a single wind turbine with a maximum blade tip height of up to 78 metres and associated infrastructure including the installation of a new access track and upgraded access track; a crane pad (measuring approximately 25m by 40m); and a substation. The proposed wind turbine would have a rated output capacity of 500kW and its key maximum parameters are set out below:-

Hub height: 50m;  
Blade length: 28m;  
Rotor diameter: 54m;  
Maximum height to blade tip: 78m; and  
Number of blades: 3.

Cont'd.....



Application Number 15/0097/FULL Continued.

The turbine is proposed to be predominantly light grey in colour, but that can be controlled by condition.

A crane pad measuring approximately 24m by 39m would be installed adjacent to the turbine. An existing access track would be improved by widening it by a metre with crushed stone to provide a link between the site and the lane that runs along the top of Cefn y Brithdir to the east of the application site. A substation would also be erected below the turbine. It would be brick built with a pitched roof, and measure 3.6m by 3.6m and 3.4m high to the ridge. A small flat-roofed switchroom annex measuring 1.3m by 1.5m by 2.4m high would be attached to the side of the structure.

### PLANNING HISTORY

No previous planning history.

### POLICY

#### Site Allocation

Local Development Plan: The site lies in the open countryside beyond a settlement boundary. The area around the turbine itself is not specifically allocated, but the track leading to the site passes through a Visually Important Local Landscape (VILL) and a Site of Importance for Nature Conservation (SINC).

#### Policies

Local Development Plan: SP1 (Development Strategy), SP5 (Settlement Boundaries), SP8 (Minerals Protection), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), CW19 (Locational Constraints - Rural Development and Diversification), CW22 (Locational Constraints - Minerals), NH2 (Visually Important Local Landscapes).

National Policy: Technical Advice Note 8: Planning for Renewable Energy (July 2005) and Planning Policy Wales (Edition 7), Nov 2014.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? - No.

Cont'd.....

Application Number 15/0097/FULL Continued.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

### CONSULTATION

Rights Of Way Officer - Attention is drawn to the public footpaths in the vicinity and the need for some to be stopped up temporarily, and for banksmen to be located near others for safety reasons during the construction period.

Senior Engineer (Land Drainage) - Prior to the commencement of any development of the site the applicant must submit to the Authority, and receive written approval of , comprehensive proposals showing how surface water, and land drainage flows from the site will be dealt with.

Countryside And Landscape Services - The methodology used to undertake the Landscape and Visual Impact Assessment is in general accordance with what is currently regarded as best practice. However despite the submission of additional information, the Landscape and Visual Impact Assessment is weak in the assessment of the impact of the proposed turbine upon the adjacent Historical, Cultural Landscape. The LVIA has also failed to consider the potential impact of the proposed turbine upon the Gelligaer Common Landscape of Historic Interest, where there is the potential for significant effects, given the distance separating the proposed turbine from the eastern edge of the Historic Landscape is barely 2km at the nearest point.

The LVIA's findings that the potential impacts upon landscape character and visual receptors, associated with the construction and decommissioning of the turbine are not significant are correct.

The assessment of the potential operational phase of the development upon the Landscape Character of the site and adjacent area within approximately 1.6 km was assessed as not significant. This assessment was based upon all 5 LANDMAP aspect areas. That is acceptable in relation to four of the LANDMAP aspect areas but the potential impact upon the Visual and Sensory aspect area has been slightly under-valued and the potential impact upon this aspect area alone would be significant.

Cont'd.....

Application Number 15/0097/FULL Continued.

Six photo-viewpoints were chosen as the basis for the visual assessment of the impact of the proposed turbine. The view from Photo-viewpoint No 1 at Glynmarch St Deri, has been assessed as not significant; that assessment is disagreed with. The hub and blades of the proposed turbine would be seen above the coniferous plantation which dominates the facing valley side. This plantation is predominantly composed of Larch, and is showing signs of being infected with phytophthora ramorum. Natural Resources Wales are currently felling Larch Plantations infected with phytophthora above Parc Cwm Darren and across South Wales as part of their strategy to control the spread of the disease. It is therefore likely that this plantation will be felled very shortly as part of this control strategy. This will increase the prominence of the turbine in views from east facing properties within Deri. Photo-viewpoint No 3 is taken from St Gwladys monument on Gelligaer common. The assessment of visual effect is recorded as substantial / moderate adverse, which is wrongly recorded as not significant. The assessment of not significant for all remaining viewpoints is acceptable.

No assessment has been made of the potential for visual effects upon other settlements within the borough, though photo-viewpoint No 4 is taken from Bedwellty Road, Aberbargoed and photo-viewpoint No 6 is taken from Glenview Terrace Pentwyn. Both are assessed as not significant, which is acceptable. It is likely that views of the turbine from Bargoed and most of Aberbargoed will be constrained by the orientation of properties, intervening properties and distance from the site. The effect upon the majority of visual receptors in these settlements will be not be significant.

A brief statement of the potential visual effect of the proposed turbine upon the properties of Tyr-chapel and Plas Milfre, the two closest residential properties to the site indicates that the potential impact upon Tyr-chapel would be significant whilst the impact upon Plas Milfre would be not significant. On the basis of the very limited information provided and the distance of both properties from the site of the turbine the potential visual effect could be significant for both properties.

The potential effect of views of the turbine from the valley floor road and rail network , the majority of minor roads on the upper valley sides or valley tops should be assessed as not significant. There will be some significant visual effects upon users of the Rhymney Valley Ridgeway walk and the local footpath network but overall the effects upon the public rights of way network will be not significant.

Cont'd.....

Application Number 15/0097/FULL Continued.

An assessment of cumulative impact has been undertaken. Wire line plots have been produced for each of the photo-viewpoints, which clearly demonstrate that there is the potential for views of several constructed, consented or in-planning turbines to be seen from all but two of the photo-viewpoints. These viewpoints do not encompass a full 360 degree view. The cumulative Zones of Theoretical Visibility Maps clearly demonstrate that with the exception of the northern group of turbines close to the Heads of the Valleys Road there is the potential for all of the remaining constructed, consented or in-planning turbines, within the county borough to be seen from elevated locations and in particular from elevated locations in the centre of the borough close to this site. However the current proposal is isolated and would not in itself give rise to a significant" additional cumulative impact.

To conclude, Cefn Bach Farm and the site of the proposed turbine are not within a Special Landscape Area or a Visually Important Local Landscape as identified within the Local Development Plan. The site of the proposed turbine is within a pastoral landscape, of small to medium sized fields, enclosed by a strong linear pattern of dry-stone wall boundaries. The introduction of a tall vertical element, and movement into this landscape would be at variance to its present character.

The Heads of the Valleys Smaller Scale Wind Turbine Development Landscape Sensitivity and Capacity Study, published in April 2015, which was commissioned by Caerphilly and adjacent Local Authorities, included this area within a much larger landscape unit, which it identified as having a medium to high sensitivity to wind turbine development of medium typology, which it identifies as four or fewer turbines of less than 80 m in height to blade tip. However the report also emphasises the need to consider the potential effect upon Gelligaer Common Landscape of Historic Interest and views from Valley settlements.

The submitted Landscape and Visual Impact Assessment fails to adequately address a number of these issues and the potential effects of the proposed turbine upon the pastoral landscape of the site / local area, and on Gelligaer Common Landscape of Historic Interest, as well as the potential visual impact upon residents of Tyr-chapel and Plas Milfre, and the residents of east facing properties in Deri are likely to be significant. Therefore it is recommended that the application be considered for refusal.

Strategic & Development Plans - No objections in principle subject to access to mineral resources, impacts on natural heritage, and the cumulative impact being considered,

Cont'd...

Application Number 15/0097/FULL Continued.

National Air Traffic Services - The scheme does not conflict with their safeguarding criteria.

Ministry Of Defence - No objections.

Glam/Gwent Archaeological Trust - At present the proposed route is a narrow single track for approximately 2.8km and then uses an un-mettled bridleway for a further 1.9km, both of which cross open upland common. The highway access report supplied with the application states that it will need remediation work to make it acceptable as an access route, including widening Cefn Y Brithdir by 1.0m using crushed stone. The bridleway passes close to a Scheduled Ancient Monument, Cefn Brithdir Medieval House Platforms (SAM no GM317) in an area where there are a number of prehistoric barrows, one of which (PRN00645m) lies within 10m of the track. There are at least four prehistoric funerary monuments across the common at this point and it is conceivable that others remain undiscovered. Clearly the proposals for this route would have a lasting impact on the historic environment which is already at risk from erosion due to the use of motorcycles and off road vehicles.

It is their view that they do not have sufficient information to give advice at this time and therefore, we therefore strongly recommend that the applicant commission an archaeological assessment that includes the route of the access track, a document that will identify which aspects of the proposal will have an impact on the buried archaeological and historical resources that will require mitigation and what that mitigation will entail.

In summary, this will be a material consideration in the determination of the current planning application and therefore this decision should be deferred until the requested information has been submitted to your Members. This recommendation follows the advice given in Planning Policy Wales, Seventh Edition July 2014, Section 6.5.1 and 6.5.25, and also detailed in Welsh Office Circular 60/96, Section 12.

Trunk Road Manager - The latest comments state that there is insufficient detail to fully review the proposal.

Joint Radio Company Limited - Initially objected to the scheme because it may interfere with telemetry in the area, but subsequent information has allowed them to withdraw their concerns.

OFCOM - No objections.

Cont'd.....

Application Number 15/0097/FULL Continued.

Aneurin Bevan Health Board - It is recommended that noise and shadow flicker are considered.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and 116 neighbour letters.

Response: Thirty-one letters have been received in support of the scheme. The letters comment that:

- there is adequate separation with residential properties
- the proposal complies with government guidance concerning noise
- the turbine is not located within an ecologically sensitive area
- a community fund is offered by the applicants
- there is sufficient wind speed at the site, and
- there is a suitable grid connection nearby.

### SECTION 17 CRIME AND DISORDER ACT

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

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, 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.

Is this development Community Infrastructure Levy liable? No.

### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are in respect of the landscape, archaeological and highways impacts of the scheme.

Cont'd.....

Application Number 15/0097/FULL Continued.

The location of the proposed turbine on this ridge between the Rhymney and Darren Valleys, detached from the recently approved and erected turbines above New Tredegar, Pen y Fan Ganol (Manmoel) and Oakdale will extend the impact of such development over a wider area of the borough to the detriment of the character of the landscape. On the opposite side of the Darran Valley is the historic landscape associated with Gelligaer Common. The proposed turbine will be clearly visible from that landscape, and due to its proximity, will have an adverse impact on the context and therefore character of the area. Welsh Office Circular 61/96 - Planning and the Historic Environment, advises that in determining planning applications the registered park and garden should be taken into account particularly where the proposed development is of a sufficient scale to have more than a local impact on historic landscape.

The LDP allocates the common as a special landscape area (NH1.2) and it is described in the appendix to the Plan as an important and increasingly rare upland landscape within South East Wales. Policy CW4 states that development proposals that affect locally designated natural heritage features, will only be permitted where they conserve and where appropriate enhance the distinctive or characteristic features of the SLA.

The Council's Countryside and Landscape Manager identifies gaps in the Landscape and Visual Assessment submitted by the applicants particularly in respect of the impact of the development on the pastoral landscape of the area, and the visual impact on nearby dwellings.

Concern has been expressed by Glamorgan Gwent Archaeological Trust about the information submitted and the need for further surveys before a decision is taken. The applicants have responded to this concern by pointing out that this is an existing access track used for agricultural purposes for some time and as noted in the Trust's response is 'already at risk from erosion due to the use of motorcycles and off road vehicles'. As such the access has already been subject to ground disturbance over a number of years. They consider that the proposals to upgrade this access would provide the following benefits:

- Creation of a well defined and constructed access track which would prevent further erosion and potential harmful intrusion into adjoining land and potential archaeological features;
- Securing of archaeological mitigation

All upgrading works would be confined to within the red line area only. Only upgrading is proposed and as such extensive ground works will not be necessary. In addition they have offered mitigation measures to ensure inadvertent impact of the widening of the access track will be carefully managed in respect of potential impacts on archaeology, secured by an appropriately worded planning condition. On balance, it is considered this matter could be resolved by condition.

Cont'd.....



Application Number 15/0097/FULL Continued.

At the time of report preparation, the impact of the development on the road network had not been resolved, but in view of its short term nature, and the fact that similar developments have been accommodated on the surrounding hillsides, there is no clear reason to object on this ground. Outstanding matters, such as the need for a traffic management plan could be resolved by condition.

Concerns about the impact of the scheme must be balanced against the need for renewable energy. In that regard the UK is subject to the requirements of the EU Renewable Energy Directive which includes a UK target of 15% of energy from renewable sources by 2020. This includes both heat and electricity, and is seen as a minimum and a starting point from which the proportion should rise. At present in terms of electricity, there are 8 wind turbines and 3 solar farms in the county borough. These make a significant contribution. The 2 turbines at Oakdale for example generate as much electricity as the 1,834 domestic PV systems in the county borough. The amount of electricity generated in the county borough is around 12% of the predicted amount likely to be used in 2020. In terms of heat however, the figure is less than 1%. It is envisaged that a further target above the 15% aim is likely to be set soon as it is an initial target on the road to the 80% reduction in carbon emissions required by the EU. Even if Caerphilly borough exceeds the target of 15% before 2020 it will be expected to push on further and provide more. However, in this particular case that need would not outweigh the concerns about the impact of the scheme on the historic landscape.

Comments from consultees: Discussed above.

Comments from public: There has been considerable support in the locality for the scheme, but that in itself would not overcome the concerns about the impact on the landscape.

Other material considerations: Noise, shadow flicker and other environmental impacts can be controlled by condition.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The proposed wind turbine would have an adverse impact on the landscape at Gelligaer Common which is included on the Register of Special Historic Interest in Wales, and is allocated as a Special Landscape Area (SLA) in the adopted Caerphilly Count Borough Local Development Plan up to 2021 (November 2010). The development would be contrary to policy CW4 of that plan because it would be detrimental to the distinctive and characteristic features of the SLA.

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- 02) The information submitted with the Landscape and Visual Impact Assessment submitted with the planning application is insufficient to allow the appropriate consideration in planning terms of the impact of the proposed turbine on pastoral landscape adjacent to its site, and on the residents of Tyr-Chapel, Plas Milfre and east facing properties in Deri.



## PREFACE ITEM

APPLICATION NO. 14/0604/OUT

APPLICANT(S) NAME: SRJ And JG Partnership

PROPOSAL: Erect residential development

LOCATION: Car Park Aiwa Technology Park Newbridge  
Newport

1. The above application for residential development on a brownfield/employment site was deferred by Committee on 10<sup>th</sup> June 2015 for further information regarding; A) Footpath access to the north of the application site and B) The submission of a BS4142 noise report in respect of the industrial site to the south. Officers have subsequently met with the applicant and his agents to agree the submission of these further details.
2. The applicant has submitted further details of the footpath route to the north showing a connection from the application site to the railway underpass. The route is at slight variance to the previous line as it goes around a slight hump rather than over it. The details submitted indicate that it is possible to achieve a gradient of less than 1 in 12 overall, and along the part of the route that was of concern to the Members who visited site. It should be possible to achieve a gradient as low as 1 in 23 along the length that was of concern. The gradients are of a standard suitable for both wheelchairs and pedestrians. Highways have previously raised a concern regarding this route, that concern is now removed subject to a condition requiring details of lighting as a safe route at reserved matters. The applicant has also confirmed that he is prepared to dedicate the land for that path plus the cost of its creation, including appropriate lighting to meet the Safe Route to Schools standard, as a condition of any permission granted.
3. The applicant has also submitted the requested BS4142 Noise Report. That report has been considered by Environmental Health. The report explains that dominant general noise level from the road will exceed that of the industrial use. (Members will note that the previous Committee report explained that the road noise is not considered to be sufficient to warrant refusal). Environmental Health however remain concerned that particular noises such as impact noises and vehicle reversing warnings will have an adverse effect sufficient to cause unacceptable disturbance.

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The applicant has explained that mitigation measures such as sound insulation and mechanical ventilation can be required by condition to mitigate such disturbance if it were to occur. Environmental Health Officers do not consider mechanical ventilation to be an acceptable form of mitigation. The applicant has explained (at the above mentioned meeting) that mechanical ventilation is a form of mitigation that is suggested within BS4142 (part 11 para 3) and such cannot be excluded from consideration. BS4142 also explains that noise must be considered in "context". In support of their position Environmental Health Officers have explained that the application site is considered to be a "semi rural location". From the planning perspective this is not the case, the location is a brownfield site within the settlement boundary, adjacent to both the A467 and an industrial site. It is also within easy walking distance of the town. Planning decisions are made on the balance of probabilities. As explained at the previous Committee there have been noise complaints from existing nearby houses (7 within a period of 15 years), however none have related to the lawful use of the site. The probability of impulse noise type disturbance should therefore be low and mechanical ventilation should be acceptable in the "context." The planning recommendation therefore remains that permission should be granted on that basis. Environmental Health Officers have recommended conditions to be imposed if Members are minded to grant planning permission. Those conditions are:-

- a) All dwellings on the eastern perimeter of the site and on the northeast and southeastern corners of the site to be orientated so that there are no windows to habitable rooms facing the road.
- b) All dwellings to be fitted with double glazed windows with acoustic trickle vents.
- c) All dwellings on the Southern perimeter of the site to be orientated so that there are no habitable rooms facing the industrial units and all windows of these dwellings to be fitted with upgraded acoustic glazing & acoustic trickle vents.
- d) A 2.1m high close boarded fence to be sited along the southern site boundary.
- e) A 2.1m high close boarded fence to be sited on top of the bank along the eastern boundary of the site.
- f) No habitable rooms to be located in the roof space (no attic conversions).
- g) Prior to the commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that gardens shall be designed to a maximum noise level of 50dB(A) Leq 16 hours.

Cont....



Application No. 14/0604/OUT Continued

4. A further letter has been received from the objector and owner of the industrial land to the south of the application site. The letter includes a history of the company and emphasises a perceived risk to its future existence posed and the 320 employees of the company by the proposed residential development. The letter does not raise any new planning issues.
5. The pedestrian access concerns have been overcome by the additional details submitted. The applicants have now submitted the noise survey information in a format that is acceptable to the Head of Public Protection who has recommended additional conditions. Whilst the reason for those conditions is clear, the ones restricting the location of windows to habitable rooms and the limitation of noise in rear garden are onerous from a planning point of view, and would unreasonably limit the design and layout of the development. There are examples nationwide of modern housing development in close proximity to highways where habitable room windows and gardens are close to busy highways. It would be reasonable to impose the conditions concerning acoustic glazing and fencing.

RECOMMENDATION: That planning permission is granted in accordance with the previous report which includes a condition concerning double glazed windows and acoustic trickle vents), and subject to the following additional or amended conditions:

Condition 11 – amended to reflect additional plans submitted.

Condition 16 – Prior to the occupation of any dwellings adjoining or adjacent to the southern or eastern boundaries of the site, a 2.1m high means of enclosure shall be erected of a design and appearance, and in a location to be agreed in writing with the Local Planning Authority.

REASON: To mitigate the impact of noise from the surrounding area.

Condition 17 – Prior to the occupation of 50% of the dwellings hereby approved the proposed pedestrian footpath running north-westwards from the housing estate and linking with the footbridge across the River Sirhowy shall be provided in full, including lighting and surfacing, details of which shall have first been agreed in writing with the Local Planning Authority.

REASON: To ensure adequate pedestrian linkage within the locality.

In addition, the Section 106 Agreement shall include a commitment by the applicants to use their best endeavours in co-operation with the Local Planning Authority to promote the provision of a public footpath under the Ebbw Valley Railway to North Road.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0604/OUT 08.09.2014	SRJ And JG Partnership C/o RPS Mr D Williams Park House Greyfriars Road Cardiff CF10 3AF	Erect residential development Car Park Aiwa Technology Park Newbridge Newport

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The application site is an existing car park within the "Technology Park" industrial estate east of Newbridge adjacent to the A467.

Site description: A flat level surfaced car park with tree screening around most of the boundary and traffic light controlled access onto the A467. The site is 1.2 hectares in size and currently provides 250 parking spaces. To the north is undeveloped land and to the south are industrial buildings that the car park has served in the past. To the west are the river Ebbw, the railway and Newbridge. To the east is the A469 with the Panside housing estate at a higher level beyond that.

#### Development:

This is an application made in outline with all matters reserved accept access.

An indicative layout has been submitted that shows 45 dwellings at the site. The access point is directly onto the shared access road from the industrial estate onto the A467 via a traffic light controlled junction. A possible variation of the position of the access onto existing access road has been submitted and is discussed in the analysis.

#### Dimensions:

The upper and lower limits for height, width and length of each building is as follows:

Maximum 9m width, 12m length, 3 storey height.  
Minimum 6m width, 9m length, 2 storey height.

Materials: To be agreed at reserved matters stage.

Cont....

Application No. 14/0604/OUT Continued

Ancillary development, e.g. parking: This would be agreed at reserved matters stage.

### PLANNING HISTORY

2/08563 - Engineering works for the purpose of land reclamation - clearance of disused buildings, reshaping and levelling of landform, possible river diversion and provision of new access from A.467 road - Granted 15/05/89.

2/08564 - Development of land as an industrial estate forming new access onto A.467 roads, sewers and other infrastructure works, also erection of factory units - Granted 15/05/89.

2/10217 - Land Reclamation to include, general site clearance, earth-works, river diversion, pit shaft capping, access construction and planting to create a 15 acre site for development - Granted 04/10/91.

2/11683 - 305,658 ft. Bespoke Electronics production factory under Planning Use Class B1 - Granted 28/06/94.

P/02/1255 - Vary/amend condition 19 of Planning Consent 2/11683 to permit use of warehouse for storage of non-electronic products - Granted 27/02/03.

07/0008/ADV - Erect illuminated freestanding company directional sign at entrance to site of Technology Park - Granted 17/04/07.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is identified for secondary employment - EM2.14 North Celyn Newbridge.

#### Policies:

SP5 (Settlement Boundaries), SP6 (Place Making), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations - Highways), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing), CW13 (Use Classes Restrictions Business and Industry) and EM2 (Employment Sites Protection).

Cont....

Application No. 14/0604/OUT Continued

### NATIONAL POLICY

Planning Policy Wales (2014) encourages development in locations that increase accessibility by modes other than private car, within existing urban areas, and at higher densities (para. 4.7.4). It also states a preference for the use of brownfield land (para. 4.9.1).

TAN 1 Joint Housing Land Availability.

TAN 11 Noise.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? - No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - Yes. The comments of The Coal Authority are reported below.

### CONSULTATION

Economic Development Officer - It is considered that the employment allocation should be retained and the proposed residential use refused.

The Coal Authority - The site is within a high risk area. The Authority concurs with the findings of the submitted Coal Mining Report. No objection is raised subject to the imposition of a condition requiring an intrusive site investigation and it is further recommended that such an investigation be utilized to inform the site layout with particular regard to two mine entry points (shafts) that consequently may become no build zones.

Natural Resources Wales - No objection subject to a buffer zone being maintained adjacent to the river and conditions to require site remediation.

Countryside And Landscape Services - The Council's Landscape Architect notes that the site is situated within the settlement boundary, though it is isolated from the town centre and the residential area.

Cont....



Application No. 14/0604/OUT Continued

The Design and Access Statement discusses a footpath link to the north over an existing footbridge over the river and through a railway underpass to the town centre and local bus stops. The Council's Footpath Officer has also pointed out that whilst it would be a useful link, the route is not recorded as a public right of way, it may not be in the ownership of the applicant and may need to be substantially upgraded.

The sketch layout retains the existing vegetation on the river, road and northern boundaries of the site. This will help retain the wooded feel of this part of the valley floor and A467 corridor, whilst buffering the riverside SINC and providing a noise and visual screen to the proposed development.

The illustrative layout lacks an area of public open space within the site. The reliance on the adjacent site for informal public open space is not acceptable; scrub woodland would be unsuitable for small children and the less able bodied. The illustrative layout is dominated by car parking spaces fronting the properties, particularly along the main access/spine road.

It would appear that this proposal has the potential to be the first phase of a larger development covering this and the area to the north. As such a design style and palette of materials should be put in place now that can be carried forward. Thereby allowing a considered development rather than a piecemeal approach.

Head Of Public Protection - It is noted that the dwellings that would be closest to the A467 may experience unacceptable noise and that the factory to the south also needs to be accounted for in terms of noise. The applicant was requested to provide further information. The Pollution Control Section advise that whilst the site has been demonstrated to be acceptable in terms of a TAN 11 noise assessment a BS4142 assessment has been requested but has not been provided. Accordingly refusal is recommended.

CCBC Housing Enabling Officer - 10% affordable housing is sought in line with policy CW11 of the LDP.

Senior Engineer (Land Drainage) - No objection subject to a condition to require the agreement of surface and land drainage. Drainage advice is provided.

Head Of Public Services - Advice is provided by the waste management section regarding refuse and recycling collection.

Cont....

Application No. 14/0604/OUT Continued

Outdoor Leisure Development Officer - It is pointed out that a site of the size proposed requires integrated open space to comply with policy CW10. Within that area a Local Area of Play (LEAP) should be provided.

Transportation Engineering Manager - An analysis has been requested regarding the amount parking that has been retained to serve the employment site. The applicant who does not have access to the site or details of the use/s within the building has not provided those details.

Police Architectural Liaison Officer - No objection and advice is provided regarding Secure by Design.

Network Rail - No objection is raised and general advice is provided.

Strategic & Development Plans - No objection. It is explained that whilst the site is allocated for employment the declining demand for employment land indicates that the County Borough has a rising surplus, whilst on the other hand there is a decreasing supply of housing land. In particular it is pointed out in the recent Employment Sites Supply and Market Appraisal the site was rated D/E (which is one up from the lowest category in a scale of 8 grades). The scale grades the site as a very poor quality area with widespread vacancy, where alternative uses should be promoted.

Parks And Open Spaces (Derek Price) - It is pointed out that the site does not currently have easy access to public open space or nearby play facilities. It is also noted that the submitted layout does not provide a well designed and useable area of open space with play facilities. It is therefore necessary that the reserved matters require this provision within the application site.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 31 neighbouring properties have been consulted.

Response: Two letters have been received.

Cont....

Summary of observations:

The first letter received is from the owners of the industrial land to the south. It raises the following concerns and in subsequent communications additional concerns have been added:

- It is explained that the access road is owned by the industrial owners to the south and its "main and only intended purpose is for industrial use." In subsequent correspondence the owners have described the applicant's right of way over the land as being only "transient" and explained that the applicant does not have an appropriate mechanism for contributing towards the upkeep of the access road.
- The industrial owner is concerned that pedestrians and traffic from the proposed site would come into conflict with heavy goods vehicles.
- It is suggested that pedestrians and the public could "create issues for the security of the Technology Park" leading to loss of employment.
- The development site is on land identified for employment.
- Although the car park is not currently in use it could be rented to future industrial occupiers as demand for parking rises.
- The site should be accessed directly from the A467.
- Questions are raised regarding the accuracy of the supporting information that details the attempts to find a suitable commercial occupier or purchaser for the application site. One of the questions points out that the industrial owner's company has not been approached to purchase the land.
- A quote from this Council in 2009 is cited. The quote states that housing needs will be met through land allocations and windfall sites coming forward.
- There are a number of references to parts of the submitted Design and Access Statement and Transport Statement questioning the suitability of the private road to fulfil the requirements of the proposed development. The veracity of the statements is challenged and the Company request that it be provided with various written "assessments or objective evidence." The Company has also requested that it be provided with the Highway analysis regarding car parking at its site.
- The industrial owner questions the statement that its company has "has not chosen to renew its existing lease" for the application site and goes on to explain that it considers the suggestion that the applicant has sought to find an alternative use for the site based on the cessation of the lease as a "falsehood."

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Application No. 14/0604/OUT Continued

- It is suggested that if the development is approved the industrial owners will be obliged to erect "chain link or steel fencing with razor barbed wire at a minimum height of 8ft accompanied by surveillance cameras."
- There are a number of requests that the Council provide the industrial owner with evidence to support the submissions of the applicant so that the Company may use the information "to further substantiate our communication with the appointed Planning Inspectorate."

The second letter received is from a department of the Welsh Government (Digital Wales Department for Economy, Science and Transport). That Government Department has been contacted by the author of the first letter. Whilst the department is not suggesting any support or objection to the proposed development the writer requests that the concerns raised by the writer of the first letter be considered with particular regard to the "potential long term impact upon employment uses in this area."

#### 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 the proposed development will have a material effect on crime and disorder.

Is this development Community Infrastructure Levy liable? The application is made in outline and CIL would be calculated at reserved matters.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? - No.

#### ANALYSIS

##### Policies:

The application in question concerns the re-development of a currently unused employment car park. The proposed use is residential. Although the proposal is an outline application an indicative layout has been submitted for a scheme of 45 units.

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Application No. 14/0604/OUT Continued

The application site is identified for secondary employment (EM2.14 North Celynen Newbridge). Policy EM2 (Employment Sites Protection) explains that this protection policy is intended operate in tandem with Policy CW13 that explains in more detail how the different categories of employment (Business Park, Primary and Secondary Sites) will accommodate different employment or ancillary uses.

This application is for residential use and therefore contrary to both policies. The applicant has explained that the site was leased as a car park to the industrial unit to the south but the lease has been terminated. It is further explained that it has been marketed for employment uses consistent with the development plan for 4 years but there has been no interest. It is pointed out that Planning Policy Wales and TAN1 Joint Housing Land Availability Studies advise local authorities that development plans should identify a 5 year supply of housing land and that within this borough the 2013 Joint Housing Land Availability Study has revealed that supply is down to 2.9 years. In addition it is explained that the 2013 Annual Monitoring Report has indicated that the take up of employment land is low with only 3.7 of 101 hectares being developed. It is therefore considered that in view of the low uptake of employment land and lack of housing land supply, the proposal would comply with policy SP5 in terms of making "full and effective use of urban land and thus concentrate development within settlements."

The need to retain this site as employment land therefore needs to be balanced against the need to release it for housing, in an effort to boost the County Borough's housing land supply. The Employment Sites Supply and Market Appraisal undertaken this year to underpin the evidence base regarding employment matters for the LDP review, assessed each existing employment site in terms of its suitability for employment use. EM2.14, of which this site forms part, was given a score of "D/E" with the recommendation that the part of the site north of the car park be considered for release for alternative uses. However, it also made the comment that the car park itself is poorly used. Indeed, it would appear to be the case that the firm located immediately to the south does not make use of the car park since it is fenced off. There is no evidence to suggest that company intends to make use of the car park, for this purpose or for the purposes of expanding its operation, and therefore it is considered that this site could be put to better use as housing land than being retained for employment purposes.

With regard to the employment allocation, it is considered that in principle, this proposal is acceptable, as the need to retain this particular employment site is overridden by the lack of a five-year housing land supply.

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Application No. 14/0604/OUT Continued

The employment site to the south of the development is in B1 use and is separated from the car park by the access road into the estate. The provisions of Policy CW2 (Amenity) need to be borne in mind with respect to any potential impact upon residential amenity, particularly in terms of aspects such as noise, as well as the ability of the existing industrial use to continue operating as it does currently. The issue of noise is considered in more detail below in the section regarding the considerations of the Head of Public Protection.

The proposal will need to have regard for the provisions of Policies CW1 (Sustainable Transport, Accessibility and Social Inclusion) and CW3 (Design Considerations - Highways). Although the Design and Access Statement has commented on this issue, the site is separated from the centre of Newbridge, as well as any associated services and facilities, by the River Ebbw and it is therefore necessary to ensure that those measures proposed to maximise non-car modes of accessibility are adequate.

The application site is within the settlement boundary in accordance with Policy SP5 (Settlement Boundaries). Notwithstanding its location within the settlement it lies to the east of the river Ebbw and the railway such that it is somewhat isolated from the residential and shopping areas of Newbridge. Policy SP6 (Place Making) explains that development proposals should contribute to creating sustainable places, therefore housing sites that rely on car trips would not comply with that policy. Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion) amongst other things encourages walking trips. Policy CW3 also "promotes the interest of pedestrians, cyclists and public transport before that of the private car." The supporting information suggests that there is a pedestrian link to the town from the top/north of the site along the river over a footbridge over the river and through an underpass under the railway. That link would be approximately 250 metres long, but the point where it arrives in north Road whilst it is near bus stops, it is still a considerable distance from local facilities such as shops and schools. Crumlin shops are circa 600 metres north and Newbridge shops are 900 metres south.

It is possible to walk to Newbridge by footpath along the side of the A467; this route is approximately 900 metres long to Newbridge Comprehensive School and a little over one kilometre to the start of the retail area and railway station. The Transport Statement supporting the application explains that whilst a maximum recommended walking distance to a town (800 metres) is exceeded the route is relatively flat and other distances such as the maximum distances to a school (2000 metres) is easily met. The distance to the Newbridge facilities cannot be described as short but they are not unacceptable, for example the walking distance to the town is very similar to that from other parts of Newbridge.

Cont....

Application No. 14/0604/OUT Continued

The additional link offered to the north whilst not offering a shorter distance to the town it does provide a route to other facilities such as a park. In addition it links with a proposed cycleway link (TR1.10) that runs along the eastern bank of the river Ebbw (currently the route is a well walked informal track along the side of the river and it is a claimed right of way). The proposed link will run through a Site of Interest for Nature Conservation (SINC) but there are already informal paths running through that site that link up with the eastern side of the river.

The footpath offered for part of its length will therefore connect with existing informal links and a cycleway identified in the Local Plan both of which have not yet been formally approved or laid out. However, it is considered that it is reasonable that the part of link that is offered in this application be required to enhance pedestrian movements with the paths that are already well walked and to contribute to future connectivity in accordance with policy. It is to be noted that the footbridge was built as part of the 1991 Welsh Development Agency's land reclamation scheme. That scheme included footpath links over the river that do not appear to have been properly completed. The proposed application would make a significant step towards restoring that incomplete part of the scheme by providing a formalized path.

The site is brownfield having been previously used as a car park. Planning Policy Wales paragraph 4.9.1 explains that such sites should "wherever possible be used in preference to greenfield site" (subject to other planning considerations).

CW1 (Sustainable Transport, Accessibility and Social Inclusion) - This policy amongst other things also encourages walking trips. As previously explained the application site has direct pedestrian access onto the A467 and facilities at Newbridge are approximately a 20 minute walk away. Precise times include (from the traffic lights) 12 min to Newbridge School, 15 min to the railway station and 17 min to the town. From the lights walking north along the tracks to the bus stop on North Road takes only 7 min. As previously discussed the applicant has included a footpath link to the north of the site that would further shorten the time for the northern walk. Whilst the site has been described in other parts of this report as isolated the walking distances quoted show that this is not necessarily the case.

CW2 (Amenity)- The application site is adjacent to a busy road and there is the existing industrial estate to the south. The impact of noise upon the amenity of the future residents is therefore a material planning consideration. This is considered in more detail below where the comments of the Head of Public Protection are discussed.

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Application No. 14/0604/OUT

CW3 (Design Considerations Highways) - The existing access was designed and previously approved by the then County Engineer. It served 250 car parking spaces at the application site and should be more than adequate to serve the much lower number of residential movements. It is noted that a short length of footpath (45 metres) is missing at the southern boundary of the site. It was not needed when the car park served only the employment site. As a residential site that length of footpath would be needed to enable pedestrian access from the A467 and should be required by condition.

CW10 (Leisure and Open Space Provision) - This policy requires the provision of well designed useable open space with appropriate children's play facilities on all new sites capable of accommodating 10 or more dwellings. The Council's Landscape Architect notes that the Design and Access Statement suggests that land to the north of the site may be used as public open space; however, it is not within the application site nor is it approved for such use. The Outdoor Leisure Development Officer has also explained that policy CW10 requires the leisure provision to be within the site and has emphasised the need to require it by condition to ensure it is provided at reserved matters.

CW11 (Affordable Housing)- The applicant has offered 10% affordable housing in line with policy.

#### NATIONAL POLICY

Planning Policy Wales (2014) at paragraph 4.7.4 explains that Local Development Plan Policies should reflect the need to reduce trips by car. This is reflected in the requirements of LDP policies CW1 and CW3 above. At paragraph 4.9.1 it explains that brownfield land "should wherever possible be used in preference to greenfield sites." The application site is previously used land that complies with this requirement.

TAN 1 Joint Housing Land Availability - This guidance note sets out the framework for local authorities to examine their five year supply of housing land. That process is already underway, and as explained a shortfall in the supply of housing land has been identified by that Department.

TAN 11 Noise - The guidance note explains that planning decisions for noise sensitive development should not normally be approved where there are unacceptably high levels of noise that cannot be adequately mitigated. The TAN separates noise exposure into 4 categories (A, B, C & D). Category D sites are not considered suitable for noise sensitive development (residential) and category A sites are considered acceptable.

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Application No. 13/0604/OUT Continued

The part of the application site adjacent to the A467 is a category C, therefore a condition may be imposed to ensure that the reserved matters take into account such areas. TAN 11 also points out the need to consider other noise (British Standard) assessments with regard to sources such as the adjacent industrial use. The implications of this are explained in more detail in the Head of Public Protection consultee section below.

Comments from Consultees:

Strategic & Development Plans - This section is responsible for ensuring the Adopted Local Development Plan (LDP) meets projected targets in terms of land supply. The observations above provide that section's detailed policy and land supply analysis. As previously explained it is concluded that the site could be put to better use as housing land rather than being retained for employment purposes.

Economic Development Officer - It is explained that the site forms part of the Newbridge Town Centre Action Plan adopted in 2006. It is suggested that there is a shortage of "good quality employment sites suitable for electronics and technology" with the preponderance of the available sites being at Ty Du and Oakdale. It is stated that the site is identified as part of a "Technology Park" which has good connections to the A467. It is therefore considered that the retention of the site for employment is consistent with the LDP in keeping the "balance of housing sites and employment sites." It is also suggested that "the economic future is uncertain" therefore the retention of the employment allocation would ensure a future supply of land should circumstances change. In considering the observations of the Economic Development Officer it is important to note that the recommendations of the Council's Strategic & Development Plans Department do not support the employment retention because there have been significant changes since the adoption of the Local Development Plan in 2010 that must be taken account of. The cited 2006 Newbridge Town Centre Action Plan is Supplementary Planning Guidance that is now out of date and tied to the former Unitary Development Plan that has been replaced by the Adopted Local Plan. The Adopted Local Plan is itself in the process of revision and it is now evident that currently there is not a "balance of housing sites and employment sites." Whilst the site has been described as being part of a "Technology Park" and the Economic Development Officer as such argues its protection, it is to be pointed out that although the existing employment site to the south is identified as a primary site (EM2.11), the application site itself is identified in the Adopted Local Plan as secondary site (EM2.14). The application site is not therefore a business park (i.e. an EM1 site) nor a primary site that should be protected for "modern manufacturing/new technology employment" as has been suggested.

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TAN 23 (Economic Development) identifies the following, points which justify the release of this site for housing. It explains, "Existing employment sites should only be released for other uses if one or more of the following apply:-

- They have poor prospects of being re-occupied for their previous use;
- The particular market that the site is part of is oversupplied;
- The existing employment use has unacceptable adverse impacts upon amenity or the environment;
- The proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained;
- Other priorities, such as housing need, override more narrowly focused economic considerations; and/or
- Land of equal or better quality is made available elsewhere, even if this is not within the Local Planning Authority boundary."

In terms of the first of the above points, there is no obvious demand for the EM2.14 employment use, or for any alternative non-class B uses that are permitted on secondary sites by Policy CW13. The prospect of the site being occupied in a way, which complies with local policy as it currently stands, is therefore poor. In relation to the fourth point, there is no physical relationship between EM2.14 and the existing employment site (EM2.11), in terms of operational capability. The two sites are divorced from each other by the access road and the car park is unused. Regarding the fifth point concerning other priorities, the lack of a five-year housing land supply is a material consideration and therefore a considerable degree of weight must be attached to it. That is not to say that it overrides the site's status as employment land as a matter of course, but it must be considered within the context of the attractiveness of the site for employment purposes, the lack of demand for it for that use and the availability of other, more suitable sites elsewhere in the County Borough, both in nearby settlements in the Northern Connections Corridor and to the south in the Lower Islwyn part of the Southern Connections Corridor. In these terms, it is considered that a proposal for housing on this site cannot be objected to on policy grounds.

This leads on to the point raised by the Economic Development Officer, the perceived shortage of "good quality employment sites" elsewhere. Bearing in mind that this site was one of the two worst scoring EM2 sites in the recently undertaken Sites Supply and Market Appraisal, it must be concluded that better quality, currently operating employment sites exist, in addition to the portfolio of allocated land of which there is a surplus. Additionally, it would not be appropriate to formulate a counter argument based on the perceived lack of proximity of some of these sites to North Celynen, as this point has an explicit regional perspective.

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Application No. 14/0604/OUT Continued

Four of the six points outlined in TAN 23 apply in this instance. Therefore, an in-principle objection to this proposal would not only overplay the importance of a poorly performing employment site in the context of the housing land supply and would be contrary to the approach taken by national policy.

The Economic Development Officer has drawn attention to some of the benefits as an employment site such as its close proximity to the railway station; these attributes do though also lend themselves to supporting the proposed residential use. It has been suggestion that as a cautious approach the employment allocation should be retained because the future is uncertain and "this uncertainty increases the further ahead we look". This approach does not properly address the need to take account of the more certain present situation, which is that there is not currently a shortage of employment land but there is a shortage of housing land. There is therefore a pressing need to consider the redevelopment of brownfield sites within the settlement.

The Coal Authority points out that the site is within a high-risk area. No objection is raised subject to the imposition of a condition requiring an intrusive site investigation and it is further recommended that such an investigation be utilized to inform the site layout with particular regard to two mine entry points (shafts) that consequently may become no build zones. A ground investigation condition should therefore be imposed to require this information at reserved matters.

Natural Resources Wales raises no objection subject to a buffer zone being maintained adjacent to the river and conditions to require site remediation.

The comments of the Council's Countryside and Landscape Services can be accommodated by condition and by securing appropriate facilities at the design stage.

The Council's Head of Public Protection has advised that the dwellings that would be closest to the A467 may experience unacceptable noise and that the factory to the south also needs to be accounted for in terms of noise. The applicant was requested to provide further information. Additional information has been provided. Public Protection explains that both a TAN11 and BS4142 noise assessment have been requested. A TAN11 road traffic noise assessment has been submitted and demonstrates that most of the site is suitable for residential housing, with appropriate mitigation. A BS4142 assessment has not been received. Whilst the TAN11 report assessed the site as a 'mixed source' site, this type of assessment does not take into account 'sudden impulses, irregular noise or noise which contains a distinguishable continuous tone...' It is these sudden impulses and irregular types of industrial/commercial noise that are of concern.

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Application No. 14/0604/OUT Continued

The northern side of the existing industrial building contains 8 loading bays with a large roller shutter door that face the proposed development. The 8 loading bays lead into a warehousing/storage space with associated offices with 24 hour use. If this warehouse/storage area were to come back into operation, it is considered that the residents are highly likely to be exposed to unacceptable levels of noise during both day and night from vehicle movements, reversing alarms and the loading/unloading activities for example. The applicant has pointed out that the doors are some distance from the proposed dwellings (over circa 120 metres). The applicant does not accept the need for a BS4142 assessment given that the industrial site is unlikely to be more noisy than the A467 and points out that mitigation measures such as acoustic glazing and mechanical ventilation can be imposed by condition.

Planning Officers are mindful that the requirement for a BS4142 assessment is a legitimate consideration under the provisions of TAN 11. There are however mitigating considerations. The first is that the original planning consent (ref 2/11683) was for a B1 electronic production use only (a temporary one year warehouse use was approved but that has now expired). B1 uses are defined as "being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes smoke, soot ash, dust or grit" Town and Country Planning (Use Classes) Order 1987. It is also to be noted that the vehicle movements that are of concern to Public Protection already have planning approval in a not dissimilar distance from residential properties, i.e. circa 130 metres from dwellings on North Road. Condition 20 of the planning permission for the premises also excludes any external storage other than in properly screened areas, which should further reduce the likelihood of external activity disturbance. The applicant has pointed out that strict adherence to BS4142 and worst case scenario analysis must be balanced against the sustainable need to provide housing within the settlement where typically employment sites are also likely to be present. The applicant also points to examples of general industrial estates within the County Borough where many residential properties are under half the distance closer to industrial units. Whilst there are loading doors facing the application site the B1 use with no external storage and the separation distance must be taken into consideration. It is considered that at reserved matters a more bespoke layout and mitigation measures can be taken into consideration.

Public Protection have also raised a concern that an air quality assessment should be provided because the development may lead to increased traffic movement through the Hafodyrynys Air Quality Management Area (AQMA). The applicant has explained that the proposal at circa 45 dwellings would likely generate 25 and 27 two-way movements in the AM and PM peak hours respectively.

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Application No. 14/0604/OUT Continued

Assuming a two way split with most of the traffic (70:30) from the site heading to the south (towards schools, local shops, Cardiff, the M4, etc) this would reduce to only 8 two way movements through the AQMA. Traffic figures held by this Authority suggest that the peak hour rates are 2007 am and 1709 pm. Using these basic figures the percentage increase is circa 0.4% am and 0.46% pm, i.e. less than half a percent in either case. Whilst it may be possible argue the trip rates up or even down this is still a very low level of change and the applicant argues that it is not statistically significant. The applicant has also invited the Local Planning Authority to limit the number of dwellings if it considers there is need. The Head of Public Protection indicates that only a thorough Air Quality Analysis can confirm the level of impact and if necessary the number of dwellings to be restricted. From the Planning Perspective a requirement for additional information must be proportionate and there must be a reasonable expectation of an impact of significance, but the level of significance in this case is considered too low.

The Head of Public Protection has suggested 11 conditions should planning approval be recommended. The conditions include a number that seek to mitigate the potential noise impacts upon residents. The recommended conditions relate specifically to the illustrative layout that has been submitted. That layout is only illustrative as this is an outline application and could be revised at reserved matters. It is also to be noted that Outdoor Leisure Development Officer and the Landscape Architect have both indicated that the illustrative layout must be amended for various reasons. The conditions that have been attached to the recommendation in this report have been amended to enable a more bespoke layout and measures to be presented at reserved matters.

The Housing Enabling Officer considers that 10% affordable housing is sought in line with policy CW11. The applicant has offered a draft legal agreement. The application may be deferred to enable the completion of the necessary legal agreement.

Senior Engineer (Land Drainage) has raised no objection subject to a condition to require the agreement of surface and land drainage. Drainage advice is provided and should be handed on to the applicant.

Head Of Public Services has provided advice regarding refuse and recycling collection. A condition should be imposed to ensure provision kerbside collection.

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Application No. 14/0604/OUT Continued

Transportation Engineering Manager has requested further details regarding the parking that has been retained to serve the employment site. The applicant who does not have access to the site or details of the use/s within the building has not provided those details. The Planning Officer's report concerning the planning application for building (reference 2/11683) indicated that the car park on the western side of the river was to have 361 spaces. As previously stated, the permission referred to a B1 industrial use, and the aforementioned report indicated that the floorspace of the building was to be 28,400 square metres. On the basis of the adopted parking guidelines the premises would require the provision of 203 spaces for the approved use. Additionally it has to be noted that the employment site owners sold off the application car park and has now operated without it for some years. The employment owners have suggested that it could be of use in the future as additional parking space but this contrasts with the current situation which does suggest that it is surplus to requirement.

Police Architectural Liaison Officer has no objection and advice is provided regarding Secure by Design.

Network Rail has no objection and general advice is provided. This advice should be handed on to the applicant.

Comments from public:

A series of objections have been received from one objector, the industrial owner to the south:-

A question has been raised regarding the status access road to the site from the traffic lights. It has been established that the industrial owners to the south are possibly the owners of the access road. The owners have explained that its "main and only intended purpose is for industrial use." Questions of the legality of the applicant's rights of access and the maintenance of the route have also been raised. From the planning perspective a revised plan of the application site has now been received and it resolves the technical issue that the original site did not take account of the fact that parts of the access road are not part of the adopted highway. The result is that the application site now gains access to the adopted highway over a short length of private road. This is not an uncommon planning situation. If the road owner has a lawful control over the use of that part of the access this will be a private matter between the parties involved.

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Application No. 14/0604/OUT Continued

The industrial owner is concerned that pedestrians and traffic from the proposed site would come into conflict with heavy goods vehicles. This concern regarding vehicle movements has to be balanced against the fact that the existing car park is designed to accommodate 250 vehicles. Given that the illustrative layout shows a layout of 45 dwellings it is clear that the proposal suggests a significant decrease in vehicular movements is likely. With regard to pedestrian movements the site is currently designed to direct the car park occupants (250 vehicles) into the industrial site, this would need to be varied to enable better pedestrian connections as discussed in other sections of this report.

It is suggested that pedestrians and the public could "create issues for the security of the Technology Park" leading to loss of employment. This suggestion implies that the residents of dwellings pose an unacceptable risk to an employment site's security. It is to be noted throughout the County Borough there are dwellings in similar relationships with employment sites. Given the separation from the employment site (it is on the opposite side of the access road) and in the absence of any evidential basis that there is a significant problem, this concern is not considered sustainable. It should be noted that the applicant has apparently engaged with the adjoining landowner and was given to understand that relocating the proposal site entrance closer to the traffic lights would have allayed the security concern. The offer of relocating the entrance has been made but apparently no acceptance has been received. In the view of officers this solution is unnecessary from a planning point of view as the existing approved entrance is acceptable and does not require relocation. In addition the security concern does not address the possible future continued industrial use of the land, for example if there had been any employment interest as a result of the marketing the owners could have proposed a number of starter employment units. Such units would bring also with them visitors of a greater variety that could pose a security use exceeding that alleged.

The development site is on land identified for employment. This observation is correct and is addressed in the policy section of this analysis.

Although the car park is not currently in use it could be rented to future industrial occupiers as demand for parking rises. On the basis of the adopted car parking guidelines the retained parking provision within the industrial unit/s is broadly acceptable. It must also be borne in mind that the site has been sold off by the objector (or the predecessor) and has been unused for a number of years. It has been marketed for almost 4 years without any interest. The site is now by the passage of time and ownership considered to be in a separate planning unit. It would not be reasonable to require it to be retained for the parking benefit of a unit that is currently not using it, has not done so for approximately 2 years and has relinquished control of it to a new owner.

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Application No. 14/0604/OUT Continued

The site should be accessed directly from the A467. The Transportation Engineering Manager has not considered this proposal, as the applicant has not offered it in any case but it would be contrary to the Council's restriction on allowing new accesses onto the strategic highway network.

Questions are raised regarding the accuracy of the supporting information, which details the attempts to find a suitable commercial occupier or purchaser for the application site. One of the questions points out that the industrial owner's Company has not been approached to purchase the land. The applicant has pointed out that the Company in question was not approached because it was they that sold off the land and withdrew from leasing it. It is understood that the Company have now been offered the purchase of the land but this is a private matter. Whilst doubt has been cast on the accuracy of the information submitted it is to be noted that it is from a reputable company there is no reason to doubt its veracity, and the unoccupied condition of the site is testimony in itself. The fact that one company was not offered the land may be something of a distraction as the body of evidence provided by the applicant's commercial agent is broadly backed up by the Local Planning Authority's position that reflects the same falling employment need.

The quote from the Local Planning Authority in 2009 states that housing needs will be met through land allocations and windfall sites coming forward. The Local Development Plan position is now significantly different to 2009 as has been explained above.

There are a number of references to parts of the submitted Design and Access Statement and Transport Statement questioning the suitability of the private road to fulfil the requirements of the proposed development. The veracity of the statements is challenged and the Company request that it be provided with various written "assessments or objective evidence." The industrial owner has also requested that it be provided with the Highway analysis regarding car parking at its site. As explained above the redevelopment of the application site will not significantly affect the use of the existing access road. There is adequate parking provision within the industrial site based on the footprint of the building and the existing parking provision.

The industrial owner questions the statement that its company has "has not chosen to renew its existing lease" for the application site and goes on to explain that it considers the suggestion that the applicant has sought to find an alternative use for the site based on the cessation of the lease as a "falsehood." These points whether correct or not do not affect the very clear current position, namely that the application site is vacant and there is a need to consider its reuse as a brownfield site.

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Application No. 14/0604/OUT Continued

It is suggested that if the development is approved the industrial owners will be obliged to erect "chain link or steel fencing with razor barbed wire at a minimum height of 8ft accompanied by surveillance cameras." This objection suggests that residential development in itself is a high risk to the security of employment land. That is not accepted from a planning point of view. It also does not explain why any other use of the application site would not result in the same drastic measures.

There are a number of requests that the Council provide the industrial owner with evidence to support the submissions of the applicant so that the Company in question may use the information "to further substantiate our communication with the appointed Planning Inspectorate." This request appears to be based on a misunderstanding of the planning system. Third parties do not have a right of appeal and the Council is not required to provide supporting information.

In one letter it is requested that the Authority consider the impact of changes the landowner may make to the private access road that would have an impact upon the proposed development (i.e. altering or introducing barriers, traffic humps and changing the position of the security entrance). Some of the changes may require planning permission. The premise for the changes is to improve safety as the result of minor accidents due to inclement weather. It is unclear as to what the accidents were or how the changes improve or relate to those accidents or precisely what the physical alterations would look like. Whilst on the one hand the changes are said to improve highway safety, the implication of the question appears to suggest the works would have the opposite effect to the application site. There appear to be two main implications of the suggested changes: -

1. The introduction of obstructions that would prevent the applicant's access to their site.
2. Re-arrangements that could result in adverse impact upon the traffic within the adopted highway safety.

With regard to the first item, private roads are not uncommon and if a road owner prevents access to an occupier by any re-arrangement that is a civil matter between the parties involved. With regard to the second item if the changes require planning permission or variation of condition clearly the Planning Authority still retains control. If the changes do not require planning permission and would result in a danger to the users of the adopted highway (i.e. the traffic light junction not functioning properly with vehicles backing up onto the junction) this may amount to obstruction which could be an offence under Section 137 of the Highways Act 1980. There would also be the possibility of an actionable highway nuisance.

Cont....

Application No. 14/0604/OUT Continued

The other response is a letter from the Welsh Government (The Department for Economy, Science and Transport). The writer explains that the purpose of the letter is that the objector has raised his concerns with that Department who regard his company as "important" in the economy and request that the Planning Authority "ensure that the concerns regarding the potential long term impact upon employment uses in this area are considered by the Planning Committee." Those concerns are addressed above.

Other material planning considerations: A Section 106 Agreement is required to secure the affordable housing at the site. That has to pass the following tests: it must be necessary to make the proposed development acceptable in planning terms; it must be directly related to the proposed development; and it must be fairly and reasonably related in scale and in kind to the proposed development.

In relation to the first test the affordable housing is required to comply with policy CW11. It is clearly related to the proposed development in that it will be housing on a housing site thereby fulfilling the second test. Finally the scale at 10% is fair and reasonable reflecting the viability of development on this area.

RECOMMENDATION: (A) This application be deferred to enable the completion of a Section 106 Agreement that will require the provision of 10% affordable housing and upon the completion of that Agreement (B) the planning permission shall be issued subject to the following recommended conditions:

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

Cont....

Application No. 14/0604/OUT Continued

- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Prior to the commencement of works on site a scheme of land, surface and any non-mains drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) Before any development commences the developer shall carry out an investigation of the underground strata (the results of which shall be submitted to the Local Planning Authority) in order to satisfy himself as to the stability of the site and the measures, which should be taken to mitigate against the risk of subsidence. Details of the design of the foundations of the proposed building(s) and/or proposals for ground treatment shall take account of the result of the investigation and shall be submitted to and agreed with the Local Planning Authority before development commences. The foundations and/or ground treatment shall thereafter be completed in accord with such details as may be approved.  
REASON: To safeguard the buildings against the risk of damage from surface subsidence due to underground mining.
- 07) The development hereby approved shall include a buffer zone of a minimum of 7 metres depth from the River Ebbw along the eastern bank that shall be maintained free from development at all times.  
REASON: To preserve the wildlife corridor, the River Ebbw Site of Importance for Nature Conservation and to ensure access to the channel/banks for future maintenance.

Cont....

Application No. 14/0604/OUT Continued

- 08) Notwithstanding the submitted illustrative layout, the layout of the site at reserved matters shall include an area of open space with formal children's play facilities proportionate to the number of dwellings proposed at reserved matters. The approved area of open space and equipment shall be provided before 50% of the approved dwellings are occupied.  
REASON: To ensure adequate leisure provision to serve the needs of the residential properties.
- 09) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.  
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.
- 10) All dwellings to be approved at reserved matters shall be fitted with double glazed windows with acoustic trickle vents.  
REASON: In the interest of residential amenity.
- 11) The Site Location Plan hereby approved relates to Drawing Number JPW0343-001 revision C dated February 2015 that was received by the Local Planning Authority on 19 February 2015.  
REASON: To identify the revised site location plan for the avoidance of doubt.
- 12) 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.

Cont....

Application No. 14/0604/OUT Continued

- 13) 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.
- 14) 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: To prevent contamination of the application site in the interests of public health.
- 15) The layout and design to be provided at reserved matters shall include measures that ensure adequate noise mitigation so that the occupants of the dwellings may enjoy acceptable residential amenity in accordance with Technical Advice Note (Wales) 11. The development shall be completed and maintained thereafter in accordance with the approved noise mitigation measures.  
REASON: In the interests of the amenity of the occupants.

Advisory Note(s)

Please find attached the comments of Head of Public Services, The Coal Authority, Senior Engineer (Land Drainage), Heddlu Gwent Police and Network Rail that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3, CW4 and CW10.

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## PLANNING COMMITTEE – 10TH JUNE 2015

**SUBJECT: SITE VISIT - CODE NO. 14/0604/OUT – CAR PARK, AIWA TECHNOLOGY PARK, NEWBRIDGE, NEWPORT, NP11 6EY**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

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### PRESENT:

Councillor D.G. Carter – Chair  
Councillor W.H. David - Vice Chair

Councillors A. Lewis

1. Apologies for absence were received from Councillors Ms L. Ackerman, Mrs E.M. Aldworth, Mrs K. Baker, J. Bevan, L. Gardiner, G. Johnston and Mrs J. Summers.
2. The Planning Committee deferred consideration of this application on 6th May 2015 for a site visit. Members and Officers met on site on Wednesday, 20th May 2015.
3. Details of the application to erect a residential development, Car Park, Aiwa Technology Park, Newbridge, Newport were noted.
4. Those present viewed the site from the A467, walked the different walking/cycle routes, rights of way paths in and around the site in order to get a better understanding of its sustainability and examined the plans submitted with the application and the additional information provided by the Principal Planning Officer on site to fully appreciate the proposals.
5. Members were asked to note that this is a brownfield site currently used as a car park within a Technology Park industrial estate adjacent to the A467. The proposed development would share access with the B1 industrial estate and Officers confirmed that this use class was one which should be restricted by condition and should therefore sit comfortably with residential use.
6. The Senior Environmental Health Officer expressed concern with regard to 2 potential sources of noise nuisance and advised that although the applicant had provided a TAN 11 assessment he had not responded to the request made for BS4142 assessment without which Officers could not make a recommendation on the application. The Officer confirmed that the BS4142 assessment was a theoretical assessment that would extrapolate the current level of noise experienced in order to give an indicator of the potential noise levels generated should the industrial estate come back into full use. This would allow Officers to gauge the likely impact on houses nearest to the industrial units and mitigate according.

It was noted that there were existing residential properties bordering the site at similar distances to that of the proposed development. However the Senior Environmental Health Officer felt that the positioning of the proposed housing would make them more likely to experience noise nuisance at an unacceptable level should all 8 units become operational. Clarification was sought as to any previous noise complaints received and the Officer



confirmed that she would look at the complaint history of the site and report back to committee.

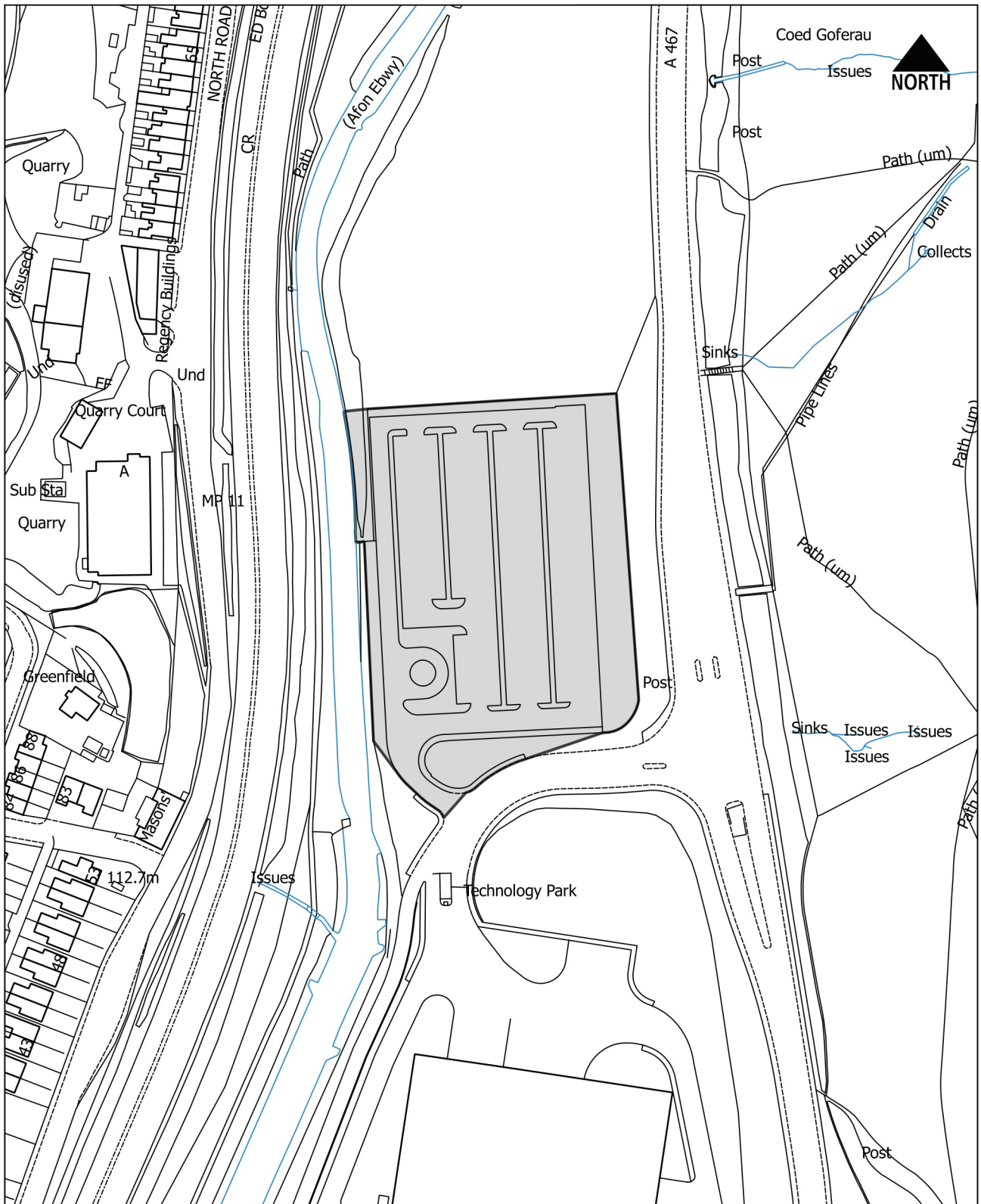
The Applicant confirmed that they would be willing to discuss further the provision of a 1412 assessment with Officers and Members requested that the outcome of those discussions and the assessment be reported back to Committee.

7. Members noted the land ownership issues and were advised that the access road to the development was not adopted - however this was a civil matter and it was not unusual to have access from a private road. The Principal Planner confirmed that the site did have an unrestricted right of way and given its former use as a car park for 250 vehicles, access would be more than adequate to support residential use. The location of the site with regard to its sustainability and links to walking/cycle paths was explained. The Rights of Way Officer provided an update on the different ownership issues that were currently inhibiting the completion of the cycle path. During the course of debate the Applicant at the request of Members, confirmed that several small pieces of land surrounding the site were also in his ownership, although he was unsure of their location, he agreed to provide further details to Officers in order to establish if they could be used to further the progress of the cycle path.
8. The Senior Engineer Highways expressed concerns regarding the poor pedestrian links from the site to the Town Centre with its associated services and facilities. The southern pedestrian route would involve residents having to walk alongside the busy A467 which forms part of the strategic highway network carrying in excess of 18000 vehicles per day, with traffic speeds of 60mph adjacent to the site. It is considered that the route would not be used by residents due to perceived risk which would result in increase car journeys. The Authority's 'School Travel Plan Coordinator' has assessed the routes as a medium risk due to the speed and high volume of traffic using the A467 and this would mean that the Council would have to provide public transport links from the site to the school. The second route to the north of the site leading to North Road, the Town Centre and Crumlin, if achieved would be excellent. However the present route is very overgrown in places and also required the use of an unlit subway in poor condition which would deter people from its use. Residents would therefore need to rely on cars for even the shortest of journeys, making the site unsustainable. The Senior Environmental Health Officer also expressed concern that this increased reliance on cars would have a detrimental impact on air quality. Having taken into consideration the present links and ongoing difficulties in securing the cycle/path right of way, the Senior Engineering Highway considered the application before Members to be premature and as such has raised an objection to it.
9. Members having noted the concerns raised and the additional information requested, recommended that the Planning Committee deferred the application to the next appropriate meeting that would allow Officers to consider the responses received and provide an update.
10. Officers confirmed that following advertisement to 31 neighbouring properties, advertisement in the press and a site notice being posted, 2 letters of objection had been received. Details of the objections are within the Officer's original report.
11. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
12. A copy of the report submitted to the Planning Committee on 6th May 2015 is attached. Members are now invited to determine the application.

Author:	E.Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	P. Den Brinker	Principal Planner
	J. Rogers	Principal Solicitor
	M. Noakes	Senior Engineer (Highway Development Control)
	C. Davies	Senior Environmental Health Officer
	J. Piper	Rights of Way Officer

Appendices:  
Appendix 1 Report submitted to Planning Committee on 6th May 2015





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# Agenda Item 10

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0334/FULL 15.05.2015	Mrs J Jones 16 The Avenue Wyllie Blackwood NP12 2HJ	Erect an extension to the existing bedroom over the utility/shower room 16 The Avenue Wyllie Blackwood NP12 2HJ

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application property is located on The Avenue, Wyllie.

House type: Two-storey semi-detached property.

Development: Single/two storey rear extension.

Dimensions: The proposed development has a footprint that measures 4.7 metres in length by 4.0 metres in width at ground floor level, and 3.6 metres in length and 4.0 metres in width at first floor level. The development has a maximum height of 7.0 metres to ridge level. The application is reported to Planning Committee because the applicant is a County Councillor.

Materials: Spar render and concrete roof tiles to match existing.

Ancillary development, e.g. parking: None is proposed.

## PLANNING HISTORY

14/0779/FULL - Erect single-storey utility and shower room extension and garden shed - Granted - 05.01.15.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the Settlement Boundary.

Policies: Policy CW2 (Amenity) and advice contained in Supplementary Planning Guidance LDP7: Householder Developments.

Cont....

Application No. 15/0334/FULL Continued

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

### 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? As the application is for householder type development, any coal mining legacy issues will be controlled by way of the building regulations.

### CONSULTATION

None.

### ADVERTISEMENT

Extent of advertisement: Sixteen neighbours were consulted and a site notice was displayed near the application site.

Response: None at time of report.

Summary of observations: Not Applicable.

### SECTION 17 CRIME AND DISORDER ACT

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

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? As it is proposed to create less than 100 sq. metres of additional internal floor space, the proposal is CIL exempt.

Cont....

## ANALYSIS

Policies: It is considered that the proposed single/two storey rear extension has been well designed in terms of its setting, scale and materials, and will integrate with the host dwelling. Advice contained in Supplementary Planning Guidance LDP7: Householder Developments (November 2010) outlines that as a general rule extension should not interfere with a 45 degree line taken from the centre of ground floor habitable room windows of adjoining properties. Whilst the proposed single storey element of the extension does slightly interfere with such a theoretical line, as it is single storey and set 3 metres off the boundary with the neighbouring property, it is not considered that it would result in an overbearing impact to a degree to warrant a refusal of planning permission.

The proposed first floor element does not interfere with such a theoretical 45 degree line and therefore does not have an unacceptable impact either. Furthermore, there will be no loss of privacy as a result of the development. For the reasons outlined above it is considered that the proposed development accords with relevant national and local planning policy.

Comments from consultees: Welsh Water provides advice to the applicant regarding a public sewer that crosses the application site.

Comments from public: None.

Other material considerations: None.

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.  
REASON: In the interests of the visual amenities of the area.

Cont....

Application No. 15/0334/FULL Continued

- 03) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Proposed elevations, proposed first floor plan, block plan, received 15th May 2015 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2.

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

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# Agenda Item 11

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0226/COU 29.04.2015	Mr J Hinder 15 The Railway Junction Ystrad Mynach Hengoed CF82 7TU	Change the use from a florist shop to a micro-bar 55 Cardiff Road Bargoed CF81 8PA

**APPLICATION TYPE:** Change of Use

## SITE AND DEVELOPMENT

Location: The application property is situated on the eastern side of Cardiff Road.

Site description: The application property is an established florist shop within the defined town centre of Bargoed. The property is surrounded to the north, south and west by commercial properties but it has a flat to the first floor. To the east of the site is part of the Bargoed retail development plateau. The property is two-storeys to the front with a single-storey extension that includes the majority of the existing shop unit. There are also single and two-storey extensions to the rear, which as a result of the difference in ground levels is three storeys high.

Development: The application seeks full planning consent for the change of use of the ground floor and basement of the property to a micro bar. This will include the provision of a small bar area to the front of the premises with a total of four tables with chairs and a further four stools, together with a small darts room to the rear. A cellar will then be provided in the basement. There would be no changes to the external appearance of the building.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY

14/0568/LA - Demolish 51-54 Cardiff Road and reprofile the site area to include the realignment and reconstruction of a stepped access ramp linking Cardiff Road to the rear lane (Colliers Walk) and construct a highway link road on Colliers Walk for potential future A3 retail development - Granted 10.10.14.

07/1342/FULL - Erect development of five residential apartments with four office/retail units including external and drainage works - Granted 14.12.07.

Cont....

Application No. 15/0226/COU Continued

## POLICY

### Site Allocation

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), SP17 (Promoting Commercial Development), CW2 (Amenity), CW3 (Design Considerations: Highways), CW14 (Use Class Restrictions: Retail), CW15 (General Locational Constraints) and CM1 (Principal Town Centre Boundary).

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

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

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

## CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - Considers that the proposed development will result in a nuisance as a result of noise from music and customers to the residents situated in the residential unit above the bar and as such objects to the proposal.

Licensing Section - No objection.

Dwr Cymru - No objection.

## ADVERTISEMENT

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

Cont....

Application No. 15/0226/COU Continued

Response: None.

Summary of observations: None.

#### SECTION 17 CRIME AND DISORDER ACT

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

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No.

#### ANALYSIS

Policies: The application has been considered in accordance with National Planning Guidance, Local Plan Policy and Supplementary Planning Guidance. The main point to consider in the determination of this application is whether the proposed use is acceptable in this location. In that regard it should be noted that the application site is within the Principal Town Centre for Bargoed as defined in the Caerphilly County Borough Local Development Plan. The site is also immediately adjacent to the Bargoed retail development plateau, with the buildings to the north having been demolished as part of that scheme. The Council's aim in creating this development plateau is to revitalise and regenerate the town centre and the presence of vacant units within it detracts from this aim and as such any proposal to bring a vacant unit back into beneficial use should be looked upon favourably.

The Local Planning Authority is mindful that there is a flat above the application property and that the Head of Public Protection has raised an objection to the application on the basis of the detrimental impact that the proposed use would have on that use. However it is felt that the economic benefits of allowing the A3 Use at this location outweigh the effects on amenity. It should also be noted that there are a number of other examples of public houses and clubs immediately adjacent to residential properties in Bargoed and these set a precedent for such uses in a town centre location. In conclusion it is considered that the proposal is acceptable in planning terms.

Cont....

Application No. 15/0226/COU Continued

Comments from Consultees: The Head of Public Protection has also requested that the opening hours of the use be restricted to 09.00 - 23.00 hours Monday to Saturday and 10.00 - 22.00 hours on Sundays. In town centres the hours of operation are normally restricted to 07.00 - Midnight Monday to Saturday and 07.00 hours - 23.00 hours on Sundays. If it is accepted that the use is acceptable as this is a town centre location it would be unreasonable to impose different conditions in this instance and as such it is proposed that the standard conditions should be used. No other objections were received.

Comments from public: None.

Other material considerations: None.

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) Prior to commencement of development details of a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority to ensure noise from the proposed use does not affect the residential use of the property. The required scheme shall be capable of achieving a night time internal LAeq level of 30 dB(A) in the residential part of the building. Development shall be carried out in accordance with the approved details before first use of the premises hereby approved.  
REASON: In the interests of residential amenity.
- 03) The use hereby permitted shall not be open to customers outside the following times:(a) 07.00 hours to midnight Monday to Saturday, and (b) 07.00 hours to 23.00 hours Sunday.  
REASON: In the interests of residential amenity.

Advisory Note(s)

The following policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions imposed on this consent: Policy CW2.

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# Agenda Item 12

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0385/FULL 05.06.2015	Mrs Evans 61 The Avenue Ystrad Mynach Hengoed CF82 8AF	Renew detached garage to rear of property 61 The Avenue Ystrad Mynach Hengoed CF82 8AF

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application property is situated on the northern side of The Avenue, Ystrad Mynach.

House type: The application property is a detached bungalow with a terraced rear garden that is higher than the house. There is an existing detached garage on the upper garden level and there are mature conifer trees to the boundary with the adjacent dwelling.

Development: The application seeks full planning consent for the erection of a replacement detached garage. The garage is proposed to have an apex roof with roller shutter doors and it will be accessed via the lane to the rear of the dwelling. The application is reported to Planning Committee because the agent is related to an Officer of the Council.

Dimensions: The garage measures 7.3m long by 5.4m wide by 3m high.

Materials: Render with a tiled roof.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY

No previous planning history.

## POLICY

### Site Allocation

Local Development Plan: Within settlement limits.

Cont....

Application No. 15/0385/FULL Continued

### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for Householder Development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 3 to the Adopted Supplementary Planning Guidance LDP 7 for Householder development gives advice on garages and outbuildings.

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

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

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

### CONSULTATION

None.

### ADVERTISEMENT

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

Response: The consultation period for this application expires on 9th July 2015. At the time of writing the report no objection had been received. If any objections are received prior to the matter being considered at Committee they will be reported orally to Members. If any letters are received after that date that raise new issues then the matter will be reported back to Committee in due course.

Cont....



Application No. 15/0385/FULL Continued

Summary of observations: None.

#### SECTION 17 CRIME AND DISORDER ACT

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

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No.

#### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The proposed garage is considered to be acceptable from a design perspective and there would be no detrimental impact on the amenity of the neighbouring dwellings. No objections have been received from statutory consultees and as such the proposal is considered to be acceptable in planning terms.

Comments from consultees: No objections raised.

Comments from public: None.

Other material considerations: None.

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.
-



# Agenda Item 13

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0161/OUT 08.04.2015	Mr & Mrs D Davies Chez Nous 26 Sunny Bank Terrace Machen Caerphilly CF83 8PY	Erect a dwelling house and associated external works Chez Nous 26 Sunny Bank Terrace Machen Caerphilly CF83 8PY

**APPLICATION TYPE:** Outline Application

## SITE AND DEVELOPMENT

Location: The application property is situated at the western end of Sunnybank Terrace approximately 50m from the junction with Dranllwyn Lane.

House type: The application site forms part of the curtilage of a detached bungalow within a large plot that slopes steeply from north to south such that the dwelling is elevated above the adjacent highway with terraced and sloping gardens. The dwelling is largely rectangular in shape with a projecting gable on the right hand side and it is finished in pebble dash with a tiled roof. There is a drive to the east of the dwelling that currently provides an informal access to the rear garden. Whilst the main portion of Sunny Bank Terrace is characterised by 'inter-war' semi detached dwellings, the area surrounding the application site has an eclectic mix of dwelling styles including a two storey dwelling to the east and detached bungalows to the west.

Development: The application seeks outline planning consent for the erection of a dwelling in the rear garden of the existing dwelling. Details of access are provided at this time but all other matters are reserved for future consideration. Access is to be derived via an improved and lengthened drive on the existing access to the rear garden that is sited to the side of the existing dwelling. The indicative plans submitted with the application show a split level, flat roofed building.

Dimensions: The building will have a maximum height of 10.915m high with the dwelling having maximum dimensions of 12.307m by 14m and an attached garage measuring 6.6m by 7m.

Materials: Render with a single ply roof.

Cont....

Application No. 15/0161/OUT Continued

Ancillary development, e.g. parking: Not specified.

### PLANNING HISTORY

No previous planning history.

### POLICY

#### Site Allocation

Local Development Plan: Within settlement limits.

#### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection) and CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for Householder Development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for Householder Development gives advice on extensions and conservatories.

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

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2014) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

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

### CONSULTATION

The Coal Authority - No objection.

Cont....

Application No. 15/0161/OUT Continued

Transportation Engineering Manager - Objects on highway safety grounds.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - Raises no objection subject to the provision of a drainage scheme.

Dwr Cymru - Raises no objection subject to the provision of a drainage scheme.

Bedwas, Trethomas & Machen Community Council - Raises objection to the proposal.

### ADVERTISEMENT

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

Response: 6 letters of objection have been received.

### Summary of observations:

1. Loss of view.
2. The access to the site is inadequate, dangerous and poorly designed.
3. The design of the proposed dwelling as shown on the indicative plans is not in keeping with the character of the host dwelling.
4. The proposal is unacceptable tandem development.
5. The proposal would have a detrimental impact on the natural character of the area.
6. The garden has not been developed and as such is not 'brownfield' as suggested by the applicant.
7. The proposal would lead to a loss of privacy to neighbouring dwellings and gardens.
8. The proposal could lead to land stability issues.
9. The proposal has the potential to cause flooding to The Dingle.
10. This application and the application for an extension to Chez Nous (15/0158/FULL) should be considered together to assess the full impact.
11. Ysgubor Fach is a privately owned lane and is not suitable for access to the site.

Cont....

Application No. 15/0161/OUT Continued

### SECTION 17 CRIME AND DISORDER ACT

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

### EU HABITATS DIRECTIVE

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

Is this development Community Infrastructure Levy liable? CIL would be liable at the reserved matters stage.

### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is within the defined settlement limits in the local development plan and as such the principle of development in this area is considered to be acceptable. Therefore the main points to consider in the determination of this application are the objections raised by members of the public and they will be considered in turn below.

1. Loss of privacy is not a material planning consideration.
2. The access to the site has been considered by the Council's Transportation Engineering Services Manager who has stated: -

'The highway network leading to the site is substandard in terms of its width, horizontal and vertical alignments and lack of pedestrian footways. The proposed additional use of the substandard access will create increased traffic hazards to the detriment of highway safety.'

In that regard it is considered that the proposal is unacceptable in terms of highway safety with regard to the network serving the site contrary to Policy CW3 of the Local Development Plan.

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However, it should also be noted that the submitted plans show the existing access into the site being moved to the west and the creation of a new vision splay of 2.4m by 20m. This will require the removal of a substantial section of the hedgerow at the front of the site. It is considered that the hedgerow makes a very positive contribution to the semi rural character of this area and as such its removal would be detrimental to that character contrary to Policy CW6 of the Local Development Plan.

3. It is accepted that there are no other dwellings within the area that have flat roofs to the main roof. However, as stated in Paragraph 4.11.9 of Planning Policy Wales, 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 dwelling is not in keeping with the traditional local vernacular, it would also be true to say that the adjacent dwellings would not have been in keeping when they were erected and indeed in respect of the dwelling to the west, this has an extension to the rear that would also not be in keeping with the local vernacular. In that regard it is not felt that the use of a flat roof is unacceptable in design terms. Moreover, as this is an outline planning application with the matter of appearance reserved for future consideration this application cannot be refused on the basis of the design of the indicative scheme.
4. Paragraph 3.3 of Planning Policy Wales suggests that tandem development may be unacceptable if it causes issues of access, disturbance or loss of privacy. In terms of the access leading to the dwelling it is considered that this is sufficiently far away from the existing dwelling that there would not be any unacceptable disturbance. As there are a number of parking spaces proposed to the front of the dwelling it is also not felt that access to the dwelling to the rear would be affected. In terms of loss of privacy it is not possible to fully consider this issue at the outline stage without seeing the layout of windows in the proposed dwelling. However, it is considered that a dwelling could be positioned on the site such that adequate levels of privacy could be maintained. As such there would be no objection to the principle to the development on privacy grounds.

Cont....



Application No. 15/0161/OUT Continued

5. It is acknowledged that the developer has already removed a number of mature trees from the site but this is not controlled by planning as the trees were removed prior to the submission of this application. However, and as stated above the proposal would also lead to the removal of part of the hedgerow to the front of the site and this is considered to be unacceptable in planning terms.
6. Planning Policy Wales defines brownfield land as being any site that contains a building and the curtilage of that building. As the application site forms part of the curtilage of Chez Nous it is considered to be 'brownfield' in planning terms.
7. As stated above it is considered that a dwelling could be accommodate on the site whilst maintaining adequate levels of privacy subject to careful design and siting.
8. The objector suggests that the proximity of the proposed access to the sloping boundary of the site could lead to instability issues. There is nothing to substantiate this claim and as such it is not felt that refusal of the application would be justified in this instance.
9. The application has been considered by the Council's Senior Engineer (Land Drainage) who has raised no objection to the application. In that regard it is considered that a suitable drainage solution can be provided for the site.
10. This application and the application for an extension to the existing dwelling cannot be considered under the same application and each application has to be considered on its own individual merits. However the impacts of each proposal on each other and on surrounding properties will need to be considered.
11. The ownership of Ysgubor Fach is a private legal matter. The adequacy of the highways serving the site has already been discussed above.

Comments from consultees: The comments of the Transportation Engineering Manager are addressed above. No other objections were raised.

Comments from public: Addressed above.

Other material considerations: None.

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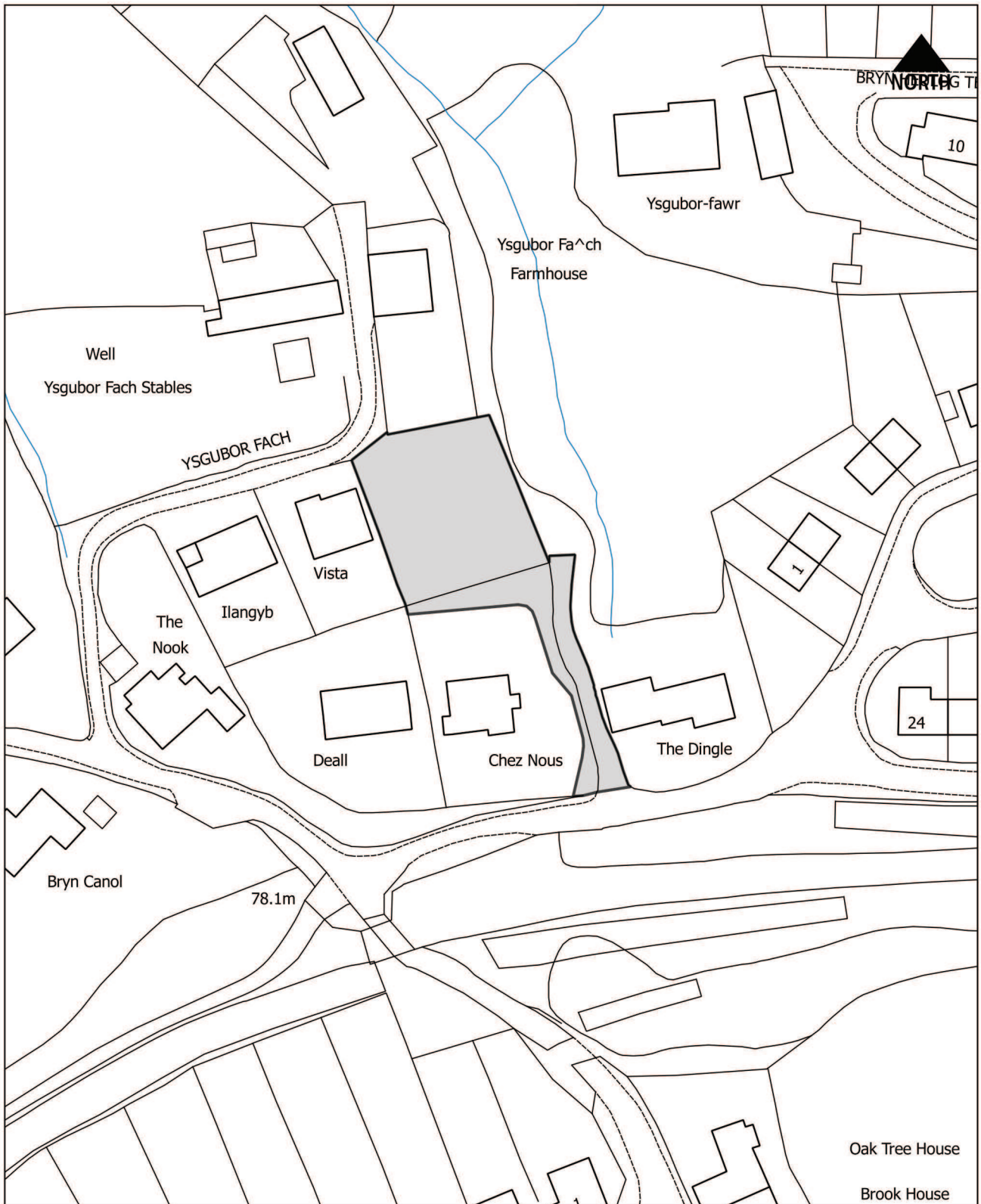


Application No. 15/0161/OUT Continued

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The highway network leading to the site is substandard in terms of its width, horizontal and vertical alignments and lack of pedestrian footways. The proposed additional use of the substandard highway network will create increased traffic hazards to the detriment of highway safety contrary to Criterion A of Policy CW3 of the Caerphilly County Borough Local Development Plan to 2021 - Adopted November 2010.
  - 02) The loss of part of the hedgerow to the front of the site to create the required vision splays would be detrimental to the character of the area contrary to Policy CW6 of the Caerphilly County Borough Local Development Plan to 2021 - Adopted November 2010.
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# Agenda Item 14

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0688/LA 07.11.2014	Caerphilly County Borough Council Mr R Napper Ty Pontllanfraith Blackwood Road Pontllanfraith Blackwood NP12 2YW	Carry out internal works to provide a Waste Transfer Station, office accommodation and welfare facilities, fleet and vehicle maintenance, stores and carry out external works to provide a car park, a lorry park, a fuel station, stores/compounds Ty Dyffryn, 5A & 5B Alder Avenue Dyffryn Business Park Ystrad Mynach Hengoed CF82 7TW

**APPLICATION TYPE:** Local Authority Application

## SITE AND DEVELOPMENT

Location: The property, the subject of this application, is known as Dyffryn House which is located on the Dyffryn Industrial Estate. This estate is an established employment site laying to the south of Ystrad Mynach in the heart of the Rhymney Valley.

Site description: The access to the site is from the spine road, called Alder Avenue, which runs through the Industrial Estate. This road has a direct junction with the A469, Llanbradach By-Pass, at a point approximately half a mile to the north of the site entrance.

The Dyffryn House site has an approximate area measuring 6 Hectares, and comprises the following elements:-

1. A roughly square shaped building with a floor area of 1.4 Hectares approximately. The western side of this building houses a two storey element which contains the office accommodation. Behind this sits the large covered area which occupies the large factory space, which was constructed to accommodate a substantial printing works.

Cont....

Application No. 14/0688/LA Continued

2. Parking space in front of the building.
3. A large rectangular area of relatively flat grassland to the north of the building, which is bordered by a hedge.
4. An area of concrete hard-standing on the eastern side of the building, a large part of which is currently used for the storage of rock-salt supplies.
5. A substantial area to the east of the yard which is overgrown and contains a stream course. This land slopes subsequently grades upwards as it nears the border with the A469.

Dyffryn House itself is bounded to the west, south and north by existing industrial operations. As indicated above the A469 runs along its eastern flank.

Development: Dyffryn House is proposed to be redeveloped to have multi-functional use and, in principle, accommodate most of the Council depot based services and further Local Authority offices as well as a new Waste Transfer Station (WTS). The application as originally submitted also included a Householder Waste Recycling Centre (HWRC), however this element was removed from the description as a result of subsequent discussions held during the processing of the application. The current proposal removes all the activities originally indicated to be held on the undeveloped greenfield area to the east of the site. This was necessary due to the potential flooding situation the development of this land would involve. This will be elaborated upon further as part of the analysis of the scheme.

In view of the nature of the scheme the application was accompanied by an Environmental Statement (i.e an ES). This ES has been carried out in accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (hereinafter referred to as the EIA Regulations). The ES summarises the potential significant impacts and effects associated with the development and operation of the proposed Dyffryn House site, identifying where necessary mitigation measures to prevent, reduce and where possible offset any significant adverse effects on the environment.

The identification of the environmental effects to be assessed was undertaken through a Scoping exercise with officers of the Planning Department. The following topics were agreed for inclusion in the ES:-

- Air quality and odour;
- Biodiversity and ecology;
- Flood risk;

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Application No. 14/0688/LA Continued

Ground conditions and water quality;  
Noise and vibration; and  
Transport, traffic and access.

Additional/updated information on Noise, Odour and Flooding has subsequently been submitted with the result that the ES has been re-advertised in accordance with the requirements of the Regulations.

Within the existing Dyffryn House building, offices will remain and will accommodate a maximum of 200 staff to provide Council services, such as the Planning and Engineering Divisions.

The WTS will be constructed at the south east quarter of the existing Dyffryn House. The WTS will handle approximately 70,000 tonnes/year waste from the region, including 20,000 tonnes/year dry recyclables, 15,000 tonnes/year of green and food waste and 35,000 tonnes/year of residual waste. The waste will be manually sorted, and compressed. Waste will be removed from the site daily.

The north east quarter of the Dyffryn House building will accommodate other depot services, such as fleet maintenance and management, waste management and cleaning, ground maintenance and building operations depots.

The external areas of the site will be developed as follows:-

- A. - HGV parking spaces at the rear of the site (62 spaces)
- B. - 300 public car parking spaces, mainly to be constructed on the level grassland area to the north of the building.
- C. - Covered bicycle storage
- D. - Fuelling station.
- E. - Vehicle wash area for HGV's.

The WTS facility will be operational 7 days a week, with the exception of 3 Bank Holidays per year for Christmas Day, Boxing Day and New Year's Day. The offices will be operating 5 days a week with the exception of 8 Bank Holidays per year.

It is proposed that Dyffryn House will operate a flexible working day for office staff between 7:00 a.m. and 7:00 p.m. with the waste operational staff starting at 6:00 a.m.

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Application No. 14/0688/LA Continued

A total of around 300 staff are expected to arrive at the site throughout the day.

An operational licence will be obtained to permit the operation of the WTS provided that various conditions are achieved. This is over and above any planning permission obtained by an operator.

The Dyffryn House building does not require structural works to be carried out. The mechanical services of the building will undergo maintenance works. The offices area would be reconfigured and re-organised with no major construction activities. The warehouse area will be resurfaced, concrete walls will be constructed and steel ramps, a weighbridge as well as security fencing will be installed to enable the operation of the WTS and depot services.

The site's road infrastructure will be redeveloped to allow safe access for the public and large Other Goods Vehicles (OGV's). An additional site entrance will be constructed to the north of the existing site entrance to be only used by the public to access public car parks. The existing south site entrance and south access road will only be used by OGVs to access the WTS and depot services. As a result the two traffic streams will be kept separated.

The originally submitted scheme required two additional access bridges to be constructed across the watercourse at the rear of the site to connect the north and south access roads with the proposed HRWC. This element has subsequently been removed from the proposal.

The applicant has provided a phasing schedule for the construction of the total development. It is anticipated that , if approved, the facility will be fully operational in 1 year from the commencement date. This schedule is subject to amendment but states as follows:-

Phase 1 - January 2016 - June 2016. Redevelopment of existing Dyffryn House building to accommodate a WTS;

Phase 2 - April 2016 - December 2016. Redevelopment of site infrastructure and the existing building to accommodate multi-purpose activities such as offices, vehicles maintenance and depot services;

This would mean that the total facility would available in January of 2017.

With regard to vehicle movements during construction the application indicates the following numbers of such movements;

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Application No. 14/0688/LA Continued

"3 axle or concrete mix wagons, dumper trucks, compactor, 360°excavator, hydraulic hammer, vibratory roller and workforce' s cars/vans will be present during construction. The number of construction vehicles on site will vary in each construction phase: in Phase 1 approximately 1080 HGV movements are expected with an additional 10 workforce cars/vans per day; in Phase 2 approximately HGV 700 movements will be experienced each way with an additional 20 cars/vans per day."

The applicant indicates that the vast majority of workforce, delivery vehicles and construction machinery will arrive to Dyffryn House site through the main industrial estate access road off the A469 roundabout and will access the site through the existing site entrances. Vehicles will utilize existing car parking areas and construction vehicles will be stored on site. General construction materials and one abnormal load (weighbridge) is expected to be delivered to site, all materials will be stored in the Dyffryn House building.

Dimensions: The existing building will remain unaltered externally. It has a floor area measuring 1.4 hectares and a maximum height to the eaves of 7.3 metres and to the apex a maximum height of of 11.5 metres.

As indicated above the site area is approximately 6 hectares in total, although not all of this area will now be utilised as part of the proposal.

Materials: The building is a steel frame structure clad in profile metal sheets. The large yard at the rear is covered in concrete.

Ancillary development, e.g. parking: A new car-park comprising over 300 spaces is to be provided as part of the scheme. This is in addition to the existing parking provision for office staff at the site. Parking spaces for 62 OGV's is also to be provided at the rear of the building.

## PLANNING HISTORY

07/0612 - Retain the siting of a storage container - Granted 03.07.07.

P/96/0477 - Construct materials recycling centre - Granted 24.10.96.

P/05/1656 - Utilise existing office space and front car parking area for Caerphilly County Borough Council use - Granted 16.02.06.

P/05/1404 - Obtain Certificate of Lawfulness for a proposed use to prepare recycling material and prepare residue waste streams for recycling or disposal - Granted 18.11.05.

Cont....

Application No. 14/0688/LA Continued

5/5/95/0119 - Erect 3 no. illuminated signs - Granted 28.04.95.

5/5/94/0557 - Erect 800 sq.m. extension to factory and offices currently under construction - Granted 29.09.94.

5/5/94/0264 - Erect 14,760 sq.m. factory with offices to be used as a printing works - Granted 22.06.94.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement limit identified in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010. In that plan it is included as part of a site specifically designated for employment purposes (EM2.13 - Dyffryn Business Park). This section of the estate is further shown as being a "primary site" in the employment hierarchy contained in the plan, as it relates to the Northern Connections Corridor. Primary sites are ones that will be permitted for B1, B2, and B8 use along with appropriate sui generis use.

Policies: There are a number of Local Development Plans which relate generally to this development, however the policies of specific relevance in respect to this proposal are as follows:-

SP9 - Waste Management, CW2 - Amenity, W3 - Design Considerations Highways, CW5 - Protection of the Water Environment and CW13 - Use Class Restrictions - Business and Industry.

NATIONAL POLICY In this regard the following policy documents are relevant to this proposal:-

Planning Policy Wales (Edition 7).  
Technical Advice Note (i.e. TAN) 12 - Design.  
TAN 15 - Development and Flood Risk.  
TAN 21 - Waste.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Yes.

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Application No. 14/0688/LA Continued

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. The Coal Authority were subsequently consulted on the ES submitted with the application which contained a section on Ground Conditions. Their comments are contained below in the report.

### CONSULTATION

Natural Resources Wales - initially raised objection to the entire scheme on flooding grounds. Additional information was thereafter submitted by the applicant and the objection was withdrawn in respect to the building, which houses the Waste Transfer Station, stores and servicing facility. The application was therefore amended to delete the household recycling element to the east of the building.

Thereafter the proposal was considered to be acceptable subject to conditions being imposed to regulate/control certain aspects of the operation.

Principal Valuer - indicated the he had no comment to make on this proposal.

Transportation Engineering Manager - made no objection to the proposed scheme subject to conditions relating to highway safety and vehicle management arrangements.

Head Of Public Protection - comments that after considering the additional information provided in the ES no objection is raised. A range of conditions relating to the control of potential pollution sources are however recommended for imposition on any consent granted.

Senior Engineer (Land Drainage) - makes a number of detailed drainage comments for the applicant's attention and requires a scheme for land and surface water drainage to be conditioned.

Countryside And Landscape Services - comments that a management plan for the wooded area was necessary and also landscape plans for the new car-park were required. However with the deletion of the HWRC from the scheme the management plan is no longer necessary.

With regard to site ecology a number of conditions are recommended in respect to habitat protection and invasive species control.

Cont....

Application No. 14/0688/LA Continued

The Coal Authority - on the basis of the information submitted the Coal Authority raises no objection to the application.

Aneurin Bevan Health Board - the comments of the Health Trust are contained in the body of the report. They raised no objection subject to matters such as air quality ,dust and odour etc. being addressed.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, by way of site notices and with direct neighbour notification letters to 52 properties. In view of the fact that the application has been accompanied by an Environmental Statement which has been carried out in accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (hereinafter referred to as the EIA Regulations) copies of this ES have also been displayed in Llanbradach and Ystrad Mynach libraries. A display/exhibition was also undertaken at Penallta House for public and members.

The ES has subsequently been revised with extra information on topics such as flooding, noise and odour. This revised ES has been re-advertised using the same arrangements as previously employed, with the exception of the exhibition at Ty Penallta.

Response: In response to this consultation exercise 36 letters of objection and a petition signed by 12 residents has been received. There was also one letter which raised issues for consideration, sent in by the Health Board.

Summary of observations: The basis of the objections received are as follows:-

1. Residents already live with the problems of an existing waste related company on the Dyffryn Business park (mainly smell, dust and litter). The proposed development will exacerbate these problems.
2. The area, which includes a new hospital, sports complex and housing will be covered with rats, flies and seagulls, as well as the unacceptable smells.
3. De-valuation of property.
- 4 Site flooding will result in waste standing in water. Flood defences have not been maintained and as a result will allow water to enter the site.
5. Highway capacity and safety concerns will be raised if the proposal goes ahead.

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6. The site will interfere with existing development (houses, businesses).
7. There will be "toxic smells" from rotting foods.
8. This represents a continuing destruction of Ystrad Mynach by the Council. The police station (with prison), the hospital and the sports complex have all altered the nice area it had previously been.
9. Businesses and householders will relocate away from the area to the detriment of the local economy.
10. Increased pollution will adversely affect health issues.
11. Soot particles will be trapped in the valley due to "temperature inversion". This reflects the lack of air movement in the valley.
12. Noise problems will occur to local residents, particularly in the early morning.
13. Ty Dyffryn is on a flood plain and not suitable for such a use.
14. Who will monitor the site to ensure that it only deals with the waste its authorised for?
15. The nearness of the operation to the new hospital will be detrimental to the health of the patients. Microbes and smells will be carried into the ventilation system of the hospital.
16. "It is understood that the Aneurin Bevan Health Board strongly object to the proposal." Their objection is supported.
17. There will be 1,000 vehicles a day to and from the site.
18. Vehicle movements from the site will need careful monitoring.
19. The nearby power line will make the "particles" much more active and will allow them to travel further and drive them deeper into the lungs.
20. If flooding occurs at the site what contingency plans are there to deal with the waste which will be prevented from using the facility?
21. What signage will be used to prevent waste vehicles using Caerphilly Road?
22. What assessment has been made on the benefits of the facility in respect to the loss of employment and business at the site? Has the impact on communities been measured?
23. How will the increase in the amount of pollution be adequately controlled by conditions?
24. How can the health of young children at the nearby adventure playground be protected from the effects of increased traffic?
25. What provision has been considered in respect to the reduction of pollution from the waste vehicles which will attend the site?
26. Will the council be seeking to change the fuel it currently uses to a greener fuel e.g. electric?
27. The existing waste operation on the estate is currently unregulated and causes problems.

Cont....

28. Where are the costings that show the sites that have been considered and rejected in favour of this site?
29. The indoor operation will require large extractor fans which will throw dust and odour into the air towards The Rise.
30. Would it be more beneficial to expand the existing site in the area rather than designate a new one?
31. The site is "clearly already contaminated" and is not suitable for the use proposed.
32. The on-site "contamination" will end up in the River Rhydney and thereby pollute that watercourse.
33. Will livestock in adjoining fields be affected by contamination? If so will compensation be payable?
34. Are there any proposals for incineration facilities of any kind?
35. How will staff working at the site be protected?
36. The ES confirms that there will be an increase in pollution from the operation.
37. No consultation with the local residents was undertaken prior to the application being submitted.
38. Will this facility be offered to other Local Authorities to transfer and sort their waste?
39. The provision of on-site fire prevention measures.

The letter from the Area Health Board raised a range of matters from air quality control, dust and odour management, TAN 15 advice on flooding mitigation, the proximity to Ystrad Mynach Hospital etc. The letter concluded by saying that subject to adequate controls being in place they would have no significant concerns in relation to the potential public health impacts from the proposed development.

#### 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 the determination of this application will have a detrimental effect on issues of crime prevention and disorder in this area.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The Council's Ecologist indicates that on the basis of the information submitted as part of the ES there are no protected species affected by the proposal.

Cont....

Application No. 14/0688/LA Continued

Is this development Community Infrastructure Levy liable? No.

### ANALYSIS

Policies: To provide context to the policy considerations of this scheme it is relevant to provide a level of background information relating to the selection of the Dyffryn site for this application.

Prior to this application being submitted the applicant held discussions with officers of the Planning Department to establish the need for planning permission and the use category into which the application fell. The Applicant was advised that the proposal required permission and that the combination of uses identified in the description placed the proposal as a sui generis use (i.e in a category of its own). The applicant was further advised that the development was one that officers of the Planning Department considered to be of a nature that required an Environmental Impact Assessment to be undertaken and an Environment Statement to be submitted in support of it.

This conclusion was reached on the basis that the proposed development is considered to fall within Schedule 2 of the EIA Regulations under Class 11(b) Installations for the disposal of waste.

The thresholds and criteria within this category that trigger the need to consider whether an EIA is needed are as follows:-

- The disposal is by incineration; or
- The area of the development exceeds 0.5 hectare; or
- The installation is to be sited within 100 metres of any controlled waters.

Incineration is not proposed at this site, however the proposed area of the development significantly exceeds 0.5 hectares (approximately 6 hectares) and there are controlled waters located within 100 metres; as such the need for EIA and an Environmental Statement (ES) was considered and confirmed to be required.

The EIA process starts with a scoping exercise where the topics to be included for further studies are identified and agreed. The topics in this ES are outlined in the description of development outlined above.

Cont....

Application No. 14/0688/LA Continued

EIA is a structured process to identify the potential impacts of a proposed development, and the likely residual effects that are predicted to be significant post mitigation. These are then reported in the ES which is submitted in support of the planning application to assist in the decision making process. The ES also provides stakeholders and the public with a basis on which to make comments to the local planning authority on the environmental effects associated with the proposed development.

The ES summarised the environmental effects on a topic by topic basis. The methodology used sought to assess these effects during both the construction and operational phases.

Article 5 and 7 of the Waste Framework Directive imposes waste management duties on local authorities. The requirement includes an integrated and an adequate network of waste management facilities with the main objective to ensure the most appropriate disposal or treatment facility is located as close to the origin of the waste as possible.

The Landfill Directive also imposes requirements such as the reduction of the amount of biodegradable municipal waste sent to landfill to 35% of the 1995 level by 2020, and the treatment of wastes before landfill.

The Authority also has to comply with the regional waste management agreement, Prosiect Gwyrdd (Project Green). A new waste facility will assist the Authority with improving the efficiency of waste operations and meeting targets and the agreement under Prosiect Gwyrdd.

It is from this starting point that the applicant approached the waste management requirements indicated above. The ES gives a detailed assessment of the main alternative sites that were considered, in accordance with the EIA Regulations. These alternatives included both strategic and detailed options.

The former includes the following:-

1. 'Do-nothing' option;
2. Alternative site location; and
3. Alternative site layout.

Whilst the latter identifies five specific sites which were investigated for their potential suitability. These were as follows:-

- (i) Bedwas Highways Depot,
- (ii) Tiryberth Depot Central Stores Building,
- (iii) Dyffryn House,

Cont....

Application No. 14/0688/LA Continued

- (iv) Full Moon Transfer Station and,
- (v) Former Trehir Landfill Site.

The ES explains why an alternative site was necessary and why the Dyffryn site was the "Preferred " option, with the main benefits being summarised below:-

- It has a strategic, Mid-Valley location with easy access from the whole county borough;
- There is an existing building structure to accommodate WTS and further functions;
- It has the potential for further expansion;
- It has good, existing infrastructure for operational vehicles.

Based on this background the first policy in the LDP of relevance to be considered is SP9 - Waste Management. In line with the National Waste Strategy this policy seeks to reduce the land take-up for waste facilities. To assist in this regard the policy indicates that all allocated and protected B2 industrial sites are designated as potentially suitable locations for new in-building waste management facilities, which provides substantial choice in meeting the estimated land requirement of up to 10.4 ha.

This Policy (i.e. SP9) can be read in association with Policy CW13, for whilst this use is not strictly a B2 (General Industrial Use) it is shown as being located on an estate designated as a primary employment site within the LDP. Criterion B of Policy CW13 (Use Class Restrictions - Business and Industry) sets out those uses which are considered permissible on such sites:-

- Development within use classes B1, B2 or B8;
- Appropriate sui generis uses; or
- Facilities or services which are ancillary to the primary employment use.

Such an installation would therefore be permissible in policy terms. Furthermore, the supporting text to this policy explicitly states that every industrial site that is allocated or protected for B2 use is considered suitable, in principle, for the location of in-building waste management facilities, in compliance with Policy SP9. The two policies therefore cross-reference each other in respect to waste management facilities.

Cont....

Application No. 14/0688/LA Continued

The next policy to be considered is CW2 - Amenity. This policy has four criteria. These are as follows:-

- A There is no unacceptable impact on the amenity of adjacent properties or land.
- B The proposal would not result in overdevelopment 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.

With regard to the first Criterion the ES has identified residential properties, industrial properties as well as car parks within a 200m radius from the Dyffryn House site as being sensitive receptors.

There are a number of residential properties with the closest being located approximately 180 metres to the south east, on "The Rise" estate.

With regard to the issue of the impact of the operation on the residential amenity of these dwellings the ES provided information relating to air quality, odour, noise and vibration. As indicated above the waste transfer element will be undertaken within the closed building. To minimise odorous and microbiological releases from the proposed development, it is indicated that the WTS will be kept under negative pressure at all times and entrances and exits will be equipped with airlocks and quick acting doors or air curtains to minimise odorous release to external air. Air releases through a ventilation system will be treated through an air filtration system equipped with appropriate bio filters to treat air and reduce odour.

It is indicated that under normal operating conditions waste will be removed from the site the same day that it is brought to the site to be processed. This short residence time of waste within the WTS will prevent the build-up of odorous emissions and microbiological activity by avoiding the decomposition of waste streams. Good practice site operations should prevent any food wastes from coming into contact with the floor.

Cont....



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With the deletion of the HWRC from the scheme there is no longer any handling of waste material in the open air. Also as the majority of the residential properties are located to the south-west from the proposed development site. There is a strong dominance of winds from the west at this location. As there are no residential properties, industrial properties or car parks located within 200 metres of the proposed development in this direction, it is considered unlikely that any nuisance would occur.

Consequently with respect to dust and odour mitigation measures have been suggested as acceptable to the Local Planning Authority as part of the up-dated ES. This information has subsequently been considered by the Head of Public Protection and, subject to conditions, has been found to be acceptable.

With regard to noise and vibration the submitted assessment seeks to address the vibration and noise emissions generated by the proposed redevelopment of Dyffryn House site. It assesses noise emissions from construction, noise breakout from inside the building and noise emissions from external activities in the external areas.

Once again the deletion of the HWRC from the scheme reduces noise levels during both construction and operational phases. The reason for this being that this activity is carried on in the open air.

Once again the Head of Public Protection is satisfied with the contents of the ES and considers that, with mitigation via the use of conditions, the proposal is acceptable in respect to the impact on the nearest residential properties. The requirements of Criterion A are therefore considered to be satisfied.

The second criterion refers to overdevelopment of the site and its surroundings. It is evident from the size of the area of land involved (6 Hectares) and the scale of the building itself that the WTS and servicing operations can be carried on wholly within the structure and car-parking can be provided on available land within the boundary. The rear of the building, which is currently used as a storage yard area, will be used as a parking area for HGV 's. There will also be a wheel wash and a fuel storage compound sited there. These latter elements are located close to the building which screens it from view and effect in regard to its surroundings.

Criterion B is therefore considered to be complied with.

The third criterion addresses the compatibility of the proposal with surrounding land-uses and whether it would constrain the operation of these uses. The impact of the industrial receptors has been considered in the ES in respect to both construction and operational phases.

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It must be recognised that this site is located on an industrial estate, in a building formerly occupied by an extremely large printing business, which would have employed a transportation department to deliver heavy loads from the site. Access, in all probability, would be onto the A469 and thereafter into the wider network. This latter A Class road is a main strategic highway route through the Rhymney Valley and deals with 31,512 vehicles per day.

The Head of Public Protection's comments with regard to the impact on all relevant receptors indicates that the operation applied for is one that can be controlled to an acceptable level by the use of conditions and through the system issued under the provisions of Environmental Permitting (England and Wales) Regulations 2010. The regulation of the Permit will be carried out by Natural Resources Wales and will cover issues such as emissions. A combination of such limitations will administer the operation of the facility.

Therefore it is considered that the use is suitably located on the Dyffryn Business Park (note Policies SP5 and CW13 above), and can be undertaken without constraining the surrounding land-uses. Criterion C is therefore complied with.

The final requirement of policy CW2 refers to the impact of new residential development on the viability of an existing enterprise. These circumstances are not relevant to this application and the criterion is therefore not applicable.

Policy CW2 is therefore complied with.

With regard to the policy relating to Highway Considerations (i.e. CW3) the comments of the Transportation Engineering Manager are relied upon. These confirm the arrangements at the site and on the Business Park itself are acceptable, subject to conditions.

The ES, in its assessment of "Traffic, Transport and Access" concludes that the highest potential for disruption would occur in peak hour time and therefore the effect of the proposed additional traffic was assessed on peak hour background traffic. It has been determined that the additional traffic in peak hours have insignificant effect on the background traffic on Alder Avenue. This conclusion is generally one that the Council's Transportation Engineering Manager believes is accurate.

CW3 is therefore complied with.

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Policy CW5 addresses the protection of the Water Environment. The policy is two-fold: (i) deals with development which has an adverse impact on the aquatic environment and (ii) those which pose a risk to the quality of the controlled waters (including ground water and surface water). In this regard the comments of Natural Resources Wales (i.e. NRW) are key.

They have commented that they are satisfied that these matters can be addressed by way of the imposition of conditions designed to control the development to an acceptable level. The surface water drainage arrangements proposed (e.g. Sustainable Urban Drainage Systems SUDS) for drainage of the new development areas) could also require the involvement of the Council's Senior Engineer (Land Drainage).

Subject to the controls required by these bodies the proposal is considered to comply with this policy.

With regard to the Welsh Government advice contained in the relevant Technical Advice Notes (i.e. TAN's) it is considered that in respect to TAN 12 (Design) not all of the aspects of the advice are relevant. This is because the design of the site retains the existing building and its external appearance. The internal space is to be redesigned to rationalise available space and provide additional office accommodation, internal storage areas, vehicle maintenance bays and the proposed waste transfer station. Also the majority of the access arrangements are in place and will remain unaffected.

With the deletion of the external based HWRC from the scheme the operations are almost wholly contained within the building and as a consequence are visually screened. The site is also secure and accessible by sustainable means of travel. The proposed development is well connected by bus with several bus routes serving Dyffryn Industrial Park. The nearest bus stops are located approximately 270m away on Caerphilly Road. There are footpaths running parallel to the carriageway offering pedestrian access to the site.

TAN 12 is therefore considered to be complied with.

TAN 15 'Development and Flood Risk' is particularly relevant in this instance as the application site lies within Zone C1 as defined by the Development Advice Map referred to in this TAN. On this basis a Flood Risk Assessment (i.e. an FCA) was submitted with the application. In their assessment of the FCA the NRW considered the site as comprising three elements. These were the WTS (highly vulnerable development), a car-park (less vulnerable) and a HWRC (highly vulnerable).

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Application No. 14/0688/LA Continued

NRW subsequently objected to the scheme as the submitted FCA failed to demonstrate that the consequences of flooding could be acceptably managed for the lifetime of the development in accordance with TAN 15.

As such the applicant prepared amendments to the flooding information contained in the ES and resubmitted it to the NRW. Their response was that two of the elements (the WTS and the car-park)) were now acceptable but the third (the HWRC) remained unacceptable and as such the NRW maintained their objection to this part of the development.

The applicant considered this response and subsequently this element of the scheme was withdrawn from the description of the development. A re-consultation process was undertaken with the standard consultees and the public on this revision to the description and the amended ES.

The result of the above series of events has resulted in the acceptability of the development in respect to the advice contained in TAN 15. Conditions are recommended based on the NRW's further advice.

As the application is for a waste facility TAN 21- Waste, requires the submission of a Waste Planning Assessment for such proposals. The applicant has prepared and submitted such an assessment for the Ty Duffryn development to the NRW who have responded to the effect that after reviewing the document they have no adverse comments to make in relation to it. As such the guidance contained in this TAN has been adhered to.

It is therefore considered that there are no policy objections to this application.

Comments from Consultees: As is indicated above the application has been amended to address the concerns of consultees such as the NRW and the Head of Public Protection, who have raised concerns regarding the impact of the scheme. These concerns have resulted in the amended /additional information being provided which has resulted in the scheme being altered to provide an acceptable scheme.

As a result none of the standard consultees raise objections to the development which could sustain a refusal of permission. A number have recommended conditions which are set out below.

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Comments from public: Prior to addressing the responses of the general public it is important to note that many were made before the scheme was amended by the deletion of the HWRC, which was a substantial element of the original proposal and was to have taken place in the open air.

The responses to the points raised are as follows:-

1. The presence of existing problems at the estate are matters to be addressed separately. They should not be used to attempt to justify the refusal of the current submission.
2. The Waste Transfer activity will take place wholly within the building however, due to the nature of the materials being handled it is anticipated that the activities will attract pests. The submitted information indicates that waste will not be allowed to accumulate within the tipping hall and the floors will be kept clean through the use of loaders, which will collect any spilled waste and deposit them into out-going vehicles on a regular basis. In addition to these measures, standard pest control methods will be implemented as part of the waste management licence.
3. The issue of property devaluation is not a material planning consideration.
4. The WTS element of the scheme will be enclosed by flood gates which will prevent water, probably from the River Rhymney being allowed to flow into this area. Consequently any waste on site will be protected from this threat. These gates will be required by condition.
5. Highway capacity and safety issues are dealt with in the comments of the Transportation Engineering Manager. He has raised no objection to the application subject to the imposition of conditions relating to any permission granted.
6. The whole point of the submitted Environmental Statement is to summarise the potential significant impacts and effects associated with the development and operation of the proposed Dyffryn House site, identifying where necessary mitigation measures to prevent, reduce and where possible offset any significant adverse effects on the environment. This includes its impact, on a range of topics on the surrounding area, which includes other buildings such as factories and houses. The consideration of this submitted information by a wide range of consultees is designed to ensure that development's impact on its surroundings is limited and acceptable. In this instance the proposal is considered to be of a standard where planning permission can be granted.
7. Conditions will be included on any permission granted which will ensure that there will be no overnight storage of Waste material in the waste reception hall. Also an air treatment system will be installed to deal with odours captured within the building.

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8. The stated impact on Ystrad Mynach is a personal opinion which is not relevant to the determination of this application.

9. The operation of the facility will be the subject of planning condition control. It will also require a permit before the site can be operational under the provisions of Environmental Permitting (England and Wales) Regulations 2010. The regulation of the permit will be carried out by Natural Resources Wales and will cover issues such as emissions. Consequently the facility will be operated on a controlled regime designed to limit issues which could affect the wider environment.

10. The Head of Public Protection considers that the facility will not adversely impact on the health of the surrounding buildings so long as adequate mitigation measures are installed. To this end conditions are recommended to be attached to any permission granted.

11. Reference to the effect of "Temperature inversion" has been referred to by a number of objectors. The response to this is that in April 2015, an odour modelling assessment was undertaken as part of the planning application. The assessment considered the likely odour emissions, after any abatement from the development and their likely dispersion in the atmosphere.

The dispersion modelling assessment was undertaken using the latest version of AERMOD, an industry standard atmospheric dispersion model for modelling odour and approved for use by the Environment Agency. The dispersion modelling assessment has taken account of local meteorological conditions through the use of hourly sequential meteorological data and topological data to characterise conditions at the proposed development.

The dispersion modelling assessment has assessed worst case operational conditions that could result in odorous releases and concluded that the effects will not be significant.

12. The Head of Public Protection requires conditions relating to noise mitigation to be attached to any permission granted.

13. The position relating to the flood plain in respect to this proposal is addressed above in the report. NRW required the scheme to be reduced to ensure that flooding is not a determining factor.

14. The running of the site will be overseen by the Council's Waste Management Section. The monitoring of the permit will be undertaken by NRW.

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15. As part of the ES the impact upon sensitive receptors was considered. This changed depending upon the element being assessed (e.g. dust 200 metres of the site boundary, microbiological releases 250 metres). The hospital site far exceeded the distances used in such assessments. As such it is beyond the scope of the impacts of the nuisances objected to.

16. The Aneurin Bevan Health Board did not raise strong objections to the application. They did however raise issues relating to a number of matters which they required to be addressed by way of condition.

17. With the deletion of the HWRC from the scheme it is calculated that the traffic flow to the site will be greatly reduced and is anticipated to be less than 14,000 a year

18. The monitoring of vehicle movements too and from the site is a matter of day to day management and will be addressed, if necessary by the Waste Management Section.

19. The Head of Public Protection has raised no objection in this regard. There is a theory called "corona-ion hypothesis" which is based on the fact that high-voltage overhead power lines create charged particles in the surrounding air by a process of ionisation. However there is no evidence currently to support that this results in increases in ill health in the surrounding areas.

20. With regard to contingency plans in times of flooding there will be no need to remove the waste from the Waste Transfer Station. The waste will remain in a dry area protected by a flood barrier and flood gates.

21. No enforcement signs will be erected to stop vehicles using Caerphilly Road. Vehicles carrying waste or recyclable material from The Rise, Llanbradach or local areas off Caerphilly Road will not be prevented from using this route.

22. There were Socio Economic and Operational assessments carried out which did not show that the impact of the proposed site would result in the loss of employment at the business park.

23. The submitted information on a range of issues such as air quality, odour, noise, dust has been considered by officers and the standard consultees who have resolved to accept the facility subject to the imposition of conditions designed to control any adverse aspects.

24. This point is also covered in the response to 23 above.

25. All new vehicles that the Council require conform to the latest European Standards.

26. The Authority has trialled electric vehicles, fuel saving devices and technologies, additives and 'stop start' technology to the refuse compactors and will continue to trial and monitor greener, more efficient vehicle products. All new vehicles that the council require conform to the latest European Standard.

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27. As indicated in responding to Point 1 above this is a separate and distinct matter to the one currently before the Committee and should not affect the consideration of this proposal.

28. The ES contained an assessment of the alternatives considered for the provision of this facility. The selection of the site was made with legislative requirements, the need for the scheme and by assessing the potentials and drawbacks from three aspects: suitability for development; socio economic and operations and environmental aspects. Other sites considered required new Waste Transfer Station (WTS) buildings to be constructed, whereas the preferred site has an existing building which could be reconfigured at a much lower cost than the construction of a new WTS. The costings are complex and do not really compare like for like.

29. This aspect has been addressed in the response of the Head of Public Protection.

30. The alternative sites were considered fully in the ES, the contents of which indicates why this site was considered to be the preferred option.

31. The ES contains a section on Ground Conditions and Water Quality. This indicates that a site investigation was undertaken by White Young Green during September 2013. The site investigation identified that there is limited potential for contamination to be present and that the surface water and ground water quality is not of concern. There is a potential for land gas and volatile organic compounds being present. This information, which identified the limited nature of contamination at the site, was accepted by NRW and the Head of Public Protection.

32. NRW considered the impact on the aquatic environment and found it acceptable subject to conditions attached to any consent granted.

33. This is a matter to be addressed if it were to occur.

34. Incineration is not proposed at this site.

35. Health and Safety regulations will be used to provide protection to workers on site.

36. The ES confirms that any pollution associated with the facility can be mitigated to acceptable and safe levels.

37. The applicant undertook public exhibitions in the locality prior to the application being submitted. With regard to the submission itself a wide ranging consultation exercise was carried out in accordance with the EIA Regulations.

38. There are no plans to share this facility with other Councils.

39. The matter relating to fire prevention measures is one dealt with via the permit system.

Other material considerations: On the basis of the considerations above and the environmental information in the Environmental Statement it is recommended that planning permission is granted subject to conditions.

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Application No. 14/0688/LA Continued

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) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.  
REASON: In the interests of highway safety.
- 03) This permission shall not extend to the Household Waste Recycling Centre shown on drawing PL05. The area of land on which it is shown as being located shall remain free of operational development due to its siting within the flood plain.  
REASON: For the avoidance of doubt as to the development hereby approved.
- 04) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.  
REASON: In the interests of highway safety.
- 05) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles/motorcycles/cycles.  
REASON: In the interests of highway safety.
- 06) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres by 90 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.

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Application No. 14.0688/LA Continued

- 07) Prior to the commencement of work on site, 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, unless as otherwise agreed in writing with the Local Planning Authority that the Travel Plan is not required.  
REASON: To encourage the use of a variety of transport options.
- 08) The existing vehicle access located on the northern boundary of the site shall be closed off in a manner to be firstly agreed in writing with the Local Planning Authority. This closure shall be undertaken prior to the use of the site, hereby approved, commencing.  
REASON: In the interests of highway safety.
- 09) The existing access located at the southern boundary of the site shall be improved in a manner and timescale to be firstly agreed in writing with the Local Planning Authority. Thereafter this improvement shall be completed prior to the operation hereby approved commencing.  
REASON: In the interest of highway safety.
- 10) Prior to development commencing detailed site plans and landscape proposals for the proposed new car park to the north of the building and the extended car park in front of the building. These plans should identify existing landscaping which will be lost to the development as well as proposed planting. Specimen tree planting will be required to introduce shade and break up the mass of car parking on the north site of the building. Details of the tree pits for this planting will be required for approval. These plans should be agreed in writing with the Local Planning Authority, thereafter they will be implemented concurrently with the development  
REASON: In the interests of amenity.
- 11) Prior to development commencing on site details of a 2m high noise barrier shall be submitted and agreed in writing with the Local Planning Authority This barrier shall be constructed along the northern and southern boundaries, adjacent to the yard at the rear of the building. The density of the barrier should be at least 20kg/m<sup>2</sup> and have no gaps. Thereafter the agreed barrier shall be constructed prior to the operations hereby approved commencing.  
REASON: To control the impact of noise from the site.

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Application No. 14/0688/LA Continued

- 12) Construction phase works shall be limited to 0800 - 1800 hours (Monday - Friday) and 0900 - 1300 hours (Saturday) and no workings on Sunday or Bank Holiday.  
REASON: In the interests of amenity.
- 13) Prior to the development hereby approved commencing details of an internal design scheme to ensure that internal noise transfer between the different uses in the development meet those specified by BS8233 shall be submitted to and agreed with the Local Planning Authority. Thereafter these agreed details shall be completed prior to the operations commencing.  
REASON: In the interests of the amenities of staff working at the site.
- 14) 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.
- 15) 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: To prevent contamination of the application site in the interests of public health.
- 16) 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.
- 17) The hours of operation of the site shall be restricted to 0600 hours - 2000 hours Monday to Sunday.  
REASON: In the interests of amenity.

Cont....

Application No. 14/0688/LA Continued

- 18) Prior to the commencement of the waste transfer station use hereby approved an odour management plan shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be implemented at all times to control odour at the site.  
REASON: To prevent pollution.
- 19) A closed door management strategy shall be maintained on the waste transfer station buildings at all times. Fast Closing access doors shall be interlocked to ensure two doors cannot open at once during operation.  
REASON: To control pollution.
- 20) There shall be no external preparation, mixing and screening of waste operations.  
REASON: To control pollution.
- 21) The waste transfer station building shall be completely sealed prior to its first use for that purpose, and smoke and pressure tests shall be conducted to confirm that the process buildings provide sufficient containment. Tests shall be carried out prior to the first use of the building and following any amendments to the building.  
REASON: To prevent pollution.
- 22) All odours generated in the waste transfer station building shall be captured and maintained under negative pressure and treated in the odour treatment system, details of which shall be submitted to and agreed with the Local Planning Authority prior to the commencement of that use. This system shall be monitored to ensure the fugitive release of odours from the building is prevented.  
REASON: To prevent pollution.
- 23) The biofiltration system, to be installed in the building, shall at all times be maintained to ensure adequate and equal air distribution.  
REASON: To prevent pollution.
- 24) Storage of non-conforming waste shall be in a suitable covered impervious container prior to removal from the site.  
REASON: To prevent pollution.
- 25) Commercial vehicles carrying waste entering or leaving the site shall be either fully enclosed or be provided with sheets to cover all loads.  
REASON: To prevent pollution.

Cont....

Application No. 14/0688/LA Continued

- 26) All commercial and local authority waste vehicles leaving the site shall be subject to wheel cleaning in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the use hereby approved.  
REASON: To prevent pollution.
- 27) A scheme for Pest Control for the premises shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of the use hereby approved. This scheme shall be adhered during the duration of the operations hereby approved.  
REASON: To control vermin.
- 28) There shall be no overnight storage of Waste material in the waste reception hall, unless as otherwise agreed in writing with the Local Planning Authority.  
REASON: To prevent pollution.
- 29) Prior to the commencement of the development hereby approved, a construction phase noise scheme (to cover demolition and construction) shall be submitted to and agreed, in writing, with the Local Planning Authority. Thereafter, this agreed scheme shall be employed to deal with noise arising from the development.  
REASON: To prevent pollution.
- 30) Prior to the commencement of the development hereby approved, a construction phase dust mitigation scheme (to cover demolition and construction) shall be submitted to and agreed, in writing, with the Local Planning Authority. Thereafter, this agreed scheme shall be employed to deal with dust arising from the development.  
REASON: To prevent pollution.
- 31) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Cont....

Application No. 14/0688/LA Continued

- 32) The development hereby approved shall be carried out fully in accordance with the recommendations made in Section 3 of the 'Preliminary Ecological Appraisal and further Ecology Surveys' Report dated December 2013, prepared by Mott MacDonald, unless otherwise agreed in writing by the Local Planning Authority. The details shall be implemented before the development hereby approved is first occupied.  
REASON: To ensure adequate protection for protected species.
- 33) As part of the development the site boundary tree lines shall be retained as stipulated in the 'Preliminary Ecological Appraisal' dated December 2013, prepared by Mott MacDonald. The trees shall be fenced around their canopy drip lines during the development works to protect the trees and their root structures.  
REASON: To ensure the retention and protection of bat commuting routes and foraging areas.
- 34) As part of the development the stream that runs along the rear of the site shall be enhanced as an open stream details of which shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby approved. This stream shall be fenced off during the development works to protect the stream and its banks.  
REASON: To ensure the protection of the stream and its banks.
- 35) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.

Cont....

- 36) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese knotweed on site. The treatment of Japanese knotweed shall be carried out in accordance with the approved details. REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.
- 37) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Himalayan Balsam on site. The treatment of Himalayan Balsam shall be carried out in accordance with the approved details. REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Himalayan Balsam (*Impatiens glandulifera*) is included within this schedule.
- 38) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Rhododendron on site. The treatment of Rhododendron shall be carried out in accordance with the approved details. REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Rhododendron (*Rhododendron ponticum*) is included within this schedule.
- 39) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats at Ty Dyffryn shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied. REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.

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Application No. 14/0688/LA Continued

- 40) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow and Swift) at Ty Dyffryn, Ystrad Mynach, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales (2012) and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning (2009).
- 41) The WTS finished floor level is to be set at or above the existing level of 89.75m AOD. The internal flood defence wall and gates should be constructed in accordance with the recommendations of the FCA and the proposed layout plan (CCBC, TH1008, PL14, July 2013).  
REASON: To ensure the development remains flood-free during its operational lifetime in accordance with the guidance in TAN15.
- 42) The existing flood defence bund on the site should be retained and a maintenance plan for the structure in place for the lifetime of the development.  
REASON: To ensure flood risk to the development from the Ordinary watercourse is managed in accordance with TAN15.
- 43) The land within the development site to the east of the Ordinary watercourse (Zone Z) will remain free of development and ground levels maintained as existing.  
REASON: To ensure the risk to the site and third parties can be managed in accordance with TAN15.
- 44) If, during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, through the submission of a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.  
REASON: To protect the aquatic environment from pollution.

Cont....



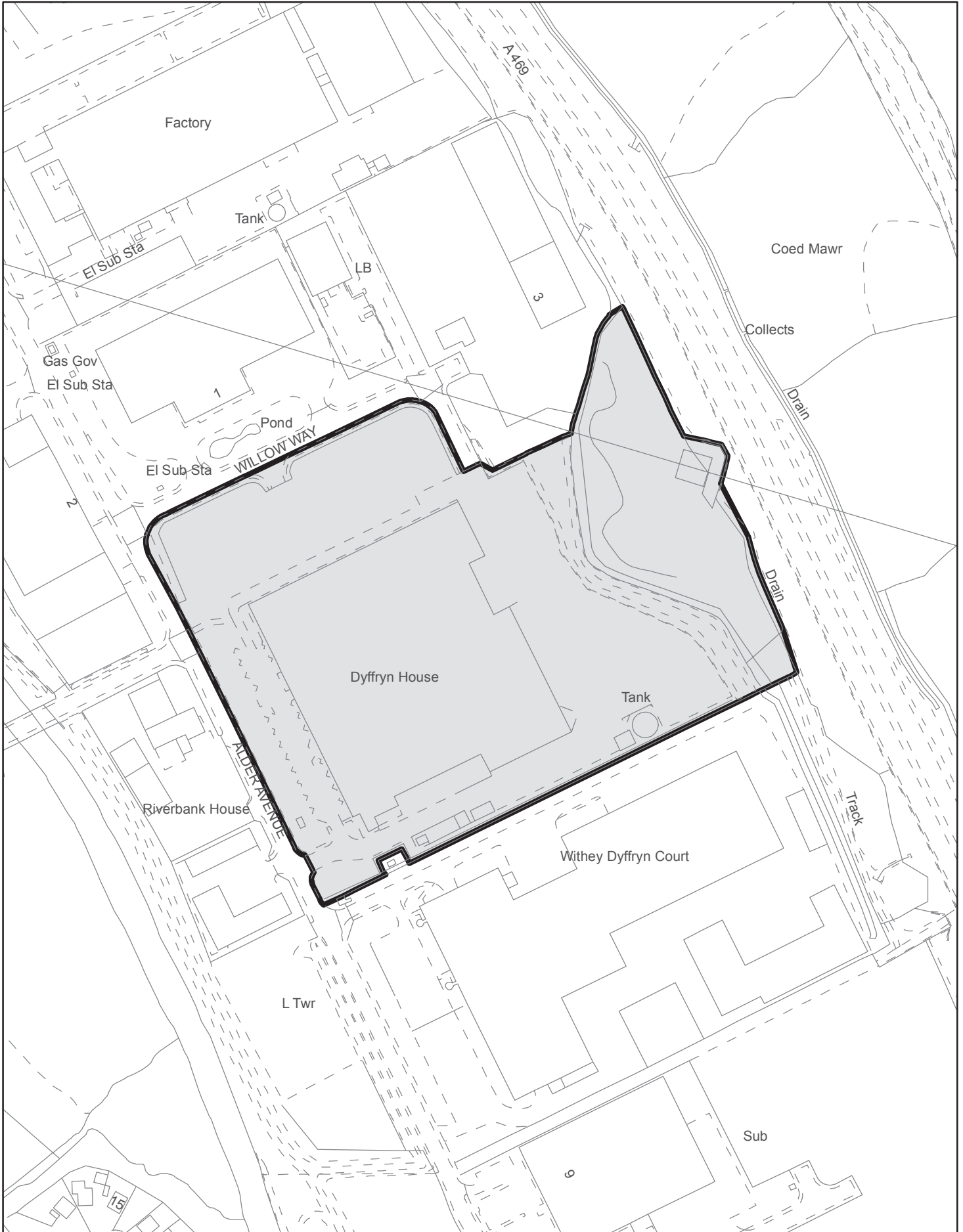
Application No. 14/0688/LA Continued

Advisory Note(s)

Please find attached the comments of Council's Ecologist, Senior Engineer (Land Drainage, Head of Public Protection and Natural Resources Wales that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and SP5.

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## APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
15/0138/FULL 02.03.2015	Mr H Richards Halt Farm Pentwynngwyn Road Rudry Caerphilly CF83 3DG	Erect two-storey side and single-storey rear extension Halt Farm Pentwynngwyn Road Rudry Caerphilly	Granted 01.06.2015
15/0159/FULL 06.03.2015	Sitelease Ltd C/o PLG & Development Consultant Mr J Matthews Anglesey House 47 Anglesey Way Nottage Porthcawl CF36 3QP	Erect a building on existing steel framework and concrete slab for B1/B2/B8 use Unit 19 Pantglas Industrial Estate Bedwas Caerphilly	Granted 01.06.2015
15/0192/NMA 25.03.2015	Mr G Harris The Old Rectory Rectory Road Bedwas Caerphilly CF83 8AX	Seek approval of a non- material amendment to planning consent 09/0925/FULL (Erect single- storey extensions to the rear and side of property) to omit the en-suite bathroom and make minor changes to the fenestration in the study room The Old Rectory Rectory Road Bedwas Caerphilly	Granted 01.06.2015
15/0277/FULL 10.04.2015	Mr N Fiora 52 Ridgeway Graig-y-rhacca Caerphilly CF83 8RD	Erect single-storey porch to front of property 52 Ridgeway Graig-y-rhacca Caerphilly CF83 8RD	Granted 01.06.2015
15/0295/ADV 23.04.2015	Aldi Stores Ltd C/o Turley Ms M Cronin 18 Windsor Place Cardiff CF10 3BY	Erect signage Unit 1 Blackwood Gate Retail Park Blackwood NP12 2FS	Granted 01.06.2015

15/0327/NMA 13.05.2015	Lightsource SPV 121 Limited Level 7 33 Holborn London EC1N 2HT	Seek approval of a non-material amendment to planning consent 14/0775/FULL (Erect a communications building ancillary to approved solar farm) to retain the as built design Cwmcaesingrug Farm Mynyddislwyn Mountain Road Mynyddislwyn Blackwood	Granted 01.06.2015
15/0328/NMA 13.05.2015	Lightsource SPV121 Limited Level 7 33 Holborn London EC1N 2HT	Seek approval of a non-material amendment to planning consent 14/0276/FULL (Provide photovoltaic solar park and ancillary infrastructure) to retain as built design Cwmcaesingrug Farm Mynyddislwyn Mountain Road Mynyddislwyn Blackwood	Granted 01.06.2015
15/0089/FULL 10.02.2015	ACCA Ltd Devonshire Business Centre Works Road Letchworth Garden City Hertfordshire SG6 1 GJ	Demolish front single storey extension, install new shopfront and provide new access ramp Y Coed Duon 151 High Street Blackwood NP12 1AB	Granted 02.06.2015
15/0175/FULL 20.03.2015	Mr M Ahmed Pentwynmawr Stores Shop Unit 68 - 70 High Street Pentwyn-mawr Newport NP11 4HN	Install new shopfront, fascia box sign and internal security shutters Pentwynmawr Stores Shop Unit 68 - 70 High Street Pentwyn-mawr	Granted 02.06.2015
15/0173/FULL 19.03.2015	Mrs R Reynolds 20 St David's Drive Graig-y-rhacca Caerphilly CF83 8RG	Erect porch to front elevation, with a lean to/roof over existing bay window 20 St David's Drive Graig-y-rhacca Caerphilly CF83 8RG	Granted 03.06.2015
15/0249/FULL 19.03.2015	Mr W Abrahams 6 Newport Road Bedwas Caerphilly CF83 8DX	Erect single-storey side and rear extension 6 Newport Road Bedwas Caerphilly CF83 8DX	Granted 03.06.2015

15/0178/FULL 25.03.2015	Mr Jones 20 St Deinols Close Pengam Blackwood NP12 3TZ	Remove existing lean to open canopy and replace with a lean to style UPVC conservatory 20 St Deinols Close Pengam Blackwood NP12 3TZ	Granted 03.06.2015
15/0190/FULL 27.03.2015	Mr H Carey 54 Beaumaris Way Cefn Fforest Blackwood NP12 1DE	Erect single-storey side and rear extension 54 Beaumaris Way Cefn Fforest Blackwood NP12 1DE	Granted 03.06.2015
15/0272/NMA 07.05.2015	Mr G Greenslade 71 North Road Pontywaun Crosskeys Newport NP11 7FW	Remove conditions 15 and 16 of planning permission 11/0728/FULL 1 Chapel Gardens Abercarn Newport NP11 5GN	Granted 04.06.2015
14/0133/RET 07.03.2014	Graig-y-rhacca Community Partnership Ms P Watkins Graig Y Rhacca Community Partnership Resource Centre Grays Gardens Graig Y Rhacca Caerphilly CF83 8TQ	Retain the allotment site with numerous allotment plots, parking provisions, storage sheds and boundary fencing Graig-y-rhacca Community Allotments Addison Way Graig- y-rhacca Caerphilly	Granted 05.06.2015
15/0141/NMA 02.03.2015	Coleg Y Cymoedd Mr P Davies Nantgarw Campus Heol Y Coleg Cardiff CF15 7QY	Seek approval of a non- material amendment to planning consent 14/0774/FULL (Provide Motor Vehicle Training Centre of Excellence including a workshop training area, 6 classrooms and associated ancillary areas) to re-position the building and remove the fascia overhang from low level roof Coleg Y Cymoedd - Ystrad Mynach Campus Twyn Road Ystrad Mynach Hengoed	Granted 05.06.2015

15/0184/COU 27.03.2015	Mr G Blandford Box Tree Cottage Goldcliff Newport NP18 2AU	Change use of ground floor from A1 to residential for a one or two bedroom flat 79 Commercial Street Pontymister Risca Newport	Granted 05.06.2015
15/0281/FULL 10.04.2015	Mr C Jones 32 Glanhowy Road Wyllie Blackwood NP12 2HW	Erect two storey extension to rear elevation and convert loft 32 Glanhowy Road Wyllie Blackwood NP12 2HW	Granted 05.06.2015
15/0349/NMA 21.05.2015	Mr G Sidoli 1 Police Houses Nelson Road Ystrad Mynach Hengoed CF82 7EJ	Seek approval of non-material amendment to planning consent 11/0736/FULL to regularise the garage as built 1 Police Houses Nelson Road Ystrad Mynach Hengoed	Granted 05.06.2015
15/0250/RET 19.03.2015	Mr J Amos 18 High Street Nelson Treharris CF46 6EU	Retain garage to rear of property 18 High Street Nelson Treharris CF46 6EU	Granted 08.06.2015
15/0185/FULL 26.03.2015	Mr P J Davis 30 Holyhead Court Hendredenny Caerphilly CF83 2UH	Erect ground floor extensions to rear and side of property and a porch to the front elevation 30 Holyhead Court Hendredenny Caerphilly CF83 2UH	Granted 08.06.2015
15/0182/FULL 27.03.2015	Mrs L Small 17 Heolddu Crescent Bargoed CF81 8UQ	Erect garden shed 17 Heolddu Crescent Bargoed CF81 8UQ	Granted 08.06.2015
15/0203/FULL 13.04.2015	Mr G Eales 22 Pwll Yr Allt Tir-y-berth Hengoed CF82 8FR	Erect two-storey extension 22 Pwll Yr Allt Tir-y-berth Hengoed CF82 8FR	Granted 08.06.2015
15/0282/FULL 13.04.2015	Mr I Boucher 1 Penylan Road Argoed Blackwood NP12 0AU	Replace domestic garage Garage Penylan Road West Urban Lane Rear Of Penylan Road Argoed	Granted 08.06.2015
15/0283/FULL 13.04.2015	Mr & Mrs K Bradfield Willowside Cefn Road Upper Deri Bargoed CF81 9GW	Erect garden summer house Willowside Cefn Road Upper Deri Bargoed	Refused 08.06.2015

15/0326/NMA 11.05.2015	Mr L Edwards Oakridge 25 Tydfil Road Bedwas Caerphilly CF83 8EF	Seek approval of a non-material amendment to planning consent 14/0283/FULL (Erect side extension, re-build existing retaining walls, convert basement storerooms into habitable accommodation and provide two new off-street parking spaces) to install window to side elevation Oakridge 25 Tydfil Road Bedwas Caerphilly	Granted 08.06.2015
15/0245/COU 18.03.2015	Caerphilly County Citizens Advice Bureau Mr S Ellington Bargoed CAB 41B Hanbury Road Bargoed CF81 8QU	Erect first floor extension to rear and side of premises and change use from existing public house to financial and professional services (A2) Bargoed Social Club Church Place Bargoed CF81 8RP	Granted 09.06.2015
15/0264/CLEU 27.03.2015	Dusk To Dawn Autos Ltd Mr D Blunt C/o Consultant Chartered Town Planner Mr S Cullen 1 Leyshon Way Bryncethin Bridgend CF32 9AZ	Obtain a Lawful Development Certificate for the existing B2 use Units D1 - D3 Pontymister Industrial Estate Pontymister Risca Newport	Granted 09.06.2015
15/0266/FULL 30.03.2015	Miss L Jones 12 Cae Pen Y Waun Hengoed CF82 7RQ	Remove grass bund and planting to front of house and create blocked parking with retaining perimeter boundary wall 12 Cae Pen Y Waun Hengoed CF82 7RQ	Granted 09.06.2015
15/0200/FULL 14.04.2015	Mr P Morrissey 1 Station Cottages Glan-y-nant Blackwood NP12 3XN	Erect conservatory 1 Station Cottages Glan-y-nant Blackwood NP12 3XN	Granted 09.06.2015



15/0223/FULL 11.03.2015	Mr W Owen Lewis Yellow Cottage The Rhiw Oakdale Blackwood NP12 0ED	Demolish existing extensions and erect new extensions within the existing extension footprint Yellow Cottage The Rhiw Oakdale Blackwood	Granted 10.06.2015
15/0236/FULL 13.03.2015	Mr G Williams 88 Gwyddon Road Abercarn Newport NP11 5GZ	Erect a double garage with access leading from rear lane and first floor ancillary residential facilities above 88 Gwyddon Road Abercarn Newport NP11 5GZ	Granted 10.06.2015
15/0261/FULL 25.03.2015	Mr C Joyce 130 Maes Glas Caerphilly CF83 1JW	Erect a conservatory to the rear of the existing property 1 Llwynceilyn Cottages Cefn-Porth Road Lisvane Cardiff	Granted 10.06.2015
15/0263/FULL 26.03.2015	Ms S Osmond 18 Heol Tyddyn Caerphilly CF83 1TG	Convert integral garage and erect a porch 18 Heol Tyddyn Caerphilly CF83 1TG	Granted 10.06.2015
15/0189/FULL 30.03.2015	Mr D Viggers 10 Cotswold Way Trenwydd Park Risca Newport NP11 6QT	Erect a single storey side and rear extension, erect a first floor dormer side extension, provide an enlarged driveway to the front elevation, demolish rear conservatory and construct new boundary and retaining walls 1 Cotswold Way Trenwydd Park Risca Newport	Granted 10.06.2015
15/0268/FULL 01.04.2015	Mr S Torrance 7 Long Heath Close Virginia Grove Caerphilly CF83 3SD	Erect rear ground floor extension 92 William Street Trethomas Caerphilly CF83 8FX	Granted 10.06.2015
15/0212/FULL 17.04.2015	Mr S Nicholas 1 Bryntirion Penyrheol Caerphilly CF83 2PZ	Construct a two-storey extension to the side of the property comprising of a garage to the ground floor and a bedroom and en-suite to the first floor 1 Bryntirion Penyrheol Caerphilly CF83 2PZ	Refused 10.06.2015
15/0219/CLPU 11.03.2015	Mr J Jones Gelli Uchaf House Merthyr Road Llwydcoed Aberdare CF44 0PX	Obtain a Lawful Development Certificate for the proposed change of use from A3 (Food and Drink) to A1 (Retail) The Majors 1 Fair View Pengam Blackwood	Refused 11.06.2015



15/0133/FULL 02.03.2015	Mr & Mrs A Crook Keturah 13 Woodfield Terrace Woodfieldside NP12 0BR	Erect single-storey games room extension Keturah 13 Woodfield Terrace Woodfieldside Blackwood	Granted 12.06.2015
15/0271/FULL 08.04.2015	Mr R Davies R F Brookes Azalea Road Rogerstone Newport NP10 9SA	Remove existing low level perimeter wall structure to the south-east of the canopy, erect new external wall structures to the south-east and south-west elevations, erect lean-to extension with parapet edge detail to the south-east face of the existing building, install roof mounted plant deck to new lean-to extension and erect dock extension with full height roof void access stair to create two intake docks served by the existing yard level area R F Brookes Azalea Road Rogerstone Newport	Granted 12.06.2015
15/0274/FULL 09.04.2015	Mr G Richards 2 North Rising Pontlottyn Bargoed CF81 9PA	Convert garage to living/play room and provide internal alterations 2 North Rising Pontlottyn Bargoed CF81 9PA	Granted 12.06.2015
15/0280/COU 09.04.2015	Mr R Lavington Post House Commercial Buildings Oakdale Blackwood NP12 0LB	Change use of Post Office to use as utility/domestic storage area Post House Commercial Buildings Oakdale Blackwood	Granted 12.06.2015
15/0172/RET 17.03.2015	Mr J Simmonds 24 Greenfield Newbridge Newport NP11 4QX	Retain conversion of church into a single dwelling Cae'r Gorlan Baptist Church Cae Gorlan Street Abercarn Newport	Granted 16.06.2015
15/0257/COU 23.03.2015	Miss E Frowen 99 Hill Street Rhymney Tredegar NP22 5JP	Change the use from office to gymnasium The Chapel Ramsden Street Rhymney Tredegar	Granted 16.06.2015
15/0217/FULL 21.04.2015	Mr G Evans 43 Tyn-Y-Coed Abertridwr Caerphilly CF83 4ED	Erect a two storey rear extension 8 Brynteg Crescent Rhymney Tredegar NP22 5PE	Granted 16.06.2015

14/0813/OUT 05.12.2014	Mr R Turner C/o DTB Design Mr D Thomas 286 North Road Cardiff CF14 3BN	Change the use of land to residential use Land At Colliery Road Llanbradach Caerphilly	Refused 17.06.2015
15/0253/FULL 20.03.2015	Mr F Price 1 Gypsy Castle Lane Pant-y-waun Merthyr Tydfil CF48 4AR	Erect an upper floor rear extension 1 Gypsy Castle Lane Pant-y-waun Merthyr Tydfil CF48 4AR	Granted 17.06.2015
15/0269/FULL 07.04.2015	Mr N Thomas 3 Bristol Terrace Brithdir New Tredegar NP24 6JG	Erect two-storey rear extension 3 Bristol Terrace Brithdir New Tredegar NP24 6JG	Refused 17.06.2015
15/0205/FULL 17.04.2015	Mr P Rees 9 Golwg Y Coed Hendredenny Caerphilly CF83 2UA	Erect a front boundary wall 37 Lon Yr Ysgol Bedwas Caerphilly CF83 8PE	Granted 17.06.2015
14/0216/FULL 07.04.2014	Mr P Basford Balhall Lodge Menmuir By Brechin Angus Scotland DD9 7RW	Change the use from Goldmine Bar to form four dwellings The Goldmine Bar And Grill Bridge Street Newbridge Newport	Granted 18.06.2015
15/0088/RET 10.02.2015	Mr G Gleadall Gelli-wen Farm Bedwellty Road Markham Blackwood NP12 0PP	Retain the change of use of existing barn from four holiday let cottages to single dwelling with integral granny annexe and detached three car garage Barn At Gelli-wen Farm Bedwellty Road Markham	Refused 18.06.2015
15/0211/FULL 10.03.2015	Mr D Robinson 1 Park Road Bargoed CF81 8SP	Re-instate the existing garage, construct a first floor annexe and erect a shower room extension to the ground floor 1 Park Road Bargoed CF81 8SP	Granted 18.06.2015
15/0215/NMA 22.04.2015	Mrs J Adams 3 Felinfach Bedwas Caerphilly CF83 8EZ	Seek approval of non-material amendments to the rear elevation, retaining walls and fenestration Land South Of Alma Cottages Bedwas Caerphilly	Granted 18.06.2015

15/0293/RET 23.04.2015	Mr G Bradley 48 Mountain Road Caerphilly CF83 1HL	Retain alterations as constructed and contrary to previously approved planning application 14/0076/FULL (Remodel and extend existing property) 48 Mountain Road Caerphilly CF83 1HL	Granted 18.06.2015
15/0037/FULL 16.01.2015	Mrs S Rai Carreg Fawr Barn Pant-Ysgawen Farm Lane Newbridge Newport NP11 4RJ	Erect extension and loft extension of existing outbuilding and construct a new conservatory as link between existing converted barn and outbuilding to form one extended dwelling Carreg Fawr Barn Pant-Ysgawen Farm Lane Newbridge Newport	Refused 19.06.2015
15/0191/FULL 27.03.2015	Mr P Clarke 59 High Street Crosskeys Newport NP11 7FN	Erect porch to front of property, demolish existing single-storey rear extension and erect two-storey rear extension 59 High Street Crosskeys Newport NP11 7FN	Refused 19.06.2015
15/0208/FULL 17.04.2015	Mr N Roach 10 Ruth Street Bargoed CF81 8PD	Construct a detached garage 17 Ruth Street Bargoed CF81 8PD	Granted 19.06.2015
15/0213/FULL 20.04.2015	Mr H Vaughan Dyffryn Villa Southend Terrace Pontlottyn Bargoed CF81 9RL	Drop kerb/crossover for off road parking facility Dyffryn Villa Southend Terrace Pontlottyn Bargoed	Granted 19.06.2015
15/0290/FULL 22.04.2015	Mr D Wigg Cwm Y Nant Farmhouse Fernlea Risca Newport NP11 6FX	Erect a double garage extension to the side of the property and create a room in the attic space Cwm Y Nant Farmhouse Fernlea Risca Newport	Granted 19.06.2015
15/0224/FULL 27.04.2015	Mr M J Bates 24 Sannan Street Aberbargoed Bargoed CF81 9BJ	Erect a two-storey extension to the rear of the property and porch to the front 24 Sannan Street Aberbargoed Bargoed CF81 9BJ	Granted 19.06.2015

15/0265/NMA 08.05.2015	Mr K James La Fontaine De Trevias Sorges Periguiet Dordogne France 24420	Seek approval of a non-material amendment to planning consent 14/0538/FULL (Construct a side extension) to move the proposed car parking and access 2 Tamar Close Pontllanfraith Blackwood NP12 2FU	Granted 19.06.2015
15/0291/FULL 22.04.2015	Mr R Ellis 14 Bryn Nant Penyrheol Caerphilly CF83 2BZ	Erect a dormer extension 14 Bryn Nant Penyrheol Caerphilly CF83 2BZ	Refused 22.06.2015
15/0300/FULL 27.04.2015	Mr J Davies 80 Queens Road Elliot's Town New Tredegar NP24 6DZ	Erect a detached garage to rear of property 80 Queens Road Elliot's Town New Tredegar NP24 6DZ	Granted 22.06.2015
15/0286/FULL 15.04.2015	Home Bargains C/o WPL Consulting Mr P Francis WPL - 1 Airport West Lancaster Way Leeds LS19 7ZA	Erect extension to the existing warehouse Home Bargains Pontygwindy Road Caerphilly CF83 3HF	Granted 23.06.2015
15/0287/COU 20.04.2015	Mr L Evans Flat A 4 Ivor Street Fleur-de-lis Blackwood NP12 3RF	Change the use of the vacant ground floor studio, used formerly as a photographic studio, to an independent consulting studio for a health professional/alternative therapist and fee-paying clients 4 Ivor Street Fleur-de-lis Blackwood NP12 3RF	Granted 23.06.2015

**LIST OF PLANNING APPLICATIONS WHICH ARE OUT OF TIME/NOT DEALT WITH  
WITHIN 8 WEEKS OF DATE OF REGISTRATION**

<b>APPLICATION NUMBER  DATE RECEIVED</b>	<b>DESCRIPTION &amp; LOCATION OF DEVELOPMENT</b>	<b>COMMENTS</b>
P/02/0265 13.03.02	First periodic review of planning conditions (Environment Act 1995) at Cae Glas Small Mine, Fochriw.	Seeking clarification about the status of the application.
10/0518/FULL 16.07.2010	Erect single detached dwelling and garage at Old Mill House, Draethen, Newport	Subject to further discussion and consideration.
11/0630/NCC 01.09.11	Vary conditions (3) and (4) of previous planning consent 06/0172/OUT (erect residential development) to extend permission beyond expiration dates on Land West Of Coronation Terrace Senghenydd Caerphilly	Awaiting information on road layout.
12/0157/FULL 29.02.12	Sub-divide property to make two semi-detached two bedroom bungalows at Nantygledyr 231 Bedwas Road Caerphilly	Seeking CIL details.
12/0511/OUT 03.07.12	Erect housing development at Willow Court & Surrounding Area Pengam Road Pengam	Awaiting views of consultees.
12/0575/FULL 04.10.12	Erect a mansard roof incorporating a 1 bed flat at Manchester House 1 Clifton Street Caerphilly	Awaiting views of consultees.
13/0196/OUT 15.03.13	Erect up to four three bedroom houses in two semi-detached blocks on land being used for occasional vehicle storage on Land Adjacent To Riverside House Penmaen Road Pontllanfraith Blackwood	Awaiting noise survey.
13/0548/CLEU 23.07.13	Obtain a Lawful Development Certificate for an existing use as a property for car/vehicle sales and display at Senator House 6 Sir Alfred Owen Way Pontygwindy Industrial Estate Caerphilly	Subject to discussion concerning additional information.
13/0646/COU 03.09.13	Change use of ground floor from cafe/shop to apartment at 24 Church Street Bedwas Caerphilly	Seeking CIL details.

13/0667/NCC 13.09.13	Vary Condition 1 of planning consent 07/1524/FULL (Construct 87 dwellings with associated garaging and car parking) to extend the period within which the development can commence at Suflex Estate Newport Road Pontymister Risca	Awaiting information about flooding.
13/0688/COU 24.09.13	Convert old stone barn/old coaching house into a four bedroom dwelling and integrated livery yard office at Cwm Farm Caerphilly	Awaiting CIL details.
13/0726/FULL 08.10.13	Erect two bay extension to existing storage building at Robert Price (Builders Merchants) Ltd 145 Pontygwindy Road Caerphilly	Considering impact on neighbouring houses.
13/0782/NCC 29.10.13	Vary condition 7 of planning consent 08/0310/FULL (Convert Grade II listed roofless ruin into 2 two-bedroom cottages) to revise the caravan park access location at Beddau Farm 2 St Cenydd Road Trecenydd Caerphilly	Seeking CIL details.
13/0799/CLEU 08.11.13	Obtain a Lawful Development Certificate for the existing use of storing and servicing company vehicles, plant and mining machinery and as a heavy goods vehicle operating licensing centre at Caeglas Colliery Fochriw Road Fochriw Bargoed	Awaiting additional information.
13/0809/CLEU 19.11.13	Obtain Lawful Development Certificate for the commencement of works to implement planning consent for 87 houses with associated garaging and car parking (reference 07/1524/FULL) at Former Suflex Estate Newport Road Pontymister Risca	Subject to further discussion and consideration.
13/0824/FULL 25.11.13	Erect a single 500kW wind turbine, access track and associated transformer enclosure at Land At Pen-y-fan Industrial Estate Pen-y-fan Newport	Awaiting additional information.
13/0830/FULL 26.11.13	Erect extension to existing garage at Highwinds New Bryngwyn Road Newbridge	Subject to further discussion concerning impact on neighbour.

14/0024/FULL 13.01.14	Erect new residential development of four 6 bedroom dwellings with associated external works, parking and new garden areas, plus new access road and footpaths at Fwrrwm Ishta Inn 68 Commercial Road Machen Caerphilly	Subject to further discussion and consideration.
14/0120/FULL 28.02.14	Erect ground floor and first floor extension to provide a first floor to the bungalow, change the use of 101 square metres of pasture land to create a driveway, remove and replant 15 metres of hedgerow and install photovoltaic roof panels at Brynteg, Pandy Lane Llanbradach Caerphilly	Awaiting amended plans concerning highway matters.
14/0136/RET 10.03.14	Retain an air filtration unit and associated changes to car park including the relocation of a disabled parking space at PHS, Unit 14B, Greenway Bedwas House Industrial Estate Bedwas Caerphilly	Awaiting further details of equipment.
14/0169/RET 24.03.14	Retain garage at Knightswood St David's Avenue Woodfieldside Blackwood	Subject to further discussion and consideration.
14/0328/FULL 19.05.14	Erect a detached six bedroom dwelling on Land Adjacent To Brook House Pandy-Mawr Road Bedwas Caerphilly	Seeking CIL details.
14/0365/FULL 02.06.14	Erect development of 3 new houses consisting of two houses of two-storeys, a single-storey house, associated garaging to each property and an access road at Mountain House 41 Mountain Road Caerphilly	Awaiting further highway details.
14/0431/COU 11.07.14	Convert existing barn into granny annexe at The Coach House Barn Rhyd - Y - Gwern Lane Draethen Newport	Subject to further discussion regarding design.
14/0455/FULL 25.06.14	Construct a ground-mounted solar PV generation project and associated works at Darran Farm Argoed Blackwood	Awaiting archaeological assessment.
14/0524/COU 30.07.14	Change the use from pottery and day centre to short term holiday let accommodation at The Woodlands Activity Centre, Troed-Y-Rhiw Farm - The White House Troed-Y-Rhiw Road Wattsville	Subject to further discussion and consideration.



14/0560/RET 22.08.14	Retain the extension of the domestic curtilage and the erection of a changing room and hot tub at 14 Cwm Darran Place Deri Bargoed	Awaiting structural calculations.
14/0630/OUT 22.09.14	Erect 2 no. single-storey bungalows at Waun Y Gof House Thorne Avenue Newbridge	Awaiting further information concerning highways.
14/0678/OUT 14.10.14	Erect residential development of 3 no. detached dwellings with upgraded site access at Fair Oak Farm Woodland Terrace Argoed Blackwood	Subject to further discussions and consideration.
14/0688/LA 28.10.14	Carry out internal works to provide a Waste Transfer Station, office accommodation and welfare facilities, fleet and vehicle maintenance, stores and carry out external works to provide a car park, a lorry park, a fuel station, stores/compounds and re-profile the ground to provide for household waste refuse/recycling centre at Ty Dyffryn, 5A & 5B Alder Avenue Dyffryn Business Park Ystrad Mynach	Awaiting additional information following comments from consultees.
14/0725/FULL 18.11.14	Erect two 50Kw vertical axis wind turbine generators at Penyfan Caravan And Leisure Park Manmoel Road Manmoel Blackwood	Awaiting various details including noise survey.
14/0745/LBC 20.10.14	Convert existing barn into habitable dwelling at Rhyd-y-gwern Farm Rhyd Y Gwern Lane Draethen Newport	Subject to further discussion and consideration.
14/0781/FULL 11.11.14	Erect a two bedroom dwelling at 20 Waunfach Street Caerphilly	Awaiting amended plans.
14/0802/OUT 26.11.14	Erect residential development with associated public open space, landscaping and highways infrastructure including a new highway access from the A4049 and footpaths and the installation of new services and infrastructure, ecological mitigation and enhancement works and other ancillary works and activities at Land At Hawtin Park Gelli-haf Pontllanfraith Blackwood	Subject to further discussion and consideration.
14/0817/FULL 18.12.14	Provide a new one 'way in' one 'way out' roadway access off the Sirhowy Enterprise Way Land Adjacent To Perry's Coaches New Road Woodfieldside Blackwood	Discussing highway matters.



14/0830/COU 11.12.14	Change the use from a public house to a private residence and provide alterations to the existing extension at the rear at Penllwyn Manor The Grove Pontllanfraith Blackwood	Awaiting amended design.
14/0836/FULL 16.12.14	Create new pedestrian access onto site at The Surgery Oakfield Street Ystrad Mynach Hengoed	Subject to further discussion and consideration.
14/0855/FULL 23.12.14	Erect a residential development and associated works at Land At Watford Road Caerphilly	Subject to further discussion and consideration.
15/0023/COU 12.01.15	Retain A1 use part ground floor and convert upper floors to residential at Manchester House 1 Clifton Street Caerphilly	Subject to further discussion and consideration.
15/0029/FULL 15.01.15	Erect (and operate) a single wind turbine up to 36.6m tip height with electrical control cabinet and formation of temporary access trackway at Cefn-y-brithdir Farm Mountain Road Cefn-Y-Brithdir To Tirphil Brithdir New Tredegar	Awaiting additional information re: landscape and transport.
15/0038/OUT 19.01.15	Erect residential development with associated public open space, landscaping and highways infrastructure including a new highway access from Pandy Road and footpaths and requiring the installation of new services and infrastructure and other ancillary works and activities at Land North Of Pandy Road Bedwas Caerphilly	Subject to further discussion and consideration.
15/0043/FULL 28.01.15	Erect industrial storage unit at Land Between Units 4 & 10 Bedwas Business Centre Bedwas House Industrial Estate Bedwas	Subject to further discussion and considerations.
15/0053/RET 20.01.15	Retain the change of use from agricultural land to an educational based resource centre and retain the existing buildings on site at Lylac Ridge Dan Y Graig Stables Dan Y Graig Road Risca	Subject to further discussion and considerations.
15/0054/COU 20.01.15	Erect cattery at Llanbradach Fawr Farm Llanbradach Farm Lane Llanbradach Caerphilly	Awaiting highway information.

15/0055/LBC 19.01.15	Provide internal alterations, extend and provide new roof and take down one chimney and part of the boundary wall at Penllwyn Manor The Grove Pontllanfraith Blackwood	Awaiting amended design.
15/0060/COU 22.01.15	Convert first and second floors to 6 No. one bedroom flats at 1 Pentrebane Street Caerphilly	Awaiting additional information.
15/0100/COU 12.02.15	Convert existing storage building to the rear of the property into two flats with alterations to openings and the provision of rooflights at 57 Thomas Street Abertridwr Caerphilly	Subject to further discussion and consideration.
15/0140/FULL 02.03.15	Erect a two storey rear extension with additional basement provision and provide a porch to the front elevation at 16 Griffiths Street Ystrad Mynach Hengoed	Awaiting appropriate certification.
15/0148/LA 05.03.15	Provide public realm improvement works including hard and soft landscape works to the 'Village Green', footpath and the creation of a viewing platform with associated interpretation and artwork at Land At Bute Town Rhymney Tredegar	Subject to further discussion and consideration.
15/0163/FULL 06.03.15	Erect an extension to existing cafe to provide additional seating area at 24 Penallta Road Ystrad Mynach Hengoed	Awaiting additional information.
15/0177/OUT 08.03.15	Erect a detached dwelling at 66 Bryn Road Markham Blackwood	Awaiting appropriate certification.
15/0197/LA 10.03.15	Carry out re-roofing and associated roof repairs including taking down and rebuilding of all the chimney stacks, the provision of new regularised roof lights to rear elevation, the replacement of fascia and soffit, the replacement of rainwater goods and repairs and reinstatement works to the side and rear masonry boundary walls at 1 - 13 Middle Row & Windsor Arms, 14 - 28 Lower Row, 1-14 Collins Row & St Aidan's Church Bute Town Rhymney Tredegar	Subject to further discussion and consideration.

15/0198/LBC 09.03.15	Carry out re-roofing and associated roof repairs, replace fascias, soffits and rainwater goods and provide repairs and reinstatement works to the side and rear masonry boundary walls at 1 - 13 Middle Row & Windsor Arms, 14 - 28 Lower Row, 1-14 Collins Row & St Aidan's Church Bute Town Rhymney Tredegar	Subject to further discussion and consideration.
15/0246/FULL 18.03.15	Erect a new building consisting of four apartments and associated car parking and a private and communal amenity space at 5A Commercial Road Abercarn Newport	Subject to further discussion and consideration.
15/0251/FULL 19.03.15	Demolish the existing chapel hall and erect two dormer bungalows at Former Tabernacle Chapel Hall 9 Chapel Street Deri Bargoed	Awaiting further information.
15/0252/OUT 20.03.15	Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access at Land At Cwmgelli Blackwood	Subject to further discussion and consideration.
15/0279/FULL 09.04.15	Erect two industrial units at Knight Court (Block A) St Davids Industrial Estate Pengam Blackwood	Awaiting contamination information.
15/0296/RET 24.04.15	Retain the change of use from a railway to a residential garden at Old Station House Old Station Yard Bedwas Caerphilly	Subject to further discussion and consideration.

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## APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT

APPLICATION NUMBER & DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/06/0037 13.01.06	Redevelop site incorporating 545 residential units and 2.5 acres for a primary school at Waterloo Works, Machen.	Planning in discussions with developers over new terms; waiting to hear from Planning. Meeting has been planned. No further update.
09/0243/OUT 31.03.09	Erect residential development and associated recreation space on Land At Former Windsor Colliery, Ty'n Y Parc, Abertridwr, Caerphilly.	On hold pending outcome of meeting with Housing Association. File closed due to no progress.
11/0191/OUT 11.03.11	Demolish existing farmhouse and farm buildings and construct new two-storey residential units at Gelli Pystyll Farm, Elm Drive, Ty Sign, Risca.	Moving forward with S106 as we need to keep separate from covenant issue. Draft with Solicitors for comments. Chased. Chased again and said if no progress soon I will refer back to Planning with a recommendation for refusal. Solicitors asked for information which was provided. Documents are with the mortgage company for signing. Chased. Solicitors say they are having problems with mortgage company.
12/0269/NCC 03.04.12	Vary Condition 2 of Planning Permission 08/0539/OUT (erect residential development and associated access) to provide a further three years for the submission of Reserved Matters at Land At Gellideg Industrial Estate, Gellideg Lane, Maesycwmmmer, Hengoed.	Documents being sealed. Waiting for Fees. Nearing completion on the linked sale.
13/0212/NCC 25.03.13	Vary Condition 11 of planning permission P/04/1500 to amend the internal layout at Glan Y Nant Draethen, Newport.	In discussions as to how best to proceed in light of CIL. Still in discussions with Solicitors. Other side asked for meeting. Asked for instructions from Planning.

13/0479/FULL 02.04.13	Erect new house at Former Holly House Nursing Home, Victoria Road Fleur-de-lis, Blackwood.	Waiting advice from Ecologist. Told works have been undertaken. Planning said to hold file in abeyance while they investigate. Told may be a while due to issues. Planning waiting for ecological report. Planning will contact applicant again.
13/0805/NCC 12.11.13	Remove reference to the electricity substation in Condition 26 of planning consent 07/1524/FULL (Construct 87 dwellings with associated garaging and car parking) at Suflex Estate, Newport Road, Pontymister, Risca.	Considering amendments to S106 agreement in view of introduction of CIL. Waiting for advice from Planning. Chased.
14/0129/NCC 06.03.14	Vary conditions 3 & 4 of Planning Permission 07/1477/OUT to extend the period of time within which to submit reserved matters and commence development at Gryphonn Concrete Products, Viaduct Works, New Road, Hengoed.	Sent final draft and plan. Solicitors waiting for the approval of the mortgage company.
14/0239/NCC 16.04.14	Vary condition 3 of 09/0688/OUT (Erect residential development) to extend the time period for the approval of reserved matters on Land At Albertina Road Treowen Newport	Sent draft to Solicitors. Waiting for affordable housing clauses issues to be resolved.
14/0411/OUT 21.06.14	Erect residential development and associated works on Land At Ton Y Felin Croespenmaen Newport.	Still in discussions over terms of Agreement. Answered Solicitors queries.
14/0674/OUT 10.10.14	Erect residential development at GLJ Recycling Ltd, Newtown Industrial Estate, Crosskeys, Newport, NP11 7PZ.	Agreement in process of being drafted.
14/0841/OUT 17.12.14	Erect a residential development of eleven houses on Land South of Glendale, Van Road, Caerphilly	Queried title.

## OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
15/0001/REF 13/0483/FULL	REG Windpower Mr S Zappulo Suite 2 Kelston Park Bath BA1 9AE	Install three wind turbines and construct associated infrastructure on land used for grazing, the maximum height to blade tip of each turbine will be 110m above existing ground level and infrastructure associated with the wind turbines including on-site access tracks, lay-bys and turning areas, with ditch culverts where required, permanent crane hardstanding areas and external switchgear buildings for each turbine, a substation, underground on-site electrical cabling and the creation of a temporary construction compound and laydown area at Pen Bryn Oer Merthyr Road Rhymney	21.01.15
15/0002/REF 14/0622/FULL	Mr D T Jones Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly	Install 2 no 500kw wind turbines with overall tip height of 64m including temporary infrastructure at Pen Yr Heol Las Farm Heol Las Energlyn Caerphilly	04.03.15
15/0003/REF 14/0794/RET	InPost UK Ltd 655 Foxhunter Drive Milton Keynes MK14 6GD	Retain the installation of a parcel locker at Premier Stores 1 Newbridge Road Pontllanfraith Blackwood	11.03.15
15/0005/REF 14/0441/FULL	Mrs A Mahoney Nantyglesiad Cottage 14 White Hart Machen Caerphilly CF83 8QQ	Erect detached dwelling on Land At Nantyglesiad Cottage 14 White Hart Machen Caerphilly CF83 8QQ	07.04.15

**OUTSTANDING APPEALS (CONT..)**

15/0006/REF 14/0559/FULL	Mrs C O'Shea 14 Plymouth Road Penarth CF64 6LR	Demolish lean-to outbuilding and construct a single-storey rear extension at 28 Penallta Road Ystrad Mynach Hengoed	03.06.15
15/0007/REF 11/0594/OUT	Ms V Veale Fernbank 34 Lon-Y-Llyn Caerphilly	Erect residential development at Land Adj To Groeswen Farm Groeswen Road Groeswen Cardiff	16.06.15
15/0008/REF 14/0518/NCC	Au Trust SIPP - DM Watts ISS0295 C/o Au Trust Ltd Imperial House Imperial Way Newport	Vary Condition 01 of planning permission 09/0197/NCC (Remove condition (1) from planning application P/04/0219 to erect residential development) to extend the time limit within which development can commence for a further five years at Land North Of Glan-Yr-Afon Glan-Yr-Afon Lane Fleur-de-lis Blackwood	16.06.15
15/0009/REF 14/0801/FULL	Mr S Owen Lwyncelyn Central Avenue Oakdale Blackwood	Drop kerb to public footpath and provide drive access at Lwyncelyn Central Avenue Oakdale Blackwood	19.06.15

**APPEALS DECIDED**

**None.**