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Date: 30th September 2015

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 7th October, 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 the 9th September 2015.	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. 15/0023/COU - Manchester House, 1 Clifton Street, Caerphilly, CF83 1HA. 9 - 20
- 6 Site Visit Code No. 15/0360/FULL - 13 Rising Sun Close, Oakdale, Blackwood, NP12 0JB. 21 - 30
- 7 Site Visit Code No. 15/0423/FULL - McDonalds Restaurants Ltd, Unit C Crossways Park, Parc Pontypandy, Caerphilly, CF83 3NL. 31 - 44
- 8 Site Visit Code No. 15/0424/ADV - Reconfigure Existing Signage Suite, McDonalds Restaurants Ltd, Crossways Park, Parc Pontypandy, Caerphilly. 45 - 52

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

- 9 Code No. 15/0252/OUT - Land At Cwmgelli, Blackwood, NP12 1BZ. 53 - 88
- 10 Code No. 15/0463/OUT - Land Adjacent To Victoria House, Ashfield Road, Newbridge, Newport, NP11 4RA. 89 - 102
- 11 Code No. 15/0433/FULL - Pen-y-Fan Farm, Pen-y-Fan Farm Lane, Manmoel, Blackwood, NP12 0HZ. 103 - 124
- 12 Code No. 15/0451/FULL - Land at Pen-yr-Heol-Las, Manmoel Road, Manmoel, Caerphilly. 125 - 150

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

- 13 Preface Item Code No. 15/0038/OUT - Land North of Pandy Road, Bedwas, Caerphilly. 151 - 188
- 14 Code No. 14/0836/FULL - The Surgery, Oakfield Street, Ystrad Mynach, Hengoed. 189 - 198
- 15 Code No. 14/0855/FULL - Land at Watford Road, Caerphilly. 199 - 218
- 16 Code No. 15/0472/FULL - 16 Griffiths Street, Ystrad Mynach, Hengoed CF82 7AW. 219 - 228
- 17 Code No. 15/0526/LA - Brodawel House, Court Road, Energlyn, Caerphilly, CF83 2QW. 229 - 236
- 18 Code No. 15/0669/FULL - Fwrrwm Ishta House, 68 Commercial Road, Machen, Caerphilly, CF83 8PG. 237 - 248
- 19 Consultation from Welsh Government about Secondary Legislation for Development

Management

249 - 254

- 20 Town and Country Planning Act 1990 – Objection to Caerphilly County Borough Council Tree Preservation Order 78 of 2015 – Land South of Ynys Field Recreation Ground, Pengam.
255 - 260

To receive and note the following information items: -

- 21 Applications determined by delegated powers.
261 - 272
- 22 Applications which are out of time/not dealt with within 8 weeks of date of registration.
273 - 278
- 23 Applications awaiting completion of a Section 106 Agreement.
279 - 280
- 24 Appeals outstanding and decided.
281 - 282

Circulation:

Councillors M.A. Adams, Mrs E.M. Aldworth, J. Bevan, D. Bolter, D.G. Carter (Chair), Mrs P. Cook, W. David (Vice Chair), 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, J. Simmonds, 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, 9TH SEPTEMBER 2015 AT 5:00PM

PRESENT:

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

Councillors:

M. Adams, Mrs E. M. Aldworth, D. Bolter, Mrs P. Cook, H.R. Davies, J. E. Fussell, Mrs J. Gale, R.W. Gough, A.G. Higgs, A. Lewis, Mrs G. D. Oliver, D. Rees, Mrs J. Summers, Mrs E. Stenner, J. Taylor

Together with:

T. Stephens (Development Control Manager), R. Crane (Solicitor), M. Noakes (Senior Engineer, Highway Planning), G. Mumford (Senior Environmental Health Officer), M. Davies (Principal Planner), G. Lewis (Principal Planner), C. Powell (Senior Planner), C. Boardman (Senior Planner), A. Pyne (Senior Planner), V. Morgan (Planner), R. Lloyd (Special Projects Officer) and E. Sullivan (Democratic Services Officer)

APOLOGIES

Apologies for absence had been received from Councillors J. Bevan, L. Gardiner and K. Lloyd and P. Elliott (Head of Regeneration and Planning)

1. DECLARATIONS OF INTEREST

Declarations of interest were received at the beginning and during the course of the meeting as follows:- Councillors D.G. Carter and Cllr D. Bolter – Agenda Item 6a – 15/0226/COU, Councillors J. Taylor and Mrs E.M. Aldworth – Agenda Item 6 – 15/0043/FULL, Councillor Ms J. Gale – Agenda Item 11 – 14/0024/FULL and R. Crane (Solicitor) Agenda Item 5 – 15/0038/OUT details are minuted with the respective item.

2. MINUTES

RESOLVED that the minutes of the Planning Committee held on 5th August 2015 (minute nos. 1-21) 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) Code No. 15/0360/FULL - 13 Rising Sun Close, Oakdale, Blackwood.
- (2) Code No. 15/0023/COU - Manchester House, Clifton Street, Caerphilly.
- (3) Code No. 15/0423/FULL - McDonalds Restaurant Ltd, Unit 4 Crossways Park, Caerphilly.
- (4) Code No. 15/0424/ADV - McDonalds Restaurant Ltd, Unit 4 Crossways Park, Caerphilly.

4. SITE VISIT CODE NO. 15/0038/OUT – LAND NORTH OF PANDY ROAD, BEDWAS CAERPHILLY

R. Crane (Solicitor) declared an interest in that a family member owns land adjacent to the proposed development and left the Chamber when the application was discussed.

Professor M. Harmer, Councillor D. Havard and Councillor L. Jones spoke on behalf of residents in objection to the application and Mr T. Gent the applicant's agent spoke in support of the application.

A further petition in objection to the application was submitted by Councillor D. Havard and accepted by the Chair.

Councillor M. Adams wished it noted that he would be abstaining from voting as he felt that having been unable to attend the site meeting, he did not have enough information to make an informed decision.

Following consideration of the application it was moved and seconded that the application be deferred for a further report with reasons for refusal in that the proposed development is outside the settlement boundary and lies within a Special Landscape Area and as such is contrary to policy and by a show of hands (and in noting there was 1 abstention) this was agreed by the majority present.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) the application be deferred for a further report for reasons for refusal in that the proposed development is outside the settlement boundary and lies with a Special Landscape Area and as such is contrary to Caerphilly County Borough Council planning policy.

5. SITE VISIT CODE NO. 15/0043/FULL – LAND BETWEEN UNITS 4 & 10 BEDWAS BUSINESS CENTRE, BEDWAS HOUSE INDUSTRIAL ESTATE, BEDWAS, CAERPHILLY.

Councillor Mrs E.M. Aldworth having taken advice from the Monitoring Officer declared a prejudicial interest in that a family friend lives in very close proximity to the proposed development and would be directly affected by it and left the Chamber when the application was discussed.

Councillor J. Taylor declared a prejudicial interest in that the speaker in objection to the application was well known to him and left the Chamber when the application was discussed.

Mr M. Hubbard and Councillor D. Havard spoke on behalf of local residents in objection to the application. The applicant, who had been advised, decided not to speak.

It was moved and seconded that the application be deferred for a further report with reasons for refusal based on the detrimental impact to residential amenity.

An amendment was moved and seconded that the application be granted in line with the recommendation contained in the Officer's report.

By a show of hands (and in noting there were 12 against) the motion was lost and as such the amendment was declared carried.

It was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands (and in noting there were 3 against) this was agreed by the majority present.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) subject to the conditions contained in the Officer's report and the following amended and additional condition this application be granted;

Amended Condition (8)

Prior to the commencement of development, details of the hedgerow to be planted along the rear, northern boundary of the site shall be submitted for consideration and approval in writing with the Local Planning Authority. The scheme shall include details of the size and species of plants to be planted. Unless otherwise agreed in writing with the Local Planning Authority, the agreed details shall be implemented in the first planting and seeding season following the completion of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

In the interest of visual amenity.

Additional Condition (18)

Prior to the construction of the building hereby approved, details and/or samples of the materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of visual and 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 his permission: CW2 and CW3;
- (iv) the applicant be advised of the comments of the Transportation Engineering Manager, Council's Ecologist and Senior Engineer (Land Drainage).

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

6. **LATE AGENDA ITEM - PREFACE ITEM CODE NO. 15/0226/COU – 55 CARDIFF ROAD, BARGOED, CF81 8PA**

Councillor D.G. Carter declared a personal and prejudicial interest in the application on the basis that there could be a public perception that as he is closely involved with what could be perceived to be a rival establishment(s), this involvement, could potentially prejudice his judgement of the merits of this application and left the chamber when the item was discussed.

Councillor D. Bolter declared a prejudicial interest in the application on the basis that he was a Member of the Licensing Sub-Committee that considered and granted the license application and left the chamber when the item was discussed.

In the absence of the Chair, Councillor W. David (Vice-Chair) presided as Chair for this item.

Councillor David confirmed that he was prepared to accept this as a late item for the following reasons:-

1. The matter was previously reported to the Committee so the application has been in the public domain for some time.
2. The additional consultation did not attract any comment
3. Cllr T. Davies represents the objectors and he has not raised any objection to the proposal to include as a late item.

It was reported that an additional letter of objection had been received, a letter of support from Bargoed Chamber of Trade and a petition in support of the application.

Councillor D.T. Davies who had requested to speak was not present but on behalf of local residents submitted an email in objection to the application, which was summarised by the Development Control Manager. Ms T. Moberly on behalf of the applicant spoke in support of the application.

Having considered the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands (in noting there was 1 against) this was agreed by the majority present.

RESOLVED that: -

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

Amended Condition (03)

The use hereby permitted shall not be open to customers outside the following times: 12.00 hours to 23.30 hours Monday to Sunday.

Reason

In the interest of residential amenity

- (ii) the applicant be advised that 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.

7. **CODE NO. 15/0360/FULL – ERECT DORMER EXTENSION WITH INTERNAL ALTERATIONS, 13 RISING SUN CLOSE, OAKDALE, BLACKWOOD, NP12 0JB.**

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

RESOLVED that the application be deferred for a site visit.

8. CODE NO. 15/0468/RET – PLAS HOUSE, RHOSNEWYDD TERRACE LANE, BLACKWOOD, NP12 1DT

Following consideration of the application it was moved and seconded that the recommendation contained within 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 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.

9. CODE NO. 15/0554/NMA – BLUEBELL BUNGALOW, HEOLDDU ROAD, GELLIGROES, PONTLLANFRAITH, BLACKWOOD, NP12 2HT

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 this application be granted.

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

10. CODE NO. P/99/0768 – DISCHARGE OF CONDITION 4(5) ATTACHED TO LAND AT PENALLTA COLLIERY, YSTRAD MYNACH, HENGOED

Following consideration of the application it was moved and seconded that the recommendation in relation to the latest revision of the proposed play area (version 8) be approved and by a show of hands this was unanimously agreed.

RESOLVED that the latest revision of the proposed play area be approved.

11. CODE NO. 14/0024/FULL – FWRRWM ISHTA INN, 68 COMMERCIAL ROAD, MACHEN, CAERPHILLY, CF83 8PG

Councillor Ms J. Gale declared a prejudicial interest in that she lives in very close proximity to the proposed development and left the Chamber when the application was discussed.

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

RESOLVED that the application be refused.

12. CODE NO. 15/0023/COU – MANCHESTER HOUSE, 1 CLIFTON STREET, CAERPHILLY, CF83 1HA

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

RESOLVED that the application be deferred for a site visit.

13. CODE NO. 15/0397/COU – 3 STATION TERRACE, CAERPHILLY, CF83 1HD

It was reported that an additional letter of objection had been received the details contained therein were summarised by the Planning Officer.

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 (and in noting there were 2 against) this was agreed by the majority present.

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 Dwr Cymru;
- (iii) the applicant be advised that in preparing the schemes for control of noise and odour advice should be sought from the Council's Environmental Health Officer (01495 235279). The scheme for control of noise should incorporate measures to protect the future occupiers of the first floor flat from noise from the takeaway at ground floor level;
- (iv) 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 the permission: CM1, CW2, CW3, CW14 and SP6.

14. CODE NO. 15/0423/FULL – MCDONALDS RESTAURANT LTD, UNIT C, CROSSWAYS PARK, PARC PONTYPANDY, CAERPHILLY, CF83 3NL

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 (all Members) and by a show of hands this was unanimously agreed.

RESOLVED that the application be deferred for a site visit.

15. CODE NO. 15/0424/ADV – RECONFIGURE EXISTING SIGNAGE SUITE, CROSSWAYS PARK, PARC PONTYPANDY, CAERPHILLY

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

RESOLVED that the application be deferred for a site visit.

16. CONSULTATION FROM WELSH GOVERNMENT ABOUT SECONDARY LEGISLATION FOR DEVELOPMENT MANAGEMENT

Mr T. Stephens, Development Control Manager introduced the report which outlined proposals in relation to Secondary Legislation for Development Management as part of the consultation process.

The proposals and consultation questions in relation to invalid applications, decision notices, notification of development, consultations in respect of certain applications for approval, appeal against a notice issued in respect of land adversely affecting amenity, post submission amendments, application that fall within Section 73 of TCPA 1990 and a national scheme of charging fees for pre-application advice were noted along with the Officer's responses.

Members were referred to the table in section 19 of the report and the standard national fees proposed for pre-application advice, which were noted to be similar to those charged by this Council and were in some cases higher. However, the Development Control Manager confirmed that where Welsh Government proposed a charge of £25 for a domestic query, Officers felt that a charge of £48 would more appropriately cover costs and for minor developments where Welsh Government proposed a fee of £100, Officers felt that £150, the current fee, would also more appropriately cover costs.

The Chair thanked the Officer for his report and full discussion ensued.

Having fully considered the report it was moved and seconded that the recommendation contained there be approved and by a show of hands this was unanimously agreed.

RESOLVED that the answers to the consultation questions contained within the Officers report be forwarded to Welsh Government.

17. INCREASE IN FEES 2015

Mr T. Stephens, Development Control Manager introduced the report which advised Members of the changes to the fees for the submission of planning applications and other legislative changes coming into effect from the 1st of October 2015.

Members were advised that an increase of approximately 15% would be introduced under these changes. The Officer highlighted one significant change which introduced a policy for the refund of fees and advised that there would now be a requirement to refund a fee should a decision not be given within a certain period of time. It was noted that once a planning application has been validated, Welsh Government expects the LPA to make a decision on the proposal as quickly as possible, within an 8 week timeframe for the majority of applications. This meant that Officer's would need to act more promptly in getting applications to the committee and changes to the current planning site visit procedure would need to be considered if possible refund requests were to be avoided. The Development Control Manager advised that a further report would be brought before the committee detailing a new site visit process that would see visits held the day before (Tuesday) the Planning Committee meeting.

The Chair thanked the Officer for his report and having fully considered its content the Planning Committee noted the report.

18. LOCAL LIST REPORT

Mr T. Stephens, Development Control Manager introduced the report which proposed the adoption a local list for validating planning applications for major developments. The local list would cover a variety of additional information which would be required to accompany major proposals where appropriate.

The Officer referred to section 3 and 4 of the report which detailed the criteria for requiring the submission of additional information and the various assessment that often accompany major applications including Air Quality, Open Spaces and Affordable Housing provision etc.

Members noted the table in section 5 of the report which detailed the national list and the local list which Officers would follow on adoption.

The Chair thanked the Officer for his report and full discussion ensued.

Having fully considered the report and the recommendation contained therein it was moved and seconded that the local list as detailed in section 5 of the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that the local list as detailed in section 5 of the Officers report be adopted.

19. 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 19.08 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 7th October 2015, they were signed by the Chair.

CHAIR



PLANNING COMMITTEE – 7TH OCTOBER 2015

SUBJECT: SITE VISIT - CODE NO. 15/0023/COU – MANCHESTER HOUSE, 1 CLIFTON STREET, CAERPHILLY, CF83 1HA.

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

PRESENT:

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

Councillors Mrs E.M. Aldworth, Mrs P. Cook, C. Elsbury, Ms. J. Gale, S. Kent and Mrs J. Summers

1. Apologies for absence were received from Councillors J. Bevan, J.E. Fussell, L. Gardiner, Mrs G. Oliver and J. Simmonds.
2. The Planning Committee deferred consideration of this application on 9th September 2015 for a site visit. Members and Officers met on site on Tuesday, 22nd September 2015.
3. Details of the application to retain A1 use part ground floor and convert upper floors to residential at Manchester House, 1 Clifton Street, Caerphilly, CG83 1HA were noted.
4. Those present viewed the site and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that the proposed development sought to provide 6 flats comprising five two-bedroom flats and one one-bedroom flat to the first and second floors and retain retail unit, store room and bin stores to the ground floor. Some alterations to the exterior of the building are also proposed which included the addition of new windows and doors.
6. Members noted that the proposed development had no associated car parking facility and expressed concern in relation to the additional traffic movements and parking problems that the introduction of 6 additional flats would have in an already heavily congested area. Local Ward Members referred to existing parking, air quality and highway safety issues and the impact an additional 12 possibly 13 cars would have. Concern was also expressed that this would cause major issues for residents on neighbouring streets and for Caerphilly town centre which is already gridlocked.

Highways Officers confirmed that given the less intensive demand in parking terms of the proposed uses, when measured against LDP 5 Car Parking Standards the application was acceptable in planning terms. It was noted that there was only a 46% subscription to resident parking-permits on Van Road and a twilight survey on Van Road at 7.00pm had shown some parking to be available. However Members felt that the short term parking associated with retail use where customers would access pay and display facilities for a limited period of time

throughout the day could not be compared to long term parking requirements and additional traffic movements that would be associated with a residential development of this size.

7. Officers advised that the proposed mixed retail and residential was acceptable in planning terms and would have a positive impact on the area, bringing an empty unit back into use and increasing footfall to the town centre.

Members expressed reservation that the tenants of the residential units would increase town centre footfall to any extent, but would inevitably have car parking needs that could not be met and increase traffic movements around an already heavily congested area.

8. Officers confirmed that following advertisement to neighbouring properties and a site notice being posted, 12 letters of objection had been received. Details of the objections are within the Officer's original report.
9. 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.
10. A copy of the report submitted to the Planning Committee on 9th September 2015 is attached. Members are now invited to determine the application.

Author:	E.Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	C. Powell	Senior Planner
	M. Noakes	Senior Engineer (Highway Development Control)
	L. Cooper	Engineer (Highway Development Control)
	M. Godfrey	Environmental Health Officer

Appendices:
Appendix 1 Report submitted to Planning Committee on 9th September 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0023/COU 27.01.2015	Mr J Khehra 192 Bedwas Road Caerphilly CF83 3AU	Retain A1 use part ground floor and convert upper floors to residential Manchester House 1 Clifton Street Caerphilly CF83 1HA

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application property is situated on the junction of Clifton Street with Van Road.

Site description: The application property is a large and imposing corner property that is currently vacant but has most recently been used as a furniture shop. The building is largely two storeys with some accommodation in the roof space of part of the building. It is finished in render with a part tiled roof, with part of the roof being flat.

The part of the building on the very corner has the accommodation in the roof space and has an apex roof with a chamfered corner feature in keeping with many Victorian or Edwardian corner buildings. To the left of this and facing onto Van Road is a further two storey element that has a flat roof whilst to the right and facing onto Clifton Street is a single storey element.

As stated above the building is currently vacant but it is a long established retail premises with retail to the majority of the ground and first floors. There is a small area of storage to the ground floor with living accommodation to approximately one third of the first floor and in the roof space.

The property is located on the edge of Caerphilly Town Centre with a public house to the north and on the opposite side of Van Road, the new Caerphilly Library to the west and on the opposite side of Clifton Street, and residential property to the east and south along Van Road and Clifton Street.

Cont'd.....

Application No. 15/0023/COU Continued.

Development: The application seeks full planning consent for the change of use of the building to a mixed use of retail and residential. The use will encompass the retention of a retail use to the majority of the ground floor together with the provision of staff facilities, a store room, bin stores for the retail unit and the flats, a cycle store and stair access. There will then be 6 flats to the first floor (with the living room of one of the flats being on the second floor) including five two-bedroom flats and one one-bedroom flat. The flats will be accessed via the stairwell from the ground floor with a doorway off Clifton Street. Each flat will then have a separate access within the building off a shared corridor.

Some alterations to the exterior of the building are also proposed including the erection of an extension to the first floor of the single storey element on Clifton Street, the addition of three new windows and two new doors into the Clifton Street elevation, two new windows into the south elevation (facing the side of number 2 Clifton Street) and five new windows into the east elevation (facing the side of number 1 Van Road).

Materials: All windows and doors are to be repaired in matching materials with the exterior render being repaired. The extension will have a flat 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: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP14 (Total Housing Requirements), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Cont'd.....

Application No. 15/0023/COU Continued.

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

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

Transportation Engineering Manager - No objection is raised given the less intensive demand in parking terms of the proposed uses against the existing uses of the premises, when measured against LDP 5 Car Parking Standards.

CCBC Housing Enabling Officer - The developer will need to provide 40% affordable housing on this site.

Head Of Public Protection - No objection subject to conditions.

ADVERTISEMENT

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

Response: 12 letters of objection were received.

Cont'd.....

Application No. 15/0023/COU Continued.

Summary of observations:

- 1 Loss of privacy;
- 2 Lack of off street car parking;
- 3 Increased noise pollution;
- 4 This town centre property should be put to better use;
- 5 Detrimental impact on the character of the area;
- 6 Additional danger to pedestrians;
- 7 This type of accommodation is not required in this area;
- 8 The proposal would increase pollution in the area;
- 9 Concerns that the applicant will be unable to manage and maintain the property correctly;
- 10 The proposal will affect bats;
- 11 The building is not fit for purpose.

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 the bat survey submitted with the application it is possible that Pipistrelle bats may roost in the building. In that regard the developer will need to apply for a Development Licence prior to any works commencing on site.

Is this development Community Infrastructure Levy liable? Yes. Based on an increased residential floor area of 242.33 square metres an amount £9,693.20 is payable. However, the developer may be eligible for relief for the affordable housing element.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application property is situated within settlement limits and on the edge of the defined town centre with residential properties nearby. In that regard it is considered that the principle of a mixed use retail and residential use in this area is acceptable in planning terms. Indeed from an economic development perspective, the mixed use (and bringing this currently vacant property back into beneficial use) would have a positive impact on the area and would help to maintain the vitality and viability of the town centre.

Cont'd.....

Application No. 15/0023/COU Continued.

Notwithstanding the above comments 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 It is accepted that the application proposes the introduction of new windows into the eastern and southern elevations of the building, which would face the properties at 1 Van Road and 2 Clifton Street respectively. However, it should also be noted that the application proposes to fit obscure glazing to the bottom half of those windows up to a height of 1.5m from ground level. It is considered that this would give an adequate degree of privacy to the neighbouring properties as any views into the rear gardens of those dwellings would be restricted and would result more in looking over rather than overlooking. It should also be noted that the windows in the southern elevation would face the pine end of the dwelling at number Clifton Street and as such there would be no direct overlooking in any event.

2 In terms of off street parking the Transportation Engineering Manager has offered the following comments: -

'No objection is raised given the less intensive demand in parking terms of the proposed uses against the existing uses of the premises, when measured against LDP 5 Car Parking Standards.'

It is calculated that the existing uses at the property require a total of 13.5 parking spaces whilst the proposed uses require 11 spaces which results in a net reduction in spaces. The central and sustainable location of the property also has to be taken into account with the building being located on the edge of the town centre with local amenities nearby and regular public transport services in the area. In that regard it is not felt that the lack of off street parking would be unacceptable in planning terms or that it would justify the refusal of the application.

3 The application property is an established retail premises within a defined town centre and it is on this basis that the noise impacts of the development have to be judged. The proposed use would lead to a reduction in the scale of the retail use in the building which should be beneficial in terms of noise nuisance whilst residential development is unlikely to have a detrimental impact on the amenity of neighbouring residential uses. In that regard it is not felt that the proposal would have a detrimental impact as a result of noise nuisance. It should also be noted that The Head of Public Protection has suggested conditions restricting the operational hours of the retail unit in order to protect the amenities of the occupiers of the flats and this should have a positive impact in terms of the amenity of neighbouring dwellings also.

Cont'd.....

Application No. 15/0023/COU Continued.

4 Whilst it may be considered that an alternative retail or commercial use of the application property would be preferred the Local Planning Authority has a duty to determine the application as submitted and considered it on its own planning merits.

5 It is considered that a mixed use of residential and retail at this edge of town centre location would be in keeping with the mixed use character of the area.

6 The application has been considered by the Transportation Engineering Manager in terms of highway safety and no objection has been raised. It is not considered that a mixed use would result in any increased dangers to pedestrians than the existing use.

7 Whilst it is not for the Local Planning Authority to consider whether this type of accommodation is required in this area, it is considered that this assumption is incorrect. The Council's Local Housing Market Assessment produced in April 2015 identifies a need for 1-and 2- bedroom units in the Caerphilly area and this development meets that need.

8 The application has been assessed by the Head of Public Protection and no objections have been raised. Whilst the proposed extension may increase the canyon effect alluded to by the objector it is not felt that this would lead to a marked increase in pollution. Moreover, it is considered that the lack of off street car parking in this development would be of benefit in terms of air pollution as it would result in less vehicular movements in the area.

9 The applicant's inability to manage and maintain the premises is not a valid reason to refuse the application.

10 A bat survey has been submitted with the application and this has been assessed by the Council's Ecologist. It is considered that there may be potential impacts on bat roosts but that this can be adequately covered by condition.

11 The objector has not stated why it is considered that the building is not fit for purpose. In any event it is not for the Local Planning Authority to consider this in this instance.

Comments from consultees: No objections raised. With regard to the conditions requested by Head of Public Protection and the Council's Ecologist it is considered that these are reasonable and necessary to make the application acceptable in planning terms.

Comments from public: Addressed above.

Cont'd.....

Application No. 15/0023/COU Continued.

Other material considerations: In conclusion it is considered that the proposed development would be acceptable in planning terms. The re-introduction of a retail use into this vacant premises together with the introduction of the residential use to the first floor would have a beneficial impact on the vitality and viability of the town centre and as such the proposal has economic benefits to the wider area. It is not felt that there would be any detrimental impacts on highway safety, amenity or privacy as a result of the proposal and the housing provision would meet an identified need in the area.

RECOMMENDATION that (A) the application is DEFERRED to allow the applicant to enter into a Section 106 Agreement in order to secure affordable housing as set out above. On completion of the Agreement (B) 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) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
REASON: To ensure adequate protection to protected species.
- 03) The development hereby approved shall be carried out fully in accordance with the recommendations made in Section 10 The outline Method Statement of the Bat Survey Report dated December 2014, prepared by Richard Watkins 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.
- 04) Bat activity surveys to monitor the new bat roosts within the development hereby approved shall be carried out by a competent ecologist between May to August for a minimum of 2 years post-completion of the development and the results submitted to the Local Planning Authority annually together with any recommendations of the ecologist for amendments to the approved scheme arising from the survey results. The approved amendments shall be implemented in full.
REASON: To provide information on the success of the bat roost mitigation, in the interests of biodiversity.

Cont'd.....

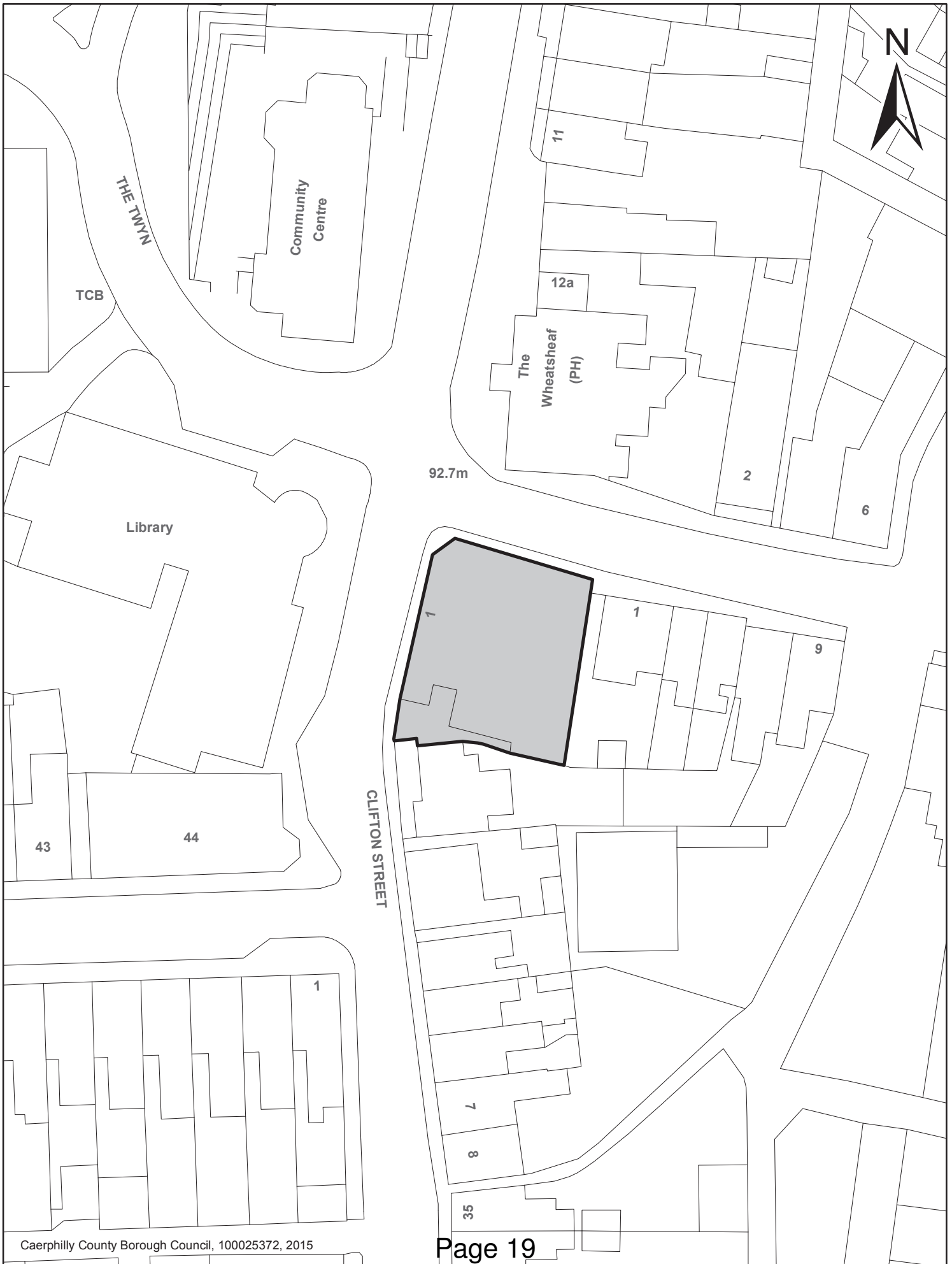
Application No. 15/0023/COU Continued.

- 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 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.
- 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 property at 1 Clifton Street, Caerphilly, 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 and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 07) The use hereby permitted shall not be open to customers outside the following times 08.00hrs to 18.00hrs Monday to Saturday 10.00hrs to 16.00hrs on Sundays.
REASON: In the interests of residential amenity.
- 08) No deliveries shall be taken at or dispatched from the site outside the hours of 08.00hrs to 18.00hrs Monday to Saturday with No deliveries on Sundays.
REASON: In the interests of residential amenity.

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: .

Please find attached information in relation to bat and bird boxes.



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PLANNING COMMITTEE – 7TH OCTOBER 2015

SUBJECT: SITE VISIT - CODE NO. 15/0360/FULL – 13 RISING SUN CLOSE, OAKDALE, BLACKWOOD, NP12 0JB

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

PRESENT:

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

Councillors Mrs P. Cook, L. Gardiner, J. Simmonds and Mrs J. Summers

1. Apologies for absence were received from Councillors J. Bevan, Mrs G. Oliver and R. Saralis.
2. The Planning Committee deferred consideration of this application on 9th September 2015 for a site visit. Members and Officers met on site on Tuesday, 22nd September 2015.
3. Details of the application to erect a dormer extension with internal alteration at 13 Rising Sun Close, Oakdale, Blackwood, NP12 0JB were noted.
4. Those present viewed the site and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that the proposed development sought to increase the existing ridge height from 5.0m to 6.65m and insert 3 dormers into the roof space to facilitate the creation of first floor living accommodation.
6. Concerns were expressed with regard to the impact of the increased ridge height on the existing street scene which is primarily made up of bungalows and that it would be out of keeping and set an unacceptable precedent for further developments. The Officer confirmed that although the increased roof pitch would significantly alter the appearance of the host dwelling, there were already properties within the existing street scene where ridge heights had been increased to accommodate rear dormers. As the host building was already different in terms of its position, orientation, material and design it was not considered necessary to require a scheme that mimics adjacent properties. Clarification was sought with regard to the roof material finish; it was felt that the Alaska grey profiled steel would be too industrial a finish in a residential area and the Officer confirmed that he would be able to update Members at committee in this regard.
7. Officers confirmed that following advertisement to 10 neighbouring properties and a site notice being posted, 14 objections had been received. Details of the objections are within the Officer's original report.

8. 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.
9. A copy of the report submitted to the Planning Committee on 9th September 2015 is attached. Members are now invited to determine the application.

Author: E.Sullivan Democratic Services Officer, Ext. 4420
Consultees: C. Boardman Senior Planner

Appendices:
Appendix 1 Report submitted to Planning Committee on 9th September 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0360/FULL 03.07.2015	Mr L Hall 11 Cefn Road Blackwood NP12 1QA	Erect dormer extension with internal alterations 13 Rising Sun Close Oakdale Blackwood NP12 0JB

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application is located on the junction of Rising Sun Close and Rhiw Syr Dafydd Hill, Oakdale.

House type: Detached bungalow.

Development: Increase ridge height and insert 2 dormers into the roof space to facilitate creation of first floor living accommodation.

Dimensions: It is proposed to increase the ridge level of the existing bungalow from 5.0 metres to 6.65 metres, i.e. an increase of 1.65 metres. The proposed flat roofed dormers which are proposed on each roof plane measure 9.75 metres in width, 2.4 metres in height and 2.2 metres in depth.

Materials: Dormers and gables - Siberian larch cladding.
Roof - Slate grey or Alaska grey profiled steel.

Ancillary development, e.g. parking: Enlargement of ground floor window in west facing elevation.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

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

Cont'd.....

Application No. 15/0360/FULL Continued.

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways) as well as advice contained in Supplementary Planning Guidance LDP7: Householder Developments (November 2010).

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? Yes. However given the nature of the proposal, any coal mining legacy issues will be controlled by way of the Building Regulations.

CONSULTATION

Dwr Cymru - Provides advice to the developer.

ADVERTISEMENT

Extent of advertisement: Ten neighbouring properties were consulted by letter and a site notice was displayed near the application site.

Response: 14 objections were received.

Application No. 15/0360/FULL Continued.

Summary of observations:

- Loss of views;
- Out of keeping with the estate/street scene;
- Overbearing;
- Devaluation of property;
- Incongruous element in streetscene;
- Detract from the character of the nearby Oakdale Conservation Area;
- Works progressing at property prior to granting of planning permission;

▪ Cont'd.....

Application No. 15/0360/FULL Continued.

- Only dormer windows on the rear elevation of the properties along Rising Sun Close have previously been approved;
- Set a precedent for further developments;
- Loss of outlook.

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 not CIL liable.

ANALYSIS

Policies: The proposed development should be considered in terms of its design and impact on the visual amenity of the surrounding area, as well as its impact on the residential amenity of neighbouring properties. The proposal, which incorporates increasing the pitch of the existing roof from approximately 26 degrees to 42 degrees, which will result in an increase in overall ridge height of 1.65 metres, and incorporating 2 almost full width dormers into the roof space, will significantly alter the appearance of the host dwelling. However, given its position, orientation, materials and design, the dwelling is significantly different in terms of its appearance and design than the existing properties from Nos. 1-12, and 18 and 19 Rising Sun Close, and therefore it is not considered necessary to require a scheme that mimics these properties.

Several of the properties on Rising Sun Close have rear dormers, where the ridge level has been raised to facilitate the required head heights internally. Therefore it is not considered that the principle of dormers is unacceptable within the context of the existing streetscene. Whilst the ridge level could be raised by 0.7 metres to facilitate the required head heights, this would result in a flat roofed property that would be undesirable in design terms. Furthermore, it is considered that the proposed materials are of a high specification, and will enhance the appearance of the application dwelling, thereby improving the appearance of the property at the entrance to Rising Sun Close. Conditions will be attached to the permission requiring samples of materials to be agreed prior to the commencement of works, to ensure appropriate materials are used.

Cont'd.....

Application No. 15/0360/FULL Continued.

In terms of the impact of the proposed development on the residential amenity of neighbouring properties, it is not considered that the proposal will result in an overbearing or overshadowing impact on the properties to the east, which are at least 22 metres away and at a higher level. Furthermore, such a distance is considered acceptable in terms of privacy. The property most impacted by the proposal is No. 14 Rising Sun Close, which is to the west of the application site and at a lower level. However, the east facing windows in No. 14 are obscurely glazed windows that serve a kitchen and bathroom. Therefore, given the existing difference in levels, and windows affected, it is not considered that the proposal would result in an increased overbearing impact on this property to a degree to warrant a refusal of planning permission.

The proposal involves increasing the number of bedrooms from 2 to 3, and therefore a condition will be attached to the permission to reflect the Councils Adopted Car Parking Guidelines. For the reasons outlined above, it is considered that the proposed development is considered acceptable subject to conditions.

Comments from consultees: Dwr Cymru provides advice to the developer.

Comments from public:

1. Loss of views - This is not a material planning consideration.
2. Out of keeping with the estate/street scene - The existing bungalow is already a different house type to Nos. 1-12, and 18 and 19 Rising Sun Close and therefore it is not considered that altering the appearance of the existing bungalow by way of adding dormers and changing the external finishes would result in a dwelling any more out of keeping with the existing streetscene than is already the case.
3. Overbearing - The only dwelling that the proposed development could possibly have an overbearing impact on is the bungalow directly to the west, i.e. No. 14 Rising Sun Close that is at a lower level than the application property. However, the only east facing windows in No. 14 are obscurely glazed and serve a bathroom and kitchen. Therefore it is not considered that the proposed development would result in an overbearing impact on any neighbouring property to a degree to warrant a refusal of planning permission.
4. Devaluation of property - This is not a material planning consideration.
5. Incongruous element in streetscene - Although it is accepted that the proposed dwelling would not mimic the majority of properties along Rising Sun Close, neither does the existing dwelling. It is considered that the proposal will improve the appearance of the existing dwelling, and enhance the entrance to Rising Sun Close.
6. Detract from the character of the nearby Oakdale Conservation Area - It is considered that the proposal will improve the appearance of the existing dwelling. Notwithstanding this, given the location of the dwelling, it is not considered that it affects the Oakdale Conservation Area.

Cont'd.....

Application No. 15/0360/FULL Continued.

7. Works progressing at property prior to granting of planning permission - Any works requiring planning permission undertaken by the developer prior to the granting of such a permission are undertaken at the financial risk of the developer.

8. Only dormer windows on the rear elevation of the properties along Rising Sun Close have previously been approved - It is assumed the reason for such a restriction was to maintain the existing streetscene and rhythm of front elevations along Syr Dafydd Avenue. The application property is set in a different context to Nos 1-12 Rising Sun Close and should therefore be considered in its unique setting and context.

9. Set a precedent for further developments - Any further applications in the area for dormer extensions will be considered on their own individual merits.

10. Loss of outlook - The application property is located at least 22 metres away from the nearest properties to the east and set at a lower level. Therefore it is not considered that it will result in a loss of outlook for neighbouring properties.

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 the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 03) Notwithstanding the approved plans before the approved extension works are occupied 3 off-street parking spaces shall be provided within the curtilage of the site in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety.

Cont'd.....

Application No. 15/0360/FULL

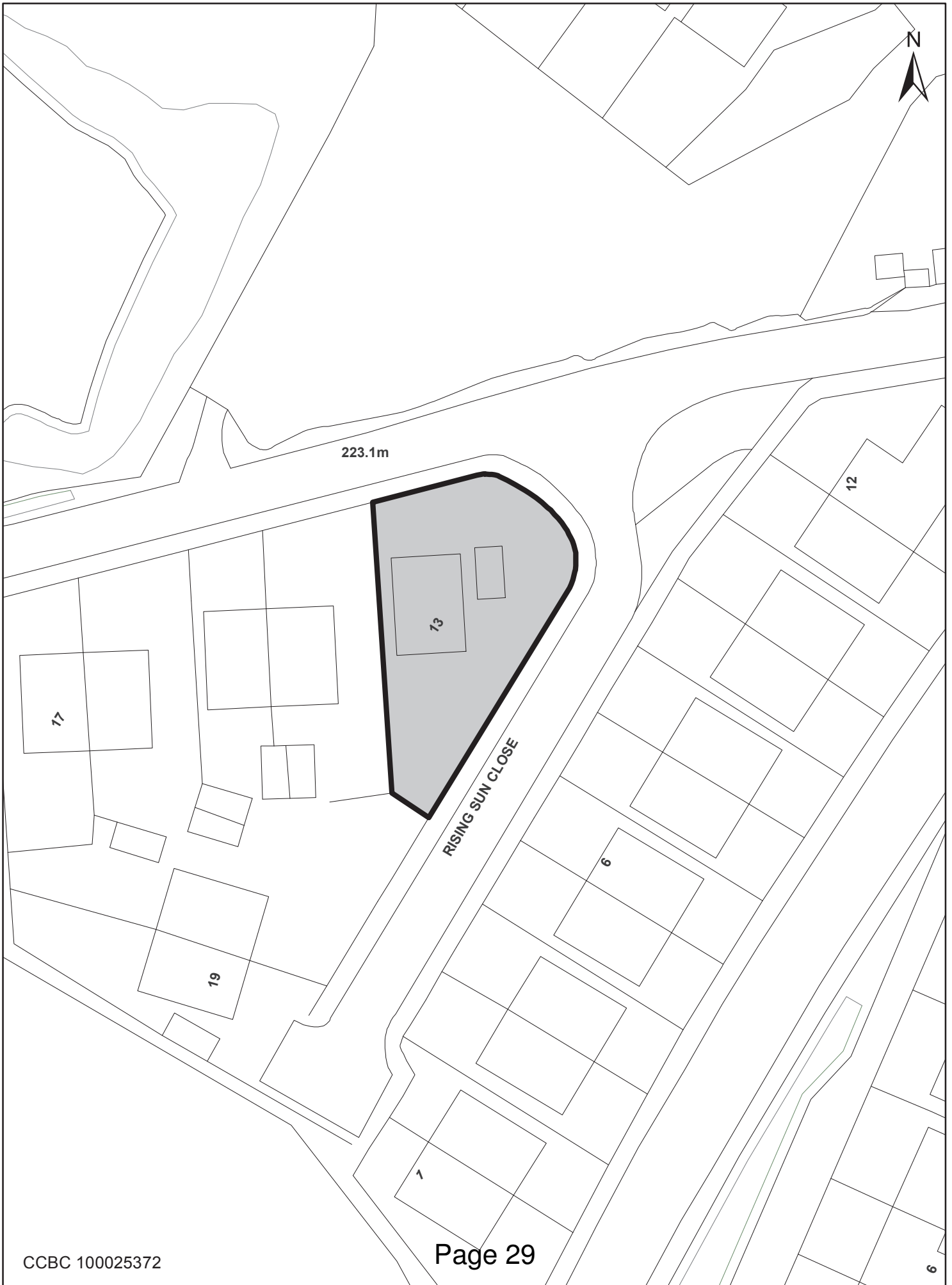
- 04) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Drawing No. 150321/05, 150321/06, 150321/07, received 25 May 2015 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

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

Advisory Note(s)

Please find attached the comments of Welsh Water 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: Policy CW2, CW3.



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PLANNING COMMITTEE – 7TH OCTOBER 2015

SUBJECT: SITE VISIT - CODE NO. 15/0423/FULL – MCDONALD'S RESTAURANT'S LTD, UNIT C, CROSSWAYS PARK, PARC PONTYPANDY, CAERPHILLY CF83 3NL

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

PRESENT:

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

Councillors Mrs E.M. Aldworth, Mrs P. Cook, Mrs J. Gale, J. Simmonds and Mrs J. Summers

1. Apologies for absence were received from Councillors J. Bevan, P. J Bevan, L. Gardiner and Mrs G. Oliver.
2. The Planning Committee deferred consideration of this application on 9th September 2015 for a site visit. Members and Officers met on site on Tuesday, 22nd September 2015.
3. Details of the application to erect extensions, provide minor reconfiguration of the car park, alter the roof, install new glazing and stall riser including associated works to the site at McDonalds Restaurants Ltd, Unit C Crossways Park, Parc Pontypandy, Caerphilly were noted.
4. Those present viewed the site and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that the application sought full planning permission for the erection of an extension to the front and side of the premises which would increase capacity by 14 seats, consent was also being sought for two smaller extensions to the rear of the building to accommodate additional office and staff dining space.
6. The local Member expressed concern with regard to highway safety in particular the speed and volume of cars entering and leaving the retail park and the impact this had on the adjacent residential estate and queried as to whether traffic calming measures could be implemented. The Highways Officer confirmed that there was a specific process in place with regard to traffic calming and that would need to be taken forward to the Traffic Management Team, who would look at the accident statistics relating to that specific roadway and then make an assessment. Members were advised that given the existing use of the development and that the application proposes only an additional 14 this would have a negligible impact.
7. Officers confirmed that following advertisement to neighbouring properties and a site notice being posted, 3 letters of objection and a petition of 31 signatures had been received. Details of the objections are within the Officer's original report.

8. 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.
9. A copy of the report submitted to the Planning Committee on 9th September 2015 is attached. Members are now invited to determine the application.

Author:	E. Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	C. Powell	Principal Planner
	M. Noakes	Senior Engineer (Highway Development Control)
	G. Mumford	Senior Environmental Health Officer
	R. Crane	Solicitor

Appendices:

Appendix 1 Report submitted to Planning Committee on 9th September 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0423/FULL 14.07.2015	McDonald's Restaurants Ltd 11- 59 High Road East Finchley London N2 8AW	Erect extensions, provide minor reconfiguration of the car park, alter the roof, install new glazing and stall riser including associated works to the site McDonalds Restaurants Ltd Unit C Crossways Park Parc Pontypandy Caerphilly CF83 3NL

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is the McDonalds restaurant at Crossways/ Gallagher Retail Park, Caerphilly.

Site description: The premises are an existing purpose-built single storey A3 restaurant which is largely rectangular in shape with a Mansard style roof. The building is finished in face brickwork with large glazed areas beneath a tiled roof. The site is bounded to the east by the A469 Caerphilly By pass, to the north by the Nant yr Aber and then the Tesco store, to the north west by the Pizza Hut Restaurant and to the south by the Travel Inn Motel and the Crossways Public House. To the west of the site is the roundabout on the junction of Parc Pontypandy and Heol Ty Merchant. Dwellings are located on either side of Heol Ty Merchant.

Development: The application seeks full planning consent for the erection of an extension to the front and side of the premises. The extension will enable a re-configuration of the internal layout of the premises to provide an increased capacity by 14 seats. This encompasses a rectangular extension to the side of the premises and a narrow rectangular extension to the front. Consent is also sought for the erection of two small extensions to the rear of the building to accommodate additional office and staff dining space.

Dimensions: The extension to the side measures 5.1m by 9.9m whilst the front extension measures 0.85m by 12m. The rear extensions measure 2.91m by 0.945m and 1.686m by 3.137m.

Cont'd.....

Application No. 15/0423/FULL Continued.

Materials: To match the host building.

Ancillary development, e.g. parking: The proposed side extension will be built on the area currently occupied by disabled parking spaces. As a result the application also seeks consent for a re-configuration of the car park including the loss of five standard parking spaces and one disabled parking space. The new disabled parking spaces will be provided to the rear of the side extension.

PLANNING HISTORY 2005 TO PRESENT

08/0270/NCC - Vary condition (6) of planning consent 5/5/96/0148 to allow the drive-thru facility only, to be open between the hours of 11.00p.m. and 7.30a.m. on Friday and Saturday nights only - Granted 20/05/2008.

08/0908/NCC - Vary condition 6 of planning consent 5/5/96/0148 to allow restaurant to open from 5am on Monday to Sunday inclusive - Granted 23/10/2008.

08/1052/FULL - Refurbish restaurant and alter elevations - Granted 04/11/2008.

08/1053/ADV - Install customer order display and various new signage - Granted 04/11/2008.

09/0521/NCC - Vary Condition (06) of Planning Consent 5/5/96/0148 to allow restaurant to open from 6.00 a.m. to 11.00 p.m. Monday to Sunday inclusive - Granted 10/09/2009.

10/0673/NCC - Vary Condition 6 of Planning Consent 5/5/96/0148 to allow restaurant to open from 6.00 a.m. Monday to Sunday inclusive - Granted 03/12/2010.

11/0248/NCC - Vary condition (06) of 5/5/96/0148 to allow the restaurant to trade 24 hours a day seven days a week with drive through only restriction between 11pm - 6am daily (for a 12 month temporary period) - Granted 07/07/2011.

11/0336/FULL - Create new drive thru lane, 2 no. new customer order display units, reconfigure car park and create 3 no. additional parking spaces together with associated hard and soft landscaping works - Granted 16/09/2011.

11/0337/ADV - Erect 3 no. rotating double three-sided menu units, relocate 2 no. rotating double three-sided menu units and relocate the existing height restrictor monolith - Granted 16/09/2011.

Cont'd.....

Application No. 15/0423/FULL Continued.

11/0762/NCC - Vary Condition (5) of Planning Permission 11/0336/FULL to widen bays to 2.6 metres - Granted 16/01/2012.

11/0810/NCC - Vary Condition 6 of Planning Permission 5/5/96/0148 to allow the restaurant to open 24 hours a day seven days a week with drive thru only trading between 11.00 p.m. and 6.00 a.m. daily - Granted 20/01/12.

12/0004/ADV - Erect illuminated double sided appendage, featuring the 24 hour logo to be fixed to the existing McDonalds Sky Sign - Granted 15/03/12.

13/0537/FULL - Extend existing car park on adjacent vacant land which includes the introduction of 38 new bays, with the reconfiguration of the existing car park and site access with associated works to the site - Granted 28/11/2013.

14/0278/NCC - Vary Condition 7 (Landscaping scheme) of planning consent 13/0537/FULL (Extend existing car park on adjacent vacant land which includes the introduction of 38 new bays, with the reconfiguration of the existing car park and site access with associated works - Granted 26/06/2014.

POLICY

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).

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.

Cont'd.....

Application No. 15/0423/FULL Continued.

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? Yes, a coal mining risk assessment has been submitted with the application. This has been assessed by The Coal Authority who has requested that a revised assessment be submitted prior to the determination of the application.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Dwr Cymru - Raises no objection but provides advice to be conveyed to the developer.

Principal Valuer - No objection.

Rights Of Way Officer - Advises that FP55 in the Community of Caerphilly abuts the site and must be protected at all times.

The Coal Authority - Objects to the application until such time as a revised Ground Stability Report is submitted.

ADVERTISEMENT

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

Response: Three letters of objection have been received from residents of the nearby housing estate, one with a 31 signature petition attached.

Cont'd.....

Application 15/0423/FULL

Summary of observations: The stated reasons for objection are:-

- excessive late night noise - shouting and screaming at night, racing car engines - all leading to disturbed sleep patterns;
- traffic problems - dangerous driving (e.g. too fast, and wrong way around the roundabout);
- the barriers previously installed as part of the application to extend the car park of the premises are not being raised and lowered at the correct times;
- traffic enters the extended car park the wrong way;
- litter - food packaging thrown from car windows, resulting in litter in the surrounding streets and even the gardens of the objectors; and,
- unwanted cooking odours;
- the police do not patrol the area
- a reduction in the number car parking spaces at the site;
- the fence on the south west boundary of the site does not adequately screen the car park from resident's homes.

In addition, the letters of objection include suggestions to deal with the issues raised above, as follows:-

- Revert the drive through opening hours to those in place before the 24/7 permission was granted;
- Install additional traffic calming measures at pedestrian crossing points along Parc Pontypandy;
- HGV vehicles should be re-routed through the northernmost entrance into the retail park;
- Carry out an acoustic monitoring report of the vehicles using Parc Pontypandy;
- Carry out a Transport Assessment for the application.

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?

Late night hot food takeaways are often associated with anti-social behaviour, although one does not necessarily follow the other. In this case, this is an area where there are already a number of such uses, and it would be unreasonable to object to the scheme on crime and disorder grounds unless there was firm evidence that these small extensions would give rise to significant problems.

Cont'd.....

Application No. 15/0423/FULL Continued.

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 main points to consider in the determination of this application are the design of the extensions and the impact of the proposal on the amenity of neighbouring properties. With regard to the design of the extensions it is considered that they are in keeping with the character of the host building. Whilst the largest of the extensions is on the elevation facing the front of the site, it is to be constructed in the same materials as the host building and would have the same architectural features. There is a large car park to the front of the site with the building being located to the rear of the site and as such it is not felt that it would be incongruous when viewed from public viewpoints.

In terms of the impact of the proposal on the amenity of the neighbouring properties it should be noted that the nearest residential properties are over 100m away from the facade of the proposed extension and there is a roundabout and the access road through the site in between. It should also be noted that the extension is a relatively modest structure with a floor area of approximately 50 square metres and which will accommodate an increase of 14 seats. In that regard it is not felt that the extension would lead to a marked increase in the numbers customers using the facility and as such there would be no unacceptable impact on the amenity of neighbouring residents.

Comments from consultees: Whilst The Coal Authority has raised an objection to the application until such time as a revised Coal Mining Risk Assessment is submitted, it should be considered that the application site is located within a defined retail park where a number of similar buildings have been erected. It is felt that a solution to provide adequate foundations to construct the extension in a mining area can be achieved and as such it would not be reasonable to withhold consent when a condition could be attached to any consent granted requiring the provision of an amended assessment together with details of an acceptable means of construction. No other objections were received from statutory consultees.

Comments from public: Each of the objections will be considered in turn below.
Cont'd.....

Application No. 15/0423/FULL Continued.

1 Whilst it is accepted that customers may be attracted to the Parc Pontypandy area as a consequence of the late night opening hours operated by McDonalds, that use has the benefit of planning consent. As stated above the proposed extension is a modest structure which would provide a small increase in the number of customers able to be accommodated within the restaurant itself. It would not lead to an increase in the opening hours of the restaurant itself and would not increase the number of customers that could be served by the drive through facility that operates after 10pm. In that regard it is not felt that the extension would have any impact on late night nuisance.

Moreover, such nuisance issues are a matter for the police in this case.

2 Residents have alleged that the area experiences high levels of traffic late at night with numerous examples of dangerous driving. Accident data for the area does not show a high level of problems, and there is no evidence that these small extensions could aggravate any existing problems.

3 The operation of the barriers at the site has been monitored by officers of the Local Planning Authority over a short period earlier this year following the receipt of complaints from local residents. The matter was pursued and it was noted that the barriers were lowered before 8am in breach of the condition attached to the consent. A letter was sent to McDonalds and the breach was ceased. Whilst the lowering of the barriers before 8am would be a breach of the condition, the Local Planning Authority would need to consider whether it is expedient to pursue enforcement action. In respect of the monitoring carried out by officers it is not felt that there was any impact on the amenity of local residents and as such it would not have been expedient to take enforcement action.

4 Whilst vehicles may enter the car park through the exit road, this would not allow them to enter the enlarged car park. Moreover this is not a material planning consideration.

5 Littering is a matter for Environmental Health legislation. McDonalds provide litter bins in their car park and these are frequently emptied to prevent overflow.

6 The Council's Environmental Health Division has received no complaints in respect of odours at McDonalds in over ten years.

7 Lack of police presence is not a material planning consideration.

8 Whilst the proposal would lead to a reduction in the number of parking spaces at the site, there is currently an over provision of spaces. Therefore the proposal would not lead to an increase in off-site parking.

9 The screen fence at the front of the site has the benefit of planning consent and is considered to be acceptable in planning terms. Its adequacy as a screen to this development is not relevant to the determination of this application.

The following comments are made in reference to the residents' suggestions as to how the Council should deal with McDonalds restaurant:

Firstly, the restaurant is a lawful use in planning terms, serving a wide community, and has all the necessary planning permissions in place, including permission for 24 hours operation of the drive through facility. If the Council were to withdraw or seek to take away those permissions, the compensation payable to McDonalds would probably be extremely high.

Cont'd.....

Application No. 15/0423/FULL Continued.

Road safety measures, such as speed restrictions and the use of 'traffic calming', are matters for the Highway Authority to address.

Re-routing of HGV vehicles through the northernmost access to the retail park is not a matter for the Local Planning Authority and has no bearing on the determination of this application.

As the use of the site as a retail park is established by planning consent and policy allocations it is reasonable to expect that there would be a high level of vehicular movement within the site. Indeed, from an economic development perspective such high levels of traffic should be welcomed as it is an indication of economic success within the area. In any event it would not be reasonable either to require McDonalds to carry out such a survey in respect of this consent or indeed to withhold consent for this proposal until such time as a survey is carried out.

A Transport Assessment would only be required for a retail development with a floor area in excess of 1000 square metres.

Other material considerations: The plans indicate a banner that would be a form of advertising for the restaurant. It is proposed to attach a condition clarifying the position that a separate application would be necessary for advertisement consent.

In conclusion it is considered that this modest extension to an established A3 restaurant within a defined retail park is acceptable in planning terms and that planning consent should be granted subject to the imposition of conditions.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) 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.

Cont'd.....

Application No. 15/0423/FULL Continued.

- 03) 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.
- 04) 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.
- 05) 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.
- 06) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 07) The car park indicated on the approved plan shall be retained for the parking of vehicles at all times.
REASON: In the interests of highway safety.

Cont'd.....

Application No. 15/0423/FULL Continued.

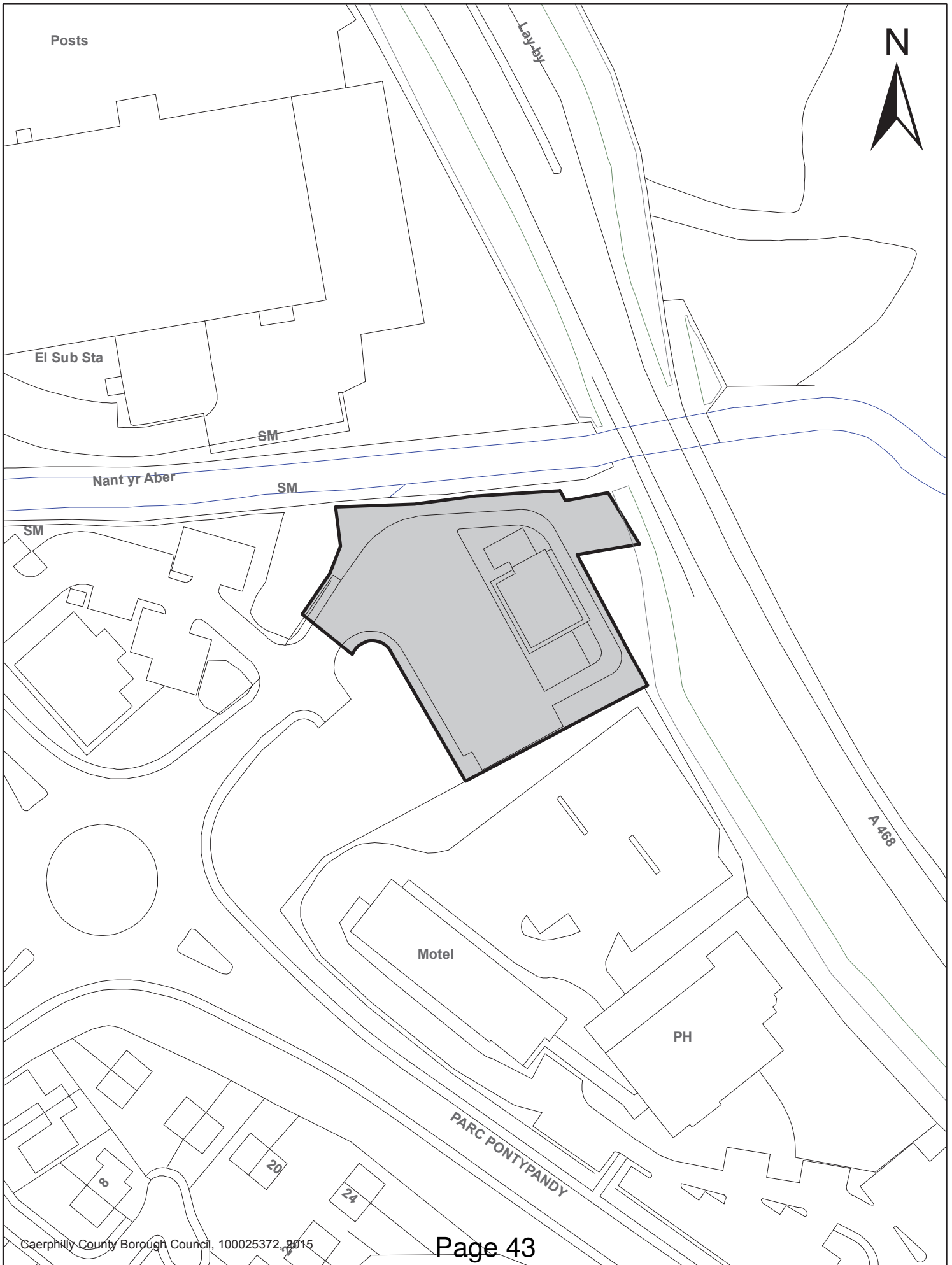
- 08) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of any building(s) on site the developer shall carry out an investigation of the underground strata (the results of which shall be submitted to the Local Planning Authority) in order to satisfy 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 together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to the Local Planning Authority prior to works commencing on site. Additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in accordance with the aforementioned details and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development. REASON: To safeguard the buildings against the risk of damage from surface subsidence due to underground mining.

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 and CW3.

Public Footpath FP55 in the Community of Caerphilly abuts the site and must be protected and available throughout the duration of the works.

Please find attached comments from Dwr Cymru/Welsh Water and the Council's Senior Engineer (Land Drainage).



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PLANNING COMMITTEE – 7TH OCTOBER 2015

SUBJECT: SITE VISIT - CODE NO. 15/0424/ADV – RECONFIGURE EXISTING SIGNAGE SUITE, MCDONALD'S RESTAURANTS LTD, CROSSWAYS PARK, PARC PONTYPANDY, CAERPHILLY

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

PRESENT:

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

Councillors Mrs E.M. Aldworth, Mrs P. Cook, Mrs J. Gale, M. Prew, J. Simmonds and Mrs J. Summers.

1. Apologies for absence were received from Councillors J. Bevan, P. J. Bevan, L. Gardiner and Mrs G. Oliver.
2. The Planning Committee deferred consideration of this application on 9th September 2015 for a site visit. Members and Officers met on site on Tuesday, 22nd September 2015.
3. Details of the application to reconfigure the existing signage suite at McDonalds Restaurants Ltd, Unit C Crossways Park, Parc Pontypandy, Caerphilly were noted.
4. Those present viewed the site and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that the signage is to be re-configured in association in association with the proposed extension that is subject of a separate planning application.
6. Clarification was sought with regard to the revised position of the signage and the hours of illumination. The local Member expressed concern with regard to the 24-hour illumination of the large M and its impact on residential amenity. The Officer confirmed that this could be limited by condition and agreed to provide further information at the next Planning Committee meeting.
7. Officers confirmed that following advertisement to neighbouring properties and a site notice being posted, 3 letters of objection and a petition of 31 signatures had been received. Details of the objections are within the Officer's original report.
8. 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

9. A copy of the report submitted to the Planning Committee on 9th September 2015 is attached. Members are now invited to determine the application.

Author:	E. Sullivan	Democratic Services Officer, Ext. 4420
Consultees:	C. Powell	Principal Planner
	M. Noakes	Senior Engineer (Highway Development Control)
	L. Cooper	Engineer (Highway Development Control)
	M. Godfrey	Environmental Health Officer
	R. Crane	Solicitor

Appendices:

Appendix 1 Report submitted to Planning Committee on 9th September 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0424/ADV 24.06.2015	McDonald's Restaurants Ltd 11-59 High Road East Finchley London N2 8AW	Reconfigure existing signage suite Crossways Park Parc Pontypandy Caerphilly

APPLICATION TYPE: Application to Display Adverts

SITE AND DEVELOPMENT

Location: The application site is the McDonalds restaurant at Crossways/ Gallagher Retail Park, Caerphilly.

Site description: The premises are an existing purpose-built A3 restaurant use, in an area of the retail park that includes other A3 uses.

Development: Express consent is sought in respect of the re-configuration of the existing signage at the premises. The signage is to be re-configured in association with an extension that is the subject of a separate planning application. The existing roof signage to the front and side elevations of the building is to be removed and re-sited on the elevations of the proposed extension.

Dimensions: The large M to the side elevation measures 1.2m high by 1.42m wide with the McDonalds lettering to the front and side elevations measuring 0.606m high by 5.5m wide.

PLANNING HISTORY 2005 TO PRESENT

08/0270/NCC - Vary condition (6) of planning consent 5/5/96/0148 to allow the drive-thru facility only, to be open between the hours of 11.00p.m. and 7.30a.m. on Friday and Saturday nights only - Granted 20/05/2008.

08/0908/NCC - Vary condition 6 of planning consent 5/5/96/0148 to allow restaurant to open from 5am on Monday to Sunday inclusive - Granted 23/10/2008.

08/1052/FULL - Refurbish restaurant and alter elevations - Granted 04/11/2008.

Cont'd.....

Application No. 15/0424/ADV Continued.

08/1053/ADV - Install customer order display and various new signage - Granted 04/11/2008.

09/0521/NCC - Vary Condition (06) of Planning Consent 5/5/96/0148 to allow restaurant to open from 6.00 a.m. to 11.00 p.m. Monday to Sunday inclusive - Granted 10/09/2009.

10/0673/NCC - Vary Condition 6 of Planning Consent 5/5/96/0148 to allow restaurant to open from 6.00 a.m. Monday to Sunday inclusive - Granted 03/12/2010.

11/0248/NCC - Vary condition (06) of 5/5/96/0148 to allow the restaurant to trade 24 hours a day seven days a week with drive through only restriction between 11pm - 6am daily (for a 12 month temporary period) - Granted 07/07/2011.

11/0336/FULL - Create new drive thru lane, 2 no. new customer order display units, reconfigure car park and create 3 no. additional parking spaces together with associated hard and soft landscaping works - Granted 16/09/2011.

11/0337/ADV - Erect 3 no. rotating double three-sided menu units, relocate 2 no. rotating double three-sided menu units and relocate the existing height restrictor monolith - Granted 16/09/2011.

11/0762/NCC - Vary Condition (5) of Planning Permission 11/0336/FULL to widen bays to 2.6 metres - Granted 16/01/2012.

11/0810/NCC - Vary Condition 6 of Planning Permission 5/5/96/0148 to allow the restaurant to open 24 hours a day seven days a week with drive thru only trading between 11.00 p.m. and 6.00 a.m. daily - Granted 20/01/12.

12/0004/ADV - Erect illuminated double sided appendage, featuring the 24 hour logo to be fixed to the existing McDonalds Sky Sign - Granted 15/03/12.

13/0537/FULL - Extend existing car park on adjacent vacant land which includes the introduction of 38 new bays, with the reconfiguration of the existing car park and site access with associated works to the site - Granted 28/11/2013.

14/0278/NCC - Vary Condition 7 (Landscaping scheme) of planning consent 13/0537/FULL (Extend existing car park on adjacent vacant land which includes the introduction of 38 new bays, with the reconfiguration of the existing car park and site access with associated works - Granted 26/06/2014.

Cont'd.....

Application No. 15/0424/ADV Continued.

POLICY

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).

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 subject to conditions.

Head Of Public Protection - No objection.

ADVERTISEMENT

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

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

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

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

Cont'd.....

Application No. 15/0424/ADV Continued.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

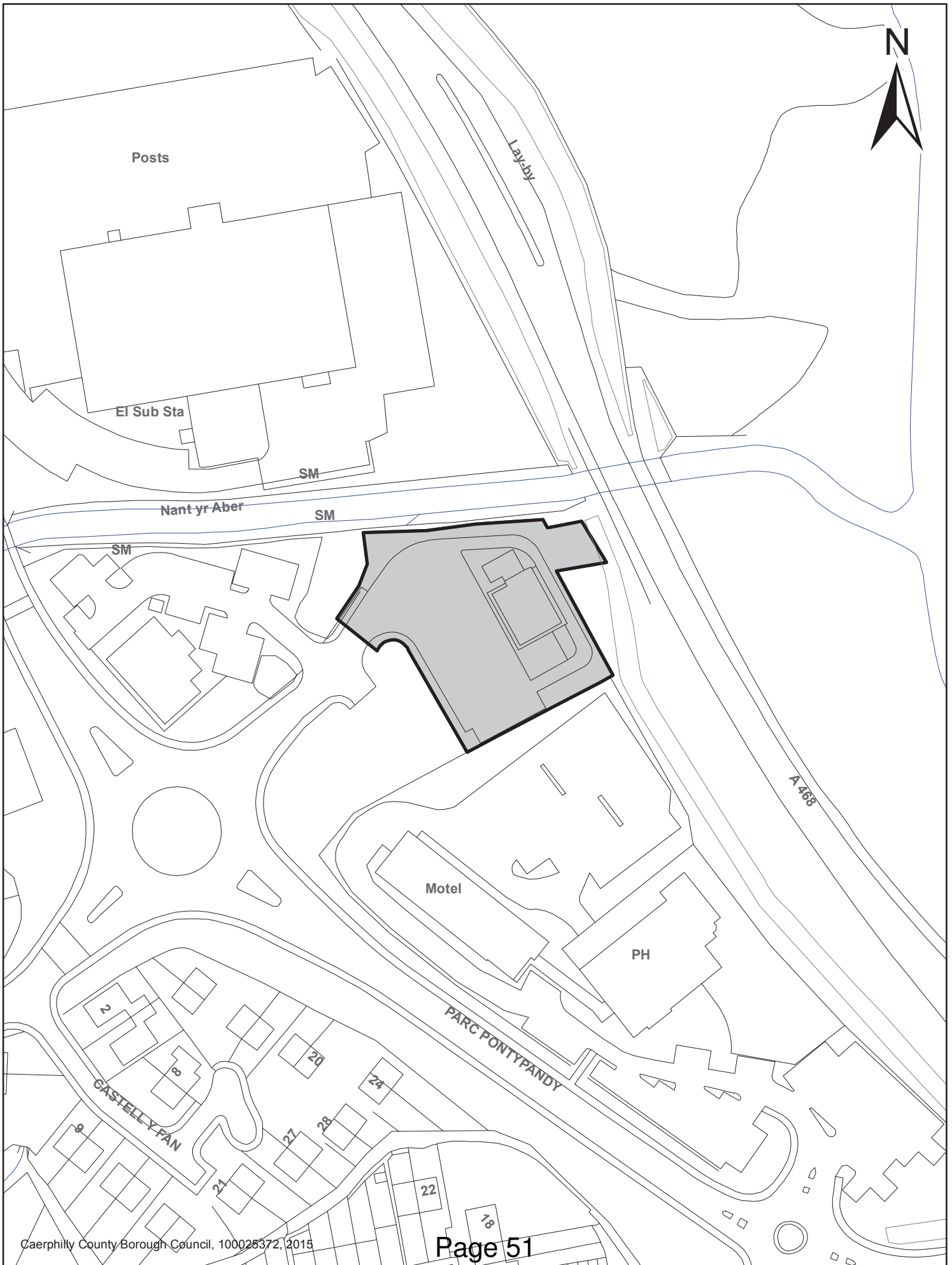
Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The basis on which all applications for advertisement consents can be determined as set out in legislation and is strictly limited to the effect on public safety and amenity. This application seeks consent to re-configure existing signage on this established restaurant in association with extensions that are the subject of a separate planning application. Whilst members may have concerns with regard to the application for the extensions it would not be reasonable to refuse this application in light of those concerns but rather the application should be considered against the two criteria set out above. In that regard it is considered that the proposed signage would not have a detrimental impact on public safety and in terms of amenity the signage would have no greater impact than it has in its current location. Consequently it is considered that the signage is acceptable in planning terms.

Comments from consultees: No objections raised. The conditions requested by the Transportation Engineering Services Manager are not considered to be necessary in this instance as the application property is situated some way off the adopted highway and as such the signage would have little or no impact on highway safety.

Comments from public: None.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED



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Agenda Item 9

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0252/OUT 16.04.2015	Gwent Investments Ltd C/o Maes Manor Hotel Maesruddud Lane Blackwood NP12 0AG	Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access Land At Cwmgelli Blackwood NP12 1BZ

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: Land at Cwmgelli, Blackwood, NP12 1BZ

Site description: This application site is located to the north of the A4048, immediately adjacent to the settlement boundary of Blackwood. The site is Greenfield and is approximately 5.89 ha comprising a number of agricultural fields and two residential properties, both of which are Grade II listed buildings.

The site is bounded to the south/south east by the A4048 and residential properties that front onto the A4048, to the south west by boundary hedgerows and trees and residential properties in Cwm Gelli Villas, with more residential properties in Cwmgelli further beyond, including a more recent housing development within Coed Gelli Parc. To the north the site is bounded by open fields, the northern extent of which lie within the setting of the Grade II listed Maes Manor Hotel and its Historic Park and Garden.

Development: Outline planning permission is sought in respect of the residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access.

The application is supported by a Planning Statement, Design and Access Statement (DAS), Landscape and Visual Appraisal, Cultural Heritage Assessment, Transport Statement (Transport Planning Associates), Extended Phase 1 Habitat Survey and Ecological Update Letter (Soltys Brewster), Tree Survey, Categorisation and Constraints Report (Soltys Brewster), Proposed Drainage Strategy (Mayer Brown) and proposed Drainage Strategy Addendum (Transport Planning Associates), Archaeological Assessment (EDP Partnership).

Cont....

Application No. 15/0252/OUT Continued

Use: The application proposes a housing scheme with capacity to accommodate up to 115 new homes. The DAS prepared in support of the application sets out the evolution of Indicative Masterplan, considering the opportunities and constraints that the site presents to deliver a scheme and density that is appropriate and reflects its surroundings.

The applicant indicates that the "proposed housing will reflect a wide range of size, types and tenures in order to cater for the needs and demands of the local population and market place. The final mix of housing (in terms of type and tenure) is to be determined through reserved matters applications and in consultation with the Council."

The description of the development also includes reference to associated open space, landscaping, and highways and service infrastructure.

The amount of development proposed for each use: up to 115 houses.

Indicative layout: The DAS submitted with the application seeks to set out the evolution of the Indicative Masterplan which forms part of that document. It attempts to show how it has considered the opportunities and constraints that the site presents to deliver a scheme and density that is appropriate and reflects its surroundings. It also indicates the provision of public areas of open space.

Indicative access points: The development is accompanied by a preliminary design showing a priority junction from Blackwood Road at the eastern boundary of the site.

Dimensions: The site amounts to 5.89 hectares. The indicative housing layout shows 115 properties which gives an overall density of development of 30 dwellings per hectare (30 dph).

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

The proposed development will be a maximum of 2.5 storeys and will be a mix of detached, semi-detached and short rows of terraced houses at a density of 30dph.

Type 1 - 4m - 7m x 7.5m - 10.5m x 8m - 11m.

Type 2 - 8m - 11m x 6m - 9m x 8m x 10m.

Type 3 - 9m - 12m x 8.5m x 11.5m x 8m x 10m.

Cont....

Application No. 15/0252/OUT Continued

Materials: Reserved for subsequent approval but the following external materials are proposed.

Walls - render, natural stone and some brick.

Roofs - plain tile, slate, either smooth man made thin profile slate or natural stone.

Boundary walls - render and buff brick. Natural stone walls to natural stone properties.

Windows - white upvc or white composite aluminium.

Doors - grey and soft heritage coloured front doors.

Ancillary development, e.g. parking: the indicative site layout plan submitted with the application indicates on-plot parking provision in respect of each dwelling.

PLANNING HISTORY

2/12718 - Erection of replacement farm house and garage - Granted 29.11.96.

P/05/1287 - Convert redundant agricultural building for residential use - Granted 08.12.05.

P/05/1155 - Convert redundant agricultural building for residential use - Granted 09.05.06.

P/04/1447 - Erect portal framed fodder and implement store - Prior Approval Required - 12.10.07.

09/0170/FULL - Erect garage - Granted 30.04.09.

07/1569/LBC - Carry out general refurbishment and front extension - Granted 30.07.08.

14/0312/FULL - Erect stable extension to existing garage - Granted 07.07.14.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Outside of any settlement boundary and within the Blackwood, Oakdale and Penmaen Green Wedge as identified by Policy SI1.9 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010. The application site is a greenfield parcel of land in the Northern Connections Corridor (NCC) located to the north of Blackwood Town Centre.

Cont....

Application No. 15/0252/OUT Continued

The site lies beyond the existing settlement boundary for the town and forms a part of the wider designated green wedge. The development of the site for residential use would therefore constitute a departure from the plan.

Policies:

Strategic Policies

SP2 - Development Strategy in the Northern Connections Corridor, SP4 - Settlement Strategy , SP5 - settlement boundaries, SP6 - Place making, SP7 - Planning Obligations, SP8 - Minerals Safeguarding, SP10 - Conservation of Natural Heritage, SP14 - Total Housing Requirements, SP15 - Affordable Housing Target, SP21 - Parking Standards,

Countywide Policies

CW1 - Sustainable Transport, Accessibility and Social Inclusion, CW2 - Amenity, CW3 - Design considerations - Highways, CW4 - Natural Heritage Protection, CW5 - Protection of Water Environment, CW6 - Trees, Woodland and Hedgerow protection, CW10 - Leisure and Open space provision, CW11 - Affordable Housing Planning obligation, CW15 - General locational constraints, CW22 - Locational constraints - Minerals, supplementary planning guidance contained in LDP1 - Affordable Housing Obligations, LDP4 - Trees and Development, LDP 5 - Parking standards, LDP6 - Building Better Places to Live,

NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014.

PPPW at paragraph 3.1.2

3.1.2 In line with the presumption in favour of sustainable development (see 4.2) applications for planning permission, or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government and the UK Government. All applications should be considered in relation to up to date policies (see 2.7 and 4.2).

3.1.3 Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability (see 4.2).

Cont....

3.1.5 The local planning authority should have good reasons if it approves a development which is a departure from the approved or adopted development plan, or is contrary to the Welsh Government's stated planning policies, the advice of a statutory consultee or the written advice of its officers, and those reasons should be recorded in the Committee's minutes. Where planning permission is refused, the local planning authority must state clearly the reasons for the refusal.

3.7.2 The Community Infrastructure Levy Regulations 2010 (CIL) came into force in April 2010 and are non-devolved. The regulations allow local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money raised from the levy (CIL) must be used to fund infrastructure to support the development of the local authority's area. "Infrastructure" includes roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities and open spaces.

3.7.3 The CIL is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site specific impact mitigation requirements without which a development should not be granted planning permission. Some of these needs may be provided for through the CIL but others may not, particularly if they are very local in their impact. There is therefore still a legitimate role for development-specific planning obligations to enable a local planning authority to be confident that the specific consequences of development can be mitigated.

4.7.8 Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

4.8.1 Around towns and cities there is often the need to protect open land. Local planning authorities need to consider establishing Green Belts and making local designations, such as green wedges. Both Green Belts and green wedges must be soundly based on a formal assessment of their contribution to urban form and the location of new development and can take on a variety of spatial forms.

Cont....

The essential difference between them is the issue of permanence. Land within a Green Belt should be protected for a longer period than the current development plan period, whereas green wedge policies should be reviewed as part of the development plan review process.

Inappropriate development

4.8.14 When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply.

Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge.

4.8.15 Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.

4.8.16 The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;
- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

9.2.10 In determining the order in which sites identified in accordance with paragraph 9.2.8 above should be allocated, the presumption will be that previously developed sites or buildings for re-use or conversion should be allocated before greenfield sites. The exception to this principle will be where previously developed sites perform so poorly in relation to the criteria listed in paragraph 9.2.9 as to preclude their use for housing (within the relevant plan period or phase) before a particular greenfield site.

Cont....

Application No. 15/0252/OUT Continued

TAN 1: Joint Housing Land Availability Studies (2015), TAN 2 - Planning and Affordable Housing (2006), TAN 5 - Nature Conservation and Planning (2009), TAN 11 - Noise (1997) TAN 12 - Design (2014), TAN 18 - Transport (2007),

There are also other policy related matters which require to be considered in respect to this submission. Such matters could constitute material considerations in respect to the determination of this proposal. They are:

- The 5 year Housing Land Supply.
- The Annual Monitoring Report.
- The Local Development Plan Revision.
- The Community Infrastructure Levy (CIL).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes, the proposal exceeded the threshold of 0.5 hectares for such developments.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The development falls within the Development High Risk Area and as such the Coal Authority request appropriate conditions are attached to any consent requiring site investigations and appropriate remedial measures where necessary.

CONSULTATION

Principal Valuer - Is satisfied that the revised site boundary now excludes land in Council ownership and therefore has no adverse comments.

Transportation Engineering Manager - Has no objection to the development subject to conditions being attached to any consent requiring the proposed development to be served by a ghost island road junction, visibility splay of 2.4m x 120m and off-street parking provision to be provided in accordance with supplementary planning guidance contained in LDP5 - Parking Standards.

Cont....

Application No. 15/0252/OUT Continued

Head Of Public Protection - No objections subject to conditions being attached to any consent requiring secondary glazing systems in all habitable rooms facing the main road to be capable of achieving an internal Lmax level of 45 dB(A) together with a standard contamination conditions regarding the importation of any soils or materials.

Rights Of Way Officer - Footpath 109 in the community of Bedwellty crosses the site and must not be obstructed. An application to divert the path to an alternative location, which lies outside the application site has been made to the council and is pending determination. However, until such time as approval for any diversion is granted Footpath 109 must not be obstructed.

Head Of Public Services - No objections but provides advice to be conveyed to the developer regarding the need to provide adequate on-site kerbside collections.

CCBC - 21st Century Schools - The provision of schools is a matter being addressed by way of the Local Development Plan review. Also the financial contribution towards such education provision will come through the Community Infrastructure Levy (CIL) monies when the detailed application is determined.

Natural Resources Wales - No objection but provides advice to be conveyed to the developer in respect of ecology and pollution.

The Coal Authority - Concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to the development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends appropriate conditions are attached to any planning permission granted.

Senior Engineer (Land Drainage) - Has no objection to the development subject to a condition being attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer in respect of drainage matters.

Wales & West Utilities - Confirms the existence of their apparatus within the vicinity of the site and provide advice to be conveyed to the developer in respect of the same.

Cont....

Application No. 15/0252/OUT Continued

Glam/Gwent Archaeological Trust - The Archaeological Assessment, prepared by EDP Ltd. (report no EDP2976-01a, dated September 2015), meets current professional standards and has been considered. The Historic Environment Record curated by this Trust shows that the application area surrounds the listed farmstead at Cwm Gelli (Cadw record no's 18425 and 18426, farm house and agricultural range respectively, both Grade II) and lies within 500m of the range listed buildings at Maes Manor Hotel which is surrounded by a Registered Historic Park and Garden (Cadw ref GT54, Maes Manor Hotel) and its Essential Setting, and significant view. They have no objection to the positive determination of this application.

Senior Arboricultural Officer (Trees) - Has no objection to the development commenting that the overall layout appears reasonable in terms of the potential impact on the surrounding trees. In accordance with the recommendations of BS5837:2012, and the LDP, a Tree Protection Plan (TPP) should be submitted on the basis of the tree survey (already undertaken) and an Arboricultural Method Statement (AMS) included that will detail in full the successful implementation of the TPP and account for all working methods necessary on site with regard to the retained trees. Should the TPP highlight the need for any special measures - such as no-dig construction within the Root Protection Areas (RPAs) of retained trees, or ground protection measures should the RPAs need to be encroached upon for any phase of the development - then they must also be included in the AMS. The AMS will also fully detail those provisions on site for access - pedestrian and vehicular; storage of materials, plant and equipment; site prohibitions. A schedule of monitoring visits by the developer's appointed arboriculturist, to allow for tool-box briefings of all site staff, and arboricultural supervision on site at the most appropriate moments of the development should be incorporated within the AMS. This aspect of the development may be addressed by attaching a pre-commencement condition to any consent. The hedgerow trees and shrubs at the western boundary of the site should be impacted upon as minimally as possible, and if it is agreed that a turning head is required, then the landscaping scheme for this development would need to incorporate any tree or hedgerow loss mitigation planting to an appropriate extent.

Cont....

Application No. 15/0252/OUT Continued

CCBC Housing Enabling Officer - Based on a 115 unit scheme would require 29 Affordable housing units. These should be made of the following tenures and house types:-

Social rented

The units would need to be delivered in clusters of 6, be built to DQR and transferred to the Seren Group.

9 x 1 bed 2 person apartments £48,723 (separate walk up).

7 x 2 bed 4 person houses £67,391.

3 x 3 bed 5 person houses £67,722.

Assisted Home Ownership

The following units would need to be delivered to the developer's standard house types in clusters of no more than 6 units.

5 x 2 bed 4 person houses (£61,449.27).

5 x 3 bed 5 person houses (£65,513.93).

Outdoor Leisure Development Officer - The open spaces and play areas should be well designed, quality useable public spaces. It follows that these areas should benefit from good drainage and have open views. The indicative site layout submitted has incorporated adequately for leisure and recreation in that it provides for a suitably scaled equipped play facility; kick about area and local area of play (LAP). He provides advice to be conveyed to the developer.

Minerals Officer - The site is a parcel of land on the edge of the settlement within the mineral safeguarding area for sandstone. There are no existing quarries in close proximity to the site and no interest has been shown in exploiting the reserve in the area to date.

The Pennant Sandstone of the Coal Measures is highly valued as a mineral resource because it is one of a very limited number of geological formations in the UK that can supply high specification aggregate, suitable for motorway surfacing and other applications where a high degree of skid resistance is required.

Cont....

Application No. 15/0252/OUT Continued

Although such material is limited nationally, the Pennant Sandstone is extensive in the south Wales coalfield and the safeguarding area covers the majority of the County Borough north of Caerphilly and south of the Heads of the Valleys Road.

There are currently two quarries in the County Borough capable of producing HSA, Bryn Quarry, Gelligaer and Hafod Fach Quarry, Abercarn (currently mothballed).

Minerals are a finite resource that can only be worked where they occur and Mineral Planning Policy Wales and Mineral Technical Advice Note 1: Aggregates state that policies should protect potential mineral resources from other forms of permanent development that would sterilise them or hinder future extraction and state that the potential for future extraction should be considered.

Policy CW22 in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 translates this into the development plan. The proposed development would constrain the future extraction of the mineral by introducing permanent sensitive development in the safeguarding area. In terms of the criteria for permanent development, the proposal does not meet criterion iv and it is unlikely that the mineral could be extracted satisfactorily prior to the development taking place (criterion ii) due to the timescales involved, the availability of markets and proximity to existing sensitive development.

For the reasons set out above, it is also unlikely that the applicant could demonstrate that the mineral was no longer of any value, even taking into account that the quality of the mineral varies from location to location.

The application, therefore, needs to demonstrate that there is an overriding need for the development in this location, which outweighs the need to safeguard the sandstone resource, and that suitable sites cannot be found outside the safeguarding area.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press on site and 32 neighbouring properties have been consulted.

Response: 13 letters and Petition - 27 signatories.

Summary of observations:

1. Adequacy of infrastructure of the area.
2. Not in accordance with policy - Green wedge.

Cont....

Application No. 15/0252/OUT Continued

3. Adverse impact upon the environment in terms of context and the scale of development.
4. Loss of valuable green space in terms of landscape.
5. Impact upon ecology.
6. Uncontrolled dust, noise and mud on road.
7. Impact upon trees.
8. Light pollution during and after development.
9. Increase in traffic.
10. Highway safety considerations particularly in terms of the access. As above.
11. Rainwater run-off pollution during and after completion of the development.
12. Loss of light.
13. Stability of the ground it is believed that a fault runs across the site.
14. Concern regarding the impact of the development upon an existing culvert.
15. Will there be suitable surface water and land drainage or will the development exacerbate existing flooding problems.
16. Will harm the setting of the listed buildings in the area and historic gardens at the Maes Manor.
17. Does not constitute ribbon development and its suburban appearance and siting will be detrimental to both the character and amenity of the Cwmgelli settlement, creating a built up appearance from the road and adversely affecting the visual amenity of the area.
18. Risk of coalescence to the north.
19. Loss of view.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

The proposed site consists mostly of improved, grazed grassland with a stream and small flush on the northern boundary. An area of species-poor marshy grassland in the north east with boundary tree lines and hedgerows and an off-site pond on the northern boundary. The pond that was previously present within the proposed application site was recently filled in.

Cont....

Application No. 15/0252/OUT Continued

There are residential properties to the west and south and east of the site and farmland to the north and east.

The Extended Phase 1 Habitat Survey was undertaken by a competent ecologist (Soltys Brewster) and the methodology and findings of the survey report are considered satisfactory. During the site survey, no evidence of protected species, with the exception of birds, were recorded although the boundary trees/hedgerows are likely to be used by birds and foraging/commuting bats. None of the trees within the site had the potential to support bats. The marshy grassland could potentially be utilised by ground nesting birds such as skylark, although no evidence of this species was noted during the survey or from the desk study. Similarly, the off-site pond and recently filled in pond could be utilised by breeding amphibians. The usage of the site by bats needs to be confirmed through activity surveys and an amphibian survey of the pond should also be undertaken. The hedgerows around the boundary and within the site are to be protected and retained as part of the development, therefore a Hedgerow Regulations Assessment has not been carried out. The submitted site layout plan shows areas of green between the rear of the gardens and the retained hedgerows, as well as areas of amenity grassland. These areas will need to be managed to ensure that these areas are maintained as areas of grassland. Consequently, it is considered appropriate to attach conditions to any consent to prevent site/vegetation clearance during the bird breeding season, the submission of a light mitigation strategy, including measures to ensure that street lighting reduces light spillage into foraging bats, the carrying out and submission of an Amphibian survey, a pond habitat creation for Amphibians, a biodiversity, landscaping and management scheme, and bat roost provision and nesting bird provision as biodiversity enhancements. Such details to be submitted and agreed with the Local Planning Authority,

Is this development Community Infrastructure Levy liable? The application is for residential development and as such if granted it would be liable to pay the Community Infrastructure Levy. Pontllanfraith lies within the Mid Viability Area and as such general market housing is liable to pay £25 per square metre. In order for the development to benefit from any social housing relief, any exemptions need to be claimed strictly in line with the CIL Regulations.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

Cont....

Application No. 15/0252/OUT Continued

Development Strategy - As can be seen from the policy section above there are a range of policy considerations applicable to this site. In view of the location of the site, being outside the settlement limit, it is evident that there are policies which the application is clearly contrary to. However in a plan led system the legislation states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise" (Planning and Compulsory Purchase Act 2004, Section 38 (6)). As such this section will give an overview of the policy considerations and seek to provide a conclusion based on all the relevant considerations.

Strategy Policies, these are designed to deliver wider aims and objectives of the plan's Development Strategy.

The first of these policies is SP2 which addresses the development strategy in the Northern Connections Corridor (NCC). This policy requires development proposals within the NCC to focus significant development on both brownfield and greenfield sites that have regard for the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; protects the natural heritage from inappropriate forms of development and capitalises on the economic opportunities offered by Oakdale/Penyfan Plateau.

The application site is a greenfield parcel of land in the Northern Connections Corridor (NCC) located to the north of Blackwood Town Centre. The site lies beyond the existing settlement boundary for the town and forms a part of the wider designated green wedge. The development of the site for residential use would therefore constitute a departure from the plan.

Policy SP2 Development Strategy (NCC) requires development proposals within the NCC to promote sustainable development. Specifically proposals in this area should: be targeted to both greenfield and brownfield sites having regard to the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; and protect the natural heritage from inappropriate forms of development.

Within the NCC development can be permitted on both brownfield and greenfield sites, where it has regard to the social and economic function of the area. Policy SP4 Settlement Strategy identifies Blackwood as one of two Principal Towns that serves the NCC.

Cont....

Application No. 15/0252/OUT Continued

The LDP seeks to enhance the role and function of existing Principal Towns in order to respond to the social, economic and environmental needs of individual settlements. Blackwood is the areas major retail centre and as a result of significant investment in recent years is increasingly recognised as a sub-regional shopping centre. The emphasis for Blackwood in the LDP is largely on strengthening the retail offer of the town whilst developing the area as an economic hub by exploiting opportunities for business, in particular office development. As a consequence there are very few residential land allocations identified in the LDP within Blackwood or the Greater Blackwood area.

Only one allocated housing site remains available for residential development within the town, namely HG1.26 Blackwood Ambulance Station and this remains in active use as an ambulance station. The other allocated site within the town is HG1.29 South of Thorncombe Road and this is currently under construction.

Within the Greater Blackwood Area a number of allocated housing sites remain available for development, most notably HG1.30 Land at Hawtin Park, Pontllanfraith, which has planning consent for 80 dwellings and Land at Gellideg Heights, Maesycwmmmer which can accommodate 95 dwellings subject to the signing of a S106 Agreement. When developed these will contribute toward the social and economic functioning of the town.

Policy SP2 also requires that new proposals reduce car borne trips by promoting sustainable modes of travel and make the most efficient use of existing infrastructure. The site lies approximately 500m from the edge of the Principal Town Centre of Blackwood and has a bus stop immediately adjacent to it on the A4048. Whilst Blackwood is not on the main rail network, there is a regular bus service that runs cross-valley to Ystrad Mynach and a regular service to Newbridge, both of which are on the main rail network providing access to the wider region. The site is located in a highly sustainable location in close proximity to a wide range of services and facilities and would be capable of utilising existing infrastructure.

The site is greenfield and as such policy SP2 requires new proposals within the NCC to protect natural heritage features from inappropriate forms of development. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Criterion D of Policy SP2. The majority of such mitigation will be in the form of conditions requiring landscaping and tree protection schemes. These are however issues for the reserved matters application as landscaping is a detailed matter.

Cont....

Application No. 15/0252/OUT Continued

Consequently, the proposal would be acceptable in terms of Criteria A to E of Policy SP2 subject to detailed consideration and appropriate mitigation.

Policy SP5 Settlement Boundaries is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. Importantly it also promotes the full and effective use of urban land and concentrates development to within existing settlements. The whole of the application site is located outside the settlement boundary for Blackwood and is in the countryside. Criterion C of Policy SP5 also seeks to prevent the coalescence of settlements and in the context of this application SP5 is supplemented by Policy SI1.8 which defines a Green Wedges to the north of Blackwood to reinforce the Settlement Boundary and maintain the open space between Blackwood, Cwm Gelli and Cefn Fforest.

The development of the application site would amount to a significant extension of the urban settlement into a prominent stretch of countryside alongside the main northern approach into Blackwood and this would inevitably change the character and appearance of the immediate surroundings and serve to erode the open character of the green wedge at this location. The extension of Blackwood in a north easterly direction into the green wedge is therefore clearly contrary to Policy CW15. The development of the site for residential use is therefore also contrary to Policy SP5.

Notwithstanding the existing delineation of the settlement boundary the development of the site would constitute a logical rounding off of the existing settlement limit at this location, extending the built form in an easterly direction. It sits on the main road to Tredegar, very close to the newly constructed Chartist Bridge that has opened up the valley. It adjoins the settlement along the southern edge with Cwmgelli Villas. It is well related through this road, through cycle and pedestrian links to Blackwood. The development of the site provides the opportunity to provide a distinctive, high quality scheme that maximises the concept of sustainable, healthy living and providing a strong sense of place, drawing upon the context of Blackwood and its surroundings in terms of context and culture. Notwithstanding the masterplan submitted with the application is indicative only, with matters of layout, appearance, scale, and landscaping reserved for subsequent approval, it is considered the indicative layout provides a robust settlement boundary from Cwmgelli, creating an appropriate transition from the edge of residential development to the open countryside whilst respecting the character and setting of the listed buildings and historic gardens.

Cont...

Application No. 15/0252/OUT Continued

In line with national planning policy, SP6 Place Making requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features.

The application proposes the development of 115 dwellings in an area of acute housing pressure and in an area of considerable housing need. The proposal would increase the mix of housing available within the area to meet the needs of residents, and critically it would provide much needed affordable housing to meet local housing need.

The location of the development on the edge of Blackwood and close to the Principal Town of Blackwood will serve to minimise the demand for travel. The site is in a location that can be served by sustainable modes of transport, albeit that it is inevitable that some residents will still rely on the private car. The indicative master plan indicates that good permeability can be achieved to integrate the site with the existing development in the area providing safe pedestrian access into and from the site.

Policy SP6 requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and the where appropriate through the use of Suds. It is unclear from the DAS what consideration, if any, has been given to the need to ensure that the proposed layout of the site maximises the opportunities for passive solar gain but this is an outline application with such matters reserved for subsequent approval.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. This is particularly significant where a development proposal affects a listed building or its setting. The primary material consideration in such cases is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Further the potential effect of the proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may also be a material consideration in the determination of the planning application. In this respect this Council's Conservation Officer has considered the Heritage Assessment submitted with the proposal and has raised no objection to the development.

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Application No. 15/0252/OUT Continued

The proposed layout should be rigorously assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that the requirements of SP6 are fully met. This is particularly important in terms of the potential effect of the development on the setting of the listed buildings in this area and on Maes Manor and its registered historic landscape which also has its own essential setting (Grade II). It is noted that this is an outline application with matters in respect of appearance, landscaping, layout and scale reserved for subsequent approval.

Given the location of this site on the edge of settlement, it is suggested that the introduction of a comprehensive landscaping scheme which protects existing trees and natural features and which introduces new natural features into the scheme will serve to enhance the scheme and will integrate the development into the wider landscape in the long term.

Policy SP7 Planning Obligations recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effect of that development. In the context of this application, the Council will seek to secure (as a minimum) the provision of appropriate on site formal and informal open and leisure space, infrastructure improvements to facilitate walking and cycling and the provision of 25% affordable housing amounting to 29 units comprising both assisted home ownership and social rented housing.

The site lies within a minerals safeguarding area as identified by Policy SP8 Minerals Safeguarding. The view of the Minerals Officer in respect of the proposed development is raised above.

In line with the overarching Strategy requirements contained in Policy SP2, Policy SP10 Conservation of Natural Heritage seeks to protect, conserve, enhance and manage the natural heritage of the county borough in the consideration of all development proposals. Due to its scale and open nature, the site forms an integral part of the countryside fringe in North Blackwood; there is, in terms of their character and appearance, a clear contrast between this and the adjoining segment of the established built-up settlement and the division on the ground is accurately reflected in the Plan's delineation of the settlement boundary in the immediate vicinity. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Policy SP10. In this regard the comments of the Countryside and Landscape Section referred to above may be addressed by attaching appropriate conditions to any consent.

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Application No. 15/0252/OUT Continued

Policy SP14 Total Housing Requirements makes provision for 10,269 dwellings for the 15-year period 2006 to 2021. This represents 1,644 (19%) residential units more than the 8,625 units required to meet the dwelling housing requirement identified for the plan period. The 19% over-allocation allows for flexibility and choice in recognition of the fact that not all sites will be developed.

The Annual Monitoring Report (AMR) is the main mechanism for reviewing the relevance and success of the LDP and identifying any changes that might be necessary. The main principle of the monitoring process is to identify when the revision of the LDP should take place.

The Council has prepared three reports to date, the most recent of which was considered by Council in October 2014. Notably the AMR monitors Policy SP14 against the annual building rate and therefore against the housing land supply calculated by past building rates. Using these monitoring factors the trigger points for review have not been reached.

Notwithstanding this position, it is evident that new housing has not been delivered at the levels required in the first half of the plan period. Policy SP14 indicates that there is a housing requirement for 8625 new dwellings to be delivered to meet identified need over the plan period. In order to meet this need an average of 575 dwellings needs to be delivered per annum. The 3rd AMR indicated that 3287 units had been delivered (38% of the total housing requirement) up to March 2013.

When the 2014 JHLAS completion figures (i.e. an additional 351 units) are factored into the calculation, completions over the plan period increase to 3638 (42%). Therefore there is a need for a further 4987 (58%) dwellings to be developed over the remainder of the plan period i.e. by 2021 to meet the total housing requirement for the plan period.

National indicators are also included within the AMR for housing land supply and notably these require housing land supply to be monitored based on the residual method as outlined in Technical Advice Note 1: Joint Housing Land Availability Studies (2015). TAN 1 seeks to ensure that there is a genuine 5 year land supply available, and thus categorises sites to indicate those that can be included within the 5 year land supply. Using this method of calculation the 2014 JHLAS indicated that there was only 2.5 year supply available rising to 3.5 years if all of the S106 sites were included in the land supply.

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Application No. 15/0252/OUT Continued

It is acknowledged that the housing land supply figure is a material consideration in determining planning applications for housing. It is further acknowledged that where the current study shows a land supply below the 5-year requirement the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies (Para 6.2 TAN 1).

The development of the site is contrary to the provisions of the LDP in so far as the site lies outside of the settlement boundary for Blackwood Town and within a Green Wedge. However this needs to be balanced against the need to increase the housing land supply in both Blackwood and the County Borough as a whole.

Policy SP15 Affordable Housing Target seeks to deliver through the planning system at least 964 affordable dwellings over the plan period in order to contribute to balanced and sustainable communities. The application proposes 115 dwellings in an area of housing pressure and in an area with considerable housing need. Within the NCC the plan seeks to secure 25% affordable housing to meet the identified needs in the area. Consequently there is the potential for the proposal to deliver in the region of 29 affordable homes. In the interests of creating sustainable communities a variety of tenures should be considered. LDP 1 Affordable Housing Obligations (June 2014) provides supplementary planning guidance on the delivery of affordable housing through the planning system.

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling and that appropriate infrastructure is included in the layout to facilitate short trips on foot. The design process contained in the DAS, has made good provision for pedestrians. There is evidence to suggest that the requirements of Policy CW1 in terms of cycle provision have been taken into account. The Transport Engineering Manager has assessed the application and has raised no objection to the development subject to conditions being attached to any consent as discussed above.

Policy CW2 Amenity requires proposals to have regard for all relevant material planning considerations. Of specific relevance to this application is Criterion B, which seeks to ensure that the proposal would not result in the over-development of the site and its surroundings.

Cont....

Application No. 15/0252/OUT Continued

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning consideration. This is particularly significant in terms of this application as it has the potential to affect the setting of the listed buildings on site the Maes Manor complex to the north.

Notwithstanding the proposed site layout is indicative only; it has been rigorously assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that the requirements of CW2 are fully met. In this respect and following negotiations with the developer an amended indicative site layout plan has been submitted, which is considered to be acceptable in principle when assessed against criteria A - D of Policy CW2. However, the details of scale, appearance, site layout and landscaping are reserved for subsequent approval.

Policy CW3 Design Considerations Highways requires development proposals to have regard for the safe, effective and efficient use of the transportation network and in particular to observe the requirements of Criterion D in respect of restrictions on new development as it relates to County Roads (A4048). In particular, there should be no provision for on-street parking or direct frontage access along the County Road. The car parking standards that are required to be met are set out in supplementary planning guidance LDP5 Car Parking Standards. A Transport Statement has been submitted with the application which has been assessed by the Transportation Engineering Manager who has raised no objection to the development subject to conditions.

Policy CW6 Trees, Woodland and Hedgerow Protection requires development proposals on sites containing trees and hedgerows to take effective measures to protect those features and to sensitively integrate them into the development to enhance the quality of the development scheme and also safeguard as far as practical the biodiversity and heritage resource. In this respect, the development should be designed in line with the guidance in LDP4 Trees and Development in order to ensure that trees on site are retained where possible and space safeguarded to allow both existing and newly planted trees to flourish and mature to their full potential to ensure long-term retention, while avoiding undue future pressure for felling or excessive pruning. All design elements should be arranged to ensure a good spatial relationship is achieved between new development and trees that are to be retained and planted as part of a landscape scheme. It is noted that a tree survey has been undertaken for the site, which indicates those trees that should be retained and those that would be adversely impacted by the development of the site.

Cont....

Application No. 15/0252/OUT Continued

In this context the Council's Arboricultural Officer has considered the information submitted and responded to the effect that the development is acceptable subject to conditions relating to the submission of a Tree Protection Plan and a related Arboricultural Method Statement.

Policy CW10 Leisure and Open Space Provision requires all new housing sites capable of accommodating 10 or more dwellings to make provision of adequate well designed open space and children's' play facilities either on or off site. The site has made provision for an adequate provision of open space, which includes a Locally Equipped Area of Play (LEAP) and a Local Area of Play (LAP). The application is currently in outline, with all matters reserved. It is considered that this aspect of the development could be conditioned to ensure that formal play provision is required to be provided in the detailed application, thereby satisfying the policy.

Policy CW11 Affordable Housing Planning Obligations seeks appropriate levels of affordable housing in order to meet an identified housing need within the area. This site lies within the NCC and as such 25% of the units on the site should be provided in line with the requirements of the policy. In this respect the provision of 29 affordable homes is required as discussed above and will be subject to the applicant entering into a Section 106 Agreement designed to secure the same.

Policy CW15 General Locational Constraints indicates that proposals outside of defined settlement boundaries will only be permitted for specified uses that meet the provisions of the policy; housing is not such a use. The development of housing in these circumstances is only usually permitted where affordable housing is proposed in line with Policy CW12 Affordable Housing Exceptions Sites.

The development of the application site would amount to a significant extension of the urban settlement into a prominent stretch of countryside alongside the main northern approach into Blackwood and is therefore clearly contrary to Policy CW15. Policy CW15 General Locational Constraints specifies the type of development that will be permitted outside of the settlement boundary. The proposal is for housing and this type of development cannot meet the provisions of Policy CW15. This policy requirement must therefore be considered against other material considerations. These are discussed below.

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Application No. 15/0252/OUT Continued

Site Specific Considerations

The application site is a greenfield parcel of land in the Northern Connections Corridor (NCC) located to the north of Blackwood Town Centre. The site lies beyond the existing settlement boundary for the town and forms a part of the wider designated green wedge (SI1.8). The development of the site for residential use would therefore constitute a departure from the Adopted LDP.

Other Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan in question is the Caerphilly County Borough Local Development Plan Up to 2021 – Adopted November 2010. Material considerations include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government and the UK Government.

The proposal for housing is clearly contrary to certain provisions of the LDP (specifically the designation of the site as a Green Wedge beyond the Settlement Boundary). This needs to be balanced against other material planning considerations, in order to determine whether the proposal to develop the site for residential use would be acceptable given current circumstances.

5 year Land supply

PPW requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study (JHLAS). Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (TAN1) says that the results of the JHLAS should be treated as a material consideration in determining planning applications for housing.

The Caerphilly JHLAS for 2014 shows that there is 2.5 years land supply when calculated using the residual method as required by TAN 1. The Council recognises that where the current study shows a land supply below the 5-year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies.

Cont....

Application No. 15/0252/OUT Continued

The lack of a five-year housing land supply is a matter of serious concern that needs to be addressed if the overall housing requirement is to be met over the plan period. The monitoring evidence indicates that it is unlikely that this position will improve in the short term. Indeed it is likely that the JHLAS for 2015 will indicate a worsening position.

LDP Revision: The First Revision of the LDP is underway. As part of the preparation of the replacement plan, there is recognition that there is a need to identify new housing sites within the Greater Blackwood area. It should be noted that the settlement boundary and the green wedge designation at this location will also be subject to re-consideration through the revision process.

The Preferred Strategy has been subject of a public six-week consultation exercise and as part of this process north Blackwood was highlighted as an area for housing expansion. It is important to note however that the weight to be attached to the emerging replacement plan is limited, as it does not simply increase as the plan progresses towards adoption. Certainty regarding the content of the replacement plan will only be achieved when the Inspector publishes the binding report further to the examination stage. Consequently whilst the Preferred Strategy provides an indication that north Blackwood is a preferred area for growth this should not be used as a basis for approving this application at this stage.

Conclusions

The development of the site for residential use is clearly contrary to the development plan and if permitted would be a departure from the LDP.

The development of the application site would amount to a significant extension of the urban settlement into a prominent stretch of countryside alongside the main northern approach into Blackwood and this would inevitably change the character and appearance of the immediate surroundings and serve to erode the open character of the green wedge at this location contrary to the provisions of the LDP.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning consideration. This is particularly significant where a development proposal has the potential to affect a listed building or the setting, as in this application. The primary material consideration is the statutory requirement to have special regard to the desirability of preserving the buildings and their setting and also the setting of the Historic Garden at Maes Manor.

Cont....

Application No. 15/0252/OUT Continued

The proposed layout should therefore be rigorously assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that this statutory requirement can be met. Whilst the extension of Blackwood's urban area on to the site might be acceptable in principle, the urban design analysis that needs to be undertaken should examine whether the urban form of the development proposed is appropriate to the sensitive context of the application site.

Given its proximity to the Principal Town of Blackwood, the development of the land at Cwm Gelli for residential development could represent a sustainable extension to the town, providing much needed family and affordable housing for which there is an acknowledged need and an acknowledged shortfall.

The requirement to maintain a 5-year supply of readily developable housing land in each local planning authority across Wales remains a key planning policy requirement of the Welsh Government.

The housing land supply figure is a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement as in the case presently in Caerphilly i.e. 2.5 years (2014) the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.

The development of the site is contrary to the provisions of the LDP, in so far as the site lies outside of the settlement boundary for Blackwood Town and within a Green Wedge. However this needs to be balanced against the need to increase the housing land supply in both Blackwood and the County Borough as a whole.

If members are minded to permit development on the site, then in order to ensure that the site can genuinely contribute toward the 5 year housing land supply, it would be appropriate to specify that development should commence within three years from the date that outline consent is granted (as opposed to the usual five years), with reserved matters submission within one year instead of three.

Comments from Consultees: There have been no objections from consultees subject to appropriate conditions being attached to any consent/agreement to be entered into which will control the proposal to an acceptable level.

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Comments from public: The response to the points raised by the general public are as follows:-

1. Adequacy of infrastructure of the area. The infrastructure provision in Blackwood is a matter that will be assessed via the Local Development Plan review. If considered to be necessary sites for schools and health facilities will be identified. The Education Department and the area health board contribute to this process.
2. Not in accordance with policy - Green wedge. The policy implication regarding this development has been discussed at length above and the need for the provision of much needed housing, including affordable housing is a material planning consideration in the determination of this application.
3. Adverse impact upon the environment in terms of context and the scale of development. It is accepted that the development of this land for residential use will have an impact upon the rural character of the area. However, an indicative site layout masterplan submitted with the application has demonstrated that regard has been given to the rural character of the surrounding area and context in terms of the setting of the listed buildings and Historic landscape. However it should be noted that matters of layout, scale, and appearance are reserved for subsequent approval.
4. Loss of valuable green space in terms of landscape. This is private land and the applicant is entitled to apply for residential consent on this greenfield land. The application has been supported by a Landscape and Visual Assessment together with a Tree Survey, which has been considered by this Authority. The proposal is therefore assessed against policies and all relevant material considerations as discussed above.
5. Impact upon ecology. The application is supported by an Ecological survey, and the findings of the report are considered acceptable by this Authority. The proposed development will result in the loss of open fields however the Council's Ecologist and those of Natural Resources Wales consider that conditions can be imposed which would protect wildlife interests to an acceptable level including conditions to enhance biodiversity.
6. Uncontrolled dust, noise and mud on road. There will be a level of disturbance/disruption during the construction phase. This is common with all such developments. However conditions can be imposed at the detailed stage which would be designed to control matters such as noise, dust, odour, wheel-washing, working hours etc to acceptable limits during that phase.

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Application No. 15/0252/OUT Continued

7. Trees. The application is supported by a Tree Survey, which has been considered by this Authority and considered acceptable. It is noted that the indicative masterplan submitted with this application identifies the retention of the majority of trees and hedgerows along the boundary of the site. Any reserved matters application would however require the submission of a Tree protection Plan (TPP) together with an Arboricultural Method Statement (AMS) to detail in full the successful implementation of the TPP and account for all working methods necessary on site with regard to the protection of retained trees.
8. Light pollution during and after development. This is an outline application and specific details of lighting would be submitted as part of a reserved matters application.
9. Increase in traffic. The Transportation Engineering Manager has raised no objection to the development subject to conditions.
10. Highway safety considerations particularly in terms of the access. As above.
11. Rainwater run-off pollution during and after completion of the development. No objections have been received from this Council's Senior Engineer (Land Drainage) regarding the proposed development subject to appropriate drainage conditions being attached to any consent.
12. Loss of light. At this outline stage and based upon the indicative masterplan submitted, it is not considered the proposed development would have an adverse impact in terms of loss of light but it is evident that there is scope to develop the site without causing significant harm in this respect. It is at reserved matters stage that these detailed considerations can be considered in full.
13. Stability of the ground it is believed that a fault runs across the site. Appropriate conditions will be attached to any consent to ensure the stability of the ground through site investigation works and mitigation measures where necessary.
14. Concern regarding the impact of the development upon an existing culvert. The Council's Senior Engineer (Land Drainage) has raised no objection to the development subject to a condition being attached to any consent requiring details of land drainage to be submitted and agreed with the Local Planning Authority. .
15. Will there be suitable surface water and land drainage or will the development exacerbate existing flooding problems. The developer will be required to adhere to any planning conditions regarding land drainage matters as well as other legislation, rules and regulations in respect of the same.
16. Will harm the setting of the listed buildings in the area and historic gardens at the Maes Manor. The planning application has been supported by a cultural Heritage Assessment and an Archaeological Assessment which have been considered by this Council's Conservation Officer and GGAT. They have raised no objection to the development.

Cont....

Application No. 15/0252/OUT Continued

17. Does not constitute ribbon development and its suburban appearance and siting will be detrimental to both the character and amenity of the Cwmgelli settlement, creating a built up appearance from the road and adversely affecting the visual amenity of the area. The impact of the development in terms of visual amenity has been discussed above.
18. Risk of coalescence to the north. The application results in only a part of the Green Wedge being developed with the remaining area of Green Wedge considered sufficient to prevent coalescence between Blackwood, Cwm Gelli and Cefn Fforest.
19. Loss of view. This is not a planning matter.

Other material considerations: The recommendation is to require the applicant to enter into a S106 Agreement in respect of Affordable Housing provision. The applicant has agreed to enter into such an agreement on the terms outlined. However there are tests for S106s which have to be met.

These are as follows:-

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

With regard to the first of these the arrangements required in respect to affordable housing are to comply with Local and National policy.

In respect to the second point this is an area of housing pressure and affordable dwellings are required in the Blackwood area. It is considered essential that this proposal will provide a substantial allocation of such properties for the benefit of residents.

The third point relates to fairness of scale and kind. In this regard discussions with regard to site viability have resulted in an affordable provision of 25%, up to 115 houses. In view of the projected financial position for this site these levels were considered to be reasonable.

In the circumstances it is recommended that the application be deferred pending the signing of a Section 106 Agreement in respect of the provision of 25% affordable housing comprising social rented housing. The affordable units will need to be transferred at the values contained within the Council's current SPG dated July 2015.

Cont....

Application No. 15/0252/OUT Continued

The social rented units will be delivered to the Welsh Government's Design Quality Requirements (DQR) and transferred to the Seren Group. The developer will need to deliver the homes at the affordable values set out within the Council's current SPG on affordable housing.

Upon the completion of this agreement the application be approved on the basis of the conditions stated below.

RECOMMENDATION (A) that the application is DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out in this report. On completion of the Agreement (B) that Permission be GRANTED.

This permission is subject to the following condition(s)

- 01) Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the appearance, landscaping, layout and scale, of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of three 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. 15/0252/OUT Continued

- 05) No development shall take place until an intrusive site investigation has been carried out. The results of the site investigation and methodology used shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.
REASON: To ensure the stability of the site and to protect the dwellings from the effects of previous mine workings.
- 06) If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition (5), additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme/inperpetuity).
REASON: To ensure the stability of the site and to protect the dwellings from the effects of previous mine workings.
- 07) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.
REASON: To ensure the development is served by an appropriate means of drainage.
- 08) 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. 15/0252/OUT Continued

- 09) 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.
- 10) Prior to the commencement of any vegetation clearance, site clearance or development a detailed amphibian survey shall be carried out and the results of the survey, together with any proposed remedial measures (including methodologies) shall be submitted for the agreement of the Local Planning Authority. The measures shall be complied with as agreed.
REASON: To ensure adequate protection for protected species.
- 11) Prior to the commencement of the development hereby approved, a wetland (pond, bog or marshy grassland) habitat creation scheme within the development site shall be submitted to the Local Planning Authority for approval. That scheme shall be accompanied by a 5-year management plan for the wetland which shall include the timing of its implementation.
REASON: To provide habitat for amphibians in the interests of biodiversity.
- 12) Prior to the commencement of works associated with the development hereby approved, a landscaping and management scheme shall be submitted and approved in writing by the Local Planning Authority. Areas identified for native hedgerows, woodland or wild flower planting shall include a mix of approved species of which at least 75% shall be of local provenance. The agreed details shall be carried out in the first planting or seeding season following the completion of the development. Any trees or plants which within a period of five years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The management proposals should also be included, along with timing of management, management requirements, who is responsible for management, etc.
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 Government's Planning policy Wales TAN 5 Nature Conservation and Planning.

Cont....

Application No. 15/0252/OUT Continued

- 13) 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 development at Cwmgelli Farm, Blackwood 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.
- 14) 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 development at Cwmgelli Farm, Blackwood, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new 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 and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 15) The details submitted in respect to Condition 01 shall provide for open spaces and play areas to include the provision of a Locally Equipped Area of Play (LEAP) and Local Area of Play (LAP). These details shall be submitted and agreed in writing with the Local Planning Authority and thereafter implemented prior to the occupation of any dwellings that adjoin or overlook those areas of formal play equipment.
REASON: To ensure that the site is provided for in respect to formal play provision.
- 16) The details required in Condition 01 above shall include an Arboricultural Method Statement (AMS) which shall detail fully the implementation of the Tree Protection Plan and include all site instructions or prohibitions necessary to the success of the Tree Protection Plan, and shall include a programme for arboricultural supervision and monitoring, and a programme for any pre-development access facilitation works and the requirements for any contractors engaged to provide such services. This plan shall be agreed in writing with the Local Planning Authority and thereafter all works shall be undertaken in accordance with these agreed details.
REASON: To protect the trees on site during construction works.

Cont....

Application No. 15/0252/OUT Continued

- 17) Prior to 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 facing the main road shall be capable of achieving an internal L_{max} level of 45 dB(A). Development shall be carried out in accordance with the approved details before first use of the dwellings hereby approved.
REASON: In the interests of residential amenity.
- 18) 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.
- 19) Prior to the commencement of any works, a survey shall be carried out to establish the use of the site by commuting and feeding bats and the details of the survey together with any measures to minimise impact from lighting or from tree/hedge management works, shall be submitted to the Local Planning Authority for agreement. The development shall be carried out in accordance with the agreed details.
REASON: To ensure adequate protection to protected species.
- 20) As part of the development the retained hedgerows around the perimeter of the site should be excluded from the garden boundaries by a tall wooden fence and a small buffer strip so they are not included within the garden boundaries.
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 and TAN 5 Nature Conservation and Planning.
- 21) The proposed development shall be served by a ghost island road junction.
REASON: In the interests of highway safety.

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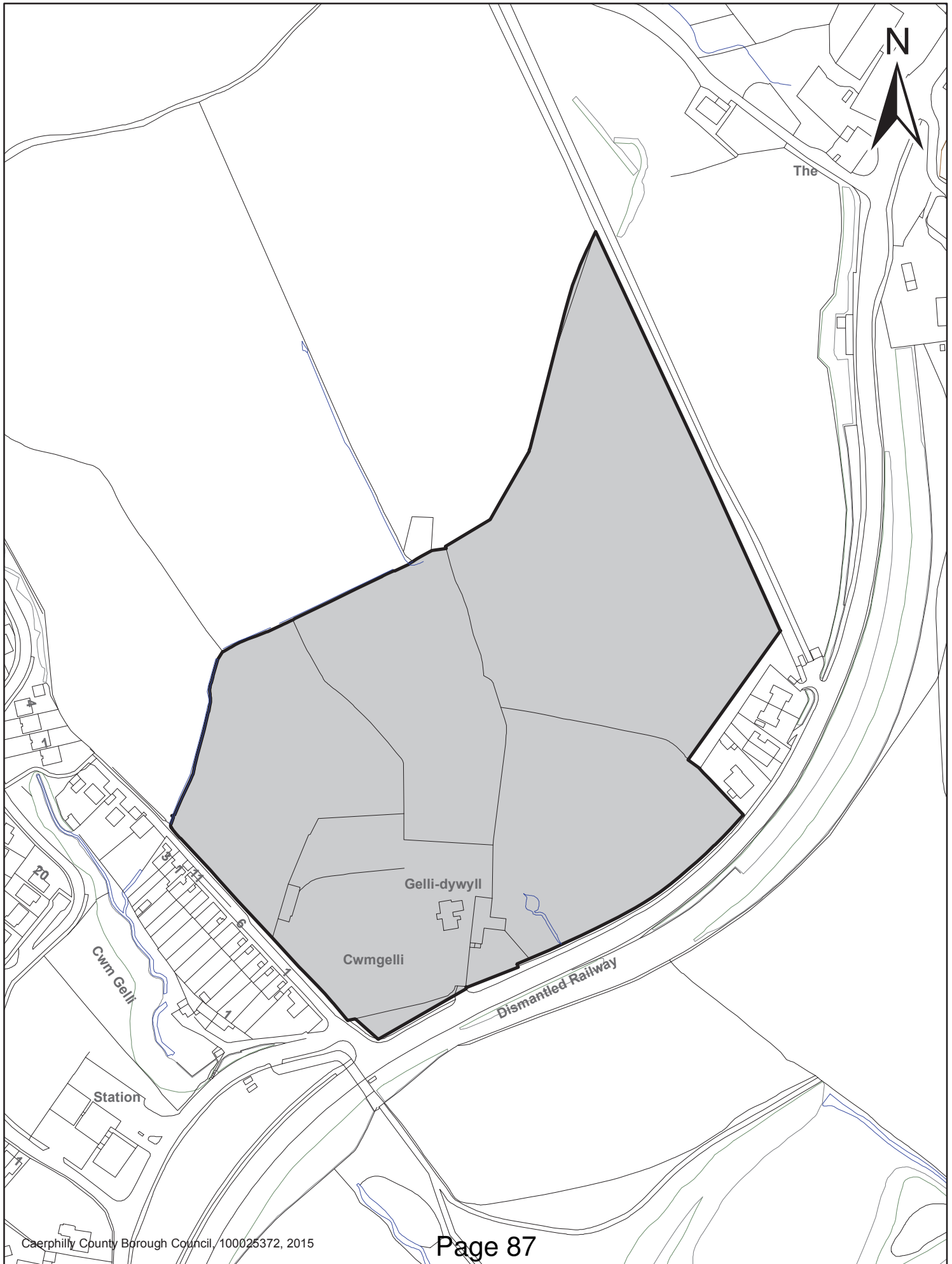
Application No. 15/0252/OUT Continued

- 22) 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 2.4m metres x 120m 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.
- 23) Off street parking provision must be provided in accordance with LDP5 Car Parking Standards.
REASON: In the interests of highway safety.

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: SP2, SP6, SP7, SP14, SP10, SP14, SP15, CW2, CW3, CW4, and CW5.

The applicant is advised of the comments of Wales and West Utilities, Senior Engineer (Land Drainage), Outdoor Leisure Development Officer, The Coal Authority, Rights of Way Officer, Natural Resources Wales, Head of Public Services, Council's Ecologist, Transportation Engineering Manager and Senior Arboricultural Officer (Trees).



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Agenda Item 10

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0463/OUT 22.07.2015	Llanover Estates Mr M Lennon 23A Gold Tops Newport NP20 4UL	Erect a pair of semi-detached 3 bedroom dwellings with associated off-street parking Land Adjacent To Victoria House Ashfield Road Newbridge Newport NP11 4RA

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: Land adjacent to Victoria House, Ashfield Road, Newbridge.

Site description: The site is located within a predominantly residential area within the settlement boundary. It comprises an infill plot on the northern side of Ashfield Road, situated between a vacant Royal Mail sorting Office located to the eastern boundary and a doctor's surgery to the western boundary. Allotment gardens are located to the rear (north of the site) and terraced residential dwellings are located opposite the site.

The site is roughly triangular in shape with its widest part fronting the highway in an easterly direction. It is relatively level toward the front however it rises quite steeply toward the rear of the site. The topography of the site is such that the indicative site layout submitted with the application indicates ground levels rise from south to northwest with a difference in levels of some 3 metres.

The site is currently overgrown with developing scrub woodland including several large trees, which are not covered by any Tree Preservation Order or land use designation.

Development: Outline planning consent is sought in respect of the construction of a pair of 3 bedroom, semi-detached dwellings with associated off-street parking provision. It is only access to be considered at this outline stage with matters of appearance, landscaping, layout and scale reserved for subsequent approval.

Cont

Application No. 15/0463/OUT Continued

Use: Residential:

The amount of development proposed for each use: Two x 3 bedroom, three-storey, dwelling units.

Indicative layout: Yes in respect of a pair of semi-detached dwellings.

Indicative access points: Yes off Ashfield Road.

Dimensions:

Dimensions (upper and lower limits for height, width and length of each building):
Maximum and minimum scale parameters of 10.7m high x 6m in width x 11.6m in depth.

Materials: Notwithstanding the appearance of the dwellings is reserved for subsequent approval, the applicant has indicated external finishes to comprise a painted render and face brick in the walls, cement fibre slate roof, white upvc windows and doors, with face brick boundary walls to match the dwellings together with brown timber fencing and concrete or grasscrete vehicle hard standing.

Ancillary development, e.g. parking: Indicative plan showing six off-street parking spaces with two cycle spaces.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation:

Policy SP5 - within the settlement boundary.

Policies:

Strategic Policies

SP2 (Development Strategy in the Northern connections corridor), SP6 (Place making), SP10 - Conservation and Natural Heritage, SP21 (Parking Standards).

Cont....

Application No. 15/0463/OUT Continued

Countywide Policies

CW2 (Amenity), CW3 (Design considerations:Highways), CW6 - Trees, Woodland and Hedgerow Protection, CW15 (General locational constraints) supplementary planning guidance contained in LDP5 - Parking Standards, LDP6 - building Better Places to Live, LDP7 - Householder Developments.

NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014, TAN 12 (Design), Manual for Streets.

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? Not an issue in respect of this application.

CONSULTATION

Transportation Engineering Manager - Has no objection to the development subject to conditions being attached to any consent in respect of the provision of an access, pedestrian footpath along the site frontage, parking, and drainage. He provides advice to be conveyed to the developer in respect of the provision of a vehicular crossover.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - Requires a condition is attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer in respect of drainage matters.

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

Wales & West Utilities - Confirms the existence of their apparatus within the vicinity of the site and provide advice to be conveyed to the developer accordingly.

Cont....

Application No. 15/0463/OUT Continued

Senior Arboricultural Officer (Trees) - Requires an Arboricultural Impact Assessment and deriving from the outcome of the survey and assessment, there will need to be a Tree Protection Plan (TPP) submitted, that will account for and graphically represent any necessary protection measures for trees to be retained on site, as well as trees off-site. The TPP would illustrate retained trees, root protection areas as well as the specification and location of any other necessary protection measures (i.e. tree protection barrier) necessary. The AIA and TPP should be prepared by a suitably qualified arborist in accordance with BS5837:2012.

Countryside And Landscape Services - Has no objection to the principle of the development but would like consideration be given to different house designs and the possibility of retaining the existing vegetation screen on the boundary between the site and existing properties.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and neighbouring properties have been consulted.

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The site where the proposed developments are to be located contains trees, hedgerow and shrubbery which have the potential to support breeding birds. Therefore, it is considered appropriate to attach conditions to any consent to prevent the clearance of the site during the bird breeding season and biodiversity enhancements in the form of bat roost and bird breeding provision within the development.

Cont....

Application No. 15/0463/OUT Continued

The proposed application site lies immediately adjacent to an allotment site and a nearby churchyard which make excellent bat and bird foraging habitat. The SEWBRc search indicates that there are bats and birds within close proximity to the development site. Consequently, it is considered appropriate to attach conditions to any consent requiring bat roost and breeding bird provision within the new development as biodiversity enhancements.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The site would fall within the mid-range CIL liability charging zone, which is set at £25 per square metre. However, this is an outline application and as such CIL is not applicable.

ANALYSIS

Policies: The main issues in respect of the residential development of this site are considered to be the compatibility of the use with surrounding land uses, the effect of the development upon the character of the surrounding area and upon the amenity of occupiers of neighbouring properties and also in terms of highway safety.

Given that the site subject of this application is included within the settlement boundary for Newbridge as identified in the LDP, it is considered that in policy terms the development of the site would be consistent with Policy SP5 of the LDP i.e. it promotes the full and effective use of urban land and serves to concentrate development within the existing settlement.

General development control considerations are set out in policies SP6 (Place making), CW2 (Amenity) and CW3 (Design consideration: Highways) of the LDP.

Strategic Policy SP6 sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement, seek a high standard of design, seek locations that make the most of sustainable transport and accessibility principles and realises the efficient use of land. The proposed development site lies to the west of the A467 to the north of the A472, within the settlement area of Newbridge and offers the opportunity to provide housing, which will be close to residential areas and local facilities in both Newbridge and Blackwood. This is an outline application with all matters reserved for subsequent consideration except for access. As with any outline planning application for development there is a requirement to provide an increased level of detail to be submitted.

Cont....

Application No. 15/0463/OUT Continued

In this respect an indicative site layout has been proposed, which identifies a pair of semi-detached, dwellings to be constructed, with vehicular access obtained off Ashfield Road. Off-street parking provision in respect of each dwelling is proposed. The proposal is considered to be acceptable in terms of scale, use, density, and layout and adequate off-street parking and amenity is provided in respect of each dwelling. In consideration of policy SP6 the outline proposal satisfies two of the four relevant factors, a sustainable location and efficient use of land.

Policy CW2 of the LDP sets out criteria relating to amenity. Notwithstanding the steeply sloping surrounds there would appear to be enough flat land within the application site to accommodate two dwellings with parking and turning facilities, and an access from Ashfield Road is achievable within the defined application site. In this respect it is considered that the proposed development is compatible with the surrounding residential land uses and does not result in the over-development of the site. In terms of the impact of the development upon the amenity of adjacent properties or land it is noted that this is an outline application with the detail and appearance of the proposed dwellings reserved for subsequent approval.

Policy CW3 of the LDP sets out criteria in terms of highway design considerations. This Council's Transportation Engineering Manager has raised no objection to the development subject to conditions being attached to any consent as referred to above.

Policy CW6 of the LDP aims to protect trees, woodlands and hedgerows. While the DAS acknowledges that the on-site vegetation is generally scrubby in nature and not particularly valuable in terms of amenity, there are some larger (off-site) trees higher up the slope to the rear (west) of the plot. There are also some medium-sized trees on site near the boundaries that offer some level of visual amenity and should also be taken into account. Consequently, it is considered appropriate to attach conditions to any consent requiring an Arboricultural Impact Assessment together with a Tree Protection Plan.

Comments from Consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: None.

Cont....

Application No. 15/0463/OUT

Other material considerations: None.

In conclusion, it is considered that the proposed outline development does not conflict with local plan policies or national planning guidance and subject to the imposition of appropriate conditions is acceptable in planning terms.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

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

Cont....

Application No. 15/0463/OUT Continued

- 05) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) No development shall commence, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction;
- REASON: In the interests of residential amenity and highway safety.
- 07) 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 2.4m metres x 23m 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.
- 08) The site boundary fronting Ashfield Road shall be set back and a 2.0m wide footway provided along the frontage which shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and completed prior to the first occupation of the development hereby approved.
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.

Cont....

Application No. 15/0463/OUT Continued

- 10) The proposed parking areas shall be completed in materials, details of which shall be submitted for consideration and approval in writing with the Local Planning Authority, to ensure loose stones or mud etc is not carried on to the public highway.
REASON: In the interests of highway safety.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety.
- 12) Rainwater run-off shall not discharge into the highway surface-water drainage system.
REASON: In the interests of highway safety.
- 13) 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.
- 14) The development hereby approved relates to the details received on 9.7.15 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.
- 15) 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 within the proposed houses 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.

Cont....

Application No. 15/0463/OUT Continued

- 16) 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 dwellings hereby approved 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).

- 17) No vegetation clearance, works or development shall take place until an Arboricultural Impact Assessment (AIA) in accordance with BS5837:2012 is carried out in respect of on-site trees and those off-site trees closer to site boundaries. Deriving from the outcome of the survey and assessment, a detailed scheme for the protection of any retained trees (section 7, BS59837, the Tree Protection Plan) shall be submitted and 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),

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

REASON: In the interests of visual amenity.

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Application No. 15/0462/OUT Continued

Advisory Note(s)

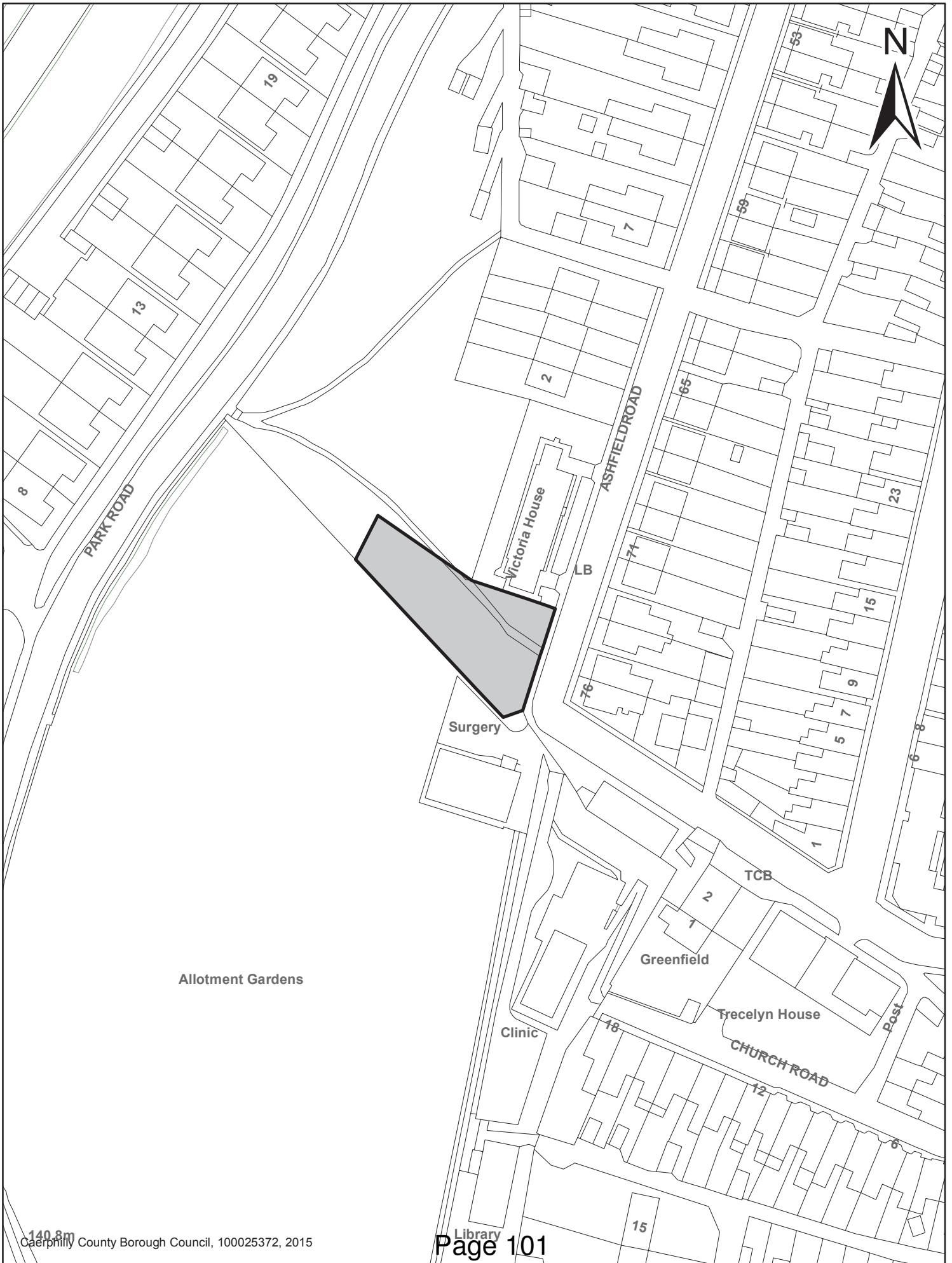
The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

The applicant is advised of the comments of Senior Engineer (Land Drainage), Dwr Cymru/Welsh Water, Wales and West Utilities and Transportation Engineering Manager.

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

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

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



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Agenda Item 11

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0433/FULL 30.06.2015	Pearmat Solar 4 Limited Ms Y Qin 55 Baker Street London W1U 7EU	Create 4.1MW solar farm, consisting of around 15,796 solar modules, on-site access tracks, substation, three combined inverter/transformer stations, underground cables, perimeter fencing and CCTV cameras Pen-y-fan Farm Pen-y-fan Farm Lane Manmoel Blackwood NP12 0HZ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Pen-y-fan Farm, Pen-y-fan Lane, Manmoel, NP12 OHZ. The site of the development is situated approximately 350m south-east of Pen-y-fan Farm, Manmoel Road, Blackwood. It is 0.4km to the west of the settlement of Pentrapeod and approximately 0.4km north-west of the Oakdale Industrial Estate, which is beyond the Pen-y-fan Pond country Park.

Site description: The site is located on the eastern side of Manmoel Road and comprises seven agricultural fields. The fields are enclosed by fragmented hedgerows with mature hedgerow trees.

The site is gently sloping, rising up from approximately 305metres (m) above Ordnance Datum (AOD) in the south-eastern corner to 330m in the north-western corner.

Pen-y-fan Pond Country Park lies adjacent to the south-eastern boundary of the site and the area is traversed by a number of Public Rights of Way (PROW) that run alongside and to the east of the proposed development. There are no PROW within the site.

Cont....

Application No. 15/0433/FULL Continued

Pen-y-fan Caravan and Leisure Park is located approximately 220m to the north of the site on the opposite side of Manmoel Road.

The proposed development would be accessed from the north-west of the site via a turning off Manmoel road through an existing gate which would require widening.

Development: Full planning permission is sought in respect of a proposed 4.1MW solar farm. The scheme consists of around 15,796 solar modules, on-site access tracks, substation, three combined inverter/transformer stations, underground cables, perimeter fencing and CCTV cameras.

The proposals are for rows of fixed solar photovoltaic panels with a maximum height of 2.18m above ground level, enclosed by a 1.8m high tensile steel deer fence. Within the solar farm are other small structures, namely the Distribution Network Operator (DNO) sub-station and control building, and three inverter stations.

The application has been supported by a Planning Statement, Design and Access Statement, Flood Consequences Assessment, Ecology Report prepared by Soil Environment Services Ltd dated May 2015, Agricultural Land Classification, a Heritage Desk-Based Assessment prepared by Cotswold Archaeology dated May 2015, A Landscape and Visual Impact Assessment prepared by LDA Design dated June 2015, Traffic and Transport Plan dated June 2015

Dimensions: The site area is 10.6 hectares. The proposed 4.1MW solar park consists of approximately 15,796 solar PV 260 watt modules mounted on approximately 359 tables (44 modules per table). The modules will be mounted in landscape formation, four panels high on double pile table structures.

Materials: Each solar array comprises a series of black/blue glass/plastic panels supported on a metal frame to allow air to circulate and prevent overheating. The individual modules measure 1.66m x 0.99m x 0.04m in thickness. When assembled on the table structures, the panels will be orientated to measure 2.18m at the back (highest point) and 0.6m off the ground at the front (lowest point) set at an inclination of 20 degrees. The rows of panels will be spaced 3.5m between rows to avoid overshadowing. The table structures are supported by steel posts 50mm in diameter which are directly rammed approximately 1.8m into the ground. The rammed foundation posts will be spaced approximately 3m intervals.

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Application No. 15/0433/FULL Continued

Areas identified as archaeologically sensitive, where ramming is not suitable, will either avoid the placement of structures or will use concrete feet to mount the structures on top of the terrain. Conduits will run along the back of each row of panels linking each to an individual electrical connection box. Each connection box is mounted on the back of the panel structures. Each string of panels will then feed to the nearest of the three combined inverter/transformer housings.

Inverter/transformer station measures 6.1m x 2.6m x 2.9m in height.

DNO sub-station 12.3m x 7.3m x 6.4m constructed of red brick and slate roof.

A grid connection offer is in place to connect into the nearby 33kV grid.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: In the open countryside with the south easternmost field of the site lying within the Pen-y-fan Pond and Meadows Site of Importance for Nature Conservation (SINC) (Policy NH3.49 of the LDP).

Policies:

SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place making, SP8 - Minerals Safeguarding, SP10 - Conservation of Natural Heritage, SP21 - Parking standards.

Countywide Policies

CW2 - Amenity, CW3 - Design considerations - highways, CW4 - Natural Heritage Protection, CW5 - Protection of Water Environment, CW6 - Trees, Woodlands and Hedgerow Protection, CW15 - General locational constraints, CW19 - Rural Development and Diversification, CW22 - Minerals.

Cont....

Application No. 15/0433/FULL Continued

NATIONAL POLICY

Planning Policy Wales, 7th Edition July 2014, TAN 5 - Nature Conservation and Planning (2011), TAN 6 - Planning for Sustainable Rural Communities (2010), TAN 8 - Renewable Energy (2005), TAN 12 - Design, Welsh Office Circulars 11/99 Environmental Impact Assessment, Circular 60/96 Planning and the Historic Environment: Archaeology, circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas. Welsh Assembly Practice Guidance Planning Implications of Renewable and Low Carbon Energy 2011.

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? Not an issue in respect of this application.

CONSULTATION

Argoed Community Council - Object to the development, it is the perception of the Community Council that this area of natural beauty, bordering one of the Borough Council's Countryside Parks is become a 'dumping ground' for all the so-called green energy proposals.

Transportation Engineering Manager - No objection to the development subject to conditions being attached to any consent requiring the submission of a Construction Traffic Management Plan together with details

Head Of Public Protection - No objections subject to conditions being attached to any consent restricting hours of construction, operation, maintenance and decommissioning, together with the provision of a noise mitigation scheme, prior to the commencement of construction works.

Cont....

Application No. 15/0433/FULL Continued

Countryside And Landscape Services - Has no objection to the development but requests conditions are attached to any consent requiring details of the wearing course of all access tracks/vehicle routes through the site, finished colour of the proposed transformer and Inverter cabinets, the cladding of the substation in either stone or timber and the CCTV poles painted black together with an existing and proposed landscaping plan and a detailed Landscape and Ecology Management Plan. In addition in terms of ecology it is considered appropriate to attach a condition to any consent requiring a Construction Environment Management Plan together with a condition requiring a monitoring programme for grassland habitats, invertebrates and bats. A standard nesting bird condition should also be added as a condition.

Senior Engineer (Land Drainage) - Requests a condition is attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer in respect of land drainage matters.

Senior Arboricultural Officer (Trees) - Requests a condition is attached to any consent requiring a Tree Survey in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction - Recommendations) together with an Arboricultural Impact assessment to identify and evaluate the direct and indirect impacts on existing trees that may arise as a result of the implementation of the scheme. In addition an Arboricultural method statement is required to detail in full how the proposed works will be undertaken in relation to the retained trees on and off site.

Minerals Officer - The application site is within the sandstone safeguarding area, where development should be restricted to avoid sterilisation of the resource. However, the proposed development is temporary and there is no indication that the mineral resource is likely to be exploited within the next 25 years. Therefore, the proposal complies with policy CW22 B in the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.

Strategic & Development Plans – No response.

Natural Resources Wales - Has no objection to the development but provides advice to be conveyed to the developer regarding biodiversity and waste management.

Gwent Wildlife Trust - has expressed concern regarding the proximity of the panels to Pen-y-fan Pond and the potential impact on invertebrates and bats mistaking the panels for water disrupting their respective egg laying and drinking behaviour.

Cont....

Application No. 15/0433/FULL Continued

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

Glam/Gwent Archaeological Trust - Has no objection to the positive determination of this application. It provides advice to be conveyed to the developer in the event any archaeological remains are discovered during the ground works.

ADVERTISEMENT

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

Response: 10 comprising two objections and eight letters in support.

Summary of observations:

Objections - Adverse impact upon the visual amenity of the area particularly in close proximity to the Pen-y-fan Pond country Park and Pen-y-fan Caravan and leisure Park.

Support - Good opportunity to increase the level of renewable energy generation within the local area which aligns with UK and Welsh Assembly Government policy for the promotion of sustainable energy generation.

The environmental information submitted predicts the project will have a minimal impact on the visual receptors in the area and the habitat management measures will provide the opportunity for improved biodiversity gain across the site.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The south easternmost field of the application site lies within Pen-y-fan Pond and Meadows Site of Importance for Nature Conservation (SINC) (Policy NH3.49 of the Local Development Plan).

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This SINC has been designated for its marshy grassland and flush vegetation; its semi-improved neutral grassland, acid grassland and heath, standing open water body and lesser horseshoe bat roost. The SINC field within the application site supported a diverse semi-improved neutral grassland community, although it appears that this field has been ploughed in the last 12 months and possibly top soil removed so that only remnants of the habitat remained along the edges of the field. The remaining fields within the application site are agriculturally improved grassland with the field in the south west corner being the most diverse, although this has also been ploughed in the past. It is not clear whether this ploughing has been undertaken to facilitate the development of the solar farm or as part of a general programme of agricultural improvement. However due to the very recent loss of this habitat it is considered that this loss of biodiversity should be taken into account and mitigated for as part of this proposal. The applicant has proposed to manage the two fields described as poor semi-improved grassland to increase the species richness of the current swards. This is to be welcomed but details will be required on the proposed management and monitoring of these grasslands and this may be addressed by attaching appropriate conditions to any consent.

The applicant has also proposed to plant wildflower meadow and wild bird cover strips in the fields that are currently agriculturally improved which if managed appropriately will provide a net benefit for biodiversity. Details of the species composition, and subsequent management and monitoring of these new grasslands have not been provided to date and will need to be provided as a condition.

The Ecological report identified that the trees within the field boundaries have the potential to support roosting bats and breeding birds. The proposal will include the coppicing of two defunct hedges and removal of nine trees at the entrance of the site and one in the centre of the site. The impact of this on bats and birds has not been considered in the report, although during a site visit by this Council's Ecologist it appeared that these trees have the potential for nesting birds, and are unlikely to be suitable for roosting bats. However, to ensure that all species are protected during the construction period, the preparation a Construction Environmental Management Plan should be prepared and agreed with the local planning authority as a condition.

The Gwent Wildlife Trust has expressed concern regarding the proximity of the panels to Pen-y-fan Pond and the potential impact on invertebrates and bats mistaking the panels for water disrupting their respective egg laying and drinking behaviour.

Cont....

Application No. 15/0433/FULL Continued

The applicants have provided a robust scientific response to the Gwent Wildlife Trust's concerns and in the absence of other scientific information, the additional information is acceptable. However it is considered appropriate to include some initial monitoring of invertebrates and bats during the first active season after the panels have been installed to confirm that there is no impact on these species. Again this may be addressed by condition.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The development has been considered in accordance with local plan policies and national planning guidance.

National Policy is contained within Planning Policy Wales Edition 7 (July 2014) and Technical Advice note (TAN) 8: Renewable Energy (2005). PPW reflects a UK target of 15% of energy from renewables by 2020, and here in Wales "we have set a 4TWh per annum renewable electricity production by 2010 and a 7TW target by 2020 as stepping-stones to our ambition of 60% carbon savings by 2050." In order to meet these targets Welsh Government has concluded that 800MW of additional installed capacity is required from onshore wind sources and a further 200MW of installed capacity is required from offshore wind and other renewable technologies. The provision of this solar farm falls under the heading of 'other renewable technologies' and will help to contribute to this target.

There are no specific policies in the LDP relevant to the provision of large solar farms. The application site lies in the countryside for purposes of the LDP. Policy CW15 - Locational Constraints is therefore relevant. Criterion C (iv) states that development in such locations will not be permitted unless the proposal is associated with the provision of public utilities and infrastructure that cannot be reasonably located elsewhere. Policy SP10 - Conservation of Natural Heritage sets out the overarching intention that the natural heritage of the Borough, including landscape, is to be protected. Policy CW4 - Natural Heritage Protection supports this and permits proposals, which conserve, and where appropriate, enhance the distinctive or characteristic features of the Special Landscape Area. Policy CW2 sets out specific aims with regard to development, namely development should not have an unacceptable impact on the amenity of adjacent properties or land, should not result in overdevelopment, and be compatible with surrounding land uses. Policy CW3 - Design considerations - Highways ensures that development satisfies and follows highway requirements.

Cont....

Application No. 15/0433/FULL Continued

The proposed development raises several key issues and these are addressed as follows:-

- Principle of development.
- Use of agricultural land.
- Landscape and visual impact.
- Impact upon the historic environment.
- Ecology.
- Highway safety and access.
- Drainage.
- Duration of permission.

PRINCIPLE OF THE DEVELOPMENT

Policy CW19 - Rural Development and Diversification. The applicant has cited Policy CW19 as a policy consideration. The reasoned justification to Policy CW19 states "Diversification is essentially changing an existing facility that is no longer suited to its original purpose to another use that will benefit the local community, economy and people". This policy is therefore aimed at conversions and more local considerations than this proposal which is for the production of sustainable energy that has much wider implications. It is the case though that Welsh Assembly Practice Guidance Planning Implications of Renewable and Low Carbon Energy 2011 part 8.4.16 does predict that a "significant proportion of proposals for solar PV arrays will be on agricultural land" and as such can support farm diversification (as per Planning Policy Wales 2012 part 7.3).

That practice guidance explains that whilst many solar proposals will be on agricultural land it is not expected that such land should be of a high grade. The application site is not high grade in accordance with that expectation.

In terms of the principle of the development, ideally large-scale solar PV arrays should be directed towards previously developed land or Brownfield sites. However, with relatively few sites of appropriate status and size within the Caerphilly County Borough, it is considered that, subject to other considerations set out below the principle of the proposed photovoltaic development on this undeveloped land in the countryside is endorsed by planning policy as a suitable source of obtaining renewable energy to meet the energy demands of the county. The applicant advises that an assessment of other land within the county borough was considered but solar PV is highly constrained by the requirement to be close to a suitable grid connection point.

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This site has the capacity to accept additional load on the overhead lines crossing the site and therefore fulfils this critical constraint. Other barriers to development such as site access and ecological impacts have been demonstrated to be manageable. The risk of disturbing buried features of archaeological interest has shown to be low. The applicant advises that finding alternative sites, which satisfy the above criteria where the landowner embraces the development, is even more difficult.

USE OF AGRICULTURAL LAND

Agricultural Land Classification (ALC) is a standardised method for classifying agricultural land according to its versatility, productivity and workability based upon interrelated parameters including climate, relief, soil characteristics and drainage. These factors form the basis for classifying agricultural land into one of five grades (with grade 3 land divided into sub grades 3a and 3b). Best and most versatile agricultural land is classified as grades 1, 2 or 3a; whereas moderate, poor and very poor quality land is designated sub grade 3b or grades 4 and 5 respectively. The ALC map for Wales shows that the site has an ALC of grade 4 across the site.

The proposal is for the temporary use of the land for the purposes of solar power generation. It is the intention of the landowner to use the land to graze sheep to prevent it from becoming overgrown and will assist eventual full restoration. The installation is capable of being decommissioned and removed from site at the end of its viable life or duration of planning permission if approved, whichever is the sooner, with the site returned to its original appearance; this would be enforced by planning condition.

LANDSCAPE AND VISUAL IMPACT

Objection has been received regarding the adverse visual impact the development will have in this countryside location as a result of the scale of the development and its cumulative impact with other development. The application site lies in the countryside for purposes of the LDP. Policy CW15: Locational Constraints, at criterion C, states that development in such locations will not be permitted unless the proposal is associated with the provision of public utilities and infrastructure that cannot be reasonably located elsewhere (criterion iv). Policy SP10: Conservation of Natural Heritage sets out the overarching intention that the natural heritage of the Borough, including landscape, is to be protected. Policy CW4 furthers this: Natural Heritage Protection permits proposals, which conserve, and where appropriate, enhance the distinctive or characteristic features of the Special Landscape Area. The site has no land use designations.

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Application No. 15/0433/FULL Continued

The main issue in respect of this application relates to the extent of impact the PV panels would have on the landscape character of the site and its adjacent landscape and the visual impact of the PV panels on people living, working enjoying or passing through the area. The applicant has submitted a Landscape and Visual Impact Assessment in respect of the proposed application, which is in accordance with what is currently regarded as best practice.

The methodology used to undertake the Appraisal of Landscape and Visual Effects is robust and in accordance with what is currently regarded as best practice. A series of matrices are used to guide the assessment of potential effects of the development upon Landscape Character and Visual receptors. This formulae approach is supplemented by professional judgement.

A study area of 4 kilometres from the centre of the application site and 7 no. representative photo viewpoints were selected following analysis of the Zone of Theoretical visibility mapping and discussions with the Council's Landscape Architect. It is considered that there is unlikely to be a significant effect upon Landscape Character and that whilst the potential effect upon users of several public rights of way, Manmoel Road and the western fringe of Pen-y-fan Country Park will be adverse in the early years of the development, the scale of these effects will be very localised and can be reduced significantly by the mitigation planting proposed for this development. It is not considered the cumulative visual effects upon landscape character to be significant and the potential cumulative visual effects can within a reasonable time period be reduced by mitigation planting.

Consequently, it is considered appropriate to attach conditions to any consent requiring details of existing and proposed landscaping (mitigation), a detailed landscape and ecology management plan and conditions requiring details of the colour of the transformer and inverter cabinets and CCTV poles, and an alternative design in respect of the sub-station.

IMPACT ON THE HISTORIC ENVIRONMENT

A detailed Archaeological assessment of the potential impacts on the historic environment of the proposal was undertaken on behalf of the applicant and submitted as part of this planning application. The assessment identified no overriding heritage constraints which are likely to prohibit the development. No adverse comments have been received in respect of the same from this Council's Conservation Officer or statutory consultees. It is therefore considered the proposed development would not be in conflict with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, or with national or local planning policy.

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Application No. 15/0433/FULL Continued

ECOLOGY

Policy SP10 - Conservation of Natural Heritage, Policy CW4 - Natural Heritage Protection and Policy CW6 - Trees Woodland and Hedgerow Protection of the LDP are relevant and aim to protect, conserve, enhance and manage the natural heritage of the county borough. The ecological assessment that accompanied the planning application concluded that the proposed development is not anticipated to result in any significant adverse impacts on designated sites; important habitats or protected species during the construction or operational phase and it also recommends opportunities for habitat creation. The ecological assessment has been considered by this Council's Ecologist and statutory consultees and is discussed above.

In terms of ecology and biodiversity it is considered that the proposed development does not conflict with policies CW4 and CW6 of the LDP and subject to the imposition of appropriate conditions is considered acceptable in planning terms.

HIGHWAY SAFETY AND ACCESS

Vehicular traffic, which is mainly in the construction phase of the development, is anticipated to last for approximately 3 months.

The Traffic and Transport Plan and Method Statement submitted considers the traffic impacts that could arise during construction of the proposed development and outlines the principles to manage site operations with the view to minimising any transport and traffic-related issues during the construction

The Council's Transportation Engineering Manager has considered the information submitted in support of the application and raised no objection to the development subject to the imposition of appropriate conditions as discussed above.

DRAINAGE

In this respect Policy CW5 of the LDP - Protection of the Water Environment is relevant. The flood risk assessment submitted as part of the planning application has identified that the development is not at risk of flooding. The applicant has also investigated the impact of run-off rates from the site. Existing grasses and vegetation will be maintained such that surface flows will be minimised and kept at current levels. It concludes the development's associated infrastructure will result in a very minor increase to the site's impermeable area at ground level.

Cont....

Application No. 15/0433/FULL Continued

In accordance with Part H of the Building Regulations 2010 (as amended), and subject to percolation testing, it is proposed in the first instance that infiltration techniques are employed to drain this increase in impermeable areas. In this respect the design of such a scheme will be required by condition and will be considered by this Council's Senior Engineer (Land Drainage).

GLINT AND GLARE

Solar PV panels are specifically designed to absorb, not reflect, light from the sun. The PV panels are manufactured with anti-reflective coatings to be as absorbent as possible in order to maximise their efficiency in producing electricity. There have been no consultee objections in respect of this aspect of the development.

DURATION OF PERMISSION

The application seeks consent for a temporary period of 25 years and this can be conditioned within any planning permission. Once the life of the permission is reached, the recommended condition would require the site be decommissioned, all infrastructure removed and the site restored to its original state.

COMMUNITY ENGAGEMENT

TAN 8 encourages developers to take an active role in engaging with the local community on renewable energy proposals (Para. 2.15). The applicant has followed that advice and engaged with the local community in Manmoel. A community consultation meeting was held on the 9th June 2015 and in advance of the presentation 30 event letters were sent out to the community, LPA Councillors, two Community Councillors, seven local residents and two local publications. Sixteen people attended the presentation.

Comments from consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: See above.

Other material considerations: None.

In conclusion, it is considered the selected site is appropriate in that it can accommodate the proposed solar farm without significantly affecting the landscape character and appearance of the surrounding area, and potential archaeology or the amenities of residents in the vicinity.

Cont....

Application No. 15/0433/FULL Continued

The temporary and reversible nature of the development, together with the measures that are to be taken to enhance and encourage ecological diversity of the site will ensure that, in the long term, the site can not only be restored to its current use, but will also have been improved. The proposed development does not conflict with local plan policies or national planning guidance and subject to the imposition of appropriate conditions is considered acceptable in planning terms.

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) At least 5 working days' notice in writing shall be given to the Local Planning Authority in respect of the commencement of works.
REASON: To enable the Local Planning Authority to ensure construction works take place in a timely manner and to minimise disturbance to neighbouring amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.
- 03) Notwithstanding the submitted plans, details of the colours of the external finishes of the Transformer and Invertor Cabinets together with the CCTV poles and associated attachments shall be submitted for consideration and approval in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the first use commencing.
REASON: In the interests of visual amenity.
- 04) This consent does not extend to the details submitted in respect of the external wall materials of the substation indicated on the approved drawing no. 506 Rev. A. Revised details shall be submitted for consideration and approval in writing with the Local Planning Authority, which provide for a pitched roof building with either a stone/timber clad or rendered finish to the external walls. The development shall be carried out in accordance with the agreed details prior to the first use commencing.
REASON: In the interests of visual amenity.

Cont....

- 05) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:
- (a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
 - (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
 - (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: In the interests of the visual amenity of the area.
- 06) Prior to the commencement of the development hereby approved a Construction Environmental Management Plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.
- REASON: To ensure adequate protection to protected species.
- 07) Prior to the commencement of the development hereby approved a nature conservation and landscape management plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.
- REASON: To ensure adequate protection to protected species.

Cont....

- 08) Within 6 months of the commencement of the development hereby approved, a monitoring programme for grassland habitats, invertebrates and bats shall be submitted to the Local Planning Authority for approval. The agreed management programme shall be implemented in accordance with the agreed details and copies of the monitoring reports submitted to the local authority in accordance with an agreed time frame.
REASON: In the interests of biodiversity.
- 09) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
 - b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
 - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
 - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
 - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
 - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
 - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
 - h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),

Cont....

Application No. 15/0433/FULL Continued

- 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.

- 10) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

REASON: To ensure the development is served by an appropriate means of drainage.

- 11) Construction, movement of materials and decommissioning works shall take place only between the hours of 0800 - 1800 Mondays to Fridays and 0800 - 1300 Saturdays and not at all on Sundays or Public Holidays.

REASON: In the interests of residential amenity and to minimise disturbance to foraging/commuting bats and other nocturnal animals.

Cont....

Application No. 15/0433/FULL Continued

- 12) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 13) No external lighting shall be installed or operated during the operation of the site.
REASON: In the interests of nearby amenity and to safeguard the ecological interests of the site in accordance with Policies CW2 and CW4 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Local Planning Authority, except for those works permitted by this consent.
REASON: To protect the landscape character of the area in accordance with Policies CW4 of the LDP.
- 15) Within 25 years and 6 months following completion of construction of development, or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, the solar PV panels, frames, foundations, inverter housings and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall be subsequently restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.
REASON: In the interest of visual amenity.

Cont....

Application No. 15/0433/FULL Continued

- 16) 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.
- 17) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: drawing nos. 501 Rev A, 502 Rev A, 503 Rev A, 504 Rev A, 505 Rev A, 506 Rev A and 507 Rev A (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.
- 18) The development hereby approved shall not commence until after a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details on the proposed size/number/frequency of delivery vehicles associated with the construction of the solar park and any mitigation measures proposed to safely manage deliveries to and from the site. The works thereafter shall be carried out in accordance with the agreed plan.
REASON: In the interests of highway safety.
- 19) Prior to the commencement of works on site, a scheme to prevent mud and other debris being deposited on the public highway, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.
REASON: In the interests of highway safety.
- 20) The development shall not commence until a means of vehicular access has been constructed in accordance with details that shall have first been submitted to and agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.

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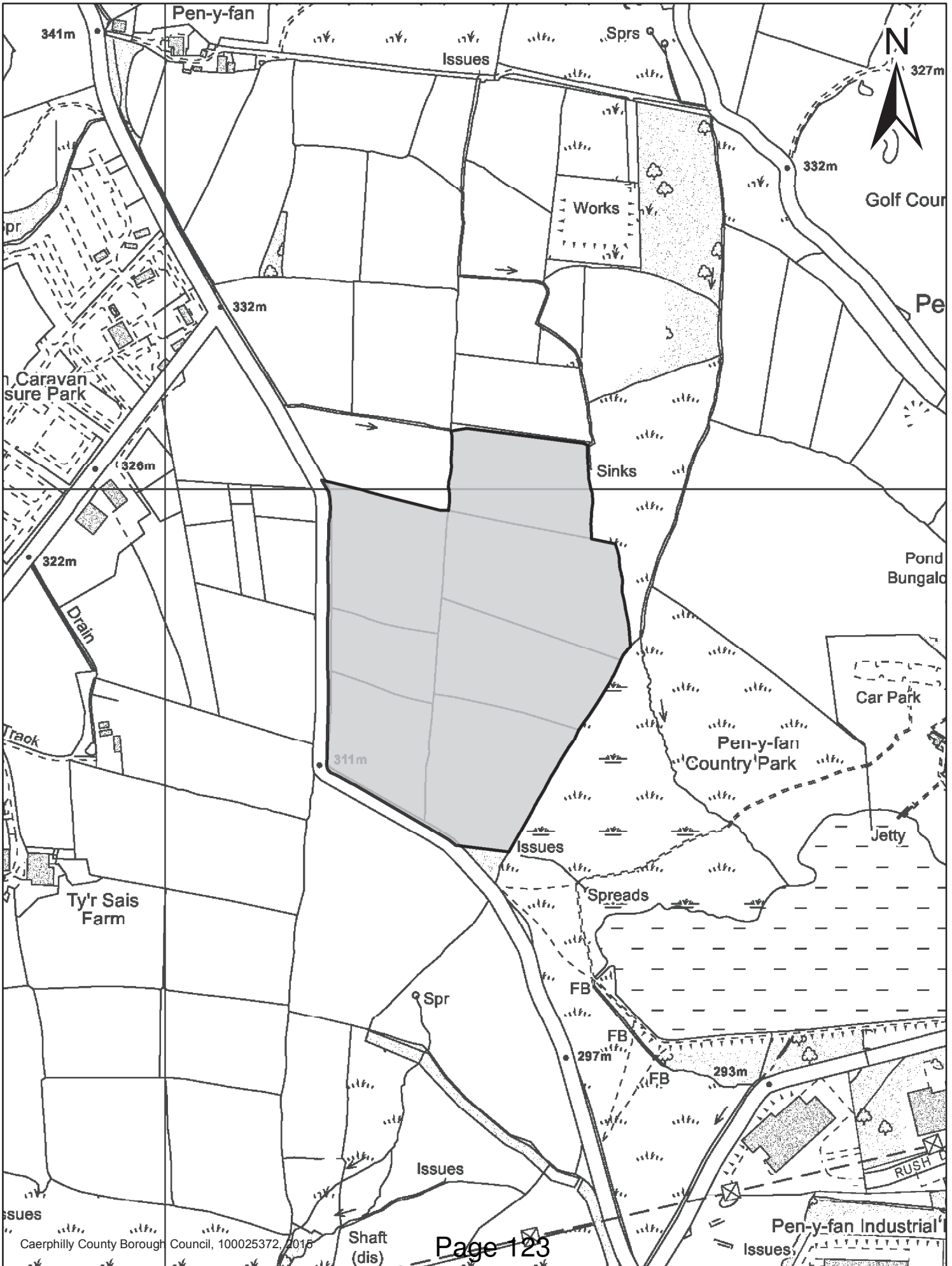
Application No. 15/0433/FULL Continued

- 21) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the solar farm. Written confirmation of the first export date shall be sent to the Local Planning Authority within one month of the first export date.
REASON: In order to retain effective control over the development.
- 22) Within 25 years from the date when electricity is first generated to the grid, or within six months of the cessation of electricity generation by the solar farm facility, whichever is sooner, the solar farm and all associated works/equipment shall be dismantled and removed from the site and the land restored to its former condition in line with a restoration scheme, details of which shall be submitted and approved in writing by the Local Planning Authority.
REASON: In the interests of visual amenity.
- 23) Within the year prior to decommissioning of the site, and during the appropriate survey period prior to decommissioning, a full ecological survey of the site shall be undertaken to inform decommissioning, as required by Condition 22). A survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during commissioning and beyond.
REASON: In the interests of visual amenity and biodiversity.

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 and CW4.

The applicant is advised of the comments of this Council's Ecologist, Countryside and Landscape Services, Senior Arboricultural Officer (Trees), Glamorgan Gwent Archaeological Trust, Natural Resources Wales, Gwent Wildlife Trust, Senior Engineer (Land Drainage) and Dwr Cymru/Welsh Water.



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Agenda Item 12

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0451/FULL 09.07.2015	Tealing Solar Parks Ltd C/o Pegasus Planning Group Ltd Mr C Cox First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL	Install ground mounted photovoltaic solar arrays with transformer stations; internal access tracks; biodiversity enhancement; landscaping; stock fencing; security measures; access gate and ancillary infrastructure Land At Pen-Yr-Heol-Las Manmoel Road Manmoel NP12 0RQ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land at Pen-Yr-Heol-Las, Manmoel Road, Manmoel, NP12 0RQ. The site is located to the west of Manmoel Road, south of the settlement of Manmoel and directly north of Pen-y-Fan Caravan and Leisure Park. The site is bounded by agricultural land to the northeast and west.

Site description: The site extends across an area of approximately 11.1 hectares (27.4 hectares) and comprises eight agricultural fields (Grade 4 and 5) currently used for grazing. The site is screened by trees and hedgerows to the north, south and west. A hedge and trees along Manmoel Road provides screening to the east.

The site slopes down to the south towards the caravan park. A farmstead (Pen y Fan Cottage) is located to the east of the site on the opposite side of Manmoel road and Hafodriscladd Isaf Farm is located to the south of the site. Some isolated dwellings are located to the south west and west of the application site.

The site is accessed from Manmoel Road, which connects to the B4251.

Development: Full planning permission is sought in respect of the installation of ground mounted photovoltaic solar arrays with transformer stations; internal access tracks; biodiversity enhancement; landscaping; stock fencing; security measures, access gate; and ancillary infrastructure. The ground mounted solar park would have an operational lifespan of 25 years.

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In terms of the site layout, the PV panels will be set back from the boundary of each field by at least 6m in order to provide for access around the edge of each field and to ensure the continuing health of existing trees and hedgerows. Any bare areas created during the construction period would be sown with species diverse grassland and meadow seed mix. Grassland around the field margins would be managed as tall tussocky grassland. To the northern, eastern and southern boundaries of the application site a 1m width native hedgerow would be planted, offset from the existing mature hedgerow trees. Along the western site boundary larger gaps in the existing vegetation would be infilled with proposed native hedgerow. This new hedgerow would assist in screening views, whilst increasing the net tree and hedgerow resource of the site. An instant hedgerow would be planted along the south-eastern boundary in order to screen views from a nearby residential property with a number of hedge trees.

Each array will be mounted on a supporting metal framework laid out in parallel arrays (rows) running east to west across the various field enclosures. The panels, would be tilted at 18 degrees from the horizontal, orientated to face due south towards the sun, would be some 0.85m above ground level, with the trailing top edge set at 2m above ground level.

The solar farm would use small inverters, mounted on the back/underside of the solar panels, thereby removing the need for visible inverter buildings.

There would be two power station building (L6.05m x W2.43m x H2.59m) and low voltage substation (L6.08m x W3.1m x H2.68m).

Connection to the local grid network would be via cables to an existing substation to the south-east of the application site.

The strings of solar panels would be connected together by underground cabling, with no new above ground cabling required.

In total the panels will cover only 30% of the total area of the site if viewed directly from above. Strips of grass between the panels will be retained and grazed by sheep during the life of the scheme. The distance between the rows of panels will vary depending on the ground levels but is generally 2.5m to avoid any overshadowing effect.

Construction vehicles would access the site from a short section of new access track off Manmoel Road, to the northeast of the application site. Internal access tracks will be provided, which will facilitate the installation of the solar arrays and post construction will be retained to allow for maintenance. The tracks will be constructed using locally sourced permeable aggregate.

Cont....

Application No. 15/0451/FULL Continued

A secure temporary compound will be used to store materials and ancillary welfare facilities during construction period. It is anticipated the construction phase will take up to three months, with mounting structures, fencing and modules being delivered first followed by inverters, substations, cabling and CCTV. It is estimated that an average of 1.5 HGV deliveries per day for six days.

Access to the solar park is restricted for security reasons. The development includes the erection of a 2m high deer fence, mounted on timber poles.

A CCTV system would be mounted on 4m high poles, 1m inside the deer fence close to the array. Cameras will be dotted around the application site.

The application has been supported by a Planning Statement, Design and Access Statement, a Heritage Desk-Based Assessment prepared by Cotswold Archaeology dated May 2015, A Glare Assessment prepared by IZEN International, An Agricultural Assessment prepared by Kernon Countryside Consultants Limited dated June 2015, Flood Consequences Assessment prepared by Clive Onions dated July 2015, an Ecological Survey prepared by Clarkson and Woods dated June 2015, an appraisal of Landscape and Visual Effects prepared by Pegasus Group dated July 2015, construction Traffic Management Plan, and a Statement of Community Engagement and an assessment for Protected species prepared by Ethos Environmental Planning.

Dimensions: The site extends across an area of approximately 11.1 hectares. The solar park will generate circa 4.89MW of renewable energy. This is sufficient to provide the annual power needs of approximately 1522 households. The power station with 2 invertors has maximum dimensions of 6.05m x 2.59m x 2.4m. The sub-station has maximum dimensions of 6.08m x 3.1m x 2.5m.

Materials: The power station and sub-station are proposed to be of pre-fabricated modular design.

The silicone PV panels will be coloured black or blue and faced with anti-reflective glass. They will be mounted on galvanised steel frames.

Ancillary development, e.g. parking: Parking within the compound and portable welfare facilities will be provided during the course of construction.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

Cont....

Application No. 15/0451/FULL Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Outside of settlement boundary.

Policies:

SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place making, SP8 - Minerals Safeguarding, SP10 - Conservation of Natural Heritage, SP21 - Parking standards.

Countywide Policies

CW2 - Amenity, CW3 - Design considerations - highways, CW4 - Natural Heritage Protection, CW5 - Protection of Water Environment, CW6 - Trees, Woodlands and Hedgerow Protection, CW15 - General locational constraints, CW19 - Rural Development and Diversification, CW22 - Minerals.

NATIONAL POLICY

Planning Policy Wales, 7th Edition July 2014, TAN 5 - Nature Conservation and Planning (2011), TAN 6 - Planning for Sustainable Rural Communities (2010), TAN 8 - Renewable Energy (2005), TAN 12 - Design, Welsh Office Circulars 11/99 Environmental Impact Assessment, Circular 60/96 Planning and the Historic Environment: Archaeology, circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas. Welsh Assembly Practice Guidance Planning Implications of Renewable and Low Carbon Energy 2011.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Prior to the submission of the application a screening request was submitted and a screening opinion was issued on the 8th June 2015 which confirmed that an Environmental Impact assessment was not required.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this application.

Cont....

Application No. 15/0451/FULL Continued

CONSULTATION

Argoed Community Council - No response.

Transportation Engineering Manager - Has no objection to the development subject to conditions including that the development be carried out in accordance with the Construction Traffic Management Plan submitted with the application and the developer carrying out a highway condition survey along Manmoel Road. The agreed survey shall include a scheme and timetable for the repair of any damage caused to the highway by delivery vehicles associated with this development.

Head Of Public Protection - Have no objections to the development subject to conditions being attached to any consent restricting the hours worked during construction, operation and maintenance and decommissioning of the site, details of sound insulation proposals in respect of the substation being submitted and approved by the local planning authority and site control measures in respect of dust and noise suppression.

Senior Engineer (Land Drainage) - No objections.

Strategic & Development Plans - No response

Rights Of Way Officer - FP158 in the Community of Bedwellty abuts the site and must be protected at all times.

Dwr Cymru - Holding objection.

Western Power Distribution - No response.

Countryside And Landscape Services - Requests conditions are attached to any consent requiring existing and proposed Landscaping (mitigation) details, details of the route connection to the National Grid, details of the external colours of the transformer and inverter cabinets and CCTV poles, a detailed Landscape and Management Plan, a Construction Environmental Management Plan and a monitoring programme for grassland habitats together with revised design detail in respect of the proposed substation.

Senior Arboricultural Officer (Trees) - Requests conditions are attached to any consent requiring an Arboricultural Method Statement together with a Tree Protection Plan.

Cont....

Application No. 15/0451/FULL Continued

Natural Resources Wales - Do not object to the proposal as submitted. They advise the proposed development is taken forward in line with the recommendations set out in Section 7.5 of the Ecological Survey prepared by Clarkson and Woods, dated June 2015.

Glam/Gwent Archaeological Trust - Confirms that it is unlikely that any buried archaeological features encountered during construction would be of sufficient importance to prevent the positive determination of the current application. Nonetheless the impact of the development on any archaeological resource will require mitigation. It requests a condition is attached to any consent requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation in order to identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of works on the archaeological resource.

Civil Aviation Authority - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. They provide advice to be conveyed to the developer

Police Architectural Liaison Officer - The Gwent Police Designing Out Crime Unit have no objections to this application. Advice is provided to be conveyed to the developer.

Police Air Support Services - No response

Wales Air Ambulance - No response.

Chief Fire Officer - No response.

The Wildlife Trust Of South And West Wales - No response.

National Grid - No response.

Ramblers Cymru - No response.

Natural Environment & Agriculture Team - No response.

Minerals Officer - The site is within a sandstone safeguarding area identified in the LDP. Policy CW22 is relevant to the determination of the application.

Cont....

Application No. 15/0451/FULL Continued

This policy seeks to protect mineral resources that society may need in the future from development that would constrain exploitation of the resource. The pennant sandstone in the south Wales coalfield is a nationally important resource because it meets the specification for High Specification Aggregate, which is used for skid resistant road surfacing.

However, the development is temporary development and there is currently no indication that the resource near this site will be needed within the next 25 years. Therefore the proposal accords with policy CW22 B in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Council For The Protection Of Rural Wales - No response.

ADVERTISEMENT

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

Response: Six.

Summary of observations:

- adverse visual impact as a result of the scale of the development,
- adverse impact as a result of glint and glare,
- change in landscape character,
- cumulative impact,
- impact upon residential amenity,
- close proximity to two public rights of way,
- insufficient community engagement,
- unclear description of site location,
- noise pollution,
- close proximity to Hafodrisclawdd-isaf site of Importance for Nature conservation (SINC) identified by Policy NH3.34 of the LDP,
- drainage,
- adverse impact upon ecology,
- loss of privacy and crime target.

SECTION 17 CRIME AND DISORDER ACT

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

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EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

An ecological survey has been submitted undertaken by Clarkson and Woods dated June 2015 and a Protected Species Survey undertaken by Ethos Environmental Planning dated August 2015.

The site lies adjacent to the Hafodrisclawdd Site of Importance for nature Conservation (SINC) (Policy NH3.34). The stream that runs through this SINC will receive surface run off from the site. The potential impact of this run off is most likely to occur during the construction period when there is the potential for construction vehicles to create bare ground/mud, increasing the risk of sediment in the surface run off. The applicant has proposed to create a swale along the southern perimeter within the vicinity of the smallholding, which will encourage infiltration and reduce run off rates into the nearby SINC. These proposals are acceptable.

The site was found to support semi-improved neutral grassland that is a priority habitat in the UK Biodiversity Action Plan, and a habitat of principal importance in Wales. Construction may result in the damage to the grassland, if construction occurs during the winter months or during wet conditions. The ecological report recommends that damaged/ bare areas are reseeded with a locally sourced wild flower and grass seed mix. The current management is a mixture of cattle and sheep grazing with some fields cut for hay. Cattle are not considered suitable for solar farms, so sheep grazing is recommended for future management between the solar panels. Sheep grazing is less suitable to achieve species rich grassland beneficial to invertebrates and pollinators, so removal of grazing stock during the summer months will be necessary to achieve the increase in species diversity proposed as mitigation for the loss of habitat beneath the hard structures put on site. This can be achieved through the preparation and implementation of a Landscape and Ecological Management plan as a planning condition.

The site also supports a network of hedgerows and connected woodland. Several hedgerows were identified as being Important Hedgerows under the Hedgerow Regulations and all have the potential to provide commuting and foraging habitat for bats. The applicant is proposing to retain all the hedgerows, and this council's Arboriculturalist has recommended an Arboricultural Method statement is prepared incorporating a tree protection plan.

Cont...

Application No. 15/0451/FULL Continued

This will also serve to protect the habitat and species associated with the hedgerows and woodland and may be addressed by attaching appropriate conditions to any consent.

The assessment for protected species included a reptile survey, bat survey and bird survey. No evidence of reptiles were recorded on site.

With regard to bats, all trees were inspected for suitability as roosts for bats. The age of the beech trees meant that the majority of trees on site had high potential to support bats. A bat activity was also undertaken, and confirmed that 7 species of bat foraged and commuted around the site, with the highest level of activity being along the mid-west and south-west perimeters, and few records along the internal hedgerows. In view of these findings, and as all trees are proposed to be retained and protected during construction, there is unlikely to be an impact on bats and the three European tests do not need to be applied to this application. Research has indicated that bats have the potential to collide with panels, and as the site is 950metres from Pen-y-fan Pond, as a precautionary measure a bat monitoring programme during the first 12 months of operation should be conditioned.

A bird survey confirmed that twenty-one species of bird were present on site, with notable breeding birds associated with the hedgerows and trees included redstart, nuthatch and great tit, and tawny owls may also breed on site. The grassland provides foraging habitat for house martins and swallows, nesting nearby. No ground nesting birds were recorded. In view of the retention of all trees on site, there is unlikely to be an impact on breeding birds on site and the management changes that will be proposed through the Landscape and Ecological Management plan have the potential to increase the availability of invertebrates for foraging birds.

The enhancement measures proposed in section 7.4 of the ecological report are welcomed, the details of which should be included in a plan and their subsequent management in a Landscape and Ecological Management plan to be addressed by attaching an appropriate condition to any consent.

With regards to the ecological objections referred to, the comments above have addressed those objections.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No.

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ANALYSIS

Policies:

The development has been considered in accordance with local plan policies and national planning guidance.

National Policy is contained within Planning Policy Wales Edition 7 (July 2014) and Technical Advice note (TAN) 8: Renewable Energy (2005). PPW reflects a UK target of 15% of energy from renewables by 2020, and here in Wales "we have set a 4TWh per annum renewable electricity production by 2010 and a 7TW target by 2020 as stepping-stones to our ambition of 60% carbon savings by 2050." In order to meet these targets Welsh Government has concluded that 800MW of additional installed capacity is required from onshore wind sources and a further 200MW of installed capacity is required from offshore wind and other renewable technologies. The provision of this solar farm falls under the heading of 'other renewable technologies' and will help to contribute to this target.

There are no specific policies in the LDP relevant to the provision of large solar farms. The application site lies in the countryside for purposes of the LDP. Policy CW15 - Locational Constraints is therefore relevant. Criterion C (iv) states that development in such locations will not be permitted unless the proposal is associated with the provision of public utilities and infrastructure that cannot be reasonably located elsewhere. Policy SP10 - Conservation of Natural Heritage sets out the overarching intention that the natural heritage of the Borough, including landscape, is to be protected. Policy CW4 - Natural Heritage Protection supports this and permits proposals, which conserve, and where appropriate, enhance the distinctive or characteristic features of the Special Landscape Area. Policy CW2 sets out specific aims with regard to development, namely development should not have an unacceptable impact on the amenity of adjacent properties or land, should not result in overdevelopment, and be compatible with surrounding land uses. Policy CW3 - Design considerations - Highways ensures that development satisfies and follows highway requirements.

The proposed development raises several key issues and these are addressed as follows:-

- Principle of development.
- Use of agricultural land.
- Landscape and visual impact.
- Impact upon the historic environment.

Cont....

Application No. 15/0451/FULL Continued

- Ecology.
- Highway safety and access.
- Drainage.
- Duration of permission.

PRINCIPLE OF THE DEVELOPMENT

Policy CW19 - Rural Development and Diversification. The applicant has cited Policy CW19 as a policy consideration. The reasoned justification to Policy CW19 states "Diversification is essentially changing an existing facility that is no longer suited to its original purpose to another use that will benefit the local community, economy and people". This policy is therefore aimed at conversions and more local considerations than this proposal which is for the production of sustainable energy that has much wider implications. It is the case though that Welsh Assembly Practice Guidance Planning Implications of Renewable and Low Carbon Energy 2011 part 8.4.16 does predict that a "significant proportion of proposals for solar PV arrays will be on agricultural land" and as such can support farm diversification (as per Planning Policy Wales 2012 part 7.3).

That practice guidance explains that whilst many solar proposals will be on agricultural land it is not expected that such land should be of a high grade. The application site is not high grade in accordance with that expectation.

In terms of the principle of the development, ideally large-scale solar PV arrays should be directed towards previously developed land or Brownfield sites. However, with relatively few sites of appropriate status and size within the Caerphilly County Borough, it is considered that, subject to other considerations set out below the principle of the proposed photovoltaic development on this undeveloped land in the countryside is endorsed by planning policy as a suitable source of obtaining renewable energy to meet the energy demands of the county. The applicant advises that an assessment of other land within the county borough was considered but solar PV is highly constrained by the requirement to be close to a suitable grid connection point. This site has the capacity to accept additional load on the overhead lines crossing the site and therefore fulfils this critical constraint. Other barriers to development such as site access and ecological impacts have been demonstrated to be manageable. The risk of disturbing buried features of archaeological interest has shown to be low. The applicant advises that finding alternative sites, which satisfy the above criteria where the landowner embraces the development, is even more difficult.

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USE OF AGRICULTURAL LAND

Agricultural Land Classification (ALC) is a standardised method for classifying agricultural land according to its versatility, productivity and workability based upon interrelated parameters including climate, relief, soil characteristics and drainage. These factors form the basis for classifying agricultural land into one of five grades (with grade 3 land divided into sub grades 3a and 3b). Best and most versatile agricultural land is classified as grades 1, 2 or 3a; whereas moderate, poor and very poor quality land is designated sub grade 3b or grades 4 and 5 respectively. The ALC map for Wales shows that the site has an ALC of grade 4.

The proposal is for the temporary use of the land for the purposes of solar power generation. It is the intention of the landowner to use the land to graze sheep to prevent it from becoming overgrown and will assist eventual full restoration. The installation is capable of being decommissioned and removed from site at the end of its viable life or duration of planning permission if approved, whichever is the sooner, with the site returned to its original appearance; this would be enforced by planning condition.

LANDSCAPE AND VISUAL IMPACT

Objection has been received regarding the adverse visual impact the development will have in this countryside location as a result of the scale of the development, the change in landscape character and its cumulative impact with other development. The application site lies in the countryside for purposes of the LDP. Policy CW15: Locational Constraints, at criterion C, states that development in such locations will not be permitted unless the proposal is associated with the provision of public utilities and infrastructure that cannot be reasonably located elsewhere (criterion iv). Policy SP10: Conservation of Natural Heritage sets out the overarching intention that the natural heritage of the Borough, including landscape, is to be protected. Policy CW4 furthers this: Natural Heritage Protection permits proposals, which conserve, and where appropriate, enhance the distinctive or characteristic features of the Special Landscape Area. The site has no land use designations. The main issue in respect of this application relates to the extent of impact the PV panels would have on the landscape character of the site and its adjacent landscape and the visual impact of the PV panels on people living, working enjoying or passing through the area. The applicant has submitted a Landscape and Visual Impact Assessment in respect of the proposed application, which is in accordance with what is currently regarded as best practice.

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Application No. 15/0451/FULL Continued

The methodology used to undertake the Appraisal of Landscape and Visual Effects is robust and in accordance with what is currently regarded as best practice. A series of matrices are used to guide the assessment of potential effects of the development upon Landscape Character and Visual receptors. This formulae approach is supplemented by professional judgement.

A study area of 5 kilometres from the centre of the application site and 13 representative photo viewpoints were selected following analysis of the Zone of Theoretical visibility mapping and discussions with the Council's Landscape Architect. It is considered that there is unlikely to be any significant effect upon Landscape Character or visual receptors. The proposed development is visually well contained within the existing field structure and distant views of the proposal are likely to be extremely limited. Some local views into the site will be possible where existing hedgerow boundaries are fragmented. However this can be addressed by management and additional planting, which will within a reasonable timeframe provide a suitable vegetation screen and a benefit to the local landscape in the long term. In this respect it is considered appropriate to attach conditions to any consent requiring details of existing and proposed landscaping, a detailed landscape and ecology management plan, details of the route and method of connection to the National Grid, and conditions relating the colour of the transformer cabinets, substation and CCTV poles.

IMPACT ON THE HISTORIC ENVIRONMENT

A detailed Archaeological assessment of the potential impacts on the historic environment of the proposal was undertaken on behalf of the applicant and submitted as part of this planning application and included a desk based assessment, a site walkover and geophysical analysis.

ECOLOGY

Objection has been raised regarding the adverse impact the proposed solar farm will have upon ecology and particularly given its close proximity to Hafodrisclawdd-isaf Site of Importance of Nature Conservation. Policy SP10 - Conservation of Natural Heritage, Policy CW4 - Natural Heritage Protection and Policy CW6 - Trees Woodland and Hedgerow Protection of the LDP are relevant and aim to protect, conserve, enhance and manage the natural heritage of the county borough. The ecological assessment that accompanied the planning application comprised a desk study, a site survey and a report. The assessment concluded that the proposed development is not anticipated to result in any significant adverse impacts on designated sites; important habitats or protected species during the construction or operational phase and it also recommends opportunities for habitat creation. This Council's Ecologist has addressed the issues raised by the objector above.

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Application No. 15/0451/FULL Continued

In terms of ecology and biodiversity it is considered that the proposed development does not conflict with policies CW4 and CW6 of the LDP and subject to the imposition of appropriate conditions is considered acceptable in planning terms.

HIGHWAY SAFETY AND ACCESS

Objection has been raised regarding the close proximity of the development to two Public Rights of Way. This Council's Rights of Way Officer has considered the proposed development and has not raised objection to the development subject to Footpath 158 in the Community of Bedwellty, which abuts the site being protected at all times. There are a number of Public Rights of Way that are located within the vicinity of the application site and the visual impact of the development upon users of these footpaths has been considered in the Appraisal of Landscape and Visual Effects submitted with the application. As discussed above this Council's Landscape Planner has concluded that if approved there is unlikely to be any significant effect upon Landscape Character or visual receptors.

Vehicular traffic, which is mainly in the construction phase of the development, is anticipated to last for approximately 3 months. A construction compound would be provided within the site boundary. Following construction, the installation would be monitored remotely and not require permanent staff to be located on-site. Servicing of equipment on the site would only need to be undertaken every 2 - 3 months by a maintenance engineer using a small van/truck. As such, the level of traffic generated by the proposed development is considered to be minimal.

The Construction and Traffic Management Plan and Method Statement submitted considers the traffic impacts that could arise during construction of the proposed development and outlines the principles to manage site operations with the view to minimising any transport and traffic-related issues during the construction

The Council's Transportation Engineering Manager has considered the information submitted in support of the application and raised no objection to the development subject to the imposition of appropriate conditions.

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DRAINAGE

Objection has been raised regarding the impact the proposed solar farm will have upon drainage. In this respect Policy CW5 of the LDP - Protection of the Water Environment is relevant. The flood risk assessment submitted as part of the planning application has identified that the development is not at risk of flooding. The applicant has also investigated the impact of run-off rates from the site. As the photovoltaic power plant's substructure allows for flexible installation, no changes to drainage are anticipated. Specifically, the steel substructure will follow the contours of the land, eliminating the need for any cut or fill of the topography. Existing grasses and vegetation will be maintained such that surface flows will be minimised and kept at current levels.

GLINT AND GLARE

Objection has been raised in this respect. A Glint and Glare Report has been submitted with the application and discusses the potential for glare from the PV panels on the surrounding roads, residential properties and settlements.

Solar PV panels are specifically designed to absorb, not reflect, light from the sun. The PV panels are manufactured with anti-reflective coatings to be as absorbent as possible in order to maximise their efficiency in producing electricity. The report, which concludes the predicted impact of glare from the solar park on surrounding roads, residential properties and settlements, is considered negligible. There have been no consultee objections in respect of this aspect of the development.

DURATION OF PERMISSION

The application seeks consent for a temporary period of 25 years and this can be conditioned within any planning permission. Once the life of the permission is reached, the recommended condition would require the site be decommissioned, all infrastructure removed and the site restored to its original state.

COMMUNITY ENGAGEMENT

Objection has been raised that the developer has not extended their public consultation wide enough given the size of the development and its location in an unspoilt area well used for recreational purposes. TAN 8 encourages developers to take an active role in engaging with the local community on renewable energy proposals (Para. 2.15). The applicant has followed that advice and engaged with the local community in Gelligaer. The applicant has submitted a Statement of Community Engagement and confirmed that it sent out 16 consultation letters distributed to local business and residents. Notwithstanding this the Council has advertised this planning application on site, in the press and nineteen neighbouring properties were consulted.

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CRIME

An objection has been raised concerned that the proposed solar park will generate theft and vandalism, with solar parks being targeted specifically. In response, the DAS submitted with the application addresses potential crime issues. A secure compound will be used to store materials and ancillary welfare facilities will be provided during the construction period and possibly a night watchman. The period of construction is indicated to be around 3 months. Post construction the development will be secured by a 2m high stock fence which will encompass a gated entrance, cameras with external perimeter intruder detection (PID) will also be erected and finally additional native hedgerow planting along the site perimeter will increase the site's privacy and security.

An objection has been raised suggesting the description of the site has not been made clear particularly as he lives in the adjacent Hafodrisclawddd-isaf farm to the application site. It is considered that the plans and supporting documents submitted with the application are sufficient in terms of the processing of the application and the site plan submitted with the application at a scale of 1:5000 clearly identifies the surrounding area including neighbouring farmsteads and other dwellings.

CONCLUSION

In conclusion it is considered the selected site is appropriate in that it can accommodate the proposed solar farm without significantly affecting the landscape character and appearance of the surrounding area, and potential archaeology or the amenities of residents in the vicinity. The temporary and reversible nature of the development, together with the measures that are to be taken to enhance and encourage ecological diversity of the site will ensure that, in the long term, the site can not only be restored to its current use, but will also have been improved.

Comments from Consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: See above.

Other material considerations: None.

The proposals are consistent with national, regional and local plan policy and subject to the imposition of appropriate conditions referred to above are considered acceptable in planning terms.

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Application No. 15/0451/FULL 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) At least 5 working days, notice in writing shall be given to the Local Planning Authority in respect of the commencement of works.
REASON: To enable the Local Planning Authority to ensure construction works take place in a timely manner and to minimise disturbance to neighbouring amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.
- 03) The development shall be carried out in strict accordance with the approved Construction Traffic Management Plan prepared by TPA dated June 2015.
REASON: In the interests of highway safety.
- 04) Prior to the commencement of works on site, a scheme to prevent mud and other debris being deposited on the public highway, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.
REASON: In the interests of highway safety.
- 05) The development shall not commence until a means of vehicular access has been constructed in accordance with details that shall have first been submitted to and agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
- 06) The development shall not commence until vehicle parking and turning space has been surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The spaces shall not thereafter be used for any purpose other than parking and turning.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

Cont....

Application No. 15/0451/FULL Continued

- 07) Prior to the delivery of any components a highway condition survey along Manmoel Road shall be carried out and agreed in writing with the Local Planning Authority. The agreed survey shall include a scheme and timetable for the repair of any damage caused to the highway by delivery vehicles associated with this development. The development shall thereafter be carried out in accordance with those agreed details.
REASON: In the interests of highway safety.
- 08) Prior to the commencement of the development a programme of archaeological work in accordance with a written scheme of investigation, including a timetable and extent of work, shall be submitted by the applicant and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
REASON: In the interests of the archaeological and historical heritage of the Borough.
- 09) Notwithstanding the submitted plans, details of the colours of the external finishes of the Transformer and Invertor Cabinets together with the CCTV poles and associated attachments shall be submitted for consideration and approval in writing with the Local Planning Authority. the development shall be carried out in accordance with the agreed details.
REASON: In the interests of visual amenity.
- 10) Notwithstanding the submitted plans, revised details shall be submitted for consideration and approval in writing with the Local Planning Authority, in respect of the location of the substation together with the design of the substation, which shall include a pitched roof building with either a stone/timber clad or rendered finish to the external walls. The development shall be carried out in accordance with the agreed details.
REASON: In the interests of visual amenity.
- 11) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:
(a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
(b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and

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c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the visual amenity of the area.

- 12) Prior to the commencement of the development hereby approved an Ecology and Landscape Management plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.

REASON: To ensure adequate protection to protected species.

- 13) Construction, movement of materials and decommissioning works shall take place only between the hours of 0800 - 1800 Mondays to Fridays and 0800 - 1300 Saturdays and not at all on Sundays or Public Holidays.

REASON: In the interests of residential amenity to minimise disturbance to foraging/commuting bats and other nocturnal animals.

- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Local Planning Authority, except for those works permitted by this consent.

REASON: To protect the landscape character of the area in accordance with Policies CW4 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.

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- 15) Within 25 years and 6 months following completion of construction of development, or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, the solar PV panels, frames, foundations, inverter housings and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall be subsequently restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.
REASON: In the interest of visual amenity.
- 16) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.
- 17) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 18) The details of the Substation referred to in condition (10) above shall include details of sound insulation materials. The agreed details shall be implemented before the first use of the Substation commences.
REASON: In the interests of the amenities of the area.
- 19) Prior to the commencement of the development hereby approved a Construction Environmental Management Plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.
REASON: To ensure adequate protection to protected species.

Cont....

Application No. 15/0451/FULL Continued

- 20) Within 6 months of the commencement of the development a monitoring programme for grassland habitats, and bats shall be submitted for consideration and approval in writing by the Local Planning Authority. The agreed management programme shall be implemented in accordance with the agreed details and copies of the monitoring reports submitted to the Local Planning Authority in accordance with an agreed timeframe.
REASON: In the interests of biodiversity.
- 21) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: drawing no: 20141008132049 dated 10.3.15 and CCTV Security post dated 10.3.15 and Frame structure dated 10.3.15 (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.
- 22) The wearing course of all access tracks/vehicle routes through the site hereby approved shall be constructed of locally occurring sandstone.
REASON: To reflect the underlying geology of the site.
- 23) Details of the route and method of connection to the National Grid within the site hereby approved shall be submitted for consideration and approval in writing with the Local Planning Authority. the development shall be carried out in accordance with the approved details.
REASON: In the interests of visual amenity and biodiversity.
- 24) 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,

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- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
- d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,

Cont....

Application No. 15/0451/FULL Continued

- 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.

- 25) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the solar farm. Written confirmation of the first export date shall be sent to the Local Planning Authority within one month of the first export date.

REASON: In order to retain effective control over the development.

- 26) Within 25 years from the date when electricity is first generated to the grid, or within six months of the cessation of electricity generation by the solar farm facility, whichever is sooner, the solar farm and all associated works/equipment shall be dismantled and removed from the site and the land restored to its former condition in line with a restoration scheme, details of which shall be submitted and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity.

- 27) Within the year prior to decommissioning of the site, and during the appropriate survey period prior to decommissioning, a full ecological survey of the site shall be undertaken to inform decommissioning, as required by Condition 26). A survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during commissioning and beyond.

REASON: In the interests of visual amenity and biodiversity.

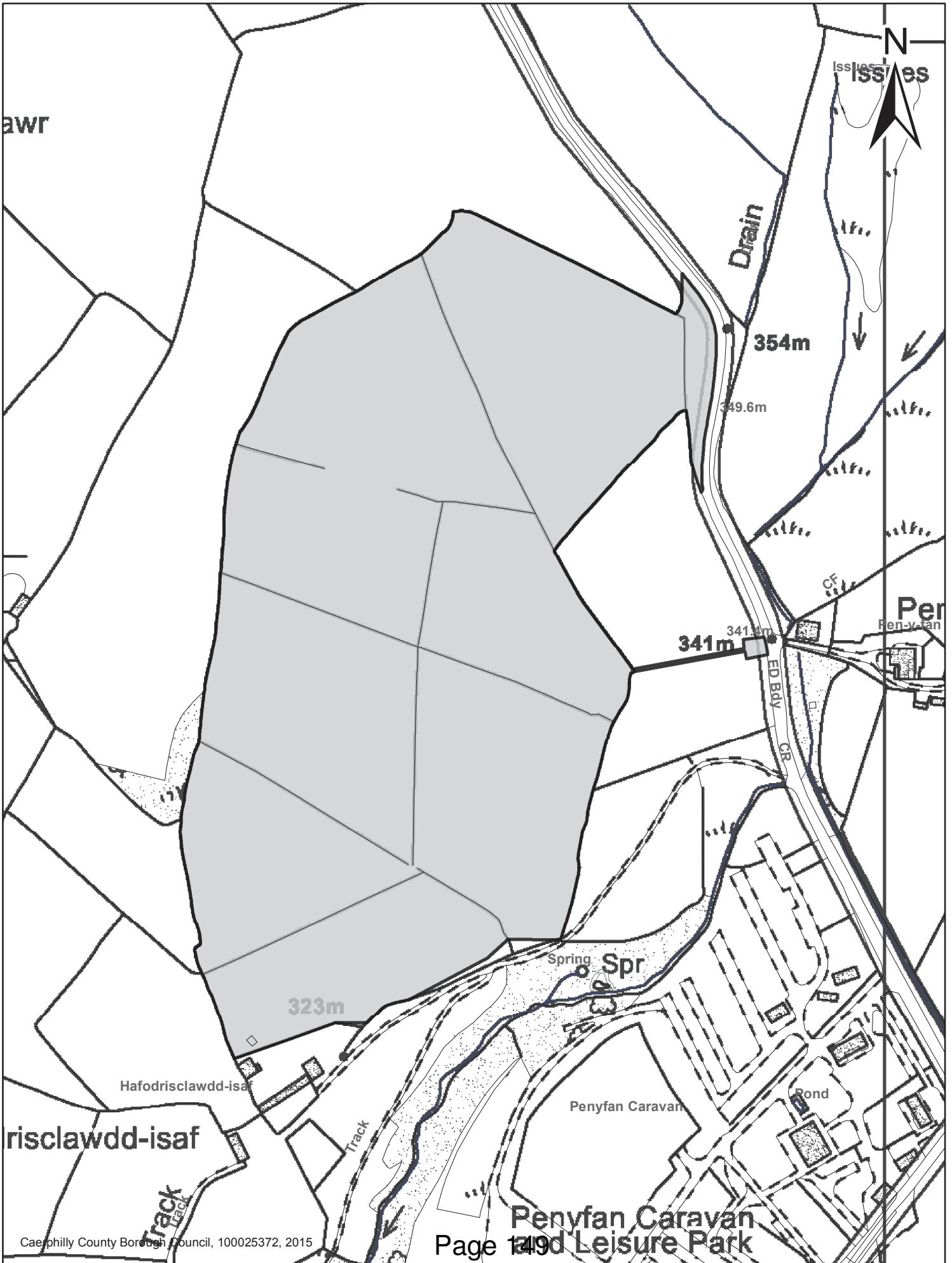
Advisory Note(s)

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 and CW3.

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Application No. 15/0451/FULL Continued

The applicant is advised of the comments of Natural Resources Wales, Glamorgan Gwent Archaeological Trust, Heddlu Gwent Police, Rights of Way Officer, Nats, Council's Ecologist, Senior Arboricultural Officer (Trees) and Countryside and Landscape Services.



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PREFACE ITEM

APPLICATION NO. 15/0038/OUT

APPLICANT(S) NAME: Land Matters Limited

PROPOSAL: 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

LOCATION: Land North Of Pandy Road Bedwas Caerphilly

This application was reported to Planning Committee on the 9th September, 2015 at which time a decision was deferred to allow Officer's to report back to the current Committee with reasons for refusal based on the objections raised by the Committee Members at the meeting.

These objections related to the following:-

- (A) The development is outside the settlement limit identified in the Local Development Plan.
- (B) The development is within a Special Landscape Area as identified within the Local Development Plan.

Prior to indicating the formal recommendation it is your Officer's opinion that planning permission should be granted in accordance with the attached report, which recommended the completion of a Section 106 Agreement relating to (i) Affordable Housing Provision and (ii) Highways Infrastructure Provision and Travel Plan Incentives.

Upon completion of this Agreement planning consent be issued in accordance with the conditions indicated in the report.

If Members remain minded to refuse permission it is suggested that the following wording be used in respect to the two reasons put forward by Committee:-

1. The development is contrary to the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 in that the site lies beyond the identified settlement boundary as defined by Policy SP5.
2. The proposal is contrary to the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 in that the

development of the site would result in the unacceptable erosion of the Special Landscape Area contrary to the provisions of Policy SP10.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0038/OUT 19.01.2015	Land Matters Limited C/O Savills Mrs M Lewis 12 Windsor Place Cardiff CF10 3BY	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 Land North Of Pandy Road Bedwas Caerphilly

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The site is an irregularly shaped area of land located on the north-western boundary of the village of Bedwas. It lies approximately three-quarters of a mile from the centre of the village and around a mile and a half from Caerphilly Town centre.

Site description: The site falls outside the settlement limit identified in the Adopted Caerphilly County Borough Council Local Development Plan (i.e. the LDP). The land is currently undeveloped and appears to be primarily agricultural in nature. Whilst it is locally referred to as land at Glan Rhymney Farm the applicant indicates that the three parcels of land involved are not currently used for farming or grazing purposes. The three fields are separated by hedgerows, with trees being located mainly around the boundaries.

The fields, as a result of their earlier agricultural use, are comprised of improved grassland with marginal areas of dense bramble scrub and bracken. The site is bound to the south by Pandy Road, beyond which is Bedwas House Industrial Estate. To the east of the site runs Pandymawr Road beyond which are the existing residential properties off Dol-y-Pandy Road and Dan-y-Deri Road.

The site rises from Pandy Road, which runs along its southern boundary, and continues upwards as it climbs the mountainside to the north.

Cont....

Application No. 15/0038/OUT Continued

Development: The proposal is an outline application which seeks to reserve all detailed matters for subsequent approval, although indicative proposals for the site access have been submitted with the application (included in the Transport Assessment) to establish basic principles at this outline stage.

The application proposes a housing scheme with capacity to accommodate up to 300 new homes. The DAS prepared in support of the application sets out the evolution of Indicative Masterplan, considering the opportunities and constraints that the site presents to deliver a scheme and density that is appropriate and reflects its surroundings. Whilst the application is for "up" to 300 dwellings the applicant has indicated that site constraints will probably yield around 270 units. However the consideration of the proposal will be in respect to the higher number.

The applicant indicates that the" proposed housing will reflect a wide range of size, types and tenures in order to cater for the needs and demands of the local population and market place. The final mix of housing (in terms of type and tenure) is to be determined through reserved matters applications and in consultation with the Council".

The description of the development also includes reference to associated open space, landscaping, and highways and service infrastructure.

Indicative layout: The DAS submitted with the application seeks to set out the evolution of the Indicative Masterplan which forms part of that document. It attempts to show how it has considered the opportunities and constraints that the site presents to deliver a scheme and density that is appropriate and reflects its surroundings. It also indicates the provision of public areas of open space.

Indicative access points: The development is accompanied by a preliminary design showing a priority junction from Pandy Road into the south-eastern area of the site. Whilst this is indicative it would appear to be the logical point bearing in mind the alternatives.

In respect to footpath provision there are two Public Rights of Way in the immediate vicinity of the site; FP26 runs east-west towards the northern boundary of the site and FP24 runs opposite on the southern side of Pandy Road through to the Industrial Estate onto Greenway.

Dimensions: The site measures 8.3 hectares in area (i.e. 20.5 acres). The indicative housing layout shows 300 properties which gives an overall density of development of 35.3 dwellings per hectare (i.e. 14.6 dwellings per acre).

Cont....

Application No. 15/0038/OUT Continued

Materials: Not Applicable.

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

PLANNING HISTORY

5/5/92/0040 - Reorganise 11kv lines - Granted 10.06.92.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located in the open countryside adjacent to, but outside the settlement limit contained in the Adopted Caerphilly County Borough Council Local Development Plan (i.e. the LDP). The site lies in a Special Landscape Area (NH1.4, North Caerphilly) and also in a Minerals Safeguarding Area (MN2.9, The Southern Outcrop, Caerphilly/Lower Islwyn,- Coal).

Policies: There are a wide range of policies of relevance to the consideration of this application contained in the Local Development Plan. These are as follows;

Strategy Policies.

1. Policy SP3 Development Strategy.
2. Policy SP4 Settlement Strategy.
3. Policy SP5 Settlement Boundaries.
4. SP6 Place Making.
5. Policy SP7 Planning Obligations.
6. Policy SP10 Conservation of Natural Heritage.
7. Policy SP14 Total Housing Requirements.
8. Policy SP15 Affordable Housing Target.

Countywide policies.

- A. Policy CW1 Sustainable Transport, Accessibility and Social Inclusion.
- B. Policy CW2 Amenity.
- C. Policy CW3 Design Considerations Highways.
- D. Policy CW4 Natural Heritage Protection.
- E. Policy CW6 Trees, Woodland and Hedgerow Protection/LDP 4:Trees and Development.
- F. Policy CW10 Leisure and Open Space Provision
- G. Policy CW11 Affordable Housing Provision.
- H. Policy CW15 General Locational Constraints.
- I. Policy CW22 Locational Constraints Minerals.

Cont....

Application No. 15/0038/OUT Continued

NATIONAL POLICY The Proposal should be considered in line with National Planning Policy and Guidance and in particular the requirements of:

Planning Policy Wales (Edition 7, July 2014);

Technical Advice Note 1: Joint Housing Land Availability Studies (2015);

Technical Advice Note 2: Planning & Affordable Housing (2006);

Technical Advice Note 11: Noise (1997);

Technical Advice Note 12: Design (2014);

Technical Advice Note 15: Development and Flood Risk.

Technical Advice Note 18: Transport (2007).

There are also other policy related matters which require to be considered in respect to this submission. Such matters could constitute material considerations in respect to the determination of this proposal. They are;

The 5 year Housing Land Supply,
The Annual Monitoring Report,
The Local Development Plan Revision,
The Community Infrastructure Levy (i.e. CIL).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes. The proposal exceeded the threshold of 0.5 hectares for such developments.

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 were requested on this application.

CONSULTATION

Outdoor Leisure Development Officer - comments that as the application is in outline there are a limited number of comments that could be made. However it is considered that some formal play equipment in the form of a NEAP, a LEAP and possibly a Multi Utility Games Area (i.e. a MUGA) as well as open space should be considered for inclusion in the layout.

Cont....

Application No. 15/0038/OUT Continued

Bedwas, Trethomas & Machen Community Council - "strongly object" to this application on the basis of traffic congestion and the loss of "green-belt" land.

Glam/Gwent Archaeological Trust - made no comment on this application.

Gwent Wildlife Trust - issued a holding objection relating to the need for additional information regarding wildlife habitats. This information was received and considered by the NRW and the County Ecologist and was found to be acceptable.

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

Countryside And Landscape Services - the Landscape Architect objects to the application on the basis of its visual impact and the effect on the Special landscape Area.

The Council's Ecologist is satisfied with the information submitted however she requires a range of conditions to be imposed which protect various species.

Senior Arboricultural Officer (Trees) - raises no objection to this application subject to conditions being imposed relating to tree protection measures and an arboricultural method statement.

CCBC - 21st Century Schools - whilst no formal comment has been received the provision of schools is a matter being addressed by way of the Local Development Plan review. Also the financial contribution towards such education provision will come through the Community Infrastructure Levy (i.e. CIL) monies when the detailed application is determined.

Head Of Public Protection – No objection subject to conditions.

CCBC Housing Enabling Officer - has been party to a number of discussions with the developer on the level of affordable housing at the site. Agreement between the parties was subsequently reached and the application, if approved, will be subject to a S106 agreement designed to secure the affordable element of the scheme.

Senior Engineer (Land Drainage) - raises no objection but requests a condition be imposed which requires a comprehensive drainage scheme to be submitted. as part of the detailed scheme.

Cont....

Application No. 15/0038/OUT Continued

Head Of Public Services - does not oppose the application but wishes the applicant to be advised of the need to provide on-site refuse storage facilities.

Transportation Engineering Manager – No objection subject to conditions and a Section 106 Agreement in respect of off-site highway improvements.

Dwr Cymru - raises no objection to the application but request conditions and advice to be included on any permission granted.

Police Architectural Liaison Officer - comments that the Designing Out Crime Unit has no objections to make however the Traffic Management Advisor comments on the need to restrict vehicle parking to only one side of the road to ensure the safe movement of vehicles along this highway.

Wales & West Utilities - comments that a gas main crosses the site and they must be contacted with regard to its apparatus prior to any work commencing on site.

Natural Resources Wales - originally objected to the proposal on the basis of the lack of information relating to the potential bat usage at the site. Additional information in this regard was subsequently submitted and the objection was removed. There were no objections received in respect to flooding or surface water issues.

Rights Of Way Officer - Footpath 26 in the Community of Bedwas crosses the site and must be protected at all times, or alternatively the applicant may seek to temporarily close the path during the works (contact this office to discuss if necessary). Should any part of the proposed development conflict with the footpath a suitable Diversion or Stopping up Order must be in place prior to works affecting the Public Right of Way.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site, press and direct neighbour consultation letters with 99 properties.

Response: The response to this public consultation exercise is as follows:-

80 individual letters of objection have been received including one from the Local Assembly Member.

3 petitions objecting to the application totalling 607 signatures.

1 letter of support.

Cont....

Application No. 15/0038/OUT Continued

It should be noted that a number of the letters were submitted in respect to the Local Development Plan review process which was undertaken at the start of this year and ran for a time in parallel with the submission of this application. Officers have included both sets of letters in the processing of this application as they both refer to the principle of the site's development and consequently deal with similar concerns.

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

1. The development would result in serious road traffic congestion, which would exacerbate the already poor situation in the road system that serves this area and thereby impact on road safety. Pandy Road is currently a "rat-run" used to avoid the main roads during peak times.
2. It would cause pollution/noise.
3. It would result in the loss of agricultural land.
4. The implementation of such a scheme would put pressure on local services such as education and health.
5. The drainage arrangements in the area will be overloaded.
6. The land should be retained for farming, which would maintain the pastoral view and assist wildlife.
7. The application is outside the current settlement limits.
8. There are enough "brown-field sites" within settlement limits to develop without looking to use up "green-field" sites in the countryside.
9. It would adversely affect existing water supply/pressure.
10. It would result in the additional use of Pandy Mawr Rd, which is a single track road and not meant for such additional use.
11. The proposed link between the site and the existing playground on the Manor Park estate will result in danger to children crossing the lane and damage to boundary fences.
12. The increased use of Pandy Lane, to the north of the site will be hazardous.
13. The current level of traffic using Pandy Road has increased over recent times and merging into the lane is dangerous due to the capacity and speed of vehicles driving along it.
14. The character of Bedwas has changed over recent times, from a village to a "dormitory" of Caerphilly.
15. On street parking along Pandy Rd. is already an issue.
16. There is "very little space left in the village" as the open countryside is disappearing.
17. Other options should be explored (e.g. loans/grants/compulsory purchase of properties/redevelopment of derelict sites) before agricultural fields are built upon.
18. This proposal will result in further applications in this area for housing.
19. The impact of Manor Park has already "robbed" the area of countryside.

Cont....

Application No. 15/0038/OUT Continued

20. The adverse effect on the farming industry in the area, especially at harvest time, will be considerable, especially in respect to transport and relocate produce.
21. Pandy Lane is subject to flooding, this will worsen the situation.
22. There needs to be a new access road to serve this site or it should be refused.
23. Pandy Rd. is not suitable for wheelchair users and this development will make it worse.
24. It will result in the loss of wildlife habitats, along with trees and hedgerows.
25. Disruption will be caused to existing dwellings during the construction phase. Who will bear the cost of this disruption?
26. Such a development will demonstrate that it is a "bad policy" to build such a large site.
27. Inadequate notice has been given to the publication of this application.
28. Loss of view.
29. The litter nuisance in Pandy Lane will increase.
30. The development is a speculative operation which will benefit only a few (i.e developer, estate agents and the landowners).
31. Contrary to the applicant's contention the land is used for agricultural purposes.
32. The site should have its own play area and not rely on the one located within Manor Park.
33. The site has poor public transport links.
34. The Council is charged with protecting and enhancing the countryside.
35. An Environmental Impact Assessment under the relevant Regulations should have been submitted.
36. Inadequate ecological information has been submitted.
37. Vandalism is currently being experienced by industrial uses on the estate to the south. This may worsen as a result of more people using Pandy Lane.
38. A site of this size will be to the detriment of the remainder of the village due to its impact on existing facilities.
39. Loss of walkways and amenity/countryside land.
40. Cycling in this area is too dangerous at present. To suggest additional cycling activity with more vehicles on the road would be reckless.
41. Loss of light, privacy and residential amenity to existing dwellings.
42. There are no local facilities or community buildings shown within the site layout.
43. Householders are being given £250 in an attempt to "buy-off" opposition.

Cont....

Application No. 15/0038/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?

It is not considered that the determination of this application will impact adversely on the issues of crime and disorder in this area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The application was accompanied by an extended phase 1 survey, which considered the site's suitability for protected species. This was supplemented with additional surveys for reptiles and bats between April and June 2015. These were assessed by the county Ecologist and Natural Resources Wales. Their comments are considered later in this report.

Is this development Community Infrastructure Levy liable? No. The application is in outline only. If it is granted it will be at the approval of reserved matters stage, that the amount of CIL contribution will be calculated. This will be assessed on the floor area created. In the south of the County this is payable at a rate of £40 per square metre. This amount will exclude the affordable housing element contained in the scheme.

ANALYSIS

Policies: Development Strategy - As can be seen from the policy section above there are a range of policy considerations applicable to this site. In view of the location of the site, being outside the settlement limit, it is evident that there are policies which the application is clearly contrary to. However in a plan led system the legislation states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise" (Planning and Compulsory Purchase Act 2004, Section 38 (6)). As such this section will give an overview of the policy considerations and seek to provide a conclusion based on all the relevant considerations.

Strategy Policies, these are designed to deliver wider aims and objectives of the plan's Development Strategy.

Cont....

Application No. 15/0038/OUT Continued

The first of these policies is SP3 which addresses the development strategy in the Southern Connections Corridor (i.e. SCC). This policy requires development proposals within the SCC to promote sustainable development. Specifically proposals in this area should: be targeted to previously developed land within settlement limits in the first instance; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; have regard to the social and economic function of the area; and protect the natural heritage from inappropriate forms of development.

The application is for the development of a greenfield site outside of the identified settlement limit, which is clearly contrary to the provisions of Criterion A of Policy SP3. Notwithstanding this, the site is located in an area that is well served by public rights of ways, by bus and is located relatively close to a number of railway stations and it therefore has the potential to be serviced by sustainable modes of transport in line with Criterion B.

In terms of the role and function of the area, the Strategy defines Bedwas as a Local Centre within the SCC, based on its role as a provider of local services and as an area that provides significant employment opportunities. The Local Centres are also the areas that are targeted for new residential development given their position in the settlement hierarchy as defined by Policy SP4 "Settlement Strategy". The LDP targets new residential development in Bedwas to the Bedwas Colliery Site. To date this site has not been developed and consequently Bedwas has experienced very little housing growth over the plan period. The development of housing to serve the Bedwas area would have regard to the social and economic function of the area in line with the provisions of Criterion D of Policy SP3.

Policy SP3 also requires development in the SCC to protect the natural heritage from inappropriate forms of development. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Criterion E of Policy SP3. The majority of such mitigation will be in the form of conditions requiring landscaping and tree protection schemes. These are however issues for the reserved matters application as landscaping is a detailed matter.

Whilst the application is contrary to the provisions of Criterion A, the proposal would be acceptable in terms of the remaining Criteria B to E subject to detailed consideration and appropriate mitigation.

Cont....

Application No. 15/0038/OUT Continued

Policy SP5 "Settlement Boundaries" is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. Importantly, in the SCC it also promotes the full and effective use of urban land and concentrates development on previously used land within existing settlements. The site is greenfield and falls outside but immediately adjacent to the settlement boundary of Bedwas. Therefore the application is clearly contrary to Policy SP5 of the Adopted LDP.

Notwithstanding the existing delineation of the settlement boundary the southern portion of the application site is relatively flat and would constitute a logical rounding off of the existing settlement limit at this location, extending the built form in a westerly direction, which would be partly in line with the development at Bedwas House Industrial Estate, which currently projects further west than the houses on the northern side of Pandy Road.

In line with national planning policy, SP6 Place Making requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features.

The application proposes the development of 300 dwellings in an area of acute housing pressure and in an area of considerable housing need. The proposal would increase the mix of housing available within the area to meet the needs of residents, and critically it would provide much needed affordable housing to meet local housing need.

The location of the development on the edge of Bedwas and close to the Principal Town of Caerphilly will serve to minimise the demand for travel. The site is in a location that can be served by sustainable modes of transport, albeit that it is inevitable that some residents will still rely on the private car. The indicative master plan indicates that good permeability can be achieved to integrate the site with the existing development in the area providing safe pedestrian access into and from the site.

Policy SP6 requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and the where appropriate through the use of Suds. It is unclear from the DAS what consideration, if any, has been given to the need to ensure that the proposed layout of the site maximises the opportunities for passive solar gain.

Cont....

Application No. 15/0038/OUT Continued

Given the location of this site on the edge of settlement, it is suggested that the introduction of a comprehensive landscaping scheme which protects existing trees and natural features and which introduces new natural features into the scheme will serve to enhance the scheme and will integrate the development into the wider landscape in the long term.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. The proposed layout should be assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that the requirements of SP6 are fully met.

Proposals in the SCC are also required to incorporate mitigation measures that serve to improve and maintain air quality. It is worth noting that no comments in respect to air quality are raised in the response of the Head of Public Protection. The site itself is in open countryside and is unlikely to be one where air quality will be an issue.

Policy SP7 "Planning Obligations" recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effect of that development. In the context of this application, it is considered that the main issues requiring to be secured within such an agreement are those relating to the deliverability of the correct level/tenure/type of affordable housing and also highway improvements that require financial contributions towards off-site traffic light improvements and a number of other highway requirements.

Policy SP10 "Conservation of Natural Heritage" recognises the natural heritage as a positive asset that enriches people's quality of life. In this context Policy SP10 indicates that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Policy SP10.

In this regard the comments of the Council's Landscape Architect and Tree Specialist have been sought. The former was concerned about the impact on the Special Landscape Area and the coalescence of communities which may result from the approval of this development. He concludes with the following comment, " I am therefore of the opinion that unless there is an overwhelming need for residential development in this part of the borough the site should not be developed". It is this phrase which encapsulates the issue relating to this proposal and is discussed further in this report.

Cont....

Application No. 15/0038/OUT Continued

The Tree Officer raises no objections in principle to this application subject to the imposition of a condition attached to any consent granted.

Policy SP14 "Total Housing Requirements" makes provision for 10,269 dwellings for the 15-year period 2006 to 2021. This represents 1,644 (19%) residential units more than the 8,625 units required to meet the housing requirement identified for the plan period. The 19% over-allocation allows for flexibility and choice in recognition of the fact that not all sites will be developed.

The Annual Monitoring Report (AMR) is the main mechanism for reviewing the relevance and success of the LDP and identifying any changes that might be necessary. The main principle of the monitoring process is to identify when the revision of the LDP should take place.

The Council has prepared three reports to date, the most recent of which was considered by Council in October 2014. Notably the AMR monitors Policy SP14 against the annual building rate and therefore against the housing land supply calculated by past building rates. Using these monitoring factors the trigger points for review have not been reached.

Notwithstanding this position, it is evident that new housing has not been delivered at the levels required in the first half of the plan period. Policy SP14 indicates that there is a housing requirement for 8625 new dwellings to be delivered to meet identified need over the plan period. In order to meet this need an average of 575 dwellings needs to be delivered per annum. The 3rd AMR indicated that 3287 units had been delivered (38% of the total housing requirement) up to March 2013.

When the 2014 JHLAS completion figures (i.e. an additional 351 units) are factored into the calculation, completions over the plan period increase to 3638 (42%). Therefore there is a need for a further 4987 (58%) dwellings to be developed over the remainder of the plan period i.e. by 2021 to meet the total housing requirement for the plan period.

National indicators are also included within the AMR for housing land supply and notably these require housing land supply to be monitored based on the residual method as outlined in Technical Advice Note 1: Joint Housing Land Availability Studies (2015). TAN 1 seeks to ensure that there is a genuine 5 year land supply available, and thus categorises sites to indicate those that can be included within the 5 year land supply.

Cont....

Application No. 15/0038/OUT Continued

Using this method of calculation the 2014 JHLAS indicated that there was only 2.5 year supply available rising to 3.5 years if all of the S106 sites were included in the land supply. The most recent figures, which are due to be published shortly, confirm that the figure is now 1.9 years of available supply.

It is acknowledged that the housing land supply figure is a material consideration in determining planning applications for housing. It is further acknowledged that where the current study shows a land supply below the 5-year requirement the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies (Para 6.1 TAN 1).

The lack of 5-year housing land supply is a matter of concern that needs to be addressed if the overall housing requirement is to be met within the plan period. The 2014 AMR recognises the need to address this issue and recommendation R2 of the report states: "that limited greenfield release be considered on sites that are acceptable in planning terms in order to address the lack of a 5- year supply in the short term." Council approved the 2014 AMR for submission to Welsh Government in October 2014.

The final strategic policy of relevance is Policy SP15 "Affordable Housing Target". This seeks to deliver through the planning system at least 964 affordable dwellings over the plan period in order to contribute to balanced and sustainable communities. The application proposes 300 dwellings in an area of acute housing pressure and in an area with considerable housing need.

Within the SCC the plan seeks to secure a maximum of 40% affordable housing to meet the identified needs in the area. Consequently there is the potential for the proposal to deliver in the region of 120 affordable homes. In the interests of creating sustainable communities a variety of tenures should be considered. In this regard a number of meetings have been undertaken with the developer and officers of the Planning and Housing Departments to achieve a sustainable and justifiable level of affordable housing at this site. In assessing this level due regard has to be paid to the sites viability. As such an exercise was undertaken which was designed to achieve a deliverable element of affordable housing, which was acceptable to both the applicant and the Authority and could be secured by way of a Section 106 Agreement.

The following Local Development Plan policies are area wide ones which set out general criteria against which planning applications are assessed.

Cont....

Application No. 15/0038/OUT Continued

Policy CW1 "Sustainable Transport, Accessibility and Social Inclusion" requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling and that appropriate infrastructure is included in the layout to facilitate short trips on foot. The design process contained in the DAS, has made good provision for pedestrians, however it should also ensure that adequate provision has been made for ease of cycling. In this regard the former railway line to the north of the application site is safeguarded in the LDP for the development of a cycle route as part of the Rhymney Valley Linear Cycle Route, whilst the Caerphilly Basin Radial Routes Project (Policy TR1.13 and TR1.14 refers) lies to the south of the site. If granted a condition could be imposed which provides links to these routes.

Policy CW2 "Amenity" recognises that proposals for development have the potential to constrain the development of neighbouring sites for their identified use. Careful consideration has therefore been given to the relationship of the proposed housing site with the existing employment to the south of the application site. This consideration has been given by the Head of Public Protection who has also given further consideration to the likely impact of any potential nuisance that could arise from the existing Bedwas House Industrial Estate and how that might impact on the residential amenity of properties on the application site. This consideration has resulted in the Head of Public Protection raising no objection to the application subject to conditions being imposed on any consent granted.

Policy CW3 "Design Considerations Highways" requires development proposals to have regard for the safe, effective and efficient use of the transportation network. A Traffic Impact Statement has been submitted with the application which has been assessed by the Transportation Engineering Manager. A subsequent series of meetings have resulted in a highways position that the Council's highway engineers find acceptable, subject to the imposition of conditions and the completion of a Section 106 Agreement which secures financial contributions to improvements and arrangements on and off site.

Policy CW4 Natural Heritage Protection specifies that proposals that affect locally designated natural heritage features will only be permitted where they conserve and where appropriate enhance the distinctive features of the Special Landscape Area. The application site lies within a Special Landscape Area (Policy NH1.4 refers) and as such the policy test needs to be applied to the proposal.

Cont....

Application No. 15/0038/OUT Continued

The site can be divided into two portions as indicated in the DAS. The southern portion is relatively flat and could constitute a logical rounding off of the existing settlement limit. The northern portion is considerably steeper and will extend the settlement northward into the countryside. Whilst development on the steeper part of the site will afford properties with an excellent outlook, it will also inevitably have a greater landscape impact than the southern portion of the site. The applicant has advised that there are constraints in respect to the development of the upper northernmost land on the site. These are the presence of a gas main and more particularly the steeply sloping nature of the site and the presence of rock close to the surface there. With the required cut and fill exercise and the sloping road alignments, they contend, it is highly likely that there would be a loss in net developable land on these higher slopes.

As indicated in the consideration of Policy SP10 above the Council's Landscape Architect objects to the proposal but concedes that if the need for the residential development outweighs the need to protect the heritage features then the proposal could proceed.

It should also be borne in mind that the Special Landscape Area concerned covers the North Caerphilly area and as such is extensive in size. Whilst the development of the application site would inevitably erode part of the Special Landscape Area, it is none the less a small incursion into the SLA on the edge of the Settlement of Bedwas, and on balance would be acceptable in view of the current housing shortfall.

Trees and Hedgerows make a positive contribution to both the natural and built environment. They enhance the character and diversity of the landscape and offer substantial environmental benefits. Policy CW6 "Trees, Woodland and Hedgerow Protection" therefore requires proposals to ensure that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. This policy is supplemented by LDP 4: Trees and Development. It is noted that a tree survey has been undertaken for the site, which indicates those trees that should be retained and those that would be adversely impacted by the development of the site. In this context the Council's Arboricultural Officer has considered the information submitted and responded to the effect that the development is acceptable subject to conditions relating to the submission of a Tree Protection Plan and a related Arboricultural Method Statement.

Cont....

Application No. 15/0038/OUT Continued

All new housing sites capable of accommodating 10 or more dwellings are required to make adequate provision for well designed open space and appropriate provision for children's play facilities as an integral part of the development under the provisions of Policy CW10 "Leisure and Open Space Provision".

There are four main areas of public open space shown on the Indicative Masterplan. Whilst these are necessary for the proposal's open space provision they do not in themselves provide any formal leisure facilities, such as a Local Equipped Area of Play (i.e a LEAP) or a Neighbourhood Equipped area of Play (i.e. NEAP). It is acknowledged that there is a play area within the adjacent estate, however a site of this size would usually be expected to make provision for a NEAP. Leisure Services have commented that additional formal play equipment is required to satisfy this policy.

The application is currently in outline, with all matters reserved. It is considered that it could be condition to ensure that formal play provision is required to be provided in the detailed application, thereby satisfying the policy.

Policy CW11" Affordable Housing Provision" indicates that where there is evidence of need the Council will seek to negotiate 40% affordable housing within the Caerphilly Basin. This target is indicative and regard should be had for the up to date Local Housing Market Assessment, the information from the Housing Division in terms of the affordable housing waiting list and critically the viability of the development.

This policy dovetails with Strategic SP15 (Affordable Housing Target) which also addresses the provision of affordable dwellings. The consideration applied in respect to policy SP15 is also applicable to this countrywide policy. As indicated above the Chief Housing Officer raise no objection to the application subject the completion of a S106 Agreement designed to secure the number and form of the affordable element.

Policy CW15 "General Locational Constraints" specifies the type of development that will be permitted outside of the settlement boundary. The proposal is for housing and this type of development cannot meet the provisions of Policy CW15. This mirrors the position relating to Strategic policy SP3, criterion A, discussed above. This policy requirement must therefore be considered against other material considerations. These are discussed below under the heading of "Other Matters."

Cont....

Application No. 15/0038/OUT Continued

Policy CW22 Locational Constraints Minerals requires proposals for permanent development that impact on minerals safeguarding areas to meet specified tests as laid out in the policy. The south-eastern corner of the site is a coal safeguarding area (Policy MN2.9 refers) and the whole site is also within a safeguarded sandstone area. The Minerals Officer has verbally commented on the potential sterilisation of the minerals resource by the proposed permanent development of the application site, by confirming that whilst the proposal is generally contrary to the policy, there is a criterion which provides for an exemption should there be an overriding need for the development. Again this is a matter to be assessed against the other material considerations relevant to this matter.

Other Matters.

(A). 5 year Housing Land Supply: TAN 1 (January 2015) seeks to ensure that there is a genuine 5 year land supply available. The 2014 JHLAS indicated that there was only 2.5 year supply available rising to 3.5 years if all of the S106 sites were included in the land supply. As indicated above the most recent figures, which are due to be published shortly, confirm that the figure is now 1.9 years of available supply.

It is acknowledged that the housing land supply figure is a material consideration in determining planning applications for housing. It is further acknowledged that where the current study shows a land supply below the 5-year requirement the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies (Para 6.1 TAN 1).

The lack of 5-year housing land supply is a matter of concern that needs to be addressed if the overall housing requirement is to be met within the plan period.

(B). Annual Monitoring Report: The 2014 AMR recognises the need to address this issue and recommendation R2 of the report states: "that limited greenfield release be considered on sites that are acceptable in planning terms in order to address the lack of a 5- year supply in the short term.". Council approved the 2014 AMR for submission to Welsh Government in October 2014.

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Application No. 15/0038/OUT Continued

(C). LDP Revision: The First Revision of the Adopted LDP is underway. The six-week Preferred Strategy public consultation period has been completed and the Department is now in the process of preparing the Deposit Plan which itself will be the subject of a six-week public consultation period commencing in February 2016. As part of the revision of the plan, there is recognition that there is a need to release greenfield sites in the Caerphilly Basin area to allow for housing development in an area of acute housing pressure.

Community Infrastructure Levy

The application is for residential development and whilst this Outline proposal is not CIL liable at the reserved matters stage it would be liable to pay the Community Infrastructure Levy. Bedwas lies within the High Viability Area and as such general market housing is liable to pay £40 per square metre. In order for the development to benefit from any social housing relief, any exemptions need to be claimed strictly in line with the CIL Regulations.

Overall Conclusions in respect to the Local Development Plan Policies.

Whilst the application is contrary to the provisions of Criterion A of Strategy Policy 3, the proposal would be acceptable in terms of the remaining Criteria B to E subject to detailed consideration and appropriate mitigation.

The site lies outside the settlement boundary of Bedwas and is clearly contrary to the provisions of Policy SP5. Notwithstanding the existing delineation of the settlement boundary the southern portion of the application site is relatively flat and would constitute a logical rounding off, of the existing settlement limit at this location, extending the built form in a westerly direction which would be partly in line with the development at Bedwas House Industrial Estate, which currently projects further west than the houses on the northern side of Pandy Road.

The development of the application site would inevitably erode part of the Special Landscape Area (i.e. the SLA). The Landscape Architect's professional view was sought to determine if this small incursion into the SLA on the edge of the Settlement of Bedwas, would have an unacceptable impact on the wider SLA. His response was " I am therefore of the opinion that unless there is an overwhelming need for residential development in this part of the borough the site should not be developed".

The Council is required to ensure that there is a genuine 5 year supply of housing land available within the county borough and therefore the lack of 5-year supply is a material consideration in determining this application.

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Application No. 15/0038/OUT Continued

There is a need for a further 4987 (58%) dwellings to be developed over the remainder of the plan period i.e. by 2021 to meet the total housing requirement of 8,625 dwellings identified in the Adopted LDP.

The Council in its consideration of the 2014 Annual Monitoring Report accepted the need to release greenfield sites that are acceptable in planning terms in order to address the lack of a five year land supply in the short term.

The development of the application site for housing would deliver much needed housing, including affordable housing, in an area of considerable housing need.

On balance the need to deliver new housing in this area and the need to increase the housing land supply over-rides the fact that this site lies outside the settlement boundary. The Council in its consideration of the 2014 AMR accepted the need for limited greenfield release to address the land supply shortfall.

The development of this site would therefore be acceptable in planning terms subject to: detailed design assessment; appropriate conditions and mitigation; and the appropriate use of S106 Obligations to deliver the overarching aims and objectives of the LDP.

Having regard to the above therefore a policy objection is not raised to the development of the site for housing, subject to all other policy and material development control considerations being met.

With regard to the applicable National Policies the response are as follows;

Planning Policy Wales (PPW) forms the overarching national planning policy document within Wales, providing guidance to Local Planning Authorities (LPAs) for the preparation of development plans and the determination of planning applications through their development management functions.

National policy requires LPAs to demonstrate a 5-year housing land supply. PPW contains advice in Chapter 9 on the requirement to provide a 5-year supply of land for housing. Paragraph 9.2.3 states that LPAs must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. TAN 1 (June 2006) provides guidance on the preparation of Joint Housing Land Availability Studies (JHLAS) which identify the level of housing land supply. It states that the purpose of these studies is to:

- (i) Monitor the provision of market and affordable housing;
- (ii) Provide agreed Statements of Residential Land Availability for development planning and control purposes; and

Cont....

Application No. 15/0038/OUT Continued

(iii) Set out the need for action in situations where an insufficient supply is identified.

Paragraph 2.2 states that LPAs must ensure that sufficient land is genuinely available to provide a 5-year supply of land for housing. This land supply must inform the strategy contained in the LDP. It goes on to state that LPAs should have regard to the requirement to prepare and provide timely housing land supply figures to satisfy the requirements of the Wales Programme for Improvement Core Planning Indicators and LDP Annual Monitoring Reports (AMR).

As indicated above in respect to the LDP policies, the Authority currently has less than 2 years housing land supply. This therefore represents a material consideration in respect to this application.

This point is further reinforced by Technical Advice Note 1: Joint Housing Land Availability Studies (2015), which considers the demand for housing at a national level across Wales and sets out issues relating to land availability and action that should be taken by Local Planning Authorities where insufficient land is identified. Importantly, Paragraph 2.2 identifies the need for such Authorities to provide for a 5-year supply of genuinely available land for housing.

Paragraph 5.1 continues and states that:

"The results of the Joint Housing Land Availability Studies should be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies."

This Authority is currently seeking to address the land supply through the local development plan review.

Technical Advice Note 2: Planning & Affordable Housing (2006) provides guidance to Local Planning Authorities on matters relating to the provision of affordable housing.

During the processing of this application much consideration has been given by your officers, to the level, tenure and type of affordable dwellings required at this site. The Chief Housing Officer has required the completion of a S106 Agreement to secure the requirement at this site.

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Application No. 15/0038/OUT Continued

Technical Advice Note 11: Noise (1997). The application was accompanied by a Noise Survey, which was considered by the Head of Public Protection. The assessment determines any potential impact concerns that may exist from the existing industrial and commercial units and other existing and future noise sources, including road traffic, on the proposed development.

The Head of Public Protection's response in respect to the information received was positive. As a result no objection was raised on the basis that conditions were imposed which related to double glazing on certain properties and fencing details on all gardens facing Pandy Rd.

Technical Advice Note 12: Design (2014) has been addressed by way of the preparation of a detailed Design and Access Statement (i.e. a DAS). This worked through the relevant elements applicable to this outline submission, in order to demonstrate that the site could be designed in accordance with the advice contained in TAN 12.

Technical Advice Note 15: Development and Flood Risk. The application falls within an area defined in the TAN as having little or no risk from fluvial flooding (i.e. its in Zone A). The proposal was accompanied by a Flood Consequences Assessment which was found to be acceptable by Natural Resources Wales. They requested that the recommendations of the report be incorporated into the detailed design of the scheme. This can be done by the use of a suitably worded condition.

Technical Advice Note 18: Transport (2007), this document is one that links into the Council's own policies on highway access and safety which were discussed above (namely CW1 and CW3). As indicated there a Traffic Impact Statement has been submitted with the application which has been assessed by the Head of Engineering Services. A subsequent series of meetings have resulted in a highways position that the council's highway engineers find acceptable, subject to the imposition of conditions and the completion of a Section 106 Agreement which secures financial contributions to improvements and arrangements on and off site.

In respect to national guidance it is considered that this proposal raises no issues which overturn the conclusion reached in the assessment of the Local Development Plan policies presented above.

Therefore there are no policy objections being raised to this development.

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Application No. 15/0038/OUT Continued

Comments from Consultees: As can be seen from the consultation responses the majority received do not object to the proposal but do require conditions/agreements to be entered into which will control the proposal to an acceptable level. The Council's Landscape Architect did oppose the application as being contrary to policy, however it is felt that there are material planning considerations in existence which, on this occasion, out-weigh the policy position.

Comments from public: The response to the points raised by the general public are as follows;

1. The Transportation Engineering Manager considers that this proposal can be acceptable subject to conditions and the S106 Agreement provisions contained in the report.
2. The Head of Public Protection raises no objection in this regard.
3. The agricultural nature of the land is not a material consideration which could preclude this development.
4. The infrastructure provision in Bedwas is a matter that will be assessed via the Local Development Plan review. If considered to be necessary sites for schools and health facilities will be identified. The Education Department and the area health board contribute to this process.
5. A condition has been imposed in respect to the provision of a comprehensive drainage scheme to serve the development.
6. The applicant is entitled to apply for residential consent on this green-field land. The proposal is thereafter assessed against policies and all relevant material considerations. If it is successful permission will be forthcoming.
7. There is no dispute that the application is outside settlement limits. However as the report discusses land-use circumstances are changing and have impacted on the situation relating to the adequacy of the supply of housing land.
8. There are indeed "brown-field" site within settlement limits however many of these sites (such as Bedwas Colliery) have complex land use issues involved in their delivery. and cannot readily be brought to the housing market.
9. This would be a matter to be addressed by Dwr Cymru/Welsh Water.
10. See point 1 above.
11. The "Masterplan" submitted with the application is indicative only. The detailed Reserved Matters application will provided the actual linkages between the site and its surroundings. It should be noted however that pedestrian connections between existing settlements is an acceptable arrangement.
- 12, 13 and 15. See point 1 above.
14. This is an opinion expressed by the objector which requires no response
16. This site is private land and is on the extreme western edge of the village. Bedwas will remain bounded to the north by open countryside.

Cont....

Application No. 15/0038/OUT Continued

17. The planning committee is being asked to assess this application on this site. As indicated above the proposal is considered against policies and all relevant material considerations. If it is successful permission will be forthcoming.
18. Any future submissions will be assessed as this one has been. However it must be acknowledged that the Local Development Plan review, when completed, will provide an up-to-date plan better placed to make decisions in respect to prevailing land-use pressures.
19. This is an opinion expressed by the objector which requires no response.
20. This point is not sufficient to justify a refusal of planning permission.
21. Natural Resources Wales do not consider flooding an issue in respect to this development.
22. The application is being considered on the details provided. There is a new access into the site, however it will be from Pandy Road. The Transportation Engineering Manager finds this acceptable subject to the imposition of conditions and the relevant terms of a S106 Agreement.
23. Pandy Road is similar to the majority of roads and streets in this Borough. If however there are particular problems for wheelchair users along this stretch of highway the matter should be taken up independently with the Council as the Highway Authority.
24. It will result in the loss of open fields however the Council's Ecologist and those of Natural Resources Wales consider that conditions can be imposed which would protect wildlife interests to an acceptable level.
25. There will be a level of disturbance/disruption during the construction phase. This is common with all such developments. However conditions can be imposed at the detailed stage which would be designed to control matters such as noise, dust, odour, wheel-washing, working hours etc to acceptable limits during that phase. The issue of any compensation payable is one that must be taken up as a private matter.
26. This is a personal opinion expressed by the objector which requires no response.
27. The application was advertised in the press, on site and by way of 99 letters sent to surrounding properties. In view of the response, in terms of letters and petitions, it is considered that the advertisement process provided members of the public adequate notice to comment on this proposal.
28. Loss of view is not a planning consideration.
29. The issue of litter control is dealt with under different legislation and therefore should be pursued separately to this matter.
30. This is a personal opinion which can form no part of the determination of this application.

Cont....

Application No. 15/0038/OUT Continued

31. The current use of the land is not the over-riding factor in respect to this proposal. It is evident that the fields are comprised of improved grassland, however it is their development for future use which is being considered at this time. All built development would have been undertaken on countryside at some point in the past.

32. A condition will be imposed in respect to the provision of on-site play facilities to serve the development.

33. There are 4 bus stops within 500m distance of the site, two of which are located within 300m of the site on Greenway and the other two stops are located on Pandy Road itself to the east of the site. The Highway Department along with Bus Operators look at new sites with a view to providing additional services. This could lead to improvements in the public transportation position once the development is occupied. There is no train service in Bedwas itself, although there are stations approximately 2.5km and 2.7km respectively from the application site.

34. The Council is charged with undertaking a range of land-use functions which invariably involve competing pressures. As such it must make a balanced decision in respect to the merits of the competing uses. In this instance the land supply deficiency is considered to out-weigh the potential loss of this limited area of countryside.

35. The threshold for screening for the need of an Environmental Statement (i.e. and ES) under the Environmental Impact Regulations has been exceeded in this instance. However this does not mean that an ES is automatically required. The proposal was "screened" to assess the need for an ES but it was found that the development did not require such this process to be followed. It should be noted however that the majority of the information required for an ES has been submitted with the current proposal.

36. This is incorrect. Both NRW and the Council's Ecologist are satisfied with the ecological reports provided.

37. This is a current matter for the Police but would not have much weight as a material consideration in respect to the determination of this proposal. There is no evidence that the current proposal would aggravate vandalism.

38. The impact of this development on the village will be taken into account in the Local Development Plan review. This will assess the need for additional allocations to be identified to serve the village.

39. The footpaths near and across the site will remain usable by the public. There will however be a loss of countryside should the site be developed.

40. The aim of the promotion of cycling is to link the development with the cycle routes that exist around the site. This will allow cyclists to have their own defined routes. A condition is proposed to this effect.

Cont....

Application No. 15/0038/OUT Continued

41. It is impossible to say when considering an outline application what the impact will be on privacy and residential amenity. However it is evident that there is scope to develop this site without causing significant harm in those respects from a planning point of view. It is at the Reserved matters stage that these detailed considerations can be closely looked at and mitigation measures provided.

42. As indicated above there is a condition attached which will seek to ensure that formal play provision is included at the reserved matters stage. The development does not however propose any community buildings. It should be noted however that if the site is developed then the Community Infrastructure Levy will be payable on the majority of dwellings at a rate of £40 per square metre. This money is used to provide leisure, education and highway improvements in the County. As such it will contribute to infrastructure facilities general. With regard to facilities such as a public house or a post office, these are matters for the market to decide.

43. The reference to "£250 per dwelling" is one that has been agreed between the Highway Department and the developer to provide this amount in travel vouchers for each new dwelling to be used towards the cost of bus fares, bicycle purchase or cycling/waking equipment/clothing. This will be secured by way of a requirement in a Section 106 Agreement.

Other material considerations: The recommendation is to require the applicant to enter into a S106 Agreement in respect to Affordable Housing provision and Highway Improvements/Arrangements. The applicant has agreed to enter into such an agreement on the terms outlined. However there are tests for S106s which have to be met.

These are as follows;

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

With regard to the first of these the arrangements required in respect to affordable housing are to comply with Local and National policy. The contributions relating to highways matters are necessary to allow the application to proceed to an approval.

Cont....

Application No. 15/0038/OUT Continued

In respect to the second point this is an area of housing pressure and affordable dwellings are required in the Bedwas area. It is considered essential that this proposal will provide a substantial allocation of such properties for the benefit of residents. The access highway safety improvements are related to this site and are not being requested to resolve/improve matters unrelated to the development.

The third point relates to fairness of scale and kind. In this regard discussions with regard to site viability have resulted in an affordable provision of 25%, up to 270 houses and 30 % up to 300 houses. In view of the projected financial position for this site these levels were considered to be reasonable.

Likewise with the highway contributions to traffic light provision and Travel Plan initiatives are set at levels which the applicant has accepted as reasonable

In the circumstances it is recommended that the application be deferred pending the signing of a Section 106 Agreement. This will relate to two elements, firstly Affordable Housing provision, the general headings of which are as follows;

1. 25% affordable housing plus an overage on 270 units
2. 30% affordable housing provision on any units above 270 up to 300 units.
3. The affordable units will need to be transferred at the values contained within the Council's current SPG dated July 2015.
4. The social rented units will be delivered to DQR and the low cost home ownership delivered to the developer's standard specification.
5. The affordable units will be transferred to the Council's nominated Housing Association, United Welsh Housing Association.
6. The affordable units will be delivered in an agreed arrangement of units.

Secondly the Highways element. The financial contributions will be as follows;

£30k for traffic signal improvements to A468/B4600 Bedwas Road junction payable upon the 150th occupation of a dwelling.

£50k towards Travel Plan initiatives in the locality.

A sum as necessary to fund the alteration to the speed limit traffic and parking regulation order on Pandy Road.

The Travel Plan includes financial incentives such as:-

£5k Travel Plan reserve fund.

£75K towards sustainable travel vouchers for new residents.

£5k per annum to fund a Travel Plan Coordinator for 3 years.

Upon the completion of this agreement the application be approved on the basis of the conditions stated below.

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Application No. 15/0038/OUT Continued

RECOMMENDATION (A) that the application is DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out in this report. On completion of the Agreement (B) 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) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) The details submitted in respect to Condition 01 above shall allow for a suitable connection to the proposed cycleway TR1.13 Rhymney Valley Linear Cycle Route.
REASON: To allow cycle access to a prescribed route.

Cont....

Application No. 15/0038/OUT Continued

- 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 4 metres x 5 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.
- 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.
REASON: To encourage the use of a variety of transport options.
- 08) Pandy Road shall be improved, in a manner to be agreed in writing with the Local Planning Authority before any works commence and be completed in materials as approved by the Local Planning Authority before the development is brought into beneficial use.
REASON: In the interests of Highway safety.
- 09) Off street parking must be provided in accordance with the standards contained in the Local Planning Authority's Adopted Supplementary Planning Guidance contained in LDP5 Car Parking Standards.
REASON: In the interests of highway safety.
- 10) The details required in Condition 1 above shall include a Tree Protection Plan (TPP) that details in full all measures necessary to protect the canopy spreads above ground and root systems below ground of those trees highlighted for retention, shall be submitted and agreed in writing with the Local Planning Authority. The TPP shall include an illustrated plan showing clearly the positioning of the tree protection barrier (as previously detailed within the Survey doc - 15_0038_OUT-TREE_SURVEY-4288968), and any other measures necessary to avoid damage to the retained trees (e.g. ground protection measures). Thereafter the development shall be undertaken in accordance with these agreed details.
REASON: To ensure that the trees on site are protected during construction.

Cont....

Application No. 15/0038/OUT Continued

- 11) The details required in Condition 01 above shall include an Arboricultural Method Statement (AMS) which shall detail fully the implementation of the Tree Protection Plan and include all site instructions or prohibitions necessary to the success of the Tree Protection Plan, and shall include a programme for arboricultural supervision and monitoring, and a programme for any pre-development access facilitation works and the requirements for any contractors engaged to provide such services. This plan shall be agreed in writing with the Local Planning Authority and thereafter all works shall be undertaken in accordance with these agreed details.
REASON: To protect the trees on site during construction works.

- 12) 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.

- 13) All properties located below (south of) the blue line shown on the map in Appendix C of the Environmental Noise Survey submitted with the application subject of this consent shall be fitted with double glazed windows and acoustic trickle vents on windows facing Pandy Road prior to the occupation of those properties.
REASON: To protect residential amenity.

- 14) The details required in Condition 01 above shall include the means of enclosure of all gardens backing onto Pandy Road. They shall be submitted and agreed in writing with the Local Planning Authority and thereafter implemented concurrently with the development.
REASON: In the interests of residential amenity.

- 15) 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....

Application No. 15/0038/OUT Continued

- 16) Prior to the commencement of works associated with the development hereby approved, a landscaping and management scheme including at least 75% native and local provenance tree, shrub and wildflower species shall be submitted to the Local Planning Authority for approval. The agreed details shall be carried out in the first planting or seeding season following the completion of the development. Any trees or plants which within a period of five years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The management proposals should also be included, along with timing of management, management requirements, who is responsible for management, etc.
 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 Government's Planning policy Wales TAN 5 Nature Conservation and Planning.
- 17) No development or site/vegetation clearance shall take place until a detailed methodology for the capture and translocation of reptiles on site including details of any proposed remedial measures including details of the receptor site, has been submitted to and agreed in writing with the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.
 REASON: To ensure that reptiles are protected.
- 18) In the event that development commences after September 2015, no site clearance work shall be undertaken unless an updated Badger survey has been undertaken, and the results and any necessary mitigations measures, submitted to and agreed in writing with the Local Planning Authority. The clearance works shall be undertaken in accordance with the agreed details.
 REASON: To ensure that badgers are protected.
- 19) 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.

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Application No. 15/0038/OUT Continued

- 20) 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 development at land north of Pandy Road, Bedwas, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new 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.
- 21) 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 development at land north of Pandy Road, Bedwas, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new 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 and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 22) The details required in Condition 01 shall include a scheme for the drainage of foul, land and surface water at the site. These details 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.
- 23) The details submitted in compliance with condition 01 shall incorporate into the design the recommendations contained in the Flood Consequences Assessment prepared by Marsden Associates, Dec. 2014, which was submitted with this application subject of this consent.
 REASON: To protect the development from flooding.

Cont....

Application No. 15/0038/OUT Continued

- 24) Tree B, identified on the Bat and Reptile Survey Report dated 16th June 2015, should be retained and an updated survey undertaken if felling/pruning is required at a date more than 12 months from the current report. If felling or removal of Tree B is undertaken in 2015, the following precautionary approach should be followed, based on the Bat Mitigation Guidelines (2004):
- The felling contractors briefed on the limited possibility that bats could be present and if a bat were encountered, all work would cease immediately and Natural Resources Wales (NRW) be contacted for advice;
 - Section felling of tree limbs, and lowering of felled limbs to ground and left for 48hrs to allow any bats to escape;
 - Timing of demolition works to avoid the period when likelihood of use by bats (or nesting birds) was greatest. Felling works in Sept/October or March/April would be recommended if practicable.
- REASON: To ensure there will be no detriment to the maintenance of the Favourable Conservation Status of bats, European Protected Species, as a result of the proposals.
- 25) The details submitted in respect to Condition 01 shall include the provision of formal play equipment within the site area. This shall be submitted and agreed with the Local Planning Authority and thereafter implemented prior to the occupation of any dwellings that adjoin or overlook those areas of formal play equipment.
- REASON: To ensure that the site is provided for in respect to formal play provision.
- 26) Prior to the development commencing the intrusive site investigation works should be undertaken in accordance with the recommendations of the Desk Study and Preliminary Geotechnical Report submitted with the application. In the event of the site investigation confirming the need for remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development these works shall be undertaken prior to the commencement of the residential elements of the scheme hereby approved.
- REASON: To protect the dwellings from effects of previous mine workings.

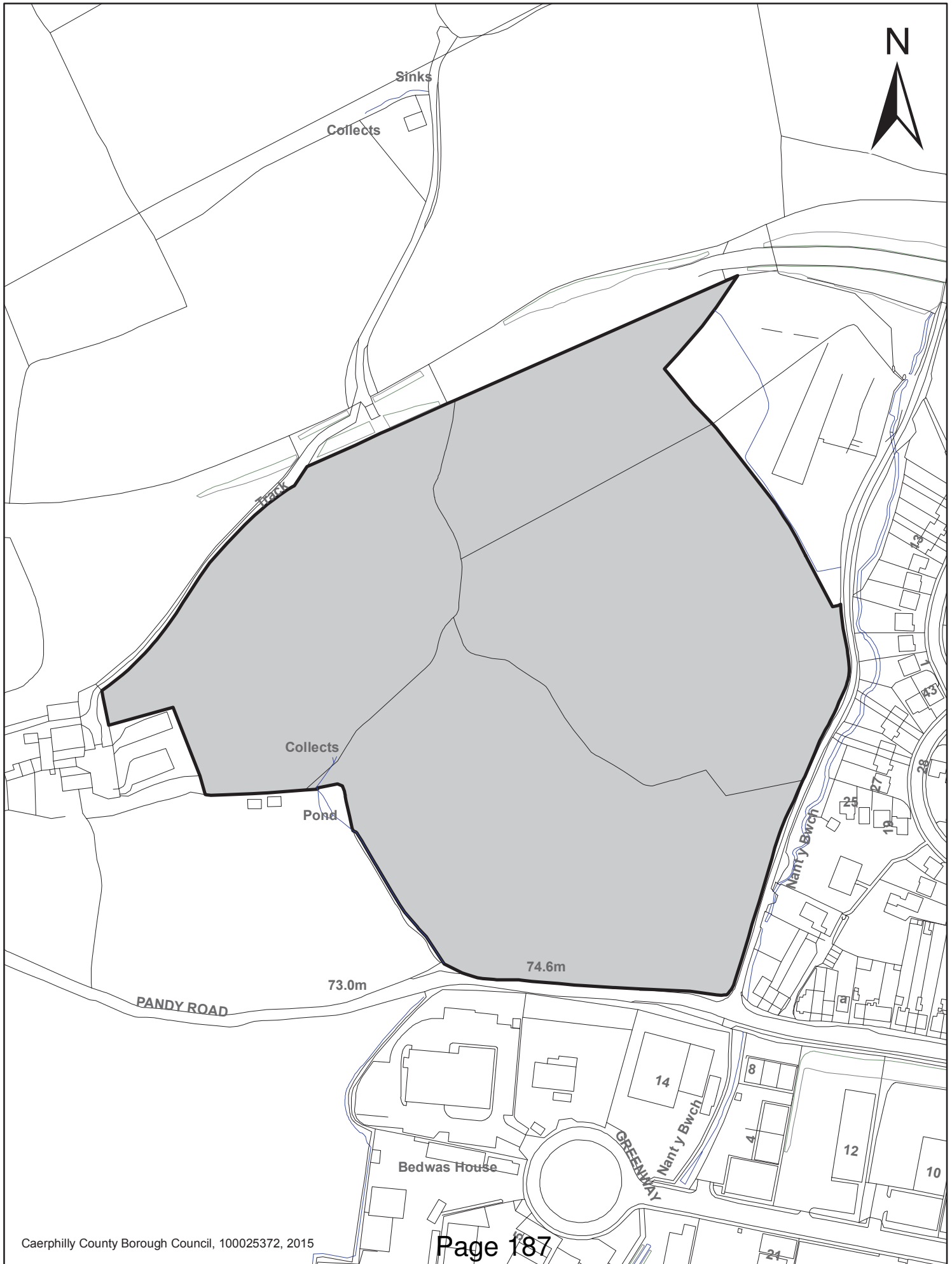
Advisory Note(s)

Please find attached the comments of Western Power Distribution, Senior Engineer (Land Drainage), Dwr Cymru/Welsh Water, Natural Resources Wales, Council's Ecologist, Gwent Police Traffic Management and The Coal Authority that are brought to the applicant's attention.

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Application No. 15/0038/OUT Continued

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: SP3, Sp7, SP14, SP15, CW3, CW6, CW10 and CW11.



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Agenda Item 14

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0836/FULL 22.01.2015	Oakfield Street Surgery Ms S Emery Oakfield Street Ystrad Mynach Hengoed CF82 7WX	Create new pedestrian access onto site The Surgery Oakfield Street Ystrad Mynach Hengoed CF82 7WX

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The Surgery, Oakfield Street, Ystrad Mynach.

Development Description: This application seeks permission for a new pedestrian entrance to Oakfield Surgery at the north-west corner of the surgery's rear forecourt. To the northwest of the application site is a lane providing access to a number of business, community and residential properties which front Bedwlwyn Road, Pengam Road or Oakfield Street. A builder's merchant yard has an access onto the lane. The lane also provides the surgery's northern boundary and an access lane with Pengam Road at a higher level. To the east is a public car park and to the South is Oakfield Street.

Dimensions: 1 metre wide and 2 metre high new steel access gate

Materials: Steel access gate.

Ancillary development, e.g. parking: Alterations to Surgery car park layout to incorporate a new pedestrian path.

PLANNING HISTORY

5/5/92/0607 - Construct entrance porch and minor changes to existing elevations.-
Granted 06.11.92.

P/96/0737 - Construct access road and extension to existing car park - Granted
19.12.96.

P/97/0342 - Extend surgery car park into public car park - Granted 24.07.97.

Cont....

Application No. 14/0836/FULL Continued

09/0640/FULL - Erect extensions on upper and lower ground floor levels - Refused 12.11.09.

10/0024/FULL - Erect two-storey rear extension - Granted 04.03.10.

12/0342/FULL - Erect two storey and single storey extensions in cavity (masonry construction under a pitched tiled roof) to provide additional clinical and administration space - Granted 06.07.12.

POLICY

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

Site Allocation: The site lies within the adopted settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints, SP6 (Placemaking).

NATIONAL POLICY Planning Policy Wales (2014), Technical Advice Note 12: 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? Yes, attach advisory note.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions and informatives.

Head Of Public Protection - No objections to the development, requests advisory note.

Cont....

Application No. 14/0836/FULL Continued

Senior Engineer (Land Drainage) - No comments.

Gelligaer Community Council - Objection on the grounds of loss of parking.

Principal Valuer – No comments.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and 18 notification letters sent to surrounding residential properties and businesses. A re-consultation exercise on amended plans has been undertaken and at the time of writing this report the consultation period has yet to elapse.

Response: Two letters were received relative to the original consultation exercise. One letter is an objection to the application and the other is an email which identifies that it is not an objection but seeks to raise concerns. Any further representations received in relation to the re-consultation will be reported to members at Planning Committee.

Summary of observations:

The objection letter received raised the following matters:-

- Concerns in relation to the Design and Access Statement that it has underestimated the usage of the access lane. Highlights that the access lane is used to access four properties. The white line on the lane was used to act as a pavement, rather than a raised kerb as the use of a kerb would mean there would be insufficient room for Vehicle access.
- Heavy Good Vehicles (including refuse vehicles) have to reverse up/down the lane as there is insufficient room to manoeuvre into Oakfield Street. The lane is also used as a "short cut" to access the surgery and nearby Girls School. Highlights congestion on Oakfield Street.
- Proximity of the proposed access to the bend in the lane.
- Considers the proposal is extremely hazardous and an "accident waiting to happen."
- Suggests a proposal for a relocated entrance to the eastern edge of the surgery forecourt.

Cont....

Application No. 14/0836/FULL Continued

The email raises the following concerns:-

- Considers the lane is used as a "rat run" between Pengam Road, the car park and Oakfield street.
- Expresses a view that the lane was originally envisaged for the sole purpose of allowing deliveries by commercial vehicles to the Builder's Merchant in the lane. The lane was to be for "access only" but this has never been enforced (or rescinded).
- Cites observations of cars using excess speed around the corner and often when their view is obscured by vehicles collecting from the Builder's Merchant.
- Requests if application be granted that actions be taken to make area safer. There needs to be restricted speed limit and/or enforcement of the access only condition..
- Due to the current situation the author states they can no longer exit their garage onto the lane without another person standing in the lane to stop traffic to prevent a collision.
- Volume of traffic in lane is greater than implied in photographs included in the design and access statement. Particularly when parents of pupils at Lewis Girls School are using the lane as a short cut.
- Concern that there are very considerable dangers that would be posed to patients, particularly mothers and children when accessing the clinic from this new entry point.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The development is not chargeable as no floor space is created.

Cont....

ANALYSIS

Policies:

The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main planning consideration in relation to the application is deemed to be the impact of the proposed development on highway safety. This application seeks permission to install a new pedestrian access gate into the rear car park forecourt area of the surgery to provide an alternative additional means of pedestrian access to the surgery.

The relevant Local Development Plan Policy is Criterion A of Policy CW3 (Highways) requires that development must have regard "for the safe, effective, and efficient use of the transportation network." The representations made to the application have raised concerns in relation to Highway Safety issues within the rear lane however the existing circumstances in the lane is an important consideration. It is highlighted that currently the lane includes a white lined area for pedestrians to use on part of the lane and whilst this would be extended to accommodate the route to the new pedestrian access gate it is not introducing a new circumstance with vehicles and pedestrians using the lane.

In addition it is noted that there is an existing set of steps providing pedestrian access to and from Pengam Road which accesses onto the rear lane at a point some 15 metres from the location of the proposed new pedestrian access gate. It is therefore considered that for some pedestrians currently utilising these existing steps to access the surgery the new access gate may significantly shorten their current route to accessing the surgery via the lane.

It is acknowledged that the provision of the new gated access will in all likelihood increase pedestrian use of the existing demarked area on the lane but the Highway Authority have considered the application and have offered no objections to the development. The concerns raised in relation to the lane are noted but subject to the proposed lining works in the carriageway recommended by the Highway Authority it is considered that the development is acceptable in all regards.

Comments from consultees: The Highway Authority were involved in discussions with the applicant's which led to an amendment in the positioning of the proposed gate to avoid loss of parking provision.

Cont....

Comments from public:

It is noted that various safety concerns have been raised by the representations received. The Highway Authority has offered no objection to the development and the current portion of the lane has an existing white lined area to demark a zone for pedestrians to use. The amended location for the access gate has been submitted following consultation by the applicant with the Highway Authority. It has been clarified in discussions with the Highway Authority there is no prohibition on vehicular access to the lane contrary to this being inferred in the representations received.

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 proposed gate shall be fitted so as not to open out over the highway.
REASON: In the interests of highway safety.
- 03) Use of the new entrance gate shall not commence until the proposed extension to the existing white line as shown (and indicated for identification purposes with a dashed line) on drawing number: AL-C-04-Rev A has been laid out in accordance with the submitted plans to the satisfaction of the Local Planning Authority.
REASON: In the interests of highway safety.
- 04) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
- Existing and Proposed Site Layouts AL-C-04 revision A.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Cont.....

Application No. 14/0836/FULL Continued

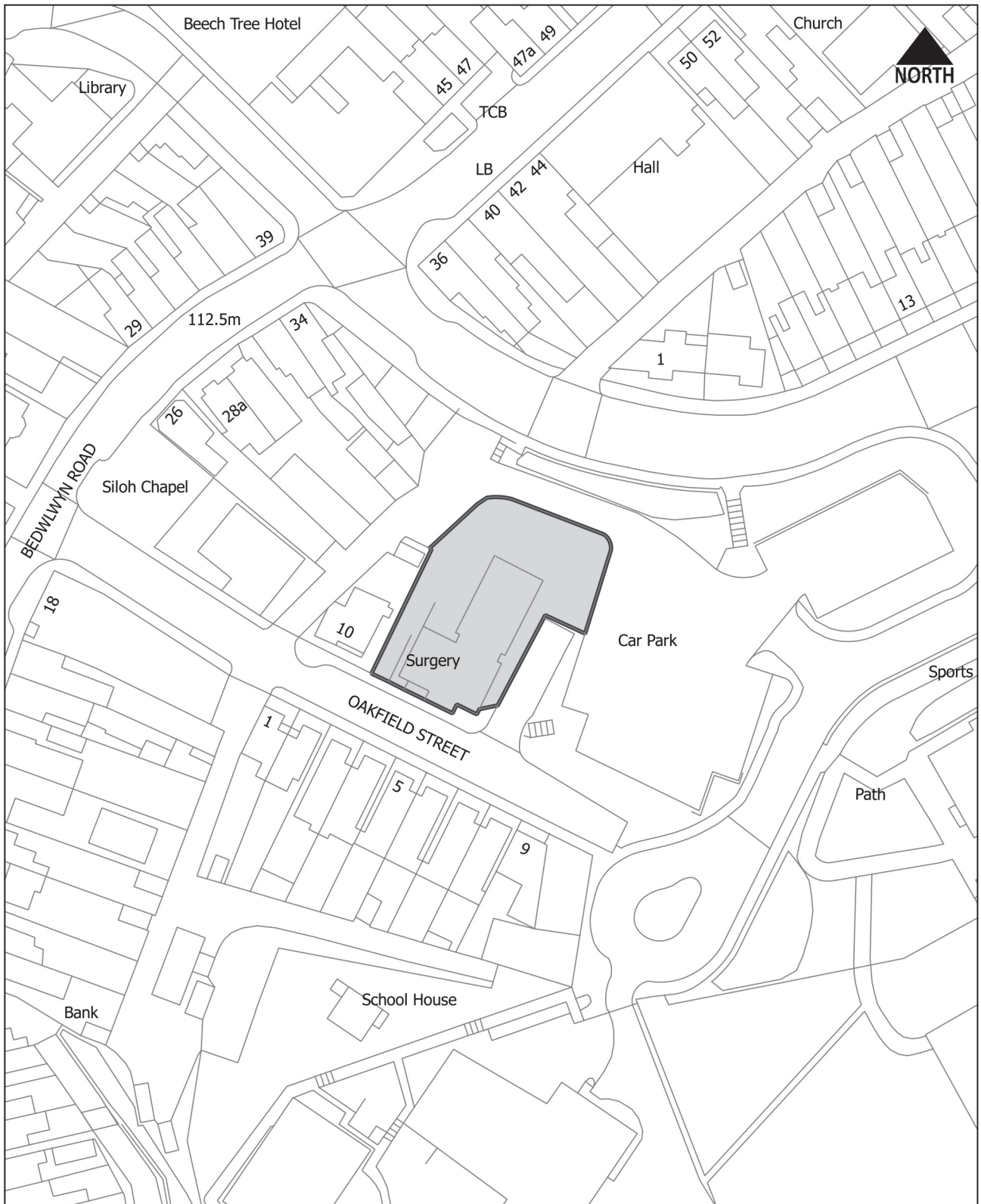
Advisory Note(s)

The proposed white lining works shall be undertaken using a competent white lining contractor with both the appropriate licenses to work within the highway, along with an adequate level of public liability insurance. For the avoidance of doubt, the applicant should be advised to contact the Highways Operations Group on (01495) 235323 in this respect. Any unlicensed work in, or disturbance of, the highway will be considered to be causing damage to the highway which is an offence under the Highways Act 1980, and may result in legal action being taken in order to rectify matters.

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).

The applicant is advised to contact the Environmental Health Officer on 01495 235028 to discuss management of pedestrian access within the site.

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Agenda Item 15

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0855/FULL 14.01.2015	United Welsh Housing Association Mr P Seaborne C/o Asbri Planning Ltd Mr B Davies Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS	Erect residential development and associated works Land At Watford Road Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is located to the south of the former Caerphilly Miner's Hospital site which is on the lower slopes of Caerphilly Mountain. It is on the west side of the junction of Watford Road, Lon y Llyn and St. Martin's Road. It is approximately 1 kilometer from the town centre.

Site description: The site is an undeveloped area of land roughly rectangular in shape, which has a limited frontage onto Watford Road with the remainder of the site running westwards towards the existing housing on the Castle View development. The site has a gradient which falls down the mountainside from south to north. The extent of the fall is approximately 10 metres over a width of 70 metres.

The land is enclosed by existing hedges and dense undergrowth, whilst the main area of land is generically "rough-grassland."

The site is bounded to the north by the Caerphilly Miner's housing development (i.e. Beech Tree View). To the south and east there is also established residential estates, whilst to the east it borders the public highway, on the opposite of which is further residential development.

There are a limited number of trees on site which are generally located on the boundaries.

Development: The application is for a total of 34 dwellings, as with the Caerphilly Miner's development these will be a mixture of (i) private sale units (ii) social units and (iii) intermediate properties.

Cont....

Application No. 14/0855/FULL Continued

The numbers and house types of each of these categories is as follows:-

- (i) 16 units, of which 12 are 3 bed and 4 are 4 bed houses.
- (ii) 12 units, of which 6 are 1 bed flats, and 6 are 2 bed houses.
- (iii) 6 units, of which 1 is 2 bed and 5 are three bed houses.

Categories (ii) and (iii) comprise affordable homes and total 18 units (i.e.53%) whilst category (i) relates to the private sales and total 16 (i.e.47%).

The properties are mainly two-storey houses of detached, semi-detached and small linked arrangements comprising three houses. There is also one three-storey block of flats incorporated into the scheme.

Dimensions: The site measures 1.1 hectares, which is a density of approximately 34 to the hectare and would be considered a medium density development.

The block of flats measures 11 metres to the apex and has a floor area of 140 square metres. Whilst the houses are all approximately 8.5 metres high they range from 48.5 square metres floor area (2 bed house) to 68 square metres floor area (4 bed houses).

Materials: The dwellings are to be finished in a red facing brick, whilst the roofs are to be covered in grey tiles. All windows and rainwater goods are to be PVCu. All roads and footpaths are to be in tarmacadam.

Ancillary development, e.g. parking: Parking at the site is in accordance with the Authority's adopted parking guidelines. The detached 4 bed dwellings are all provided with a garage as well as on-site parking places.

PLANNING HISTORY

P/02/1279 - Provide car park facilities. - Granted 06.12.02.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site located within the defined settlement limit and is identified as part of a housing allocation (HG1. 67). This allocation was formally named the Caerphilly Miner's Hospital site and had an area measuring 3.26 hectares, 2.16 of which have already been developed by the Beeches View site.

Cont....

Application No. 14/0855/FULL Continued

Policies: The main policies of relevance in the Adopted Local Development Plan are as follows:-

Strategy policies

SP3 - Development strategy in the Southern Connections Corridor, SP4 - Settlement strategy, SP5 - Settlement boundaries, SP6 - Place making, SP10 - Conservation of natural heritage, SP14 - Total housing requirements and SP15 - Affordable housing targets.

Countywide policies

CW2 - Amenity, CW3 - Design considerations: highways, CW6 - Trees, woodland and hedgerow protection, CW10 - Leisure and open space provision, CW11 - Affordable housing and CW15 - General locational constraints.

NATIONAL POLICY: Planning Policy Wales (Ed 7. 2014), TAN2 (Planning and affordable housing), TAN5 (Nature conservation and planning), TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes. The proposal exceeded the threshold of a development area over 0.5 hectares.

Was an EIA required? No.

COAL MINING LEGACY

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

CONSULTATION

Rights Of Way Officer - confirmed that no public rights of way affect this site.

Senior Arboricultural Officer (Trees) - has made no formal response to the application but has made verbal comment on the matter of tree protection which have been actioned by the applicant by way of amended plans. As such the information submitted addresses the points raised regarding tree retention and protection matters.

Principal Valuer - has confirmed that the right of access claimed by a local resident onto the land does not exist, and that the person claiming it had signed a declaration to this effect in March 2013.

Cont....

Application No. 14/0855/FULL Continued

Head Of Public Protection - raises no objection to the application subject to the imposition of conditions relating to dust and noise mitigation schemes and an imported soil condition.

Reference is also made to the Air Quality Impact Assessment that has been submitted, in that this information adequately addresses this issue.

CCBC Housing Enabling Officer - has confirmed that the affordable element is acceptable. Further comment is made on the transfer prices of the affordable units and the need for them to be built to the relevant standard and to be delivered by the Housing Association. This will be secured by way of a S106 Agreement.

Senior Engineer (Land Drainage) - makes a range of comments on drainage matters at the site some can be conditioned whilst others need to be passed on as written advice.

Outdoor Leisure Development Officer - comments that the open recreational space that has been provided to the west of the site is a good improvement to the scheme. Notwithstanding this an element of play equipment is required to be installed in this space. This should be secured by way of condition.

Head Of Public Services - raise no objection to the application but makes a number of comments on kerbside collection points which need to be passed on to the applicant/developer.

Transportation Engineering Manager - does not raise objection to the application subject to the imposition of conditions regarding vision splays, parking provision availability, surfacing materials etc.

Dwr Cymru - requires conditions to be imposed regarding the need for comprehensive drainage arrangements to be submitted and approved and for the protection of the existing public drainage system.

Police Architectural Liaison Officer - welcomed the fact that the development is to be carried out in accordance the "Secured by Design Standards."
Specific crime prevention advice is given which needs to be forwarded to the applicant/developer as written advice.

Wales & West Utilities - comments that it may have apparatus close to/within the site which may be affected by the proposal. As such they should be contacted prior to any work commencing on site.

Cont....

Application No. 14/0855/FULL Continued

Caerphilly Town Council - has commented that it has objections to the application on the basis of "overdevelopment and lack of residential amenities in the area."

ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site and press notices and direct letters with 55 neighbouring properties.

Response: In response to this consultation exercise 13 letters of objection and one petition, signed by 17 residents were submitted.

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

1. Residents were assured that this land would be offered to local people as allotments.
2. The land is one of the few remaining "green areas" left as the majority of land has been built upon.
3. The land is used for recreational and amenity purposes by residents and their children.
4. The highway situation is already dangerous on Watford Road and it will be worsened by this proposal. It is a road often used by school children.
5. The new dwellings will adversely impact on the residential amenities of existing residents as they will be built too close to them and affect privacy and view.
6. Inadequate advertising of the application.
7. A right of way is affected by the scheme.
8. All the dwellings will be Housing Association properties.
9. Loss of privacy specifically to properties specifically at a lower level to the north.
10. Disruption during construction.
11. Devaluation of existing properties.
12. Insufficient landscaping is to be provided.
13. The site to the north has been troubled by incidents of anti-social behaviour.
14. Where are the children to be educated.
15. What new roads are planned to deal with the additional traffic generated from such sites.
16. Residents should be invited to the meeting to make a short presentation.
17. The utilities/infrastructure in the area is already substandard.

Cont....

Application No. 14/0855/FULL Continued

18. The Council should not have closed the hospital in favour of housing development on the land.
19. There are "Brownfield" sites to develop instead of this land. It would be preferable to use this land as a community garden or allotments rather than provide housing for people who have "little historic sympathy" with the local 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 determination of the housing layout submitted will adversely impact on the issues of crime and disorder in this area. Gwent Police have been consulted on the application. Their comments are discussed further in the report.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes. The development is CIL liable, albeit an exemption can be claimed in respect to the affordable element.

ANALYSIS

Policies: With regard to the Strategic Policies of relevance it is evident that the proposal accords with them as it involves the development of an identified housing site for that purpose. The Adopted Local Development Plan promoted this site as an integral part of its housing strategy. In a plan lead system the relevant legislation (i.e. The Planning and Compulsory Purchase Act 2004, Section 38 (6)), specifies how development should be assessed. The Adopted Local Development Plan is the Council's land-use document against which the determination of applications should be made unless material considerations indicate otherwise.

Consequently this application accords with those policies relating to settlement boundaries and development strategy (i.e. SP3, SP4, SP5, and SP6).

Cont....

Application No. 14/0855 Continued

With regard to SP10 the application was accompanied by a wildlife survey and a tree report. These contained recommendations regarding the ecology and its protection, at the site. In this regard conditions will be imposed which relate to the protection of both wildlife interests and certain trees and hedgerows on the boundary of the site.

SP14 relates to the provision of a defined number of new dwellings in the County Borough, whilst SP15 seeks to ensure the delivery of a prescribed amount of affordable properties as part of the overall provision. The current proposal would comply with both policy requirements.

In the circumstances the proposal complies with all the relevant Strategic Policies.

With regard to Countrywide policies CW2 is particularly relevant as it relates to the impact of the proposal on the amenities of the surrounding properties. In this respect it is evident that the rectangular nature of the site allows for a standard cul de sac arrangement with a relatively straight road through the site, which runs along the contour line of the mountainside. This highway is capped by a turning head. The two storey dwellings and the small block of flats are located on either side of the road. This means that to both north and south it borders onto existing residential development.

To the north it looks onto Beech Tree View. The new houses range from a distance of 30 metres to the existing properties down to a distance of 22 metres between these dwellings.

To the south the development looks towards Plas Grug, which forms part of the established Watford Park Estate. The distance between the new and the existing dwellings on this side is between 25 metres and 30 metres. These distances are such as to ensure that the impact on the privacy of the adjoining properties will not be so significant as to sustain a refusal of permission.

The development is of a density (i.e. 34 dwellings to the hectare) that is considered to be medium in character, which is acceptable. Also a residential use next to other similar uses is considered to be compatible in nature.

As such Policy CW2 is complied with.

Cont....

Application No. 14/0855/FULL Continued

The next policy of relevance is CW3 - Design Considerations: Highways. This deals with highway safety, pedestrian and cycle links, adequate parking provision and the access road's linkages with the public highway system. In this respect the Highways Division considers that the solution proposed is acceptable. The requirements of CW3 are therefore considered to be satisfied.

As indicated above the applicant submitted a tree survey, including an impact assessment and a Method Statement, which have been considered by the Council's Arboriculturist, who has raised no objection to its contents. This therefore addresses the hedgerow and tree protection issues at the site and can be secured by way of condition attached to any permission granted.

Policy CW10 (Leisure and Open Space Provision). Discussions have been undertaken with the developer to provide a more useable play provision on site. This has resulted in a LAP being sited towards the western side of the development which will provide formal play space. This space has been endorsed by the Leisure Services Officer as a good recreational facility. There are also two other areas of open space incorporated into the layout. This is considered to comply with the requirements of policy CW10.

A condition will also be imposed regarding the provision of play equipment within the relevant leisure space.

The policy on affordable housing is one that refers to the provision of 40% of the development being "affordable". As can be seen from the description contained earlier in this report the proposal offers over 50% of the development as affordable. The Housing Strategy Officer has confirmed his acceptance of the proposal on the basis of the transfer prices contained in an email on this matter. United Welsh Housing Association confirms that the transfer prices given are acceptable to them. This position will be secured by way of a Section 106 Agreement attached to any permission granted.

The final Local Development Plan policy of relevance refers to general locational constraints (i.e. policy CW15). This requires developments to accord with the role and function of the settlement they are within and also do not prejudice wider comprehensive development.

In this regard the proposal seeks to gain permission for residential development on a site identified as a residential allocation in the Adopted Local Development Plan. This site is surrounded by existing residential development therefore it accords with the built form and its use.

Cont....

Application No. 14/0855/FULL Continued

With regard to its impact on any wider redevelopment, it would be accurate to state that this scheme completes a previously planned residential allocation. As such it accords with the requirements of the policy.

Therefore there are no policy objections to this application contained in the Local development Plan.

With regard to national guidance and legislation it has been stated above that the Planning and Compulsory Purchase Act 2004 requires decisions on applications for development to be taken in regard to the policies contained in an Adopted Plan unless material considerations dictate otherwise. In view of the current Five Year Land Supply position it is evident that residential land in the County Borough area is unacceptably low and housing sites are required to be identified. as such there are not considered to be any material considerations which mitigate against the approval of this identified housing site.

The TAN's of relevance follow on from the policies contained in the Local Development Plan policies, and do not raise any issues which could sustain a refusal of this proposal.

Comments from Consultees: As can be seen from the above responses none of the standard consultees have raised objection to the development. A number have expressed concerns which require the imposition of conditions attached to any permission granted such conditions which will adequately control the development to an acceptable standard.

Comments from public: The responses to the comments of the general public are as follows:-

1. Any such assurances given to residents are not Council policy. The Adopted Local Development Plan is the land-use policy document for this Authority. In this latter plan the site is clearly identified for residential development.
- 2 and 3. This land is not amenity land for the public's use. It is not a Council park or playground and has no official leisure designation. In visual terms the site is located on the lower slopes of Caerphilly Mountain which is a large area of countryside outside the urban settlement limit identified in the Adopted Local Plan. As such there are "green areas" close at hand.
4. The Highway Division have considered the matter of highway safety and have concluded that the access arrangements to serve the development are acceptable.

Cont....

5 and 9. The consideration of the policy position indicated above looks at the issues of privacy and residential amenity between the new and existing housing developments. It concluded that the distances between the housing was adequate in protecting a reasonable level of residential amenity/privacy. In a valley context there is usually an accepted degree of overlooking which is unavoidable given the terrain.

6. The application was advertised by way of site and press notices along with 55 individual letters to local residents. This is considered to represent a proportionate consultation level in respect to this development. As such this criticism is refuted.

7. The Public Rights of Way Officer has confirmed that no public right of way is affected by the scheme. As the land is Council owned the Property Section have confirmed that there are no private rights of access granted onto this land. if individuals have created such accesses they are unauthorised.

8. This is not correct almost half of the dwellings will be for sale on the open market.

10. There will no doubt be a certain level of disturbance during the construction phase. Conditions relating to noise and dust mitigation can be imposed to seek to control the unacceptable levels of such disturbance.

11. Devaluation of property is not a material planning consideration.

12. Landscaping can be required by condition attached to any permission granted.

13. Issues of anti-social behaviour relating to a development are matters to be addressed by the landlord and in certain cases by the Police. A residential development, which is acceptable in all other respects, cannot be refused on the basis of the potential for anti-social elements subsequently occupying some of the dwellings.

14. As this site is an allocated one in the Local Development Plan the educational implications would have been allowed for in that plan. Also any CIL payments liable from this scheme will include an element which will potentially be available for education improvements in this area.

15. Once again, this site as an identified residential allocation in the Local Development Plan, would have been considered in the context of the highway capacity to accommodate it, prior to it being formally identified for that purpose.

16. The residents can attend the Planning Committee meeting, and with the Chairman's permission, can allocate a speaker to address Members with their objections, in accordance with the standing protocol.

This advice has been given to a residents group who have been told to contact the Committee Section in this regard.

17. This opinion is not accepted as a statement of fact.

Cont....

18. The Council did not close the hospital in favour of residential development. The Area Health Authority and Welsh Government took that decision. It should be recognised that the Miner's hospital was not fit for purpose due to the passage of time. Also a state of the art replacement for much of its services was provided in Ystrad Mynach. This objection is considered to be wholly inaccurate.

19. The brownfield sites in the Caerphilly Basin area all have complex issues relating to them (i.e the Tar Plant, Bedwas Colliery, Cray valley). This site has none of these issues present at those sites and has been allocated for residential purposes due to its good relationship with the existing built environment.

The allocation of the land as a community garden or an allotments is not the question that the Committee is currently being asked to assess and as such no further comment, in that regard, is required.

Other material considerations: As Members will be aware there is currently a review of the Local Development Plan being undertaken. It is perhaps necessary to clarify the current position relating to this review. The statutory six-week public consultation period for the Deposit Replacement Plan is scheduled to commence in February 2016, during which time those sites recommended to be allocated for various uses will be made public and representations invited. Work is presently ongoing regarding the assessment of potential site allocations for housing and other uses. It must be stressed that until such time as the adopted LDP is superseded by the Replacement Plan (not scheduled to occur until 2017), the adopted LDP remains in force.

A number of residents have indicated that they thought the existing Local Development Plan had been replaced and any allocation was therefore no longer valid. As can be seen from the above paragraph this is not the case.

The affordable housing referred to above can only be secured through a Section 106 Obligation. In view of the Community Infrastructure Levy legislation to justify a S106 Agreement three tests must now be considered before such an obligation can be imposed, and these are considered below.

(a) The Obligation is necessary to make the development acceptable in planning terms.

The Adopted Local Development Plan contains a policy(CW11) which requires the securing of 40% affordable housing on sites of this size.

Cont....

Application No. 14/0855/FULL Continued

This requirement is based on need, which is greatest in the Caerphilly Basin area of the Authority. This element of the scheme is therefore essential for the affordable housing numbers required in the County Borough to be achieved through the planning process.

The Agreement is required to ensure that the transfer prices are set at an acceptable rate for the social units and the numbers of social and intermediate units are secured for future availability.

(b) It is directly related to the development.

The dwellings required are to be part of the approved development and are an integral element of it.

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

The Adopted Local Development Plan clearly states why the level of affordable development in this area is at 40%. As indicated above it is based on need. In this part of the Borough it is proving difficult for many residents to access the housing market. The current applicant is instrumental in providing good quality accommodation which is, in part designed, to specifically assist people in this process.

The scale of this affordable requirement has been endorsed by Welsh Government in the Local Development Plan adoption process and as such it is considered to be reasonably related to the development being considered.

Recommendation (A) That a decision is DEFERRED to allow the applicant's to enter into a Section 106 Agreement to comply with the requirements set out in this report. On completion of the Agreement (B) that planning permission is GRANTED subject to the following conditions:-

- 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 the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.

Cont....

Application No. 14/0855/FULL Continued

- 03) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 04) 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.
- 05) 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 x 70 metres 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.
- 06) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.
REASON: In the interests of highway safety.
- 07) 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.
- 08) The use of the garage hereby approved shall be limited to that ancillary and incidental to the enjoyment of the dwelling for the parking of vehicles only and for no other purpose.
REASON: In the interests of highway safety.

Cont....

Application No. 14/0855/FULL Continued

- 09) The proposed parking areas shall be completed in permanent materials as approved in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
- 10) No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure that reptiles are protected.
- 11) 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.
- 12) Prior to the commencement of work on site details of hedgerow enhancement planting and management, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up existing hedgerows, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the hedgerow planting shall be carried out 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).
- 13) 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....

Application No. 14/0855/FULL Continued

- 14) 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 development 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.
- 15) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swift, Swallow) shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are 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.
- 16) The development shall be undertaken in accordance with the Aborigicultural Impact Assessment and Method Statement submitted with the application on the 23rd December 2014.
REASON: To protect the retained trees on site during construction work.
- 17) 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.
- 18) Before works commence on site a scheme for on-site refuse storage and collection of waste material awaiting disposal, including any details of open air storage facilities and it's screening, shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the first occupation of the development and thereafter permanently retained unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of public health and the amenity of the area.

Cont....

Application No. 14/0855/FULL Continued

- 19) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 20) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.
- 21) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected, and a timetable for its implementation. The boundary treatment shall be completed in accordance with the approved details and timetable.
REASON: In the interests of the visual amenity of the area.
- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwellings hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 23) The construction of the foundations of the dwellings hereby approved shall not begin until details showing the finished floor levels of those dwellings in relation to a fixed datum point off site, including cross-sections and details of screen fencing, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and any screen fencing erected prior to the occupation of the dwellings to which it relates.
REASON: In the interests of the residential amenity of the area.

Cont....

Application No. 14/0855/FULL Continued

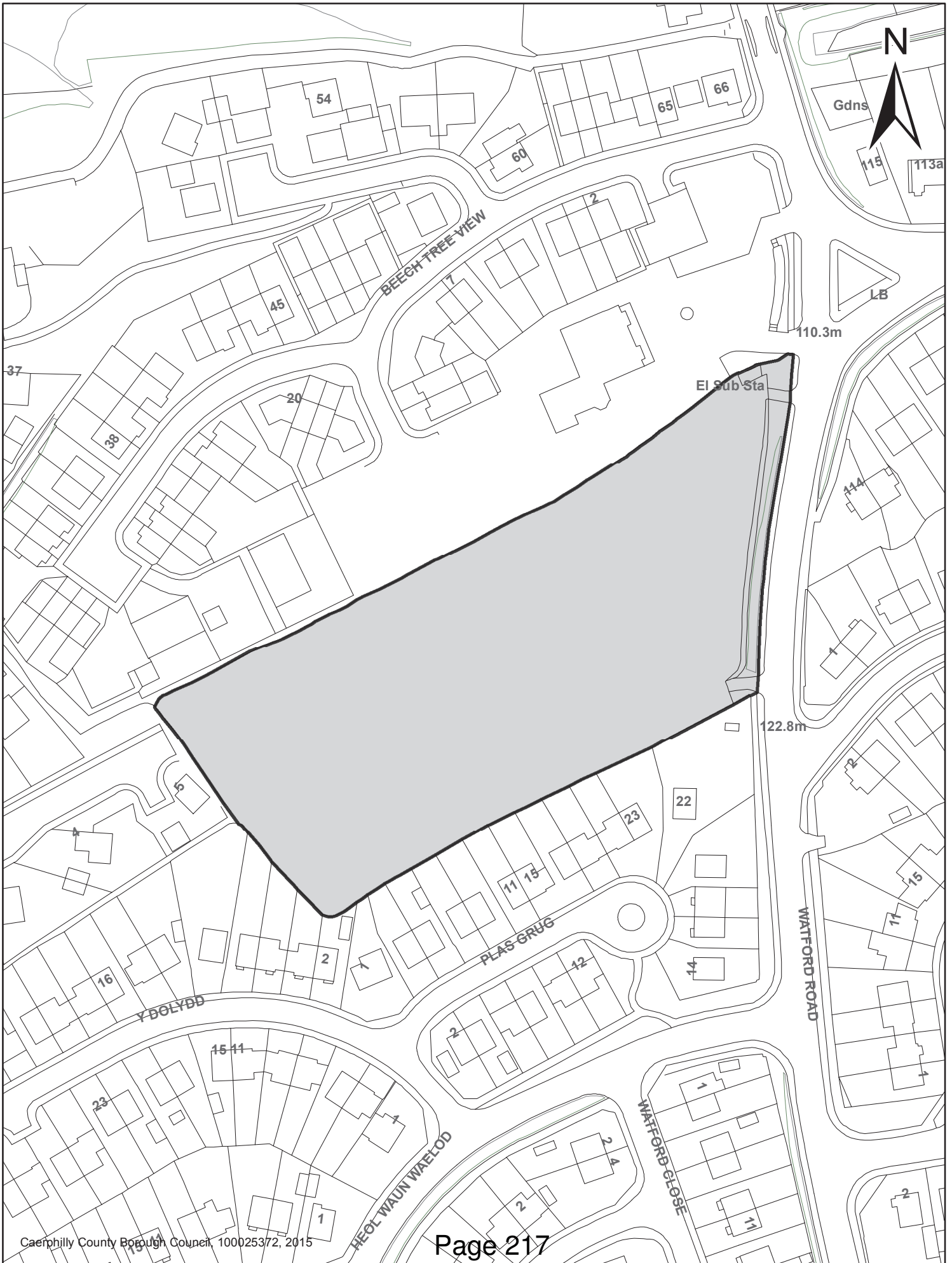
- 24) Notwithstanding the information submitted in respect to the on-site leisure provision within one month of the date of this permission, details of additional playground equipment shall be submitted and agreed in writing with the Local Planning Authority. These agreed details shall thereafter be implemented concurrently with the development.
REASON: In the interests of residential amenity.

Advisory Note(s)

Please find attached the comments of Wales & West Utilities, Senior Engineer (Land Drainage), Gwent Police, Council's Ecologist, Dwr Cymru/Welsh Water and Head of Public Services 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 CW6.

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Agenda Item 16

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0472/FULL 03.08.2015	Mr J Lovell 16 Griffiths Street Ystrad Mynach Hengoed CF82 7AW	Erect ground floor porch to front elevation and two-storey rear extension including basement 16 Griffiths Street Ystrad Mynach Hengoed CF82 7AW

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: 16 Griffiths Street, Ystrad Mynach.

Site description: The application property is a mid terrace dwelling located within an existing residential area. To the east of the application site is an adjacent terrace dwelling (Number 15), to the west is the other adjacent terrace dwelling (number 17). South of the site is a rear lane and Griffiths Street provides the northern site boundary.

Development: Permission is sought for a rear two-storey extension with a basement element and porch to front elevation. It will also provide at basement level a new room with toilet. At ground floor level it will provide a new kitchen. At first floor level it will provide enlarged second and third bedrooms and provision of a bathroom.

Dimensions:

Ground Floor/Basement Element: Projects 4 metres from the rear of the dwellinghouse.

First Floor Element: Projects 2 metres from the rear of the dwelling house.

The width of the extension is 5.4m. The height of the extension is 7.3 metres from the original dwellinghouse floor level (9.5m overall height including the basement element).

Front Porch: 2m wide by 1.2m long with a height of 2.9m.

Cont....

Application No. 15/0472/FULL Continued

Materials: Render and concrete roof tiles.

Ancillary development, e.g. parking: None

PLANNING HISTORY 2005 TO PRESENT

15/0140/Full - Erect a two-storey rear extension with additional basement provision and provide a porch to the front elevation - Withdrawn 02.07.15.

POLICY

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

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highway), SP6 (Place making), Supplementary Planning Guidance Note LDP7 (Householder Development).

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, attach advisory note.

CONSULTATION

Countryside And Landscape Services - No response received.

Dwr Cymru - Public sewer crosses site.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 3 nearby properties.

Cont....

Application No. 15/0472/FULL Continued

Response: One email of objection had been received in relation to the application.

Summary of observations:

The email objects to the development for the following reasons: -

1. Concern in relation to the position of the proposed build in relation to the boundary line.
2. The extension is far too near my property.
3. It will dominate the rear of my property due to its location and this will drastically alter the existing levels of sunlight/daylight.
4. Rain water issues.
5. Queries whether a two-storey rear extension should not come nearer than 2 metres of a boundary that forms a party wall between terraced and semi-detached properties and meet the 45 degree test.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No 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? The development is not chargeable as the additional internal floor space created is below 100sqm.

ANALYSIS

Policies:

The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main planning consideration in relation to the application is deemed to be the impact of the rear extension on the amenity of the neighbouring dwellings.

Cont....

Application No. 15/0472/FULL Continued

The application property has an existing flat roofed rear extension which projects 5.4m from the rear wall of the dwelling. This element does not span the full width of the rear of the dwelling and is over 2m away from the boundary of number 17 Griffiths Street. The existing rear projection's height varies as the land falls away but ranges between 3.1m and 4.9m. The proposed extension would replace this extension and would span the full width of the rear elevation of the application property. Because of the topography which falls away behind the rear facade of the terrace dwellings the proposed development incorporates a basement level below the ground floor level of the main dwelling. On the eastern side the proposed rear extension would tie into an existing single storey monopitch extension on the neighbouring dwelling number 15 Griffiths Street. On the western side it will span to the boundary with 17 Griffiths Street.

The design of the proposed rear extension is considered to accord with the adopted Supplementary Planning Guidance document for Householder Development (LDP7). The first floor projection from the rear facade of the dwelling is limited to 2 metres in length. Projecting beyond that a further 2 metres (4 metres in total) is the ground floor element with basement level.

The impact on neighbour amenity has been carefully considered. The rear curtilage areas of properties in this part of Griffiths Street fall sharply away from the rear facade of the dwellings leading to lower rear amenity areas and it is this topography which has led to the incorporation of the basement element in the proposed extension. In relation to the adjacent two terrace dwellings Number 15 has a single storey monopitch rear projection which ties into the current single storey extension on the application property also has a first floor window close to the boundary with the application property. Number 17 which is the adjacent terrace property to the west currently has a boundary with the application property formed of a close boarded timber fence which steps down in line with an existing set of steps on the rear of the application property. Number 17 has windows at ground floor and first floor level close to the boundary with the application property and also has windows and a glazed door facing the application site boundary on an existing rear single storey projection. This rear extension on number 17 is in very close proximity to the ground floor window on the rear elevation of Number 17. The proposed extension on the application property (no. 16) would result in significantly greater massing close to the no.17's closest ground floor window and introduce massing at first floor level adjacent to an upper window on number 17 which currently enjoys an open aspect. The windows on the existing extension on number 17 would also be affected in terms of light and outlook by the proposed extension.

Cont....

It is acknowledged that light and outlook would be affected on both the adjacent neighbouring properties by the proposed extension. Number 17 in particular would be impacted on windows located on both the ground and first floor levels and to the existing fenestration facing the application site on its rear single storey projection. The presence of that rear projection on number 17 already impacts on the light and outlook from the rear facing ground floor window and the proposed extension on the neighbouring dwelling would impact this window further. However the adopted supplementary planning guidance provides clear guidance on the acceptability of development on the amenity of neighbouring properties. In relation to assessment of over-shadowing of adjoining houses the Supplementary Planning Guidance states "As a general rule single storey extensions near to a ground floor window of any principal room in an adjoining property, should be no longer than 4 m, whilst two-storey extensions in the same circumstances should be no longer than 2 metres. A 'principal room' can be defined as one of the main rooms of a house, such as a living room, main bedroom and dining room."

The proposed development includes limitation of the projection of the first floor element to two metres which accords with the aforementioned adopted Supplementary Planning Guidance and noting the presence of a basement element the ground floor projection is limited to four metres which again accords with the supplementary planning guidance. It is considered on balance that the impact on light and outlook on the neighbouring properties from the proposed development will not be so severe as to warrant refusal of the application. The proposed front porch is considered acceptable noting there are a number of similar porch structures present in the street. The application accords with adopted Local Development Plan Policies SP6 (Placemaking) and CW2 (Amenity) in its design and impact on neighbour amenity.

Comments from consultees: Dwr Cymru/Welsh Water advise that a public sewer crosses the site.

Comments from public:

The letter of objection raised the points referred to in the representation section of the report and are commented on using the same numbering:

Points 1 and 2 - The objector raises concerns in relation to the position of the extension in relation to the boundary. It is noted that a previous application was withdrawn following a request for clarification over the boundary line and the applicant has resubmitted with the current application.

Cont....

Application No. 15/0472/FULL Continued

It is noted that concern has been expressed in relation to the proximity of the extension to the boundary line however the application has been considered taking into account the position, scale and massing and other material planning considerations.

Point 3 - The objector raises concern over the dominance of the proposed extension and related loss of sunlight and daylight. In the consideration of planning applications there needs to be a balance over the impact of development on the amenity of neighbouring properties and especially in the case of terrace dwellings the ability of homeowners to seek extensions and improvements. The Local Planning Authority's Supplementary Planning Guidance gives design advice on residential extensions. This recommends a limit of four metres projection for single storey extensions and two metres for two storey extensions unless circumstances dictate otherwise. In this instance noting the topography which steps down behind the dwellings and as such many of the single storey extensions present in the row are of a overall height more than usually expected, the proposed development is considered to conform to the adopted planning guidance. The ground floor/basement element projects 4 metres from the rear elevation and the first floor element projects two metres from the rear wall of the terrace dwelling.

Point 4 - It is unclear as to exactly what is meant by the objector in relation to rain water issues. However the application has been determined on the basis of the certificate served and encroachment on the boundary has been previously raised with the applicant which led to the withdrawal of a previous application and the resubmission of the present application. In terms of the provision or clearance of guttering or similar issues this is considered to be a civil matter between affected parties.

Point 5 - The adopted Supplementary Planning Guidance note LDP7 (Householder Development) makes reference to a 45 degree 'rule' but only in circumstances where proposed extensions are to project beyond four metres at ground floor level or two metres at first floor level. As the submitted plans restrict the upper floor to two metres projection from the rear elevation and the ground/basement level to four metres it is considered that the development accords with the Supplementary Planning Guidance.

Other material considerations: None.

Cont....

Application No. 15/0472/FULL 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) 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.
- 03) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
 - Site Location Plan, received 17.07.15
 - Proposed Front Elevation, received 03.08.15
 - Proposed Rear Elevation, received 17.07.15
 - Proposed Side Elevation, received 17.07.15
 - Proposed Basement Floor Plan, received 17.07.15
 - Proposed Ground Floor Plan, received 17.07.15
 - Proposed First Floor Plan, received 17.07.15REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

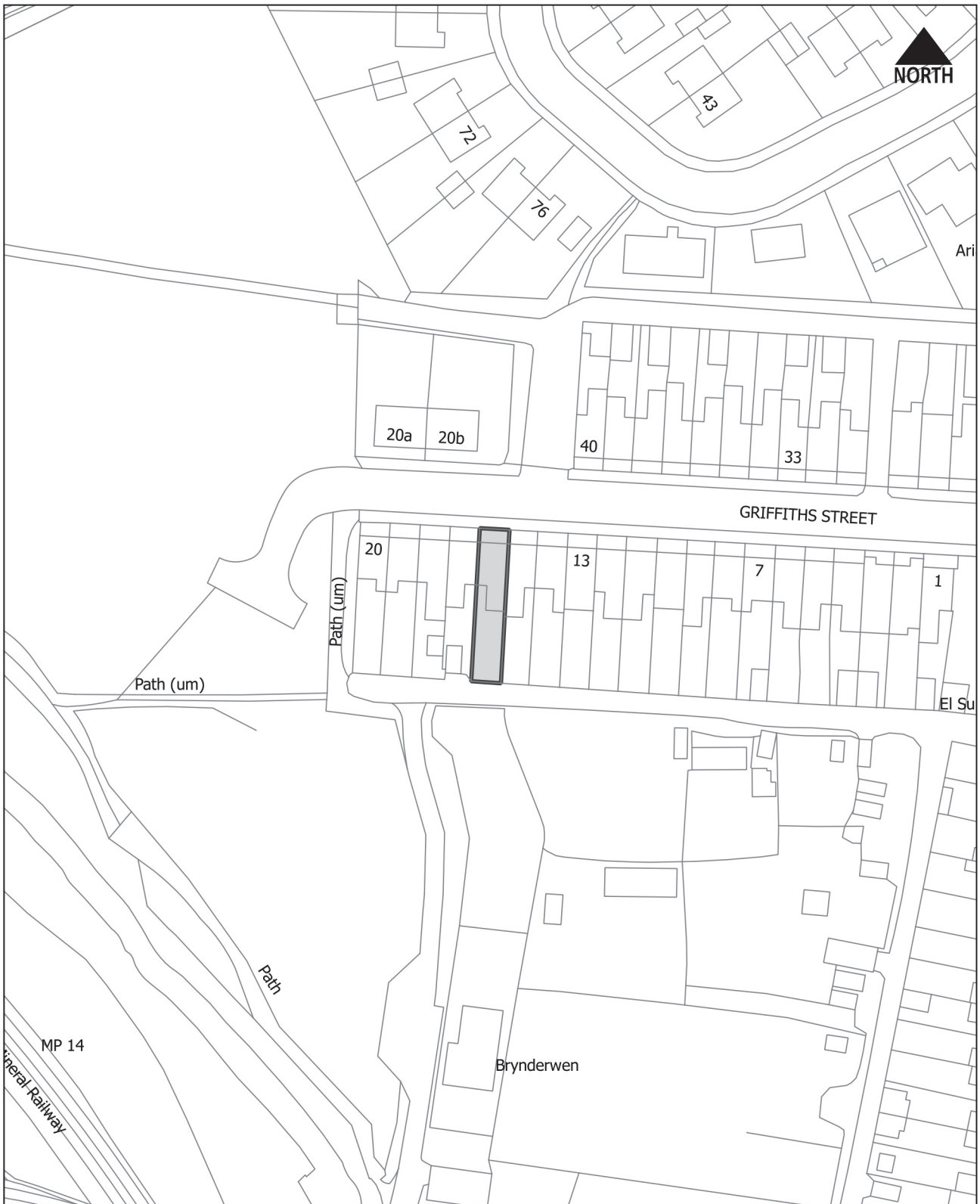
Please find attached the comments of Dwr Cymru/Welsh Water that are brought to the applicant's attention.

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: .

Cont....

Application No. 15/0472/FULL Continued

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



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Agenda Item 17

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0526/LA 03.08.2015	Caerphilly County Borough Council Facilities Manager Mr A Ford Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG	Remove existing bund of earth and excavate existing levels to lay tarmac to create six new parking spaces within the existing car parking area Brodawel House Court Road Energlyn Caerphilly CF83 2QW

APPLICATION TYPE: Local Authority Application

SITE AND DEVELOPMENT

Location: Brodawel House, Court Road, Energlyn, Caerphilly.

Site description: Brodawel House is a residential care home located at the northern end of Court Road. It is accessed from Court Road by a substantial driveway and residential properties surround the curtilage of the home on all sides apart from the eastern boundary which comprises of a wooded area. The home is set in a substantial plot and the proposed car parking area would be in excess of 15 metres from the closest curtilage boundary of the residential home.

Development: Creation of an additional six parking spaces within the existing curtilage area of Brodawel House by the removal of an existing earth bund and concrete base and reprofiling and footpath works.

Dimensions: The parking area to be created is approximately 15.3m long by 5metres wide. Each parking space would be 2.5m wide by 4.9m deep.

Materials: Tarmacadam finish to parking spaces with white line marking.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

Cont....

Application No. 15/0526/LA Continued

POLICY

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

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), CW18 (Locational Constraints - Housing for People in need of Care).

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, attach advisory note.

CONSULTATION

Wales & West Utilities - Provides details of apparatus within the vicinity of the site.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objections subject to conditions.

Senior Engineer (Land Drainage) - No objections subject to condition requiring drainage details prior to commencement.

Dwr Cymru - No response received.

Principal Valuer - No objection.

Cont....

Application No. 15/0526/LA Continued

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to nearby properties.

Response: No responses have been received relative to the consultation exercise.

Summary of observations: None.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Not liable as no floorspace would be created by the development.

ANALYSIS

Policies:

This application is being reported to Planning Committee for the reason that it relates to a Council owned building and is a Local Authority application. It is considered that the development proposed which is located within the existing forecourt area of the Brodawel residential care home will not have a material impact on any neighbouring residential properties. The new parking spaces would be at least 15 metres away from the boundary of the closest residential property (Ty Daylen) and existing parking bays lie closer to the curtilage boundary and there is vegetation screening on the boundary with the closest property Ty Daylen.

Cont...

The parking bays would be created on land which is adjacent to the north-western end of the residential home complex on the opposite side of the internal access road from an existing area of parking bays. The works include the removal of a grassed earth mound which presently has a concrete base on it and reprofiling works are proposed to provide a level access from the existing internal access road to the parking bays with reprofiling works to the south and east of the parking bays to create a new slope to the surrounding grassed area. It is considered that the proposed works will have an acceptable impact on the visual amenity of the area and provide additional parking provision for the residential home. The loss of this small area of partially grassed land is not considered to harm the amenity of residents of the home or any other parties as there would be a substantial amount of amenity space left following the development and the parking bays will be sited well within the curtilage of the home.

It is considered that the development accords with adopted Local Development Plan Policies CW2 (Amenity), CW3 (Highways) and CW18 (Housing for People in need of care) in being acceptable in its design, form and having an acceptable impact on amenity as well as providing a reasonable level of additional car parking for the functioning of the use as a care home. The application is recommended for approval accordingly.

Comments from consultees: The Council's Senior Engineer (Land Drainage) and Head of Public Protection have requested conditions be attached in relation to drainage and contamination respectively.

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) Notwithstanding the detail shown on the submitted plans, revised details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before any works commence on site. The development shall be carried out in accordance with the agreed details.
REASON: In the interests of highway safety.

Cont....

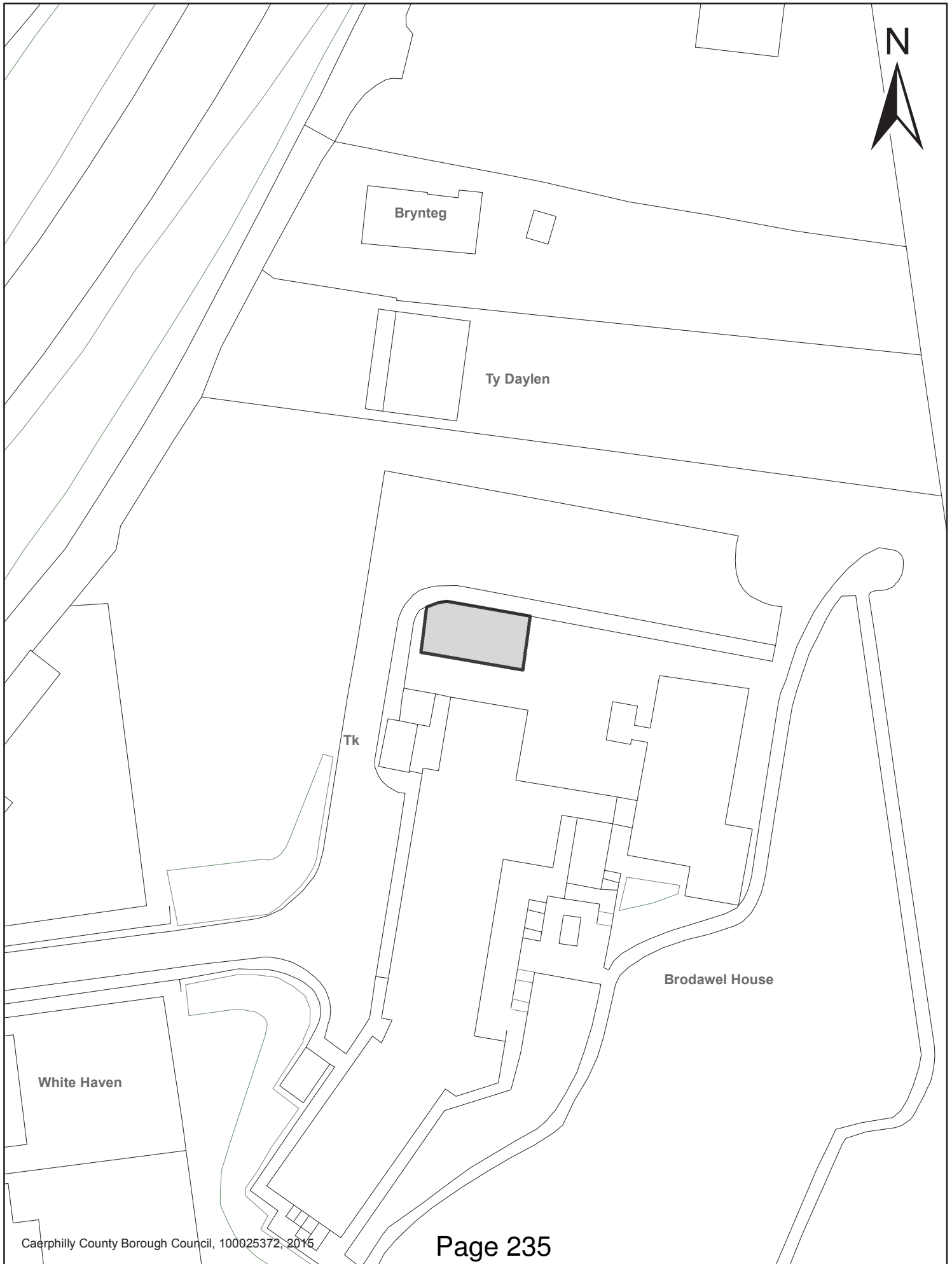
Application No. 15/0526/LA Continued

- 03) 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.
- 04) 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.
- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 06) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
- Site Location Plan (drawing ref: A002 revision A), received 10.08.15.
- Constructional Details Plan (drawing ref: A001 no revision), received 27.07.15.
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: CW2, CW3 and CW18.

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Agenda Item 18

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0669/FULL 20.08.2015	Mr J Pannu C/o C2J Architects & Town Planners Mrs A Dallimore Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Erect a mixed use two-storey development of three apartments and four commercial units with on site car parking, refuse and cycle storage facilities Fwrrwm Ishta House 68 Commercial Road Machen Caerphilly CF83 8PG

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the southern side of Commercial Road, Machen.

Site description: The application site is the former car park of the Fwrrwm Ishta Public House. The former public house has now been converted into a dwelling and the car park has been divided off from that. The site is largely triangular in shape being wide at the front than at the rear. The site also slopes gently from front to back towards the river to the south of the site. It was formerly hard surfaced area but has now become overgrown.

To the west of the site is the former public house with the river to the south and east. The main road is to the north of the site with the war memorial and the grounds of St John's Church to the north of that. Whilst the site is in the centre of the village with a convenience store to the north west of the site, with the former pub now being a dwelling the area is mainly residential in character with the majority of properties on Commercial Road being two storey semi-detached and terraced properties with a small number of larger detached buildings.

Development: The application seeks full planning consent for the erection of a large detached building to be used for a mixed use of commercial and residential. The submitted plans indicate the erection of a two storey flat roofed building sited at the front of the site adjacent to the former public house. The building will be finished in a mixture of render and timber cladding to the front with some brick panelling to the rear. There would also be a large amount of glazing to the front elevation with grey upvc frames and panelling.

Cont....

Application No. 15/0669/FULL Continued

The building will accommodate two commercial units on the ground floor with two commercial units and three apartments on the first floor. The commercial space would be used for retail on the ground floor and offices on the first floor. Each of the apartments would have two bedrooms, an open plan kitchen, dining room and living room and two bathrooms.

Access to the site will be derived off Commercial Road with a new car park being created to the rear of the building. This car park would be shared between the commercial and residential uses and will provide a total of 19 parking spaces. Turning facilities are also provided within the site together with bicycle storage for 8 bikes. A bin store is also proposed to the rear of the site.

Dimensions: The building measures 31m long by 15m deep by 7.6m high at its highest point. The commercial units on the ground floor will have a floor area of 325.5 square metres and 87 square metres. The commercial units on the first floor will have a floor area of 71 square metres and 72 square metres and the apartments will have a floor area of 68 square metres. The site has overall dimensions of 55m by 54m by 61m and an area of 0.18 hectares.

Materials: As stated above.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

06/0113/ADV - Erect free standing sign - Granted 18.10.06.

06/0145/FULL - Erect raised decking - Granted 15.09.06.

12/0063/COU - Temporary erect marquees and gazebos to host a rural market on a monthly basis of up to 10 events a year, between the hours of 10.00 a.m. and 2.00 p.m. on a Saturday only, in part of the car parking area of the Fwrrwm Ishta Inn - Refused 15.10.12.

13/0595/COU - Change the use from A3 (pub/restaurant) to C3 (residential), alter and refurbish existing Fwrrwm Ishta public house to create new five-bedroom single family dwelling with associated external works, parking and new garden area - Granted 28.11.13.

Cont....

Application No. 15/0669/FULL Continued

14/0024/FULL - Erect new residential development of four 6 bedroom dwellings and a pair of affordable units with associated external works, parking and new garden areas, plus new access road and footpaths - Refused 10.09.15

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP3 (Development Strategy in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints), CW16 (Locational Constraints - Retailing).

Adopted Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development. The following Paragraphs are relevant to the determination of this application:-

1.1 The quality of the places we live in has an impact on all aspects of life. How well they are designed will influence how safe we feel, how easy it is to walk round, whether we have shops, community facilities and schools nearby, whether our children have safe places to play. It will also affect whether there is good access to public transport and a good choice of homes in which to live. It is essential that the places we create embody the principles of good urban design.

1.2 Caerphilly County Borough Council (CCBC) is committed to achieving good design, as is the Welsh Assembly Government (WAG). Good design is a key aim of the Planning System and Planning Policy Wales (WAG 2010) requires that Local Development Plans (LDPs) provide clear policies setting out a local authorities design expectations. Technical Advice Note 12: Design (TAN 12) [WAG 2002] gives advice to local planning authorities on how design may be facilitated within the planning system.

A good movement network allows people to move around freely and easily, through a variety of transport modes. New development should be accessible to all and should be successfully integrated into the existing surrounding area. It is vital that the pattern of accessibility and ease of movement is designed hand in hand with measures to reduce crime and create safe and secure streets, spaces and buildings.

Cont....

Application No. 15/0669/FULL Continued

Ensure safe and efficient access for all modes of transport, emergency services and other service vehicles but wherever possible give priority to pedestrian and cyclist movement.

Development should respond to the character and local distinctiveness of site. The character and context of any development is created by the form of the development, the landscape, culture and biodiversity - all of which are locally distinctive. These elements have often built up over a considerable time and help create a 'sense of place'. The character and context of a site should influence design positively so that development does not simply replace what was there but reflects and responds to changes in local circumstances. If the context to a development has been compromised by an earlier stage of development it should not be seen as a reason to perpetuate what has been done before.

Opportunities should be sought to deliver high quality sustainable development that reflects the technologies and aesthetics of the 21st century and creates a strong sense of place.

Often there is a perception that innovative 'contemporary' design conflicts with established patterns of settlement and traditional styles of architecture. In reality architectural styles and traditions have evolved numerous times in the past in response to changing social and economic conditions. There is no reason why design which uses modern materials and responds to contemporary aesthetics should not fit in with context as well as more traditional forms of development.

When the merits of 'contemporary' versus 'traditional' architecture are considered the debate often revolves around the style of the building itself. Often some of the most important design issues related to character and context are totally overlooked. These can be simple issues like building setback, plot width, building height or verticality. If these are responded to appropriately then architecture using modern materials and construction methods, with styling that reflects aesthetics of the 21st century, can be entirely in-keeping with character and context.

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."

Cont....

Application No. 15/0669/FULL Continued

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

CONSULTATION

CCBC Housing Enabling Officer - No comments.

Transportation Engineering Manager - There is objection to the submitted proposals for the following reasons:

In the absence of adequate off-street parking facilities for the commercial element of the development, the proposal would generate additional on-street parking along a County Route as defined in Caerphilly County Borough Council's LDP, to the detriment of highway safety.

In the absence of adequate parking and turning facilities for delivery vehicles within the curtilage of the site, the proposal would generate both on-street parking along and reversing movements onto a County Route as defined in Caerphilly County Borough Council's LDP, to the detriment of highway safety.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Dwr Cymru - No objection subject to conditions.

The Coal Authority - No objection.

Conservation & Design Officer - Objects as the applicant does not consider the impact of the proposal on the setting of the listed War Memorial opposite the site.

Countryside And Landscape Services - Raises no objection in principle but has concerns with regard to the design of the building and the hard commercial feel to the car park area.

Bedwas, Trethomas & Machen Community Council - Raises objection to the application on the basis of design, highway safety and flooding.

Natural Resources Wales - No objection subject to conditions.

Police Architectural Liaison Officer - No objection.

Cont....

Application No. 15/0669/FULL Continued

ADVERTISEMENT

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

Response: 23 letters of objection were received.

Summary of observations:

1. The design is too modern.
2. The design is out of keeping with the character of the area.
3. There is more need for family housing in the area than for apartments.
4. There is no requirement for shops in the area.
5. The site should be redeveloped as a pub/restaurant with guest accommodation.
6. Machen cannot cope with additional traffic.
7. The proposed access is dangerous.
8. Insufficient car parking is proposed.
9. Nearby brown field sites would be more suitable for this type of development.

Three of the letters also support the principle of the development but share the concerns with regard to design and highway safety etc.

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.

Cont....

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application seeks full planning consent for the erection of a mixed use development of residential and commercial uses which is considered to be acceptable in principle within a residential area within the defined settlement limits. However, the application has to be considered against national planning guidance and development control criteria and in that regard the objections raised by members of the public are central to the determination of this application and I will deal with each of these in turn below: -

1 Whilst the design of the proposed building is very modern, as stated in Supplementary Planning Guidance LDP6, it should not be perceived that contemporary design conflicts with traditional styles of architecture. Provided that the developer has considered the context of the site and used traditional style features such as set back, building height and fenestration, then a modern design can be perfectly in keeping with the traditional character of the area.

2 However, it is not felt in this instance that the traditional character of the area has been considered in the design of this building. Other than the converted public house immediately adjacent to the application site the majority of buildings in the area are modestly scaled domestic properties with traditional domestic design features such as roof pitches and fenestration. The proposed building is not only modern in style but it also does not exhibit any of the traditional features that are evident in the area. The blocky design of the building has a horizontal character with a flat roof that is at odds with the character of the adjacent buildings. The use of large areas of glazing and metal panels is also incongruous in relation to adjacent buildings and it is considered to be overly commercial in this mainly residential area.

The scale of the building is also at odds with the scale of other buildings in the area in that it presents a large and boxy elevation to the road frontage. This has no regard for the traditional style and scale of the adjacent buildings which seek to break up the bulk of the building by the use of differing roof pitches and materials with building set backs and projecting bays etc.

It is therefore considered that the proposal is contrary to the advice contained in Supplementary Planning Guidance LDP6 Building Better Places to Live and Criterion B of Policy SP6 of the Caerphilly County Borough Local Development Plan in that the design does not respect the character of the area and does not reinforce attractive qualities of local distinctiveness.

Cont....

Application No. 15/0669/FULL Continued

3 It is not for the Local Planning Authority to determine whether there is a need for the development in the area in preference to any other development. The Local Planning Authority has to consider whether the application before it is acceptable on its own planning merits and the need for one type of residential development over any other is for market forces to determine.

4 Again it should be noted that the need or otherwise for shops in the area is not a matter for the Local Planning Authority.

5 It is for the market to decide whether or not a new public house would be a better use for the site.

6 The application has been considered by the Transportation Engineering Services Manager and no objection has been raised in respect of the additional traffic attracted to this development. Moreover, the Local Planning Authority would only be able to request a traffic survey to support the application if the retail development had a floor area in excess of 1000 square metres.

7 The Transportation Engineering Services Manager has considered the application and it is not felt that the proposal is unacceptable from a highway safety perspective in terms of the access into the site. Adequate vision splay can be achieved at the access and the submitted plans show an access that is of adequate width to allow vehicles to enter and leave the site safely.

8 The Transportation Engineering Services Manager has raised objections to the application on the basis that insufficient parking is provided for both the residential and commercial elements of the scheme and as such the proposal would lead to on street parking on a defined County route to the detriment of highway safety. The proposal is therefore contrary to the advice contained in Supplementary Planning Guidance LDP6 Building Better Places to Live and Criterion C of Policy CW3 of the Caerphilly County Borough Local Development Plan.

9 The Local Planning Authority has to consider the application that is before it and it cannot refuse an application on the basis that another site may be preferable for a particular type of development. Moreover, as stated above the principle of this development is considered to be acceptable in this location.

Cont....

Application No. 15/0669/FULL Continued

It should also be noted that the car park to the rear of the site provides car parking for both the residential and commercial uses together with access, turning and servicing for the commercial uses. The parking for the residential units, together with the bicycle and bin storage is sited at the rear of the car park such that occupiers of the flats would be expected to travel across the car parking and servicing areas for the commercial units in order to access the apartments. The entrance to the flats is also at the front of the building with access obtained via a footpath along the side of the building. In that regard it is not considered that the proposed layout has sufficient regard for the needs of pedestrians as part of the development and as such it is contrary to the guidance contained in Supplementary Planning Guidance LDP6 Building Better Places to Live and Criterion B of Policy CW3 of the Caerphilly County Borough Local Development Plan.

It is also felt that it is not possible to accommodate the proposed building together with providing adequate parking, turning and servicing areas and amenity space for the apartments and as such it is felt that the development represents over development of the site contrary to Criterion B of Policy CW2 of the Caerphilly County Borough Local Development Plan.

Comments from consultees: With regard to the objection raised by the Council's Conservation and Design Officer, it is accepted that the proposed building would be in close proximity to the listed war memorial which is sited on the northern side of Commercial Road. However, with the road between the two sites it is not felt that it would be justified to refuse this application on the basis of the impact of the proposal on the listed structure. It should also be noted that the two features would not be viewed in the same vista and as such it is not felt that the proposed building would have a detrimental impact on the setting of the listed building, sufficient to warrant refusal of the application. All other objections are addressed above.

Comments from public: None.

Other material considerations: None.

Cont....

Application No. 15/0669/FULL Continued

RECOMMENDATION that Permission be REFUSED

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

- 01) In the absence of adequate off-street parking facilities for the commercial element of the development, the proposal would generate additional on-street parking along a County Route as defined in Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, to the detriment of highway safety. The proposal is therefore contrary to the advice contained in Supplementary Planning Guidance LDP6 Building Better Places to Live and Criterion C of Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
 - 02) In the absence of adequate parking and turning facilities for delivery vehicles within the curtilage of the site, the proposal would generate both on-street parking along and reversing movements onto a County Route as defined in Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, to the detriment of highway safety. The proposal is therefore contrary to the advice contained in Supplementary Planning Guidance LDP6 Building Better Places to Live and Criterion C of Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
 - 03) The proposal is contrary to the advice contained in Supplementary Planning Guidance LDP6 Building Better Places to Live and Criterion B of Policy SP6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 in that the design does not respect the character of the area and does not reinforce attractive qualities of local distinctiveness.
 - 04) It is not considered that the proposed layout has sufficient regard for the needs of pedestrians as part of the development and as such it is contrary to the guidance contained in Supplementary Planning Guidance LDP6 Building Better Places to Live and Criterion B of Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
 - 05) It is felt that it is not possible to accommodate the proposed building together with providing adequate parking, turning and servicing areas as well as amenity space for the apartments and as such it is felt that the proposal represents over development of the site contrary to Criterion B of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
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PLANNING COMMITTEE – 7TH OCTOBER 2015

SUBJECT: CONSULTATION FROM WELSH GOVERNMENT ABOUT SECONDRY LEGISLATION FOR DEVELOPMENT MANAGEMENT

REPORT BY: INTERIM CHIEF EXECUTIVE

1. Welsh Government (WG) has consulted on secondary legislation for development management. It is seeking the LPA's views by 26 October 2016 on:

- Statutory Consultees
- Design and Access Statements, and
- Houses in Multiple Occupation

The proposals are summarised below, and the answers suggested to the questions raised by WG.

2. Statutory consultees

The following are statutory consultees for planning applications as defined by the Development Management Procedure Order

- Local Planning Authorities
- Community or Town Councils
- The Health and Safety Executive
- The Office for Nuclear Regulation
- The Welsh Ministers
- Railway Network Operators
- The Local Highway Authorities
- Road Concessionaires
- The Coal Authority
- The Natural Resources Body for Wales (now known to the wider public as Natural Resources Wales)
- The Theatres Trust
- The Sports Council for Wales (now known to the wider public as Sport Wales); and
- The British Waterways Board (now known to the wider public as The Canal and Rivers Trust)

3. It is intended to change the thresholds that trigger the consultation of some of those bodies. At present The Coal Authority is consulted on any building or pipeline within an area of coal working notified to the local planning authority (LPA). It is proposed to change that to development, other than householder development, within an area which has been notified for the purpose of this provision to the LPA by The Coal Authority because of the presence of land instability risks from coal mining. Welsh Ministers at Cadw are consulted about development that is likely to affect the site of a scheduled monument. The changes would require consultation on development which has a direct physical impact on a scheduled monument; development likely to be visible from a scheduled monument subject to a number of criteria; development likely to affect the site of a registered historic park or garden classified as Grade I, II* and II, or its setting; development within a registered historic landscape that requires an Environmental Impact Assessment; and development likely to have an impact on the outstanding universal value of a World Heritage Site.
4. The Theatres Trust is consulted about development involving any land on which there is a theatre. The threshold would be extended to include development involving, any land on which there is a theatre; residential development (excluding householder development) within 50 metres of a theatre; and a proposed theatre. With regard to Natural Resources Wales it is proposed to remove a current requirement to consult then on development involving the use of land for the deposit of refuse or waste, or for the purposes of fish farming. The consultation requirement would be refined to include development on land designated as Flood Zone C2; involving or including emergency services development or highly vulnerable development on land designated as Flood Zone C1; or on land that has been notified to the local planning authority by Natural Resources Wales for the purpose of this provision. Highly vulnerable development includes housing.

WG questions 1, 2, 3, and 4 ask whether these amendments are acceptable.

LPA recommended answer: Yes.

5. It is proposed to make water and sewerage undertakers (in this area Dwr Cymru Welsh Water) statutory consultees. It would be consulted in the following cases: development involving new residential development (including single units), major development, which is not in accordance with the development plan, or involving the use of land for the provision of renewable energy. It also proposed to require consultation on development relating to the use of land as a cemetery.

WG question 6: are these thresholds acceptable?

LPA recommended answer: Yes.

WG question 7: are there any other thresholds that should be included?

LPA recommended answer: No.

6. Design and access statements

Design and Access Statements (DAS) were introduced in 2009 as a communication tool to explain how both good and inclusive design principles have been considered and applied from the outset of the development process and how they will be achieved. However they have proved burdensome because they are required for most applications apart from householder developments. It is proposed to amend legislation so that a DAS would only be required for major development, which for these purposes is defined as:

- (a) the provision of dwellinghouses where—
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within subparagraph (c)(i);
- (b) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (c) development carried out on a site having an area of 1 hectare or more.

It is also proposed to exclude applications for permission to develop land without compliance with conditions previously attached, and for a material change in use of land or buildings.

WG question 7: Are these amended thresholds for DASs acceptable?

LPA recommended answer: Yes.

7. There would be exceptions to those new requirements, where a site would be within a conservation area or World heritage site where the need for a DAS would be triggered by:

- (a) the provision of one or more dwellinghouses; or
- (b) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.

Applications for listed building consent will continue to require a DAS.

WG question 8: Do you agree with our proposals to have different thresholds in Conservation Areas and World Heritage Sites? If not, to what other sensitive areas, if any, should a smaller threshold apply?

LPA recommended answer: Yes.

WG question 9: Do you agree with our proposed threshold for Design and Access Statements in these sensitive areas? If not, what would be an appropriate threshold?

LPA recommended answer: Yes.

8. The Historic Environment (Wales) Bill is currently being considered by the National Assembly for Wales and includes improved measures for the sustainable management of designated and registered historic assets. Alongside the Bill, a pre-consultation draft of planning policy for the historic environment has been published on the Cadw website and a new Technical Advice Note will be produced. These set out proposals to introduce Heritage Impact Assessments (HIAs) to accompany applications for Listed Building Consent (LBC), Conservation Area Consent and Scheduled Monument Consent.
9. It is proposed that issues relating to design and access should be incorporated into a broader consideration of the impact of a proposal on heritage significance, through the HIA. It is proposed that an HIA will require a statement on access in certain circumstances and in proportion to the scale and nature of the proposal. For example, a proposal to replace historic windows in a listed building would normally require an HIA as part of the application for listed building consent but is unlikely to require a statement on access. However, the conversion of a listed historic chapel into a restaurant would require a statement on access.

WG question 10: Do you agree with the proposal to incorporate the requirement for a statement on design within an HIA when preparing an application for listed building, scheduled monument or conservation area consent?

LPA recommended answer: Yes, but the corresponding legislation for planning applications needs to ensure that a related application for planning permission does not then require a DAS, otherwise there will be a duplication of work.

WG question 11: What do you consider should be the circumstances in which an HIA would also need to be accompanied by a statement on access?

LPA recommended answer: Where development is going to be occupied or visited by people, and the need to provide access for all had implications for the historic asset.

10. It is also proposed to simplify the requirements for the content of a DAS that are set out in legislation. At present they are required to explain:
- the design principles and concepts which have been applied in respect of:
 - environmental sustainability,
 - movement to, from and within the development,
 - character; and
 - community safety;
 - how access issues have been taken into account,
 - how any access issues have been addressed; and
 - how access features within the development are to be maintained.

11. The proposal is to:
- remove the requirement to explain the specific design principles that have been applied to “environmental sustainability”, “movement to, from and within the development”, “character” and “community safety”;
 - remove the requirement to give details concerning maintenance in respect of access features; and
 - reduce the number of statutory definitions (such as ‘character’ and ‘context’) in respect of DAS.

WG question 12: Do you agree with our proposals to simplify the statutory content of Design and Access Statements?

LPA recommended answer: No. The burden of the DAS requirement will be significantly reduced by limiting the type of application that will have to be accompanied by them. However, some certainty is needed through legislation as to their content to prevent

disagreement between applicants and LPAs, especially in view of the introduction of the right of appeal against the validation of a planning application.

12. Houses in Multiple Occupation

Some areas of Wales, particularly where there are universities, experience high concentrations of HMOs, leading to the following perceived issues:

- Increases in anti-social behaviour, burglary and other crime;
- Reduction in the quality of the local environment due to increased litter, refuse, disrepair and prevalent lettings signs;
- Increased pressure on parking;
- Loss of community balance;
- Reduced opportunities for first-time buyers and other owner occupiers due to increased house prices and competition from landlords; and
- Reduction in the provision of community facilities such as schools.

It is therefore proposed to introduce a new use class (Class C4) to cover HMOs which would be described as follows:

‘Use of a dwellinghouse by not more than six residents as a “house in multiple occupation.’

For these purposes and HMO would have the same definition as in the Housing Act 2004. The current definition of a dwelling house in the Town and Country Planning (Use Classes) Order 1987 (Class C3) is:

‘Use as a dwellinghouse (whether or not as a sole or main residence) by:
(a) a single person or by people to be regarded as forming a single household;
(b) not more than six residents living together as a single household (including a household where care is provided for residents).’

It is proposed to amend that to state:

‘Use as a dwellinghouse (whether or not as a sole or main residence) by:
(a) a single person or by people to be regarded as forming a single household;
(b) not more than six residents living together as a single household where care is provided for residents; or
(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

In summary, the main difference between Classes C3 and C4 would be the opportunity for up to six people to live together as a single household under the former class, but if they do not live as a single household, they would fall into the latter.

13. This is not a significant issue in this borough and so it is not proposed to raise any objections to the changes, although they do raise a number of questions such as how would you determine whether a group of individuals living together are a single household; and if seven people live together as a single household, would it represent a material change of use?

WG question 13: Do you agree that a new use class C4, whereby planning permission will be required for HMOs with fewer than seven residents, should be introduced?

LPA recommended answer: Yes, but guidance is needed as to how to distinguish between groups of individuals who live together as a single household and those who don't. Also, the question of materiality has to be considered, e.g. would two people living together but not as a single household immediately fall into Class C4 rather than C3 despite the minimal impact on the character of the property or the locality? It has been held under the existing Class C3 that seven people living together as a single household would not necessarily represent a material change of use; would the same apply to seven people living together in an HMO, i.e. would that necessarily be a sui generis use in every case?

WG question 14: Do you agree with our proposal to align the definition of an HMO for planning purposes with the housing definition set out in section 254 of the Housing Act 2004?

LPA recommended answer: Yes.

WG question 15: Do you agree with our proposal to enable small Houses in Multiple Occupation (new use class C4) to revert to use as a dwellinghouse (Class C3) without requiring planning permission by amending the Town and Country Planning (General Permitted Development) Order 1995?

LPA recommended answer: Yes.

WG question 16: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please make further comment

LPA recommended answer: No further comments.

Recommendation: That Welsh Government is advised of the answers set out in this report.



PLANNING COMMITTEE – 7TH OCTOBER 2015

SUBJECT: TOWN AND COUNTRY PLANNING ACT 1990 – OBJECTION TO CAERPHILLY COUNTY BOROUGH COUNCIL TREE PRESERVATION ORDER 78 OF 2015 – LAND SOUTH OF YNYS FIELD RECREATION GROUND, PENGAM

REPORT BY: INTERIM CHIEF EXECUTIVE

1. INTRODUCTION

1.1 The site was visited by the Council's Arboricultural Officer in response to several complaints and enquiries received during February and March 2015 concerning the removal of a considerable number of trees in the area. These included complaints from Council Members, residents of nearby properties, and frequent users of the four PRoWs passing through the wooded area concerned. As a result of this visit it was decided that a Tree Preservation Order should be served in respect of the trees as they make an important contribution to the visual amenity of the area.

1.2 Welsh Government Technical Advice Note (TAN) 9 (1997) states that:-

“Local planning authorities are empowered, in the interests of amenity, to protect trees and woodlands by making Tree Preservation Orders (TPOs).”

The Town and Country Planning Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In Welsh Government's view, TPOs should be used to protect trees and woodlands if their removal would have a significant impact on the environment and its enjoyment by the public. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, or from a reasonable number of neighbouring properties.

2. THE PROPOSED TREE PRESERVATION ORDER

2.1 On 1st April 2015 Caerphilly County Borough Council made a Tree Preservation Order (TPO) on an area of woodland situated on land to the south of Ynys Field Recreation Ground, Pengam. An extract of the TPO is attached (Appendix A). The Groups are described as follows:-

W-1 Mixed species:all those present within the woodland

2.2 The provisional TPO was served on the following person:-

Mr Gareth Poole
34 Brynavon Terrace
Hengoed
CF82 7NA

The Representative Body of the Church in Wales
39 Cathedral Road
Canton
Cardiff
CF11 9XF

Benjamin Cadoc Herbert & Susannah Mary ford
c/o 23a Gold Tops
Newport
NP20 4UL

Mr Darren martyn Watts
12 Castle Rise
Llanvaches
Caldicot
NP20 4UL

Alltrust SIPP
Imperial House
Coedkernew
Newport
NP10 8UH

H C Capel & Sons Ltd
St Davids Service Centre
New Road
Pengam
Blackwood
NP12 3QX

- 2.3 The Council Arborist carried out a TEMPO assessment ('Tree Evaluation Method for Preservation Orders') of the trees concerned. The trees were assessed collectively as a woodland, and not as individual trees. The TEMPO assessment arrived at a score of 18 points which represents a high score, which the assessment guidance defines as "Definitely merits TPO."

The area covered by the provisional TPO served in April includes several large and mature Oak trees, as well as medium to large-sized Willows and Goat Willows, and the (typically smaller-sized) mixed deciduous underwood species normally associated with this sort of riparian habitat - Hawthorns, Blackthorns, Goat Willows, Hazels, etc. As mentioned above, the location is bisected by a well-used series of Public right of Ways (PRoWs), relatively busy with dog-walkers, and joggers, and pedestrians at all times of day. The location is bordered by the River Rhymney to the west (this and the western two-thirds of the woodland TPO are within the Rhymney River Site of Importance for Nature Conservation), a Council-held playing field open space to the north, private gardens, a graveyard and allotments to the east, and undeveloped private property to the south.

It was felt that a Woodland TPO was appropriate to ensure that indiscriminate removal of trees here would no longer be permitted, and that those seeking to fell trees on their land or to carry out non-emergency routine maintenance to trees on their land, would need to obtain prior written permission from the Planning department. Those applying to carry out routine or otherwise reasonable and not excessive maintenance would very likely gain approval.

Therefore it was considered expedient, and in the interests of the Local Planning Authority, that the risk of some of these trees being felled justified the serving of the TPO before being able to assess fully the amenity value of the trees.

- 2.4 The assessment of the trees was carried out using a system called TEMPO, which is nationally recognised.

3. OBJECTION TO THE SERVICE OF THE TREE PRESERVATION ORDER

3.1 Following the service of the TPO a letter of objection to the TPO was received from

Sullivan Land And Planning
The Studio
Beaufort Yard
Devauden
Chepstow
NP16 6NT

The objection asserted that -

"A blanket Woodland TPO is not the most appropriate mechanism to protect this area of predominantly scrub with some tree cover. A properly targeted Protection Order that identified the Trees worthy of retention would be more appropriate...while a land management regime could continue which could enhance the visual amenity of this part of the river corridor." [sic.] While it is accepted that the presence of brambles and Knotweed does warrant regular maintenance, the description of the protected area as "predominantly scrub" is not considered appropriate. Knotweed and brambles and miscellaneous ground covering plants are not included within the Woodland TPO as they are not "trees" in the accepted definition of the word, and may be managed as is appropriate whenever necessary. The landowner's efforts to control the invasive species of Knotweed are to be commended, but this should not mean that trees may be removed or inappropriately lopped or cut back without good reason as a part of any wholesale clearance work. Also cited as part of the "scrub" are the many Hawthorn trees on site. Hawthorn is a native woodland species of small tree, important for bird and wildlife habitat, and often growing in association with Oaks as is the case here. It is also not felt reasonable that the indiscriminate nature of the tree removals earlier undertaken could be described as a "land management regime". It was clear felling of a large area that may well have continued unabated if not for the serving of the provisional TPO. It is not felt that the works undertaken prior to the serving of the provisional TPO did much to enhance the visual amenity of the river corridor as stated in the objection.

The objection further states that the landowner "...would like to discuss a management regime which would allow the clearance of the undergrowth and scrub while retaining the trees of quality..." Any such regime would be welcomed provided it were compiled by suitably qualified arboricultural, silvicultural, or ecologically trained professionals experienced in such programmes. Indeed the TPO legislation guidance encourages such programmes, and states

-
"...a programme of work (such as specific operations which are to be repeated on an annual or regular basis, or a series of operations phased over a period of time) could be submitted as one application. Such applications are in fact encouraged as a means of promoting ongoing beneficial woodland management plans of, say, five years without the need for repeated applications over a relatively short period of time."

4. COMMENTS ON OBJECTON TO TREE PRESERVATION ORDER

4.1 The following comments are offered in respect of the objections raised.

A Woodland TPO is recommended as necessary here in order to help preserve the obvious visual amenity as well as valuable wildlife and other environmental benefits that these trees collectively offer to the many users of the PRowS here, and those residents who live or work nearby. Normal management of invasive species such as Knotweed, or vigorous ground covering plants such as brambles, are not in any way restricted by the presence of the Woodland TPO. Normal reasonable management of those trees within the TPO will very likely be approved when applied for through the proper channels.

Removal of dead trees, or any otherwise dangerous trees or dangerous parts of trees are exempt from the normal TPO controls under the 'dead/dangerous' exemption (provided that those responsible for the works were able to prove that this was the case should any party query it).

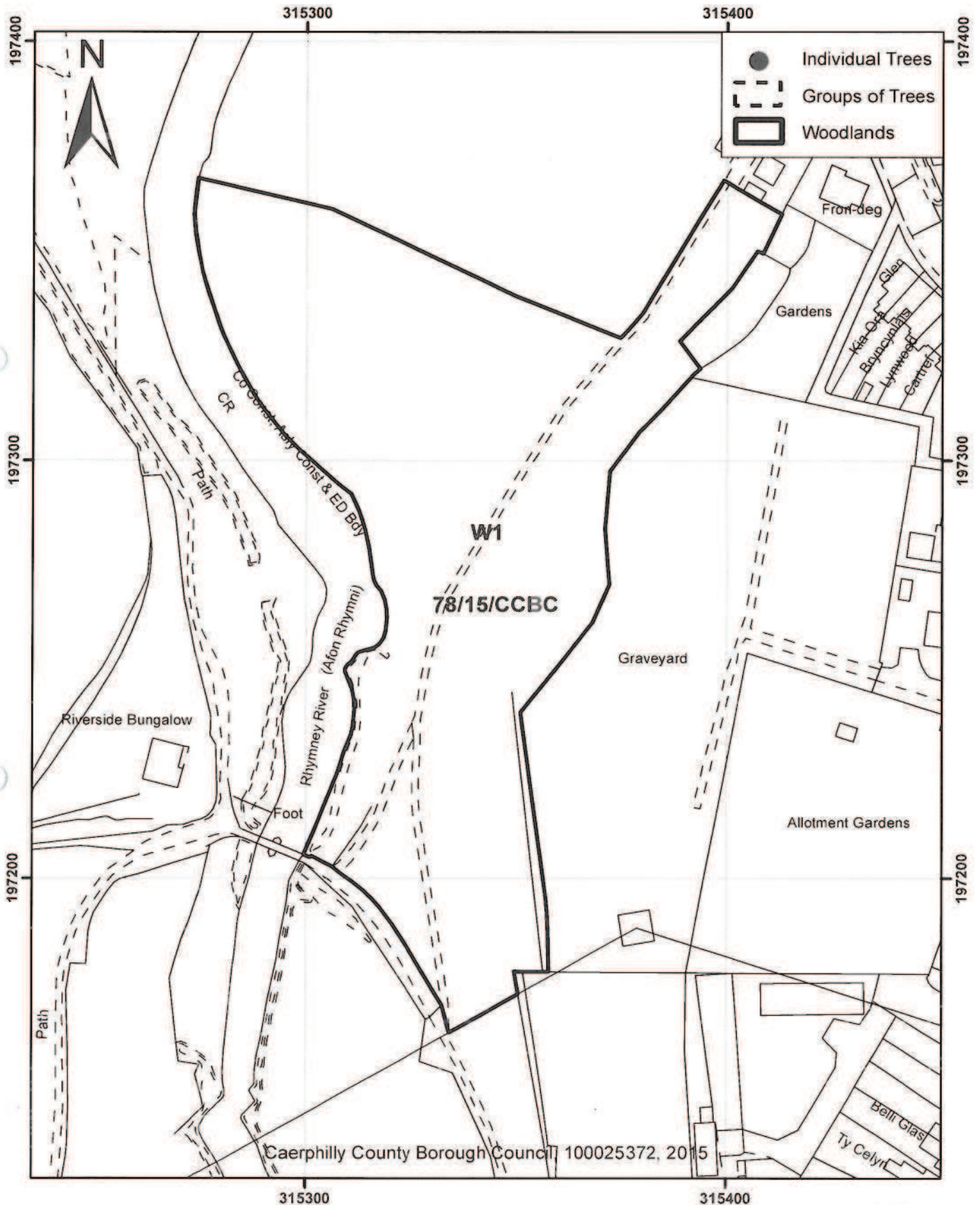
A management regime would be welcomed here, and is in fact encouraged in the legislation, and can remove the need for regular and repetitive applications for routine woodland management works.

5. CONCLUSION

- 5.1 In conclusion it is considered that the service of the TPO is justified in order to protect the visual and residential amenity of the area as the trees. The trees have been assessed by the Council's Arboricultural Officer and are considered to be worthy of protection.

6. RECOMMENDATION

- 6.1 It is recommended that Caerphilly County Borough Council Tree Preservation Order 78 of 2015 should be confirmed without modification as shown on the plan.



Authorised Officer

Date: 01/04/15



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
None		

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
None		

Groups of trees
(within a broken black line on the map)

Reference on map	Description	Situation
None		

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
W1	- Mixed species: all those present within the woodland	- see plan.

APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
13/0688/COU 24.09.2013	Mr G Curnell & Mrs E Haines Cwm Farm Caerphilly CF83 1NF	Convert old stone barn/old coaching house into a four bedroom dwelling and integrated livery yard office Cwm Farm Caerphilly CF83 1NF	Granted 28.08.2015
13/0782/NCC 29.10.2013	Mr P Edwards Beddau Farm 2 St Cenydd Road Trecenydd Caerphilly CF83 2TB	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 Beddau Farm 2 St Cenydd Road Trecenydd Caerphilly	Granted 28.08.2015
15/0384/NOTF 05.06.2015	Coed Y Cymoedd Mr J Atkinson Rheola Neath SA11 4DR	Provide new tracks necessary to enable mechanised harvesting of larch infected with Phytophthora ramorum (larch disease) to comply with Plant Health Order at Forestry Land At Twmbarlwm Risca Newport	Notification - Details Approved 28.08.2015
15/0453/TPO 02.07.2015	Mr N Smothers 19 Cwm Braenar Pontllanfraith Blackwood NP12 2DS	Remove dead branches and trimmings (2-3m) on tree protected by Tree Preservation Order 6/92/IBC at 19 Cwm Braenar Pontllanfraith Blackwood NP12 2DS	Granted 28.08.2015
13/0196/OUT 15.03.2013	Mr L Williams 13 Penmaen Road Pontllanfraith Blackwood NP12 2DL	Erect up to four three bedroom houses in two semi-detached blocks on land being used for occasional vehicle storage Land Adjacent To Riverside House Penmaen Road Pontllanfraith Blackwood	Refused 01.09.2015
13/0548/CLEU 23.07.2013	Mr D M Bevan C/o Mr G Powys Jones MSc FRTPI 25 De Clare Drive Radyr Cardiff CF15 8HA	Obtain a Lawful Development Certificate for an existing use as a property for car/vehicle sales and display Senator House 6 Sir Alfred Owen Way Pontygyndy Industrial Estate Caerphilly	Granted 01.09.2015

13/0646/COU 03.09.2013	Mr W Powell 24 Church Street Bedwas Caerphilly CF83 8EB	Change use of ground floor from cafe/shop to apartment 24 Church Street Bedwas Caerphilly CF83 8EB	Granted 01.09.2015
14/0120/FULL 28.02.2014	Mr K Moore 8 Fields Park Terrace Crosskeys Newport NP11 7DA	Erect single-storey garage with storage area Land Opposite 8 Fields Park Terrace Crosskeys Newport	Refused 01.09.2015
14/0169/RET 24.03.2014	Mr R Knight Knightswood St David's Avenue Woodfieldside Blackwood NP12 0PF	Retain garage Knightswood St David's Avenue Woodfieldside Blackwood	Granted 01.09.2015
15/0431/FULL 22.06.2015	Mr N Morkot 5 Snowden Court Lansbury Park Caerphilly CF83 1QQ	Erect single-storey front extension 5 Snowden Court Lansbury Park Caerphilly CF83 1QQ	Granted 01.09.2015
15/0413/FULL 22.06.2015	Mr S Drake 1 Lon Yr Ysgol Bedwas Caerphilly CF83 8PE	Replace boundary wall and fence with a new brick wall 1 Lon Yr Ysgol Bedwas Caerphilly CF83 8PE	Granted 02.09.2015
15/0432/FULL 24.06.2015	Mr Morgan 42 Waun Draw Caerphilly CF83 3SL	Erect single-storey extension to rear at 42 Waun Draw Caerphilly CF83 3SL	Granted 02.09.2015
15/0628/NMA 05.08.2015	Mr C Tiley 8 Severn Road Pontllanfraith Blackwood NP12 2GA	Seek approval of a non- material amendment to planning consent 13/0727/FULL (Erect two- storey side extension, single- storey front extension and erect side garage) to change external materials from brick work to block work and render 8 Severn Road Pontllanfraith Blackwood NP12 2GA	Granted 02.09.2015

15/0631/NMA 05.08.2015	Mr C Tiley 8 Severn Road Pontllanfraith Blackwood NP12 2GA	Seek approval of a non-material amendment to planning consent 15/0093/FULL (Erect a garden shed) to change external materials from brick work to block work and render 8 Severn Road Pontllanfraith Blackwood NP12 2GA	Granted 02.09.2015
14/0524/COU 30.07.2014	Mr A Edwards Troed-Y-Rhiw Farm - The White House Troed-Y-Rhiw Road Wattsville Newport NP11 7QS	Change the use from pottery and day centre to short term holiday let accommodation The Woodlands Activity Centre Troed-Y-Rhiw Farm - The White House Troed-Y-Rhiw Road Wattsville	Granted 03.09.2015
14/0830/COU 11.12.2014	Mr S James Penllwyn Manor The Grove Pontllanfraith Blackwood NP12 2EQ	Change the use from a public house to a private residence and provide alterations to the existing extension at the rear Penllwyn Manor The Grove Pontllanfraith Blackwood	Refused 03.09.2015
15/0055/LBC 19.01.2015	Mr S James Penllwyn Manor The Grove Pontllanfraith Blackwood NP12 2EQ	Provide internal alterations, extend and provide new roof and take down one chimney and part of the boundary wall Penllwyn Manor The Grove Pontllanfraith Blackwood	Refused 03.09.2015
15/0465/FULL 09.07.2015	Dr & Mrs A Phadke The Hollies Heol Fawr Nelson CF46 6NP	Construct new dwelling and associated external works Plot Adjacent To The Hollies Heol Fawr Nelson Treharris	Granted 03.09.2015
15/0496/FULL 13.07.2015	Mr & Mrs S Simpkins 1 Brook Cottages Cwmfelinfach Newport NP11 7HX	Erect a replacement dwelling including a new garden wall to the rear of the property 1 Brook Cottages Cwmfelinfach Newport NP11 7HX	Granted 04.09.2015
15/0399/FULL 12.06.2015	Mr M Burrige Fforest View Close Greensway Abertysswg Rhymney Tredegar NP22 5AR	Construct three bungalows Fforest View Close Greensway Abertysswg Rhymney	Granted 07.09.2015

15/0481/FULL 12.07.2015	Vodafone Limited & CTIL Vodafone House The Connection Newbury RG14 2FN	Replace existing 17.3m column and antennas with proposed 17.5m column accommodating six antennas and two dishes, together with the replacement of the existing equipment cabinets with two cabinets within the existing compound Vodafone Ltd Communication Mast 1 Commercial Lane Pontymister	Granted 07.09.2015
15/0487/NMA 22.07.2015	Mr & Mrs R Morgan Pengelli Farm Pant-Du Road To Tydu Road Llanfabon Treharris CF46 6PG	Seek approval of a non-material amendment to planning consent 13/0754 (Erect conservatory) to provide a flat roof with lantern rooflight Pengelli Farm Pant-Du Road To Tydu Road Llanfabon Treharris	Granted 07.09.2015
15/0533/NMA 10.08.2015	Mr & Mrs A Crook Keturah 13 Woodfield Terrace Woodfieldside Blackwood NP12 0BR	Seek approval of a non-material amendment to planning consent 15/0133/FULL (Erect single-storey games room extension) to alter the design of the roof on the proposed single-storey extension Keturah 13 Woodfield Terrace Woodfieldside Blackwood	Granted 07.09.2015
15/0456/NCC 01.07.2015	Caerphilly County Borough Council Ms S Aspinall Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG	Vary condition 22 of planning consent 13/0837/LA (Erect new two/three storey teaching block, bus turning area, parking and external works) to provide a revised car parking arrangement and an extension to the access road within the site to a new bus parking bay Y Gwyndy - Ysgol Gyfun Cwm Rhymni Pontygwindy Road Caerphilly CF83 3HG	Granted 08.09.2015
15/0504/FULL 14.07.2015	Mr A Williams Barefoot Cottage Cwm Fedw Machen Caerphilly CF83 8QD	Demolish existing garage and outbuildings and construct single-storey side extension Barefoot Cottage Cwm Fedw Machen Caerphilly	Granted 08.09.2015

15/0460/FULL 09.07.2015	Mr S Lewis 3 Heol-Y-Cwm Watford Caerphilly CF83 1NN	Construct a porch and side extension 3 Heol-Y-Cwm Watford Caerphilly CF83 1NN	Granted 09.09.2015
15/0397/COU 12.06.2015	Mr I Jaura 48 Penylan Road Penylan Cardiff CF24 3PF	Change the use to a cafe/hot food takeaway on ground floor with residential flat on first floor (A2 to A3 and C3) 3 Station Terrace Caerphilly CF83 1HD	Granted 10.09.2015
15/0403/RET 17.06.2015	Mr J Daly 9 Rhos Y Dderwen Blackwood NP12 1HB	Retain conversion of garage used as W.C., cloakroom and storage 9 Rhos Y Dderwen Blackwood NP12 1HB	Granted 10.09.2015
15/0468/RET 13.07.2015	Mr A Lane Plas House Rhosnewydd Terrace Lane Blackwood NP12 1DT	Retain a children's playhouse Plas House Rhosnewydd Terrace Lane Blackwood NP12 1DT	Granted 10.09.2015
15/0512/FULL 22.07.2015	SunCredit Ltd Mr B Morgan C/o Alder King Planning Consultants Pembroke House 15 Pembroke Road Clifton Bristol BS8 3BA	Construct a solar photovoltaic park with associated PV equipment and cable route Pant-Ysgawen Farm Pant-Ysgawen Farm Lane Newbridge Newport	Granted 10.09.2015
15/0539/NMA 13.08.2015	Tir Y Berth Management Committee Mrs S Harper 11 Duffryn Street Tir Y Berth Hengoed CF82 8AN	Seek approval of a non-material amendment to planning consent 13/0561/FULL (Extend and provide additional floorspace as an amendment to the village hall permitted by planning permission 12/0207/FULL to demolish the existing village hall and construct a new village hall on footprint of existing and extend parking facility on adjacent land) to revise car parking layout (one disabled bay omitted and one standard bay included) Tir-y-berth Village Hall Horner Street Tir-y-berth Hengoed	Granted 10.09.2015

15/0554/NMA 21.08.2015	Mr H Scull Bluebell Bungalow Heolddu Road Gelligroes Pontllanfraith Blackwood NP12 2HT	Seek approval of a non-material amendment to planning consent 15/0428/FULL (Erect a one bedroom granny annexe) to move annex approximately 4m to the north west Bluebell Bungalow Heolddu Road Gelligroes Pontllanfraith	Granted 10.09.2015
15/0447/FULL 30.06.2015	Mr R Porter 35 John Street Cwmcarn Newport NP11 7EH	Erect garage within curtilage of property 35 John Street Cwmcarn Newport NP11 7EH	Refused 11.09.2015
15/0517/ADV 23.07.2015	Bestway Group 1 Angel Square Manchester M60 0AG	Erect one internally illuminated fascia sign and one internally illuminated projector 36 High Street Llanbradach Caerphilly CF83 3LQ	Granted 11.09.2015
15/0652/NCC 06.08.2015	Mr B Fitzgerald Ridgeway Golf 4 All LTD Ridgeway Golf Club Golf Driving Range Access Thornhill Caerphilly CF83 1LY	Vary condition 2 of planning consent 15/0176/FULL (Erect a marquee adjacent to existing club house) to change the hours of opening to 08:00 until midnight seven days a week including Bank Holidays Ridgeway Golf Club Golf Driving Range Access Thornhill Caerphilly	Granted 11.09.2015
15/0351/NMA 20.05.2015	Mr C Sloggett 72 Heol Tasker Nelson Treharris CF46 6JB	Seek approval of a non-material amendment to planning consent 14/0161/FULL (Erect two-storey side extension to provide garage/kitchen and first floor bedroom) to reduce step back on first floor from 900mm to 550mm 72 Heol Tasker Nelson Treharris CF46 6JB	Granted 14.09.2015
15/0352/RET 22.05.2015	Ms D Griffin & Ms C Griffin 41 Bartlett Street Caerphilly CF83 1JS	Retain the change the use of first floor retail accommodation to a two bedroom residential flat at 41 Bartlett Street Caerphilly CF83 1JS	Granted 14.09.2015

15/0419/FULL 22.06.2015	Nuaire Home Ventilation Ltd Mr M Lyons Block A Western Industrial Estate Caerphilly CF83 1NA	Install a nitrogen storage tank and vaporisers Nuaire Home Ventilation Ltd Block A Western Industrial Estate Caerphilly	Granted 14.09.2015
15/0461/FULL 09.07.2015	Mr A Jones & Mrs A Preece-Jones Park House Park Place Crosskeys Newport NP11 7DB	Erect a two storey extension to replace existing single storey extension Park House Park Place Crosskeys Newport	Granted 14.09.2015
15/0462/FULL 09.07.2015	Mrs T Blackwood Bute Cottage 6 Bute Terrace Brithdir New Tredegar NP24 6JX	Erect a single storey porch extension to front elevation 4-6 Bute Terrace Brithdir New Tredegar NP24 6JX	Granted 14.09.2015
15/0467/CLPU 10.07.2015	Mr Fowler & Mr Casado Ty Gledyr Crescent Road Caerphilly CF83 1AB	Obtain a Lawful Development Certificate for the proposed single-storey side ground floor extension Ty Gledyr Crescent Road Caerphilly CF83 1AB	Granted 14.09.2015
15/0480/FULL 13.07.2015	Mr R Patton 10 Hazel Grove Trethomas Caerphilly CF83 8GU	Erect single-storey extension to the rear and side of property, provide a new porch to the front and construct a detached garage at the rear 10 Hazel Grove Trethomas Caerphilly CF83 8GU	Granted 14.09.2015
15/0473/FULL 20.07.2015	Mr M Pewtner 10 Davies Street Cefn Fforest Blackwood NP12 3NB	Erect side extension comprising of garage with bedroom and en-suite above 10 Davies Street Cefn Fforest Blackwood NP12 3NB	Granted 14.09.2015
15/0474/FULL 20.07.2015	Mr R Theophilus 1 Alexander Street Abertysswg Rhymney Tredegar NP22 5AJ	Erect two-storey rear extension 1 Alexander Street Abertysswg Rhymney Tredegar	Granted 14.09.2015

15/0394/FULL 10.06.2015	Mr A Bradley 135 Llancayo Street Bargoed CF81 8TF	Construct a detached garage Land To The Rear Of 135 Llancayo Street Bargoed CF81 8TF	Granted 16.09.2015
15/0483/FULL 22.07.2015	Mr A Platoni Penllwyn Bungalow Penllwyn Lane Pontllanfraith Blackwood NP12 2BZ	Erect single-storey extension and double garage with workshop Penllwyn Bungalow Penllwyn Lane Pontllanfraith Blackwood	Granted 16.09.2015
15/0521/FULL 24.07.2015	Mr & Mrs K Bradfield Willowside Cefn Road Upper Deri Bargoed CF81 9GW	Erect garden summerhouse Willowside Cefn Road Upper Deri Bargoed	Granted 16.09.2015
15/0498/FULL 13.07.2015	Mrs Maddox 37 Meadow Road Springfield Pontllanfraith Blackwood NP12 2AQ	Erect a single-storey bathroom extension with ramped access to rear of dwelling plus car hardstanding and access to front of dwelling 37 Meadow Road Springfield Pontllanfraith Blackwood	Granted 18.09.2015
15/0508/ADV 17.07.2015	NoteMachine UK Ltd Ms J Clark Russell House Elvicta Business Park Crickhowell Powys NP8 1DF	Retain integral illumination and screen to the ATM fascia, internally illuminated CASH sign above the ATM fascia and blue LED illumination to ATM surround at Premier Store 1 - 2 Church Street Rhymney Tredegar	Granted 18.09.2015
15/0485/NCC 24.07.2015	Mr S Roslyk 5 The Alders Oakdale Blackwood NP12 0LQ	Renew outline planning permission 12/0458/NCC (erect detached dwelling and garage) by way of varying Conditions 3 & 4 to extend the period for the submission of reserved matters by three years 5 The Alders Oakdale Blackwood NP12 0LQ	Granted 18.09.2015
15/0489/FULL 27.07.2015	Miss C Lynch 54 West Street Bargoed CF81 8SA	Construct a detached garage to the rear of the property 54 West Street Bargoed CF81 8SA	Granted 21.09.2015

15/0490/RET 27.07.2015	Mr P Banwell 74 Hillside Park Bargoed CF81 8NL	Retain alterations to existing garage to provide loft storage and improved access by raising external walls and providing three dormer windows 74 Hillside Park Bargoed CF81 8NL	Granted 21.09.2015
15/0524/FULL 27.07.2015	Mr & Mrs R Davies 15 Gwesty Close Croespenmaen Newport NP11 3AD	Erect a single storey rear extension 15 Gwesty Close Croespenmaen Newport NP11 3AD	Granted 21.09.2015
14/0431/COU 11.07.2014	Ms M Witty The Coach House Rhyd-Y- Gwern Lane Draethen Newport NP10 8GJ	Change of use of redundant agricultural building to a one bedroom detached dwelling, and erect rear extension The Smithy Land Adjacent To The Coach House Rhyd-Y- Gwern Lane Draethen	Refused 22.09.2015
15/0497/TPO 10.07.2015	Mr G Howells 24 Cwm Braenar Pontllanfraith Blackwood NP12 2DS	Remove branches and cut back tree - protected by Tree Preservation Order 6/92/IBC Land Rear Of 24 Cwm Braenar Pontllanfraith Blackwood NP12 2DS	Granted 22.09.2015
15/0507/RET 17.07.2015	NoteMachine UK Ltd Ms J Clark Russell House Elvicta Business Park Crickhowell Powys NP8 1DF	Retain the installation of an ATM including fascia and surround Premier Store 1 - 2 Church Street Rhymney Tredegar	Granted 22.09.2015
15/0516/ADV 23.07.2015	Bestway Group 1 Angel Square Manchester M60 0AG	Erect one internally illuminated fascia, one internally illuminated projector and one window vinyl graphic 55 - 56 Tredegar Street Risca Newport NP11 6BW	Granted 22.09.2015
15/0486/RET 24.07.2015	Mr & Mrs R Owens Long House Barn Penllwyn Lane Machen Caerphilly CF83 8RL	Retain a shed and W.C. Long House Barn Penllwyn Lane Machen Caerphilly	Granted 22.09.2015

14/0365/FULL 02.06.2014	Mr M Cousins 4 Hanbury Close Whitchurch Cardiff CF14 2TB	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 Mountain House 41 Mountain Road Caerphilly CF83 1HH	Refused 23.09.2015
15/0366/FULL 01.06.2015	Mr A Gurner 41 Lilian Road Blackwood NP12 1DN	Erect detached dwelling with garage, associated access, parking and ground works etc. 21 (Plot 11) The Glade Wyllie Blackwood	Refused 23.09.2015
15/0443/FULL 01.07.2015	Mrs S Hughes 36 St David's Drive Graig-y-rhacca Caerphilly CF83 8RH	Erect two-storey and single-storey extension to the rear 36 St David's Drive Graig-y-rhacca Caerphilly CF83 8RH	Granted 23.09.2015
15/0448/FULL 02.07.2015	Mr P Goode 21 Ware Road Caerphilly CF83 1SX	Construct a single-storey rear extension, first floor side extension, attic bedroom conversion, a car port and a garage at 21 Ware Road Caerphilly CF83 1SX	Refused 23.09.2015
15/0455/FULL 06.07.2015	Mr J Boucher 1 Bronrhiw Avenue Caerphilly CF83 1HF	Erect detached garage 1 Bronrhiw Avenue Caerphilly CF83 1HF	Granted 23.09.2015
15/0559/NMA 26.08.2015	Conergy UK Mr Y Ofori Luminous House 300 South Row Central Milton Keynes MK9 2FR	Seek approval of a non-material amendment to planning consent 13/0846/FULL (Develop a solar photovoltaic farm with attendant equipment and infrastructure) to retain the re-positioned storage container for emergency spare parts and installation of the emergency light on the DNO substation to be operational in cases of emergencies Hendai Farm Heol Adam Gelligaer Hengoed	Granted 23.09.2015

15/0100/COU 12.02.2015	Mr Quereshi C/o DTB Design Mr D Thomas 286 North Road Cardiff CF14 3BN	Convert existing storage building to the rear of the property into two flats with alterations to openings and the provision of rooflights 57 Thomas Street Abertridwr Caerphilly CF83 4AX	Refused 24.09.2015
15/0548/FULL 30.07.2015	Mr & Mrs A Evans 25 Caradoc Street Cwmcarn Newport NP11 7EF	Erect single-storey kitchen extension 25 Caradoc Street Cwmcarn Newport NP11 7EF	Granted 24.09.2015
15/0510/FULL 20.07.2015	Mr N Barber Exchange House The Old Post Office High Street Newport NP20 1AA	Construct a detached dwelling 1 The Meadows Blackwood NP12 1FL	Granted 25.09.2015
15/0529/RET 31.07.2015	Mr S Llewellyn 59 Coronation Road Blackwood NP12 1ED	Retain block built out building 59 Coronation Road Blackwood NP12 1ED	Granted 25.09.2015
15/0688/NMA 28.08.2015	Mr S Plank 17 Cefn Fforest Avenue Cefn Fforest Blackwood NP12 3NN	Seek approval of a non-material amendment to planning consent 15/0318/FULL (Erect a single-storey extension to the rear of the property) to reduce the width of the extension by 0.6m 17 Cefn Fforest Avenue Cefn Fforest Blackwood NP12 3NN	Granted 25.09.2015

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

APPLICATION NUMBER DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
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.
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.
13/0799/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	Subject to further consideration.
14/0328/FULL 19.05.14	Erect a detached six bedroom dwelling on Land Adjacent To Brook House Pandy-Mawr Road Bedwas Caerphilly	Awaiting amended plans.
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 etc
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	Subject to further consideration.

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.
14/0745/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.
14/0802/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.
14/0855/FULL 23.12.14	Erect a residential development and associated works at Land At Watford Road Caerphilly	Subject to further discussion and consideration.
15/0029/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	Subject to further consideration.
15/0053/RET 20.01.2015	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, Newport	Subject to further discussion and consideration.
15/0054/COU 20.01.15	Erect cattery at Llanbradach Fawr Farm Llanbradach Farm Lane Llanbradach Caerphilly	Awaiting highway information.
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.
15/0139/FULL 02.03.2015	Demolish dwelling and construct one replacement and three new dwellings at The Ranch, New Row, Machen, Caerphilly	Awaiting views of consultees.

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.
15/0202/FULL 15.04.15	Erect single-storey shower room extension to rear of house at 62 St Christopher's Drive, Caerphilly CF83 1DD	Subject to further consideration.
15/0218/FULL 22.05.15	Erect a residential development of four units at Land At Old Brewery Lane Rhymney Tredegar	Awaiting views of consultees.
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.
15/0278/RET 10.04.2015	Retain metal recycling centre at Unit 15 Darren Drive, Prince Of Wales Industrial Estate, Abercarn	Awaiting additional information about parking space.
15/0279/FULL 09.04.15	Erect two industrial units at Knight Court (Block A) St Davids Industrial Estate Pengam Blackwood	Awaiting contamination information.
15/0308/FULL 15.05.15	Erect a first floor to the rear ground floor at 5 Greenmeadow Machen Caerphilly	Subject to further consideration.
15/0310/COU 14.05.15	Change the use of derelict land to garden use including the filling to new levels and boundary enclosures at Land To The Rear Of 13 - 17 Glyn Derwen Llanbradach Caerphilly	Subject to further consideration.
15/0311/FULL 05.05.15	Erect a new dwelling at Brynhyfryd 6 Old Parish Road, Hengoed CF82 7HU	Subject to further discussion and consideration.
15/0325/COU 21.05.15	Convert existing first floor storage into two apartments, and sub-divide existing ground floor retail area into two independent shops at 127 - 129 Commercial Street Pontymister Risca Newport	Subject to further discussion and consideration.
15/0330/FULL 26.05.15	Demolish existing dwelling (Honeysuckle), erect two-storey extension to existing dwelling (Hillside) and erect a three-storey structure to house a double garage, domestic office space, storage and glasshouse served by new entrance driveway at Hillside And Honeysuckle The Graig Cwmcarn	Subject to further consideration
15/0331/RET 14.05.15	Retain the change of use to a horse riding school at Gelligoediog Farm Gelligoediog Farm Lane, Manmoel Blackwood, NP12 0RH	Awaiting further highway details.
15/0348/COU 20.05.15	Change the use of part of ground floor and first floor to add three flats to existing A1 use at 101 - 103 Commercial Street Pontymister, Risca NP11 6AZ	Subject to further consideration.
15/0365/FULL 29.05.15	Erect residential development of 6 no. walk-up flats and associated works on Land Adjacent To 79 Penallta Road Ystrad Mynach, Hengoed	Subject to further discussion and consideration.

15/0389/FULL 08.06.2015	Provide alterations and adaptations to increase the useable floor space of the existing building and extend the building to provide a new blacksmith and saddling enclosure, stalls and storage on the ground floor, a saddle and tack room, a visitors seating/viewing gallery and eleven hostel bed spaces and ancillary accommodation facilities on the first floor and the erection of a waterproof enclosure to provide all-year training facilities over the existing menage and ancillary external works at Lisvane Riding School Ltd, Forest View, Rudry Road Lisvane	Awaiting views of consultees.
15/0405/RM 17.06.2015	Seek approval of the reserved matters regarding access, appearance, landscaping, layout and scale in regard to planning application 14/0795/NCC (Erect two detached dwellings) on Land Adjacent 12 Mountain Road Caerphilly	Awaiting additional information.
15/0406/CLEU 17.06.2015	Obtain a Lawful Development Certificate for the existing use as a plant storage operation at Graig-yr-hufen Farm Bungalow, Graig-yr-hufen Road Senghenydd, Caerphilly	Awaiting additional information.
15/0407/FULL 17.06.15	Replace two interconnected dilapidated dwellings with two separate dwellings at Bridge Farm, Gwern-Y-Goytre To Michaelston Bridge, Michaelston-y-fedw Cardiff CF3 6XT	Awaiting further information.
15/0408/FULL 18.06.2015	Demolish former derelict buildings and erect 29 residential units and associated works at Crumlin Mining School Site Mining School Hill, Crumlin, Newport	Awaiting consultee views on amended plans.
15/0409/OUT 18.06.2015	Erect one dwelling at The Haven 4 Old Parish Road, Hengoed	Further consultation being undertaken
15/0412/OUT 19.06.2015	Erect residential development of up to 260 dwellings with open space on Land North Of Hendredenny Drive Hendredenny, Caerphilly	Subject to further discussion and consideration.

15/0418/FULL 22.06.2015	Provide an access track for the construction of a solar park with attendant infrastructure being determined by Merthyr Tydfil County Borough Council on Access Track On Land At Cwm Bargoed West Of Fochriw Merthyr Tydfil	Subject to further consideration.
15/0422/RET 24/06/15	Retain the extension to the rear flat roof annex and the addition of a pitched roof to the annex at White Hart Inn 19 Church Street, Bedwas, Caerphilly CF83 8EA	Subject to further consideration.
15/0440/CON 30.06.15	Demolish former health centre building at 1st Oakdale Scout Group Oakdale Scout Hall, Kincoed Road Oakdale, Blackwood NP12 0LP	Subject to further consideration.
15/0459/RET 07.07.15	Retain the installation of a biomass unit incorporating flues and railway container housing kiln at Chris Howell Timber And Landscaping Supplies Nantgarw Road North UI, Caerphilly CF83 1AQ	Awaiting views of consultees.
15/0466/FULL 10.07.15	Erect single-storey lounge/dining extension plus two-storey extension, rebuilding garage with ground floor study and first floor bedroom at 10 Cwrt Pantycelyn, Pontllanfraith, Blackwood NP12 2LT	Awaiting further information from applicant.
15/0499/FULL 13.07.15	Erect a single wind turbine of max 77m to tip, along with associated infrastructure including an access track and electrical housing at Castell Llwyd Farm Heol Las, Nelson, Treharris CF46 6PW	Subject to further discussion.
15/0502/COU 13.07.15	Change of use of the first and second floors from offices to 6 residential flats at Caerphilly Indoor Market 5 Pentrebane Street, Caerphilly CF83 1FR	Re-consulting on amended plans
15/0518/FULL 24.07.15	Construct one dwelling house and one bungalow with associated site works at Llwynon House, Llwyn-On Crescent Oakdale, Blackwood NP12 0ND	Subject to further consideration.

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. Chased again.
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 engrossments. Requested our legal fees.
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. Received comments from Planning on suggested amendments. Waiting for Housing.
14/0411/OUT 21.06.14	Erect residential development and associated works on Land At Ton Y Felin Croespenmaen Newport.	Sent engrossments for signing. Nearing completion.
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. Documents agreed. Waiting for the signed documents to be returned.
14/0841/OUT 17.12.14	Erect a residential development of eleven houses on Land South of Glendale, Van Road, Caerphilly	Sent engrossments.
15/0156/NCC 12.03.2015	Vary condition 3 of planning consent 10/0215/OUT (Erect residential development with alterations to existing access) to extend the period of time to submit reserved matters by a further three years at Quarry Court North Road, Newbridge, Newport	The Solicitors are waiting for title evidence to come through so they can send to us.

OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
15/0008/REF 14/0518/NCC	Au Trust SIPP - DM Watts ISS0295 C/o Au Trust Ltd Imperial House Imperial Way Newport NP10 8UH	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	25.06.15
15/0009/REF 14/0801/FULL	Mr S Owen Lwyncelyn Central Avenue Oakdale Blackwood NP12 0DX	Drop kerb to public footpath and provide drive access	14.07.15
15/0010/REF 14/0689/RET	Mr A Blackwell 76 Abernant Road Markham Blackwood NP12 0QJ	Retain conservatory to the front of the house	21.07.15

APPEALS DECIDED

APPEALS DECIDED APPEAL REF/ PLANNING APP NO.	PROPOSAL & LOCATION APPEAL	DECISION/ DATE	COMM/ DEL
15/0006/REF 14/0559/FULL	Demolish lean-to outbuilding and construct a single-storey rear extension at 28 Penallta Road Ystrad Mynach Hengoed	Allowed 09/09/15	DEL
15/0007/REF 11/0594/OUT	Erect residential development at Land Adj To Groeswen Farm Groeswen Road Groeswen Cardiff	Dismissed 04/09/15	COMM