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**Date: 2nd December 2015**

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 9th December, 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

## A G E N D A

	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 4th November 2015 (minute nos. 1 - 25).	1 - 12

**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. 15/0978/FULL - Land at Ogilvie Terrace, Deri.	13 - 30
6	Site Visit - Code No. 15/0488/RET - Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer.	31 - 48
7	Site Visit - Code No. 15/0670/FULL - Former Saron Congregational Church, Pandy Road, Bedwas.	49 - 64
8	Site Visit - Code No. 15/0775/COU - Bank Chambers, 2 Pandy Road, Bedwas.	65 - 74
9	Site Visit - Code No. 15/0914/FULL - Craig Bach, Penrhiw Lane, Machen.	75 - 92
10	Site Visit - Code No. 15/0601/FULL - Land at Nine Mile Point Industrial Estate, Cwmfelinfach.	93 - 114

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

11	Preface Item Code No. 15/0597/FULL - Pen-yr-heol Farm, Commin Road, Hollybush, Blackwood.	115 - 134
12	Code No. 15/0531/FULL - Biffa Waste Services Ltd, Trecatti Landfill Site, Fochriw Road, Pant-y-waun, Merthyr Tydfil.	135 - 146
13	Code No. 15/0567/OUT - Land At Oakdale Golf Course, Oakdale Golf Course Lane, Oakdale, Blackwood.	147 - 172
14	Code No. 15/0711/FULL - 16 Thorncombe Road, Blackwood.	173 - 180
15	Code No. 13/0824/FULL - Land At Pen-y-fan Industrial Estate, Pen-y-fan, Newport.	181 - 196
16	Code No. 15/0924/FULL - Bargoed RFC, Bargoed Park, Park Drive, Bargoed.	197 - 208
17	Code No. 15/1059/LA - School Bungalow, Forest Hill, Pontllanfraith, Blackwood.	209 - 216

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

18	Code No. 15/0499/FULL - Castell Llwyd Farm, Heol Las, Nelson.	217 - 246
19	Code No. 15/0619/RM - Gledyr Bungalow, Selway Gardens, Nantgarw Road, Caerphilly.	247 - 260

20 Application No. 15/0252/OUT - Land at Cwmgelli, Blackwood, NP12 1BZ - Applicant Gwent Investments Limited. 261 - 264

To receive and note the following information items: -

21 Applications determined by delegated powers. 265 - 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, J. Bevan, D. Bolter, D.G. Carter (Chair), Mrs P. Cook, W. David (Vice Chair), J.E. Fussell, 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, 4TH NOVEMBER 2015 AT 5.00PM

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PRESENT:

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

Councillors:

M. Adams, Mrs E. M. Aldworth, D. Bolter, Mrs P. Cook, J.E. Fussell, Mrs J. Gale, L. Gardiner, A. Lewis, K. Lloyd, Mrs G.D. Oliver, D. Rees, J. Simmonds, Mrs J. Summers, J. Taylor.

Together with:

P. Elliott (Head of Regeneration and Planning), T. Stephens (Development Control Manager), R. Crane (Solicitor), R. Amundson (Principal Planner), M. Davies (Principal Planning Enforcement Officer), G. Lewis (Team Leader - Planning), C. Powell (Area Senior Planner), A. Pyne (Area Senior Planner), M. Godfrey (Team Leader - Environmental Health) and R. Barrett (Committee Services Officer)

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Bevan, R.W. Gough, A.G. Higgs and Mrs E. Stenner.

### 2. DECLARATIONS OF INTEREST

Declarations of interest were received as follows:- 14/0836/FULL and 15/0023/COU - Councillor W. David, 14/0836/FULL – Councillor D. Bolter, 15/0023/COU – Mrs E.M. Aldworth and 14/0855/FULL– R. Crane (Solicitor). Details are minuted with the respective item.

### 3. MINUTES - 7TH OCTOBER 2015

Councillor K. Lloyd asked for it to be noted that he did not attend the Planning Committee meeting of 7th October 2015 but had been recorded as being both present and having given his apologies.

Subject to the above amendment, it was

RESOLVED that the minutes of the Planning Committee held on 7th October 2015 (minute nos. 1 - 20) be approved and signed as a correct record.

#### **4. TO RECEIVE ANY REQUESTS FOR A SITE VISIT**

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

- (1) Code No. 15/0601/FULL – Land at Nine Mile Point Industrial Estate, Cwmfelinfach, Newport;
- (2) Code No 15/0979/FULL – Land at Ogilvie Terrace, Deri, Bargoed;
- (3) Code No. 15/0488/RET – Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed;
- (4) Code No. 15/0670/FULL – Former Saron Congregational Church, Pandy Road, Bedwas, Caerphilly;
- (5) Code No 15/0775/COU – Bank Chambers, 2 Pandy Road, Bedwas, Caerphilly;
- (6) Code No. 15/0914/FULL - Craig Bach, Penrhiw Lane, Machen, Caerphilly.

#### **5. SITE VISIT CODE NO. 15/0252/OUT - LAND AT CWMGELLI, BLACKWOOD, NP12 1BZ**

Mr T. Watkins, on behalf of local residents, and Councillor N. Dix spoke in objection to the application. Mr P. Sulley, the applicant's agent, spoke in support of the application.

Following consideration of the application it was moved and seconded that the application be refused in that the development is outside the settlement boundary and lies within an identified green wedge, and as such is contrary to Caerphilly County Borough Council planning policy. By a show of hands, this was unanimously agreed.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) the application be refused.

#### **6. SITE VISIT CODE NO. 15/0433/FULL - PEN-Y-FAN FARM, PEN-Y-FAN FARM LANE, MANMOEL, BLACKWOOD, NP12 0HZ**

Mrs J. Morgan, on behalf of local residents, spoke in objection to the application and Mr A. Kirby, the applicant's agent, spoke in support of the application.

Following consideration of the application, it was moved and seconded that the application be deferred for a further report with reasons for refusal based on the impact of the development on the local landscape.

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

In accordance with Rule of Procedure 15.4(1) a request was made for a recorded vote.

#### **FOR THE AMENDMENT**

Councillors M. Adams, Mrs E.M. Aldworth, D.G. Carter, W. David, J.E. Fussell, Mrs J. Gale, Mrs G.D. Oliver, D. Rees and J. Simmonds (9).

#### **AGAINST THE AMENDMENT**

Councillors D. Bolter, Mrs P. Cook, L. Gardiner, A. Lewis, K. Lloyd, Mrs J. Summers and J. Taylor (7).

The amendment was won and, as the substantive motion, was declared carried.

RESOLVED that: -

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

**Condition (24)**

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.

- (iii) the applicant be advised that the following policies of Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW4;
- (iv) the applicant be advised of the comments of the Council's Ecologist, Countryside and Landscape Services, Senior Arboricultural Officer (Trees), Glamorgan Gwent Archaeology Trust, Natural Resources Wales, Gwent Wildlife Trust, Senior Engineer (Land Drainage) and Dwr Cymru/Welsh Water;

**7. SITE VISIT CODE NO. 15/0451/FULL - LAND AT PEN-YR HEOL-LAS, MANMOEL ROAD, MANMOEL, NP12 0RQ**

Mrs D. Jones, on behalf of local residents, spoke in objection to the application and Mr B. Sharpe, the applicant, spoke in support of the application.

Following consideration of the application, it was moved and seconded that the application be deferred for a further report with reasons for refusal based on the overbearing impact of the development on neighbouring properties. By a show of hands (and in noting there were 11 against), the motion was declared lost.

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 4 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 conditions, this application be granted;

**Amended Condition (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 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.

**Amended Condition (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, 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.

**Additional Condition (15) – replaces original Condition (15)**

Prior to the commencement of works on site details of the protection measures for both construction traffic and permanent vehicle access traversing the strategic water main shall be submitted to and approved in writing by the Local Planning Authority. These shall include a construction design method statement and risk assessment for the protection of structural condition of the strategic water main crossing the site. Thereafter no other development pursuant to this permission shall be carried out until the approved protection measures have been implemented in full and the protection measures shall be retained at all times until the development is complete.

**Reason**

To protect the structure and integrity of the asset crossing the proposed development site

**Amended Condition (16)**

Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation (including wheel washing facilities for vehicles leaving the site) 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.

**Amended Condition (22)**

The wearing course of all access tracks/vehicle routes through the site hereby approved shall be constructed of locally occurring sandstone unless otherwise agreed in writing with the Local Planning Authority.

**Reason**

To reflect the underlying geology of the site.

- (iii) the applicant be advised that the following policies of Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions of this permission: CW2 and CW3;
- (iv) the applicant be advised of the comments of Natural Resources Wales, Glamorgan Gwent Archaeology Trust, Heddlu Gwent Police, Rights of Way Officer, Nats, Council's Ecologist, Senior Arboricultural Officer (Trees) and Countryside and Landscape Services.

**8. SITE VISIT CODE NO. 14/0836/FULL - THE SURGERY, OAKFIELD STREET, YSTRAD MYNACH, HENGOED, CF82 7WX**

Councillors W. David and D. Bolter declared a prejudicial interest in that they are both patients at the surgery and left the Chamber when the application was discussed.

In referring to the site visit report which outlined Members' concerns regarding the proposed location of pedestrian access, Officers confirmed that a resolution had been reached on this matter and the applicant had agreed to amend the application to relocate pedestrian access to a more suitable position.

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

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) subject to the conditions contained in the Officer's report, and on receipt of satisfactory revised plans showing the position of the gate relocated, Officers grant planning permission under their delegated powers;
- (iii) the applicant be advised that the proposed white lining works shall be undertaken using a competent white lining contractor with both the appropriate licences 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;

- (iv) the applicant be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on /in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (02920 772400);
- (v) the applicant be advised to contact the Environmental Health Officer on 01495 235028 to discuss management of pedestrian access within the site.

**9. SITE VISIT CODE NO. 14/0855/FULL - LAND AT WATFORD ROAD, CAERPHILLY**

R. Crane (Solicitor) declared a prejudicial interest in that he has friends who live adjacent to the site and who have objected to the application, and left the Chamber when the application was discussed.

Mr A. Pritchard, on behalf of local residents, and Councillor S. Kent spoke in objection to the application. Mr B. Davies, the applicant's agent, spoke in support of the application.

Following consideration of the application, it was moved and seconded that the application be deferred for a further report with reasons for refusal based on the impact of the development on the local landscape. By a show of hands, and in noting there were 11 against, the motion was declared lost.

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.

In accordance with Rule of Procedure 15.5 Councillor J.E. Fussell wished it recorded that he had voted against the application.

RESOLVED that: -

- (i) the site visit report be noted;
- (ii) the application be deferred to allow the applicant to enter into a Section 106 Agreement as set out in the Officer's report;
- (iii) on completion of the Agreement and subject to the conditions contained in the Officer's report, this application be granted;
- (iii) the applicant be advised of the comments of Wales and West Utilities, Senior Engineer (Land Drainage), Gwent Police, the Council's Ecologist, Dwr Cymru/Welsh Water and Head of Public Services that are brought to the applicant's attention;
- (iv) the applicant be advised that the following policies of Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions of this permission: CW2, CW3 and CW6.

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

**10. CODE NO. 15/0597/FULL – PEN-YR-HEOL FARM, COMMIN ROAD, HOLLYBUSH,  
BLACKWOOD.**

Mr R. Evans, the applicant, spoke in support of the application.

Following consideration of the application, it was moved and seconded that the application be deferred for a further report with reasons to grant based on the comments received. By a show of hands (and in noting there were 4 against), this was agreed by the majority present.

RESOLVED that the application be deferred for a further report for reasons to grant based on the comments received at the meeting.

**11. CODE NO. 15/0601/FULL – LAND AT NINE MILE POINT INDUSTRIAL ESTATE,  
CWMFELINFACH**

Having regard to the impact of the development on residential amenity and highway safety, 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.

**12. CODE NO. 15/0978/FULL – LAND AT OGILVIE TERRACE, DERI, BARGOED**

Having regard to the impact of the development on residential amenity and highway safety, 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.

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

**13. PREFACE ITEM CODE NO. 15/0023/COU – MANCHESTER HOUSE, 1 CLIFTON STREET,  
CAERPHILLY**

Councillor W. David declared a prejudicial interest in that the speaker in objection to the application is a close friend of his son and left the Chamber when the application was discussed.

Councillor Mrs E.M. Aldworth declared a prejudicial interest in that a relative leases a premises from the applicant, and left the Chamber when the application was discussed.

Following consideration of the Officer's preface report and original report it was moved and seconded that the application be refused for the reasons contained within the Officer's preface report. By a show of hands (and in noting there was one abstention) this was agreed by the majority present

RESOLVED that the application be refused.

**14. CODE NO. 15/0422/RET - WHITE HART INN, 19 CHURCH STREET, BEDWAS, CAERPHILLY CF83 8EA**

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

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report, this application be granted;
- (ii) the applicant be advised of the comments of the Conservation and Design Officer that are brought to the applicant's attention;
- (iii) the applicant be advised that the following policies of Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions of this permission: CW2, CW15 and SP6.

**15. CODE NO. 15/0471/LBC - WHITE HART INN, 19 CHURCH STREET, BEDWAS, CAERPHILLY CF83 8EA**

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

RESOLVED that: -

- (i) the application be deferred to allow it to be referred to CADW for its consideration;
- (ii) In the event that CADW does not raise any objections to the scheme, subject to the conditions contained in the Officer's original report, listed building consent for the application be granted;
- (iii) the applicant be advised of the comments of the Conservation and Design Officer that are brought to the applicant's attention;
- (iv) the applicant be advised that the following policies of Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions of this permission: CW2, CW15 and SP6.

**16. CODE NO. 15/0488/RET - GELLIARGWELLT UCHAF FARM, GELLIGAER ROAD, GELLIGAER, HENGOED, CF82 8FY**

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.

**17. CODE NO. 15/0670/FULL - FORMER SARON CONGREGATIONAL CHURCH, PANDY ROAD, BEDWAS, CAERPHILLY**

Having regard to the visual impact of the development on the local landscape, it was moved and seconded that the application be deferred for a site visit (all Members) and by a show of hands (and in noting there were 2 against) this was agreed by the majority present.

RESOLVED that the application be deferred for a site visit.

**18. CODE NO. 15/0764/COU - UNIT 18, CASTLE COURT, CAERPHILLY, CF83 1NU**

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

RESOLVED that:-

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

**19. CODE NO. 15/0775/COU - BANK CHAMBERS, 2 PANDY ROAD, BEDWAS, CAERPHILLY, CF83 8EH**

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.

**20. CODE NO. 15/0914/FULL - CRAIG BACH, PENRHIW LANE, MACHEN, CAERPHILLY, CF83 8PX**

Having regard to the impact of the development on residential amenity and the visual impact on the local landscape, 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.

**21. MEMBERS' PLANNING SITE VISITS**

The report advised Members of the Royal Town Planning Institute (RTPI) research in relation to the operation of Planning Committees in Wales and their recommendations in relation to site visits. In order to meet the requirements of the Planning Wales Act 2016, the views of the Committee were sought on the suggested changes to the current site visit process, prior to the report being presented to Council for consideration.

In support of the Planning (Wales) Act 2015, the RTPI undertook research into the operation of Planning Committees in Wales and made a number of recommendations in relation to site visits which impacts on this Planning Authority's current site visit practice as outlined in the Constitution.

Officers presented to the Planning Committee the recommendations of the RTPI and the changes proposed to enable the introduction of a procedure compliant with these recommendations. Members were asked to note in particular the proposed change that requests for an application to be reported to Planning Committee should be made in writing to the Case Officer (or in their absence, any other officer of the Development Management Team) within 21 days of receiving the weekly list of planning applications, together with the proposed change that all site visits take place on the Monday before Planning Committee for applications being reported to the Committee. It was also explained that requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances.

During the course of the ensuing debate, concerns were raised in respect of the impact of the reduced timeframe for requesting that an application be brought to Planning Committee. Officers explained that recent Welsh Government (WG) legislation has determined that failure to determine "householder" applications within 16 weeks and other applications within 24 weeks will result in the return of the planning application fee and thus there is a need to expedite the determination of planning applications in order to avoid these sanctions. It was explained to Members that Planning Officers would be mindful of applications where site visits might be requested and would interact with interested parties accordingly. Members were also advised that the amended site visit protocol would be reviewed after a 12-month period.

Discussion took place regarding the RTPI recommendation that site visits be identified by Officers in consultation with the Chair. A Member suggested that this recommendation be extended within the revised protocol to include reference to the Vice-Chair. A query was also raised regarding the final decision in the event of any dispute about the need for a site visit and it was confirmed that this will be taken by the Chair and/or Vice Chair in consultation with the Head of Planning and Regeneration and/or the Development Control Manager, and be reflected in the revised protocol accordingly.

A concern was raised regarding the proposal to cease the informal part of the site visit (which permitted members of the public to enter into discussion with Officers and Members). Officers emphasised the need for site visits to become more efficient and undertaken in a more formal manner, and explained the potential issues arising if an application was subject to judicial review, in that the informal part of site visits are not minuted by Officers.

Members referenced the proposed change that Committee Services Officers no longer attend the site visits to take minutes and that Planning Officers instead prepare a briefing note to be presented at the Planning Committee. Concerns were expressed that the sense of impartiality in the preparation of additional information or matters arising from site visits could be lost.

Members were advised that in complying with the RTPI recommendations and WG legislation, it would not be possible to compose several site visit reports between the Monday site visits and the Wednesday Planning Committee meeting. Such reports would also have to be tabled at the meeting, which is not the preferred option in presenting information to Members. Assurances were also given that all Planning Officers are completely impartial when dealing with planning applications. The Development Control Manager advised that he would take these comments back to Committee Services for further discussion and also enquire with other local authorities as to their site visit procedures.

Following consideration of the report it was moved and seconded that subject to the inclusion of the amendments/comments raised by Members, the recommendations contained therein be endorsed and forwarded to Council for approval. By a show of hands this was unanimously agreed.

RECOMMENDED to Council that:-

- (i) subject to the foregoing amendments, the proposed changes to the site visit protocol as outlined in the Officer's report be approved;
- (ii) the Council's Monitoring Officer be authorised to make the relevant changes to the Council's Constitution.

## **22. PROPOSALS RELATING TO STRATEGIC PLANNING PANEL REGULATIONS: COMPOSITION AND FINANCIAL MATTERS**

The report sought the approval of the Planning Committee on the Council's response to the Welsh Government's consultation in respect of proposals relating to Strategic Planning Panel Regulations in terms of their Composition and Financial Matters.

Welsh Government (WG) are currently running a number of consultations concerning changes to the planning system with a view to making it more positive. The changes are in respect of not only the development management system but also the development plan system in Wales.

The current consultation is in respect of proposals relating to Strategic Planning Panel Regulations in terms of their Composition and Financial Matters. The deadline for the submission of comments is 2nd November 2015.

Following consideration of the report it was moved and seconded that the recommendation contained therein be approved and by a show of hands this was unanimously agreed.

RESOLVED that the Council's response to the Welsh Government's consultation in respect of proposals relating to Strategic Planning Panel Regulations in terms of their Composition and Financial Matters be approved.

## **23. CHARGING FOR PRE-APPLICATION PLANNING ADVICE: REVIEW**

The report outlined a review of charges for advice given by Development Management planners to the public and professional developers prior to the submission of planning applications, and for various other development management related services. The report also proposed alterations to the current scale of charges.

Members were informed that the majority of local planning authorities now charge for advice given at pre-application discussions and on other development management related matters. Caerphilly County Borough Council introduced similar charges on 1st April 2014 and a scale of charges was appended to the report. A total of £22,510 was collected in the 2014/2015 financial year (£2,510 above the expected budget) with the budget target for 2015/16 being £25,000.

Following consideration of the report it was moved and seconded that the recommendation contained therein be approved and by a show of hands this was unanimously agreed.

RESOLVED that the amendments to the scale of fees as set out in the report and contained in the appendix are adopted from 1st December 2015.

## **24. WELSH GOVERNMENT ANNUAL PERFORMANCE REVIEW**

The report advised Members of the content of the Annual Performance Report (APR) which is to be sent to Welsh Government, and outlines the performance of the Planning Service over the financial year 2014-2015.

Members were informed that the Welsh Government has introduced the annual performance report as a result of the "Positive Planning" consultation it carried out in December 2013. They consulted on a series of proposals for measuring the performance of key stakeholders in the planning service, including local planning authorities, and proposed that stakeholders should prepare an annual report, discussing how their organisation had performed against the indicators, identifying what it had done well so that this can be shared with others, and what steps might be taken to address areas of performance in need of improvement. The first reports are due in November 2015.

Following consideration and discussion of the report it was moved and seconded that the recommendation contained therein be approved and by a show of hands this was unanimously agreed.

RESOLVED that the Council's Annual Performance Review for 2014-2015 be forwarded to Welsh Government.

## **25. 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.

The meeting closed at 8.52 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 9th December 2015, they were signed by the Chair.

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CHAIR





## PLANNING COMMITTEE – 9TH DECEMBER 2015

**SUBJECT: SITE VISIT - CODE NO. 15/0978/FULL – LAND AT OGILVIE TERRACE, DERI**

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

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### PRESENT:

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

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

1. Apologies for absence were received from Councillors M. Adams, J. Bevan, R.W. Gough, A.G. Higgs, K. Lloyd, Mrs E. Stenner and J. Taylor.
2. The Planning Committee deferred consideration of this application on 4th November 2015 for a site visit. Members and Officers met on site on Friday, 20th November 2015.
3. Details of the application to erect a residential development at Ogilvie Terrace, Deri were noted.
4. Those present viewed the site from various vantage points, walked the boundary, roadway and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note the application site comprises of undeveloped land surrounded by residential properties to the eastern and western boundaries. There is a small triangular area of open space including trees, shrubs and an electrical substation to the south east of the site, which is outside the application site. There is an existing public footpath, lane and steps surrounding the site which provide connectivity to the existing adopted highway, which abuts the western boundary to the site. The topography of the site is sloping with a cross fall of some 10 metres from west to east. The application has been supported by a Reptile Mitigation Strategy and Method Statement together with a Design and Access Statement.

Full planning approval is sought in respect of the erection of one two-storey, dormer style, four-bedroom, dwelling and detached double garage. The site layout proposes the dwelling to be located in the southern half of the site with the detached garage to the northern half of the site. Vehicular access is proposed off the rear lane serving 1 – 4 Ogilvie Terrace and Oaklands. A new footpath is proposed across the frontage.

6. Members sought clarification on the objections to the development and it was confirmed that, whilst objections were raised relating to loss of view, this was not a planning consideration. In addition, it was noted that the development would not have an overbearing impact on the view of the surrounding properties. Additional objections were raised in reference to the loss of open space in the area. An assessment was conducted on the site and whilst it was identified

to inhabit species of reptile, which have now been relocated to the nearby country park, the site was compliant with the assessment.

7. A Member, in noting that planning permission was refused in 2002, queried the Officer recommendation to approve the application. Officers highlighted that, since 2002, a housing development has been erected adjacent to the site and adaptations have been made to the highway. In addition, Members were assured that the development would be subject to building regulations.
8. Discussions took place regarding Rights of Way, in particular referring to the footpath through the site and fence around the boundary. Officers clarified that the erected fence was a permitted development. If permission is granted, a report on the application to add the footpath to the Definitive Map and Statement will be determined by the Rights of Way Cabinet.
9. Officers confirmed that following advertisement in the press, on site and to 29 neighbouring properties, 13 letters of objection had been received. Details of the objections are contained within the Officer's original report.
10. 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.
11. A copy of the report submitted to the Planning Committee on 4th November 2015 is attached. Members are now invited to determine the application.

Author:	C. Evans	Committee Services Officer, Ext. 4210
Consultees:	R. Amundson	Principal Planner
	M. Davies	Principal Planning Enforcement Officer
	L. Cooper	Engineer (Highway Development Control)
	J. Piper	Countryside & Rights of Way Support Officer

Appendices:

Appendix 1 Report submitted to Planning Committee on 4th November 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0978/FULL 05.10.2015	Mr M Toms C/o SLP The Studio Beaufort Yard Devauden Chepstow NP16 6NT	Erect one dwelling Land At Ogilvie Terrace Deri Bargoed

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: Land at Ogilvie Terrace, Deri, CF81 9JD

Site description: The site comprises undeveloped vacant land surrounded by residential properties to the eastern and western boundaries. There is a small triangular area of open space including trees, shrubs and an electricity substation to the south east of the site, which is outside of the application site.

There is an existing public footpath, lane and steps surrounding the site which provide connectivity to the existing adopted highway, which abuts the western boundary of the site.

The topography of the site is sloping with a cross fall of some 10 metres from west to the east.

The application has been supported by a Reptile Mitigation Strategy and Method Statement together with a Design and Access Statement.

Development: Full planning approval is sought in respect of the erection of one, two-storey, dormer style, four-bedroom, dwelling and detached double garage. The site layout proposes the dwelling to be located in the southern half of the site with the detached garage to the northern half of the site. Vehicular access is proposed off the rear lane serving 1 - 4 Ogilvie Terrace and Oaklands. A new footpath is proposed across the site frontage.

Dimensions: The footprint of the proposed dwelling has maximum dimensions of 12.2m (depth) 24.8m (width) 7m (height).

Cont....

Planning application 15/0978/FULL Continued

Materials: External walls comprise cream render with brick plinth, slate tile roof, upvc windows and doors, boundary fencing to north and western boundaries.

Ancillary development, e.g. parking: Proposed six off-street parking spaces, two within a detached garage.

#### PLANNING HISTORY 2005 TO PRESENT

P/01/0440 – Erect residential development - Refused 07.02.02.

#### POLICY

##### LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - within the settlement boundary.

##### Policies:

Policy SP1 - Development Strategy in the Heads of the Valleys Regeneration Area, SP6 - Place Making, SP21 - Car Parking Standards.  
CW2 - Amenity, CW3 - Design considerations - highways, CW4 - National Heritage Protection, CW7 - Protection of Open Space, CW15 - General locational constraints, supplementary planning guidance contained in LDP5 - Parking Standards, LDP6 - Building Better Places to Live, LDP7 - Householder Developments. LDP8 - Protection of Open Space.

##### NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014, TAN 12 - Design, TAN 16 - Sport, Recreation and Open Space, 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 planning application.

Cont....

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions being attached to any consent in respect of access and parking provision. The applicant will also be required to enter into a formal highway agreement with the Authority, which is supported by a bond, in order to undertake the highway improvement works.

Head Of Public Protection - Have no objections to the development subject to standard conditions being attached to any consent in respect of any contamination of the site together with site control measures.

Senior Engineer (Land Drainage) - Has no objection to the development subject to a standard 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 land drainage matters.

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

Countryside And Landscape Services - There are no objections in relation to landscaping issues, however it is considered appropriate to attach a condition to any consent requiring details of any boundary treatment to be agreed with the Local Planning Authority.

### ADVERTISEMENT

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

Response: Thirteen objections and one letter of support.

#### Summary of observations:

- driveway and parking over sewer;
- loss of view/outlook;
- irregularities in submitted plans but does not explain what they are;
- will cause subsidence to existing houses;
- highway considerations;
- a right of way on the land needs to be preserved;
- erection of a fence has already caused problems to residents;
- prevent access for emergency vehicles;
- removal of a green area;

Cont....

Planning application 15/0978/FULL Continued

- refuse vehicle not able to collect bins;
- concern about the geology of the area/subsidence;
- not been consulted about the proposed development;
- scale and design is inappropriate;
- allegations of bribery in respect of Council officers in order to facilitate the positive determination of the planning application.

Letter of support

- will remove an eyesore which devalues property;
- questions the concerns raised regarding the loss of use of a footpath when there are steps with handrails and lighting around the site providing a safer route.

#### 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 supports semi-improved grassland and low lying scrub, the grassland supporting a small number of neutral (5) and acidic (5) indicator species. The habitats have been evaluated as being of local value for wildlife and this assessment is agreed.

The development of the site will result in the loss of this local habitat and no mitigation measures or compensation measures have been proposed to mitigate the loss of this habitat. Therefore the provision of alternative wildlife features within the new property, as compensation for loss of this habitat will be required.

The reptile survey undertaken in May and June 2015 confirmed the presence of a medium population of common lizards and a small population of slow worm within the application site. The submitted Reptile Mitigation Strategy set out how the applicant proposed to capture and remove the reptiles from the site and translocate them to a receptor site in the nearby Parc Cwm Darran. This mitigation strategy is acceptable, and with the exception of final site clearance set out in section 3.8 and 3.9 has already been carried out in advance of the submission of the planning application.

Cont....

Planning application 15/0978/FULL Continued

The submitted Reptile Translocation Records Report confirms that a total of 24 common lizards have been captured from the site and removed to two receptor sites in Parc Cwm Darran during a total of 32 visits to the site, and 6 clear trapping days. No slow worms were caught, but the amount of trapping effort is considered to be acceptable. However in view of the small possibility of some reptiles remaining, a condition should be added to any consent to ensure that ecological supervision is provided during the final site clearance. In the event that any remaining reptiles are discovered and are found to be in hibernation, these will need to be temporarily retaining in captivity before being released in spring.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes, however the development is proposed within the lower viability charging zone in respect of CIL, which is set at £0 per square metre and as such CIL will not be payable.

### ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The main issues to be considered in the determination of this planning application are considered to be the compatibility of the use with surrounding land uses, design, amenity and highway implications.

Outline planning consent, for residential development of the site for two houses, was previously refused in February 2002 (reference P/01/0440). The application was refused on two grounds, namely the development would be detrimental to the open nature of the street scene and spoil the character of the existing residential area and also that the highway network to serve the site is inadequate.

The first reason for refusal was based on Policy H2 (B) of the then Caerphilly Unitary Development Plan (UDP) and the second reason for refusal was based upon policy DC1(E) of the UDP.

Policy H2 stated - Proposals for housing development on windfall and small sites within the settlement boundaries will be permitted provided that:

B. The development will not result in the insensitive or inappropriate infilling which would spoil the character of an existing residential area.

Cont....

## Planning application 15/0978/FULL Continued

The UDP has since been replaced by the Caerphilly County Borough Local Development Plan (LDP) adopted November 2010. Policy SP6 of LDP requires development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through amongst other things an efficient use of land, a high standard of design, a sustainable location and the incorporation of existing natural heritage features. The Council's Adopted Development Design Guide LDP6: Building Better Places to Live provides general guidance as to the design of residential developments, addressing such issues as natural heritage, accessibility, legibility, character and context. Policy CW2 of the LDP considers amenity issues and Policy CW3 of the LDP considers highway issues.

The site comprises an undeveloped area of land situated between semi-detached residential dwellings, on higher ground to the west and lower ground to the east. A detached dwelling is located to the north of the site. The site has no formal land use allocation within the LDP. The surrounding area is characterised by a mix of house types ranging from traditional terraced housing to post war semis and more contemporary modern housing. Again the use of external materials is mixed. The previous refusal was for two dwellings but at that time there were no details of the house types only an indicative site layout plan. This application is for one dwelling. Notwithstanding the footprint of the dwelling is large it sits comfortably in what is considered to be an appropriate infill plot. In addition, the site lies in a sustainable location within the settlement boundary and as such the residential development of the site is acceptable in principle and is in accordance with Policy SP6, subject to compliance with other policies of the LDP relating to issues such as density, scale, massing, detailed design and parking provision.

Policy CW2 considers amenity and in this respect it is considered the proposed residential development of the site is compatible with surrounding residential uses and would not have an adverse impact upon the privacy or amenity of neighbouring residential dwellings. The proposed development would not have an overbearing or overshadowing impact upon neighbouring properties. However, given the location of the site, it is considered appropriate to attach a condition to any consent removing permitted development rights in respect of any extensions or outbuildings in order that the amenity of occupiers of neighbouring residential properties are not adversely impacted upon. In addition, it is considered important that boundary treatment are in keeping with the character of the surrounding street scene and do not impact upon the amenity of neighbouring properties and in this respect it is considered appropriate to attach a condition to any consent requiring boundary details to be submitted to the Local Planning Authority for consideration.

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## Planning application 15/0978/FULL Continued

At the nearest point, the new house will be 10.7m from the existing houses to the west. However, the ground level of the development will be some 5.2m lower than the existing, so that the rear windows will face the retained land, and there will only be two rooflights in the roof serving bedrooms.

Policy CW7 of the LDP aims to protect areas of open space and development will only be permitted where the amount of open space remaining in the neighbourhood would still be adequate to serve local needs, and that the site has no significant value as recreational resource or an area of visual amenity. The site has no formal land use allocation and amounts to an area of steeply sloping wasteland (cross fall of around 10 metres across the site) within an established residential area. There are a network of permissive footpaths around the edge of the site and a recently claimed right of way across the site. The claimed right of way is subject of separate investigation and will be reported as a separate matter. The Supplementary Planning Guidance LDP8 Protection of Open spaces seeks to protect land within the settlement boundaries that are not designated for leisure or recreation and requires applications for development on such open space to be accompanied by an Open Space Assessment. The applicant has submitted such an assessment, which identifies 0.335ha of usable space within the required 0.5km buffer zone, which exceeds the 0.29hectare requirement (as calculated in accordance with the formula contained in LDP8).

In addition to the open space provision within the settlement boundary there are vast tracts of open countryside surrounding the area of northern Deri and in particular Parc Cwm Darren (LDP Policy LE3.2) which is within 50 metres of the site and provides large scale, less formal facilities for recreational activity in a rural setting.

Policy CW7 criterion (b) also seeks to assess a site in terms of its visual and recreational contribution to the surrounding area. It is not considered the loss of this open space would cause undue detriment to either visual amenity of recreational amenity.

Policy CW3 of the LDP considers highway implications and replaces policy DC1 of the former UDP. In this respect the Group Manager (Highways and Transportation) has raised no objection to the development subject to conditions being attached to any consent in respect of access and parking provision.

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

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Comments from public:

- driveway and parking over sewer. Dwr Cymru/Welsh Water have confirmed and identified the existence of their apparatus within the vicinity of the application site, which includes a combined sewer. No operational development will be permitted within 3 metres of the centre line of the public sewer and this has been taken into account in the submitted site layout.
- loss of view/outlook. There is no right to a view in planning terms. The layout, scale and massing of the development, is constrained by site topography and in this respect the design which utilises the roof space ensures that the ridge height of the dwelling is reduced to protect the amenities of those properties to the west. In addition, the slab level of the proposed dwelling is set 5.2m below the slab level of those existing houses. This together with the design and siting of the proposed dwelling will not significantly harm the amenity of privacy of residents of existing dwellings as a result of overlooking. The siting of the proposed dwelling within the southern half of the site also means there is no overlooking of those existing properties at 1 - 4 Ogilvie Terrace located on the lower ground to the north east of the site. Consequently, it is considered the proposed development will not significantly harm the privacy or amenity of occupiers of neighbouring properties as a result of overlooking, and as such is acceptable in planning terms.
- irregularities in submitted plans are mentioned but there is no explanation as to what they are.
- will cause subsidence to existing houses. Any development is the responsibility of the developer who will be required to comply with Building Regulations in terms of the detail of construction.
- highway considerations. This Council's Transportation Engineering Manager has raised no objection to the development subject to the imposition of appropriate conditions as discussed above.
- a right of way on the land needs to be preserved. There is no formal right of way across the land but a claimed right of way application is being considered by the Authority. From a planning point of view there are alternatives around the site that are acceptable.
- erection of a fence has already caused problems to residents. The path through the site is not a dedicated right of way. An application has subsequently been received, under the Wildlife and Countryside Act 1981, to add the footpath to the Definitive Map and Statement. Although evidence user forms were completed a number of years ago no formal application had been submitted until recently. As a planning application has been submitted investigation into the application will be given priority. The formal complaint is being dealt with by the Council Legal Department.

Cont....

## Planning application 15/0978/FULL Continued

- prevent access for emergency vehicles. It is not explained how emergency vehicles would be prevented from attending Ogilvie Terrace. The existing adopted highway network serving Ogilvie Terrace will not be compromised by the proposed development.
- removal of a green area. The applicant has submitted an 'Open Space Assessment' as required by Policy CW7 of the LDP and has followed the criteria set out in supplementary planning guidance LDP8 - Protection of Open Space, the details of which are considered satisfactory as discussed above.
- refuse vehicle not able to collect bins. This Council's Head of Public Services has confirmed that his crews have not had any problems collecting bins at Ogilvie Terrace. The only problem has been residents parking their vehicles in a manner which could cause problems for refuse vehicles.
- not been consulted about the proposed development. The application has been advertised in the press, on site, and 29 neighbouring properties have been consulted.
- scale and design is inappropriate. The character of the surrounding area comprises a mix of two-storey, semi-detached, detached and traditional terraced properties with external materials comprising a mixture of render, stone and face brick in walls, both concrete and tile roofs and a mix of upvc and wooden windows. The site is constrained in terms of its topography and relationship with surrounding residential properties. Consequently, the design of the dwelling aims to ensure the privacy and amenity of neighbouring properties is not compromised whilst drawing on design elements in terms of fenestration and materials used in the surrounding houses.
- works have already commenced on site. The site has been secured with fencing. Translocation of reptiles to Parc Cwm Darren has been undertaken in accordance with a Reptile and Mitigation Strategy and Method Statement submitted and overseen by this Council's Ecologist.
- allegations of bribery in respect of Council Officers. Such allegations are derogatory and unfounded.

Other material considerations: None.

In conclusion it is considered the proposed development does not conflict with local plan policies or national planning guidance and as such is acceptable in planning terms.

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Planning application 15/0978/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) 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.
  
- 03) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the beneficial occupation of the development hereby approved.  
REASON: In the interests of the visual amenities of the area.
  
- 04) 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.

Cont....

Planning application 15/0978/FULL Continued

- 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) 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.
- 07) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.  
REASON: To prevent contamination of the application site in the interests of public health.
- 08) 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.
- 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....

Planning application 15/0978/FULL Continued

- 10) Ogilvie Terrace and the side lane serving the site shall be improved in accordance with submitted drawing jw694 - 105 B, and in a manner to be firstly submitted to and approved in writing with the Local Planning Authority. Those improvements shall be completed in accordance with the agreed details prior to the first occupation of the proposed dwelling.  
REASON: In the interests of highway safety.
- 11) The proposed driveway and parking area shall be completed in permanent materials as approved by the Local Planning Authority before beneficial occupation of the dwelling and shall be constructed with a maximum gradient of 1 in 8.  
REASON: In the interests of highway safety.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.  
REASON: In the interests of residential amenity.
- 14) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: jw694-101 rev K, jw694-102 rev C, jw694 - 105 rev B, (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.
- 15) Prior to construction works starting on site, any remaining vegetation and topsoil shall be removed from site and shall be undertaken under the supervision of an ecologist. Any reptiles found shall be either released to a receptor site or retained temporarily in captivity depending on the season when clearance works occurs, as advised by the applicant's ecologist.  
REASON: To ensure adequate protection to protected species.

Cont....

Planning application 15/0978/FULL Continued

- 16) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species on the new property shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.  
REASON: To provide nesting provision for birds as compensation for the loss of wildlife habitat on site.
- 17) 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 property at land at Ogilvie Terrace, Deri 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.

Advisory Note(s)

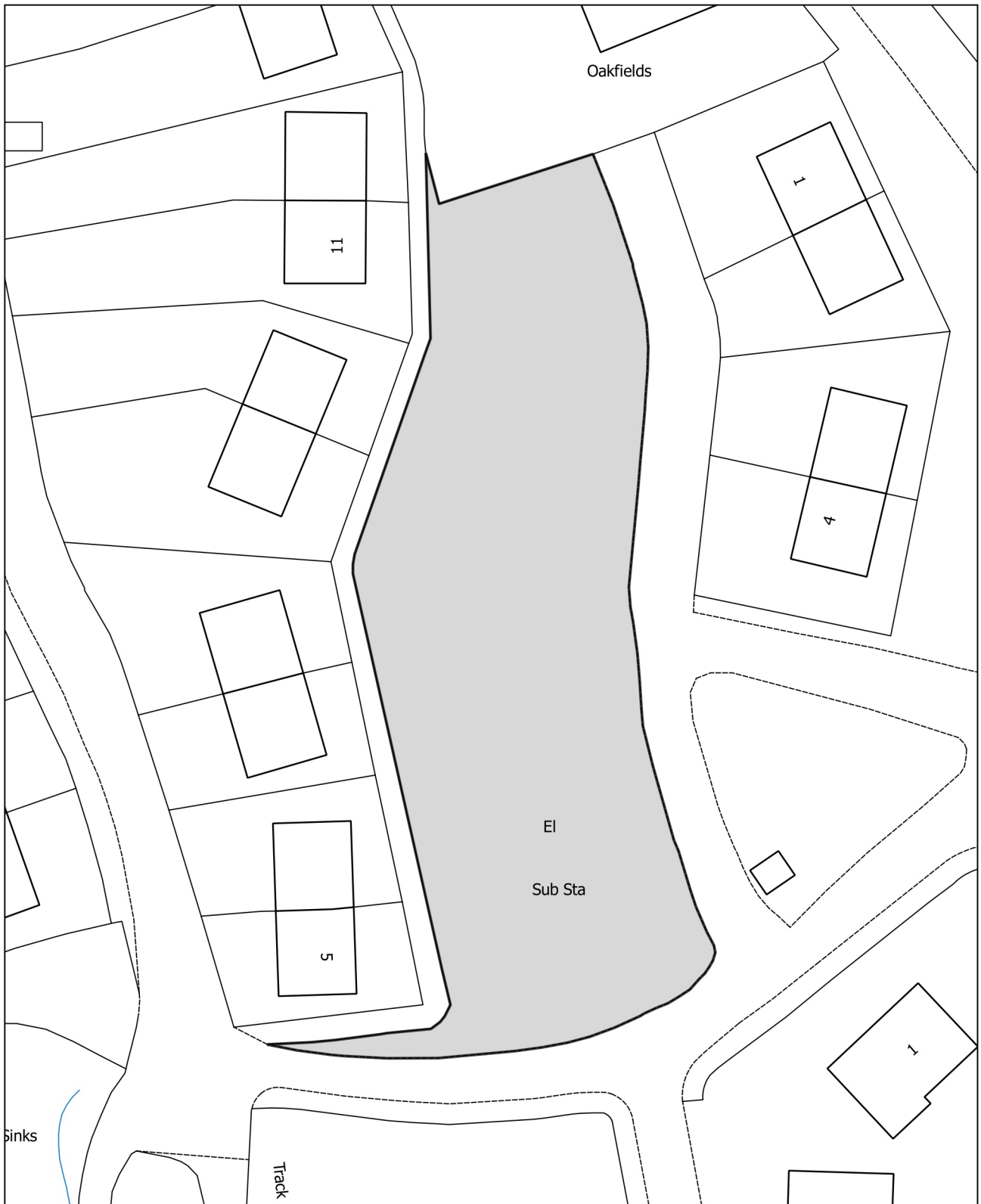
The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

The applicant is advised of the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), and the Council's Ecologist.

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## PLANNING COMMITTEE – 9TH DECEMBER 2015

**SUBJECT: SITE VISIT - CODE NO. 15/0488/RET – GELLIARGWELT UCHAF FARM, GELLIGAER ROAD, GELLIGAER.**

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

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PRESENT:

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

Councillors Mrs P. Cook, H. David, L. Gardiner, G. Hughes, J. Simmonds and Mrs J. Summers

1. Apologies for absence were received from Councillors M. Adams, J. Bevan, R.W. Gough, A.G. Higgs, K. Lloyd, Mrs E. Stenner and J. Taylor.
2. The Planning Committee deferred consideration of this application on 4th November 2015 for a site visit. Members and Officers met on site on Friday, 20th November 2015.
3. Details of the application to retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to the construction details relating to the position of the digestion tanks, digestion lagoon, surplus gas flare, silage clamp, and associated works and to the vessel composting building to an anaerobic digestion reception building and an in-vessel composting facility at Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed CF82 8FY, were noted.
4. Those present viewed the site from various vantage points, walked around the site and relevant locations and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that Gelliargwellt Uchaf Farm is a 500-head dairy farm located in countryside 1.5km north east of Nelson. As well as a working farm, the site is also the operational base of Bryn Group Ltd, which operates a sandstone quarry to the east of the farm complex, an in-vessel composting facility (IVCF), a green facility and a materials recovery facility (MRF). The IVCF is located adjacent to the farm complex and processes green waste and food waste to produce compost. The MRF is located on a hard surfaced man-made plateau to the south of the application site and processes wood, plastics, construction and demolition waste and green waste within a large new building.
6. The farm complex, IVCF and MRF occupy a hillside position and collectively form a substantial element of development in the landscape, although perimeter bunds planted with trees soften the visual impact and the screening effect will increase as the trees mature. The site is within open countryside and within a Special Landscape Area. Penallta Country Park lies to the east of the farm.

7. Members noted that the main differences between the approved and proposed schemes are that the previously approved waste reception building is omitted and the existing IVCF would be used to receive and sort both food waste and comingled green waste. The existing building would be upgraded with the addition of fast closing automatic doors and bio filters and the reduction of two of the six existing IVC clamps. In addition, the digestion tanks, which would remain the same size as previously approved, would be repositioned slightly due to geo-technical requirements and positioned two metres lower than previously approved.
8. Members raised concerns around the odour emitted from the site and sought assurance on the impact of the development on the current odour levels. Officers highlighted that the proposed development is mainly a change to the location of the approved tanks. In addition, the developer confirmed that levels of odour would be reduced, due to the separate treatment of food waste and green/comingled waste and the improvements to the reception building. Further information was sought on the change in process and it was noted that green and comingled waste would be processed for longer, thus reducing the odour.
9. Officers confirmed that following advertisement in the press, site notices posted in five locations in the local area and letters to 51 neighbouring properties, approximately 71 letters of objection had been received. Details of the objections are contained within the Officer's original report.
10. 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.
11. A copy of the report submitted to the Planning Committee on 4th November 2015 is attached. Members are now invited to determine the application.

Author: C. Evans Committee Services Officer, Ext. 4210  
Consultees: R. Amundson Principal Planner  
G. Mumford District Environmental Health Officer  
M. Godfrey Team Leader, Environmental Health

Appendices:  
Appendix 1 Report submitted to Planning Committee on 4th November 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0488/RET 11.08.2015	Bryn Power C/o Barton Willmore Mr B Stephenson Greyfriars House Greyfriars Road Cardiff CF10 3AL	Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

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

#### SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf farm is a 500 head dairy farm located in countryside 1.5km north east of Nelson and 1km south west of Gelligaer. Access is via a track leading from the B4254 Nelson to Gelligaer road. As well as the working farm, Gelliargwellt Uchaf is also the operational base of the Bryn Group Ltd, which operates a sandstone quarry to the east of the farm complex, an in vessel composting facility (IVCF), a green waste facility and a materials recovery facility / waste transfer station (MRF).

Cont....

Planning application 15/0488/RET Continued

Site description: The farm complex contains an extensive range of modern cattle barns and other buildings and storage areas, in addition to two houses, one of which is a grade II listed building. The IVCF is located adjacent to the farm complex and processes green waste and food waste to produce compost. The MRF is located on a hard surfaced man-made plateau to the south of the application site and processes wood, plastics, construction and demolition waste and green waste within a large new building.

The farm complex, IVCF and MRF occupy a hillside position and collectively form a substantial element of development in the landscape, although perimeter bunds planted with trees soften the visual impact and the screening effect will increase as the trees mature. The site is within open countryside and within a Special Landscape Area. Penallta Country Park lies to the east of the farm.

Development: The proposal relates to the retention of development in connection with an anaerobic digestion facility (ADF) comprising four digestion tanks, two smaller buffer tanks, a flare, a feeder, a silage clamp and a dry digestate building. In addition, an existing covered farm slurry lagoon would be used to store liquid digestate from the process. An existing disused lagoon has been filled in. Approximately 1.3MW electricity would be produced annually.

A similar development was approved on appeal in 2013. The main differences between the approved and proposed schemes are that the previously approved waste reception building (measuring 33.2m by 22.1m) is omitted and the existing IVCF would be used to receive and sort both food waste and comingled green waste. The existing building would be upgraded with the addition of fast closing automatic doors and biofilters and two of the six existing IVC clamps would be reduced in size by approximately half. The digestion tanks are the same size as previously approved but have been repositioned slightly within the site due to geo-technical requirements. The tanks would also be positioned two metres lower than approved previously. A new building housing a solid digestate separator and drying unit is proposed, measuring 33m by 33m by 7.5m high.

Dimensions: Site area is 5.3ha. Total floorspace is 2,105m<sup>2</sup>

Materials: IVC building is as existing, AD tanks clad in dark green plastic coated metal sheets.

Ancillary development, e.g. parking: Circulation space on hard surfaced area around tanks and buildings.

Cont....

Planning application 15/0488/RET Continued

### PLANNING HISTORY 2005 TO PRESENT

09/0968/FULL - Erect building to incorporate anaerobic digestion facility with associated engineering and landscaping works - Refused - 02.11.10.

10/0429/RET - Retain and complete earthworks - Granted - 04.11.10.

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused - 08.12.11.

13/0393/FULL - Erect nutrient storage lagoon to supply storage capacity for compliance with SSAFO Regulations - Granted - 20.02.14.

14/0422/NCC - Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until 16:00 and on Bank Holidays from 07.30 to 13.00 - Granted - 12.02.15.

15/0031/FULL - Install 250kWp roof mounted solar PV system to be sited on a total of 4 existing shed roofs - Granted - 27.05.15.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside the settlement within a special landscape area (SLA), and with coal and sandstone safeguarding areas.

Policies: SP9 Waste management, SP10 and CW4 Natural Heritage protection, CW15 locational constraints, CW19 Rural diversification, CW2 amenity and CW3 highways.

NATIONAL POLICY EU Waste Framework Directive, Towards Zero Waste (2010), Planning Policy Wales (2015), Technical Advice Note 21: Waste (2014) TAN8 Renewable Energy.

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

Cont....

Planning application 15/0488/RET Continued

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. The applicant has submitted a coal mining risk assessment and the Coal Authority has been consulted and has no objection subject to site investigations being carried out to establish the exact nature of the coal mining legacy issues.

### CONSULTATION

Gelligaer Community Council - No objection.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection on the basis that the previous conditions still apply.

Senior Engineer (Land Drainage) - Prior to the commencement of any development on site the applicant must submit to the authority and receive written approval of comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with as required by the Flood and Water Management Act 2010.

Countryside And Landscape Services - No objection to the proposal. The Landscaping Proposals shown on the "Detailed Planting Plan", Anthony Jellard Associates drawing No AJA/Revised AD/01 dated 25.06.2015, are acceptable.

Dwr Cymru/Welsh Water - No comments.

Natural Resources Wales - On the basis of the information provided the conditions on permission reference 11/0224/FULL are still valid and should remain. Advice is provided for the applicant on pollution prevention and waste management.

Merthyr Tydfil County Borough Council - No objection.

Glam/Gwent Archaeological Trust - It is unlikely that significant archaeological features will be disturbed by the proposed development. As the archaeological advisors to your council we have no objection to the application.

Blaenau Gwent County Borough Council - No objection.

Torfaen County Borough Council - No observations.

Cont....



Planning application 15/0488/RET Continued

Rights Of Way Officer - Footpaths 166 and 262 in the community of Gelligaer cross the site and must be protected at all times. Should the line of the path be affected by the development, a legal order must be sought and confirmed before any work affects the line of the path.

Public Health Wales - Based on the information within the application, they have no significant concerns regarding risk to physical health of the local population providing the applicant takes appropriate measures to control and prevent pollution in line with best practice.

The Coal Authority - The application site falls within the defined Development High Risk Area and the application is supported by a Coal Mining Risk Assessment report informed by an appropriate range of information sources. The proposed mitigation strategy recommends a site investigation programme to establish the ground conditions. It is recommended that a condition be imposed to secure site investigation works prior to the development taking place.

#### ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of a press notice, a site notice posted in five locations in the local area and letters to 51 houses near the site.

Response: Approximately 71 pro forma letters of objection have been received.

#### Summary of observations:

The grounds for objection can be summarised as follows:

- 1 Odour, including not being able to open windows throughout the summer and washing having to be re-washed;
- 2 Dust on windows and cars;
- 3 General health is worse since the plant opened;
- 4 Flies;
- 5 Any expansion of the site would have physical and mental effects on local residents;
- 6 Residents should be permitted to express their worries, concerns and personal stories of how the site has affected their lives.

#### 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 significant issues in this case.

Cont....

Planning application 15/0488/RET Continued

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

A survey was carried out and no evidence was found, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes, the new development comprises more than 100m<sup>2</sup> of floorspace but is charged at £0.

### ANALYSIS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination, the decision must be made in accordance with the plan unless there are material planning considerations that indicate otherwise. Such considerations may include current circumstances, policies in an emerging development plan and policies of the Welsh government and the UK government.

The appeal decision in 2013 established that the AD facility is acceptable in principle. The main issues in this case are the environmental and amenity impacts of the proposed revised scheme compared to the approved scheme and taking into account any new policies or guidance issued since the appeal decision.

#### Policies:

##### EU Waste Framework Directive and Towards Zero Waste

The revised Waste Framework Directive marks a shift in thinking about waste as a valued resource rather than a burden. This is supported in Wales by the overarching waste strategy document "Towards Zero Waste" which sets out a long term framework for resource efficiency and waste management. National waste policy in this document and Planning Policy Wales encourage a more sustainable approach to waste seeking to move it up through the waste hierarchy and minimising the waste sent to landfill or other forms of final disposal. The 2015 progress report states that Wales leads the UK in recycling municipal waste and is in fourth place in terms of EU member state performance.

The proposed development is consistent with EU and national policy in that it treats waste in a process that provides renewable energy as well as a liquid digestate for use on the farm unit and PAS110 accredited soil improver.

Cont....

Planning application 15/0488/RET Continued

#### Planning Policy Wales and TAN 21:Waste

TAN 21 revised in 2014 sets out the Welsh Government's land use policies in relation to waste management and provides advice on the siting and need for infrastructure. Anaerobic Digestion is the Welsh Government's preferred technology for treating food waste. The facility would treat up to 20,000 tonnes a year of food waste, 7,500 tonnes a year of farm slurry and between 2,000t/yr and 8,000t/yr of silage crops grown on the farm. The resulting digestate would be PAS 110 standard and can be considered a product rather than a waste. Therefore the development would contribute to moving waste up the waste hierarchy and to meeting targets for reduction of waste sent to landfill.

#### TAN 8: Renewable Energy

TAN 8 Renewable Energy supports the development of infrastructure, including anaerobic digestion, for renewable energy. The proposed development is consistent with this policy and would contribute towards meeting the government's targets for renewable and low carbon energy. The facility would have the capacity to generate circa 1.4megawatts of electricity each year, which would be used on site and exported to the national grid. In addition, excess heat would be used in space heating on site.

#### Local Development Plan

SP 9 Waste Management designates all allocated and protected class B2 industrial sites as potentially suitable locations for new in building waste management facilities. CW15 Locational Constraints seeks to restrict development outside settlement boundaries to certain types of development including waste development that cannot reasonably be located elsewhere. These policies were taken into account in the 2013 appeal when the inspector decided that the proposed AD facility could not reasonably be located elsewhere on industrial land.

SP10 and CW4 state that development proposals in locally designated heritage sites, including SLAs should conserve and, where appropriate, enhance the distinctive features of the SLA. No objection has been received in terms of the effect on the SLA. Furthermore, the previous scheme was allowed on appeal in the SLA and this proposal does have a more significant layout.

CW 19 supports rural diversification schemes that are of an appropriate scale and are complementary to the existing business. The proposed development does not conflict with this policy.

Cont....

Planning application 15/0488/RET Continued

Comments from Consultees: No adverse comments received.

Comments from public:

1. The anaerobic digestion process, the subject of this application, has not yet commenced although building work has commenced on the structures. The AD process takes place within sealed tanks and waste would be received and prepared within an existing building under negative pressure and with fast action automatic doors and new air filters fitted. The process is different to the In Vessel Composting that has taken place at the site to date which treats co-mingled food and green waste. It is proposed that the ADF would treat the "pure" food waste received at the site, together with farm slurry and silage crops, while the IVCF would process a reduced amount (14,000 tonnes a year) of commingled green waste.

Farm slurry would also be treated in the ADF instead of being stored in the slurry lagoon and spread on the fields and this would remove an existing source of odour. The digestate fertiliser is a better fertiliser with a lower odour signature. The digestate lagoon is covered and sealed, although the digestate does not have a significant odour after being treated in the AD process.

The process requires an environmental permit containing conditions on odour and NRW has raised no objection subject to the re-imposition of the previous conditions.

2. The AD process itself is not one that would cause dust and vehicle unloading would take place within the existing IVC building. The site area is hard surfaced. However, dust may be raised by vehicles travelling along the unsurfaced access track to the site. This can be controlled by good site management and any consent granted should include a condition requiring the implementation of the mitigation measures proposed in the applicant's dust management scheme.

3. Public Health Wales, the statutory advisor in this matter, has advised that it has no significant concerns regarding the risk to health providing the appropriate precautionary measures are taken.

4. This is a matter for the environmental permit.

5. No expansion of the site is proposed. The built development would not be significantly greater than the approved scheme. Throughput of waste would remain within the existing capacity limit.

Cont....

Planning application 15/0488/RET Continued

6. The application has been advertised widely as evidenced by the number of letters received. In addition, the liaison committee for the site meets regularly and members of the public are represented on the committee.

Other material considerations: If the proposed development is not permitted, the fall back position is that the consent granted on appeal in 2013 is still valid. However, the development that has taken place already has not been carried out in accordance with that permission and it may no longer be possible to implement the consent. However, the principle of the development was considered at the inquiry and the inspector, having considered the alternative sites assessment submitted by the applicant and the council's preference for waste management facilities to be located on B2 industrial sites, concluded that the ADF could not reasonably be located elsewhere and that the proposal was in accord with the locational requirements of LDP policy CW15.

The inspector also found that there were benefits in terms of efficiency in the operational interrelationships between the ADF, the MRF, the quarry, green composting facility, IVCF and agricultural activities at the site and that, given his conclusion with regard to sites on industrial estates, it would be inconsistent to regard the ADF as being inappropriate development in the countryside in terms of policies SP5 and CW15.

At the appeal, the council advanced the argument that the proposed development of the ADF and MRF was unacceptable because of the scale of development and its impact on the rural character of the area. However, the inspector's view was that the visual presence of the ADF could be satisfactorily mitigated by a peripheral bund and tree/hedgerow planting, which would screen the development. He concluded that there was no evidence that the distinctive or characteristic features of the SLA would be harmed and that the proposal was acceptable in the context of policies CW4 and CW19.

#### Conclusions

The AD process proposed in this application is the same as permitted previously. It involves treating organic waste in sealed tanks and is the Welsh Government's favoured waste treatment method for organic waste. The process is "tried and tested" having been used for many years to treat waste water in the UK and it has the benefit of producing a soil improver and a liquid fertiliser, which is classed as a product when it meets the appropriate protocol. Renewable energy is also generated by the process.

Cont....

## Planning application 15/0488/RET Continued

The capacity of the proposed development is no greater than the approved scheme and the scale of the built development is similar. The environmental and amenity impacts would be no greater than the approved scheme. The main potential impacts are noise from the mechanical processes involved in the reception and treatment of wastes, odour arising at the pre treatment stage and from venting of biogas from stored digestate, bioaerosols release at reception of waste, access and transport of waste. The application is accompanied by a noise assessment and an odour assessment, which have been independently assessed and found to be robust. Mechanical processes will take place within the reception building and the dedicated reception area will be maintained under negative pressure with air vented via filters. The potential for bioaerosols can be controlled by the receipt of waste within a building and the access and manoeuvring space is considered to be adequate.

Since the appeal decision TAN 21 has been revised, but the main thrust of the guidance is the same, emphasising the need to treat waste in a more sustainable manner. A best practice guidance document has also been issued. The new guidance does not affect the conclusions reached previously in respect of the principle of the development or the consideration of the potential impacts of the development.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development to which this application relates shall be begun not later than the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development hereby approved shall be carried out in accordance with the following plans: BPL-AD-RPA-2015-003 Rev A, 004 Rev A, 005 Rev A, 006 Rev A, 008, 009 Rev A, 010, 011, 012, and AJA/Revised AD/01.  
REASON: To define the extent of this consent.
- 03) The site shall be used as an anaerobic digestion facility and In Vessel composting facility and for no other purpose whatsoever.  
REASON: To adequately control the development at the site.
- 04) The sorting, screening and shredding of waste material on the site shall take place solely within the IVC/AD waste reception building.  
REASON: On the interests of the amenity of the area.

Cont....

Planning application 15/0488/RET Continued

- 05) The waste types deposited, stored and treated at the site shall be limited to wastes from agriculture, horticulture, aquaculture, forestry, hunting and fishing, food preparation and processing.  
REASON: Waste materials other than those specified raise environmental and amenity issues that would require consideration afresh.
- 06) Any material not included within the description in condition 5 above received at the site or any material otherwise unsuitable for treatment shall be stored in impervious covered containers and removed from the site within 24 hours of its receipt.  
REASON: To safeguard the amenity interests of the local area.
- 07) No waste material shall be stored outside the buildings and the tanks.  
REASON: To safeguard the amenity interests of the area.
- 08) No delivery of waste to the site and export of digestate from the site shall take place outside the hours of 07.30 to 18.00 Monday to Friday, 07.30 to 13.00 Saturday and no such deliveries or exports shall take place on Sundays, Bank Holidays or Public holidays.  
REASON: To safeguard the amenity interests of local residents.
- 09) The development shall be carried out in full accordance with the provisions contained in the JPCE dust management scheme document reference BQAD-2013-DMS.  
REASON: In the interests of safeguarding the amenity of local residents and the local area.
- 10) Between the hours of 07.00 and 19.00 the noise levels arising from the development shall not exceed 46 dB (LAeq) (1 hour) freefield at any of the noise sensitive properties identified on the plan 3781/SP1 - Noise Sensitive Properties in the Hunter Acoustics report dated 20 July 2015.  
REASON: In the interests of safeguarding residential amenity.
- 11) Between the hours of 19.00 and 07.00 the noise levels arising from the development shall not exceed 33 dB (LAeq) (1 hour) freefield at any of the noise sensitive properties identified on the plan 3781/SP1 - Noise Sensitive Properties in the Hunter Acoustics report dated 20 July 2015.  
REASON: In the interests of safeguarding residential amenity.

Cont....

Planning application 15/0488/RET Continued

- 12) Details of the location, height, design, sensors and luminance of external lighting (which shall be designed to minimise the potential nuisance of light spillage on adjoining property and highways), shall be submitted for the approval of the local planning authority within two months of the date of this permission. Once approved, the provision of external lighting at the site shall be solely in accordance with the approved details.  
REASON: In the interests of the amenity of the local area.
- 13) A scheme indicating the facilities and or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway and any remedial measures to be put in place to clear the highway of any such material shall be submitted for the approval of the local planning authority within two months of the date of this permission. Once approved, the scheme shall be implemented throughout the duration of the development.  
REASON: In the interests of highway safety and the amenity of the local area.
- 14) The AD facility hereby approved shall not be beneficially operated until a scheme for the management of surface water has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to first use of the development and the development shall thereafter be operated in accordance with the approved scheme.  
REASON: To ensure satisfactory surface water management for the development.
- 15) The ADF shall not be beneficially operated until details of the construction of the slurry pipeline have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.  
REASON: To ensure satisfactory drainage.
- 16) The AD facility shall not be beneficially operated until full details of the bunding and soft landscape works carried out and proposed at the site have been submitted to and approved by the local planning authority. Any remaining works shall be carried out as approved. Soft landscape works shall include 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 and an implementation programme.  
REASON: To safeguard amenity interests.

Cont....



Planning application 15/0488/RET Continued

- 17) Trees, shrubs and hedges planted in accordance with the approved planting scheme shall be maintained and any plants which ,within five years, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.  
REASON: In the interests of the amenity of the local area.
- 18) Prior to the commencement of development a working method statement to cover all construction works shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of timing of works, methods used for all channels and bankside works, location and storage of plant, machinery, fuels, storage, access routes, protection of areas of ecological sensitivity and importance and site supervision. The development shall be carried out in accordance with the approved scheme.  
REASON: In the interests of amenity.
- 19) Measures shall be taken in carrying out the development for the protection of trees and hedgerows from damage including measures to prevent disturbance to soil levels within the root spread of the tree or hedgerow and protective fencing around the trunk. The means of protection shall be retained until all plant, equipment and surplus materials have been removed from the site. Nothing shall be stored or placed within any area protected and ground levels shall not be altered within these areas.  
REASON: To safeguard amenity interests.
- 20) The AD facility hereby approved shall not be beneficially operated until an odour management strategy incorporating good housekeeping measures to prevent odour emissions has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include inter alia:-  
-a closed door management strategy within the waste reception building. Fast closing doors shall be installed and interlocked so that both doors cannot open at the same time;  
-the building shall be completely sealed and smoke and pressure tests shall be carried out prior to its use to ensure adequate containment;  
-the facility shall be operated in a manner that prevents the build up of debris in gullies, drainage channels and under equipment;  
-all odours generated within the building shall be captured and treated in the odour treatment system and the building shall be maintained under negative pressure to prevent the fugitive release of odours. This system shall be monitored by means of static pressure sensors;

Cont....

Planning application 15/0488/RET Continued

-the anaerobic digester plant shall incorporate a two stage chemical scrubber with secondary treatment using a covered bio-filter with a stack, - the bio-filtration system shall be maintained to ensure adequate and equal air distribution, material shall only be transferred between the anaerobic digester facility and the in vessel composting facility using enclosed containers or conveyors;

-the buildings shall have adequate arrangements to prevent birds and small mammals from entering the reception area.

Thereafter, the development shall be operated in accordance with the approved management scheme.

REASON: In the interests of residential amenity in the local area.

- 21) Prior to the first beneficial operation of the AD facility, the applicant shall submit to the Local Planning Authority, and receive written approval of, comprehensive proposals showing how surface water, foul and land drainage flows from the site will be dealt with. The approved proposals shall be carried out in full prior to the first beneficial operation of the anaerobic digester hereby approved.

REASON: To ensure satisfactory drainage.

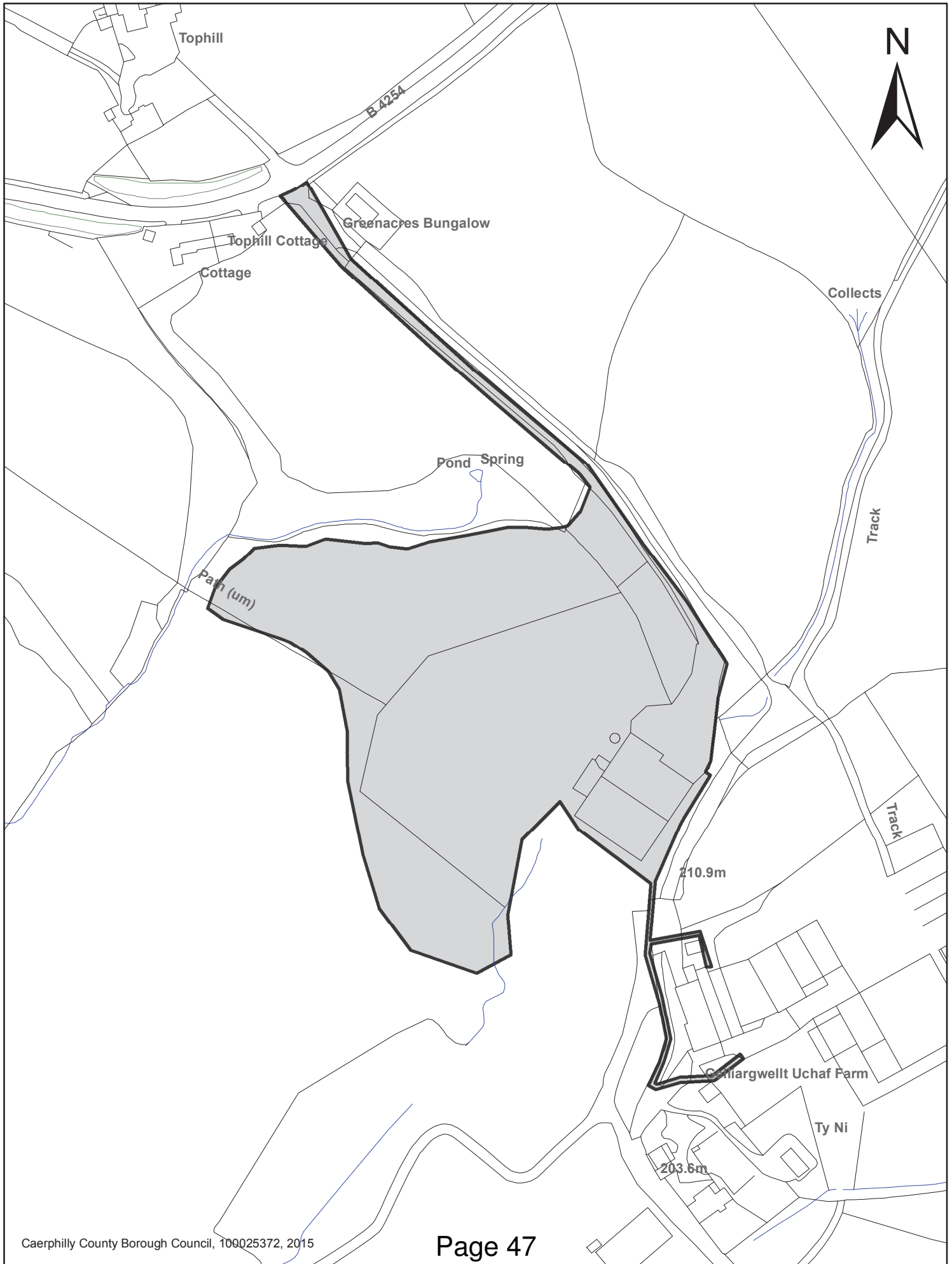
- 22) Prior to the first beneficial operation of the AD facility hereby approved the AD tanks and external pipework shall be painted dark green and the reflective external steel pipework on the In Vessel Composting building shall be painted in a colour to be first agreed in writing with the local planning authority.

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

Advisory Note(s)

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions imposed on this consent: CW2 and CW3.

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## PLANNING COMMITTEE – 9TH DECEMBER 2015

**SUBJECT: SITE VISIT - CODE NO. 15/0670/FULL – FORMER SARON CONGREGATIONAL CHURCH, PANDY ROAD, BEDWAS, CAERPHILLY**

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

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### PRESENT:

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

Councillors M. Adams, Mrs E.A. Aldworth, Ms J. Gale, L. Gardiner, D. Havard, Ms L. Jones, J. Simmonds and Mrs J. Summers

1. Following the presentation of the Case Officer's report, Councillor L. Gardiner declared an interest in that he is related to the applicant. He left the site and took no further part in the formal meeting.
2. Apologies for absence were received from Councillors J. Bevan, R.W. Gough, A.G. Higgs, K. Lloyd, Mrs E. Stenner and J. Taylor.
3. The Planning Committee deferred consideration of this application on 4th November 2015 for a site visit. Members and Officers met on site on Monday, 23rd November 2015.
4. Details of the application to demolish the former church and erect two dwellings at the site of the former Saron Congregational Church, Pandy Road, Bedwas, Caerphilly were noted.
5. Those present viewed the site and examined the plans submitted with the application to fully appreciate the proposals.
6. Members were asked to note that the application dwellings would be sufficiently far away from neighbouring dwellings as not to have an overbearing impact on or cause loss of privacy to these properties. Members were referred to the Officer's report which responded to objections in respect of parking and highway safety, and were also advised that a number of available on-street parking spaces had been observed on the surrounding highway that morning.
7. In response to queries from Members, Officers confirmed that the height of the proposed dwellings would be approximately 1m higher than that of adjacent buildings, consisting of 5 bedrooms each with 3 car spaces per dwelling. Each dwelling would have a dropped kerb to access the drive. In terms of the significance and use of the former chapel, Officers advised that CADW have been consulted on this application and have no objections to its loss, and as the chapel is not listed it has no historic importance that would justify its retention in planning terms. It was confirmed that the chapel had seen minimal use in the last year (including for the use of a local playgroup).

8. Members raised concerns regarding street parking problems in the area and queried whether 3 spaces per dwelling would be adequate. Concerns were also raised that the proposed dwelling would impact on an already busy junction adjacent to the proposed dwellings. Officers explained that the previous consent was for a single dwelling with no available off-street parking and therefore this proposal was a gain in terms of parking space.
9. Concerns were also raised as to the impact for on-street parking, should an application subsequently be made to convert the integral garages included within the proposed dwellings for other uses. Officers confirmed that in such cases the applicant would need to demonstrate alternative means of off-street parking, with the possibility of objections to the application if this could not be achieved.
10. Officers confirmed that following advertisement to neighbouring properties and a site notice being posted, at the time of preparation of the report, 13 letters of objection and a petition containing 251 signatures had been received. Details of the objections are contained within the Officer's original report.
11. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
12. A copy of the report submitted to the Planning Committee on 4th November 2015 is attached. Members are now invited to determine the application.

Author: R. Barrett Committee Services Officer, Ext. 4245  
Consultees: C. Powell Area Principal Planner  
G. Lewis Planning Team Leader  
L. Cooper Engineer (Highway Development Control)

Appendices:  
Appendix 1 Report submitted to Planning Committee on 4th November 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0670/FULL 24.08.2015	Mr K McCole 29 Brynfedw Bedwas Caerphilly CF83 8AP	Demolish former church and erect two dwellings Former Saron Congregational Church Pandy Road Bedwas Caerphilly

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application property is situated on the uncton of Pandy Road with Clos Pandy.

Site description: The application site is the site of a now vacant chapel building and associated garden area. The chapel is a single storey stone building with a tiled roof. There is a small extension to the rear of the building that is finished in profile sheeting with a profile sheeting roof. The site is within a residential area with dwellings on all sides. The site is currently accessed via a pedestrian gateway onto Pandy Road with no vehicular access to the site. The site is flat with the garden area to the side of the building having a number of mature trees and plants.

Development: The application seeks full planning consent for the demolition of the chapel and the erection of two detached dwellings. Each of the dwellings would be two storeys with accommodation in the roof comprising an integral garage, living room, kitchen/diner, w.c and utility on the ground floor, four bedrooms and a bathroom on the first floor and two bedrooms and a bathroom in the roof space. The dwellings would be accessed via new drives off Clos Pandy with parking for three vehicles being provided either in the garage or on the drive. The existing trees on the site are to be retained in what will now become the rear garden of the dwellings.

Dimensions: The application site measures 25m by 29m whilst each dwelling measures 8.5m by 10m by 8m high.

Materials: The dwellings are to be finished in face brickwork with a tiled roof.

Ancillary development, e.g. parking: None.

Cont....

Planning application 15/0670/FULL Continued

### PLANNING HISTORY 2005 TO PRESENT

13/0364/COU - Change use from church to residential dwelling - Granted 23.10.14.

### POLICY

Local Development Plan: Within settlement limits.

### Policies

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

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

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

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

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

### CONSULTATION

Bedwas, Trethomas & Machen Community Council - Raises objection to the application on highway safety grounds.

Transportation Engineering Manager - No objection subject to conditions.

Countryside And Landscape Services - No objection subject to conditions.

Cont....



Planning application 15/0670/FULL Continued

Royal Commission on Ancient and Historic Monuments in Wales - No objection subject to the imposition of a condition requiring the submission of a photographic record of the chapel.

Head Of Public Protection - No objections subject to conditions concerning dust, noise, means of demolition and the importation of materials.

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

Dwr Cymru/Welsh Water - No objections subject to conditions concerning sewerage.

### ADVERTISEMENT

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

Response: 13 letters of objection together with a petition containing 251 signatures has been received.

### Summary of observations:

1. The existing chapel should be retained for its historic value.
2. Development of the site would lead to the loss of existing on street parking spaces on Clos Pandy thereby causing parking issues elsewhere in the area.
3. The previous consent to convert the chapel into one dwelling should be implemented.
4. The large dwellings are out of keeping with the character of the area.
5. The chapel should be retained as a community resource.
6. The dwellings would have an overbearing impact on the adjacent dwellings.
7. The proposal will cause a loss of light to neighbouring properties.
8. Bats would be disturbed during the development.
9. There would be a loss of privacy to neighbouring dwellings.

### SECTION 17 CRIME AND DISORDER ACT

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

Cont....

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? An ecological survey was submitted with the application that sets out mitigation measures to deal with protected species and it is considered that this can be adequately addressed by the imposition of suitably worded conditions.

Is this development Community Infrastructure Levy liable? Yes, based on an additional floor area of 194.2 square metres at £40 per square metre a CIL amount of £7768 is payable.

### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is located within a mainly residential area where the principle of residential development is considered to be acceptable. As such the main points to consider in the determination of this application are the objections raised by local residents and each of these will be dealt with in turn below:

1. The Royal Commission on the Ancient and Historic Monuments in Wales have been consulted on this application and have commented that this is a plain and modest chapel and that there would be no objection to its loss subject to a photographic survey being taken of the building. The Chapel is also not listed and has no historic importance that would justify its retention in planning terms. In that regard it would not be reasonable to refuse the application on the basis that the chapel should be retained.
2. Whilst there are a number of parking spaces to the side of the existing building on Clos Pandy and some of these would be lost as a result of this development it would not be reasonable to refuse this application on that basis. Existing users of these parking spaces have no control over them as they form part of the adopted highway and as such there would be nothing to stop users of the chapel at present from parking in this area. Indeed, if the chapel were to be converted to a dwelling (as approved by consent 13/0364/COU) a new drive could be created in this location which would also lead to the loss of these spaces. Moreover, adequate off street parking is provided as part of the scheme and as such it would be difficult to justify refusal of this application on parking grounds.
3. Whilst residents would prefer to see the existing chapel converted into a single dwelling the Local Planning Authority has to consider the application before it on its own merits.

Cont....

Planning application 15/0670/FULL Continued

4. Given that there is a mixture of house styles and sizes in the area, including a number of detached dwellings on Clos Pandy, it is not felt that the proposed dwellings are out of keeping with the character of the area.
5. The chapel is now in private ownership and there is no prospect of it being brought back into community use. Moreover, there is no legislation or planning policy that would support such a decision and as such refusal would not be justified in that respect.
6. The application dwellings are 7.9m tall with the nearest adjacent dwelling being to the north and some 4m away. The pine end of the application property would face the pine end of the nearest dwelling and there are no habitable room windows in either elevation. In that regard it is not felt that there would be any overbearing impact on that dwelling. With regard to the dwellings on the opposite side of Closs Pandy and Pandy Road they are a minimum of 20m away from the proposed dwellings and as such there would be no overbearing impact.
7. Again, given the distances between the existing properties and the proposed dwellings it is not considered that there would be any loss of light as a result of this proposal.
8. A bat survey has been submitted with the application and it is considered that the impact on protected species can be adequately mitigated and controlled by suitably worded conditions.
9. The habitable room windows in the application properties have been sited a minimum of 21m away from the habitable room windows in the adjacent dwellings and as such it is not felt that there would be any loss of privacy as a result of this development.

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

Comments from consultees: No objections raised.

Comments from public: These are considered above.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

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

Cont....

Planning application 15/0670/FULL Continued

- 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.
- 03) 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.
- 04) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.  
REASON: In the interests of the amenity of the area.
- 05) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.  
REASON: To ensure that the demolition is carried out in an appropriate manner.
- 06) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Design and Access Statement, KM03/02 (Site Plan), KM03/03 (House Type1), KM03/03 (House Type2), KM03/03A (Block Plan), Protected Species Survey Report and Supplementary Bat Report (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.

Cont....

Planning application 15/0670/FULL Continued

- 07) 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.
- 08) 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 dwellings at former Saron Church, Bedwas, 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 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.
- 09) 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 at former Saron Church, Bedwas, 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.
- 10) 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....

Planning application 15/0670/FULL Continued

- 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) 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....

Planning application 15/0670/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.

- 13) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
  - b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity.

Cont....

Planning application 15/0670/FULL Continued

- 14) Prior to the commencement of work on site details of the replacement hedgerow, including its species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the replacement hedgerow shall be planted within 12 months of the completion of the development or its occupation, whichever is the sooner.  
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).
- 15) Prior to the commencement of work on site details of the replacement hedgerow, including its species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the replacement hedgerow shall be planted within 12 months of the completion of the development or its occupation whichever is the sooner.  
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).

Advisory Note(s)

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

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

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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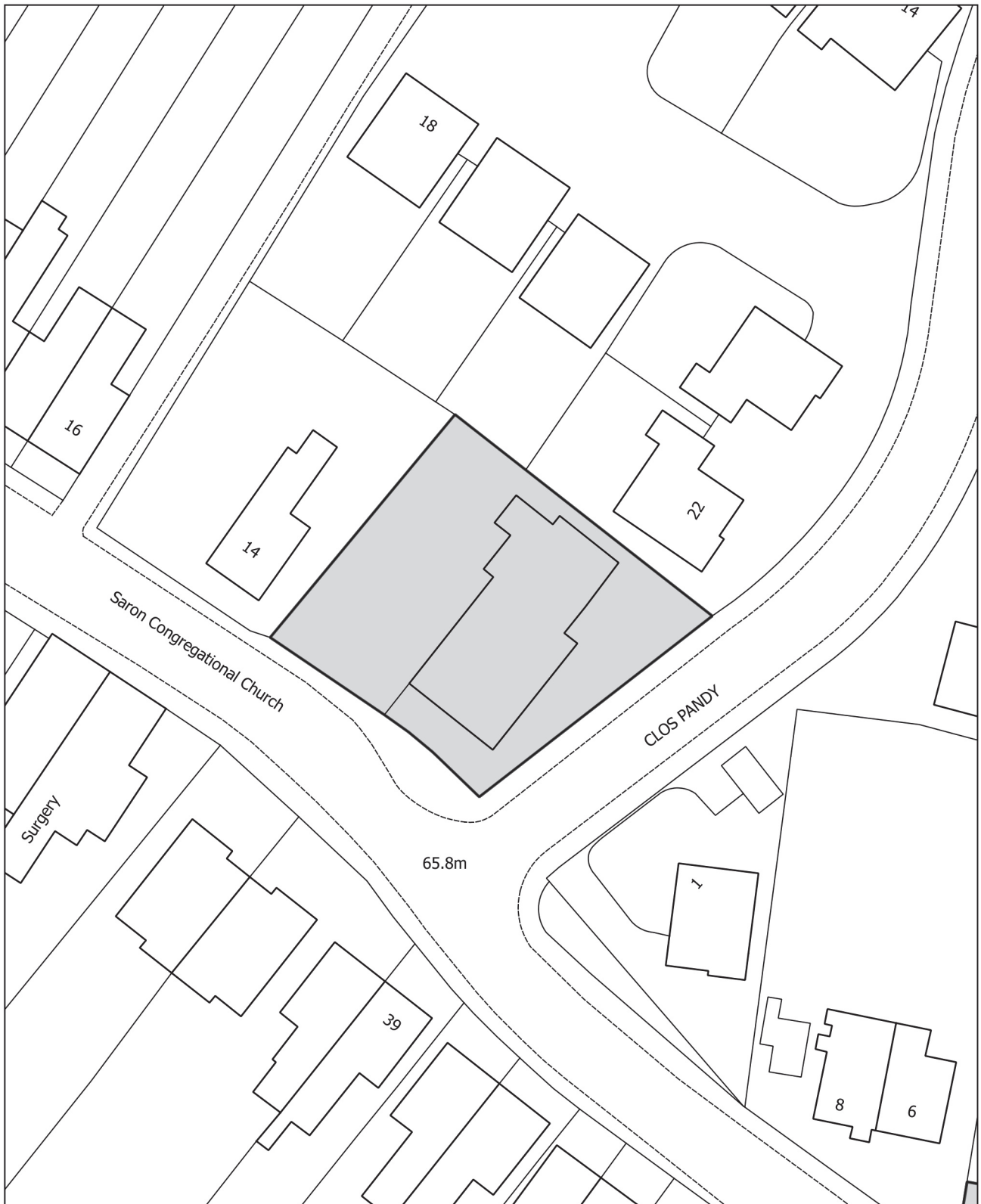


Planning application 15/0670/FULL Continued

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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## PLANNING COMMITTEE – 9TH DECEMBER 2015

**SUBJECT: SITE VISIT - CODE NO. 15/0775/COU – BANK CHAMBERS, 2 PANDY ROAD, BEDWAS, CAERPHILLY**

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

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PRESENT:

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

Councillors M. Adams, Mrs E.A. Aldworth, Ms J. Gale, L. Gardiner, D. Havard, Ms L. Jones, J. Simmonds and Mrs J. Summers

1. Apologies for absence were received from Councillors J. Bevan, R.W. Gough, A.G. Higgs, K. Lloyd, Mrs E. Stenner and J. Taylor.
2. The Planning Committee deferred consideration of this application on 4th November 2015 for a site visit. Members and Officers met on site on Monday, 23rd November 2015.
3. Details of the application to change the use of the ground floor and first floor from A2 to A3 food and drink (fish and chip shop) at the ground floor and add two C3 dwelling houses (flats) at the first floor of Bank Chambers, 2 Pandy Road, Bedwas, 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 referred to the Officer's report which, in accordance with national guidance, local plan policy and supplementary planning guidance, considered the issues of acceptable proposed use and availability of parking. The application property is situated in a mixed use area which includes a number of hot food takeaways and in that regard the proposal is acceptable in principle. Officers also advised that competition (in respect of hot food suppliers) is not a material planning consideration.
6. Members were asked to note that in terms of parking for takeaway customers, there are a number of short-term waiting zones along Church Street which would be sufficient for these users, and thus the application is acceptable in terms of highway safety. In addition, Officers had observed a number of available parking spaces in the area over the lunchtime and evening period.
7. Members raised concerns regarding street parking problems in the area and the lack of parking for new residents of the proposed dwellings. Members were reminded of the Council's adopted design guidance which advises that a comparison should be made between the existing parking requirements at the premises and that for the proposed use. In that regard the proposed conversion of the office space into flats would lead to a reduction in the number of off-street parking spaces required by the developer. Officers explained that a

new off-road parking space had been secured for residents and added that most premises within the town centre do not have allocated parking spaces. Members raised a possible issue in that the owner of the takeaway could choose to use this allocated space for his own purposes instead.

8. Concerns were expressed regarding deliveries and access for the unloading of goods to the premises and the impact of these on highway safety, especially around busy school periods. Officers confirmed that it is permissible for such vehicles to park and unload on double yellow lines as long as they are not left unattended. Members also raised concerns over a lack of regard for time limits within short-term parking bays in the town centre and the subsequent impact on parking availability, with Officers explaining that this is an enforcement matter.
9. Reference was made to a previous application for a change of use by the premises which was refused. Officers clarified that this was granted on appeal but limited to restaurant use.
10. Officers confirmed that following advertisement to neighbouring properties and a site notice being posted, 1 letter of objection had been received. Further information was contained within the Officer's report.
11. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
12. A copy of the report submitted to the Planning Committee on 4th November 2015 is attached. Members are now invited to determine the application.

Author:	R. Barrett	Committee Services Officer, Ext. 4245
Consultees:	C. Powell	Area Principal Planner
	G. Lewis	Planning Team Leader
	L. Cooper	Engineer (Highway Development Control)

Appendices:

Appendix 1 Report submitted to Planning Committee on 4th November 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0775/COU 24.09.2015	Mr F Benvenuti 102 St Cenydd Road Caerphilly CF83 2TE	Change the use of the ground floor and first floor from A2 to A3 Food and drink (fish and chip shop) at the ground floor and add two C3 Dwelling houses (flats) at the first floor Bank Chambers 2 Pandy Road Bedwas Caerphilly CF83 8EH

**APPLICATION TYPE:** Change of Use

#### SITE AND DEVELOPMENT

Location: The application property is situated on the junction of Pandy Road and Church Street.

Site description: The application property is a corner property within the main retail area of Bedwas and is a former bank/office premises on the ground floor with offices to the first floor and a flat to the second floor. The property is in a mixed use area with largely retail to the ground floor of the surrounding properties with residential above, whilst there is a Primary School on the opposite side of Church Street.

Development: The application seeks full planning consent for the change of use of the property to a mixed use of A3 hot food takeaway at ground floor with three flats above. There would be a servery area at the front of the ground floor with kitchens and food preparation areas to the rear, with one one-bedroom flat and a bedsit on the first floor, and a two-bedroom flat to the second floor. The takeaway proposes to open from 11.30 to 22.30 Monday to Saturday and not at all on Sundays.

Ancillary development, e.g. parking: None.

#### PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

Cont....

Planning application 15/0775/COU Continued

## POLICY

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), SP17 (Promoting Commercial Development), CW2 (Amenity), CW14 (Use Class Restrictions - Retail) and 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."

Paragraph 7.6.1 states that Councils should adopt a positive approach to applications for economic development. Paragraph 10.2.4 encourages a diversity of uses in village centres.

National Planning Guidance contained in Technical Advice Notes 4 - Retailing and Town Centres, 12 - Design and 23 - Economic Development.

## CONSULTATION

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

Transportation Engineering Manager - No objection subject to condition.

Head Of Public Protection - No objection subject to conditions.

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

## ADVERTISEMENT

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

Cont....



Planning application 15/0775/COU Continued

Response: At the time of writing the report no objections had been received. Any comments received prior to the matter being considered at committee will be conveyed orally to members.

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? A3 uses are frequently considered to increase anti social behaviour. However, as this property is located within a defined town centre it is not felt that this would be a significant issue in this instance.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? Yes, at a rate of £25 per square metre, but as the building has been in use for at least 6 months in the last three years it is not payable in this case.

## 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 whether the proposed uses are acceptable in this area and whether there is sufficient parking to serve the development.

With regard to the first point there are a number of issues to be considered. Firstly the application property is situated in a mixed use area that is mainly commercial in nature. Church Street is the main retail hub for the village of Bedwas and there are a number of retail properties both adjacent to the application site and further afield including a number of hot food takeaways and in that regard it is considered that the proposal is acceptable in principle. It is noted that there is a primary school directly opposite the site, but as stated above there are also a number of other hot food takeaways in the near vicinity.

The residential uses above the hot food takeaway are also considered to be in keeping with the mixed use character of the area and subject to the imposition of a noise attenuation scheme between the different levels of the building, it is not felt that the hot food takeaway use would have any detrimental impact on the amenity of the occupiers of the flats.

Cont....

## Planning application 15/0775/COU Continued

With regard to parking it should be noted that there is a one hour limited waiting time area directly to the front of the premises that provides for approximately five parking spaces. There are also similar parking zones further along Church Street and these are intended to provide short term waiting for users of the retail premises in the area. As such it is felt that the retail use is well served by existing on street parking in the area and that there would be no undue issue with regard to on-street parking as a result of this development.

With regard to the parking for the flats it is acknowledged that none is proposed as part of the development. However it should be noted that the Council's adopted design guidance advises that a comparison should be made between the existing parking requirements at the premises and that for the proposed use. In that regard members are advised that there is currently an office use in the first floor of the building with a flat to the second floor. The proposed conversion of this into three flats would actually lead to a reduction in the number of off-street parking spaces required by the development. There is also scope to provide off-street parking to the rear of the building and as such it is not felt that refusal of the application would be justified on highway safety grounds.

In conclusion it is considered that the application is acceptable in planning terms subject to the imposition of conditions regarding car parking, hours of opening, odour control and noise attenuation.

Comments from consultees: No objections raised.

Comments from public: None.

Other material considerations: The application states that the premises will be open to the public from 11.30 to 22.30 Monday to Saturday and not at all on Sundays. As the application property is situated in a mixed use area which is mainly commercial in character the Local Planning Authority would normally restrict these hours to 07.00 hours to 23.00 hours Monday to Saturday, and 07.00 hours to 22.00 hours Sunday. It is considered that this strikes a balance between protecting the amenity of neighbouring properties whilst allowing the business to operate competitively and provide a service to the public. In that regard it is considered that it would be reasonable in this instance to impose the standard opening hours condition.

Cont....

Planning application 15/0775/COU 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 use hereby permitted shall not be open to customers outside the following times:(a) 07.00 hours to 23.00 hours Monday to Saturday, and (b) 07.00 hours to 22.00 hours Sunday.  
REASON: In the interests of residential amenity.
- 03) Notwithstanding the submitted plans, no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority showing a scheme for the parking of vehicles within the curtilage of the site. Such provision shall be compelled in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.  
REASON: In the interests of highway safety
- 04) Prior to the commencement of the development hereby approved details of a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority to mitigate the impact of the noise from the proposed A3 use on the residential use of the property.  
Development shall be carried out in accordance with the approved details before first use of the premises hereby approved.  
REASON: In the interests of residential amenity.
- 05) If there is to be any external plant, details of all external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site.  
Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.  
REASON: In the interests of residential amenity.

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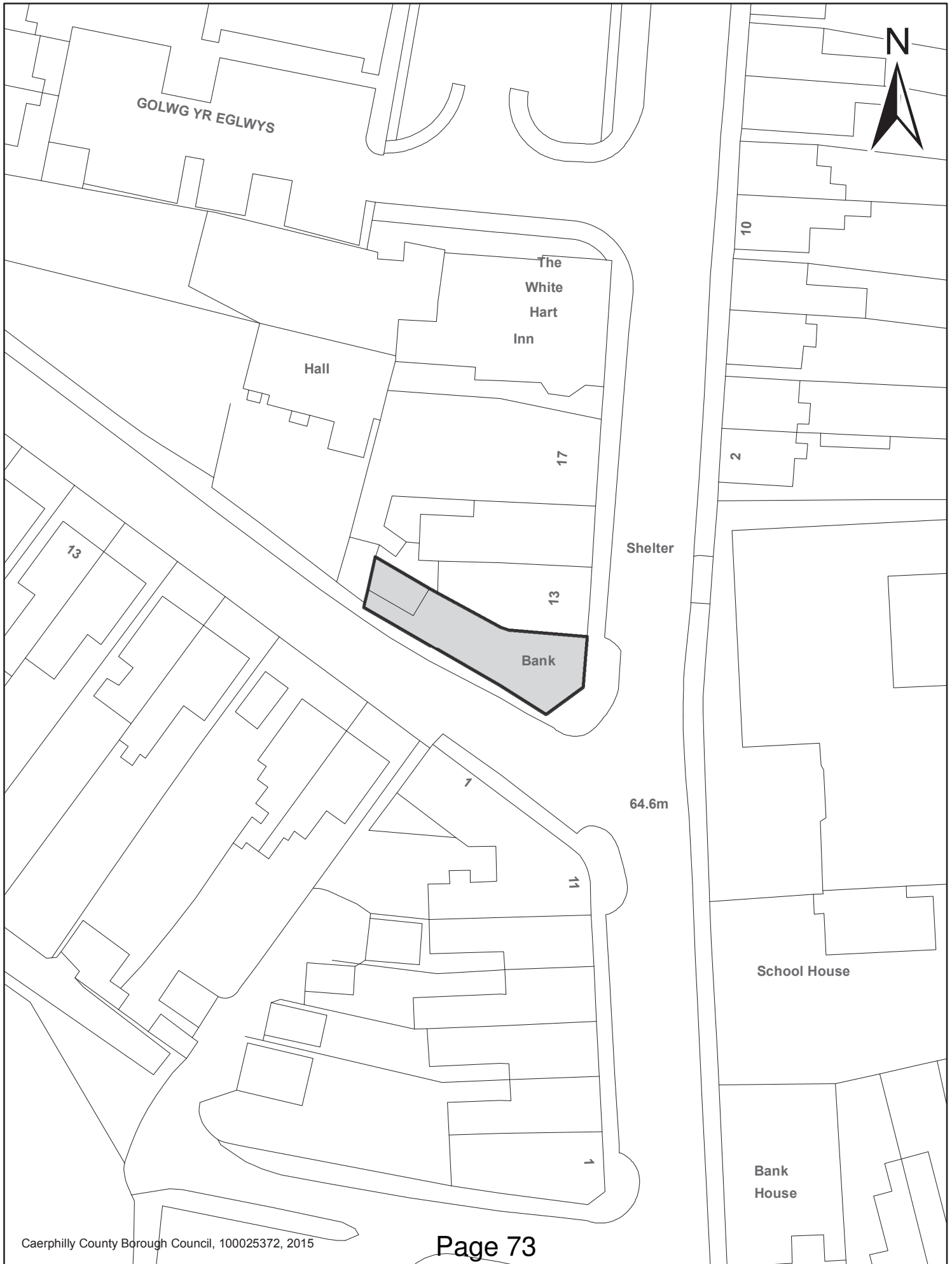
Planning application 15/0775/COU Continued

- 06) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.  
REASON: In the interests of the amenity of the area.

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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## PLANNING COMMITTEE – 9TH DECEMBER 2015

**SUBJECT: SITE VISIT - CODE NO. 15/0914/FULL – CRAIG BACH, PENRHIW LANE, MACHEN, CAERPHILLY**

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

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PRESENT:

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

Councillors M. Adams, Mrs E.A. Aldworth, Ms J. Gale, L. Gardiner, D. Havard, Ms L. Jones and J. Simmonds.

1. Apologies for absence were received from Councillors J. Bevan, R.W. Gough, A.G. Higgs, K. Lloyd, Mrs E. Stenner, J. Taylor and Mrs J. Summers.
2. The Planning Committee deferred consideration of this application on 4th November 2015 for a site visit. Members and Officers met on site on Monday, 23rd November 2015.
3. Details of the application to erect three 3-bedroom houses at Craig Bach, Penrhiw Lane, Machen, Caerphilly were noted.
4. Those present viewed the site and the proposed access entrance and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that the application is for three dwellings of a split level design with each providing 3 bedrooms. To make use of the site gradient the dwellings are three stories at the back and two at the front with the front door at ground level and incorporating a retaining wall. The dwellings would face south-eastwards towards the valley bottom. Officers explained that access to the site would be via the front garden which will be opened up as a private drive to improve visibility and access safety.
6. Members raised concerns regarding vehicle visibility when emerging from the proposed private drive into the main highway. Officers confirmed there was a condition to construct a means of access with vision splays of 2.4metres x 23 metres and that this could be achieved. Reference was made to a telegraph pole located at the entrance to the proposed drive, its impact on visibility and the feasibility of relocation. Officers explained that it would not be appropriate to impose a condition that the pole be relocated and they confirmed that visibility would still be achievable if the pole was retained.
7. In response to queries from Members, it was confirmed that there were no other houses at a similar level in the area to that of the proposed application, that the site is located on the edge of a settlement limit and that the existing houses are angled to look over the forest area rather than adjacent properties. Officers explained that the site was formerly the entrance to a mine

shaft which had been infilled, and that a Coal Mining Risk Assessment has been carried out which found the site to be acceptable in planning terms.

8. A query was raised as whether the area of land within the application is a greenfield site. It was explained that the land had been reclaimed as secondary use within the settlement limit and is not brownfield land as previously claimed.
9. Reference was made to the composition of the current front garden/drive in that it had been described as 30% laid concrete – it was confirmed that this referred to hardcore materials and Members asked for this to be taken into consideration during determination of the application.
10. Officers confirmed that following advertisement to neighbouring properties and a site notice being posted, 3 letters of objection had been received. Details of the objections are contained within the Officer's original report.
11. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
12. A copy of the report submitted to the Planning Committee on 4th November 2015 is attached. Members are now invited to determine the application.

Author:	R. Barrett	Committee Services Officer, Ext. 4245
Consultees:	C. Powell	Area Principal Planner
	G. Lewis	Planning Team Leader
	L. Cooper	Engineer (Highway Development Control)

Appendices:

Appendix 1 Report submitted to Planning Committee on 4th November 2015



Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0914/FULL 24.09.2015	Mr J Walton Craig Bach Penrhiw Lane Machen Caerphilly CF83 8PX	Erect 3 no. three bedroom houses Craig Bach Penrhiw Lane Machen Caerphilly CF83 8PX

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: This application relates to an irregularly shaped area of land located within the garden area of an existing dwelling on land off Penrhiw Lane, Machen. This site is in an area of the village, which climbs steeply from the valley floor up the mountainside to the north. As such the site has a gradient of approximately 6 metres, over its developable area.

Site description: The developable area is comprised of sloping ground, which has been used as gardens for many years. The area has become overgrown and has some evidence of rubble deposits within its boundary. The site gradient, which falls to the south-east, involves an overall drop of roughly 9 metres over a distance of approximately 54 metres.

The site is bordered to the south, north and west by existing residential properties. To the east it is bounded by established woodlands.

Development: The proposal is for three dwellings of a split level design with each providing five bedrooms. To make use of the site gradient the dwellings are two and a half storey where they face south-eastwards (i.e. towards the valley bottom). From the front elevation the dwellings have the appearance of dormer bungalows, with the dormer windows breaking through the eaves to allow development in the roof space. This space caters for three bedrooms.

The remaining floors are laid out as follows: The basement area allows for a kitchen, as well as a dining and living/garden room. The ground floor accommodates a further living room, a hallway and a study.

Cont....

Planning application 15/0914/FULL Continued

Access to the site is from the highway to the west (i.e. Penrhiw Lane). The houses will be served off an expanded private drive which currently only serves "Craig Bach" and "Crestway". This will permit five dwellings off this private access.

Dimensions: The dwellings each have a footprint of 8.1m x 8.3m approximately, giving a total of 67.2 square metres. The maximum height to the apex of the roof is 8.7m, whilst the height to the eaves measures 4m on the front elevation and 6.5m on the rear elevation.

The site area measures 0.25 hectares, of which 0.15 hectares is developable. The density of the development is approximately 10 dwellings to the acre.

Materials: The finishes illustrated on the submitted drawing shows a mixture of smooth render and facing brick. The roofs are to be covered in a slate/composite slate.

Ancillary development, e.g. parking: Each of the dwellings is provided with three car-parking spaces to serve it.

#### PLANNING HISTORY 2005 TO PRESENT

14/0387/FULL - Erect three houses - Refused 11.06.15.

#### POLICY

##### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement limit identified in the Adopted Local Development Plan. It is not however specifically committed to a particular use within that plan.

Policies: The policies of particular relevance to this application contained within the Adopted Local Development Plan are as follows;  
CW2 - Amenity, CW3 - Design Considerations: Highways, CW6 - Trees, Woodlands and Hedgerow Protection, CW11 - Affordable housing Planning Obligation and CW15 - General Locational Constraints.

NATIONAL POLICY The national policies of relevance are as follows;  
Planning Policy Wales (Ed. 7, July 2014).  
TAN 12 - Design.

Cont....

Planning application 15/0914/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. As such a Coal Mining Risk Assessment was submitted in support of the proposal.

### CONSULTATION

The Coal Authority - comment that they concur with the recommendations contained in the submitted Mining Risk Assessment and raise no objection subject to the imposition of a condition relating to the treatment of shallow mineworkings, should they be confirmed as present at the site.

Dwr Cymru/Welsh Water - make a number of comments which need to be passed to the applicant/developer by way of written advice.

Senior Engineer (Land Drainage) - raises no objection to the application but requires the imposition of a condition in respect to dealing with land drainage flows from site.

Head Of Public Protection - has no objection to the application on the basis that conditions relating to noise, dust and the importation of material are imposed on any permission granted.

Transportation Engineering Manager - confirms that no objection is now raised in the light of the recent appeal decision in the Machen area. Consequently conditions relating to vision splays and car-parking etc. are requested.

Countryside And Landscape Services - is satisfied with the level of ecological information submitted and on this basis recommends the imposition of conditions relating to hedgerow management and protection, reptile translocation, Knotweed control measures, and bat and breeding bird provision.

Cont....

## Planning application 15/0914/FULL Continued

### ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of a site notice and direct consultation with 12 neighbouring properties.

Response: At the time of writing the report 3 letters of objection had been received. Also a request for a site meeting has been submitted by a local ward member, although no specific reasons have been provided.

Summary of observations: The basis of the objections contained in this correspondence is as follows;

1. The site is not suitable for an "expansion of three cramped properties"
2. The site's location and geography make the development wholly inappropriate.
3. The proposal is out of character with the area.
4. The existing transportation system is inadequate to support this increase in demand.
5. The existing highway serving the site is via a narrow single carriageway bridge. This bridge is "twisting and is blind for most of its route" and an increase in its use is detrimental to highway safety.
6. The "scope and scale" of the proposal is unacceptable in respect to the amenity and of the area.
7. The site is not "brownfield" land as previously claimed. It is an overgrown area frequented by wildlife and one which forms a buffer between urban and rural development in the village.
8. The dwellings overlook existing properties and are over-bearing to those properties.
9. The design of the dwellings do not fit in with the current development in the area.
10. The submitted plans are confusing and inaccurate with regard to their scaling and titling.
11. The dwellings should be split level bungalows, with a single storey aspect to the north. This would protect the amenities of the existing dwellings located in that direction.
12. Information contained on the Design and Access Statement is inaccurate with regard to the site's history.
13. Waste disposal arrangements, which will need to be at the entrance to the site will already reduce visibility and manoeuvring ability at the access.

Cont....

Planning application 15/0914/FULL Continued

14. There is currently a telegraph pole which obstructs the access point.
15. If the bridge were to be damaged by construction vehicles seeking to get to the site this area of Machen would be cut off from emergency vehicles getting to the properties north of the bridge.
16. The development would affect the views of existing dwellings in the area.
17. The construction works could affect existing trees from the nearby wooded area. The applicant has already felled an oak and a silver birch tree that had grown on site.

#### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? None. The construction of three new dwellings is not considered to be a development that would adversely impact on the issues of crime and disorder in the area.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The application was accompanied by a reptile survey, which addressed the translocation issues for any slow-worms etc. which occupied the site. No additional surveys were required.

#### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The gross internal floor area measures a total of 479.25 square metres. The cost per square metre of CIL in this part of the Authority's area, is £40.00. As such the CIL contribution payable totals £19,170.

#### ANALYSIS

Policies: Policy CW2 contains four criteria, these are as follows;

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

Cont....

Planning application 15/0914/FULL Continued

- C. The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use.
- D. Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential.

With regard to the assessment of impact on adjacent properties, this revised scheme, shows a reduction of the number of bedrooms of each property from 5 to 3. This has been achieved by removing the upper storey of that earlier proposal and reducing the overall roof height by 1.5 metres.

Also the earlier layout did potentially adversely impact on the residential amenities of certain properties. Also to ensure that the new development does not adversely impact on Craig Bach the applicant proposes to "hand" Plot 1 to ensure that privacy between that plot and Craig Bach is retained. This has addressed any privacy infringement between the new and existing dwellings.

It has to be acknowledged that the site is located on land with a fall of roughly 6 metres, north to south, across its developable area. Such a gradient is not altogether a rare occurrence in valley settlements. This consequently often results in a split level solution being employed to utilise the slope rather than seek to regrade the site to provide a flat construction area. In this instance the applicant has chosen to construct a dwelling design which has a dormer bungalow appearance from the front and a two and a half storey appearance from the rear elevation.

The applicant has sought to protect amenity interests of adjoining properties by the orientation of the new buildings, the arrangement of internal rooms to preserve privacy distances, and the reduction in the height of the new buildings from the previously submitted scheme.

The dwellings are arranged so that there is a distance of 21 metres between habitable rooms of surrounding dwellings. There is an element of the overlooking of gardens, however this is not uncommon in the majority of layouts, particularly in valley settlements where gradients are a constant consideration.

Based on the above it is not considered that the proposal conflicts with criterion A.

Cont....

Planning application 15/0914/FULL Continued

With regard to the second criterion the construction of three dwellings on a developable area of over a quarter of an acre is an acceptable density. Whilst appreciating the site is steep it is considered that scheme does not represent overdevelopment and generally accords with the pattern of urban form in the surrounding area.

In respect to the compatibility of the use with its surroundings, it is evident that the area is almost homogenously residential in regard to its development type. As such the current scheme fits into this category. In view of its location in regard to the remainder of the settlement it is not considered to constrain the development of adjoining land.

The final criterion relates to the impact on the viability of existing land uses if this proposal goes ahead. In view of the residential nature of the scheme is likely impact on the viability of other dwellings is considered to be limited.

The proposal is therefore considered to accord with the requirements of policy CW2.

The second policy of relevance in the Adopted plan is CW3, which refers to the consideration of the proposal in respect to highways requirements. The first criterion of this policy states as follows;

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

The previous application (i.e 14/0387) was refused on the basis of the inadequacy of the access to the site. The Transportation Engineering Manager at that time commented that "the highway network leading to the site is substandard in terms of its width, horizontal and vertical alignments and lack of pedestrian footways. The proposed additional use of this substandard access will create hazards to the detriment of highway safety. This view is consistent with previous refusals and appeal decisions in the same vicinity as this site".

Since that time there has been an appeal decision in the Machen area, which had similarities to the current application site in respect to highways concerns. The subsequent decision from Welsh Government was that the Council's highway reasons were not considered to be sufficient to sustain a refusal of consent which would prevent the development from taking place and, as such the Planning Inspector dealing with the matter allowed the appeal.

Cont....

## Planning application 15/0914/FULL Continued

Whilst each application is considered on its merits this appeal decision is considered to be a material consideration in assessing similar proposals in the general area. Consequently when the current applicant became aware of it contact was made with the Planning Department to discuss a re-submission of this proposal.

The Transport Engineering Manager, whilst disappointed with the Inspector's decision, considered the reasoning contained in the appeal letter is applicable to the current site and concluded that a further recommendation for refusal could not be sustained.

In the circumstances the proposal is considered to comply with Policy CW3.

With regard to the remaining policies in the Local Development Plan, CW6 (trees, woodland and hedgerow protection) is one that can be dealt with by condition in respect to the hedgerows on site. Policy CW11 relates to Affordable Housing provision. As the site is for less than 5 houses, and as the gross developable area does not exceed 0.15 hectares the policy is discharged. Lastly Policy CW15 (General Locational Constraints) is complied with as the proposal will not unreasonably prejudice or constrain the surrounding land uses, nor will it be out of accord with the role and function of the surrounding settlement.

With regard to the Adopted Local Development Plan it is considered that there are no policy objections to this proposal.

The national policy considerations are, by their very nature, general in character. The TAN on Design talks of respecting site context and paying due regard to the setting of the development. It is considered that the proposal has paid regard to these requirements.

Comments from Consultees: The responses received from the standard consultees raise no objections which could sustain a refusal of permission. A number of them do however require the imposition of conditions attached to any permission granted which would control the development to an acceptable position.

Comments from public: The response to the objections raised by members of the public are as follows;

1. The developable site area of 0.15 hectares allows for a density of 10 houses to the acre/25 to the hectare. This would be considered to be a relatively low density development in general terms. In the Local Development Plan medium density is put at 35 dwellings to the hectare. Consequently it is not accepted that the dwellings would be "cramped".

Cont....



2. The location and topography of the site do not make the development inappropriate. It is evident that the site is surrounded on three sides by existing residential properties. These are not considered to be inappropriately located.
3. The character of the area is almost homogeneously residential in nature, as such a housing scheme accords with this form of built development.
- 4 and 5. The transport infrastructure in this area is well established and allows limited scope for improvement. However as discussed above recent decision of a Welsh Government Planning Inspector has convinced the Transport Engineering Manager to accept that a reason for refusal on highway safety grounds can no longer be successfully argued. No objection has therefore been raised in this regard by the Highway Division.
6. The revised application shows a reduced scheme with each of the dwellings being 3-bed as opposed to 5-bed units. This has allowed the overall roof heights of the properties to be dropped by approximately 1.5 metres each thereby reducing the overall visual impact of the proposal on their surroundings.
7. The issue of "Brownfield vs Greenfield" is not strictly relevant in this instance. The site is within the settlement boundary in the Adopted Local Development Plan, and consequently so long as there are no detailed matters precluding it the development should be approved. In this instance it is considered that no such matters are present.
8. The impact of the development on the amenity of its surroundings was considered in the assessment of policy CW2 above. It was concluded there that the scheme did not have an over-bearing impact on the properties to the south.
9. An inspection of the surrounding area will reveal an eclectic mixture of dwelling designs. There is no vernacular design which is specific to this area against which the proposal could be assessed. As such it is not accepted that a split level design on a relatively steeply sloping site is unacceptable.
10. The plans are scaled and sufficiently detailed to allow an assessment to be made of this proposal.
11. The further reduction of the scheme to split level bungalows is not an option here. The applicant is requesting that the submitted scheme is considered by Committee. There is no planning reason to request such a further reduction.
12. Whilst information contained in the Design and Access Statement is disputed by residents it is not considered that this area of dispute materially affects the consideration of this scheme.
13. With regard to bin storage arrangements it is considered that a condition could be imposed to require the submission of suitable details to address this concern.
14. The telegraph pole will be re-positioned. The movement of this type of equipment is standard in such circumstances.
15. The issue of possible damage to the bridge could not be used as a reason to refuse this development. An objection based on this premise would have no foundation in planning terms.
16. Loss of view is not a material planning consideration.

Cont....

Planning application 15/0914/FULL Continued

17. The trees referred to are off site and should not be under threat from this proposal. The hedgerows are on the boundary and will need to be protected by condition.

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 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.

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) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.

REASON: In the interests of highway safety.

Cont....

Planning application 15/0914/FULL 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 metres x 23 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) 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) Notwithstanding the submitted plans the development shall not commence, until details of permanent materials for the construction of the proposed means of access have been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be completed in accordance with the agreed details prior to occupied..  
REASON: In the interests of highway safety.
- 09) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.  
REASON: In the interests of highway safety.
- 10) 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 properties at Craig Bach, Machen 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.
- 11) No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist (including a methodology for the capture and translocation of reptiles with details of the receptor site) 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.

Cont....

Planning application 15/0914/FULL Continued

- 12) Prior to the commencement of works measures to manage the perimeter trees and hedgerows in accordance with the submitted hedgerow management strategy, shall be implemented.  
REASON: To safeguard protected species.
- 13) Prior to the commencement of works measures to protect perimeter trees , hedgerows and their roots in accordance with the submitted BS5837 "Trees in relation to design, demolition and construction - recommendations", shall be implemented.  
REASON: To safeguard the vegetation that is considered to be worthy of retention in the interests of protected species.
- 14) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed on site. The treatment of Japanese Knotweed shall be carried out in accordance with the approved details.  
REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection act 1990 and the Environmental Protection act Duty of Care regulations 1991.
- 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, Swallow and Swift) in the new properties at land adjacent to Craig Bach, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.  
REASON: To provide additional 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) Prior to the commencement of development details of an on-site bin storage area shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter these arrangements shall be completed prior to the occupation of any of the dwellings hereby approved.  
REASON: In the interest of visual amenity and highway safety.

Cont....

Planning application 15/0914/FULL Continued

- 17) 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.
- 18) Prior to the commencement of development a scheme of intrusive site investigations shall be submitted for approval in writing from the Local planning Authority. Thereafter that scheme shall be undertaken and a report of its findings shall be submitted along with a scheme for the remedial works required to be addressed which arise from the results of the intrusive site investigation. This scheme of remedial works shall again be agreed in writing with the Local Planning Authority and thereafter these remedial works shall be implemented concurrently with the development.  
REASON: To ensure that the coal mining legacy issues affecting this site are adequately dealt with in regard to the residential development hereby approved.
- 19) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the occupation of each of the dwellings hereby approved.  
REASON: In the interests of the visual amenities of the area.

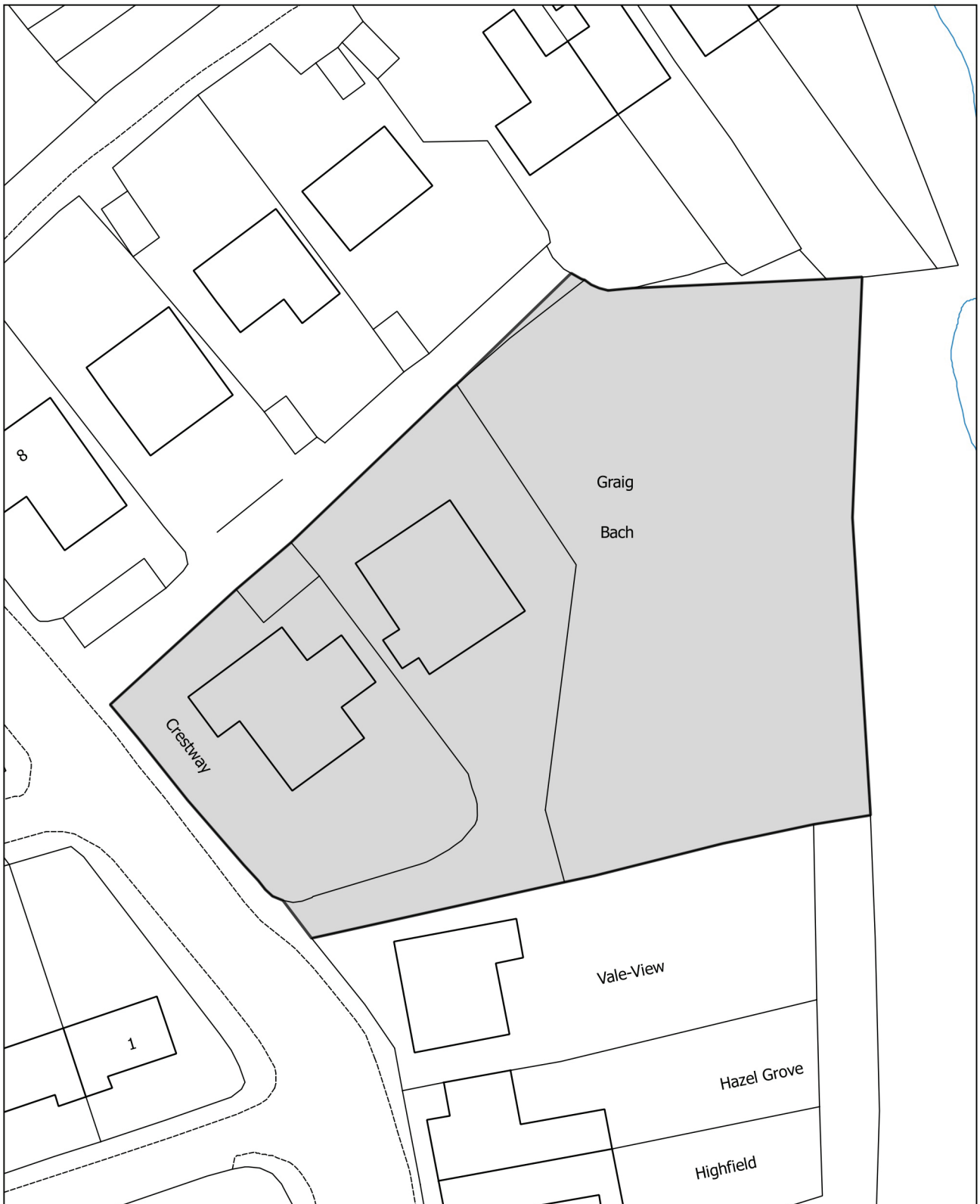
Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Transportation Engineering Manager, Council's Ecologist and The Coal Authority 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 and CW3.

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## PLANNING COMMITTEE – 9TH DECEMBER 2015

**SUBJECT: SITE VISIT - CODE NO. 15/0601/FULL – LAND AT NINE MILE POINT INDUSTRIAL ESTATE, CWMFELINFACH, NEWPORT**

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

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PRESENT:

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

Councillors M. Adams, C. Durham, J. Jones, L. Gardiner, and J. Simmonds.

1. Apologies for absence were received from Councillors J. Bevan, R.W. Gough, A.G. Higgs, K. Lloyd, Mrs E. Stenner, J. Taylor and Mrs J. Summers.
2. The Planning Committee deferred consideration of this application on 4th November 2015 for a site visit. Members and Officers met on site on Monday, 23rd November 2015.
3. Details of the application to develop an up to 100,000 tonnes per annum Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility on land at Nine Mile Point Industrial Estate, Cwmfelinfach, Newport, 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 the industrial heritage and nature of the site. Officers outlined the reasons for the planning application related to the construction of the buildings and plant. It was explained that if there were a suitable existing building on the industrial estate available to house the proposed facility, there would have been no requirement for planning permission for this facility. Officers also explained that in line with Welsh Development Agency regulations, it had been deemed that an Environmental Impact Assessment for the application was not required.
6. Members were advised that access to the site is currently via Greenmeadow Road off the B4251 New Road and has been positioned to the south of the site away from the adjacent factory entrances. Officers outlined the processes involved in the production of SRF/RDF and confirmed that Environmental Health had raised no objections to the development, subject to the conditions as outlined in the Officer's report.
7. Members expressed concerns regarding an increase in HGV and LGV vehicles arising from the proposed facility, which would travel through adjacent villages in order to access the industrial estate and the proposed facility. Officers explained that a Delivery Management Plan will be implemented that will prevent HGV arrival and departure movements to and from the site during AM and PM highway network peak periods, and will reduce the impact of the development on the operation of the local highway network. This would equate to an

additional 3.4 vehicles per hour over a 7-hour weekday period. Officers confirmed that there had been no statutory consultee objections to the development but final responses from this Council's Environmental Health Officer, Public Health Wales and Natural Resources Wales were imminent.

8. Members expressed concerns that there could be a higher number of hourly vehicles than calculated depending on a specific point in time, and also that deliveries could take place over a longer timeframe than that assumed in the Officer's report. There were particular concerns over whether the Delivery Management Plan would take into account local school opening and closing times. Concerns were reiterated over the impact of the additional HGV and LGV traffic on the villages either side of the industrial estate and the subsequent effect on local residents.
9. Concerns were also expressed in respect of the impact of the proposed facility on local air quality levels. Officers clarified that the facility would not be used for the burning of waste products, with its proposed use to be for the processing and drying out of waste materials. In response to queries from Members, Officers confirmed that they are monitoring nitrous oxide levels in the area, and that although the site is at a pinch point in respect of the Air Quality Management Area, levels are currently under the regulatory threshold.
10. Concerns were raised regarding the implications of the air quality levels exceeding a satisfactory threshold, and Members suggested that the surrounding mountains could exacerbate the retention of poor air quality levels in the area. Officers clarified details of the Odour and Air Quality Assessment submitted with the application, and Members were asked to note that the facility will require a permit before the site can become operational, which will be regulated by National Resources Wales and address issues such as emissions.
11. Officers confirmed that following advertisement to neighbouring properties, advertisement in the press and a site notice being posted, 28 objections had been received, but since the preparation of the original report this has now amounted to 51 objections, including a petition signed by 1456 people and 3 letters of support. Details of the objections are contained within the Officer's original report.
12. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
13. A copy of the report submitted to the Planning Committee on 4th November 2015 is attached. Members are now invited to determine the application.

Author:	R. Barrett	Committee Services Officer, Ext. 4245
Consultees:	M. Davies	Principal Planning Enforcement Officer
	G. Mumford	District Environmental Health Officer

Appendices:  
Appendix 1 Report submitted to Planning Committee on 4th November 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0601/FULL 18.09.2015	Hazrem Environmental Ltd Mr P Goddard Fern Close Pen-y-fan Industrial Estate Newport NP11 3EH	Develop an up to 100,000tpa Solid Recovered Fuel (SRF)/Refuse Derived Fuel (RDF) production facility Land At Nine Mile Point Industrial Estate Cwmfelinfach Newport

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: Nine Mile Point Industrial Estate, Cwmfelinfach. The site occupies 1.06 hectares of land within the Nine Mile Point Industrial Estate. The industrial estate was built in the 1970s by the Welsh Development Agency, and provides some 35 industrial units ranging in size, supporting a variety of activities including manufacturing, workshops, administration offices and distribution warehouses.

Planning approval (reference P/05/0155) in respect of industrial and distribution offices (B1, B2 and B8) on the land subject of this current application was originally approved in June 2005, in respect of the construction of eight units amounting to 3280 square metre of floor space. A subsequent planning application (reference 07/0439) seeking an increase in height and other layout and elevational modifications was approved in June 2007 allowing ten units for B1, B2 and B8 industrial uses, amounting to 3315 square metres in floor space.

Those applications were not implemented and are now expired.

Site description: The current site is undeveloped and has a number of trees and vegetation within and around it. The western edge is raised upon a bank, and the rest of the site is relatively flat with small undulations. The site is bordered by an industrial unit to the east and roads to the south and west. Across the road to the west there are a number of industrial units and an area used for car parking. To the north and south of the site - across the adjacent road - is an area of woodland. The Sirhowy River runs parallel to the southern edge of the site beyond the woodland.

The closest residential property to the proposed site is approximately 460 metres to the west in the village of Cwmfelinfach.

Cont....

Planning application 15/0601/FULL Continued

Access to the site, is currently via Greenmeadow Road off the B4251 New Road and has been positioned to the south of the site away from the adjacent factory entrances. There are no public rights of way, access routes to or across the proposed site.

Development: Full planning permission is sought in respect of an up to 100,000 tonnes per annum (tpa) Solid Recovered Fuel (SRF)/Refuse Derived Fuel(RDF) production facility.

The SRF/RDF production plant would sort, shred and dry non-hazardous commercial, industrial and household waste to produce SRF/RDF bales. The resulting bales would be wrapped and stored before being transported offsite to facilities which would utilise the product to generate energy. Waste would be delivered to the site off Greenmeadow Road, via the 'in' weighbridge and tipped into the tipping bay within the fully enclosed building. Vehicles will drive up the eastern edge of the site and over the weighbridge close to the northern exit.

All vehicles must be weighed when they enter and exit the site. Therefore the weighbridge has been positioned to allow for this and to ensure HGVs do not have to wait on the external roads. Spaces have been incorporated in to the site for HGVs to wait. A dedicated vehicle entrance/exit for staff has been provided to the south of the site to ensure staff safety.

Vehicles are required to enter the main building in order to tip waste and collect materials. However due to space constraints vehicles are not able to drive through the building. Therefore vehicles have sufficient space to manoeuvre and reverse into the building and then drive back out and around the edge. Sufficient space has been incorporated into the design to allow safe manoeuvring of 25 tonne vehicles.

The materials would pass through a series of shredders, screens, and magnets. Inert materials, recyclable plastics and metals would be extracted as appropriate leaving a mix of mainly non-recyclable paper, card, wood, textiles and plastics. For SRF output, the material would pass through a rotating drum drier to reduce the moisture content, thereby increasing the materials calorific value. There will be an option in the process to produce output material loose, however, if this is a requirement the finished product would be held within the building prior to collection. The resulting bales would be transported by fork lift trucks to the bale storage building onto roll on/roll off vehicles and bulkers to offsite facilities which would utilise the product to generate energy.

Cont....

## Planning application 15/0601/FULL Continued

The majority of the facility would be enclosed within an industrial building, and the delivery of waste would take place within the enclosed building and the recyclable skips are within the enclosed building. Roller shutter doors will be located at either end of the building. Once baled and wrapped, the bales would be stored within a covered bay within the site. A drier stack and other machinery associated with the process would be situated to the east outside of the main building.

The proposed development would include the following components situated on sealed, concrete hardstanding: -

- the main building including a tipping bay, recycling bays and the SRF/RDF line;
- external machinery;
- bale storage area;
- Admin office;
- 2 weighbridges;
- Staff/visitor parking (12 spaces including 2 disabled spaces).

SRF is a quality alternative to fossil fuel produced from waste including paper, card, wood, textiles and plastic. With a moisture content of less than 15%, SRF has a high calorific value and can be used in facilities such as cement kilns.

RDF is made of waste, which includes biodegradable material as well as plastics. It has a lower calorific value than SRF and is used in combined heat and power facilities.

The development will provide eighteen jobs. The SRF facility is proposed to operate over two 12 hour shifts, with 4 operational staff per shift. The facility will be operating 24 hours per day, 7 days per week, although direct waste deliveries to the building will be restricted to Monday to Friday - 7:30 to 18:00; Saturday - 7:30 - 13:00 and no vehicle movements on Sundays or Bank Holidays.

Import of materials would be via refuse collection vehicles (RCV with a bulk load of 10 tonnes) or bulk container transport from waste transfer stations but it is reasonable to assume that the greatest proportion of material would be delivered to the site by large bulk HGVs (with a bulk load of 25 tonnes) from a number of source locations.

Cont....

## Planning application 15/0601/FULL Continued

The export of materials from the facility is seen to consist of three components; firstly the manufactured RDF/SRF bales which largely destined for Newport Docks; secondly the recyclable material, which would be transported to the appropriate recycling plant for each type of material; and thirdly the residue, which will be sent to landfill. The average tonnage per vehicle leaving the site is 25 tonnes. Whilst the transfer of material off-site in terms of residues or RDF/SRF bales will largely be transported into shipping containers on 44 tonne (16.5m) articulated vehicles.

The Transport Statement submitted with the application provides a predicted level of traffic generated by the SRF facility taking into account operational and non-operational traffic of the facility, staff and visitor travel and construction traffic. A Delivery Management Plan will be introduced that will prevent HGV arrival and departure movements to and from the site during the AM and PM highway network peak hour periods. This will reduce the impact of the development on the operation of the local highway network. In assuming most deliveries are concentrated over a seven hour weekday period (09:00 - 16:00) and an assumption of 3 hours on a Saturday in avoiding peak hours, this would equate to 38 hour assumed non-peak hour delivery period each week. This would equate to no more than three vehicle trips per non-highway peak hour. This is seen to create only a negligible traffic impact in terms of scale and significance to Greenmeadow Road in accessing the local highway network itself.

Dimensions: The site has an area of 1.06 hectares.

The main building measures 80m (length), 45m (width) and 14m (height)

The external machinery has a footprint of approximately 65m (length) 15m (width) 15m (Height) and is situated to the west of the main building including the Drier Stack, which is 1.2m in diameter and 19m (height)

The bale storage bay is 28.5m (length) 11.4m (width) 3m (height) and is positioned to the north of the building.

The Administrative Office is 10m (length) 6m (width) 4m (height).

Materials:

Roof and building will comprise steel cladding sheets. Vehicle access doors will be galvanised roller shutters and personnel access doors and windows will be coated aluminium. However, no details of colours to be used has been provided.

The boundary fencing will be steel palisade.

Ancillary development, e.g. parking: 10 car parking spaces, 1 motorcycle space, 2 disability spaces and 8 cycle spaces.

Cont....

Planning application 15/0601/FULL Continued

### PLANNING HISTORY 2005 TO PRESENT

P/05/0155 - Create industrial, distribution and associated offices (B1, B2 and B8)  
- Granted 02.06.05.

07/0439/FULL - Erect buildings for industrial, distribution and associated offices within B1, B2 and B8 Use (generally as approved under Planning Application P/05/0155, but with increased height and other layout and elevational modifications) - Granted 21.06.07.

06/0839/FULL - Erect new storage warehouse and car parking - Finally disposed of 30.05.08.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: Policy EM2.28 protects Nine Mile Point as a Secondary employment Site.

#### Policies:

SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place Making, SP9 - Waste Management, SP10 - Conservation of Natural Heritage, SP16 - Managing Employment Growth, SP21 - Parking Standards, CW1 - Sustainable Transport, Accessibility and Social Inclusion, CW2 - amenity, CW3 - Design considerations (Highways), CW6 - Trees, woodland and hedgerow protection, CW13 - Use class: Business and industry and CW15 - General locational constraints,

#### NATIONAL POLICY

European Policy sets out requirements that member states must comply with in terms of waste management. The following Directive is relevant to the proposed application:

The Waste Framework Directive (2008/98/EC) marks a shift in how we see waste, and identifies that it should be regarded as a valuable resource rather than an unwanted burden. The Directive Places emphasis on preventing waste from arising and preparing waste for reuse. The Directive also sets out more ambitious recycling goals.

National and Regional Planning Policy.

'Towards Zero Waste' (2010) sets out Wales overarching waste strategy to achieving zero waste by 2050, and sets out a long term framework for resource efficiency and waste management. Achieving the aims of this document relies upon a suite of waste sector plans.

Cont....

Planning application 15/0601/FULL Continued

The 2007 Consultation Draft Regional Waste Plan 1st Review updates. The South East Regional Waste Plan (2004), which is intended to facilitate planning and control the development of a network of facilities to treat and dispose of waste in South East Wales. Section B of the review considers a range of technologies that would enable the region to meet or exceed legislative waste management targets, this includes RDF. Key principles include minimising the amount of waste produced; maximising the reuse of waste; and recovering energy from waste.

The 2014 Planning Policy Wales document sets out the land use planning policies of the Welsh Government. Chapter 4 focuses on Planning for sustainability, and sets out the main outcomes that the country wants to deliver. 'Climate Change Strategy for Wales' (2010) sets out the Welsh Government's strategy on tackling climate change, including achieving at least 40% reduction in all emissions in Wales by 2020 against the 1990 baseline.

Technical Advice Note 21 (Waste) (2014) provides advice on how the land use planning system should contribute towards sustainable waste management and resource efficiency, reflecting the new waste management drivers at a European Union and Wales Level. The document sets out the framework for facilitating the delivery of sustainable waste management infrastructure through the planning process; and the Industrial and Commercial Sector Plan (2013) sets out the agenda for the management of industrial and commercial waste, building upon the principles of 'Towards Zero Waste'.

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

#### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. There is a mine shaft present on site which has been completely filled in and capped. The development has been designed to ensure that there are no buildings or roads within 15 metres of the centre of the mineshaft.

Cont....



## Planning application 15/0601/FULL Continued

### CONSULTATION

Transportation Engineering Manager - Has no objection to the development subject to conditions being attached to any consent requiring 22 car parking spaces to be provided within the curtilage of the site, visibility splays, and the submission of a Delivery Management Plan which sets out the delivery strategy for the development and mitigates the impact on the highway network at peak times. He also confirms that the applicant will be required to obtain the necessary licence from the Highway Authority in order to construct the junctions onto Greenmeadow Road.

Senior Engineer (Land Drainage) - Requests a standard 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.

The Coal Authority - Concurs with the recommendations of the Geo-environmental Report (May 2015, prepared by Enzygo Ltd); that a single mine entry (shaft) poses a risk to the stability of the proposed development. Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation regarding it. The Coal Authority is therefore able to recommend that the Local Planning Authority impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development. In the event that the site investigations confirm that the mine shaft cap is within the influence zone of the proposed building, this should be conditioned to ensure that the site layout is amended to avoid it. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Minerals Officer - There is no objection on mineral safeguarding grounds. The site is within settlement boundaries and the Mineral Safeguarding Areas only apply outside settlements.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 3 neighbouring properties have been consulted.

Cont....

Planning application 15/0601/FULL Continued

Response: Twenty eight objections have been received on the following grounds:

- unacceptable increase in HGV vehicles through the villages leading to the industrial estate;
- there is a weight restriction on Islwyn Road;
- already parking congestion on Nine Mile Point Industrial Estate;
- highway danger, particularly in respect of children playing and going to school;
- damage to health and the environment;
- detrimental effect on wildlife;
- noise, smell pollution;
- unsightly appearance of such places;
- suggests the old Rowecord site in Risca as a more appropriate alternative;
- devaluation of property.

#### 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.

A Preliminary Ecological Assessment has been submitted with the application. A desk-based study identified no nationally or internationally important sites within 2km of the site. However, it did identify two Local Nature Reserves, one approximately 0.7km from the site boundary and one approximately 1.45km from the site boundary. Eleven Sites of Importance for Nature Conservation (SINCS) were found within 2km of the site boundary. Records also indicated the presence of notable amphibians, badgers, bats, reptiles and birds within 2km of the site.

The majority of the site is comprised of semi-improved neutral grassland consisting of a range of common species. However, there are patches which have a more diverse herb presence. The site also consists of mixed scattered trees, short perennial habitat, marshy grassland, tall ruderal vegetation and standing water.

Cont....

Planning application 15/0601/FULL Continued

The habitat assessment concludes that due to the nature of the proposed development and the distance between the development and significant sites, the proposed development is likely to have no significant adverse impacts on these habitats.

A number of recommendations have been made in order to ensure any potential impacts are reduce to an acceptable level, which include landscape enhancement and biodiversity enhancements.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The proposed development is a B2 General Industrial Use which is not liable for CIL.

### ANALYSIS

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

When considering the planning implications of the proposed SRF / RDF production facility the key issues are: -

- Plant/Facility Siting;
- Traffic;
- Air Emissions /Health effects;
- Dust /Odour;
- Flies, Vermin and Birds;
- Noise;
- Litter;
- Design Principles and visible intrusion;
- Drainage
- Public concern.

### PLANT / FACILITY SITING

Most waste management activities are now suitable for industrial locations, with many falling within the general industrial class, B2 in the Use Classes Order (as amended) and the move towards facilities and processes being enclosed within purpose designed buildings rather than in the open air, has accentuated this trend. It should be noted that the application site is within the protected Nine Mile Point, Secondary Employment Site, identified by Policy EM2.28 of the LDP.

Cont....

Planning application 15/0601/FULL Continued

Policy CW13 (C) of the LDP states:

“

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

- i within use classes B1(light industrial), B2 (General industrial) or B8 (Storage or Distribution);
- ii an appropriate sui generis use;
- iii to provide an ancillary facility or service to the primary employment use;
- iv an acceptable commercial service unrelated to class B uses.”

The justification in respect of the above confirms that "every industrial site that is allocated or protected for use class B2 is considered suitable, in principle, for the location of in-building waste management facilities. This commitment is also referred to in Policy SP9, and both policies fulfil the requirements of the National Waste Strategy and The Regional Waste Plan (RWP).

It is considered the proposed development of this site falls within the Use Class B2 and is therefore acceptable in principle, in planning terms. It should also be noted that planning approval has previously been granted in respect of the development of the site for B1, B2 and B8 as referred to above.

## TRAFFIC

The SRF/RDF Production facility will be served by both HGV and LGV vehicles with a potential impact on local roads and the amenity of local residents. Objections have been received in this respect. The applicant has submitted a Transport Statement, which provides a predicted level of traffic generated by the SRF facility taking into account operational and non-operational traffic of the facility, staff and visitor travel and construction traffic. A Delivery Management Plan will be introduced that will prevent HGV arrival and departure movements to and from the site during the AM and PM highway network peak hour periods. This will reduce the impact of the development on the operation of the local highway network and will be a condition of any consent.

This Council's Transportation Engineering Manager has considered the Transport Statement and has raised no objection to the development on the basis that the site is located within an allocated industrial employment site subject to conditions being attached to any consent, which require visibility splays onto Greenmeadow Road, twenty two car parking spaces within the site together with a Delivery Management Plan as referred to above.

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## AIR EMISSIONS / HEALTH EFFECTS

Objections have been raised in relation to this aspect of the development. The application has been supported by an Odour and Air Quality Assessment, which describes the potential for air quality and odour impacts associated with the operation of the proposed SRF/RDF facility. The report has been considered by this Council's Head of Public Protection. It should be noted that the SRF/RDF facility will require a Permit before the site can be operational under the provisions of Environmental Permitting (England and Wales) Regulations 2010. The regulation of the Permit will be carried out by Natural Resources Wales and will cover issues such as emissions.

## DUST / ODOUR

Because the SRF/RDF production facility is located within an enclosed building, potential odour emissions can normally be controlled through the building ventilation system. The assessment of odour contained in the Odour and Air Quality Assessment has been carried out to identify base line conditions, and consider the impact of the proposed development on the baseline conditions. The assessment concludes, in terms of odour, the overall risk of odour release from all potential sources is considered to be 'small'. Therefore providing the proposed odour abatement - including the use of negative pressure within the main building; emissions being treated by a regenerative thermal oxidiser prior to release; and the use of fast-acting roller shutter doors, is put in place, the overall source of odour potential of the facility is judged to be 'small'. Also the likely odour effects on all receptors - including residential and commercial properties is considered to be 'negligible' and overall, provided the proposed mitigation is put in place, there are no reason from an odour or air quality point of view as to why the proposed development should not go ahead. This Council's Head of Public Protection has considered the contents of the assessment and has raised no objection to the development subject to conditions being attached to any consent reinforcing the mitigation measures outlined in the report.

## FLIES, VERMIN AND BIRDS

The enclosed nature of the operations will limit the potential to attract vermin and birds. Nevertheless, it is considered appropriate to attach conditions to any consent which require the storage of non-conforming waste in suitable covered impervious containers prior to removal, with no external preparation, mixing or screening of waste operations, commercial vehicles leaving and entering the site to be either fully enclosed or provided with sheets to cover all loads, and finally a scheme of Pest Control for the premises.

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## NOISE

A Noise Assessment was carried out to establish the existing background noise levels at sensitive receptors close to the site, and consider the noise impacts of the proposed development on these receptors. The assessment identifies that during typical daytime operations of the proposed facility, the noise generated is considered to be acceptable, and rated as '...having a low impact.' During a typical overnight operational scenario, the facility would generate noise considered as having 'a low likelihood of having an adverse impact' to 'having a low impact.' Overall, the noise assessment concludes that the operations of the proposed facility, as defined within the scope of the noise report, would not be significantly detrimental to the noise climate of the area, and there are no reasons from a noise point of view as to why the proposed development should not go ahead. The Head of Public Protection concurs with the result of the Noise Assessment.

## LITTER

If good working practices are adhered to, i.e. vehicles are either enclosed or covered, and reception and processing are undertaken indoors then litter problems should not exist. Conditions may be attached to any consent in this respect.

## DESIGN PRINCIPLES AND VISUAL INTRUSION

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application to consider the likely effects of the proposed development upon landscape character and visual amenity. Overall the LVIA concludes the development will not result in any significant adverse landscape or visual effects, particularly given the industrial context of the site. The LVIA has been considered by this Council's Landscape Planner who agrees with the findings of the report and offers no objection on landscape grounds. In addition the application is supported by a Proposed Landscape Strategy, the contents of which are considered acceptable in principle. However, specific details of hard and soft landscaping may be required by attaching a condition to any consent.

In terms of design the proposed industrial design of the building reflects the context of the site as an industrial estate. The scale and form of the building is considered acceptable in planning terms. However in the absence of details being provided it is considered appropriate to attach a condition to any consent requiring details of the colours of the finishes to be used. Also, it is considered that the use of palisade fencing as the proposed boundary treatment can be improved by the use of a higher quality specification particularly given the sites location at the entrance to the estate. This may be addressed by attaching a condition to any consent.

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## DRAINAGE

There is a soakaway within the north eastern quadrant of the site. In order to allow the soakaway to remain active, buildings cannot be constructed over it. However roads can be built over it providing that a geogrid is positioned between the soakaway and the road surface. Therefore the development has been designed to ensure that there are no buildings over the soakaway. This Council's Senior Engineer (Land Drainage) has raised no objection to the development subject to a standard condition being attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with.

## PUBLIC CONCERN

Public concern founded upon valid planning reasons (known as material considerations) can be taken into account when considering a planning application. It is noted that the application was supported by a Statement of Community Involvement which confirmed that two neighbouring properties were consulted but no response received. However, in response to consultations carried out, objections to the development have been received from the public as referred to above. Most of the objections have been addressed in the analysis of the report but a summary of the concerns is provided as follows: -

- unacceptable increase in HGV vehicles through the villages leading to the industrial estate. See TRAFFIC above.
- there is a weight restriction on Islwyn Road. There is a weight restriction on Islwyn Road but it is 'except for access' which allows deliveries to the industrial estate.
- already parking congestion on Nine Mile Point Industrial Estate. The Highways Engineer has raised no objection to the development.
- highway danger, particularly in respect of children playing and going to school. The Highways Engineer has raised no objection to the development but conditions are requested which require a Delivery Management Plan as discussed under Traffic above.
- damage to health and the environment. This Council's Environmental Health Officers have raised no objection to the development subject to conditions as discussed above.
- detrimental effect on wildlife. There will be no significant detrimental impact upon wildlife.
- noise, smell pollution. This aspect of the development has been addressed above.

Cont....

Planning application 15/0601/FULL Continued

- unsightly appearance of such places. The development is in respect of an industrial use which is to be carried out within the confines of an industrial building on an existing industrial estate. The only external operation will be the storage of bales, which are wrapped prior to their removal off site.
- suggests the old Rowecord site in Risca as a more appropriate alternative. The location of the development applied for is a matter for the applicant and not the Local Planning Authority.
- devaluation of property. This is not a material consideration in terms of the assessment of the planning application.

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 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) Good housekeeping practices and a closed door management strategy shall be maintained on the SRF/RDF buildings; hereby approved at all times including fast closing access doors, which shall be interlocked to ensure two doors cannot open at once during operation, all in accordance with a scheme to be submitted and agreed with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved.  
REASON: Prevent odour/air pollution in the interests of public health.

Cont....



Planning application 15/0601/FULL Continued

- 03) There shall be no external preparation, mixing and screening of waste at the site.  
REASON: To prevent odour/air pollution in the interests of public health.
- 04) There shall be no Heavy Goods Vehicle deliveries to or from the site outside the following times: 07:30 - 18:00hrs Monday to Friday, 07:30 - 13:00hrs Saturdays; and no such deliveries on Sunday or Bank Holidays.  
REASON: To protect the local residential amenity from traffic noise.
- 05) All odours generated in the SRF/RDF building hereby approved, shall be captured and maintained under negative pressure and treated in the odour treatment system (RTO), all in accordance with a scheme to be submitted and agreed with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved. This system must be monitored to ensure the fugitive release of odours from the building is prevented.  
REASON: In the interests of public health.
- 06) Storage of non-conforming waste shall be in suitable covered impervious containers prior to removal, details of which shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved.  
REASON: To prevent odour/air pollution in the interests of public health.
- 07) Wheel cleaning of all commercial waste vehicles leaving the site hereby approved shall be carried out, details of which shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the use of the buildings and plant hereby approved.  
REASON: To prevent any contamination leaving the site in the interests of public health.
- 08) Prior to the use of the buildings and plant hereby approved commencing, a scheme for Pest Control for the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be adhered to thereafter.  
REASON: To prevent pests being attracted to the area in the interests of public health.

Cont....

Planning application 15/0601/FULL Continued

- 09) 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.
- 10) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.  
REASON: To protect public health.
- 11) Notwithstanding the submitted plans no works shall commence on site until after revised parking details have been submitted to and approved in writing by the Local Planning Authority, which indicate a minimum of 22 off- street parking spaces within the curtilage of the site. Such provision shall be laid out and constructed in accordance with the approved plan prior to beneficial occupation of the buildings hereby approved first commencing and maintained free of obstruction for the parking of motor vehicles only.  
REASON: In the interests of highway safety.
- 12) The proposed entrance and exit points onto Greenmeadow Road shall provide for visibility splays of 2.4m x 43m in both directions which shall be provided prior to the commencement of the use of the access. No obstruction or planting above 900mm shall be placed or allowed to grow in the required visibility splays.  
REASON: In the interests of highway safety.
- 13) The proposed site gates shall be located clear of the highway as indicated on the approved plan.  
REASON: In the interests of highway safety.
- 14) Prior to beneficial occupation of the buildings hereby approved first commencing a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority which sets out the delivery strategy for the development and mitigates the impact on the highway network at peak times. Deliveries to and from the site shall accord with the agreed strategy at all times.  
REASON: In the interests of highway safety.

Cont....

Planning application 15/0601/FULL Continued

- 15) 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.
- 16) 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
- 17) 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 (16), 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
- 18) Details of the colours of the external finishes of the main building, external machinery and administrative office 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 beneficial occupation.  
REASON: In the interests of visual amenity.
- 19) Notwithstanding the submitted plans, details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to beneficial occupation of the buildings hereby approved.  
REASON: In the interests of visual amenity.

Cont....

Planning application 15/0601/FULL Continued

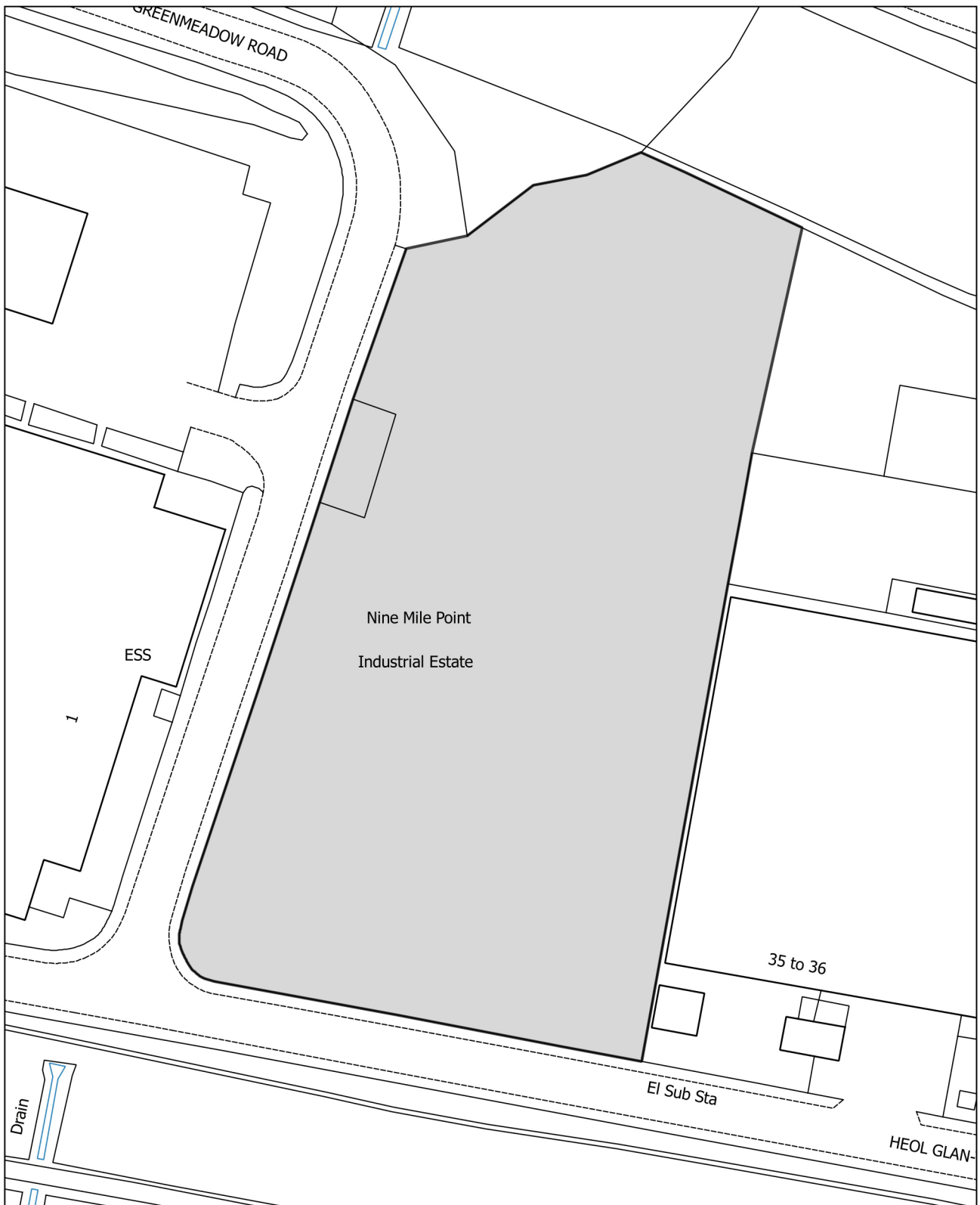
- 20) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.  
REASON: In the interests of the visual amenity of the area.
- 21) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:  
CRM.083.001.P.D.003.B, D.001, and D005.B (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

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

The applicant is advised of the comments of the Transportation Engineering Manager, Senior Engineer (Land Drainage), The Coal Authority and Wales and West Utilities

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## PREFACE ITEM

APPLICATION NO. 15/0597/FULL

APPLICANT(S) NAME: Mr R Evans

PROPOSAL: Install a single medium scale turbine measuring 50m to hub and 77.9m to blade tip with associated infrastructure and access

LOCATION: Pen-yr-heol Farm Commin Road Hollybush  
Blackwood

A copy of the planning report (attached) was considered at the Planning Committee held on the 4<sup>th</sup> November 2015, at which time Members resolved not to accept the recommendation to refuse planning permission, but that a further report should be presented for approval.

Members considered the comments in support of the application were a material consideration and outweighed the officer's reason for refusal.

If Members are minded to approve the application the following conditions are proposed:-

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

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

2. The permission hereby granted shall expire 25 years from the date when electricity is first exported from Penyrheol Farm wind turbine. 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.

3. 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 wind turbine facility, whichever is sooner, the wind turbine 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.

Cont....

4. No works shall commence on site until after a revised Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority which provides a detailed report on the proposed route to be taken to the application site. This should include the adequacy of the route and provide details of any improvements required to the highway network to allow the movement of the abnormal loads. All improvements must be implemented before the movement of any abnormal load can take place. The plan will need to indicate full consultation and approval with neighbouring Authorities which the loads pass through, consultation and approval with the Welsh Government and South Wales Police Liaison Transport Officer who co-ordinates the safe passage of the vehicles and consultation and approval with the Highways Agency. The development shall be carried out in accordance with the agreed Traffic Management Plan.

REASON: In the interest of highway safety.

5. Prior to the transportation of any AIL turbine components; a highway condition survey along Cwm Road to the application shall be carried out and agreed in writing with the Local Planning Authority, which includes a scheme and timetable for the repair of any damage caused by abnormal loads associated with this development. The development shall thereafter be carried out in accordance with those agreed details.

REASON: In the interest of highway safety.

6. Before the transportation of AIL components commence to site the hauler's indemnity insurance must be inspected by the Highway Authority and written approval granted from the Authority's Chief Legal Officer.

REASON: In the interest of highway safety.

7. The level of noise from the wind turbine (hereby approved) measured at the location(s) stipulated shall not exceed the noise levels up to the relevant wind speeds at 10m height as stipulated within Tables 1 and 2 attached to this consent.

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

8. During the course of the investigation, should the wind turbine or turbines be identified as operating above the parameters specified in Condition 1 (above), the wind turbines will be modified, limited or shut down as required to ensure compliance with this condition. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified.

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

Cont....



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

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

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

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

11. Deliveries and construction works associated with the wind turbine hereby approve shall not take place outside the hours of 08.00 and 18.00 Mondays to Fridays, 09.00 and 16.00 Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of residential amenity.

12. Unless otherwise agreed in writing with the Local Planning Authority, prior to the commissioning of the wind turbine hereby approved it shall have been fitted with a control system that automatically shuts down the turbines during times should shadow flicker occur, in accordance with a scheme of control that shall have been agreed in writing with the Local Planning Authority.

REASON: To control flicker in the interests of the amenity of nearby flicker-sensitive properties.

Cont....

Application No. 15/0597/FULL Continued

13. Prior to the commencement of the development; hereby approved a scheme for the control of dust arising from construction of the development; shall be submitted to and agreed in writing with the local planning authority. Thereafter the agreed scheme shall be implemented at all times to control dust at the site.

REASON: In the interest of residential amenity.

14. Prior to the commencement of works on site, details of the position and footprint of the works associated with the access route on Mynydd Bewellte Common together with a working methodology to minimise disturbance of acid grassland and heath habitat, shall be submitted for the agreement of the Local Planning Authority. The agreed measures shall be carried out in accordance with the agreed details.

REASON: To minimise impact on protected habitats and species.

15. 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.

16. Site vegetation clearance associated with the development on Mynydd Bedwellte Common 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 (as amended) and the Countryside and Rights of Way Act 2000.

17. Prior to the commencement of operation of the turbine, details of a monitoring programme for breeding ground nesting birds shall be submitted for approval of the Local Planning Authority together with any necessary mitigation measures. The approved programme and agreed mitigation measures shall be strictly complied with.

REASON: To minimise impact on protected birds.

18. 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.

Cont....

Application No. 15/0597/FULL Continued

RECOMMENDATION: That planning permission is refused in accordance with the recommendation in the attached report, but if Members are minded to grant permission, that consent be granted subject to the conditions set out in the report above.

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## APPENDIX

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0597/FULL 13.08.2015	Mr R Evans Pen-yr-heol Farm Commin Road Hollybush Blackwood	Install a single medium scale turbine measuring 50m to hub and 77.9m to blade tip with associated infrastructure and access Pen-yr-heol Farm Commin Road Hollybush Blackwood

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: Penyrheol Farm is at an elevation of approximately 410-430m above sea level, and approximately 700m to the east of Phillipstown.

Site description: The proposed site for the turbine is in a field parcel on agricultural land on the eastern slopes of the Rhymney Valley. The area is characterised by scattered farmsteads, occasional tree clusters and other vertical structures, which include wind turbine developments, with the nearest being to the south at Gelliwen Farm and to the east at Penrhiwgwaith. A further approval has been granted for a wind turbine to the north at Bedwlyn Farm.

Development: Full planning permission is sought in respect of the installation of a single, medium scale turbine measuring 50m to hub and 77.9m to blade tip. The associated infrastructure will comprise of a small transformer hut measuring 2m x 3m. Consent is sought for a period of 25 years from the first generation of electricity on site, after which time the turbine will be removed and the site restored to its natural state.

The proposal will generate in excess of 2.518 MWh per annum based upon a wind speed of 8.4 meters per second and make a contribution to both national and local renewable generation targets equating to enough power to supply 629 residential properties.

The grid connection from the turbine to the existing electricity lines will be via underground and will not impact or change any of the grazing rights currently enjoyed by the community on common land. The development will be accessed through an existing entrance and reinforce an old track which is already in place.

Cont....

Planning application 15/0597/FULL Continued

The application has been supported by a Design and Access Statement, a Planning Statement, a Noise Impact Assessment, a Landscape and Visual Impact Assessment, a Preliminary Ecological Appraisal, a Bat and Bird Survey Report, a Cultural Heritage Impact Assessment, an Abnormal Indivisible Load Route Study, A Shadow Flicker Assessment.

Pre-application consultation with the local community has been undertaken by the applicant, including New Tredegar Community Council, Phillipstown Residents Association, Councillor Mrs Eluned Stenner and MP Gerald Jones. The proposed turbine model has a rated output of 500kW, the expected lifespan is 20 years and in this respect Vox energy - the operators have offered to pledge £50,000 to a local charitable cause as part of the community benefit fund.

Dimensions:

A single three-bladed wind turbine with a 50m hub, 54m blade diameter and blade tip height of 77.9m. The total site area amounts to 0.36 hectares, the vast majority of which will be reinstated after construction leaving the turbine and sub-station. The operational turbine will occupy an area of 5m x 3.6m with an adjacent transformer hut unit approximately 2.5m x 4.94m x 3.4m.

Materials: The turbine will be an off-white to grey colour to blend in with the sky.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: No land use allocation - open countryside, but a Site of Importance for Nature Conservation (NH3.13) lies to the east of the site.

Policies:

Strategic Policies

Policies SP1 - Development Strategy- Development in the Heads of the Valleys Regeneration Area, SP5 - Settlement Boundaries, SP8 - Minerals Safeguarding, SP10 - Conservation and Natural Heritage.

Cont....

Planning application 15/0597/FULL Continued

Countywide Policies

CW4 - Natural Heritage Protection, CW3 -Design Considerations - Highways,  
CW4 - Natural Heritage Protection, CW15 - General locational constraints, CW  
19 - Locational constraints - rural Development and Diversification, CW22 -  
Locational Constraints - Minerals, of the LDP.

NATIONAL POLICY

National planning guidance contained in Technical Advice Note 8: Planning for  
Renewable energy, July 2005 together with Planning Policy Wales 7th Edition  
July 2014.

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

Transportation Engineering Manager - Has no objection to the development  
subject to conditions being attached to any consent requiring a revised Traffic  
Management Plan to be submitted which provides a detailed report on the  
proposed route to be taken to the application site, a highway condition survey  
along Cwm Road, which includes a scheme and timetable for the repair of any  
damage caused by abnormal roads associated with the development. In addition  
a condition is requested requiring confirmation of the hauler's indemnity  
insurance. The applicant is advised that he will be required to fund and  
implement a suitable Temporary Traffic Regulation Order to allow the movement  
of the abnormal loads and prevent car parking at key locations along the route.

Head Of Public Protection - Have no objection to the development subject to  
conditions being attached to any consent to protect noise sensitive receptors as  
well as a conditions to protect the amenity during construction.

Countryside And Landscape Services - Landscape planner objects to the  
development on the grounds of cumulative impact.

Cont....

Planning application 15/0597/FULL Continued

This Council's Arboriculturalist has confirmed that the impact upon the trees in the vicinity of this proposed development is negligible to almost non-existent and therefore has no arboricultural objections to the development.

This Council's Ecologist has no objection to the development subject to the imposition of appropriate conditions, as discussed in the report.

Minerals Officer - The application site is within the sandstone safeguarding area, where development should be restricted to avoid sterilisation of the resource. However, the 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.

National Air Traffic Services - Have no objections to the development based upon the information provided. They provide advice to be conveyed to the developer.

Glam/Gwent Archaeological Trust - Have no objection to the positive determination of the application. They provide advice to be conveyed to the developer in the event any buried archaeological resource is discovered.

Joint Radio Company Limited - In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

Blaenau Gwent County Borough Council - Whilst no objections are raised to the proposal the applicant has not considered the impact on receptor properties in Blaenau Gwent. This is not unreasonable given the separation distances involved and the fact that there are sensitive receptors within the Caerphilly area which are closer to the proposed development. However, to ensure there are no adverse impacts on receptors in Blaenau Gwent they suggest conditions are attached to any consent to mitigate any potential impacts arising from shadow flicker and noise nuisance. They have included a letter from Tredegar Town Council who comments that the turbine will have a major visual impact on the naturally beautiful drive through the Sirhowy Valley towards Tredegar. They also consider that Tredegar Town Council should benefit from any community benefit fund associated with the development.

Cont....



Planning application 15/0597/FULL Continued

### ADVERTISEMENT

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

#### Response:

A petition in support of the application signed by 162 people. A letter of support from the landowner and one from the local ward member.

Summary of observations: The installation of the wind turbine will reduce the farm's carbon footprint and will provide a sustainable source of renewable energy to benefit the farm and benefit the wider community by exporting any surplus to the National Grid. The UK has signed up to challenging EU Renewable Energy and Carbon Emission Targets and it is imperative that support is given to local projects in securing a sustainable electricity supply for future generations.

The landowner confirms that he and his family are currently living in a caravan and their electricity supply is via a generator, which is not capable of powering many household appliances, which means they have to rely on family members' houses for basic facilities. The farm is 3rd generation in respect of sheep and beef farming but the farming activity has suffered financially in recent years. The turbine will dramatically improve their personal circumstances and the farming business, enabling them to build a house, have an electricity supply and the income will also mean that the farming business can withstand fluctuations in prices and vulnerabilities within the farming industry. The local ward member supports the landowner and also draws attention to the fact that the turbine also comes with a community benefit fund that will also benefit the local community.

### 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 applicant has undertaken a preliminary ecological appraisal, which has identified that the wind turbine would be located on an area of improved grassland of low nature conservation value. The access track however lies within Cwm Syfiog Woodland Site of Importance for Nature Conservation which includes acid grassland and heath and extensive upland semi-natural habitat of Mynydd Bedwellte Common.

Cont....

## Planning application 15/0597/FULL Continued

The proposal will require the widening of an existing track that runs from the improved grassland to the common road, and will result a small loss of acid grassland and heath habitat on either side of the existing track. The loss of this grassland is not considered to be significant, but remaining habitat on the common should be protected from damage from activities associated with the construction process, which may be conditioned.

The site was also assessed for its impact on protected species. The access track where it crosses the common was considered to be suitable for reptiles together with a dry stone wall in the adjacent field where the access track meets the common. A reptile mitigation strategy will be required to minimise impact of the proposal on reptiles will be required prior to the commencement works on site.

The applicant has also submitted a separate bat and bird survey report.

The bat survey confirmed that trees on the perimeter of the site were unlikely to support bats. Bat activity surveys also found that activity was largely confined to the lower parts of the field where there were trees along the boundary, and little activity on the higher parts of the field. The proposal is therefore unlikely to affect bats, and the three European tests are not required to be applied to this application.

With regards to birds, vantage point surveys identified 15 species that flew across the upper half of the turbine field at rotor height. Of these 5 were considered to be sensitive to wind turbines due to collision risk. Four pairs of lapwings were found to be breeding on Mynydd Bedwellte Common, about 150m from the proposed turbine site. One pair of curlew also were probably nesting on the common, and curlew flew across the turbine site. The applicant's ecologist considered the risk of collision to be low, due to the relatively small number of birds flew across the turbine field. However in view of the relatively high number of breeding lapwing in the vicinity of the turbines and their rarity in the South Wales Valleys, a monitoring programme should be undertaken in the first 12 months of the operation of the turbine during the breeding bird season to confirm that birds are not affected by the turbine.

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.

Cont....

Planning application 15/0597/FULL Continued

This application is for a renewable energy development; the applicant states that the scheme will provide benefits, through the provision of renewable energy. The Welsh Government in its guidance is committed to delivering sustainable development in Wales, this includes the sustainable use of resources (Para 4.1.5) and ensuring Wales uses only its fair share of the Earth's resources. PPW recognises that an adequate and efficient supply of infrastructure, including electricity is crucial for the "economic, social and environmental sustainability of Wales." Wind turbines contribute to this agenda, as such the sustainability aspect of the proposal accords with PPW. The proposal also assists the Welsh Government's renewable energy target, which is currently 7TWh by 2020, including 800MW from on shore wind sources. Similarly Technical Advice Note 8 Planning for Renewable Energy (TAN 8) recognises that in order to try and meet the renewable targets set by the Welsh Government "on-shore wind power offers the greatest potential for an increase in the generation of electricity from renewable energy in the short to long term" (Para 2.2).

The landowner has put forward his case that the development of the wind turbine will generate income to help him build a new farmhouse for his family and improve the farm holding economically.

It is now reasonably well established that the planning system does not protect purely private interests, unless there is a planning purpose or other special consideration involved. PPW 3.1.7 should be referred to, when considering private interests and states:

"3.1.7 The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. The Courts have ruled that the individual interest is an aspect of the public interest, and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties. However, such consideration should be based on general principles, reflecting the wider public interest (for example a standard of 'good neighbourliness'), rather than the concerns of the individual."

Members are advised specifically that they should consider economic advantages of the proposal outside the context of the individual applicant and the purported personal benefits of the proposal. It is suggested that consideration should focus within the context of farm diversification. Research of planning decisions has shown that farm diversification is a reasonable consideration when considering wind turbine development has been supported by the Planning Inspectorate in determining planning appeals for a single turbine. However, the aspiration of the landowner to build a new farmhouse would require the submission of a separate planning application and would be subject to local plan policy and national planning guidance in respect of the same.

Cont....

Planning application 15/0597/FULL Continued

## LANDSCAPE AND VISUAL IMPACTS ASSESSMENT

In this respect this Council's Landscape Planner has considered the Landscape and Visual Impact Assessment (LVIA) prepared by Amalgam Landscape Limited (July 2015) submitted with the application and whether or not the proposed development would have a significant detrimental effect in terms of cumulative visual impact and also in terms of impact upon landscape character.

A study area within 8km of the site was used to assess the impact of the turbine. The maps indicate that the proposed turbine may be visible from the upper valley sides and valley tops over most of the 8km study area and from large parts of the settlements of Bargoed, Aberbargoed, Markham, Gelligaer, Blackwood, Oakdale to the south of the application site. The LVIA calculates that the proposed turbine may be visible to hub height over 29% of the study area and to blade tip over 36% of the study area. Zone of Theoretical View (ZTV) maps have been used to aid the selection of photo-viewpoints, which informs the assessment of potential visual effects and to refine the LANDMAP analysis of the potential effects upon landscape character. The significance of "effect" of the proposed turbine upon Landscape Character and Visual receptors has been assessed with all possible mitigation measures in place.

In 2013 Gillespies LLP were commissioned by Caerphilly County Borough Council and the other Heads of the Valleys Authorities to produce a "Landscape Sensitivity and Capacity Study" in relation to potential Smaller Scale Wind Turbine Development within the Heads of the Valleys Area, which includes the northern half of the county borough. Following consultation this study was finalised and published in April 2015.

The study places the site of the proposed turbine in Landscape character Unit 16 (Rhymney Valley from Rhymney to Bargoed). This large landscape character unit is assessed as having 'medium' sensitivity to wind turbines of between 50-80m in height to blade tip. The study notes that the valley landscape is varied with a densely settled valley floor and large numbers of sensitive visual receptors within the unit. The study notes that the Rhymney Valley Ridgeway Walk has views down into and across the valley. The study also provides some guidance on the siting of individual turbines within this landscape unit, much of which has been followed by this application.

The LVIA has assessed the proposed turbine as having at worst, a 'moderate adverse' effect upon Landscape Character and designated landscapes. The assessment for the majority of the study area is considered acceptable, but there is potential for the significance of effect to increase to 'major-moderate adverse' in respects of some parts of the Gelligaer Common Cultural aspect area and that part of the Mynydd Bedwellte Visual and Sensory aspect area in close proximity to the application site.

Cont....

## Planning application 15/0597/FULL Continued

The LVIA assessed that the significance of effect of the proposed turbine upon visual receptors within approximately 1000m of the site, including residents of Phillipstown as 'major-moderate adverse' whilst for all other visual receptors the significance of effect would be no greater than 'moderate adverse' and this Council's Landscape Planner agrees with this assessment.

It is agreed that cumulatively the proposed turbine will be often be viewed as part of a small cluster of turbines. This is particularly true in respect of local views and the potential effect upon local Landscape Character. The LVIA has not assessed the 'significance of effect' of the development in relation to cumulative impact. The LVIA recognises that the introduction of the proposed turbine will increase the perception of wind energy on the adjacent landscape character areas, but asserts that the landscape has the capacity to absorb the proposed turbine in combination with other operational, consented and in planning turbines without creating a wind farm landscape.

In relation to the potential cumulative effects upon visual receptors the LVIA considers that the proposed turbine will add to the perception of wind turbines but will not create views dominated by wind turbines or create a 'wind farm' dominated journey. However, this Council's Landscape Planner considers the concentration of wind energy developments within the core of the study area already exerts a significant effect upon the Landscape Character of this area which would be added to if this application is approved and considers the cumulative effect of this proposal upon residents of Philipstown, and recreational users of the upland areas within the core of the study area are significant.

It is considered the core of the study area has already reached its capacity to absorb wind energy development and that contrary to the objective of TAN 8 a 'Wind Farm Landscape' as opposed to 'a Landscape with occasional wind turbine developments', already exists. Whilst this application if approved would not extend the boundaries of area already influenced by wind energy development, it would infill an area of open space, adding to and expanding an existing cluster of turbines, thereby strengthening the cumulative impact of wind energy developments on this landscape. It is therefore concluded the application should be considered for refusal on grounds of cumulative impact.

## NOISE IMPACTS

As part of the submission with this application a noise assessment was provided in accordance with ETSU-R97 for the Assessment and Rating of Wind Turbine Noise (a document produced on behalf of the former Department of Trade and Industry). The information submitted has been assessed in accordance with the above guidance and having regard for local noise conditions and accepted noise levels set out within the guidance.

Cont....

## Planning application 15/0597/FULL Continued

This submission has been assessed by the Council's Head of Public Protection and it is considered that the predicted noise levels from the proposed turbine are within accepted levels. Whilst there are many variables that can affect turbine noise it is considered that the submission was carried out in accordance with the relevant guidance and as such its findings are a relevant material planning consideration. Conditions would also be attached to any consent granted controlling the levels of noise that can be produced by the turbine and requiring it to be modified, limited or shut down in order to comply with the guidance.

With respect to noise from construction and decommissioning activities it is considered that given the small scale of the project and short period of construction and decommissioning activities (estimated to be 3 months), noisy activities are unlikely for prolonged periods. The adoption of standard construction working practices and hours of working would ensure that these temporary phases would not give rise to adverse disturbance.

## HIGHWAYS/TRANSPORTATION IMPACTS

An Abnormal Indivisible Load Route Study has been submitted with the application and the Transportation Engineering Manager has assessed this. The study identifies the delivery route for the turbine and carries out a swept path analysis of any turns which have the potential to disrupt the public highway. It has been established by Vox Energy that the existing access to the field which is proposed to house the turbine is sufficiently wide enough to accommodate the vehicles. Similar developments within the proximity to this proposal at Gelliwen and Penrhiwgwaith demonstrate that the site is accessible from the public highway. Nevertheless, the Transportation Engineering Manager has requested conditions are attached to any consent requiring a revised Traffic Management Plan which provides a detailed report on the proposed route to be taken to the application site together with a highway condition survey along Cwm road to the application site and details of the hauler's indemnity insurance.

It should also be noted that as the delivery of the equipment would involve abnormal indivisible loads (AIL), the consent of the Welsh Government Transport Division would be required in addition to any consent from the Local Highway Authority in relation to the use of the Trunk Highway Network. In terms of a trial run to assess the physical impacts of the transportation of the turbine components on the highway network within the County Borough, the entire length of the proposed AIL route has recently been used during the construction of the nearby Penrhiwgwaith Farm Turbine. Both the proposed and constructed turbines are identical and therefore a further trial run was not considered necessary.

Cont....

Planning application 15/0597/FULL Continued

The applicant will be required to promote a Temporary Traffic Regulation Order prior to the delivery of any turbine components of abnormal loads to allow the safe passage of vehicles.

#### SHADOW FLICKER

The application has been supported by a Shadow Flicker Assessment, which concluded that no impacts of shadow flicker were found to occur as a result of this proposal. This assessment has been considered by this Council's Head of Public Protection who has requested conditions are attached to any consent that the wind turbine be fitted with a control system that automatically shuts down the turbines in the event of shadow flicker occurring.

#### HERITAGE IMPACT

The key impacts of wind turbines, either individually or as larger groups, on features of cultural heritage (such as scheduled ancient monuments; listed buildings; conservation areas; registered historic landscapes; and parks and gardens of special historic interest) include:

- Loss or direct impact on identified features of historic interest, including undiscovered archaeology.
- Indirect impacts on the character or appearance and setting of features of historic interest.

To ensure that the impacts of the proposal upon cultural heritage assets have been appropriately assessed, the applicant has submitted a Cultural Heritage Assessment. This document has been considered by this Authority and the relevant statutory Consultees have been consulted. No adverse comments have been received in respect of the assessment.

#### ECOLOGICAL IMPACT

The main ecological impacts resulting from wind turbines are associated with the site infrastructure i.e. construction compounds, the turbines themselves and cable trenches. These impacts may occur both during construction and during the operation of the turbines. The key potential ecological impacts include:

- Direct and indirect impacts of wind turbine construction on ecological receptors e.g. habitat loss and/or loss of plant or animal species, disturbance and fragmentation.

Cont....

Planning application 15/0597/FULL Continued

- Direct and indirect impacts of wind turbine operation on ecological receptors e.g. the disturbance of habitats and birds/bats colliding with the turbine blades during operation (known as 'bird strike'). The application has been supported by a Bat and Bird Survey and a Preliminary Ecological survey, which have been considered by this Authority together with the relevant statutory consultees. Conditions may be attached to any consent to address concerns raised in respect of the same.

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: The applicant has indicated that they are prepared to contribute £50,000 to the local community if the application for the wind turbine is approved. TAN 8 confirms that it is perfectly acceptable for a business to enter into a legally binding agreement with third parties to deliver particular and agreed benefits to the community. However, it should be made clear that the provision of such benefits is on a purely voluntary basis with no connection to the planning application process.

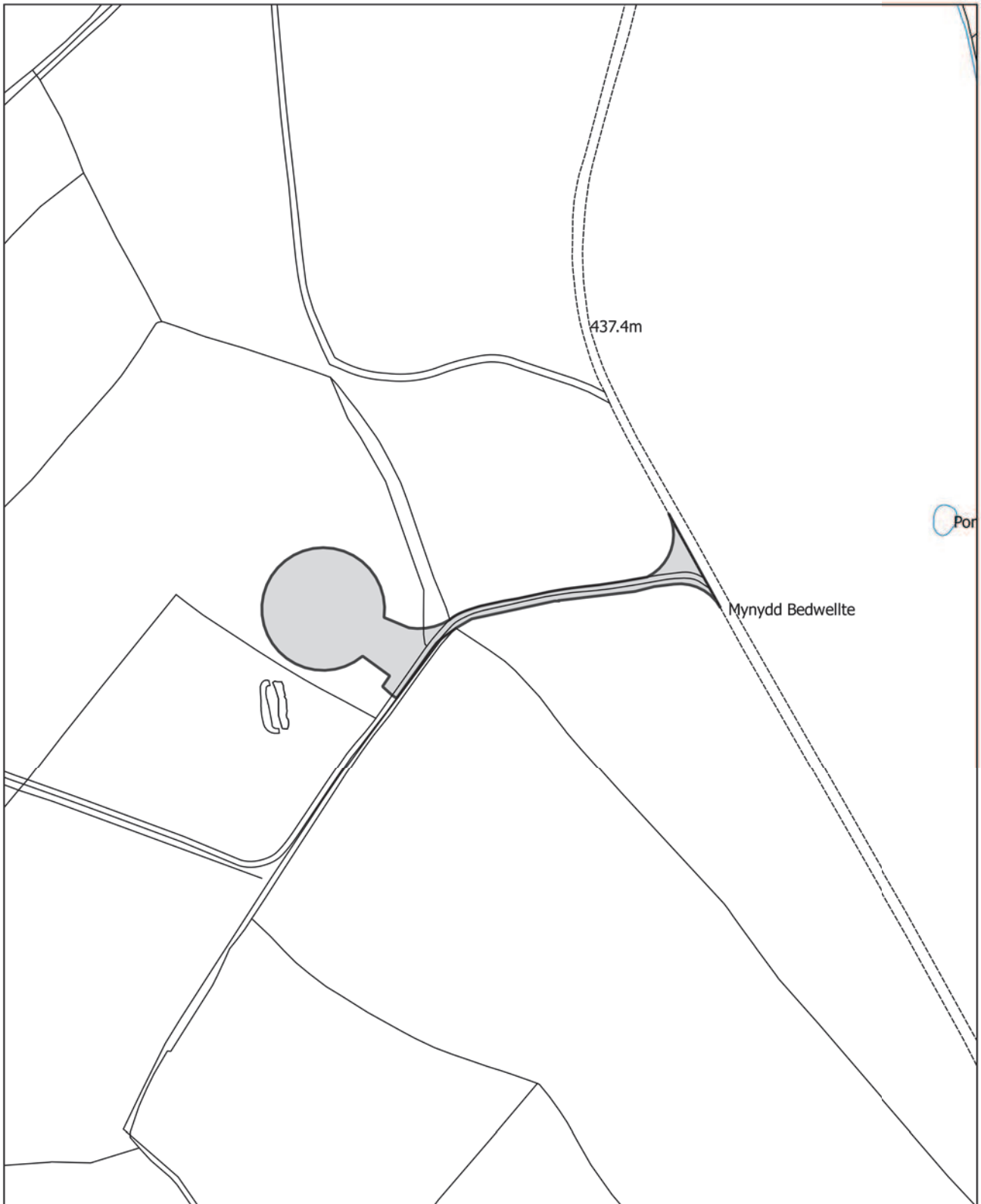
Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

- 01) The area within which the wind turbine is proposed has already reached its capacity to absorb wind energy development and that contrary to the objective of TAN 8 a 'Wind Farm Landscape' as opposed to 'a Landscape with occasional wind turbine developments', already exists. Whilst this application if approved would not extend the boundaries of the area already influenced by wind energy development, it would infill an area of open space, adding to and expanding an existing cluster of turbines, thereby strengthening the cumulative impact of wind energy developments on this landscape to the detriment of the landscape character of the area in conflict with Policy CW2 (a) of the Caerphilly County Borough Local Development Plan, up to 2021 – Adopted November 2010.
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# Agenda Item 12

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0531/FULL 10.09.2015	Biffa Waste Services Mr M Harty Rixton Old Hall Manchester Road Rixton Warrington WA3 6EW	Construct a multipurpose waste treatment centre and remediation pad comprising an impermeable pad and ancillary facilities comprising office/welfare accommodation, car parking, process water storage tanks (within a bunded enclosure), biofilter, air/water separators with attendant process equipment (blowers, pumps etc, housed within a metal container), and fuel storage (again bunded) and two surface water lagoons Biffa Waste Services Ltd Trecatti Landfill Site Fochriw Road Pant-y-waun Merthyr Tydfil CF48 4AB

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The site is a cross boundary site, located on the boundary between Caerphilly County Borough Council and Merthyr Tydfil County Borough Council. It is located approximately 3.75km east of Merthyr and 3km west of Rhymney. The A465 Heads of the Valleys Road lies to the north and the A4060 to the north west. The Ffos Y Fran surface mine lies to the south and south-west.

Site description: The application site comprises 0.6ha of land within the landfill void, towards the southern flank.

Development: In physical terms, the proposed development consists of a single impermeable pad with dimensions of 125m by 82m, constructed from a 1mm thick geomembrane protected by a geotextile covered with 300mm capping stone.

Cont....

Application No. 15/0531/FULL Continued

Part of the site, an area of 3,250 square metres, would be used for green waste composting in open windrows while the remaining area, 6,000 square metres would be used for the remediation of contaminated soils. The two areas would be separated by low level bunding or kerbs.

In addition, site infrastructure would be located to the southern part of the site consisting of a modular office/welfare accommodation building, car parking, 2 process water storage tanks within a bunded enclosure, biofilter, air/water separators with attendant process equipment, including blowers, pumps etc, housed in a metal container and a substation.

The soil treatment facility process involves the treatment of soils contaminated with organic compounds, including hydrocarbons, by biological methods. Only soils suitable for treatment would be accepted. Biological treatment accelerates natural processes, achieving in a few months what would otherwise take decades. Celtic EnGlobe would carry out this aspect of the waste treatment using its proprietary technologies through moisture control and addition of nutrients to the biopiles. Forced air extraction and mechanical turning are used to encourage the growth of micro-organisms and the breakdown of hydrocarbons into carbon dioxide and water vapour, leaving an end product that is suitable for use in restoration projects. The biopiles comprise linear mounds of imported soils usually 3m to 4m high and no more than 6m high. They would be placed on top of perforated pipes connected to a blower to control the flow of oxygen.

For the composting process, green waste would be sourced from municipal waste, including from kerbside collections and household waste recycling centres. After delivery to the site it would be shredded to balance the carbon and nitrogen in the material and sorted to remove plastics and other unwanted materials before being placed in windrows 3m high and 4m wide. The composting process takes place over 10 to 16 weeks and the windrows would be turned regularly to maintain temperature, moisture content and oxygen availability. Drained water from the pad would be directed to a lagoon and then re-circulated into the windrows to maintain moisture content. Finished compost would then be stored ready for sale.

Detailed control over waste categories and handling procedures would be achieved through an Environmental Permit.

Dimensions: The office building would measure 12m by 6m by 2.3m high.

Materials: Various surfacing materials.

Ancillary development, e.g. parking: Parking is provided.

Cont....

Application No. 15/0531/FULL Continued

### PLANNING HISTORY 2005 TO PRESENT

P/05/0250 - Extend existing gas compound - Granted 22.04.05.

P/06/0657 - Provide substation, switchroom, oil tanks, gas conditioning equipment and lifting jib to the landfill gas compound - Granted 17.08.06.

07/1027/FULL - Extend existing landfill gas compound (Inc 1 flare, 2 generators, gas conditioning unit and site office) - Granted 25.10.07.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside settlement limits (Policy SP5) but is within a coal safeguarding area (policy SP8) and a mineral site buffer zone.

Policies: SP9 Waste Management, CW2 - Amenity, CW3 - Highways, CW5 - Protection of Water Environment, CW15 - Locational Constraints, CW22 - Minerals, CW23 - Mineral Site Buffer Zones.

NATIONAL POLICY Planning Policy Wales. TAN 21:Waste 2015.

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

#### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, the site is within a high risk area. A coal mining risk assessment has been prepared and the Coal Authority has no objection to the proposed development.

#### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions preventing mud on the road, the provision of parking, and no HGVs to travel southwards along Fochriw Road.

Cont....

Application No. 15/0531/FULL Continued

Head Of Public Protection - No objection subject to conditions concerning hours of operation, odour management, dust management, the quantities of waste, the covering of the biopile, and acoustic mitigation for any electric plant and blowers.

Senior Engineer (Land Drainage) - No objection in principle. Soakaways must be appropriately designed and be located a minimum of 5 metres from any building or the public highway. Cut off drainage may be required.

Dwr Cymru/Welsh Water - No objection in principle. A water supply can be made available to the development.

Natural Resources Wales - Advice is offered in respect of foul drainage, surface water drainage, air quality, landscape and visual impact, pollution prevention and water management.

Any discharge to controlled waters would require a permit. It is unlikely that dust deposition would harm the Taf Fechan Woodlands SSSI, 3.4 kilometres to the north. The development would not have a significant adverse effect on the Brecon Beacons National Park or the Merthyr Tydfil landscape of historic interest.

Facilities for the storage of oils, fuels and chemicals should be provided with appropriate containment and the development will require a variation to the current Environmental Permit for the site.

Countryside And Landscape Services - The methodology used to undertake the Landscape and Visual Assessment is robust and four representative viewpoints were identified.

The application site is within the active landfill site and the proposed development forms a relatively small part of the overall site and is well screened by the existing landform from the wider area.

The overall impacts on landscape character have been assessed to be "negligible" as a worst case and this is accepted. Cumulative impacts are not an issue and the development would not delay the timescale for restoration of the landfill site. Therefore, no objection is raised.

Cont....

Application No. 15/0531/FULL Continued

The Coal Authority - The site is in an area of recorded and likely unrecorded coal mine workings at shallow depth and also within an area where coal has been removed by surface mining methods. The coal mining risk assessment concludes that the risk to the development from shallow mine workings is low and this is accepted. However, more detailed considerations of ground conditions and foundation design may be required as part of any subsequent application under the Building Regulations.

#### ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and in the press.

Response: No representations have been received.

Summary of observations: Not applicable.

#### SECTION 17 CRIME AND DISORDER ACT

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

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

#### COMMUNITY INFRASTRUCTURE LEVY

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

#### ANALYSIS

##### Policies:

Decisions on planning applications must have regard to the provisions of the development plan unless there are material planning considerations that indicate otherwise. Such considerations may include current circumstances, policies in an emerging development plan and policies of the Welsh Government and the UK Government.

Cont....

Application No. 15/0531/FULL Continued

The main issues in this case are as follows.

The principle of the development

The application site is outside settlement limits but it forms part of an existing waste management site. There are benefits in terms of co-location of the facilities. The development is temporary for the life of the landfill site and is, therefore, considered to be acceptable in this location.

Sustainable Waste Management (TAN21:Waste)

The soil treatment facility (STF) would have the capacity to treat 30,000 tonnes a year of contaminated soils and the compost facility could treat approximately 30,000 tonnes a year of source segregated green wastes. The main driver for the scheme is to divert waste from landfill to produce material suitable for use in daily cover for landfill operations and for restoration of the Trecatti site and other reclamation projects in South Wales. Such wastes would otherwise be landfilled. The contaminated soils would be classed as hazardous would need to be sent to an appropriate landfill site, the nearest of which is in England.

The proposals are, therefore, considered to accord with the sustainable waste management objectives set out in PPW and TAN 21.

Amenity (Policy CW2)

The site is within the landfill void and not readily visible from public viewpoints outside the site. The nearest house within CCBC is a distance of 960m from the application site.

In terms of noise, the elements of the proposed development that are likely to cause the most noise are any shredding of waste and wood chipping, together with vehicle movements associated with delivering/exporting and turning the waste

In terms of air quality, the potential impacts are from odour, bioaerosols, volatile organic compounds (VOCs) and dust.

The site will operate under a permit issued by NRW. In determining planning applications it is reasonable to assume that other regulatory regimes will operate satisfactorily. However, the applicant has undertaken assessments of the amenity impacts and, subject to appropriate conditions, these have been assessed by the relevant technical consultees as being satisfactory.

Cont....



Application No. 15/0531/FULL Continued

#### Highways (Policy CW3)

The application estimates that the development would generate up to 8 vehicle movements an hour. This is considered to be acceptable in terms of highway safety and capacity, subject to the conditions below.

The Transportation Engineering Manager has suggested a condition to prevent vehicles from travelling south out of the entrance. However, this is not part of the proposal and vehicles have the right to pass and re-pass on the public highway. Routing could be achieved by means of a Section 106 Agreement. However, the extant consents for the landfill operations are unrestricted and a restriction on this development would be difficult to monitor and enforce.

#### Environmental considerations

##### Water Environment (Policy CW5)

Groundwater monitoring would continue to be carried out under the terms of the permit. The facility has been designed with separate drainage, allowing process water from the operational areas to be kept separate from the clean water areas. Water from the pad would drain under gravity to ditches which would carry it to lagoons. Water from the biopiles would be captured via pipework and sent to the process water tanks. The operational surface of the facility would be impermeable. Clean surface water run-off would be managed in the site's surface water drainage system.

Implementation of these precautionary measures will mean that the development does not have an unacceptable impact on the water environment and would not pose a risk to the quality of controlled waters.

##### Ecology (Policy CW4)

The application site has been partially infilled with non-hazardous waste and temporarily capped with plastic material. There is no vegetation on the site and the potential for ecological interest is low.

##### Minerals (Policies CW22 and CW23)

The site is within a safeguarding area for coal identified in the LDP. Policy CW22 seeks to restrict new permanent development that may constrain future exploitation of the resource. In this case the development is temporary and there is no indication that the proposed duration of the development would conflict with the aims of policy CW22.

Cont.....

Application No. 15/0531/FULL Continued

The site is also within a mineral site buffer zone drawn around Ffos Y Fran surface mine. Within buffer zones there is a presumption against new mineral development or new permanent sensitive development, including houses, hospitals and schools. The proposed development is not considered to be sensitive development, nor is it mineral extraction. The proposal is, therefore in accord with policy CW23.

Economic considerations

The proposals would result in the employment of three additional staff and would generate employment for local contractors on a temporary basis.

Comments from Consultees: No objections have been raised. Consideration has been given to the need for conditions on hours of operation. The landfill site itself has permission dating from 1986 which does not restrict hours. However, the proposed development involves the screening and shredding/chipping of waste, which can be noisy operations. Therefore, any consent granted should restrict the hours of operation to those set out in the application, which reflect the hours in the environmental permit.

Comments from public: No comments have been received.

Other material considerations: The life of the extant permission for landfill is not time limited. However, a condition should be included to ensure that the remediation/compost pad is removed when the landfill site closes to ensure that restoration takes place in a timely manner.

Conclusion

It is considered that the proposed development is acceptable from a planning point of view.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:  
Site Location Plan TR2/1, Site Layout TR3/1, Application Boundary TR2/2A, Proposed Site Layout TR3/2, Design and Access Statement July 2015, Coal Mining Risk Assessment September 2015, Waste Planning Assessment and Appendices received 6 August 2015.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority. Cont...

Application No. 15/0531 Continued

- 02) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 03) The development hereby permitted shall be removed upon the completion of tipping operations at the Trecatti landfill site, or the earlier abandonment of the site, and the soil treatment facility and compost site shall be restored in accordance with a scheme to be submitted to and approved by the Local Planning Authority within two months of such cessation. The approved scheme shall be implemented within twelve months of final levels being reached.  
REASON: In the interests of securing appropriate restoration of the site once the landfill site closes.
- 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) Beneficial use of the development hereby approved shall not be commenced 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.
- 06) No screening, shredding or chipping of material or turning of windrows shall take place except between the hours of:-  
07.00 to 17.00 Monday to Friday;  
08.00 to 13.00 Saturday; and  
No operations other than the delivery of material to the site shall take place on Sundays, Bank Holidays or Public Holidays.  
REASON: To safeguard the amenity of local residents.
- 07) Prior to the development hereby approved being brought into operational use, schemes of noise, dust and odour control shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be operated in accordance with the agreed scheme.  
REASON: To control odour.

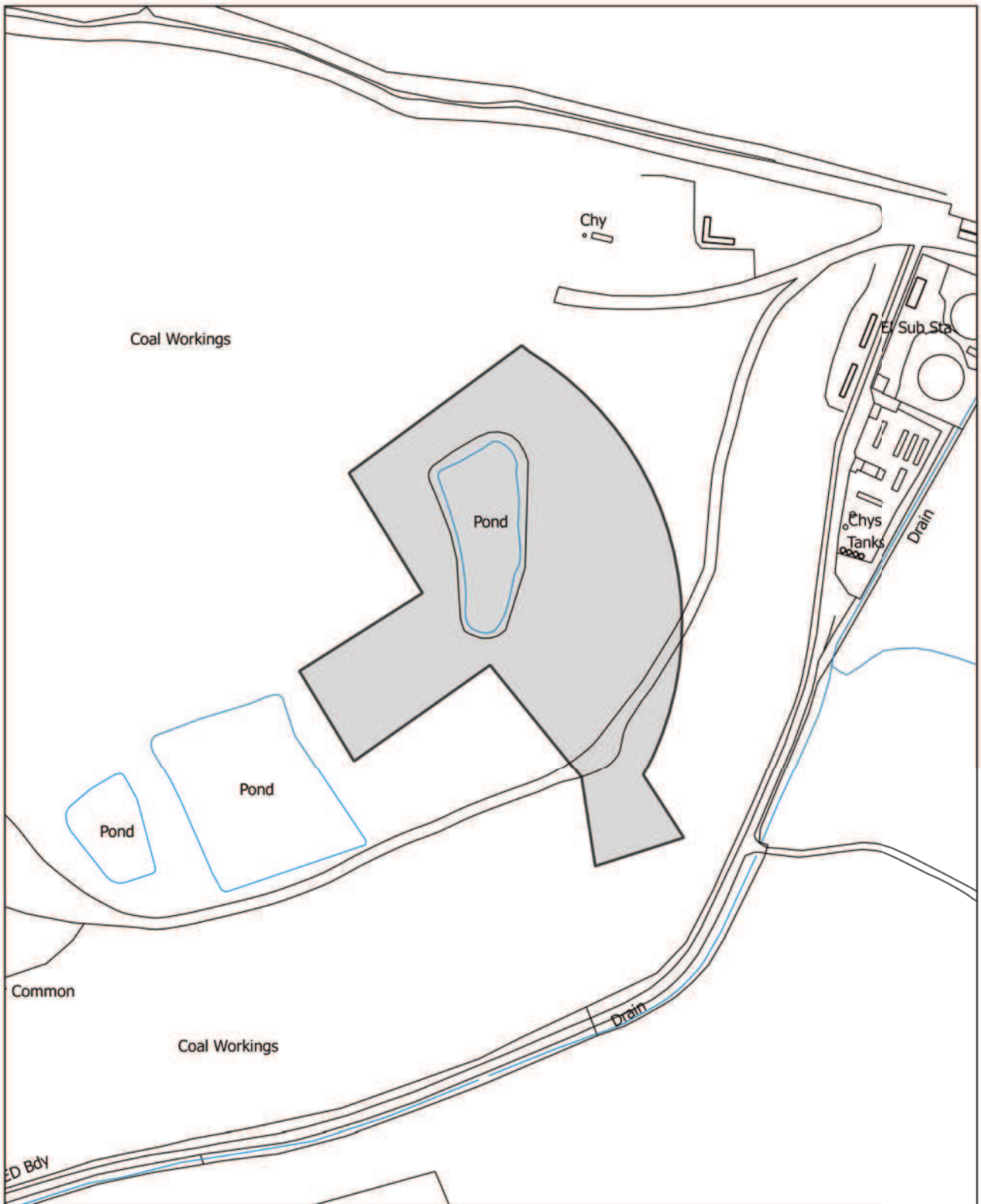
Cont....

Application No. 15/0531/FULL Continued

Advisory Note(s)

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

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# Agenda Item 13

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0567/OUT 19.08.2015	Persimmon Homes East Wales Mr J Price Llantrisant Business Park Llantrisant Rhondda Cynon Taf CF72 8YP	Erect residential development of up to 175 units including open space provision, access and parking arrangements Land At Oakdale Golf Course Oakdale Golf Course Lane Oakdale Blackwood

**APPLICATION TYPE:** Outline Application

## SITE AND DEVELOPMENT

Location: The application site is part of a Golf course that is to the south of the settlement of Oakdale.

Site description: Access to the site is via the existing golf course entrance onto Llwyn On Lane where there is something of a break in the building line. The area identified includes the clubhouse, the golf driving range building, the car park, parts of the course and a small field behind Nos. 2 to 14 Waungoch Road. A public right of way enters the site from the east and joins with the lane that runs through the site from the north to the south. The Nant Philkins runs through the site east to west.

Development: Outline consent is sought for residential development. All matters except access are reserved. At the entrance there is an existing pond that is shown re-sited to accommodate the proposed access.

Dimensions: The site measures approximately 5 hectares and is of an irregular shape. The indicative master plan illustrates a layout of 175 dwellings with an area of public open space comprising approximately 25% of the site situated to the southwest section. The scale parameters of the proposed dwellings are as follows:-

Minimum	Maximum
Width 4.12	8.88
Depth 6.29	10.12
Height 7.30	10.70

Cont....

Application No. 15/0567/OUT Continued

### PLANNING HISTORY 2005 TO PRESENT

P/05/0561- Erect one detached house - Refused 06.10.05.

P/05/1682 - Erect two storey dwelling to be used as holiday let - Granted 16.02.06.

P/06/0392 - Erect two dormer bungalows - Granted 01.06.06.

06/0753/FULL - Erect extension to driving range - Granted 25.01.07.

11/0095/FULL - Erect two dormer bungalows with associated groundworks, access and car parking - Granted 31.03.11.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is part of an existing golf course. It lies outside the settlement boundary of Oakdale and is not allocated for residential use, the proposal therefore represents a departure from the plan. Part of the site lies within a sandstone safeguarding area.

#### 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.

Cont....



Application No. 15/0567/OUT Continued

### NATIONAL POLICY

- 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 18: Transport (2007).

Other policy related matters that constitute material considerations are:-

The 5 year Housing Land Supply.  
The Annual Monitoring Report.  
The Local Development Plan Revision.

### 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? - No.

### CONSULTATION

Rights Of Way Officer - It is explained that Footpath FP42 crosses the site and must be protected at all times and should the line be affected a legal order must first be confirmed.

Head Of Public Protection - No objection subject to conditions that include a scheme of acoustic glazing and construction controls.

CCBC Housing Enabling Officer - 25% affordable housing is required in accordance with a mix based on the predicted 175 residential units.

Senior Engineer (Land Drainage) - No objection is raised. Advice is provided regarding land drainage and water features that may be present on site.

Outdoor Leisure Development Officer - No objection subject to the provision of appropriate leisure facilities.

Cont....

Application No. 15/0567/OUT Continued

Head Of Public Services - No objection is raised and it is explained that the Council offer a kerbside only refuse/recycling collection service.

Transportation Engineering Manager - No objection subject to conditions.

Dwr Cymru - No objection is raised and advice is provided regarding drainage.

Wales & West Utilities - Advice is provided regarding the presence of services within the application site and adjacent to it.

Police Architectural Liaison Officer - The Designing Out Crime officer raises no objection. The Traffic Management Advisor notes that there are traffic calming measures that should restrict mean speeds to around 20 mph, but recommends a speed analysis to ensure there is no adverse affect upon visibility splays. It is also suggested that traffic calming be considered within the application site. (These suggestions have been passed to Transportation Engineering Manager and could be resolved at the reserved matters stage.

Strategic & Development Plans - The overall conclusion is that the need to increase the housing land supply over-rides the fact that this site lies outside the settlement boundary and therefore there is no objection to the development in principle.

Natural Resources Wales - No objection or comments.

Minerals Officer - It is explained that the site is within a Pennant Sandstone safeguarding area and that the proposed development should be considered premature prior to the current review of the Local Development Plan unless there is an overriding residential need.

Chief Fire Officer - It is advised that the applicant be mindful of the fire service need for adequate water supplies for fire fighting and adequate access routes for fire fighting appliances. Advice is provided regarding water supply and clearances for vehicles.

Countryside And Landscape Services - The Landscape Architect is satisfied that the development should not have significant adverse effects upon the landscape character or visual amenity. It is pointed out that significant trees and hedgerows should where possible be kept outside private gardens and this should be required by condition. The ecologist has considered the submitted ecological information and raises no objection subject to conditions regarding protected species and habitat maintenance.

Cont....

Application No. 15/0567/OUT Continued

Senior Arboricultural Officer (Trees) - No objection subject to tree protection measures.

Glam/Gwent Archaeological Trust - No objection is raised and advice is provided regarding the archaeological history of the site.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 50 neighbouring properties have been consulted.

Response: Six letters been received and a petition with 240 signatures.

### Summary of observations:

- It is pointed out that the traffic to the proposed development will have to pass through residential streets that are already congested/gridlocked, restricted by parked cars particularly during events such as rugby matches and other leisure activities. One area that is very difficult for vehicles to pass is Maesygarn Road when the primary school is opening/closing.
- Traffic calming is suggested as a possible safety solution.
- The capacity of local schools will be "overstretched" as will local GP facilities.
- There will be "huge health and safety implications" resulting from the heavy house building traffic.
- All the residents in the locality should have been sent neighbour notification letters regarding the proposed development.
- It is implied that the proposal is the result of the limited amount of LDP residential land and therefore will be the subject of lower planning criteria.
- The application site is "Green Belt".
- One letter has been received from a property that has a right of way through the site seeking to ensure that the lane is maintained, even though it is shown only as a pedestrian route.
- An assurance is sought that the access and the trees that bound it will be managed to enable the safe passage of heavy goods vehicles.
- It is pointed out that the current exit of the pedestrian route/lane at its junction with Llwyn On Lane has very poor visibility and it is suggested that this could be made worse by the proposed development.

Cont....

Application No. 15/0567/OUT Continued

- Surface water from the existing golf course and driving range passes into a culvert and any increase in surface water may exacerbate erosion.
- Existing sewer capacity is not adequate.
- The submitted travel plan is flawed in that people will generally use their cars rather than public transport.
- One writer suggests that an assurance has been given that "there would be no dwellings to the north west of the existing driving range."
- There is an urgent need for recreational facilities that would be lost if the golf course is redeveloped.
- There are a number of protected species on site "Barn Owls, Bats, Door Mice and Foxes". The submitted wildlife survey is biased.
- Public rights of way would be extinguished.
- The countryside should be preserved particularly as there is a supply of unsold houses in the locality.
- Near by "waterways" would be in danger of contamination.
- The construction of the dwellings will cause environmental damage and pollution.
- A preferable site for residential development would be Oakdale Colliery.
- The identity of the Oakdale model village will be adversely affected by the volume of properties proposed.

SECTION 17 CRIME AND DISORDER ACT

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

It is not considered that the proposed development will have a material effect on crime and disorder.

Is this development Community Infrastructure Levy liable? Development proposals are not liable for CIL at the outline planning permission stage. The calculation is made at the reserved matters stage when the amount of residential floorspace is known.

Cont....

Application No. 15/0567/OUT Continued

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No - There is bat activity on site but the application site does not include bat roosts and adequate ecological mitigation can be achieved.

## ANALYSIS

Policies: The site comprises the existing site of the golf club car park, driving range, clubhouse and northern part of the golf club. A lane runs north to south through the centre of the application site, separating the driving range from the golf course, clubhouse and car park. It is proposed that this lane will be retained. The indicative master plan identifies an access to the site from east of the drainage pond off Llwyn On Lane.

The site in question is unallocated and lies outside of the settlement boundary. The north-eastern field was submitted as part of the candidate site process for the LDP (site reference E115 Land at Llwyn On Crescent), but the golf club itself was not submitted previously.

### Strategy Policies

The site is located within the Northern Connections Corridor (NCC). Policy SP2 Development Strategy - Development in the NCC indicates that development will be focused 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; makes the most efficient use of existing infrastructure; protect the natural heritage from inappropriate forms of development and capitalise on the economic opportunities offered by Oakdale/Penyfan Plateau.

Planning Policy Wales sets out the definition of previously developed land as "that which is or was occupied by a permanent structure and associated fixed surface infrastructure." Excluded from the definition are a number of uses including land in built up areas that has not been developed previously, for example parks, recreation grounds and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings. It is considered that the golf course itself would also fall within this category and should be considered greenfield, along with the driving range and field to the north of the golf course. However, the large car park and clubhouse area and driving range buildings would be considered to be brownfield. The development of a greenfield site is acceptable in this strategy area in accordance with the policy and the site is well served by footpaths and bus routes.

Cont....

Application No. 15/0567/OUT Continued

The potential impact of development on the natural heritage of the site is discussed further below.

The site lies outside of the settlement boundary, as defined by Policy SP5 Settlement Boundaries of the LDP. The settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. The settlement boundary serves to promote the full and effective use of land and thus concentrate development within settlements; prevent the coalescence of settlements and fragmented development and prevent inappropriate development in the countryside. The application is clearly contrary to Policy SP5 of the Adopted LDP.

In this location, the settlement boundary has been drawn to include the properties fronting on to Llwyn On Lane, but the buildings associated with the golf club have been excluded from the settlement boundary. It is considered that the brownfield element of the site (the car park and buildings) would be a logical rounding off given the pattern of the built form in this area, but the key issue is whether the extension to include the greenfield element to the south, which extends further into the countryside, is acceptable.

It is noted that the whole golf course is not included within the application boundary, as this would be an incongruous extension into open countryside. The southern boundary instead is not drawn to a defensible boundary on the ground, as the golf course is clearly open in nature. It is recognised that a new boundary is shown on the master plan will be created by a hedgerow on the southeast and road on the southwest. Notwithstanding the delineation of the existing settlement boundary, it is considered that the boundary as shown in the planning application, whilst extending into the countryside, would relate well to existing development and be a suitable rounding off. Any further extension south into the golf course would, however, be unacceptable.

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 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.

Cont....

Application No. 15/0567/OUT Continued

It should be noted that the Oakdale Conservation Area lies directly north of Llwyn On Lane and the design will need to be sensitive to this. The Conservation and Design Officer has been consulted regarding the potential impact this scheme may have on the conservation area. No in principle objection is raised, it is pointed out that at the reserved matter stage design issues will receive closer scrutiny with regard to the character of the conservation area, as well as its context in general.

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. The illustrative plan demonstrates that natural features such as the existing pond and hedgerows can be utilised.

The site is not subject to any natural heritage designations, but it does adjoin Sites of Importance of Nature Conservation (SINC) at NH3.97 Nant Philkins Fields to the east of the site and NH 3.89 Coed Cwm Philkins to the south. The Council's Ecologist has been consulted and has not raised objection.

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 four reports to date, the most recent of which was considered by Council in October 2015. It is evident from the AMR that new housing has not been delivered at the levels required in the first half of the plan period. Policy SP14 indicates that there is a housing requirement for 8,625 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 4th AMR indicated that 4,052 units had been delivered (49% of the total housing requirement) up to March 2015.

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Application No. 15/0567/OUT Continued

Therefore there is a need for a further 4,573 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 2015 JHLAS indicated that there is only 1.9 year supply available.

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 2015 AMR recognises the need to address this ongoing issue and recommendation R2 of the report states: "the 2015 Annual Monitoring Report has indicated that there is a continuing need to address the lack of a five year housing land supply." Furthermore, recommendation R3 states "the Council endeavours to prepare the Replacement LDP in a timely manner and in doing so undertake full consultation with residents of the County Borough."

#### Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires development proposals that are likely to generate a significant number of trips 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. It is noted that the site is in close proximity to bus stops and is in walking distance to Oakdale village centre and local primary school. Furthermore, the potential to connect to the existing lane as a potential cycle and pedestrian link is acknowledged. The Transportation Engineering Manager has been consulted and has not raised objection.

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Application No. 15/0567/OUT Continued

Policy CW2 Amenity indicates that development proposals must ensure that the proposal would not result in over-development of the site or its surroundings. Furthermore, the policy indicates that the proposed use would need to be compatible with the surrounding land uses. Its location in a residential area would mean that the principle of housing is acceptable. However, it is recognised that Croespenmaen Industrial Estate is just over 200m from the site boundary across open fields and the potential noise conflict is a matter that should be considered. Furthermore, there is a social club in close proximity on Llwyn On Lane, which may be a further source of conflict. Environmental Health has considered the noise aspect and no objection is raised subject to conditions.

Policy CW3 Design Considerations - Highways states that development proposals must meet a number of highways requirements including that the new access roads are designed to an appropriate standard. It is noted that a Traffic Assessment has been submitted with the application and in this respect the Transport Engineering Manager's view has been sought on the proposed access arrangements as they relate to Policy CW3; no objection is raised subject to conditions.

CW6 Trees, Woodland and Hedgerow Protection identifies criteria against which developments containing trees will be permitted, and states that development will only be permitted where development proposals have made all reasonable efforts to retain, protect and integrate trees within the development. The proposed layout will result in the loss of a number of trees on the golf course and this would need to be considered by the Arboricultural Officer to determine whether this would be acceptable. The Arboricultural Officer has considered the proposal and raises no objection subject to tree protection measures that may be required by condition.

CW8 Protection of Community and Leisure Facilities indicates that proposals that would result in the loss of a community or leisure facility will not be permitted except where a comparable replacement facility can be provided by the developer either on or off site or it can be demonstrated that the facility is surplus to requirements. The applicant has provided a report that details a pattern of decline in golf club memberships with a number of reported drops of 17 to 20% in membership in the UK in the years since 2004. The applicant has provided figures that suggest the golf course has lost 52% of income from the driving range during the years 2004 to 2014 with operational losses in 6 of the last 10 years. There has been a general decline in turnover of 46% over the same period with the most serious decline in the more recent years.

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Application No. 15/0567/OUT Continued

The report also suggests that as there are 10 other golf courses within a 12.5km radius of Oakdale, most of which have 18 holes compared to the 9 at the application site, the attraction of other sites and pattern of falling interest in this golf course demonstrate that its closure will not be contrary to CW8.

Policy CW10 on Leisure and Open Space Provision requires sites of 10 or more dwellings to make provision for well-designed useable space as an integral part of the development and appropriate children's play and outdoor sports provision either on or off site. The proposal does include a large open area within the application boundary in the western part of the site, which is overlooked by housing. However, it does not appear that any formal facilities have been proposed within the master plan. This should be resolved at reserved matters and a condition may be imposed to that effect.

CW11 Affordable Housing Planning Obligation identifies that there will be a requirement to seek to negotiate affordable housing. An indicative target of 25% is identified in this area.

CW22 Locational Constraints - Minerals identifies that development proposals which may impact on minerals safeguarding areas will be considered against a number of criteria, including that the applicant can demonstrate that the mineral is no longer of any value, it can be extracted prior to the development taking place or there is an overriding need for the development. The site lies within a Sandstone Safeguarding Area and the Mineral Officer's views on the value of the sandstone in this area has been provided and no objection is raised. It is also recognised that there is a need for market and affordable housing in the County Borough as a whole that the development of this site could contribute to.

Deposit Replacement Local Development Plan

This site was submitted to the Council as part of the Candidate Sites process for residential use and has been assessed as being in accordance with the proposed growth strategy for the County Borough. This site is still being assessed, but the consultation responses received to date indicate that the site is suitable for further consideration as an allocation in the Deposit Replacement LDP

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Application No. 15/0567/OUT Continued

### Policy Conclusion

The site lies outside the settlement boundary of Oakdale and is contrary to the provisions of Policy SP5. Notwithstanding this, it is well located to the existing settlement and would constitute a logical rounding off to the settlement encompassing an area of brownfield land and part of the greenfield golf course and driving range.

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. The Council in its consideration of the 2015 Annual Monitoring Report has indicated that there is a continuing need to address the lack of a five year housing land supply and granting planning permission for this site would help to achieve this. 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, subject to there being sufficient justification for the loss of the facility, the need to increase the housing land supply outweighs the fact that this site lies outside the settlement boundary and therefore there is no objection to the development in principle.

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:

Rights Of Way Officer - It is explained that footpath FP42 crosses the site and must be protected at all times and should the line be affected a legal order must first be confirmed. This advice should be passed to the applicant.

The Head Of Public Protection raises no objection subject to conditions that include a scheme of acoustic glazing and construction controls. This may be required by condition.

The CCBC Housing Enabling Officer explains that 25% affordable housing is required and suggests it should be in accordance with a mix based on the predicted 175 residential units. This may be required through a Section 106 Agreement.

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Application No. 15/0567/OUT Continued

The Outdoor Leisure Development officer raises no objection subject to the provision of facilities appropriate to the size of development proposed. This should include areas of well designed open space that benefit from good access and surveillance, a suitably scaled equipped play area and a suitably scaled all weather sports court. This may be required by condition.

The Senior Engineer (Land Drainage) raises no objection is raised. Advice is provided regarding land drainage and water features that may be present on site, this should be passed on to the applicant.

The Head Of Public Services raises no objection is raised and it is explained that the Council offer a kerbside only refuse/recycling collection service. This advice should be passed on to the applicant.

The Transportation Engineering Manager has considered the submitted transport assessment and does not raise objection to the increased flows of traffic. It is also to be noted that the submitted Transport Assessment has been assessed by an independent consultants that also conclude the additional traffic flows can be accommodated within the existing highway network. Conditions are recommended to require adequate visibility at the site entrance, adequate parking provision within the site and a 1.8m wide footway along the site boundary fronting Llwyn On Lane, which shall be constructed in permanent materials and be completed prior to beneficial occupation of the development. These details may be required by condition except the parking provision, which is part of the layout to be determined at reserved matters, however the parking requirement may be passed on to the applicant as advice. Traffic calming has been suggested by the Police and local residents. The Transportation Engineering Manager has considered this suggestion and such measures can only be justified on a statistical accident basis, which is not supported in this case.

Dwr Cymru raises no objection and provides advice regarding drainage that should be passed on to the applicant.

Wales & West Utilities provide advice is provided regarding the presence of services within the application site and adjacent to it. This advice should be passed on to the applicant.

Police Architectural Liaison Officer - The Designing Out Crime officer raises no objection. The Traffic Management Advisor notes that there are traffic calming measures that should restrict mean speeds to around 20 mph, but recommends a speed analysis to ensure there is no adverse affect upon visibility splays.

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Application No. 15/0567/OUT Continued

It is also suggested that traffic calming be considered within the application site. (These suggestions have been passed to the Transportation Engineering Manager as explained above).

Strategic & Development Plans have explained the policy considerations that are reported in detail above. The overall conclusion is that the need to increase the housing land supply over-rides the fact that this site lies outside the settlement boundary and therefore there is no objection to the development in principle.

The Minerals Officer has explained that the site is within a Pennant Sandstone safeguarding area and that the proposed development should be considered premature prior to the current review of the Local Development Plan unless there is an overriding residential need. The Strategic & Development Plans section has considered the overriding need and no objection is raised regarding prematurity.

The Chief Fire Officer has advised that the applicant be mindful of the fire service need for adequate water supplies for fire fighting and adequate access routes for fire fighting appliances. Advice is provided regarding water supply and clearances for vehicles. This advice should be passed on to the applicant.

Countryside and Landscape Services: The Landscape Architect is satisfied that the development should not have significant adverse effects upon the landscape character or visual amenity. It is pointed out that significant trees and hedgerows should where possible be kept outside private gardens and this should be required by condition. The ecologist has considered the submitted ecological information and raises no objection subject to conditions regarding protected species and habitat maintenance.

The Senior Arboricultural Officer (Trees) raises no objection subject to tree protection measures that may be imposed by condition.

No objection has been received from Glamorgan Gwent Archaeological Trust and Natural Resources Wales.

Comments from public:

Six letters been received and a petition with 240 signatures and the objections detailed above are considered in turn below.

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Application No. 15/0567/OUT Continued

The main objection is the impact of the proposed development in terms of increased traffic through the residential streets. It is pointed out that the traffic to the proposed development will have to pass through residential streets that are already congested/gridlocked, restricted by parked cars particularly during events such as rugby and other leisure activities. One area that is very difficult for vehicles to pass in Maesygarn Road when the primary school is opening/closing. The Transport Engineering Manager has considered the additional traffic flows and they have been assessed by independent consultant, the conclusion is that they are acceptable from a planning point of view.

There will be "huge health and safety implications" resulting from the heavy house building traffic. Traffic calming is suggested as a possible safety solution. This suggestion has been considered by the Transportation Engineering Manager and traffic calming is not considered necessary.

It is suggested that the capacity of local schools will be "overstretched" as will local GP facilities. The introduction of CIL is intended to provide for infrastructure investment such as schools. This is CIL liable development. Doctors' surgeries dentists etc are services that should follow demand.

It is suggested that all the residents in the locality should have been sent neighbour notification letters regarding the proposed development. The development has been advertised in accordance with statutory advertisement procedures.

It is implied that the proposal is the result of the limited amount of LDP residential land and therefore will be the subject of lower planning criteria. It is the case that limited housing land supply is a material planning consideration, it does not follow that planning criteria are necessarily lower and each case should be considered upon its merit.

It is suggested that the application site is "Green Belt." Green belt is a specific planning designation that has not been adopted by this Council.

One letter has been received from a property that has a right of way through the site seeking to ensure that the lane is maintained, even though it is shown only as a pedestrian route. The outline proposal does not show this route curtailed. An assurance is sought that the access and the trees that bound it will be managed to enable the safe passage of heavy goods vehicles. This presumably is a request to assure access for large vehicles to the writer's farm. Again the outline proposal does not indicate the curtailment of the route.

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Application No. 15/0567/OUT Continued

The trees referred to are probably along a section of the lane that is outside the application site and therefore not a current planning consideration. It is pointed out that the current exist of the route at its junction with Llwyn On Lane has very poor visibility and it is suggested that this could be made worse by the proposed development. The illustrative layout does not show any change to this junction.

It is suggested that surface water from the existing golf course and driving range passes into a culvert and any increase in surface water may exacerbate erosion. This is also a matter that may be determined at reserved matters. At this point in time no material objection has been received from the land drainage officer.

It is suggested that the existing sewer capacity is not adequate. Dwr Cymru/Welsh Water has not raised such an objection.

The submitted travel plan is flawed in that people will generally use their cars rather than public transport. Travel plans are a material planning consideration and this has been taken in account by the Transportation Engineering Manager.

One writer suggests that an assurance has been given that "there would be no dwellings to the north west of the existing driving range." Any such assurance would not be a planning consideration.

There is an urgent need for recreational facilities that would be lost if the golf course is redeveloped. Policy CW8 does require that it be demonstrated that where a leisure facility is to be lost that it be demonstrated that there is a suitable alternative or that the facility is surplus to requirement. This matter has been fully considered above.

There are a number of protected species on sit "Barn Owls, Bats, Door Mice and Foxes". It is suggested the submitted wildlife survey is biased. The Council's Ecologist has considered that submitted details and is satisfied that the proposed development is acceptable subject to conditions.

Public Rights of Way would be extinguished. This is not proposed.

It is suggested that the countryside should be preserved particularly as there is a supply of unsold houses in the locality. The unsold houses in the locality are not sufficient to supply the local housing need. The preservation of existing land use should be considered upon its merit.

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Application No. 15/0567/OUT Continued

The claims that near by "waterways" would be in danger of contamination, that the construction of the dwellings will cause environmental damage and pollution are not substantiated.

It is suggested that a preferable site for residential development would be Oakdale Colliery. Again it is a fundamental planning principle that each case should be considered upon its merit.

The identity of the Oakdale model village will be adversely affected by the volume of properties proposed. It is the case that Llwyn On Lane is the boundary of the conservation area, but the application site is not within the conservation area, as the illustrative layout indicates the site frontage onto Llwyn on Lane is limited and fronted with a pond. Any visual impact with regard upon the conservation area would be very limited.

Other material considerations: - 25% affordable housing is required in accordance with Policy CW11. The Housing Enabling Officer has recommended a mix based on the predicted 175 residential units of 10 one-two person bed flats, 12 two-bed four person houses, 5 three-bed five person houses and one four-bed seven person house. At this stage the application should therefore be deferred to enable the completion of a Section 106 Agreement that will require 25% affordable housing provision based on the mix set out above. The Agreement would be necessary to make the scheme comply with the adopted planning policy in the LDP that seeks to secure the provision of affordable housing. It is directly related to the development in that affordable housing will be sought on a residential development. At 25% the scale of affordable housing will be reasonably related in scale and kind to the development and the type required is based on that identified by the Council's Housing Officer. Upon completion of the Agreement planning permission should be granted subject to conditions.

RECOMMENDATION that (A) a decision is DEFERRED to allow the applicants to enter into a Section 106 Agreement as set out above. On satisfactory completion of the Agreement (B) Permission be GRANTED subject to the following condition(s)

- 01) Approval of the details of the 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.

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Application No. 15/0567/OUT Continued

- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the 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 one year 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.
- 05) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.  
REASON: To prevent contamination of the application site in the interests of public health.
- 06) Prior to the commencement of the development hereby approved, a construction phase noise scheme (to include proposed hours which the developer intends to work) shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented as agreed.  
REASON: To control noise arising from the development.
- 07) Prior to the commencement of the development hereby approved, a construction phase dust mitigation scheme shall be submitted to and agreed, in writing, with the Local Planning Authority. Thereafter, the construction phase shall be carried out in accordance with the agreed.  
REASON: To control any dust arising from the construction phase.

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Application No. 15/0567/OUT Continued

- 08) Prior to commencement of the development hereby approved details of a scheme of glazing shall be submitted to and agreed in writing by the Local Planning Authority for a glazing system to be fitted to all windows of habitable rooms facing the Croespenmaen Industrial Estate. The glazing system shall be capable of achieving an internal LAeq level of 30 dB(A) measured over an 8 hour period (2300 - 0700) in bedrooms and 35 dB(A) in all other habitable rooms measured over 16hour LAeq (0700 - 2300). The glazing scheme shall be carried out in accordance with the approved details before first use of the dwellings to which it relates.  
REASON: To protect the residential amenity of occupants from noise from the Industrial Estate
- 09) 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.
- 10) No site or vegetation clearance associated with the development hereby approved shall take place until a detailed methodology for the capture and translocation of reptiles on site, including details of any proposed remedial measures and details of the receptor site/s, has been submitted to and agreed in writing with the Local Planning Authority. The measures shall be carried out in accordance with the agreed details.  
REASON: To ensure that reptiles are protected.
- 11) In the event that development commences after April 2016, 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.

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Application No. 15/0567/OUT Continued

- 12) 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.
- 13) The retained pond shall be protected and managed for amphibians in accordance with a 5 year management plan to be submitted to and agreed in writing by the Local Planning Authority before the commencement of any works on site. That plan shall include the timing of its implementation.  
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 Tan 5 Nature Conservation and Planning (2009).
- 14) Prior to the commencement of works associated with the development hereby approved, a landscaping 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.  
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).
- 15) The following activities must not be carried out under any circumstances:  
a) no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.  
b) no works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.  
c) no equipment, signage, fencing, tree protection barriers, materials, components, utilities, vehicles or structures shall be attached to or supported by a retained tree.

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d) no mixing of cement or use of other materials or substances shall take place within a Root Protection Area (RPA), or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA.

e) no alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity.

- 16) 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 development shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before any the part of the development to which it relates is first occupied.

REASON: To provide 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.

- 17) Prior to the commencement of any works on site associated with the development hereby approved, details of the provision of nesting sites for bird species (House martin, House sparrow, Starling, Swallow and Swift) in the proposed development shall be submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be implemented before any part of the proposed development to which it relates is first occupied.

REASON: To provide nesting opportunities for birds 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.

- 18) Prior to the commencement of works associated with the development hereby approved, a 5-year hedgerow management plan, which shall include details of the timing of its implementation, shall be submitted to the Local Planning Authority for approval.

REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).

Cont....

Application no. 15/0567/OUT Continued

- 19) Notwithstanding the submitted master plan details shall be submitted at reserved matters that shall take into account the need to provide appropriate leisure facilities to meet the needs of the residents of the proposed development. Those facilities shall include areas of well designed open space that benefit from good access and surveillance, a suitably sized equipped play area and a suitably sized all weather sports court.  
REASON: To comply with Policy CW10 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.
- 20) Prior to the commencement of work on site details of land drainage including full engineering details of the extended pond at Llwyn On Lane shall be submitted to and agreed in writing with the Local Planning Authority and shall be carried out in accordance with the agreed details in accordance with a timetable to be agreed as part of those details.  
REASON: In the interests of land drainage.
- 21) Prior to the commencement of work on site a Tree Protection Plan (TPP) shall identify the root protection areas of all trees to be retained on site and shall be shown as a plan overlaying the proposed site layout and be accompanied by an Arboricultural Method Statement (AMS). A suitably qualified arboriculturist shall prepare them both. The TPP shall graphically illustrate where all necessary Construction Exclusion Zones (CEZs) are required in order to protect retained trees from any adverse impact from the proposed development. The TPP and AMS shall detail in full any necessary protection measures required in order to enforce CEZs (i.e. a tree protection barrier), as well as any other measures such as ground protection or special methodologies such as no-dig constructions wherever they may be arboriculturally necessary. The AMS shall also detail all site access details with regard to retained trees' wellbeing, as well as provide all relevant detail of site storage and compound facilities for the duration of the proposed development.  
REASON. To ensure the protection of retained trees.
- 22) Prior to beneficial occupation of any part of the development hereby approved a 1.8m wide footway along the site boundary fronting Llwyn On Lane shall be constructed in permanent materials the design of which shall have been agreed in writing with the Local Planning Authority.  
REASON: In the interest of highway safety.

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Application No. 15/0567/OUT Continued

- 23) 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 33 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.
- 24) The travel plan hereby approved is that submitted on 6th November 2015  
REASON: To encourage the use of a variety of transport options.

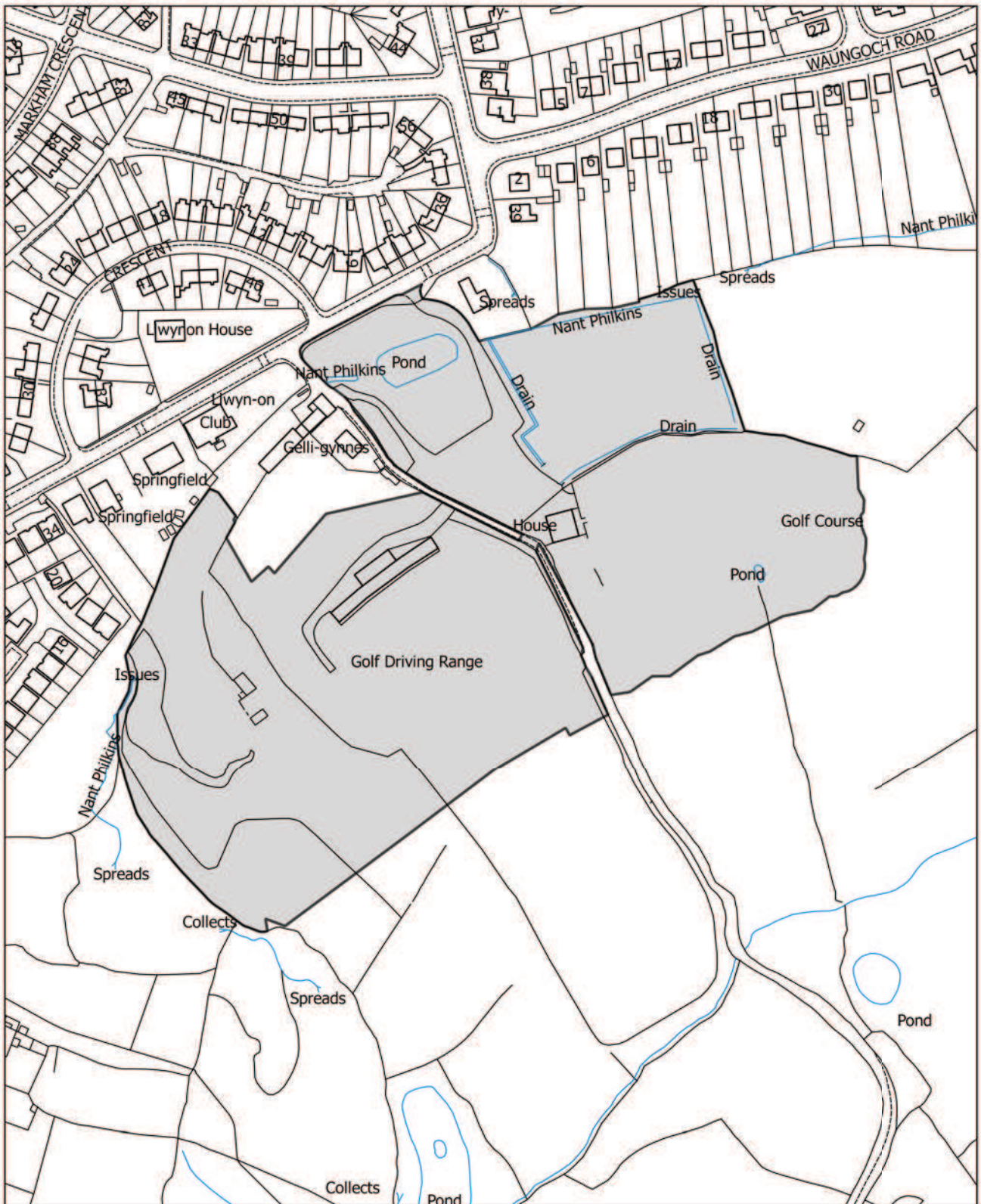
Advisory Note(s)

Please find attached the comments of Rights of Way Officer, South Wales Fire and Rescue Service, Wales & West Utilities, Council's Ecologist, Senior Arboricultural Officer, Glamorgan Gwent Archaeological Trust 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: CW6 and LDP4.

At reserved matters the parking provision throughout the development should accord to the requirements of LDP5 Car Parking Standards.

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# Agenda Item 14

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0711/FULL 09.11.2015	Mrs E Jones Old Junction House Commercial Road Pontllanfraith Blackwood NP12 2JY	Erect a two-storey and a single-storey extension to the rear of the property and a porch to the front of the property 16 Thorncombe Road Blackwood NP12 1AT

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application property is located on Thorncombe Road, Blackwood.

House type: Two-storey semi-detached property.

Development: Two-storey and single storey rear extension.

Dimensions: The proposed two storey element measures 3.0 metres in depth, 5.7 metres in width with a height of 7.2 metres to ridge level.

The proposed single-storey element measures 3.0 metres in depth, 8.4 metres in width, with a height of 4.0 metres to ridge level.

Materials: Painted render and slate.

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

## PLANNING HISTORY 2005 TO PRESENT

No recent planning history.

## POLICY

## LOCAL DEVELOPMENT PLAN

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

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Application No. 15/0711/FULL Continued

Policies: Policy CW2 (Amenity) and 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? No.

#### CONSULTATION

Dwr Cymru/Welsh Water - Provides advice to the developer.

Senior Engineer (Land Drainage) - Provides advice to the developer regarding land drainage.

#### ADVERTISEMENT

Extent of advertisement: Eight neighbours were consulted by way of letter and a site notice was displayed near the application site.

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? 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.

Cont....

Application No. 15/0711/FULL Continued

## COMMUNITY INFRASTRUCTURE LEVY

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

## ANALYSIS

Policies: It is considered that the proposed development, which incorporates a full width single storey extension and a part width first floor extension, has been appropriately designed in terms of its setting, materials and roof design, and will integrate with the host dwelling.

In terms of the impact on the amenity of neighbouring properties, guidance in Supplementary Planning Guidance LDP7: Householder Developments states:

"Extensions and conservatories should not cast large shadows onto neighbour's houses or gardens. 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.

Unless the context allows otherwise, those dimensions could be increased to a maximum of 6m and 4m respectively, where the extension does not breach a line taken at 45 degrees from the centre of the nearest ground floor window of any principal room in an adjoining property, and it would not have an overbearing effect or an adverse impact on outlook."

There is a neighbouring house attached to the west of the application site, i.e. No. 18 Thorncombe Road. In respect of the above guidance, the two-storey element of the proposed development would breach a 45 degree line taken from the nearest ground floor window of No. 18, which is a lounge window. Therefore, technically the proposal is contrary to the above guidance. However, when considered within the context of the site, the proposed extension is to the north east of the adjoining property, and therefore due to the trajectory of the sun, will not cast a shadow over the neighbouring property, apart from possibly during early morning hours during the summer months.

Cont....

Application No. 15/0711/FULL Continued

Furthermore, the ground floor window of the adjoining property, which appears to be a lounge, is also served by a large window on the south facing front elevation of the property, and therefore will continue to receive direct sunlight regardless of the proposed development. Therefore within this context, it is not considered that the proposed extension would result in a loss of daylight to the neighbour's ground floor lounge window to a degree to warrant a refusal of planning permission.

To the north of the application property is No. 14 Thorncombe Road, which is approximately 10.5 metres away. No. 14 has a first floor bedroom window in its side, south facing elevation. The proposed two-storey extension proposes a bedroom window that will be within 7-8 metres of this bedroom window. Such a privacy distance is not considered acceptable, and therefore a condition will be attached to the planning permission requiring a scheme to be agreed with the Local Planning Authority showing part or all of the first floor bedroom window in the proposed extension being obscurely glazed, and only being able to be opened a certain way, e.g. bottom opening window.

Comments from consultees: No objection subject to advice.

Comments from public: None.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.  
REASON: In the interests of the visual amenities of the area.

Cont....

Application No. 15/0711/FULL Continued

- 03) Notwithstanding the submitted plans, prior to the commencement of works onsite, a scheme shall be submitted in writing to the Local Planning Authority showing obscure glazing and the types of windows, i.e. method of opening, to be inserted at first floor level in the north facing elevation of the development hereby approved. The development shall be carried out in accordance with this agreed scheme, and the agreed type of window and glazing shall be maintained in place at all times thereafter.  
REASON: In the interests of neighbouring privacy.
- 04) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Drawing No. 2 As Proposed, Drawing No. 3 As Proposed, received 9 November, 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 Dwr Cymru/Welsh Water and Senior Engineer (Land Drainage) 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.

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# Agenda Item 15

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0824/FULL 27.11.2013	Infinite Renewables Limited C/O Mango Planning & Development Ltd Mr D James Number One Waterton Park Waterton Bridgend CF31 3PH	Erect a single 1.5MW wind turbine, access track and associated transformer enclosure Land At Pen-y-fan Industrial Estate Pen-y-fan Newport NP11 3XG

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is located on Pen-y-fan Industrial Estate, Croespenmaen within the Settlement Boundary and an identified Primary Employment Site.

Site description: The site is within the curtilage of an industrial building (Abingdon Flooring). The application site comprises an area of vacant land between two large industrial buildings on the north-western extent of the Pen-y-fan Industrial Estate.

Development: It is proposed to erect a single 1.5MW Wind Turbine. It is anticipated that the turbine will generate approximately 3,135 MWh of electricity per annum. An access track to the turbine base will be created off the road that serves Abingdon Flooring.

Dimensions: The turbine would be 123.5 metres to the tip, 85 metres to the hub, with a 77 metre rotor diameter.

Materials: The wind turbine will be of a mid-grey colour with a minimum-reflective semi-matt finish coating.

Ancillary development: An access track is proposed for construction/delivery measuring approximately 220m in length, and a control building measuring 6m x 3m and 2.8m high, and foundation base (19m diameter).

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Application No. 13/0824/FULL Continued

## PLANNING HISTORY

2/11988 - Land reclamation to include bulk earthworks, drainage works, river improvements, road diversion, grassing, tree planting and landscaping - Granted 14.09.94.

## POLICY

### Site Allocation

Local Development Plan: The site is located within the Settlement Boundary and a defined primary employment area.

### Policies

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

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

## ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? - No.

## COAL MINING LEGACY

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

## CONSULTATION

Transportation Engineering Manager - No objection subject to conditions

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

Council's Ecologist - No objection subject to conditions.

Cont....

Application No. 13/0824/FULL Continued

Landscape Architect - No objection subject to conditions.

Police Architectural Liaison Officer - Provides advice to the developer regarding security measures for the proposed substation element of the development.

Police Air Support Services - No objection. Request turbine properly illuminated.

Chief Fire Officer - Provides advice to the developer.

Dwr Cymru - No objection.

Glam/Gwent Archaeological Trust - The Historic Environment Record indicates that the proposed development is in close proximity to a cairn that likely dates to the Prehistoric period. In addition, the Scheduled Ancient Monument of Pen-y-Fan Canal Reservoir (MM269) lies approximately 600m to the north. In light of this, a condition requiring an archaeological survey will be attached to the permission to address the matter.

Welsh Government - Planning Division - No comments.

Joint Radio Company Limited - No objection at present.

OFCOM - Provides advice.

Public Health Wales - No comments.

Principal Valuer - No comments.

Head Of Public Protection - No objection subject to conditions.

### ADVERTISEMENT

Extent of advertisement: 97 properties were consulted by way of letter and site notices were displayed near the application site.

Response: Four neighbours objected and the owner of the nearby 2 turbines on Oakdale Plateau also objected.

Cont....

Application No. 13/0824/FULL Continued

Summary of observations:

Neighbour objections:

- Cumulative impact on landscape.
- Noise impact of turbines.
- Impact on Pen-y-fan Country Park.

Neighbouring turbine owners' objections:

- Proposal will impact on wind capture efficiency of the two nearby turbines.
- Increase turbulence will lead to increased fatigue loads.
- Cumulative noise impact.

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? Based on the submitted baseline ecological assessment, several conditions will be attached to the planning permission but there is no impact on protected species.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No. The development is CIL exempt.

ANALYSIS

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

Cont....

Application No. 13/0824/FULL Continued

## Landscape Impact

The Council's Landscape Architect has offered the following comments.

"A Landscape and Visual Impact Assessment has been undertaken, which broadly follows the guidelines set down in the third edition of Guidelines for Landscape and Visual Impact Assessment published jointly by the Landscape Institute and the Institute of Environmental Management and Assessment. The potential impacts of the proposals upon Landscape Character have also been assessed using Natural Resources Wales LANDMAP data and guidelines. The assessments methodology therefore generally follows what is currently regarded as being best practice."

" A 15 km Zone of Theoretical Visibility Map was produced and potential photo viewpoints identified in conjunction with CCBC officers, and a 10 km study area agreed. An assessment of the potential impact of the proposed development upon the Landscape Character of the study area in relation to the LANDMAP. Visual and Sensory, Cultural and History aspect areas, was undertaken. The assessment concluded that the potential significance of impact, upon any of these areas was no greater than moderate adverse and that for the majority of the aspect areas the potential significance of impact was likely to be neutral to minor adverse. The potential significance of impact upon the Geology and Habitat aspect areas within, which the site is situated was assessed as minor adverse in relation to the Geology aspect area and moderate adverse in respect to the habitat aspect area. I concur with these assessments."

"The visual impact of the proposed development has been assessed primarily from 22 No. locations agreed with CCBC officers. The assessment identifies the significance visual impact, of the proposed turbine as being "major/moderate adverse" in relation to five of the locations, Pen y fan Pond (1), Penrhiw Estate (7), Old Pant Road (10), Greenwood Road (13) and Penylan Top (14). The significance of visual impact upon the remaining 17 No locations as assessed as being "neutral to minor/moderate adverse." Best practice guidelines for assessment recommends a formulaic approach but recognises that a degree of professional subjectivity is also used in reaching a decision. I am in general agreement with the visual assessment though I believe the potential impact upon "Parkway" (location 2) will be "major/moderate adverse" and not "neutral to minor/moderate adverse" as assessed."

Cont....

Application No. 13/0824/FULL Continued

"The 'Landscape and Visual Impact Assessment' also briefly considers the potential visual impact upon National and Local designated landscapes within and adjacent to the study area, Registered Historic Landscapes, Conservation Areas, Public Rights of Way, National trails, Common and Open access Land, main and local road networks. In all instances it was considered that the perceived degree of change would not be so large as to represent a "significant" effect. I concur with this general assessment. I recognise that some localised receptors may experience adverse impacts. However the presence of the Oakdale/Penyfan Industrial Estate and the existing Oakdale turbines within most views will ensure that the proposed turbine would not represent a new and entirely incongruous element within the view. I therefore concur with the overall assessment."

"A cumulative impact assessment has been submitted to assess the anticipated effects of the proposal upon both Landscape Character and visual receptors. The assessment suggests that the proposed turbine will be seen in the immediate context of the two existing turbines on the Oakdale plateau. The separation distance between the two existing turbines and that of the proposed turbine to the closest of the Oakdale pair is similar as is the height and design of these turbines. Therefore the existing and proposed turbine are likely to be seen as one development. I concur with this assessment and believe that the addition of a single additional wind turbine at this location will not on its own result in a significant cumulative impact upon any of the assessed photo-viewpoints."

"The potential cumulative impact upon the Landscape Character of the study area was broadly assessed in the original "Landscape and Visual Impact Assessment" and has not been expanded upon in the subsequent addendums. This initial assessment concluded that the existing industrial landscape could accommodate another turbine of similar size and design to the existing turbines on the Oakdale plateau without any "significant" change in landscape character. I agree with this assessment and also believe that this additional turbine in its proposed location will not in itself result in a "significant" impact upon the landscape character of the wider study area."

"To conclude - Should this application be approved, I believe there would be no significant adverse impacts upon the landscape character of the study area. Significant (major/moderate adverse) visual impacts would be localised and would often occur where views already exist of the two turbines on the Oakdale plateau. In such views the proposed turbine would be seen as an extension to the existing pair, which are already prominent in many local views.

Cont....

Application No. 13/0824/FULL Continued

The addition of a single turbine of similar height and design to this existing turbines on the Oakdale plateau, would increase the prominence of the group but not cause the group to visually dominate the study area or the assessed local views. Neither would the addition of a single turbine in this location cause a "significant " cumulative effect upon the landscape character or visual quality of the study area."

"I have no objection to this application."

The application site is located on the border of two areas as defined in the Gillespie Report. Within area No. 5, i.e. the Greater Blackwood Area, and immediately adjacent to area No. 8, i.e. the Pen y fan and land west of Newbridge. Both areas are identified as highly sensitive to wind turbines of this scale, although sensitivity varies within each unit. In this instance the acceptability is influenced by the 2 existing large turbines in close proximity to the proposal. It should however be noted that the Gillespie report is a strategic study, and gives pointers, not specific advice on individual proposals.

#### Environmental Health

Based on the Environmental Noise Impact Assessment submitted, the Head of Public Protection concludes that the proposed development will not have an unacceptable impact on the amenity of residential properties from noise or shadow flicker. Several conditions will be attached to the planning permission to control such matters.

#### Impact on Ecology and Wildlife

A Baseline Ecological Assessment was carried out on this site. The findings of those surveys have been considered by the Council's Ecologist and no objections have been raised subject to several conditions to include bat activity monitoring.

#### Highways Impacts

A Transport Management Plan has been submitted with the application and this has been assessed by the Transportation Engineering Manager. He is satisfied that the turbine can be transported safely to the site without having any detrimental impacts on the highway network, subject to the imposition of suitably worded conditions.

Cont....

Application No. 13/0824/FULL Continued

Comments from consultees: These are addressed above.

A condition will be attached relating to the assessment of archaeology onsite further to the comment of Glamorgan/Gwent Archaeological Trust.

Comments from public:

The objections relating to impact on the landscape, cumulative impact and noise concerns have been addressed above.  
No objection has been raised by consultees subject to relevant conditions.

In terms of the objection raised by the owner of the two turbines on the adjacent plateau, i.e. the proposal will affect the efficiency of the existing turbines, relevant guidance is contained in Technical Advice Note 8: Planning for Renewable Energy (July 2005). Paragraph 2.8 states that wind turbines need to be positioned so that the distance between them are around 3-10 rotor diameters. This spacing represents a compromise between compactness, which minimises capital cost, and the need for adequate separations to lessen energy loss through wind shadowing from upstream machines. The proposed turbine is located some 4 rotor diameters to the south-east of the nearest existing turbine on the plateau site. Such a distance of separation is considered to be acceptable in accordance with the above guidance.

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

Cont....



- 03) Within 21 days from the receipt of a written request from the Local Planning Authority and following a noise complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at the operator's expense, engage an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property following the procedures described in the attached Guidance Notes or such other guidance as may be agreed in writing by the Local Planning Authority. The independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based, shall be submitted for the approval of the Local Planning Authority within 2 months of the date of the written request, unless otherwise extended in writing by the Local Planning Authority. The assessment recommendations as may be approved in writing by the Local Planning Authority shall be implemented and carried out within a set timescale agreed in writing by the Local Planning Authority.  
REASON: In the interest of the amenity of noise sensitive properties.
- 04) Following the commissioning of the wind turbine hereby approved, the power generation, the wind speed and direction data, shall be continuously logged in accordance with a method that shall have been agreed in writing by the Local Planning Authority and such data shall be retained for a period of not less than 24 months and it shall be provided to the Local Planning Authority at its written request within 14 days of such request.  
REASON: To monitor the wind turbine use and provide information to the Local Planning Authority to retain effective control.
- 05) Deliveries and construction works associated with the wind turbine hereby approve shall not take place outside the hours of 07.00 and 19.00 Mondays to Fridays, 09.00 and 16.00 Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In the interest of residential amenity.

Cont....

Application No. 13/0824/FULL Continued

- 06) Prior to the commissioning of the wind turbine hereby approved it shall have been fitted with a control system that automatically shuts down the turbines during times should shadow flicker occur, in accordance with a scheme of control that shall have been agreed in writing with the Local Planning Authority.  
REASON: To control flicker in the interests of the amenity of nearby flicker-sensitive properties.
- 07) No works shall commence on site until a revised Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority which provides a detailed report on the proposed route to be taken to the application site. This should include the adequacy of the route and provide details of any improvements required to the highway network to allow the movement of the abnormal loads. All improvements must be implemented before the movement of any abnormal load can take place. The plan will need to indicate full consultation and approval with neighbouring Authorities which the loads pass through, consultation and approval with the Welsh Government and South Wales Police Liaison Transport Officer who co-ordinates the safe passage of the vehicles and consultation and approval with the Highways Agency. The development shall be carried out in accordance with the agreed Traffic Management Plan.  
REASON: In the interests of highway safety.
- 08) Before the transportation of AIL components commence to site the hauler's indemnity insurance must be inspected by the Highway Authority and written approval granted from the Authority's Chief Legal Officer.  
REASON: In the interests of highway safety.
- 09) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.  
REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

Cont....

Application No. 13/0824/FULL Continued

- 10) The wind turbine and tower hereby approved together with the ground equipment and plant shall be removed from the application site, either before the end of 25 years from the date of commencement of the development hereby approved or within six months upon their becoming no longer operationally active in the generation of electricity, whichever is the earlier.  
REASON: In order to define the extent of the permission hereby granted.
- 11) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.
- 12) 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.
- 13) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.  
REASON: In the interests of highway safety.
- 14) The wind turbine, tower and ancillary equipment shall be removed from the site and the land restored to its former condition upon cessation of the use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cessation of the use shall be defined as the wind turbine becoming inoperative for a continuous period of six months.  
REASON: In the interests of visual amenity.
- 15) Notwithstanding the submitted plans details of anti collision lighting to be fitted to the turbine shall be submitted for the written approval of the Local Planning Authority prior to any works commencing on site, and thereafter installed in accordance with a timetable agreed as part of those details.  
REASON: In the interests of health and safety.

Cont....

- 16) Prior to the commencement of the development hereby approved an investigation of the underground strata (the results of which shall be submitted to the Local Planning Authority) in order to establish the stability of the site of the turbines and the measures that should be taken with regard to the design of the foundations of the wind turbines and/or proposals for ground treatment, details of which (including calculations certified by a competent person), shall be submitted to and agreed in writing by the Local Planning Authority. The foundations and /or ground treatment shall thereafter be completed in accord with such details as have been agreed.  
REASON: To ensure the structures are provided with adequate foundations.
- 17) The first 11 metres of the construction access track from the adopted highway shall be finished in materials that shall have been submitted to and agreed in writing with the Local Planning Authority and those details shall not include loose materials that may be carried out onto the adopted highway.  
REASON: To prevent loose material such as mud and gravel being carried out onto the highway.
- 18) Prior to the construction of the sub-stations details of the external finishes shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed and maintained thereafter in accordance with the agreed finishes.  
REASON: In the interest of visual amenity.
- 19) Before the commissioning of the wind turbines hereby approved, details of bat activity surveys by a competent bat ecologist to monitor foraging and commuting bat activity around the turbines for a minimum of 2 years post-completion of the development shall be submitted to and agreed in writing by the Local Planning Authority and the agreed activity surveys shall be carried out unless otherwise agreed in writing by the Local Planning Authority and the results of the surveys shall be submitted to the Local Planning Authority annually along with details of any proposed improved mitigation measures, arising from the survey results to be agreed in writing by the Local Planning Authority and the agreed improved mitigation measures shall be implemented.  
REASON: To provide information on the level of bat activity in close proximity to the turbines and any interaction between foraging bats and the turbine blades, in the interests of biodiversity.

Cont....

Application No. 13/0824/FULL Continued

- 20) No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist (including a methodology for the capture and translocation of reptiles with details of the receptor site if necessary) 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.

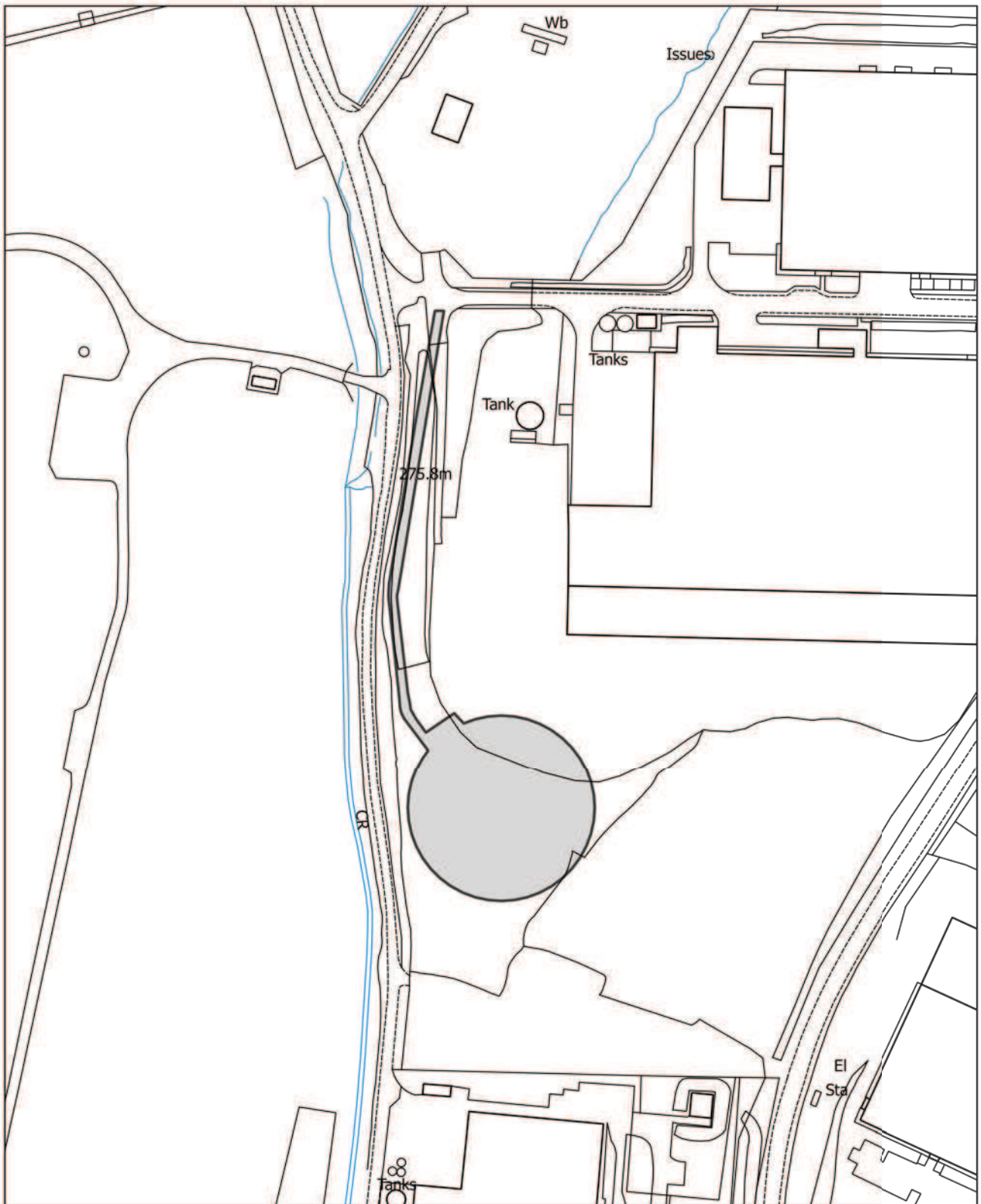
Advisory Note(s)

Please find attached the comments of Transportation Engineering Manager, Head of Public Protection, OFCOM, Joint Radio Company Ltd, Glam/Gwent Archaeological Trust, Chief Fire Officer, Police Air Support 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 and CW3.

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# Agenda Item 16

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0924/FULL 26.10.2015	Mr N Carter 10 Farraday Drive Penpedairheol Hengoed CF82 8BJ	Carry out improvements to the facilities at Bargoed RFC pitch including additional spectator stands, and ancillary portable buildings Bargoed RFC Bargoed Park Park Drive Bargoed

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is situated to the south of Moorland Road and to the north of Park Drive.

Site description: The application site encompasses two separate parcels of land within the wider Bargoed Park. It relates to the main rugby field and surrounding athletics track together with the existing car park immediately to the north as well as a further car park on land adjacent to the playground in the south east corner of the park. The rugby pitch includes the field which has a running track surrounding it with a long jump and water jump at the northern end. It also has a stand on the western side of the track with a fence separating the track from the surrounding land. Underneath the stand are the existing changing rooms with further changing rooms and storage containers being sited to the west of the running track.

The car park immediately to the north is an irregularly shaped parcel of land which is sited on an elevated plateau above the surrounding park and enclosed by a bund. The car park to the south is also irregularly shaped and is hard surfaced. The main access to the ground is via a gated entrance into the park from Moorland Road with access to the southern car park being via an existing access onto Park Drive.

Development: The application seeks full planning consent for the erection of a new stand and spectator terraces within the site together with other storage buildings.

Cont....

Application No. 15/0924/FULL Continued

The new stand is to be located to the north of the rugby field and inside the running track where the long jump is currently located and will be a 75 seat stand with four rows of seats and space for disabled people. It is a pre-fabricated structure of metal frame with a profile sheeting rear wall and canopy roof. There will be nine new spectator stands each accommodating 110 persons with two being sited either side of the proposed stand, three to the south of the existing stand but on the outside lanes of the running track and four to the north of the existing stand, also on the outside lanes of the running track.

Consent is also sought for the erection of two containers to the west of the existing stand to provide storage facilities and a new physio/press room. A new score board is also proposed on the eastern side of the playing field.

The application also proposes the creation of improved and new parking areas in the existing car parks referred to above. The submitted plans suggest that a total of 84 parking spaces will be provided whilst buses would be parked at Heolddu School during matches.

Dimensions: The stand measures 29.49m wide by 2.94m deep by 3.1m high. The terraces each measure 9.83m wide by 2.94m deep by 3.1m high. The containers each measure 6.326m long by 2.438m wide by 2.502m high.

Materials: The stands are finished in profile metal sheeting as are the containers.

Ancillary development, e.g. parking: None.

#### PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

#### POLICY

Local Development Plan: Within settlement limits.

#### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), SP21 (Protection of Strategic Leisure Network), CW2 (Amenity), CW3 (Design Considerations: Highways), CW8 (Protection of Community and Leisure Facilities) and CW15 (General Locational Constraints).

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

Cont....

Application No. 15/0924/FULL Continued

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."

Para 11.1.12 states: - "All playing fields whether owned by public, private or voluntary organisations, should be protected from development except where:-

- facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available;
- or
- there is an excess of such provision in the area."

National Planning Guidance contained in Technical Advice Notes 12 - Design and 16 - Sport, Recreation and Open Space.

### CONSULTATION

The Coal Authority - No objection subject to a condition relating to the provision of a ground report.

Police Architectural Liaison Officer - No objection.

Transportation Engineering Manager - Initially raised an objection to the application on highway safety grounds, which are discussed in the report, but subsequent discussions, have overcome those concerns also detailed below.

Senior Engineer (Land Drainage) - No objection subject to a condition relating to drainage.

Outdoor Leisure Development Officer - No objection subject to a condition relating to refuse bins within the site.

Parks And Open Spaces - Raises objection to the creation of disabled parking spaces on the running track but raises no objection to the remainder of the proposal.

Cont....

Application No. 15/0924/FULL Continued

## ADVERTISEMENT

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

Response: Three letters of objection together with a number of comments via the Council's Twitter feed have been received.

### Summary of observations:

1. Works have already commenced on site.
2. The Design and Access Statement define the track as unused. This is clearly not the case as it is used by Rhymney Valley Athletic Club and Islwyn Running Club.
3. Has alternative Athletics provision been made?
4. Policy CW8 states that Community and Leisure facilities should be protected unless they are surplus to requirements or a replacement facility is provided.
5. A technical area has been provided on the running track that does not form part of the application. This prevents any use of the running track.

## SECTION 17 CRIME AND DISORDER ACT

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

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No, but as the site is in an area that has excellent bat and bird foraging habitats bat enhancement measures are considered to be prudent in this instance.

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. Having considered the objections raised it is clear that the main issues in the determination of this application are the loss of the running track and highway safety concerns.

Cont....

Application No. 15/0924/FULL Continued

With regard to the first matter it should be noted that Policy CW8 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and Paragraph 11.1.12 of Planning Policy Wales state that community and leisure facilities should be protected unless they are either surplus to requirements or that a suitable replacement facility is provided elsewhere. The Design and Access Statement submitted with the application contains statements that suggest that the running track is no longer in use and as such it is surplus to requirements and the proposal complies with Policy CW8. The objections raised by the public make it clear that this is not the case. Whilst it is clear that the poor state of repair of the running track makes it difficult for the athletics and running clubs to use it is still clear that it is used.

However, this development does not entirely take away the ability to use parts of the track as the structures applied for only use the outer lanes. The original proposal included for the provision of disabled parking bays on the water jump part of the track but this has now been removed. It was also noted that a technical area has been created on the straight in front of the existing stand but this does not form part of the application. It would be for the Council's Parks Section to decide whether this should be retained and take this matter up with the applicant.

It should also be noted that the stands provide improved community/leisure facilities for patrons of the rugby club wishing to watch matches at the ground. Again it is considered that it is for the Parks Section to determine where preference should be given between the competing users of the site. It is for the Local Planning Authority to ensure that a community facility is not lost as a result of the proposal. In that regard it should also be noted that alternative provision in the form of a 200m running track marked on the 3G surface, is to be provided at the new Islwyn West school which is currently under construction at Oakdale. Whilst this does not provide a 400m running track it is considered that the improved quality of the surface means that the new provision is at least equivalent if not better than the existing track. A similar provision is also proposed at Y Gwindy School in Caerphilly.

With the above in mind it is considered that the proposal complies with Policy CW8 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 in that the community/leisure facility will not be totally lost and that adequate provision is made elsewhere that local clubs can seek to use.

Cont....

With regard to highway safety concerns it should be noted that the Transportation Engineering Manager has raised an objection to the application. The application proposes the provision of an additional capacity for 1200 supporters on top of the existing 300 seat capacity of the existing stand. A total capacity of 1500 requires the provision of 100 parking spaces within the site and these need to be readily accessible to the main ground. The plans submitted with the application suggest that a total of 86 parking spaces can be provided within the two car parks at the site. However, this layout does not comply with the Council's Adopted Design Guidance and it is considered that the figure that can actually be provided would be closer to 71 spaces. This is considered to be a significant shortfall in the number of spaces required leading to on street parking in the vicinity of the site to the detriment of highway safety and to the amenity of neighbouring landowners. It should also be noted that the largest bulk of those parking spaces is to be provided in the car park to the south of the park. The access to this car park is not possible from the main access into the park meaning that supporters would be expected to make a journey of over a mile from the main park gates in order to park. The parking area is then also 250m from the playing pitch meaning that this parking area is not well related to the main playing area and as such is unlikely to be used by patrons.

The developer has suggested that overspill parking could be provided at Heolddu School. However, as this site is over 900m away from the application site is not considered that this parking could be considered as acceptable as it is not well related to the application site. It should also be noted that the School also encompasses the leisure centre and as such the parking there would also be in use by patrons of that establishment at times when rugby matches are likely to be played (i.e. weekends and evenings) and as such use of this parking by rugby supporters would displace the parking of leisure centre users.

It is also considered that the existing access from Moorland Road is unsuitable to serve the development by virtue of its narrow width and lack of segregated pedestrian facilities.

The applicants have advised that the following arrangements would be put in place to accommodate parking:

- Parking at Heolddu School (75 spaces) would be available.
- Premiership teams have played at Bargoed without causing complaints about parking and traffic.
- The capacity at the northern car park accessed from Moorland Road would not be increased and so there would be no additional traffic using that entrance.

Cont....

Application No. 15/0924/FULL Continued

- Coaches will drop passengers at Moorland Road and park in the Heolddu school bus bay.
- Traffic flow co-ordinators would be employed near the Moorland Road entrance restricting traffic into the park and preventing potential conflict with pedestrians.
- Supporters would be bussed from the school car park to the Moorland Road entrance.
- Most supporters will approach from the south and will use the southern car park or be re-directed to Heolddu School by the co-ordinators.
- Local supporters use the various footpaths into the park.
- The club will provide any additional signage required.
- There would be 15 home fixtures in the calendar year, and although the WRU requires facilities for 1500 spectators, not even the best supported club in Wales - Pontypridd gets that number. The overwhelming majority average less than 350.

It is considered that these proposals would form the basis of an events management strategy similar to what was accepted in support of the Council's own sports facility at Ystrad Mynach where stands accommodating 3000 spectators are served by 171 parking spaces. On balance it is considered that planning permission should be granted.

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

Comments from public: The majority of objections raised by members of the public are addressed above. With regard to the commencement of works prior to the determination of any application it should be noted that this is not a reason in itself to warrant refusal of any planning application. However the applicant has been advised that such works should not have taken place and that any that have been carried are done so at the applicant's risk. The land is also still in the control of the Council's Parks Section and they have also taken this matter up with the applicant.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

Cont....

Application No. 15/0924/FULL Continued

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 first use of the stands hereby approved the parking areas shown on drawing numbers 10184/04 and 10184/05 shall be marked out in accordance with revised layout plans that shall be submitted to and agreed in writing with the Local Planning Authority.  
REASON: To ensure the provision of adequate parking facilities.
- 03) Prior to the commencement of works on site a scheme for the drainage of land and surface water 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 adequate drainage of the site.
- 04) Details of any lighting associated with the development hereby approved and its hours of operation shall be submitted to and agreed in writing with the Local Planning Authority prior to its installation.  
REASON: In the interests of visual and residential amenity.
- 05) Prior to the commencement of the development hereby approved details of the materials to be used in the finishing of any external surfaces shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.  
REASON: In the interests of visual amenity.
- 06) Prior to August 2016 an events management strategy based on the e-mail dated 26 November 2015 from Mr. Robert Butcher to the Local Planning Authority shall be submitted to and agreed in writing with the Local Planning Authority. The strategy shall include provisions for its review. Thereafter the strategy shall be implemented as agreed.  
REASON: To minimise the impact of vehicular traffic on the surrounding road network.

Cont....



Application No. 15/0924/FULL Continued

- 07) Subject to the requirements of Condition 02 this development shall be carried out in accordance with drawing numbers 10184/3/B, 10184/04, 10184/5, ST-110, LTSUPER75/EX201, ST2108NOIA, OP2108NOZA and 2986.  
REASON: For the avoidance of doubt as to the extent of this consent.
- 08) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roots and a means of access for bats in each of the new stands and ancillary buildings at Bargoed Park, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new stands and ancillary buildings hereby approved are 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.
- 09) 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 each of the new stands and ancillary buildings at Bargoed Park, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new stands and ancillary buildings hereby approved are 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, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 10) Prior to the commencement of development a scheme of intrusive site investigations for the mine entries, the shallow coal workings, a report of the findings and the necessary treatment and remedial works shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.  
REASON: To ensure the proper treatment of coal mining features.

Advisory Note(s)

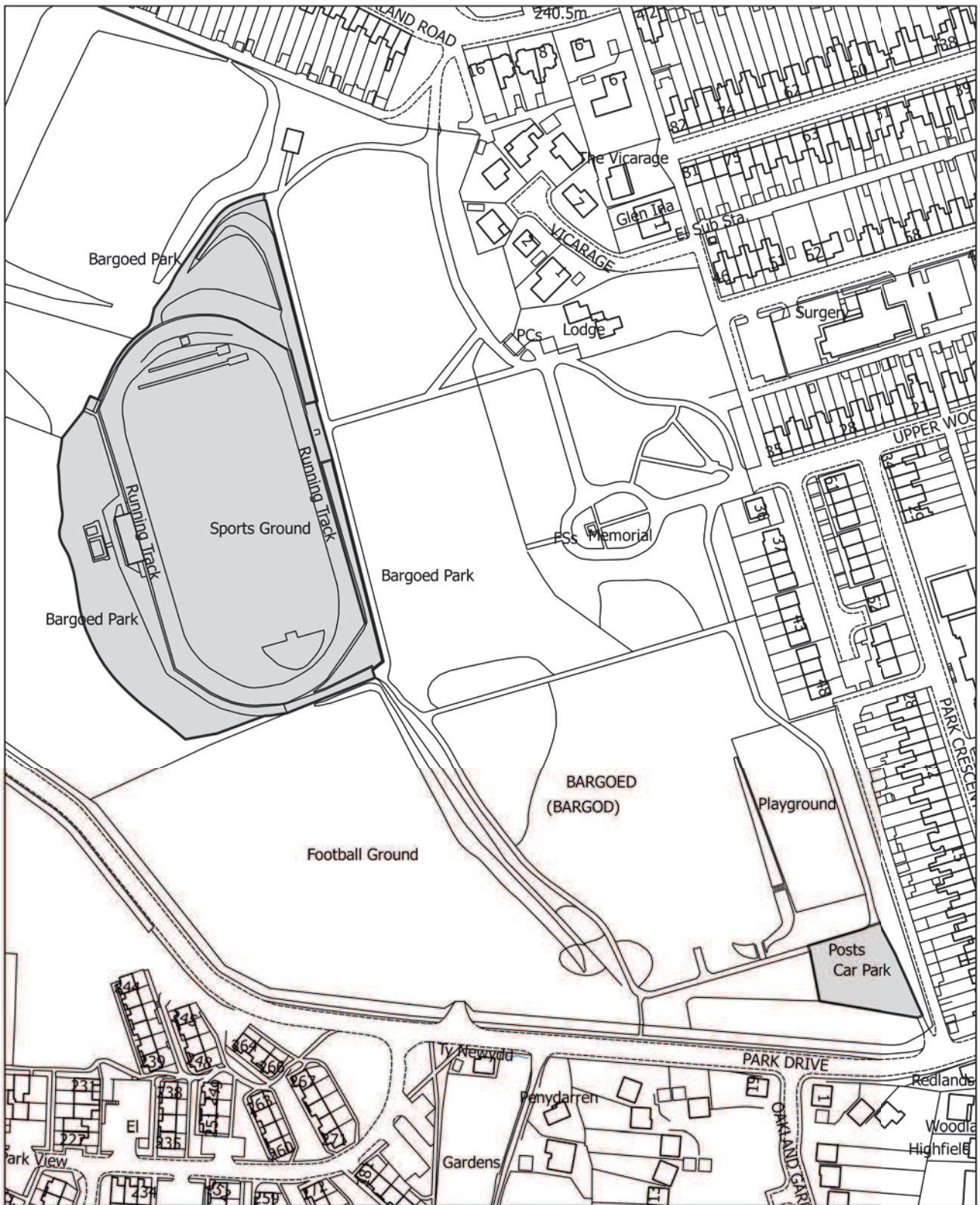
The following policies of Caerphilly County Borough Local Development Plan up to 2021 - November 2010 are relevant to this consent: policies CW2, CW3 and CW4.

Cont....

Application No. 15/0924/FULL Continued

Please find attached the comments of Dwr Cymru/Welsh Water and Senior Engineer (Land Drainage).

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# Agenda Item 17

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/1059/LA 07.10.2015	Caerphilly County Borough Council Building Consultancy Mr J G Jones Unit 1 Woodfieldside Business Park Pontllanfraith Blackwood NP12 2DG	Change the use of bungalow (formerly Caretaker's residence) to provide Flying Start facilities for Parenting Programmes and for use as a staff office base School Bungalow Forest Hill Pontllanfraith Blackwood NP12 2PL

**APPLICATION TYPE:** Local Authority Application

## SITE AND DEVELOPMENT

Location: The application site is The Bryn Primary School, Pontllanfraith.

Site description: The caretaker's bungalow is a single-storey property with residential curtilage located within the school grounds.

Development: Full planning permission is sought in respect of the change of use of bungalow (former caretaker's residence) to provide Flying Start facilities for parenting programmes and as a staff office base.

Flying Start is a Welsh Government funded Programme and is available in targeted areas supporting families to give 0-3 year olds a Flying Start in life. The scheme aims to provide intensive support services for children aged 0 - 3 years old and their families. The focus of the programme is on promoting language, cognitive, social and emotional skills, physical development and the early identification of high needs. This is delivered through health support and guidance, parenting groups and support and free part-time childcare.

The hours of opening are 08:00 to 17:00 hours Monday to Friday. The unit will employ 4 full-time and 2 part-time employees.

Dimensions: The footprint of the bungalow will not change.

Ancillary development, e.g. parking: Six additional car parking spaces.

Cont....

Application No. 15/1059/LA Continued

### PLANNING HISTORY 2005 TO PRESENT

10/0336/ADV - Erect 5m flag pole to fly flag 1m x 2m dimension - Granted 31.08.10.

### 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, SP21 - Parking Standards.

##### Countywide Policies

CW2 (Amenity), CW3 (Design considerations - Highways), CW15 - General locational constraints and supplementary planning guidance contained in LDP5 - Parking Standards.

### NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014, and TAN 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? Not an issue in respect of this application.

Cont....

Application No. 15/1059/LA Continued

### CONSULTATION

Transportation Engineering Manager - No objection subject to a condition being attached to any consent requiring parking to be provided in accordance with the approved plan prior to beneficial occupation.

Head Of Public Protection - No objections subject to conditions being attached to any consent regarding any contamination of the site and an advisory note in respect of the presence of any asbestos.

Dwr Cymru/Welsh Water - Provides advice to be conveyed to the developer.

Principal Valuer - No comments.

### ADVERTISEMENT

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

Response: Three letters.

### Summary of observations:

- will exacerbate existing parking problems at the entrance to the school;
- road safety issues;
- noise and disturbance to residents living near the converted bungalow;
- anti-social behaviour experienced since the caretaker moved out.

### 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.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No.

Cont....

## ANALYSIS

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

The main issues to be considered in the determination of this planning application are in respect of the compatibility of the use with neighbouring land uses, amenity and highway considerations.

CW2 Amenity - The proposed existing building is set within the school grounds and to the rear of residential dwellings located at Bryn Lane and the proposed development will not have any significant amenity impact upon neighbouring land uses. Schools are often located within residential areas, and the activities associated with the proposed use, will not aggravate the relationship between the existing school and the neighbouring housing. In terms of visual impact, the only alterations to the building are the demolition of a rear conservatory and the insertion of patio doors in the rear elevation and in this respect it is not considered the proposed development would have an adverse visual impact upon the character of the existing building or the surrounding area. In terms of Policy CW2 of the LDP the proposed development is considered acceptable.

CW3 Design considerations highways - Transportation Engineering Manager has no objection subject to the provision of additional car parking spaces in accordance with the submitted plans. The proposal includes an additional six dedicated car parking spaces adjacent to the bungalow and is in addition to the 25 car parking spaces provided in respect of the school. The parking standards require primary schools to have one commercial vehicle space, one space for each member of teaching staff, one space per two ancillary staff and three visitor spaces. The proposed parking would cater for the needs of the new unit.

CW15 General locational constraints - The site is within settlement limits and is appropriate development in that location.

The proposed Flying Start Unit would comfortably fit within the existing site. The proposed unit would provide enhanced facilities for children and staff as described above.

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

Cont....



Application No. 15/1059/LA Continued

Comments from public:

- Will exacerbate existing parking problems at the entrance to the school. This Council's Transportation Engineering Manager has raised no objection to the development subject to conditions as referred to above.
- Road safety issues. As above.
- noise and disturbance to residents living near the converted bungalow. The Flying Start unit will be open between 08:00 - 17:00 hours and it is not considered that the amenity of occupiers of neighbouring properties will be adversely affected by the proposed use.
- Anti-social behaviour experienced since the caretaker moved out. Any anti-social behaviour may be reported to the police.

Other material considerations: None.

In conclusion, it is considered the proposed development does not conflict with local plan policies or national planning guidance and as such is subject to the imposition of appropriate conditions 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) 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.
- 03) 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.

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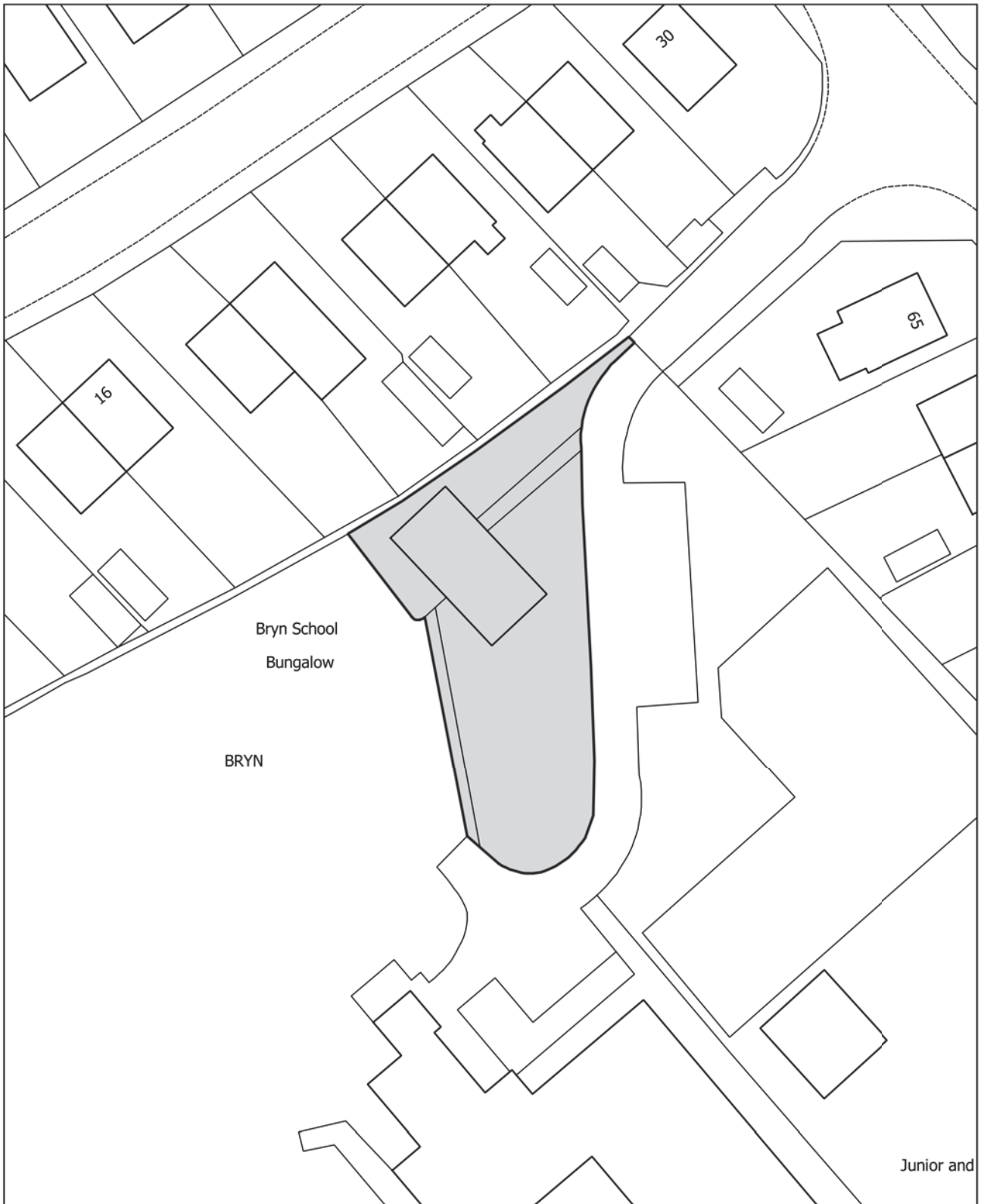
Application No. 15/1059/LA Continued

Advisory Note(s)

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

The applicant is advised of the comments of Dwr Cymru/Welsh Water and Head of Public Protection.

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# Agenda Item 18

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0499/FULL 13.07.2015	Mr G Davies Unit 2A Trenant Industrial Estate Wadebridge PL27 6HB	Erect a single wind turbine of max 77m to tip, along with associated infrastructure including an access track and electrical housing Castell Llwyd Farm Heol Las Nelson Treharris CF46 6PW

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is situated at land at Castell Llwyd Farm which is approximately 2km west of Ystrad Mynach, 2.3km southeast of Nelson and 3km northeast of Senghenydd.

Site description: The proposed site stands on land centred on grid reference ST 12818 93345 at a height of approximately 290m above Ordnance Datum (AOD) on farmland related to Castell Llwyd Farm. To the east the land falls away towards Ystrad Mynach, to the west the land rises to the undulating open common land of Mynydd Eglwysilan. The site is relatively isolated, when viewed from the east it is seen in an upland farming landscape and from the west it is viewed in conjunction with the common. The nearest non-involved residents (Pen yr heol Fawr and Pen yr heol Fawr Bungalow) are situated approximately 550m to the north-west. Within close proximity (1km) of the proposed development there are three residential properties with Castell Llwyd approximately 710m north-east and Twyn Yr Harris approximately 710m east, both of which are under the control of the applicant and Twyn Yr Harris has been confirmed by the applicant to be unoccupied. Tir Twyn Farm lies approximately 970m to the north-east of the site.

Development: Full planning permission is sought to erect a single wind turbine of a maximum blade tip height of 77 metres and associated infrastructure including the installation of a new access track and upgraded Byway access track; a temporary crane hard standing area (measuring approximately 35m by 15m) and permanent switch gear housing unit (approximately 5m by 3m).

Cont....

Application No. 15/0499/FULL Continued

The turbine would have a rated output capacity of 500kw. The operational life span of the turbine is 25 years after which it would be decommissioned. This site will then be reinstated to its former state or to a condition agreed with the Local Planning Authority.

The turbine's key maximum parameters are set out below:

Hub height: 50m.  
Rotor diameter: 54m.  
Maximum height to blade tip: 77m.  
Number of blades: 3.

The turbine is proposed to be light grey in colour (ral 7035).

The turbine would be installed within a field with a temporary crane pad. Works would be undertaken to provide access to the site through the existing stone wall field boundary to the south-west and upgrading of an existing stoned track for a distance of approximately 380m northwards to where it meets an existing minor metalled road to the northwest which leads to the A472 at Nelson. The transformer and associated equipment would be contained within a weatherproof housing (approximate dimensions 5m long by 3m wide and 2.3m high) positioned adjacent to the turbine and the applicant has indicated that the finish could be amended to suit Local Authority requirements in stonework, GRP or other agreed material.

The electrical connection to the national grid is associated with a separate application, undertaken by the local network operator (in this case Western Power Distribution, WPD). Underground cabling will be used where practical.

The application has been supported by a Design and Access Statement, Landscape and Visual Impact Assessment, a Noise Assessment, Shadow Flicker Assessment, Extended Phase 1 Habitat Survey, Archaeological Report, Public Consultation report, Transport Management Plan.

#### PLANNING HISTORY

No previous planning history.

Cont....

Application No. 15/0499/FULL Continued

## POLICY

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

Site Allocation: The site lies outside the defined settlement boundary in the open countryside within the Mynydd Eglwysilan Special Landscape Area (SLA). A portion of the site falls within a designated Site for Importance of Nature Conservation (Mynydd Eglwysilan, NH 3.120) which includes part of the access track.

Policies: SP1 (Development Strategy), SP5 (Settlement Boundaries), SP8 (Minerals Protection), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), CW19 (Locational Constraints - Rural Development and Diversification), CW22 (Locational Constraints - Minerals), NH1 Special Landscape Areas (SLAs), NH3 (Sites Of Importance for Nature Conservation).

NATIONAL POLICY Planning Policy Wales, TAN 8 (Renewable Energy) Technical Advice Note 12: Design.

## ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No, the development falls within Schedule 2 of the EIA regulations and was screened but was not considered to require EIA.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Site is located within a Standing Advice Area and applicant to be advised by informative note.

## CONSULTATION

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.

Cont....

Application No. 15/0499/FULL Continued

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

No works shall commence on site until after a revised Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority which provides a detailed report on the proposed route to be taken to the application site. This should include the adequacy of the route and provide details of any improvements required to the highway network to allow the movement of the abnormal loads. All improvements must be implemented before the movement of any abnormal load can take place. The plan will need to indicate full consultation and approval with neighbouring Authorities which the loads pass through, consultation and approval with the Welsh Government and South Wales Police Liaison Transport Officer who co-ordinates the safe passage of the vehicles and consultation and approval with the Highways Agency. The development shall be carried out in accordance with the agreed Traffic Management Plan.

Prior to the transportation of any AIL turbine components; a highway condition survey along the Heol Fawr shall be carried out and agreed in writing with the LPA, which includes a scheme and timetable for the repair of any damage caused by abnormal loads associated with this development. The development shall thereafter be carried out in accordance with those agreed details.

Before the transportation of any AIL loads to site the hauler's indemnity insurance must be inspected by the Highway Authority and written approval granted from the Authority's Chief Legal Officer.

Notes.

The applicant will be required to fund and implement a suitable Temporary Traffic Regulation Order to allow the movement of the abnormal loads and prevent car parking at key locations along the route.

Head Of Public Protection - No objections, request that conditions are attached to any consent in respect of noise levels, shadow flicker, keeping of records in respect of power generation, wind speed and direction data, restricting hours of work relating to construction, restricting the overall height of the wind turbine, and notification of any changes to the model of turbine installed from that approved.

Cont....



Application No. 15/0499/FULL Continued

Senior Engineer (Land Drainage) - It is noted that the applicant proposes to discharge the surface water runoff from the proposed development to Existing Watercourse. Any proposal to discharge surface water flows to the existing watercourse is likely to be limited to maximum rates of flow which will be determined by this authority, by the installation of onsite storage facilities in association with a controlled discharge device. The applicant must ensure that during the development period and thereafter that surface water, soil and other site debris is contained and dealt with within the curtilage of the site and is prevented from running on to or being otherwise deposited on adjacent land or highways. This may entail the installation of temporary or permanent cut off drainage. Therefore if any drive or private road is situated at a higher level than the adjacent highway the installation of cut of drainage will be required. Depending on site levels the applicant should consider the installation of appropriate cut off drainage to intercept surface water from any adjacent higher ground that might otherwise affect the completed development. In summary, prior to the commencement of any development of the site the applicant must submit to the Authority, and receive written approval of comprehensive proposals showing how surface water, and land drainage flows from the site will be dealt with as required by the Flood & Water Management Act 2010.

Countryside And Landscape Services - The Council's Landscape Officer comments: I am satisfied that the methodology used to undertake the Landscape and Visual Impact Assessment is in general accordance with what is currently regarded as best practice.

"Published guidance states that the "significance of the effect" of the proposed development upon Landscape Character and Visual Receptors is ascertained by professional judgement based upon consideration of the sensitivity of the baseline landscape or visual receptor and the magnitude of change as a result of the project. A series of matrixes were developed to assist with this assessment. Zones of Theoretical Visibility maps have been produced, calculated to Hub height and Blade tip and covering the previously agreed 8km study area. The maps indicate that the extent of visibility reduces substantially towards the fringes of the study area, particularly to the south, south west and south east. The LVIA calculates that the proposed turbine may be visible to Hub height over 38% of the study and to blade tip over 42% of the study area. These ZTV maps have been used to aid the selection of photo-viewpoints, which informs the assessment of potential visual effects and to refine the LANDMAP analysis of the potential effects upon landscape character."

Cont....

Application No. 15/0499/FULL Continued

"The significance of "effect" of the proposed turbine upon Landscape Character and Visual receptors has been assessed with all possible mitigation in place."

"I agree with the LVIA's findings that the potential impacts upon landscape character and visual receptors, associated with the construction and decommissioning of the turbine will be short term, reversible and "negligible" and that the more significant impacts are likely to occur during the 25 year operational phase."

#### Landscape Character

"Natural Resources Wales LANDMAP database has been used to determine the potential effect of the proposal upon Landscape Character. Thermal maps identifying each LANDMAP aspect area have been produced and overlain with the Zone of Visibility to Blade tip data to determine, which aspect areas have potential views of the turbine and therefore the potential to be affected by the proposal."

"LANDMAP methodology and "Planning Guidance for Smaller Scale Wind Turbine Development Landscape and Visual Impact Assessment Requirements, April 2015. Require the potential effects of the development upon the Geological and Landscape Habitat aspect areas within approximately 2.5 km, and Historic Landscape aspect areas within 8km of the site, that have either an "outstanding" or "high", overall LANDMAP evaluation to be assessed. Cultural LANDMAP aspect areas within the 8 km study area, with an "outstanding" or "high" in rarity and group value evaluation criteria, require assessment. Visual and Sensory LANDMAP aspect areas within the 8 km study area with an "outstanding" or "high" overall evaluation, plus "moderate" overall evaluation where scenic quality and or character criteria have an "outstanding" or "high" evaluation need to be assessed."

"Within 2.5 km of the site there are four Landscape Habitat aspect areas with a "high" overall evaluation. Other than for the footprint of the proposed turbine and the construction of the proposed access track there would be no effects upon the Landscape Habitat. The significance of effect is assessed as "minor-negligible". I agree with this assessment."

"Within 2.5km of the site there are two Geological aspect areas with an "outstanding overall evaluation" and two aspect areas with a "high" overall evaluation. Other than for the footprint of the proposed turbine and the construction of the proposed access track there would be no effects upon the Geology of the study area. The significance of effect is assessed as "minor" or "negligible". I agree with this assessment."

Cont....

Application No. 15/0499/FULL Continued

"There are parts of 26 Historic LANDMAP aspect areas within 8 km of the site that may have views of the proposed turbine, and thereby experience an indirect influence on the setting of the aspect area or features within it. The proposed turbine would be located within the large Llanfabon and Llanbradach aspect area which has a "high" LANDMAP evaluation the significance of effect of the turbine upon this aspect area is assessed as "moderate adverse" reducing with distance from the site. I believe the significance of effect would be "major- moderate adverse" reducing with distance from the site."

"Immediately to the south lies the Mynydd Eglwysilan and Mynydd Meio aspect area which has an "outstanding" LANDMAP evaluation. The significance of effect upon this area is assessed as "moderate adverse". I agree with this assessment in respect of the overall aspect area but believe the potential effect may be "major adverse" close to the site despite the presence of pylons in some views. Further afield the LVIA states that the potential effects are minimal and difficult to ascertain. I accept this but believe that for parts of the Gelligaer and Llancaiach, Gelligaer Common Mynydd Bach and Mynydd-y-Grug, Senghenydd and Cwm yr Aber and Cynon Valley Corridor, which have an "outstanding" LANDMAP evaluation, the potential exists for a "moderate adverse", "moderate-minor adverse" effect, where there are clear view of the proposed turbine."

"Within the study area there is one Cultural LANDMAP aspect area with an "outstanding" and four aspect areas with a "high" overall LANDMAP evaluation. The proposed site is located within the large "Designated Landscapes" aspect area, which covers many of the valley tops and upland plateaus across the South Wales Valleys. The proposed turbine would be locally dominant/prominent, though from further afield viewed as a relatively small element in an expansive view across a wide area potentially containing pylons, masts, turbines and other visual detractors. The LVIA assesses the significance of effect as being at worst "moderate adverse" quickly reducing with distance from the site. I believe the significance of effect would be "major-moderate adverse" over a small area close to the proposed turbine, reducing to "moderate adverse" over parts of the remainder of the 2.5 km study area and reducing again to "minor adverse", beyond 2.5 km."

"There are four Visual and Sensory LANDMAP aspect areas within the 8km study area which have a "high" LANDMAP evaluation. The remaining thirty-nine aspect areas have "moderate" LANDMAP evaluations, though two Mynydd y Grug and Gelligaer Farmlands have a "high" landscape character evaluation. "

Cont....

Application No. 15/0499/FULL Continued

"The site of the proposed turbine is within the Lanfabon LANDMAP aspect area, it has a "moderate" LANDMAP evaluation. The LVIA has assessed the significance of effect as "moderate adverse" in close proximity to the development site quickly reducing with distance due to the screening effect of intervening landform and vegetation. I believe the significance of effect has been slightly underestimated and is more likely to be "major adverse" in close proximity to the site, despite the presence of existing pylons. I agree that the significance will reduce with distance from the site."

"Immediately to the west and south west of the site is the Mynydd Eglwysilan and Mynydd Meio Landscape Character area which has a "high" LANDMAP overall evaluation. The proposed turbine will introduce a new vertical element on the fringe of this character area, already partly influenced by the presence of pylons and transmissions masts. The significance of effect is assessed as "moderate adverse" in close proximity to the site reducing with distance from the site. I believe the significance of effect has been slightly underestimated and is more likely to be "major adverse" in close proximity to the site, despite the presence of existing pylons. I agree that the significance will reduce with distance from the site."

"The potential significance of effect upon the Taff Bargoed Confluence, Mynydd y Lan and Gelligaer Common all with "outstanding" LANDMAP overall evaluations and at distances of 4 to 8 km from the site, have not been assessed. I believe the potential effect on these areas would be no greater than "minor adverse". The significance of effect upon Mynydd y Grug and Gelligaer Farmlands which have a moderate overall LANDMAP evaluation and a "high" landscape character evaluation has not been assessed. I believe the potential effect on these areas would be no greater than "minor-negligible."

#### Visual Impact

"Eight representative photo-viewpoints were identified as the basis for the visual assessment of the impact of the proposed turbine during the operation phase.

"The LVIA assessment is based upon the detailed matrices provided within the document supplemented by the professional judgement of the assessor. Whilst I agree with this approach in my opinion the sensitivity of some potential receptors and the potential impact of the turbines moving blades within a generally static landscape has been under-stated."

Viewpoint 1: Bridleway within Special Landscape Area, 280m from the turbine. I agree that the potential significance of effect is "major adverse."

Cont....

Application No. 15/0499/FULL Continued

Viewpoint 2: Minor Road within Special Landscape Area, 280m from turbine. The LVIA, assesses the potential effect upon users of the minor road as "moderate - minor adverse", I believe the effect will be "moderate adverse." The LVIA assesses the potential effect upon users of the Special Landscape area and public right of way as "major-moderate adverse", I believe the effect will be "major adverse."

Viewpoint 3: Parc Road Maesycwmmmer, 2700m from the turbine. The LVIA assesses the potential effect upon residents as "major-moderate adverse." I agree with this assessment.

Viewpoint 4: From Nelson, 2710m from the turbine. The LVIA, assesses the potential effect upon residents as "minor adverse," I believe effect will be "moderate-minor adverse."

Viewpoint 5: Bridleway within Special Landscape Area, 2810m from the turbine. The LVIA, assesses the potential effect as "minor- negligible adverse." I agree with this assessment.

Viewpoint 6: Rhymney Valley Ridgeway Walk in Special Landscape Area, 3040m from the turbine. The LVIA assesses the potential effect as "moderate-minor adverse," for users of the SLA and the recreational route. I believe effect will be "moderate adverse," in both instances.

Viewpoint 7: Rhymney Valley Ridgeway Walk on Gelligaer Common SLA, 4980m from the turbine. The LVIA assesses the potential effect as "minor adverse", for users of the SLA and the recreational route. I believe effect will be "moderate-minor adverse," in both instances.

Viewpoint 8: Raven Walk on Mynydd y Grug, North Caerphilly SLA, 5200m from the turbine. The LVIA assesses the potential effect as "moderate-minor adverse", for users of the SLA and recreational route. I believe effect will be "moderate adverse," in both instances.

The potential significance of effect upon the wider Mynydd Eglwysilan SLA has been assessed as "moderate adverse," due in part to the degree of screening provided over parts of the SLA by the undulating landform and the presence of pylons and transmission masts within the SLA. Whilst I accept this assessment for the SLA as a whole I believe there is the potential for "major adverse" effects within approximately 1 km of the site. The potential, indirect effects upon the North Caerphilly, Gelligaer Common and Mynyddislwyn SLA's where there boundaries fall within the 8 km study area is assessed as "minor adverse" I agree with this assessment.

Cont....

Application No. 15/0499/FULL Continued

"The potential significance of effect upon the Gelligaer Common Landscape of Special Historic Interest, has been assessed as "minor adverse," I believe the potential effect has been slightly understated and would be "moderate-minor adverse."

"I accept the LVIA assessment that the significance of effect upon Conservation Areas within the study area and the Maes Manor Hotel Park, Garden of Historic Interest will be "neutral."

"The ZTV's indicate that the proposed turbine will be visible from parts of Blackwood, Pontllanfraith, Bargoed, Aberbargoed, Penpedairheol, Penybryn, Treharris, Nelson, Hengoed, Ystrad Mynach and Maesycwmmmer. Views from within these settlements will often be screened by intervening buildings and the significance of effect is likely to be no greater than "minor adverse or neutral." However where direct unobstructed views are possible from parts of Maesycwmmmer, Ystrad Mynach, Hengoed, all within 2-3 km of the site, I consider the potential significance of effect to be "Major-moderate adverse." The Heads of the Valleys authorities, including Caerphilly, published "Planning Guidance for Smaller Scale Wind Turbine Development Landscape and Visual Impact Assessment Requirements," in April 2015. This document requires a residential amenity assessment on properties within 10 x the turbine height to blade tip (770m). Three properties are situated within 770m of the proposed turbine, two of which, Pen-yr-heol fawr (550m) and Twyn-yr-Harris (700m), have no financial involvement in the proposal and would have qualified for such an assessment. However no specific assessment has been undertaken in respect of either property. Pen-yr-rheol fawr is situated on slightly higher ground adjacent to the common road and the north west of the proposed turbine. Its main elevation faces east with no direct view of the proposed turbine, existing mature trees on the properties southern boundary filter views towards the proposed turbine, which would also encompass the line of pylons. Twyn-yr-Harris is situated on the lower valley side to the south east of the proposed turbine. The main elevations of the property face north/south away from the proposed turbine, and views from within the farm yard/property boundary are restricted by farm buildings and tree cover between the property and the turbine. For both properties I would assess the significance of effect as no greater than "moderate-minor adverse". There is a scattering of more distant isolated farmsteads and residential properties within the study area with potential views of the proposed turbine for which, the significance of effect has been assessed as "neutral". Without a detailed assessment of each property it's impossible to provide an accurate assessment though I believe some properties within approximately 3km, with clear views of the site, will "minor adverse" or possibly "moderate adverse" effects.

Cont....

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"Users of the Sirhowy Valley/Raven Walk and Rhymney Valley Ridgeway Walk will experience views of the proposed turbine, at distance as part of a wider panorama. The potential effects have been assessed as "moderate-minor adverse". I agree that the significance of effect is likely to be no greater than "moderate adverse."

"The significance of effect upon the National Cycle Routes that cross the study area has been assessed as "neutral". I agree with this assessment. From public rights of way in close proximity to and with open views of the site the effect of the proposed turbine is likely to be "major adverse," this potential effect will diminish quite quickly with distance within the Eglwysilan SLA due to the undulating landform. Where visible the movement of the turbine blades within this relatively enclosed and static landscape will contribute to the significance of effect, whilst the presence of pylons within some views will reduce the significance of effect. From further afield and outside the Eglwysilan SLA the significance of effect is assessed as no greater than "moderate-minor adverse" I agree with this assessment."

"The significance of effect upon users of Open Access land on Mynydd Eglwysilan in close proximity to the proposed turbine has been assessed as "major adverse", reducing quite quickly to "major-moderate adverse." Further afield the proposed turbine would be perceived as a relatively distant vertical element within a wider panorama. The significance of effect has been assessed as "minor adverse" though I believe it is likely to range from "moderate adverse" to "minor adverse."

"The major road network follows the valley floor, where views are possible they are likely to be fleeting, oblique and taken at speed. Where views of the proposed turbine are possible from the significance of effect is assessed as "negligible- neutral". I believe this to be generally true, though for a section of the A472 through Maesycwmmmer which would have a direct view of the effect is likely to be "minor adverse". From the minor road crossing Eglwysilan SLA in the vicinity of the site the significance of effect is likely to be "moderate adverse". Potential views from minor roads at greater distances from the site will I believe be "minor adverse-negligible."

"The significance of effect upon rail users has been assessed as "neutral" I agree with this assessment."

Cont....

Cumulative Impact.

"An assessment of cumulative impact has been undertaken in respect of potential cumulative effects of the proposal upon both landscape character and visual amenity. The cumulative effect of proposed turbine is considered in addition to thirteen operational, consented or in planning wind energy developments within the 12km cumulative study area. Two additional consented schemes Cefn Bach Farm and Cruglwyn and one in planning scheme, Pen y fan Caravan Park should also have been included."

"Planning Policy Wales TAN 8 Annex D paragraph 8.4 states that "In the rest of Wales outside the Strategic Search Areas, the implicit objective is to maintain the landscape character" i.e. no significant change in landscape character from wind turbine development. This is interpreted as "Typically a Landscape with occasional wind turbine developments."

"The assessment concluded that the proposed turbine would largely be perceived as a single vertical element, although often in combination with adjacent pylons, but distinctly separate from other operational, consented or in planning wind energy developments and that there would be no significant cumulative effect upon landscape character. I agree with this assessment."

"The wireframe drawings for each photo-viewpoint indicate that the potential exists for the proposed turbine to be viewed in combination with other generally widely spaced and scattered operational, consented or in planning turbines particularly to the north east. Views which include other turbines are typically expansive and over distances of 3-12 km. The combined effect of the proposed turbine within such views is not considered significant. I agree with this assessment. Sequential views of the proposed turbine with other operational, consented or in planning turbines will be possible from the Sirhowy Valley/Raven Walk and Rhymney Valley Ridgeway Walk, areas of open access land and some major and minor roads. The LVIA believes that the separation distances between the proposed turbine and the other widely spaced recorded turbines will not significantly change the existing sequential experience of the landscape. I agree with this view."

Conclusion.

"In 2014 the Council commissioned Gillespies LLP to produce a "Landscape Sensitivity and Capacity Study" in relation to potential Smaller Scale Wind Turbine Development in the southern part of the county borough. This study compliments a similar study commissioned jointly with other Heads of the Valleys Authorities which covers the northern half of the County Borough."

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"The study places the site of the proposed turbine in Landscape character Unit 1 (Caerphilly West, Nelson and Abertridwr). This large landscape character unit is assessed as having "medium" sensitivity to wind turbines of between 50-80m in height to blade tip. The study notes that the unit is large and varied in terms of landform and land cover and as such there will be areas within the unit with greater sensitivity most notably Gelligaer Common and areas of enclosed farmland which provides the setting for villages within the unit."

"The Local Development Plan identified the site of the proposed turbine as being within the Mynydd Eglwysilan Special Landscape Area and identifies a key long term policy to "prevent the area becoming too cluttered with incongruous vertical elements such as pylons and turbines."

"The proposed turbine would be located on the upper valley side within a medium scale partly enclosed agricultural landscape, which contributes to the setting of Ystrad Mynach. The proposed turbine would be located below the ridgeline and in close proximity to a line of existing pylons, which cross the ridge line and are clearly visible from the valley floor, parts of Mynydd Eglwysilan common and the wider landscape."

"The LVIA has assessed the proposed turbine as having at worst "moderate adverse" effects upon Landscape Character, relevant designations and "major adverse" effects on very few of the close range visual amenity receptors."

"I believe the introduction of the proposed turbine into the Special Landscape Area would be contrary to the SLA key policy of preventing the area becoming too cluttered with incongruous vertical elements."

"The proposal will introduce a large structure, with moving blades into a relatively static landscape. I believe the colour solid form and movement of the turbine blades will draw the eye and in mid distance views from the east in particular emphasise the presence of the existing but less obtrusive pylons."

"I believe the LVIA slightly under assesses the potential effects of this proposal. In my opinion there is potential for "major-moderate adverse" effects upon Landscape character within approximately 1 km of the site, "major adverse" effects upon visual receptors within approximately 1km of the site and "major-moderate adverse" effects on parts of Maesycwmmmer, Ystrad Mynach and Hengoed with clear views of the site. I agree with the LVIA assessment that the cumulative effects of this proposal would not be significant."

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"In my opinion the significant effects of this proposal are restricted to an area in close proximity to the site and are sufficient for the application to be considered for refusal."

"Should the proposal be recommended for consent, I would wish to condition. The alignment and construction materials/details of the access track and areas of hard standing. I would wish to see local stone used in the construction and the finished surface area grass seeded to minimise visual impact."

"The design of the Control Cabinet and Transformer housing. I would wish to see a local stone clad structure with a pitch slate pitched roof, indicative of small buildings of local vernacular."

The following additional comments have been received.

"The LANDMAP visual and Sensory aspect layer evaluation for the Llanfabon aspect area, within which the proposed site sits, identifies the key elements that should be changes as the sharp urban edge and masts and pylons. The overall evaluation is "moderate" but the surveyor comments it could be "high" but for detractors such as the sharp urban edge and masts and pylons. The Mynydd Eglwysilan and Mynydd Meio aspect layer evaluation (immediately adjacent to the site has a high overall LANDMAP evaluation and identifies the presence of pylons as introducing visual clutter into an attractive landscape."

"Scottish Natural Heritage guidance on the Environmental Impact of Windfarms recommends the creation of a simple image of the development in relation to the landscape. Single or multiple turbines in a relatively open landscape free of other strong/competing visual elements can create such a simple image. In my opinion the close presence of the pylons and transmission line adds a layer of complexity to the local scene and weakens the simplicity of the image which would have been created by the turbine as the dominant vertical element in this setting."

"I remain of the opinion that the landscape within which the proposed turbine is to be sited and the immediate adjacent common/open access area from which many of the near views of the development will be obtained or against which the development will be viewed from Ystrad Mynach/Hengoed/Maesycwmer is a relatively static landscape."

Rights Of Way Officer - Byway 117E crosses the site and must remain available for public use or closed or other agreed safety measures implemented if used for access for construction equipment.

Police Architectural Liaison Officer - No objections.

Cont....

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Civil Aviation Authority - NATS - No objection.

Ministry Of Defence - No objections, requests that MOD should be advised prior to commencement of development of detailed information in relation to the turbine's location, height and construction schedule.

Dwr Cymru - No comments to make on the planning application.

Wales & West Utilities - Provides details of apparatus in the vicinity.

Natural Resources Wales - Do not object to the application but provides details comments on submitted information.

Glam/Gwent Archaeological Trust - No Objections, recommend a condition be attached requiring a programme of archaeological works and written scheme of investigation be attached to any permission.

Mr R Jones - Trunk Road Manager - No objections - The Trunk Road Highway Authority will require advanced notification in relation to construction traffic due to anticipated weight/size of vehicles.

Gelligaer Community Council - No objection.

Rhondda Cynon Taf Council - No objection.

Merthyr Tydfil County Borough Council - No objections.

OFCOM - No objection - Provided radio spectrum information.

### ADVERTISEMENT

Extent of advertisement: The application was advertised in the local press, by neighbour notification and Site Notices erected close to the site and placed in Post Offices in Nelson and Ystrad Mynach.

Response: Two letters of support were received.

### Summary of observations:

- They are considered to be a more sustainable form of energy.
- The use of them is encouraged by many Council's and Government Authorities.

Cont....

Application No. 15/0499/FULL Continued

- The installation of wind turbines at Castell Llwyd Farm would be on private land and no inconvenience to the general public.
- They are less of an eyesore than the electricity pylons that are scattered around the mountain.
- This proposal harnesses natural resources and in return will produce electricity to power 400 homes.
- The nearest neighbour to the turbine is in agreement with the proposal and would benefit from an electrical supply.
- The company building the turbine are known to support local communities.
- The turbine would add valuable income to the farm and would ensure the continuation of the work the applicants undertake with Special Needs People.
- Wind Energy is clean and reduces the need for nuclear power.

#### 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? No.

#### ANALYSIS

##### Policies:

The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The Welsh Government in its guidance is committed to delivering sustainable development in Wales, this includes the sustainable use of resources (Para 4.1.5) and living within environmental limits by ensuring Wales uses only its fair share of the Earth's resources and mitigating climate change (para 4.3.1).

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Planning Policy Wales highlights that Planning Policies, decisions and proposals should "Support the need to tackle the causes of climate change by moving towards a low carbon economy. This includes facilitating development that reduces emissions of greenhouse gases in a sustainable manner, provides for renewable and low carbon energy sources at all scales and facilitates low and zero carbon developments" (para 4.4.3). PPW recognises that an adequate and efficient supply of infrastructure, including electricity is crucial for the "economic, social and environmental sustainability of Wales."

Wind turbines contribute to this agenda, as such the sustainability aspect of the proposal accords with PPW. Technical Advice Note 8 Planning for Renewable Energy (TAN 8) recognises that in order to try and meet the renewable targets set by the Welsh Government "on-shore wind power offers the greatest potential for an increase in the generation of electricity from renewable energy in the short to medium term" (Para 2.2).

The main points to consider in the determination of this application are in respect of the impact on Visual Amenity and landscape including on the Special Landscape Area, impact on sensitive receptors, archaeological and highways impacts of the scheme.

#### LANDSCAPE AND VISUAL IMPACTS ASSESSMENT

The Local Development Plan allocates the application site as part of the Mynydd Eglwysilan Special Landscape Area (SLA) under Policy NH1.3 and the designation of an area as a Special Landscape Area is designed to protect the SLA from "any development that would harm their distinctive features or characters." Appendix 1 to the Written Statement in the adopted Local Development Plan expands on the designation of the SLA and highlights the upland ridge area is "open with panoramic and sometimes dramatic views over upland and adjoining valleys. A pleasant landscape, with some attractive farmland away from the built form of urban edges." It is within this context that the Appendix identifies Key Policies, Management and Development Control Issues. One of the Long term issues is to "Prevent the area becoming too cluttered with incongruous vertical elements, including pylons and turbines."

The Landscape Officer has considered that the development will have major adverse impacts on parts of the designated Special Landscape Area particularly in close proximity to the turbine. It would also have moderate visual impacts on mid-range sensitive receptors including from the settlements of Maescwmmer and Ystrad Mynach and others.

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The scale and height of the turbine together with its position on the upper part of the valley side would have an adverse visual impact on two distinct landscape typologies, these would broadly be the attractive rolling farmland as seen in viewing the turbine from east of the site and the more remote moorland uplands on views achieved from the west. There would of course be impacts on views from the north and south of the site. Technical Advice Note 8 (Renewable Energy) identifies in paragraph 2.13 that "there is a balance to be struck between the desirability of renewable energy and landscape protection". It is noted that a number of wind turbines are operational in the county; however, this turbine would be a new modern feature within the designated Special Landscape Area. It is considered that in balancing Landscape Protection with the desirability of renewable energy that as advocated by TAN 8 there is a case for avoiding a situation where wind turbines are spread across the whole of a County.

It is acknowledged that the turbine will represent a new vertical element within the Special Landscape Area and that the Special Landscape Area Policy NH1.3 includes within the Long Term aims of the Management of the area to "prevent the area becoming too cluttered with incongruous vertical elements including pylons and turbines". The proposed location for the turbine is however sited in relatively close proximity (circa 200m) to an existing set of electricity pylons with transmission lines, which are a large and visually detracting feature within the Special Landscape Area. The Landscape Officer has expressed concerns that the proposed turbine by virtue of its size and form and the movements of the blades will draw the eye and emphasise the presence of the existing, but in his view, less obtrusive pylons. The Landscape Officer also draws attention to guidance (from Scottish Natural Heritage) which recommends the creation of a simple image of the development in relation to landscape. In the Landscape Officer's opinion the close presence of the pylons and transmission line adds a layer of complexity to the local scene and weakens the simplicity of the image which would have been created by the turbine as the dominant vertical element in this setting. The Landscape Officer whilst expressing these concerns does also note that the proposal is finely balanced in landscape terms and also indicated that the Caerphilly Wind Turbine Development Landscape Sensitivity and Capacity Study Draft Report does identify that the Landscape unit that the current proposal falls within (Landscape Unit 1, Caerphilly West) as an area capable of accommodating wind turbine development of this size albeit the Landscape unit is large, being a strategic study, and therefore not replacing the need for individual site analysis.

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In considering the impact on the Special Landscape Area and considering the concerns expressed by Landscape Officer this needs to be balanced against the clear general presumption in favour of development contributing to renewable energy expressed in Planning Policy Wales. PPW itself notes that as a non-statutory designation Special Landscape Areas "should not unduly restrict acceptable development" (para 5.3.11).

It is acknowledged that the turbine will be visible from a wide number of vantage points as shown in the submitted Photomontages. It will, as the existing pylons are, be visible from the valley floor, parts of the Mynydd Eglwysilan common and the wider landscape. It will be viewed over a range of distances from a number of settlements including Ystrad Mynach, Nelson, Llanfabon and the submitted Zone of theoretical visibility plans indicate that views of the turbine may be possible from a wide range of vantage points primarily to the west, east and north of the turbine from distances up to the 8km study area and beyond. It is important to note however that the impact of the turbines reduces over distance and as indicated by the Landscape Officer the 'Major-moderate adverse' effects upon Landscape character are within 1km of the site and also on parts of Maescwmmer, Ystrad Mynach and Hengoed with clear views of the site. Major Adverse effects upon visual receptors are limited to those within approximately 1km of the site.

Policy CW4 (Natural Heritage Protection) requires proposals to conserve the distinctive or characteristic features of Special Landscapes Areas and where within or in close proximity to sites designated as Sites of Importance for Nature Conservation (SINC) that proposals either conserve the ecological or geological importance of the designation or alternatively are such that the need for the development outweighs the ecological importance of the site and harm is minimised by mitigation measures and offset where practicable to ensure there is no reduction in the overall value of the area or feature.

It is acknowledged that the proposed development will have an impact on the Special Landscape Area however in relation to the LANDMAP aspect area for Visual and Sensory the turbine itself is located within a part of the SLA designated as 'moderate' in value with an area of 'high' designation to the west. Most views of the turbine would be seen in conjunction with the existing pylons and transmission lines and in balancing the guidance from PPW that non statutory designations should not unduly restrict acceptable development the site would be a suitable location within this part of the SLA for a renewable energy project which supports the aims of Welsh Government in relation to sustainable development.

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Application No. 15/0499/FULL Continued

In relation to the Special Landscape Area designation the supporting text of the adopted Local Development Plan Policy NH1 highlights that the designation of SLA's highlights the "holistic consideration of the landscape" (3.100) going beyond visual impacts to consider landscape, historical, cultural, biodiversity and geological features and characteristics within the borough. It also highlights that the Policy is "not designed to preclude development" rather that development should demonstrate that it will not have an unacceptable impact on the specific distinctive features or characteristic associated with the SLA. The designation for the Mynydd Eglwysilan SLA notes there are areas of the SLA which has visual clutter of pylons and it is noted that on land south of Llanfabon there are pylons lines crossing and transecting the landscape. The application site in contrast has a single line of pylons and on balance it is considered that the addition of single turbine will not result in the area being too cluttered and the proximity to the single pylon line is preferable to an isolated feature elsewhere in the Special Landscape Area. In the context of the size and holistic nature of the Special Landscape Area designation it is not considered that the development will be contrary to Policies CW4 (Natural Heritage Protection), NH1 (Special Landscape Areas), SP10 (Conservation of Natural Heritage) nor NH3 (Sites of Importance for Nature Conservation).

It is not considered that the turbine will have a cumulative effect with other constructed, consented or in planning turbines within the borough.

#### ECOLOGICAL CONSIDERATIONS

Following the initial comments received from the Council's Ecologist the applicant undertook surveying in relation to Bats and migratory Bird Survey. This surveying was undertaken in October 2015 and concluded that there was limited bat activity in the area and predicted a minimal impact on birds from the turbine.

The extended Phase 1 survey identified that the field in which the turbine is proposed comprised of species poor semi-improved grassland. The access track will pass through an area of bracken that forms part of Mynydd Eglwysilan Site of Importance for Nature Conservation. There would be loss of bracken in relation to improvement to the track however the Council's Ecologist has assessed the value of the bracken as a habitat is relatively low and the impact of a new track passing through this habitat is low. Subject to a condition requiring reptile mitigation the Ecologist has concluded that there is unlikely to be a significant impact on ecological interests in the area.

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## NOISE AND SHADOW FLICKER

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

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

In terms of impact on amenity (A above) levels of noise from wind turbines are a key consideration in determining planning applications. A noise assessment has been submitted by the applicant which has been carried out in accordance with guidance produced by the Department of Trade and Industry in the Assessment and Rating of Noise from Wind farms, reference ETSU-R-97. The report modelled the predicted impact of both the turbine subject to the current planning application and also included two turbines which were subject to a planning appeal (subsequently dismissed at appeal and therefore will not be constructed) at Pen yr heol Las Farm. The noise report concludes that noise levels at all sensitive receptors modelled (whether financially involved or not) are predicted to remain within limits derived in accordance with ETSU-R-97.

A Shadow Flicker assessment was submitted with the planning application. This identified that one neighbouring property (Pen yr heol Fawr) fell within the test area and may be susceptible to Shadow Flicker Impacts. The assessment takes a worse case scenario approach and concluded that the property may experience shadow flicker as a theoretical maximum for up to 48 days per year with the total duration of events not exceeding 17.3 hours per year. The modelling indicates that these events are likely to occur during the winter months and the report highlights that as the calculation takes no account of weather conditions (cloud cover, wind speed and direction), screening by trees or hedges.

The Environmental Health Officer has reviewed the Noise and Shadow Flicker Assessments and has offered no objections to the proposed development subject to a number of planning conditions being attached to the planning permission.

Cont....

These include requirements to shut down the operation of the turbine should complaints be received from noise sensitive receptors and investigations result in it being found that it exceeds noise limits. A condition is also proposed in relation to Shadow Flicker. It is considered that with the proposed conditions the impacts of the turbine on sensitive receptors will be acceptable and should noise levels or shadow flicker be encountered at levels in excess of those modelled or deemed acceptable then the Local Planning Authority through enforcement of planning conditions will be able to require the developer to remedy the situation.

#### ARCHAEOLOGICAL ISSUES

The submitted Archaeological report was formed of a desk based assessment and comments received from Glamorgan Gwent Archaeological Trust indicate that there are no known archaeological assets within the enclosure where the turbine is to be sited. There is however some evidence of the presence of a Roman Road in the locality although the exact routing remains unconfirmed. The trust indicate that the access track improvements may be close to the Roman Road and that the works to provide access into the field where the turbine is to be located which include removal of a portion of stone walling would require archaeological support. They recommend that a condition is added to the permission requiring a programme of archaeological work to ensure any buried archaeological assets encountered during the development are properly recorded. It is considered that with the imposition of a condition there will be no unacceptable impacts.

#### HIGHWAYS/TRANSPORTATION IMPACTS

A Traffic Management Plan (TMP) and associated drawings were submitted with the application and the Transportation Engineering Manager has assessed these. The TMP sets out the types of vehicles to be used for the transportation of the equipment to and from the site, the number of vehicles to be used, the route to be taken and the frequency of deliveries etc. Swept path plans submitted with the TMP also show that the lanes accessing the site can adequately accommodate the vehicles to be used subject to the use of local traffic orders in liaison with the Local Highway Authority and the Police. It should also be noted that as the delivery of the equipment would involve abnormal indivisible loads (AIL), the consent of the Welsh Government Transport Division would be required in addition to any consent from the Local Highway Authority in relation to the use of the Trunk Highway Network

The Transportation Engineering Manager has no objection to the development subject to conditions being attached to any consent requiring a revised Traffic Management Plan (TMP).

Cont....

Application No. 15/0499/FULL Continued

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: The matters raised in relation to the applicant's community work and associated benefits for a neighbouring property to be connected to the national grid are not considered to be material to the determination of this application.

Other material considerations:

It is considered that the proposed wind turbine would be acceptable in planning terms. The landscape and visual impact of the development is considered acceptable and would not justify refusal of the application having regard for the designations on and near to the application site. The noise and highway implications of the development have been carefully considered and are felt to be within acceptable limits as set out in guidance and evidenced in the details submitted with the application. All other matters have been considered and there are no grounds which would warrant refusal of the application

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

Cont....

- 04) Within 21 days from the receipt of a written request from the Local Planning Authority and following a noise complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at the operator's expense, engage an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbines at the complainant's property following the procedures described in the attached Guidance Notes or such other guidance as may be agreed in writing by the Local Planning Authority. The independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based, shall be submitted for the approval of the Local Planning Authority within 2 months of the date of the written request, unless otherwise extended in writing by the Local Planning Authority. The assessment recommendations as may be approved in writing by the Local Planning Authority shall be implemented and carried out within a set timescale agreed in writing by the Local Planning Authority.  
REASON: In the interest of the amenity of noise sensitive properties.
- 05) Following the commission of the wind turbine hereby approved, the power generation, the wind speed and direction data, shall be continuously logged in accordance with a method that shall have been agreed in writing by the Local Planning Authority and such data shall be retained for a period of not less than 24 months and it shall be provided to the Local Planning Authority at its written request within 14 days of such request.  
REASON: To monitor the wind turbine use and provide information to the Local Planning Authority to retain effective control.
- 06) Deliveries and construction works associated with the wind turbine hereby approve shall not take place outside the hours of 08.00 and 18.00 Mondays to Fridays, 09.00 and 16.00 Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In the interest of residential amenity.

Cont....

Application No. 15/0499/FULL Continued

- 07) Prior to the commissioning of the wind turbine hereby approved it shall have been fitted with a control system that automatically shuts down the turbine during times when shadow flicker occurs, in accordance with a scheme of control that shall have been agreed in writing with the Local Planning Authority and the turbine shall be operated in accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To control flicker in the interest of amenity of nearby flicker sensitive properties.
- 08) Notwithstanding the submitted details the development shall not commence until after a revised Traffic Management Plan (TMP) has been submitted to and agreed in writing by the Local Planning Authority. The TMP shall indicate full consultation and approval with neighbouring Authorities which the loads pass through and consultation and approval with the Welsh Government. The TMP shall provide evidence that the necessary permits have been given by the South Wales Police Liaison Transport Officer who co-ordinates the safe passage of abnormal vehicles and shall also include full details of the hauliers indemnity insurance for approval. Any highway improvements required to the highway network shall also be provided for approval by the Local Planning Authority and be completed prior to delivery of the loads. The development shall proceed in accordance with the TMP following approval in writing by the Local Planning Authority.  
REASON: In the interests of highway safety.
- 09) Prior to the transportation of any AIL turbine components; a highway condition survey along the Heol Fawr shall be carried out and agreed in writing with the Local Planning Authority, which includes a scheme and timetable for the repair of any damage caused by abnormal loads associated with this development. The development shall thereafter be carried out in accordance with those agreed details.  
REASON: In the interests of highway safety.
- 10) Prior to the commencement of works on site, details of the position and footprint of the works associated with the access route on Mynydd Eglwysilan Common together with a working methodology to minimise disturbance of semi-improved grassland habitat, shall be submitted for the agreement of the Local Planning Authority. The agreed measures shall be carried out in accordance with the agreed details.  
REASON: To minimise impact on protected habitats and species.

Cont....

Application No. 15/0499/FULL Continued

- 11) Notwithstanding the details submitted prior to the commencement of works full details of the location and external finishes for the control cabinet and transformer housing associated with the turbine development shall be submitted for the written approval of the Local Planning Authority. The development shall be carried out in full accordance with the approved details and the external finishes shall be applied prior to the first exporting of electricity from the turbine to the national grid.  
REASON: To protect the character of the Special Landscape area and in the interests of the visual amenity of the area.
- 12) No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist (including a methodology for the capture and translocation of reptiles with details of the receptor site if necessary) 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.
- 13) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.  
REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 14) The wind turbine and tower hereby approved together with the ground equipment and plant shall be removed from the application site, either before the end of 25 years from the date of commencement of the development hereby approved or within six months, upon them becoming no longer operationally active in the generation of electricity, whichever is the earlier.  
REASON: In order to define the extent of the permission hereby granted.
- 15) The wind turbine, tower and ancillary equipment shall be removed from the site and the land restored to its former condition upon cessation of the use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cessation of the use shall be defined as the wind turbine becoming inoperative for a continuous period of six months.  
REASON: In the interests of visual amenity. Cont....

Application No. 15/0499/FULL Continued

- 16) Notwithstanding the submitted plans details of anti collision lighting to be fitted to the turbine shall be submitted for the written approval of the Local Planning Authority prior to any works commencing on site, and thereafter installed in accordance with a timetable agreed as part of those details.  
REASON: In the interests of health and safety.

Advisory Note(s)

Before the transportation of any AIL loads to site the hauler's indemnity insurance must be inspected by the Highway Authority and written approval granted from the Authority's Chief Legal Officer. The applicant will be required to fund and implement a suitable Temporary Traffic Regulation Order to allow the movement of the abnormal loads and prevent car parking at key locations along the route.

The applicant is advised of the comments of Defence Infrastructure Organisation, Joint Radio Company Limited, Public Rights of Way Officer, Senior Engineer (Land Drainage), Spectrum Licensing, National Air Traffic Services, Heddlu Gwent Police, Glamorgan Gwent Archaeological Trust, National Resources Wales and Transportation Engineering Manager.

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

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# Agenda Item 19

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0619/RM 05.08.2015	Emtrek Limited 1 St Christophers Close Church Street Bedwas Caerphilly CF83 1BW	Construct 14 No. two bedroom apartments Gledyr Bungalow - Selway Gardens Nantgarw Road Caerphilly CF83 1BW

**APPLICATION TYPE:** Approval of Reserved Matters

## SITE AND DEVELOPMENT

Location: This application is in respect to the development of an irregular shaped area of land sited on the northern side of Nantgarw Road, Caerphilly. The land is currently occupied by a large detached bungalow with extended gardens. Access to it is from the east where it junctions with the road into the housing development known as Sunningdale.

Site description: The site is bounded to the east, west and north by existing residential development. To the south it borders the B4600 (Nantgarw Road), on the other side of which lies the Western Industrial Estate. The land is located on the western side of Caerphilly Town Centre, being approximately one mile from the centre. The site slopes gently from west to east but has a different profile when viewed from north to south. This shows relatively steeply sloping gradients on either side. That on the southern boundary runs up to the verge adjacent to Nantgarw Road, which itself is rising steadily towards the Penrhos Roundabout. To the North the site borders the Castlegate housing development which sits on a plateau some 3 to 4 metres above the application site.

Development: The application is a Reserved Matters submission following on from an outline approval for 14 apartments granted in 2012. That outline as well as establishing the principle of the development, also dealt with two detailed matters namely access and siting. The reference for this outline approval is 07/1153/OUT.

The scheme will involve the demolition of the existing dwelling thereby allowing the new building to be constructed towards the northern boundary of the site. The forecourt area will be laid out to provide for 31 spaces, with access to be achieved by way of an improved internal highway to adoptable standards linking the parking area to the existing highway to the east.

Cont....

Application no. 15/0619/RM Continued

The ground floor building footprint shows two staggered, but linked, blocks of different sizes. The ground floor of the larger of these blocks accommodates two flats, the entrance hall and lift along with 10 undercroft car-parking spaces, whilst the smaller block accommodates 8 such covered parking spaces. Above this level the layout drawings show two floors of six apartments each (four in the larger block and two in the smaller one). Each apartment has two bedrooms, a kitchen, a living room.

Dimensions: The site has an approximate area measuring 0.25 of a hectare. The footprint of the building is shown as 305 square metres. The height to the apex of the roof is 13 metres, with the width of each block measuring roughly 16 metres. The overall length of the building is 37 metres approximately.

Materials: The walls are mostly completed in painted render with panels of stained boarding on the front and rear elevations. The roof is covered in man-made slate.

Ancillary development, e.g. parking: As indicated above the development is served by 31 car-parking spaces. The application site also contains a seated amenity area with a small pond at its centre and external bin and cycle stores.

#### PLANNING HISTORY 2005 TO PRESENT

07/1153/OUT - Construct 14 No. 2 bedroom apartments - Granted 09.08.12.

#### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The application is located within the settlement limit contained in the Caerphilly County Borough Council Local Development Plan up to 2021 - Adopted November 2010. The site is not however allocated for a specific purpose within that plan.

Policies: Bearing in mind the fact that this development is a reserved matters submission relating to appearance, landscaping, layout and scale the main policy of relevance is CW2 (Amenity). Additional details have also been provided with regard to the highway position and as such CW3 (Design Considerations Highways) is also relevant, albeit the means of access was approved at the outline stage.

NATIONAL POLICY Planning Policy Wales (Ed. 7 July 2014), Technical Advice Note 12 (Design).

Cont....

Application No. 15/0619/RM Continued

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No. The site is below the threshold of 0.5 Hectares of development area for consideration for such an assessment.

Was an EIA required? No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site falls outside the area where coal mining legacy issues are present.

### CONSULTATION

CCBC - 21st Century Schools - have not commented on this application.

Head Of Public Protection - raised no objection to the application subject to the imposition of conditions relating to dust and noise control, as well as a scheme of acoustic glazing on the properties facing Nantgarw Road.

CCBC Housing Enabling Officer - confirmed that as the Section 106 had been signed at the outline stage they had no further comments to make on the proposal.

Senior Engineer (Land Drainage) - made a number of comments on the land drainage issues, which were to either be conditioned or passed on to the applicant by way of written advice.

Outdoor Leisure Development Officer - commented that the open space shown should be kept in a good condition so it could be used continuously.

Head Of Public Services - commented on the kerbside collection aspects of the development. The advice provided is required to be forwarded to the applicant if permission is granted for this scheme.

Transportation Engineering Manager - raises no objection subject to the imposition of a condition relating to the provision of on-site car-parking.

Dwr Cymru - do not object to the planning application but require details relating to the impact of the drainage on the adopted system to be conditioned. Other advice is also provided by Dwr Cymru which needs to be forwarded to the applicant.

Cont....

Application No. 15/0619/RM Continued

Police Architectural Liaison Officer - state that they have no objections to this application but would encourage the site to be developed in accordance with the standards found in "Secured by Design."

Wales & West Utilities - indicate that they have apparatus on the site which may be affected by the development.

Western Power Distribution - have made no comment on this application.

Natural Resources Wales - does not object to the application but makes a range of comments on drainage/pollution/waste management matters, which need to be passed on to the applicant.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site, press and direct consultation with 36 neighbouring properties.

Response: Eight letters were received as a result of this consultation exercise. Of these four were outright objections to the application, three raised concerns that needed to be addressed, and one supported the scheme.

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

1. The access from Sunningdale onto Nantgarw Road is already extremely busy with waiting times up to 6 minutes to turn right.
2. This junction has been the scene of recent accidents as the result of speeding on the main road.
3. The signage relating to speed limitations on the main road is poorly positioned, it should be moved towards the west thereby slowing vehicles earlier as they approach the entrance to Sunningdale.
4. The construction traffic and the additional vehicles that will eventually use the junction, "will inevitably cause more chaos" there. Caerphilly is already known as a heavily congested area.
5. There has already been disruption, odour problems, dust and debris issues in this area as the result of redevelopment of the nearby Castlegate site.
6. The massing of the property shows a building which is overbearing in respect to the adjoining dwelling.
7. Habitable room windows in the flats will overlook the private areas of the garden of the neighbouring dwelling and thereby reduce the residential amenity of that dwelling.

Cont....

Application No. 15/0619/RM Continued

8. The existing tree screen between the site and the dwelling to the east will need to be removed as part of the contouring of the site, resulting in the exposure of that dwelling in privacy terms.
9. The landscaping proposals show inappropriate species for the locations proposed.
10. The drainage arrangements submitted are inadequate and incorrect.
11. The drawings show land and buildings belonging to an adjoining neighbour.
12. There is no footpath shown to the properties to the east. The access to those properties will be made dangerous by the additional vehicles that will be using the access to the flats.
13. The lack of traffic management involved with the development will reduce highway safety in the immediate area.

The basis of the concerns raised are as follows:-

1. A sign has already been erected announcing that the flats are for sale with a local estate agent and building work would begin in October 2015. Why bother consulting the public when the matter is a "foregone conclusion."
2. During construction will lorries attending the site be subject to management, also how will the impact on the residents of Sunningdale be minimised?
3. Will there be a traffic controlled junction/stop-go system in operation at the junction with Nantgarw Road?
4. Where will the site compound be?
5. Where will sub-contractors' park?
6. What will the hours of operation be?
7. Where will overspill car-parking be situated?
8. Are any traffic calming measures proposed?
9. Have all Sunningdale residents been consulted?
10. Will double yellow lines be used to prohibit parking near to the junction with Nantgarw Road?
11. The area around the junction will be very busy, as such additional signage relating to vehicle speeds should be erected.
12. Are additional road crossing proposals being considered on Nantgarw Road to assist pedestrians crossing this heavily trafficked road?

One letter of support was received, albeit within this letter reference was made to a privacy issue between certain flats that needed to be remedied.

Cont....

Application No. 15/0619/RM 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 considered that the determination of this application will have no material impact on the issues of crime and disorder within this area.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The outline application was accompanied by a bat survey which sought to address any potential issues regarding that protected species. Consent was subsequently granted for the principle of the redevelopment of the site.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No. The matter was determined prior to the Levy coming into effect. The matter was however the subject of a Section 106 Agreement for a contribution to strategic highway improvements totalling £70,447. Also there was a Deed of Covenant release payable to the Council of a further £10,000 prior to work commencing.

### ANALYSIS

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

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

Cont....



Application No. 15/0619/RM Continued

In consideration of the first of the criteria the outline approval previously granted specified a development of fourteen, two bedroom apartments. That approval contained a condition which restricted the height of the building to no greater than three storeys. The stated reason for this condition was to limit the development in the interests of residential and visual amenity. This reason related to both the impact of the building on its surroundings and also the impact of Nantgarw Road on the amenity of the residents of the apartments.

The current scheme contains the approved numbers and limits the height to the required three storeys.

In assessing the privacy implications of the development on its neighbours on either side, the habitable rooms of the apartments, some of which are located on the flank elevations on the first and second floors, were considered to present potentially unacceptable infringements, particularly on the property located to the east. As such amended plans were submitted which indicated that the windows concerned were to be fixed in design with obscured glazing. This is considered appropriate in addressing the potential privacy infringement that could arise.

With regard to the development at the rear (i.e. a block of flats on the Castlegate site) there is no privacy infringement, as the distance between habitable rooms is a minimum of 26 metres.

It is considered therefore that the development complies with Criterion A.

The issue of over-development was a matter that was dealt with at the outline stage as the issue of siting was approved then, as was the control over the height of the building (i.e. a condition restricted it to no more than three storeys in height). The issue of scale and layout is therefore addressed, as is the appearance of the building which is based on the illustrative drawing submitted with the outline application. The roof design to be employed shows a hipped solution on either end of the apartments which slopes away from the boundaries and ensures that the adjoining properties are not bordered by gabled roofs which have a more over-bearing effect on adjoining property.

The requirements of Criterion B are therefore met.

Criterion C refers to the compatibility of the development with its surroundings. In this respect the site is currently occupied by a single dwelling, albeit a relatively large bungalow located on a generous plot. The housing development to the west and east of the site mainly comprises detached dwellings.

Cont....

Application No. 15/0619/RM Continued

The Castlegate housing site to the north however, includes a number of apartment blocks which form the backdrop to this site when viewed from Nantgarw Road. Three-storey apartment blocks have been found to be an acceptable form of housing in the area to accommodate the needs of the population in the Caerphilly.

The area will therefore remain homogeneously residential in nature and the plans submitted show a development which should not materially constrain the surrounding dwellings for their identified land uses. It is true to say however that at the time of the granting of the outline permission the principle of the impact of a large infill development was considered carefully.

With regard to the existing adjoining properties located to the east and west of the building, these are approximately 14 and 12 metres away respectively, and are gable-end on to the proposed building and located at a similar depth into the plot as those on either side. Consequently its direct impact on them is limited. With regard to relative height differences with these adjoining properties, it is acknowledged that the proposed building will be higher than those on either side. This difference will however be less on the western side due to the increase in ground level on that side. At that time the Planning Committee were satisfied that the reduced scheme that had been negotiated (i.e. from 20 apartments down to 14) reinforced by the condition restricting the building to three storeys, could be accommodated on site at a level which does not adversely impact on the visual and residential amenities of those adjoining properties.

This criterion is also complied with.

The final requirement of this policy refers to the impact of residential development on the viability of neighbouring land uses. In this regard all the surrounding uses are residential, and whilst there will be an impact, due to the larger building on the site, it is not one which it is considered will affect their viability.

For the above reasons it is accepted that Policy CW2 is complied with.

With regard to CW3, relating to highway design considerations, the details submitted by the applicant are considered to be acceptable to the Highways Division. All the work undertaken on the public highway will need to be subject to a highways agreement under Section 38 of the Highways Act. Whilst the up-graded access into the apartments will be undertaken to adoptable standards. The car-parking provision on site is also accepted as adequate to serve the development.

Cont....

Application No. 15/0619/RM Continued

The requirements of this policy are therefore considered to be met.

The National guidance seeks to ensure that a mixture of types of properties are provided to serve the needs of the housing market. This apartment block is part of that process. A number of older residents have contacted the Planning Department in respect to the proposal. The presence of the lift, within the lobby, makes the building accessible to older people.

There are no issues within the TAN advice or Planning Policy Wales which would result in an objection to this detailed application.

In the circumstances it is considered that there are no policy objections to this proposal.

Comments from Consultees: None of the Standard Consultees have raised an objection sufficient to support a refusal of permission. A number do voice issues which need to be controlled by the imposition of conditions attached to any grant of planning permission.

Comments from public: The responses to the objections raised by members of the general public are as follows:-

- 1 & 2. The access into the site from Nantgarw Road is considered to be acceptable in highway safety terms. The Transportation Engineering Manager has raised no objections to the development of this site on safety grounds.
3. The issue of signage on the main road is a matter to be addressed by this Council, as the Highway Authority. This should be done separately to the determination of this application as it is a matter which has to be assessed in its own right. At this moment the Transportation Engineering Manager raises no objection to the application before Committee.
4. Construction vehicles will need to enter and leave the site as required. However in view of the relatively limited nature of the proposal this is unlikely to cause "chaos" at the junction.
5. During the construction phase it is likely that issues of noise, dust, odour may arise. These matters can be ameliorated by the use of conditions designed to control such emissions and also limit the hours of operation of the on-site activities. There have been no large scale construction works in the area for over five years, consequently it is not accepted that this area is continually experiencing such issues.

Cont....

Application No. 15/0619/RM Continued

- 6 & 7. The matters relating to the massing and over-bearing nature of the new building as well as the potential impact on the privacy of the adjoining properties, have been dealt with in the body of the report.
8. Some existing trees on site could be lost to facilitate the development however it is intended to plant 17 new trees and a number of planting beds to landscape the site area.
9. The level of landscaping proposed is considered to be adequate in respect to the development to be provided.
10. Neither Dwr Cymru/Welsh Water or the Council's Senior Engineer (Land Drainage) have objected to the application, and consider it acceptable subject to conditions being attached to any consent granted.
11. The initial drawings do show land outside the outline application site and owned by another party. Amended plans have now been submitted which address this matter. The applicants have further advised in writing that all land forming part of this application is owned by them.
12. There will be a footpath constructed into the site along most of the frontage of this development. It will not continue to the west to serve the two dwellings there; however, the existing arrangements will be unaffected to those properties.
13. The work on the public highway will be subject to a legal agreement and its conduct will be regulated and inspected. The disruption to existing traffic will be minimised as part of this process. It is however a matter that does not form part of the determination of this proposal but one that will be administered by the Council as highway Authority.

The responses to the issues of concerned raised as part of the consultation process are as follows:-

1. The Authority has no involvement in the erection of the sign referred to nor is it aware of the information contained on it. As such the matter of it being a "foregone conclusion" does not arise.
- 2 – 7. Are all matters that can be addressed by way of a condition relating to the submission of a Method Statement covering site management, including the demolition of the existing bungalow.
8. No traffic calming measures are shown on the submitted information, and indeed non are required by the Transportation Engineering Manager.

Cont....

Application No. 15/0619/RM Continued

9. Thirty-six properties in total were consulted of these seven were on Sunningdale. This conformed to the statutory consultation process followed by the Planning Department.
10. The matter raised relating to double yellow lines is not a material consideration in respect to the determination of this application.
- 11 & 12. Are matters which the Council, as Highway Authority, may wish to consider separately from the assessment of this application.

In conclusion it is not considered that any issues were raised by the general public which could sustain a reason(s) for refusal in respect to this reserved matters application.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) 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.
- 02) 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.
- 03) No part of the buildings shall be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority for the control of noise emanating from the building(s) and associated plant and equipment. This must include details of upgraded acoustic glazing for all remaining habitable room windows on the facade of the premises facing the B4600 Nantgarw Road. The glazing must be capable of achieving 30 dB(A) measured as an 8hr LAeq inside bedrooms and 35 dB(A) measured as a 16 hr LAeq in all other habitable rooms.

Cont....

Application No. 15/0619/RM Continued

The measures included in the approved scheme shall be implemented prior to the first occupation of the building that they relate to and thereafter the measures shall be operated in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of the amenities of the area.

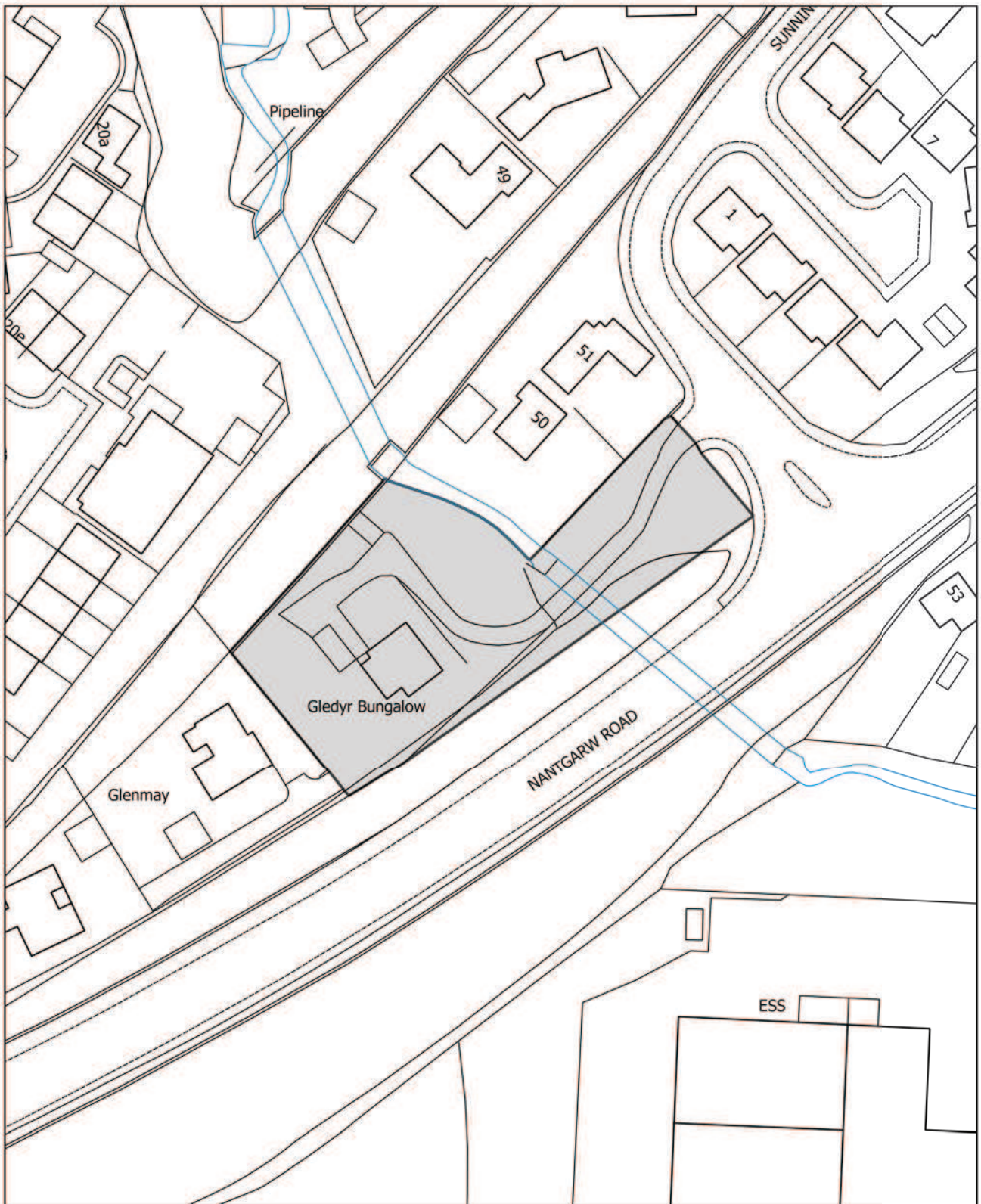
- 04) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety.
- 05) Notwithstanding the information submitted all the habitable room windows on the side elevations of the first and second floors shall contain fixed non-opening windows fitted with obscure glazing.  
REASON: In the interests of residential amenity.
- 06) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.  
REASON: In the interests of highway safety.
- 07) Prior to operations commencing on site a Management Method Statement shall be submitted relating to such matters as the conduct of the demolition operation, hours of operation, location of site compound, management of deliveries, on-site parking etc. This Statement shall be agreed in writing with the Local Planning Authority and shall thereafter be implemented concurrently with the development.  
REASON: In the interests of residential amenity.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), Head of Public Services and Natural Resources Wales that are brought to the applicant's attention.

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

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## PLANNING COMMITTEE – 9TH DECEMBER 2015

**SUBJECT: APPLICATION NO.: 15/0252/OUT – LAND AT CWMGELLI,  
BLACKWOOD, NP12 1BZ – APPLICANT GWENT INVESTMENTS  
LIMITED**

**REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER &  
HEAD OF PLANNING & REGENERATION**

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### **1. PURPOSE OF REPORT**

- 1.1 To provide an update for Members following the decision taken by the Planning Committee on the 4<sup>th</sup> November, 2015 in relation to planning application 15/0252/OUT – Land at Cwmgelli, Blackwood, NP12 1BZ and to approve the recommendations set out in the Report.

### **2. SUMMARY**

- 2.1 The Report provides an update for Members following the decision taken on 4<sup>th</sup> November, in relation to planning application 15/0252/OUT – Land at Cwmgelli, Blackwood, NP12 1BZ and seeks approval of the recommendations set out in the Report.

### **3. LINKS TO STRATEGY**

- 3.1 Planning is a statutory function which assists in the delivery of the Council's regeneration objectives.

### **4. THE REPORT**

- 4.1 On the 7<sup>th</sup> October, 2015, application number 15/0252/OUT, in relation to an application for outline planning permission to erect residential development, public open space, landscaping highway improvements and associated engineering works with all matters reserved except for access on land at Cwmgelli, Blackwood was referred to the Planning Committee for determination. The application was deferred by Members for a site visit.
- 4.2 The site visit was held on 26<sup>th</sup> October, 2015 and the application was referred back to Committee on 4<sup>th</sup> November, 2015.
- 4.3 The Report presented to Committee on 4<sup>th</sup> November, 2015 included the Report to the Planning Committee on 7<sup>th</sup> October, 2015. This Report included a recommendation by officers that Members should defer the application to allow the completion of a S106 Agreement on the terms as set out in the Report and on completion of the Agreement that permission be granted subject to the conditions set out in the Report.

- 4.4 At the meeting of 4<sup>th</sup> November, 2015 it was moved and seconded that the application be refused for the reasons put forward by Members, namely, that the proposed development is outside settlement limits, within the Blackwood, Oakdale and Penmaen Area Green Wedge in conflict with local plan policies.

This proposal was unanimously agreed by all Members present.

- 4.5 In accordance with the Council's Planning Code of Practice incorporated in the Council's Constitution (copy attached as Appendix 1), paragraph 11 refers, when Members of the Planning Committee disagree with the professional advice given by officers and decide to determine the application contrary to the advice. The matter shall be deferred for a further Report at the following or subsequent meeting in which officers will advise Members of the appropriate wording of the reasons for refusal.
- 4.6 At the meeting held on the 4<sup>th</sup> November, as mentioned in paragraph 4.4, Members unanimously voted to refuse the application meeting on the grounds for refusal specified by members.
- 4.7 Consequently, as a result of this formal decision by Members it is not possible to comply with the Council's Code of Conduct for planning matters and defer the matter for reasons for refusal to be drafted.
- 4.8 However, Members are now asked to note that on the morning of 4<sup>th</sup> November 2015, the applicant submitted an appeal for non-determination under the provisions of S.78 of the Town and Country Planning Act 1990, to the Planning Inspectorate.
- 4.9 In view of the submission of the Appeal the Local Authority is not in a position to issue a Decision Notice. A letter confirming the decision made by the Committee on 4<sup>th</sup> November, 2015, will be sent to the Planning Inspectorate. The letter will be used for information purposes during the appeal process.
- 4.10 It is recommended that the policy framework be included in the letter referred to in paragraph 4.9, as follows:
- The proposed development site is outside the settlement limits and within a green wedge as identified in the Caerphilly County Borough Council Local Development Plan up to 2021 – Adopted November 2010, and the development would therefore be contrary to policies SP5, CW15 and S1 1.9 of that adopted plan.
- 4.11 In relation to the appeal process, PINS have indicated that the appeal is currently listed to be dealt with as a hearing, but may be dealt with as an Inquiry following receipt of the Council's letter.
- 4.12 Members are asked to formally note that should the appeal be determined in favour of the applicant, if the applicant submits an application for costs, costs may be awarded against the Authority.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 None arising from this Report, the issue of a potential costs award against the Authority have been mentioned in the Report.

## **6. PERSONNEL IMPLICATIONS**

- 6.1 None arising from the Report.

## **7. EQUALITIES IMPLICATIONS**

7.1 None arising from this Report.

## **8. CONSULTATIONS**

8.1 The Report includes the comments of the listed consultees.

## **9. RECOMMENDATIONS**

9.1 It is recommended that:

- Members note the information contained in the Report, and
- Approve the recommendation at paragraph 4.10 of the Report.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 To update Members and to seek approval of the letter to be sent to PINS.

## **11. STATUTORY POWER**

11.1 Town and Country Planning Act 1990.

Author: Gail Williams, Interim Head of Legal Services/Monitoring Officer

Tim Stephens, Development Control Manager

Consultees: Chris Burns, Interim Chief Executive  
Christina Harry, Corporate Director Communities  
Pauline Elliott, Head of Regeneration & Planning  
Councillor D. Carter, Chair of Planning Committee  
Councillor W. David Vice-Chair of Planning Committee

Background papers:

Report to Planning Committee 7<sup>th</sup> October, 2015

Report to Planning Committee 4<sup>th</sup> November, 2015

Appendices:

Appendix 1 - Planning Code of Practice

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# PLANNING CODE OF PRACTICE

**ADOPTED BY**  
**COUNCIL - 31ST JULY, 2007**

## CONTENTS

1. Introduction
2. General roles, responsibilities and conduct
3. Administrative processing arrangements
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5. Lobbying of members of the planning committee
6. Planning applications submitted by members, community councils and officers
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## 1. INTRODUCTION

- 1.1 This code of practice is intended to guide the procedures by which councillors (members) and officers of the council deal with planning matters, and to set standards of probity and conduct which the people of Caerphilly County Borough can expect.
- 1.2 As planning affects people's lives and private interests, it can often be very contentious. It is, therefore, important that the people of Caerphilly borough understand the system and have confidence in its integrity and transparency, and that members and officers involved in the planning process, avoid impropriety or even the suspicion of impropriety. This approach is endorsed by the Committee on Standards in Public Life (the Nolan Committee), the District Audit and the Local Government Association.
- 1.3 Members must follow the Codes and Protocols in The Constitution of Caerphilly County Borough Council (The Constitution), Part 5 of which covers such matters as declarations of interests, gifts and hospitality and the Protocol for Member/Officer Relations. When dealing with planning matters they must also act in accordance with this Planning Code of Practice.
- 1.4 A breach of these codes whilst not usually amounting to a breach of criminal law, may adversely affect the standing of the Council. It could result in a decision being judicially reviewed or in a complaint of maladministration, being made to the Local Government Ombudsman. A breach of the Members' Code of Conduct can result in a complaint against a member personally.
- 1.5 If members or officers are in doubt about the application of the codes they should seek advice from the Council's Monitoring Officer.

## 2. GENERAL ROLES, RESPONSIBILITIES AND CONDUCT

- 2.1 Members and officers have different, but complementary roles in the planning process. Members of the Planning Committee have different roles to those of other councillors.

### Members of the Planning Committee

- 2.2 Councillors who are members of the Planning Committee determine the more significant and contentious planning applications received by the council. In doing so those members perform a quasi-judicial role and are required to consider all planning proposals in the wider public interest. Other applications are delegated to the Chief Planning Officer and the Development Control Manager to decide, as described in paragraph 2.10.
- 2.3 Planning Committee Members shall:
  - Exercise personal responsibility in deciding whether to declare any personal interest as defined in the Code of Conduct in relation to any planning application that is before the Planning Committee for determination, and

withdraw, if so required by the Code. If in doubt, members should consult and seek guidance from the Monitoring Officer.

- Act fairly and openly and avoid any actions that would give rise to an impression of bias.
- Avoid social contact with applicants and their agents, objectors and other interested parties which could put, or be seen as putting, the member under an obligation, or could create an impression of bias.
- Approach each planning application or issue with an open mind, avoiding preconceived ideas.
- Not organise support for or opposition to a planning application or express a view about the merits or otherwise of an application if they do not wish to affect their ability to vote at Planning Committee.
- Carefully weigh up all relevant planning issues before making a decision.
- Make decisions purely on planning grounds in the public interest and not favour, or appear to favour, any person, company, group or locality. Whilst Planning Committee members have a special responsibility to their electoral division constituents, the decisions of that committee must be based on material planning considerations.
- Not decide how to vote on applications on the basis of a political 'whip', but only on the planning merits of each case. Subjecting a planning decision to the discipline of the political 'whip' could result in a judicial review, or maladministration complaint.
- Have reasons and justification for their position and resolutions (this is a requirement of the Code of Conduct).

#### **Members of the Planning Committee who are also members of community and town councils**

- 2.4 Membership of a community and town council provides an opportunity to listen to local views and does not of itself give rise to a conflict of interest for a Planning Committee member provided he or she maintains an open mind until all the evidence and arguments have been presented at the Planning Committee. A member does not have to declare an interest at the Community/Town council that he/she is a member of the Planning Committee, unless the matter under discussion is an application by the County Borough Council.
- 2.5 Legally a member may participate and vote when a planning application is under consideration at a meeting of the community town council. However, such involvement could give rise to a perception that the member has already formed a view as to how he or she would vote in advance of reading the full and final report to the Planning Committee and hearing the debate. That could undermine the integrity of the decision made by the Planning Committee and the decision could then be



challenged on appeal, in the courts or by a claim of maladministration made to the ombudsman.

- 2.6 Members should therefore choose whether they should take part in debates at the community or town council or at the Planning Committee. This does not prevent a member listening to a debate at a community council, so long as the member does not take part in the debate.

#### **Non-Committee members of the council**

- 2.7 Members who are not on the Planning Committee represent their electoral division and the county borough as a whole. They may attend the Planning Committee and address it for no more than five minutes but may not take part in any debate and will not have a vote on any matter. They may also attend site visits. Such members do not act in the quasi-judicial role performed by Planning Committee members, but shall:

- Act fairly and openly and avoid any actions that would give rise to an impression of bias or undue influence.
- Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.

- 2.8 Such members may express support for a particular opinion in advance of the matter being considered by the Planning Committee, or by the Chief Planning Officer and Development Control Manager under delegated powers.

- 2.9 A member who has declared an interest in a matter is not permitted to attend the Planning Committee, either as a councillor or as a private citizen.

#### **Officers**

- 2.10 The function of officers is to support and facilitate the councillors in their work and to implement lawful decisions.

- 2.11 The Chief Planning Officer and the Development Control Manager make decisions on the majority of planning applications under delegated powers and make recommendations on more significant and contentious applications and other planning matters for decision by the Planning Committee. In considering applications and in advising members and the public on planning policy, the determination of planning applications, enforcement and other planning matters, officers must:

- Act fairly and openly and avoid any actions that would give rise to an impression of bias.
- Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.
- Approach each planning application or issue with an open mind, avoiding preconceived ideas.
- Carefully weigh up all relevant planning issues
- Make decisions purely on planning grounds having regard to the development

- plan and other material considerations.
  - Give professional, objective and accurate analysis of the planning issues.
  - Give a clear recommendation.
  - Carry out the decisions of the Planning Committee.
- 2.12 The council's legal officers advise members on legal and procedural matters. In doing so, they must:
- Act fairly and openly and avoid any actions that would give rise to an impression of bias.
  - Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.
  - Give professional, objective and consistent advice.
  - Carry out the decision of the Committee insofar as they relate to the completion of any legal agreement, or instigation or defence of proceedings etc.

### **3. ADMINISTRATIVE ARRANGEMENTS**

#### **Planning application notification**

- 3.1 All the members of the council will be informed of the submission of all planning and related applications through the weekly list of planning applications.
- 3.2 The weekly applications list will indicate whether the application decision is expected to be made by the Planning Committee or by officers under the scheme of delegation.

#### **Meetings with applicants and objectors**

- 3.3 Local members will not be informed of, or invited by the Planning Division, to any meetings with applicants or objectors in respect of any application in their electoral division, although the applicant or objector may invite them. Should members attend any such meetings they should be aware of the need to avoid expressing any support for or objection to the proposal.
- 3.4 The local planning authority does not organise public meetings in respect of any application. The statutory planning process which includes a procedure for notifying occupiers of land neighbouring an application site provides ample opportunity for the public to make its views known about a proposal.

#### **Determination process**

- 3.5 Should a member wish an application, designated to be determined under delegated powers, to be determined by the Planning Committee, he or she should make a request in writing, which includes e-mail, to the Chief Planning Officer within 21 days of the issue of the weekly list that contains that particular submission.
- 3.6 Members shall not put pressure on officers to make particular recommendations or decisions, nor to change recommendations or decisions in respect of any application.

#### **4. PRE-APPLICATION DISCUSSION AND ENFORCEMENT DISCUSSIONS**

- 4.1 Local planning authorities are encouraged to enter into discussions and negotiations, which can bring about improvements that can make an application acceptable, and thereby potentially speed up the process.
- 4.2 Such discussions will normally take place at officer level and members shall, wherever possible, refer requests for such advice to the officers. If members become involved in such discussions they should make it clear that their views are personal and provisional and they may wish to make a record of the discussion.
- 4.3 All officers taking part in such discussions shall:
- Identify the decision making process applicable to the application or issue under discussion.
  - Make it clear that only personal professional and provisional views can be expressed that will not bind the council to reach a particular decision when determining an application.
  - Express views in the context of the development plan and other material planning considerations.
  - Be consistent in interpreting planning policies and government guidance.
  - Where appropriate advise applicants, neighbours and objectors on procedural matters.
- 4.4 Occasionally local people or community and town councils will arrange public meetings to discuss a current application and may invite the applicants, members and officers to attend. Officers will not attend such meetings, and any councillors attending should abide by this code and The Constitution. Officers may attend normal meetings of town and community councils but only to convey information to and listen to the views of the members of those councils, and not to enter into a debate.

A member of the Planning Committee who expresses a view about an application at such a meeting will put at risk their ability to participate at the Planning Committee meeting.

#### **5. LOBBYING OF MEMBERS OF THE PLANNING COMMITTEE**

- 5.1 Lobbying is the process by which applicants, agents, neighbours, non-planning committee members and other interested parties may seek to persuade councillors on the Planning Committee to come to a particular decision. It is legitimate for them to approach members of the Planning Committee (in person or in writing) and such discussions may help members to understand the issues and concerns. As stated in the Nolan Committee Third Report, 'It is essential for the proper operation of the planning system that local concerns are adequately ventilated.'
- 5.2 In responding to approaches of this kind, Planning Committee members should not publicly express an opinion that may be taken to indicate that they have made up their minds prior to hearing all the evidence and arguments, which will be presented

at the Planning Committee. They should explain their position in respect of probity if they express an opinion on a proposal before consideration at the Planning Committee. They should:

- Explain the procedures by which representations can be made.
- Indicate that a decision will be taken only when all relevant planning considerations have been taken into account.
- Explain the kinds of planning issues that the council can take into account.
- Report issues raised to the officers or direct the public to the officers so that their views can be considered.

5.3 Although it is not unlawful for a member of the Planning Committee to publicly support a particular outcome, or express a view on an application prior to the meeting of the Planning Committee, such involvement could give rise to a perception that the member has already formed a view as to how he or she would vote in advance of reading the full and final report to the Planning Committee and hearing the debate. That could undermine the integrity of the decision made by the Planning Committee and the decision could then be challenged on appeal, in the courts or by a claim of maladministration made to the ombudsman.

5.4 Members should not give any indication that they have made their mind up about a planning application prior to consideration of a full report and debate at Planning Committee.

## **6. PLANNING APPLICATIONS SUBMITTED BY MEMBERS, COMMUNITY AND TOWN COUNCILS AND OFFICERS**

6.1 Planning applications submitted by, or on behalf of members or officers employed by the council, or by, or on behalf of a spouse, partner, parent, child or sibling of a member or officer of the council, where known, shall be decided by the Planning Committee and not under delegated powers by the Chief Planning Officer or the Development Control Manager. This will also apply where that person is acting as an agent for another party.

6.2 The affected member or officer must declare the existence and nature of the interest or relationship in accordance with the appropriate Code of Conduct and withdraw from involvement in the decision.

6.3 The affected officer shall take no part in the processing of the application and any recommendation made to the Planning Committee.

6.4 Where a community or town council submits a planning application, the county borough council members who are also members of that community or town council should disclose their interest and not participate on that application should it come to Planning Committee for decision. (Note that while the Code of Conduct allows a member to speak but not vote having declared that interest, the member should not participate, so as to protect the decision from being challenged by way of judicial review).

## **7. PLANNING APPLICATIONS SUBMITTED BY THE COUNCIL**

- 7.1 It is essential that the council treat applications for its own development (or a development involving the council and another party) in the same manner as all other applications and that this is seen to be the case.
- 7.2 All such proposals will be subject to the same administration processes, including consultation, as private applications. Determination shall similarly take into account planning policy and any other material planning considerations.
- 7.3 Where appropriate, applications submitted by the council should be dealt with under delegated powers in accordance with the scheme of delegation.

## **8. OFFICERS' REPORTS TO THE PLANNING COMMITTEE**

- 8.1 All planning matters considered by the Planning Committee will be the subject of appropriate written reports by the Chief Planning Officer incorporating his recommendations. Such reports shall be comprehensive but succinct in setting out the key planning issues to be considered in terms of the provisions of the development plan and other material planning considerations, the substance of any representations received and any relevant planning history.

## **9. CONDUCT AND PROCEDURE OF PLANNING COMMITTEE MEETINGS**

### **Conduct**

- 9.1 The chairperson of the Planning Committee is responsible for the conduct of the meeting in accordance with the Rules of Procedure (Part 4 of The Constitution), and for the effective delivery of business in a professional, courteous and transparent manner. The members of the committee and officers shall respect that role and behave in a manner that is commensurate with the high standards of conduct and propriety that are expected in public office.
- 9.2 The chairperson will seek to ensure that members and officers are treated in accordance with the council's agreed Protocol on Member/Officer Relations, with regard to:
  - The political neutrality of officers
  - The independence of officers
  - Mutual respect, courtesy, civility and professionalism with respect of differing views.
- 9.3 Members of the public are permitted to address the meeting in accordance with the council's agreed procedure. Where disturbance of the meeting occurs by way of public interference, the chairperson may suspend proceedings until matters are resolved or in extreme situations may close the meeting to the public.

## **Procedure**

- 9.4 The deliberations of the Committee will be confined to the published agenda and any urgent items that have been accepted by the chairperson in accordance with the Local Government Act 1972. The order of business will generally be in accordance with the agenda but the chairperson will seek to bring forward items of business that members of the public or applicants have come to hear.
- 9.5 The chairperson will ensure that meetings of the Planning Committee are conducted in accordance with the council's Rules of Procedure and safeguard that appropriate debate is able to take place in a structured and professional manner, with members being given the opportunity to raise material planning issues (normally through a single presentation). The chairperson will seek to avoid repetition or irrelevant debate.
- 9.6 Members shall endeavour to give not less than 24 hours notice (preferably in writing) to the Chief Planning Officer all questions requiring a technical or detailed response so that an appropriate response can be prepared for the meeting of the Planning Committee.
- 9.7 Planning officers will update the Planning Committee on each application in respect of submissions and other material matters not addressed in the main report and, through the chair, will be responsible for responding professionally to member questions.
- 9.8 Appropriate legal or administration officers will be responsible for advising the chairperson and the committee on matters of procedure and protocol.
- 9.9 Where officers advise the chairperson of material professional concerns or potential consequences of a particular course of action, or of any potential liabilities or errors of fact, officers shall be afforded reasonable opportunity to concisely explain those matters to the Planning Committee before it reaches a decision.

## **10. SITE INSPECTIONS**

### **Purpose of site inspections**

- 10.1 Site inspections are fact-finding exercises to allow members to make a more informed decision than would be possible from reading the officer's report and considering the views expressed at the Planning Committee meeting.
- 10.2 The sole purpose of site inspections is to allow the chairperson and vice-chairperson and other members to look at the site and its surroundings. In conducting the site visit, the members will not formally debate the application, express a prior opinion, lobby for any particular decision or come to any decision.

### **Requests for Committee site inspections**

- 10.3 Requests by members for site inspections in respect of committee cases should wherever possible be made to the chairperson of the Planning Committee or the

Chief Planning Officer, in writing at least 48 hours before the committee to which the application is being reported. Such a request should indicate why a site visit is necessary. Early notification allows the clerk of the committee to advise members of the public who may otherwise have attended the committee not to do so. The Chief Planning Officer will consult with the chairperson before deciding whether to agree to the member's request. Similarly, if the chairperson receives a request, he should consult with the Chief Planning Officer. Members may also request a site visit at the Planning Committee and should indicate why a site visit is necessary.

- 10.4 Site visits should only be allowed on the basis of a request from either the chairperson or vice-chairperson, or from any local member or any member of an adjoining ward whether or not a member of the committee. It is expected that local members will already be familiar with the site.
- 10.4 Site visits may also be arranged, at the behest of the Chief Planning Officer or Development Control Manager when they consider that there are particular site issues that members should be aware of prior to the determination of the application.

#### **Criteria for agreeing to hold site inspections**

- 10.5 Site visits requested after the application appears on the committee report delay determining the application. While the decision whether or not to undertake an inspection in such circumstances is a matter for the Planning Committee, members shall only make such visits where the Planning Committee cannot otherwise make an appropriately informed decision and the inspection would have substantial benefit. Examples where a site visit would not normally be appropriate include where:
- The member simply disagrees with the conclusion reached in the report.
  - The member wishes to consider boundary or neighbour disputes.
  - Loss of property values
  - Any issues that are not material planning considerations.
  - Where councillors have already visited the site within the last 12 months, except in exceptional circumstances.

#### **Notification of site visits**

- 10.6 Site visits will normally be attended by the chairperson and vice-chairperson of Planning Committee, ward members and appropriate officers. Where appropriate adjoining ward members will be invited and in exceptional circumstances the whole of the committee.
- 10.7 Members may through the chairperson ask questions of officers to clarify factual matters relevant to the site inspection.
- 10.8 If a request is received from a third party to inspect the site from a different location, the members, as a group, should take the view whether to do so. Unless there are good reasons not to do so, such a request should normally be acceded to but only if all participants at the site inspection are extended the same invitation.

### **Attendance at site inspections**

- 10.9 Members may only enter onto the site with the permission of the site owner who has the right of attendance at the site inspection.
- 10.10 The public does not have a right of access to a site but may attend and view the site by way of public vantage points or on site with the consent of the owner.
- 10.11 The public cannot address the meeting.
- 10.12 If a member finds it necessary to visit a site alone, he or she shall view it from public vantage points only, seek to avoid discussion with interested parties and, if dialogue occurs, make it clear that a decision will be taken when the Planning Committee has discussed it after the site inspection.
- 10.13 **Members are reminded that the rules of declarations of interest apply to site visits, and that if a member has an interest that would require the member to withdraw from a Planning Committee, the member is not entitled to attend the site meeting.**

### **Conduct at site inspections**

- 10.14 The inspection will be chaired by the chairperson or vice chair of the Planning Committee who will ensure that it is conducted as a single meeting and in an orderly fashion.
- 10.15 The planning officer will give a brief summary of the application and the site inspection issues at the beginning of each site visit.
- 10.16 Members of the Planning Committee attending the site inspection shall not make comments that would create an impression that they have already formed a view on the merits of the application.
- 10.17 Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.
- 10.18 Non-Committee members may address their colleagues on issues of fact pertaining to the site context.
- 10.19 The applicant or members of the public will not be permitted to address members during the site inspection, but may be asked to clarify issues of fact by the chairperson.
- 10.20 Once the formal site meeting is concluded at the chairperson's discretion, and depending on the time available, an informal discussion may be held with the applicant, any agent, and any members of the public. In such a situation members and officers should continue to abide by this code.



## **11. PLANNING COMMITTEE DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

- 11.1 From time to time the Committee will disagree with professional advice given by the officers and may decide to determine an application contrary to that advice. When this occurs the chair of the Planning Committee will ensure that the following principles are followed:
- Members shall clearly express the planning reasons for their decision and these shall be minuted.
  - A member proposing refusal of an application for which the officer recommendation is approval shall state his/her reasons prior to the vote being taken.
- 11.2 In the cases when this occurs the matter shall be deferred for a further report at the following or subsequent meetings in which officers will advise members of the appropriate wording of the reasons for refusal. Officers shall be given an opportunity in that report to explain to the Planning Committee the planning or legal implications of their intended decision before the decision is confirmed.
- 11.3 Where the Planning Committee wishes to add or amend conditions or reasons, or attach a planning obligation, officers shall be given the opportunity to explain the planning or legal implications before the decision is confirmed.
- 11.4 The committee shall ascertain officers' views in respect of paragraph 12.5.

## **12. APPEALS AGAINST COUNCIL DECISIONS**

- 12.1 Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the council. In some circumstances (such a where specialist evidence is required or where a member decision is contrary to officer recommendation) it may be necessary to appoint consultants to appear for the council.
- 12.2 In giving evidence officers will present the best possible case on behalf of the council while complying with the RTPI Code of Professional Conduct, which requires that planning officers who are members of the institute do not make statements purporting to be their own, but which are contrary to their *bona fide* professional opinion.
- 12.3 In cases where the appeal is against a decision that the committee has made contrary to officers' recommendation, the planning case-officer may be able to give evidence. However in some cases, another officer or consultants will be employed if the Chief Planning Officer considers that the case-officer's previously stated views (or those of the Planning Division as a whole) might be unhelpful to presenting the committee's position.
- 12.4 Members can have an important role to play in appeals and may, within set deadlines, make written representations to the inspector and may also appear at informal hearings or as a witness at public local inquiries. In doing so they should

state whether they are acting in their local councillor capacity or, exceptionally, representing the council's case.

12.5 Where planning officers are unable to defend decisions on appeal (due to requirements of the professional conduct rules of the Royal Town Planning Institute) the Planning Committee should be aware of this before the final vote is taken. In such cases, the committee shall nominate at least two of its members who voted contrary to the recommendation to appear at any appeal and defend the committee's decisions and the reasons for them. These should normally be the proposer and seconder of the proposal that was contrary to officers' recommendation. Those members will then be required to attend a subsequent appeal hearing, and if necessary, to give evidence in support of the Council's decision.

12.6 Planning and legal officers will support members attending or wishing to make representation at appeals and advise them on preparing and delivering evidence. Legal officers will attend inquiries or assist in preparing representations when legal representation is required.

### **13. MEMBER TRAINING**

13.1 The council considers that members of the Planning Committee should undertake training and that this opportunity be offered to all members.

13.2 Members will be offered and required to attend core training (normally within three months of appointment to the committee). The subject matter will cover planning procedures, the development plan and material planning considerations, probity and other subjects determined from time to time by officers in consultation with the members. The Council, or political groups as appropriate, will be asked to remove from the Committee a member who fails to undertake this training.

13.3 Other training will be available in the form of additional sessions, short presentations to the committee and the circulation of briefing notes.

13.4 Attendance at training events will be recorded and will be monitored through the relevant scrutiny committee.

### **14. REVIEW OF DECISIONS**

14.1 The Audit Commission's report 'Building Quality' recommends that councillors should visit a sample of implemented planning permissions to assess the quality of the decisions. The purpose of such a review is not to change decisions, but to assess and improve the quality and consistency of decisions and thereby strengthen public confidence and assist in reviewing planning policy.

14.2 The Planning Committee will undertake an annual review of a sample of planning decisions made by the committee. The review will include examples from a range of development types e.g. major residential proposals, listed building consents and enforcement cases, and, where it is considered appropriate and beneficial, include visits to the sites.

- 14.3 The Planning Committee will formally consider the results of the review and decide whether it gives rise to the need for new policies, procedures and practices.
- 14.4 The outcome of appeals against the decisions of the council will be reported regularly to Planning Committee. The outcome of enforcement cases and legal proceedings will also be reported regularly so that the Planning Committee can review its own decision-making processes.

443 The Planning Committee will formally consider the results of the review and decide whether a guide has to be introduced to new orders, procedures and practices.

444 The outcome of reports against the decisions of the Council will be reported to the Planning Committee. The outcome of enforcement cases and legal proceedings will also be reported regularly to the Planning Committee and reviewed in its own decision-making process.

445 The Council will continue to monitor the progress of the review and will report on the progress of the review to the Council at its next meeting.

446 The Council will continue to monitor the progress of the review and will report on the progress of the review to the Council at its next meeting.

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## APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
14/0795/NCC 20.11.2014	Caerphilly Golf Club Mr D Oliver Pencapel Mountain Road Caerphilly CF83 1HJ	Vary Condition 03 of planning consent 10/0764/OUT to extend the period of time for the submission of the reserved matters Land Adjoining 12 Mountain Road Caerphilly CF83 1HJ	Granted 02.03.2015
14/0846/NCC 17.12.2014	Mr A Thomas Fairoak Corbetts Lane Pwllypant Caerphilly CF83 3HX	Remove Condition 21 (Code for Sustainable Homes) of application 09/0949/NCC (Erect three two-storey dwellings) Land Adjacent To Fairoak Corbetts Lane Pwllypant Caerphilly	Granted 02.03.2015
15/0008/FULL 05.01.2015	Gelligaer Community Council Llwyn Onn Penpedairheol Hengoed CF82 8BB	Carry out elevational alterations Gelligaer Community Council Office Llwyn Onn Penpedairheol Hengoed	Granted 02.03.2015
15/0009/FULL 06.01.2015	Mrs P Hobrough 9 Coggins Close Caerphilly CF83 1ST	Convert existing garage into study and erect single-storey garage extension to side of house 9 Coggins Close Caerphilly CF83 1ST	Granted 02.03.2015
15/0012/FULL 07.01.2015	Mr G Jones 128 Llancayo Street Bargoed CF81 8TP	Convert attic 128 Llancayo Street Bargoed CF81 8TP	Granted 02.03.2015
15/0014/FULL 07.01.2015	Mr A Morgan 26 Warne Street Fleur-de-lis Blackwood NP12 3RS	Erect a first floor extension on existing ground floor extension to the rear of the building 1 River Terrace Pengam Blackwood NP12 3XB	Granted 02.03.2015

15/0011/COU 07.01.2015	Mr C Bullen 2 Caldicot Close Grove Park Blackwood NP12 1HH	Change the use from B2 to B8 for flooring trade sales, new hardstand to rear, new rear entrance, new pedestrian entrance to front and provide signage to the front of the building Unit 2 Darren Drive Prince Of Wales Industrial Estate Abercarn	Granted 04.03.2015
14/0829/COU 11.12.2014	Mrs M Williams 38 Commercial Street Aberbargoed Bargoed CF81 9BW	Convert ground floor commercial unit into a one bedroom flat 38 Commercial Street Aberbargoed Bargoed CF81 9BW	Granted 09.03.2015
14/0833/FULL 15.12.2014	Mr & Mrs G Short 80 Cwm Braener Pontllanfraith Blackwood NP12 2DS	Demolish existing bungalow and replace with new bungalow/low eaves dwelling in a similar location of modern construction Mount View The Graig Cwmcarn Newport	Granted 09.03.2015
14/0849/RET 18.12.2014	Mr S Matthews 31 Clos Coed Bach Blackwood NP12 1GT	Retain a new rear garage, a new gate to the rear and convert existing garage to utility room and office and provide landscaping to the rear garden 31 Clos Coed Bach Blackwood NP12 1GT	Granted 09.03.2015
15/0083/NOTD 09.02.2015	Ixion Developments Limited C/o GVA Mr O Griffiths One Kingsway Cardiff CF10 3AN	Demolish former school Former Blackwood Junior School Pentwyn Road Blackwood NP12 1HN	Prior Approval Not Required 09.03.2015
15/0024/FULL 13.01.2015	Mr I Wadelin 8 Chartist Court Pontymister Risca Newport NP11 6LB	Erect wooden shed 8 Chartist Court Pontymister Risca Newport	Granted 10.03.2015

15/0025/FULL 13.01.2015	Mr L Harrison Mayfield West Ville Abertysswg Tredegar NP22 5BD	Erect a four bedroom detached dwelling Land At Plot 1 Carn-Y-Tyla Terrace Abertysswg Tredegar	Granted 10.03.2015
15/0026/FULL 13.01.2015	Mr S Bowen 46 Alexander Street Abertysswg Tredegar NP22 5AJ	Erect a four bedroom detached dwelling Land At Plot 2 Carn-Y-Tyla Terrace Abertysswg Tredegar	Granted 10.03.2015
14/0705/FULL 04.11.2014	Mr J Brace C/o DTB Design Mr D Thomas 286 North Road Cardiff CF14 3BN	Erect rear and side extensions 13 Clos Gwaun Gledyr Caerphilly CF83 2BD	Granted 11.03.2015
14/0826/FULL 11.12.2014	Mr & Mrs A Mile 16 Clos Enfys Caerphilly CF83 1SB	Erect single-storey rear extension 16 Clos Enfys Caerphilly CF83 1SB	Granted 11.03.2015
14/0840/FULL 17.12.2014	Mr J Chatters The Caravan 15 Heol Fawr Nelson Treharris CF46 6NW	Demolish single-storey extension and construct a two-storey extension 15 Heol Fawr Nelson Treharris CF46 6NW	Granted 11.03.2015
14/0851/FULL 19.12.2014	Mrs S Wedlake 28 Llyswen Penpedairheol Hengoed CF82 7TP	Erect single-storey extension and rear loft conversion to include dormer 28 Llyswen Penpedairheol Hengoed CF82 7TP	Granted 11.03.2015
15/0028/OUT 14.01.2015	Mrs D Gwyther Cascade House Pengam Road Penpedairheol Hengoed CF82 8BX	Erect a 3 or 4 bedroom detached dwelling Land Adjacent To 7/8 Sheen Court The Walk Ystrad Mynach Hengoed	Granted 11.03.2015
13/0873/OUT 23.12.2013	Llanover Estate Mr M Lennon 23A Gold Tops Newport NP20 4UL	Erect housing development (eight dwellings) Land At Park Road Newbridge Newport	Granted 12.03.2015
15/0004/FULL 05.01.2015	Mr I Boucher 1 Penylan Road Argoed Blackwood NP12 0AU	Replace domestic garage Gelynos Garage Penylan Road West Urban Lane Rear Of Penylan Road Argoed	Refused 12.03.2015
15/0005/RET	Mrs L Gwilt	Retain wooden fence to front of	Granted

05.01.2015	22 Priorsgate Oakdale Blackwood NP12 0EL	property 22 Priorsgate Oakdale Blackwood NP12 0EL	12.03.2015
14/0704/FULL 13.10.2014	Mr R Davies Bedlwyn Farm Cefn-Rhychdir Road Phillipstown New Tredegar NP24 6BT	Erect a single wind turbine of max 86.5m to tip, along with associated infrastructure including an access track and electrical housing Bedlwyn Farm Cefn-Rhychdir Road Phillipstown New Tredegar	Granted 13.03.2015
14/0814/LA 05.12.2014	Caerphilly County Borough Council Ms S Aspinall Ty Penallta Tredomen Park Ystrad Mynach Hengoed Caerphilly CF82 7PG	Erect a three/two and a half storey secondary school on an undeveloped, reclaimed site, including school buildings, external works, soft landscaping, full size 3G floodlit pitch and parking/bus waiting areas. The area of land included as part of the application to the east of Waterloo may be used as earthworks balancing area if required during development of main site and if this area is used it will be re-landscaped, to existing standard, on completion Oakdale Business Park Plateau 3 Waterloo Oakdale Blackwood	Granted 13.03.2015
14/0852/NCC 22.12.2014	Mr G Williams 1 Edgehill Pontllanfraith Blackwood NP12 2NZ	Remove Condition 09 of planning application 13/0587/FULL (Erect two one- bedroom self-contained flats) 1 Edgehill Pontllanfraith Blackwood NP12 2NZ	Granted 13.03.2015
15/0034/FULL 16.01.2015	Mr N L Angell 1 Pendinas Avenue Croespenmaen Newport NP11 3GP	Erect first floor dormer extension 1 Pendinas Avenue Croespenmaen Newport NP11 3GP	Granted 13.03.2015



15/0002/FULL 29.12.2014	Vodafone Limited & CTIL Vodafone House The Connection Newbury RG14 2FN	Replace existing 17m telecommunications column mast and antennas with a new 17.5m column mast and six antennas and two dishes together with three equipment cabinets and ancillary works and fencing Vodafone Base Station Fern Court Fern Close Pen-y-fan Industrial Estate	Granted 17.03.2015
15/0003/FULL 30.12.2014	Mr G Rutter 20 Tenby Court Hendredenny Caerphilly CF83 2UE	Construct two-storey side extension and single-storey rear extension 20 Tenby Court Hendredenny Caerphilly CF83 2UE	Granted 17.03.2015
15/0013/FULL 08.01.2015	Mr J Carter 2 Holly Road Ty Sign Risca Newport NP11 6HX	Erect two-storey extension for lounge, bedroom and en-suite shower to side elevation 2 Holly Road Ty Sign Risca Newport	Granted 17.03.2015
15/0047/CLPU 20.01.2015	Mr P Bailey 5 Cleveland Drive Trenewydd Park Risca Newport NP11 6RD	Obtain a Lawful Development Certificate for the proposed single-storey extension forming an internal porch and w.c. to the north of the property 5 Cleveland Drive Trenewydd Park Risca Newport	Refused 17.03.2015
15/0050/COU 20.01.2015	Mr N Young 50 Commercial Street Risca NP11 6BA	Change use of the ground floor from A1 use to a laundrette (sui generis use) 103 Commercial Street Pontymister Risca Newport	Granted 17.03.2015
15/0051/FULL 20.01.2015	Mr I Townsend Ty Croeso Abertridwr Road Penyheol Caerphilly CF83 2AP	Carry out alterations to the ground floor and provide a dormer extension to the side of the first floor Ty Croeso Abertridwr Road Penyrheol Caerphilly	Granted 17.03.2015
14/0472/OUT 02.07.2014	Mr & Mrs Evans 29 Ty Fry Road Aberbargoed Bargoed	Erect residential development (15 plots) Land To The Rear Of Ty Fry Road Aberbargoed Bargoed	Granted 18.03.2015

15/0059/FULL 22.01.2015	Mr M Jones 10 Pendarren Street Penpedairheol Hengoed CF82 8BZ	Erect single-storey flat roof extension 10 Pendarren Street Penpedairheol Hengoed CF82 8BZ	Granted 18.03.2015
14/0734/FULL 24.11.2014	Mr N Stook 19 Orchard Street Phillipstown New Tredegar NP24 6BU	Erect agricultural building to replace derelict containers Land At Coed Cefn Rychdir New Tredegar	Granted 19.03.2015
15/0058/ADV 22.01.2015	One Stop Stores Ltd Apex Road Brownhills Walsall West Midlands WS8 7HU	Erect various signage 3-4 The Circle Manor Road Pontllanfraith Blackwood	Granted 19.03.2015
14/0635/COU 23.09.2014	Mr S Tom Phillip Tom And Sons Beaconsfield House 155A Commercial Street Newport Road Pontymister Risca Newport NP11 6EY	Change the use from B1/B2 industrial to B8 storage of motor vehicles associated with adjacent commercial premises, and erection of five-car garage, store and all associated works Rowecord Engineering Commercial Street Newport Road Pontymister	Granted 23.03.2015
14/0769/FULL 30.10.2014	Mr K Chamberlain 11 Stryd Hywel Harris Ystrad Mynach Hengoed CF82 7DN	Erect two-storey extension 11 Stryd Hywel Harris Ystrad Mynach Hengoed CF82 7DN	Granted 23.03.2015
15/0016/FULL 09.01.2015	Mr G Croll 19 Virginia View Caerphilly CF83 3JA	Replace existing pre-cast concrete garage with asbestos roof with a new spar style garage 19 Virginia View Caerphilly CF83 3JA	Granted 23.03.2015
15/0018/FULL 12.01.2015	Mr N O'Shaughnessy 1 Heol Waun Fawr Caerphilly CF83 1SA	Erect two-storey side extension 1 Heol Waun Fawr Caerphilly CF83 1SA	Granted 23.03.2015
15/0063/FULL 26.01.2015	Mrs S Bugler-Lyons 17 Plas Road Fleur-de-lis Blackwood NP12 3RJ	Re-roof and raise the existing dormer roof 17 Plas Road Fleur-de-lis Blackwood NP12 3RJ	Granted 23.03.2015

15/0046/LA 29.01.2015	Caerphilly County Borough Council Mr S Couzens Housing Services Cherry Tree House Carlton Drive Crumlin Newport NP11 4PA	Retain the change of use from office to three bedroom semi- detached house 1 Farm View Britannia Blackwood NP12 3TW	Granted 24.03.2015
15/0017/FULL 09.01.2015	Mr R Porter 35 John Street Cwmcarn Newport NP11 7EH	Demolish existing dilapidated garage and replace with pre- cast concrete spar finish garage 35 John Street Cwmcarn Newport NP11 7EH	Refused 25.03.2015
15/0022/COU 13.01.2015	Mr N Das The Surgery South Street Bargoed CF81 8SU	Convert existing surgery to a two bedroom dwelling The Surgery Bryn Road Cefn Fforest Blackwood	Granted 25.03.2015
15/0036/FULL 14.01.2015	Mr Howell 112 Mill-race Abercarn Newport NP11 4TP	Replace lean-to front porch with a tiled roof and dwarf wall style porch 112 Mill-race Abercarn Newport NP11 4TP	Granted 25.03.2015
15/0027/FULL 13.01.2015	Mr P Marsden 114 Treowen Road Treowen Newport NP11 3DQ	Demolish a single-storey rear building and erect a two-storey rear extension 114 Treowen Road Treowen Newport NP11 3DQ	Granted 26.03.2015
15/0019/FULL 12.01.2015	Mr D Lewis Gelli Farm Tredegar Road Cwmgelli Blackwood NP12 1BZ	Erect a menage to rear of stable Gelli Farm Tredegar Road Cwmgelli Blackwood	Granted 27.03.2015
15/0040/FULL 20.01.2015	One Stop Stores Ltd Apex Road Brownhills Walsall West Midlands WS8 7TS	Install air conditioning plant within a new plant room at the rear of the building, with external louvre, install new ramped entrances to the front pavements to provide access for disabled, etc. and make alterations to the existing shop frontages 3-4 The Circle Manor Road Pontllanfraith Blackwood	Granted 27.03.2015

15/0044/FULL 28.01.2015	Mr P O'Connell 25 Banalog Terrace Hollybush Blackwood NP12 0SF	Erect a balcony on the front elevation of the property and replace one window with french doors 25 Banalog Terrace Hollybush Blackwood NP12 0SF	Granted 27.03.2015
15/0049/FULL 30.01.2015	Mr C Hoskins Brookland House Bedwelty Road Aberbargoed Bargoed CF81 9DN	Erect a ground floor extension to enlarge kitchen and add a utility room Brookland House Bedwelty Road Aberbargoed Bargoed	Granted 27.03.2015
15/0066/FULL 30.01.2015	Mr J Aston Glenview Bedwelty Road Elliot's Town New Tredegar NP24 6NW	Erect a detached single garage Glenview Bedwelty Road Elliot's Town New Tredegar	Granted 27.03.2015

## 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.
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.
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.
15/0060/COU 22.01.15	Convert first and second floors to 6 No. one bedroom flats at 1 Pentrebane Street Caerphilly	Awaiting additional information.
15/0163/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.
15/0198/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.
15/0251/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.
15/0310/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.
15/0330/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.
15/0389/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.
15/0412/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.

15/0440/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.
15/0502/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.
15/0535/RET 21.08.15	Retain the mixed use of land as agriculture and the keeping of horses with livery, erect stables and ancillary office and tack room with associated parking at Parc Maes Cefn Mably Cardiff CF3 6LP	Awaiting response o submission of FCA.
15/0544/FULL 30.07.15	Erect first floor extension at Hen-dy-cerbyd Abercarn Junior School Access Abercarn Newport	Awaiting amended plans.
15/0557/FULL 24.08.15	Erect 3 No. buildings for use as a general waste transfer station, a non-ferrous storage processing unit and a storage building for the W.E.E.E. processing unit at GLJ Recycling Ltd Chapel Bridge Yard Chapel Farm Industrial Estate Cwmcarn	Awaiting wildlife survey.
15/0563/OUT 31.07.15	Erect up to 50 no. dwellings and access with all other matters reserved at Land At Ty-Mawr Ty-Mawr Farm Lane Croespenmaen Newport	Awaiting noise assessment.
15/0619/RM 05.08.15	Construct 14 no. two bedroom apartments at Gledyr Bungalow - Selway Gardens Nantgarw Road Caerphilly CF83 1BW	Subject to further discussion and consideration.



15/0659/FULL 09.08.15	Erect a single-storey extension accommodating extended laundry room plus a store room at Highfield Nursing Home Highfields Lane Blackwood NP12 1SG	Awaiting Tree Survey.
15/0675/FULL 21.08.15	Remediate the site and develop 32 residential dwellings (C3), associated vehicular and pedestrian access from the existing Cwm Calon site, formal landscaping, drainage, related infrastructure, engineering works and the relocation of an existing bus gate at Land To The North Of Cwm Calon Penallta Hengoed	Subject to discussions concerning affordable housing.
15/0678/FULL 24.08.15	Erect a two-storey extension to incorporate existing detached garage and remodel the detached house including roof alterations to increase eaves and ridge heights at 9 School Close Nelson Treharris CF46 6HZ	Awaiting amended plans.
15/0774/FULL 17.09.15	Erect a single turbine up to a blade tip height of 76.45m, 50.0m hub height, 52.9m rotor diameter and output of 800kW with associated track access, electric cabinet and crane pad at Land At Tyle Crwth South West Of Ynysddu Newport	Cumulative shadow flicker assessment and access details awaited.

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## APPLICATIONS AWAITING COMPLETION OF A SECTION 106 AGREEMENT

APPLICATION NUMBER & DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/06/0037 13.01.06	Redevelop site incorporating 545 residential units and 2.5 acres for a primary school at Waterloo Works, Machen.	Planning in discussions with developers over new terms; waiting to hear from Planning. Meeting has been planned. No further update.
09/0243/OUT 31.03.09	Erect residential development and associated recreation space on Land At Former Windsor Colliery, Ty'n Y Parc, Abertridwr, Caerphilly.	On hold pending outcome of meeting with Housing Association. File closed due to no progress.
11/0191/OUT 11.03.11	Demolish existing farmhouse and farm buildings and construct new two-storey residential units at Gelli Pystyll Farm, Elm Drive, Ty Sign, Risca.	Position being reviewed because of lack of response from Applicants about the S106.
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.
14/0239/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	In discussions regarding draft internally.
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.

14/0855/FULL	Erect residential development and associated works at Land At Watford Road Caerphilly	New matter.
15/0156/NCC 12.03.15	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	Sent draft internally for comments.
15/0408/FULL 18.06.15	Demolish former derelict buildings and erect 29 residential units and associated works at Crumlin Mining School Site Mining School Hill Crumlin Newport	Sent draft.
15/0528/NCC 28.07.2015	Vary Conditions 3 and 4 of planning consent 07/1011/OUT (Construct residential development of 57 units) to extend the period within which to submit reserved matters and commence development at Land At Maerdy Rhymney Tredegar	Nearing completion.

## OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERED
15/0011/REF 14/0604/OUT	SRJ and JG Partnership C/o RPS Mr D Williams Park House Greyfriars Road Cardiff CF10 3AF	Erect residential development at Car Park Aiwa Technology Park Newbridge Newport	27.10.2015
15/0012/REF 15/0038/OUT	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 at Land North Of Pandy Road Bedwas Caerphilly	23.11.2015

**APPEALS DECIDED**

<b>APPEALS DECIDED APPEAL REF/ PLANNING APP NO.</b>	<b>PROPOSAL &amp; LOCATION APPEAL</b>	<b>DECISION/ DATE</b>	<b>COMM/ DEL</b>
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**NONE**