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For all enquiries relating to this agenda please contact Emma Sullivan  
(Tel: 01443 864420 Email: [sullie@caerphilly.gov.uk](mailto:sullie@caerphilly.gov.uk))

**Date: 2nd March 2016**

Dear Sir/Madam,

A meeting of the **Planning Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 9th March, 2016** 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 10th February 2016 (minute nos. 1 - 11).	1 - 12
To receive and consider the following reports: -	

**A greener place Man gwyrdach**

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



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

4	Preface Item Code No. 15/0567/OUT - Land at Oakdale Golf Course, Oakdale Golf Course Lane, Oakdale, Blackwood.	13 - 42
5	Code No. 14/0455/FULL - Darran Farm, Argoed, Blackwood.	43 - 58
6	Code No. 15/1258/FULL - Land at Penywrlod, Gelliagaer, Hengoed.	59 - 72
7	Code No. 16/0022/FULL - 11 Denbigh Close, Cefn Fforest, Blackwood.	73 - 78
8	Code No. 16/0111/FULL - 38 Burnet Drive, Pontllanfraith, Blackwood.	79 - 84

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

9	Preface Item Code No. P/06/0037 - Waterloo Works, Machen.	85 - 112
10	Code No. 15/0781/ROMPSP - The Senghenydd Minerals Site, Graig-yr-hufen Road, Senghenydd, Caerphilly.	113 - 132
11	Code No. 15/1083/COU - Unit 3, Pantglas Industrial Estate, Bedwas, Caerphilly.	133 - 142
12	Code No. 16/0001/FULL - 1 Oak Lane, Royal Oak, Machen, Caerphilly.	143 - 150
13	Welsh Government Consultation Revisions to Technical Advice Note 20: Planning and the Welsh Language.	151 - 154

To receive and note the following information items: -

14	Applications determined by delegated powers.	155 - 164
15	Applications which are out of time/not dealt with within 8 weeks of date of registration.	165 - 170
16	Applications awaiting completion of a Section 106 Agreement.	171 - 172
17	Appeals outstanding and decided.	173 - 176

### **Circulation:**

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

And Appropriate Officers

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## PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH  
(CHAMBER)  
WEDNESDAY, 10TH FEBRUARY 2016 AT 5:00PM

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### PRESENT:

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

### Councillors:

M. Adams, J. Bevan, D. Bolter, J. E. Fussell, , Mrs J. Gale, R.W. Gough, A.G. Higgs,  
A. Lewis, Mrs G. D. Oliver, J. Simmons, Mrs E. Stenner and J. Taylor.

### Together with:

P. Elliott (Head of Regeneration and Planning), T. Stephens (Development Control Manager),  
R. Crane (Solicitor), M. Noakes (Senior Engineer, Highway Planning), M. Godfrey  
(Environmental Health Officer), M. Davies (Principal Planner), P. Den Brinker (Principal  
Planner), C. Powell (Principal Planner), C. Boardman (Senior Planner), A. Pyne (Senior  
Planner) and E. Sullivan (Democratic Services Officer)

## APOLOGIES

Apologies for absence had been received from Councillors Mrs P. Cook, L. Gardiner,  
C. Hawker, K. Lloyd, D. Rees and Mrs J. Summers and K. James, Cabinet Member for  
Regeneration and Planning.

### 1. DECLARATIONS OF INTEREST

There were no declarations received at the beginning or during the course of the meeting.

### 2. MINUTES – 13TH JANUARY 2016

Subject to an amendment to Minute No. 14 (Application No. 14/0604/OUT) to reflect that it  
had also been agreed to include an additional amendment that Officers negotiate with the  
Developer and Network Rail any possible enhancements to the condition of the underpass it  
was

RESOLVED that the minutes of the Planning Committee held on 13th January 2016  
(minute nos. 1-14) be approved and signed as a correct record.

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

**3. CODE NO. 15/0790/FULL – OAKDALE HOTEL, CENTRAL AVENUE, OAKDALE, BLACKWOOD.**

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.

Councillor J.E. Fussell wished it noted that as he had not been present for the whole of the debate he had not taken part in the vote.

RESOLVED that: -

- (i) the application be deferred to enable the completion of a Section 106 Agreement that will require the provision of 25% affordable housing (three 1-bed-2 person apartments);
- (ii) upon completion of the Section 106 Agreement and subject to the conditions contained in the Officer's report and the following additional conditions this application be granted;

**Additional Condition (14)**

No site shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the Local Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief and specification.

**Reason**

As the building is of architectural and cultural significance the specified records are required to mitigate impact.

**Additional Condition (15)**

Prior to the commencement of the soft stripping of the tiles and other roof materials of the building known as the band hall, a derogation licence shall be obtained from Natural Resources Wales and a copy of the required licence shall have been submitted to the Local Planning Authority.

**Reason**

To ensure adequate protection to protected species.

**Additional Condition (16)**

Prior to the soft stripping and any demolition works of the building known as the band hall a detailed Bat Method Statement prepared by a competent ecologist shall be submitted for the approval of the Local Planning Authority. The Bat Method Statement shall include mitigation measures for both temporary and permanent roosts. The soft stripping and demolition works of the building known as the Band Hall shall be carried out in accordance with the approved Bat Method Statement.

**Reason**

To ensure adequate protection for protected species that may be present in the band hall.

**Condition (17)**

Prior to the commencement of development hereby approved a Light Mitigation Strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging and roosting habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed and maintained thereafter in accordance with the approved strategy.

**Reason**

To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.

- (ii) the applicant be advised of the comments of Countryside and Landscape Services, Council's Ecologist, Head of Public Services, Conservation and Design Officer and Wales and West Utilities.

**4. CODE NO. 15/0791/LBC – OAKDALE HOTEL, CENTRAL AVENUE, OAKDALE, BLACKWOOD.**

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 referred to CADW with a recommendation that listed building consent is granted subject to conditions, having special regard to the desirability of preserving the building and its setting without any unacceptable harm to either its setting or the conservation area;
- (ii) upon receipt of a satisfactory response from CADW listed building consent be issued and subject to the conditions contained in the Officer's report, the following additional condition and any additional conditions or alternations as may be recommended by CADW this application be granted;

**Additional Condition (07)**

No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the Local Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief and specification.

**Reason**

As the building is of architectural and cultural significance the specified records are required to mitigate impact.

- (iii) the applicant be advised of the comments of the Conservation Officer.

**5. CODE NO. 15/0789/FULL – 16 THORNCOMBE ROAD, BLACKWOOD.**

Following consideration 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 Dwr Cymru/Welsh Water;
- (iii) the applicant be advised that the following policy of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 is relevant to the conditions of this permission: CW2.

**6. CODE NO. 15/0021/LA – RHYMNEY COMPREHENSIVE SCHOOL SITE AND LAND ADJACENT LAND, ABERTYSSWG ROAD, RHYMNEY, TREDEGAR.**

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

RESOLVED that: -

- (i) subject to the conditions contained within the Officer's report this application be granted;
- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: CW2, CW3, CW4 and CW5.
- (iii) the applicant be advised of the comments of this Council's Ecologist, Natural Resources Wales, Senior Engineer (Land Drainage), The Coal Authority, Dwr Cymru/Welsh Water, Senior Arboricultural Officer (Trees) and Transport Engineering Manager.

**7. CODE NO. 16/0020/FULL – 28 FOREST HILL, BLACKWOOD.**

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

RESOLVED that: -

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



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

**8. CODE NO. 15/0675/FULL – LAND TO THE NORTH OF CWM CALON, PENALLTA, HENGOED.**

Following consideration of the application Members requested that a condition to address the concerns raised with regard to the discharge of materials on to public footpaths from the development be attached to the granting of this permission and subject to this addition (Condition 12 (vi)) 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 was 1 against this was agreed by the majority present.

RESOLVED that: -

- (i) subject to the removal of conditions 6,7 and 8, the renumbering of the remaining conditions and amendments to conditions 10,11 and 15 (now numbered 7, 8 and 12) this application be granted;

**Condition (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.

**Condition (02)**

Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street lighting and surface waster drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.

**Reason**

In the interests of highway safety.

**Condition (03)**

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 interest of highway safety.

**Condition (04)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garage hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garage shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.

**Reason**

In the interests of highway safety.

**Condition (05)**

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.

**Condition (06)**

The development hereby approved shall be carried out fully in accordance with the recommendations made in Section 5 of the Ecological Appraisal Report dated August 2015 prepared by EDP. The development shall be undertaken fully in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure adequate protection for protected species and habitats.

**Amended Condition (07)**

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 to bats in 75% of the new development at Cwm Calon, Penallta shall be submitted to the Local Planning Authority for approval. The approved details be implemented before the development hereby approved in 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.

**Amended Condition (08)**

Prior to the commence of any works on site, details of the provisions of nesting sites for bird species (House Sparrow, House Martin, Starling or Swift) in 75% of the new development at Cwm Calon, Penallta, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new development hereby approved is first occupied.

**Reason**

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

**Condition (09)**

Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.

**Reason**

To ensure proper measures are taken to safeguard the habitat of bats in the interest of biodiversity.

**Amended Condition (10)**

No development shall commence until details of the 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.

**Condition (11)**

The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.

**Reason**

To ensure that adequate provision for refuse, recycling food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.

**Amended Condition (12)**

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;
- vi) measures to control the discharge of materials, soils, surface water onto neighbouring lands and public footpaths.

**Reason**

In the interest of residential amenity.

**Condition (13)**

No activity associated with the development hereby approved shall commence until an Arboricultural Method Statement (AMS) which shall detail fully the implementation of the Tree Protection Plan and include all instructions or prohibitions necessary for the success of the Tree Protection Plan, including:

- A programme for arboricultural supervision and monitoring.
- A full compaction damage/levels changing and soil improvement works mitigation plan.
- A programme for any pre-development access facilitation works and the requirements for any contractors engaged to provide such services.

This plan shall be agreed in writing with the Local Planning Authority and thereafter all works shall be undertaken in accordance with these agreed details.

**Reason**

To protect the trees on site during construction works.

**Condition (14)**

Prior to the commencement of works associated with the development hereby approved, a landscaping and management scheme shall be submitted and approved in writing by the Local Planning Authority. Areas identified for native hedgerows, woodlands or wild flower planting shall include a mix of approved species of which at least 75% shall be of local provenance. The agreed details shall be carried out in the first planting or seeding season following the completion of the development. Any trees or plants which within a period of five years from completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The management proposals should also be included, along with timing of management, management requirements, who is responsible for management etc.

**Reason**

In the interest of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Government's Planning Policy Wales TAN 5 Nature Conservation and Planning.

**Amended Condition (15)**

Prior to commencement of development hereby approved details of a scheme shall be submitted to and approved in writing by the Local Planning Authority to include secondary glazing systems in all bedrooms of residential units situated on plots 01, 02, 03, 07, 08, 09, 31 & 32 (as stipulated in the Cwn Calon planning layout diagram DRG Number 7895-PL01) to achieve an internal Lmax level of 45dB(A). Development shall be carried out in accordance with the approved details before the first occupation of the dwellings hereby approved.

**Reason**

In the interest of residential amenity.

**Condition (16)**

Prior to commencement of development details of a scheme shall be submitted to and approved in writing by the Local Planning Authority to include the design of a solid, continuous acoustic barrier to be constructed along the Western boundary of the application site. The scheme shall detail the decibel reduction capability of the acoustic barrier and how that will impact upon both internal and external noise levels at the proposed dwellings. The development shall be carried out in accordance with the agreed details and completed prior to the occupation of the dwellings at plots referred to in Condition 15.

**Reason**

In the interest of residential amenity.

**Condition (17)**

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 interest of public health.

**Condition (18)**

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

**Condition (19)**

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 interest of public health.

**Condition (20)**

The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:

drwg no's. 7895-PL01 Revision E, 881.01 Revision B, TUE91148/A/EL DD 002/6 engineering details and drainage layout, 7895-PL02 Revision C materials layout, 7895-PL03 Revision B Boundary treatments, 7895-PL05 Revision A, site location plan. The Oxford EF Series, Render (A1), EF Series Brick (B1), The Letchworth EF Series Render (A1), EF Series, The Cambridge EF Series Render (A1), EF Series Brick (B1) all received 14.1.16. TUE91148A/EL PL 002: The Warwick WF Series Brick (B1), WF Series Render (A1), WF Series Brick (B2), WF Series Render (A2). The Amberley WF Series Brick (B1), WF Series Render (A1), (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.

- (ii) the applicant be advised that the following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions of this permission: SP10, CW2 and CW3;
- (iii) the applicant be advised of the comments of the Council's Ecologist, Heddlu Gwent Police, Natural Resources Wales, Public Rights of Way, Senior Engineer (Land Drainage), Wales and West Utilities and Head of Public Services.

**9. CODE NO. 15/0310/COU – LAND TO THE REAR OF 13-17 GLYN DERWEN, LLANBRADACH, CAERPHILLY.**

Following consideration of the application it was moved and seconded that the recommendation contained in the Officers 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 policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions on this permission: CW2, CW3, CW15, SP5 and SP6.

**10. CODE NO. 15/0740/FULL – 78 BRYNMYNACH AVENUE, TREDOMEN, HENGOED.**

Mrs N. John spoke in objection to the application and the applicant who had been advised did not speak.

Councillor Mrs G.D. Oliver wished it noted that as she had not been present for the whole of the debate she had not taken part in the vote.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by show of hands and in noting there was 1 against and 1 abstention this was agreed by the majority present.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report and that a letter be sent advising the applicant that should complaints be received in relation to the fence then enforcement action would be taken forward by the Highway Authority under its legislation, this application be granted;
- (ii) the applicant be advised that the following policy of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions imposed on this permission: CW3.

**11. ITEMS FOR INFORMATION**

The following items were received and noted: -

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

The meeting closed at 18.27 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 March 2016, they were signed by the Chair.

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CHAIR

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## PREFACE ITEM

APPLICATION NO. 15/0567/OUT

APPLICANT(S) NAME: Persimmon Homes East Wales

PROPOSAL: Erect residential development of up to 175 units including open space provision, access and parking arrangements

LOCATION: Land At Oakdale Golf Course Oakdale Golf Course Lane Oakdale Blackwood

The above application was deferred by Committee on 9<sup>th</sup> December 2015 for a Members' site visit. That visit took place on 21<sup>st</sup> December 2015. Members viewed the site and its surroundings. In particular Maes-Y-Garn Road leading to Rhiw Syr Dafydd School was viewed and members discussed the impact of the proposed development upon pedestrian movements related to the school. Officers were requested to provide a summary of the submitted traffic impact assessment and its conclusions. That summary has been delayed because the applicant has requested that the application be deferred to enable revised details of the access to be submitted. The summary is now provided below.

Summary: The Transport Assessment submitted with the application clearly indicates that there is sufficient capacity within the existing road network to accommodate the additional traffic movements created by the development. The traffic generated along Maes-Y-Garn Road would result in an additional 29 vehicles per hour (two way movements) in the peak am (08.00 – 09.00) and 41 vehicles (two way) in the peak pm (17.30 – 18.30). Only the am peak coincides with school opening/closing times. At that am peak the additional traffic amounts to a 6.8% increase, this is not significant. The later pm peak represents an increase of 21.2% but this is outside the school closing time. The Authority has recently commenced works on the 'Oakdale safe routes in communities project', which proposes to implement a 20mph speed limit, a zebra crossing and traffic calming measures in the vicinity of Rhiw Syr Dafydd and Ysgol Cwmraeg Cwm Derwen Primary Schools to improve highway safety for pedestrians. In conclusion, given the relatively low volume of additional traffic movements generated by the development and the pedestrian safety improvements being implemented by the Authority, it is considered that the development will not have a detrimental impact.

The applicant has now advised that the access does not need to be amended and the application may proceed as proposed.

Cont....

Application 15/0567/OUT Continued

The applicant has also requested an additional condition be attached to any planning consent granted. The condition requires:

“The submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the principles described and illustrated in the Design and Access Statement (Date xxx), and in accordance with the Parameters Plans (Drawing nos xxx).

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development”.

The requested condition is considered acceptable subject to the following variation:

25) Subject to the conditions hereby imposed (above) and other appropriate planning criteria, the submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the principles described and illustrated in the Design and Access Statement received on 13.08.2015 and in accordance with the Master Plans, Drawing No MP01 received on 03.08.2015 and in accord with the detailed reserved matters planning considerations.

REASON: To ensure that the development takes the form agreed by the Local Planning Authority.

It should be noted that the application site is allocated in the Deposit LDP, which is now open to public consultation, as approved by Council on 3<sup>rd</sup> February 2016 (Ref No H1.35).

With regard to the weight that is to be attached to the Deposit LDP Planning Policy Wales explains:

2.8.1 - The weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, Local Planning Authorities will need to consider carefully the underlying evidence and background to the policies.

Cont....

Application 15/0567/OUT Continued

RECOMMENDATION: That planning permission is deferred in accordance with the recommendation in the attached report to allow a Section 106 Agreement to be concluded following which permission be granted subject to the conditions set out in that report and the additional condition in this report.

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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.

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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.

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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.

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## 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.

Cont....

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.

Cont....

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.

Cont....



Application No. 15/0567/OUT Continued

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.

Cont....

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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**DEFERRED FOR SITE VISIT**



## PLANNING COMMITTEE – 13TH JANUARY 2016

**SUBJECT: SITE VISIT - CODE NO. 15/0567/OUT – LAND AT OAKDALE GOLF COURSE, OAKDALE GOLF COURSE LANE, OAKDALE**

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

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PRESENT:

Councillor D.G. Carter – Chair

Councillors M. Adams, K. Lloyd, D. Rees, R. Saralis

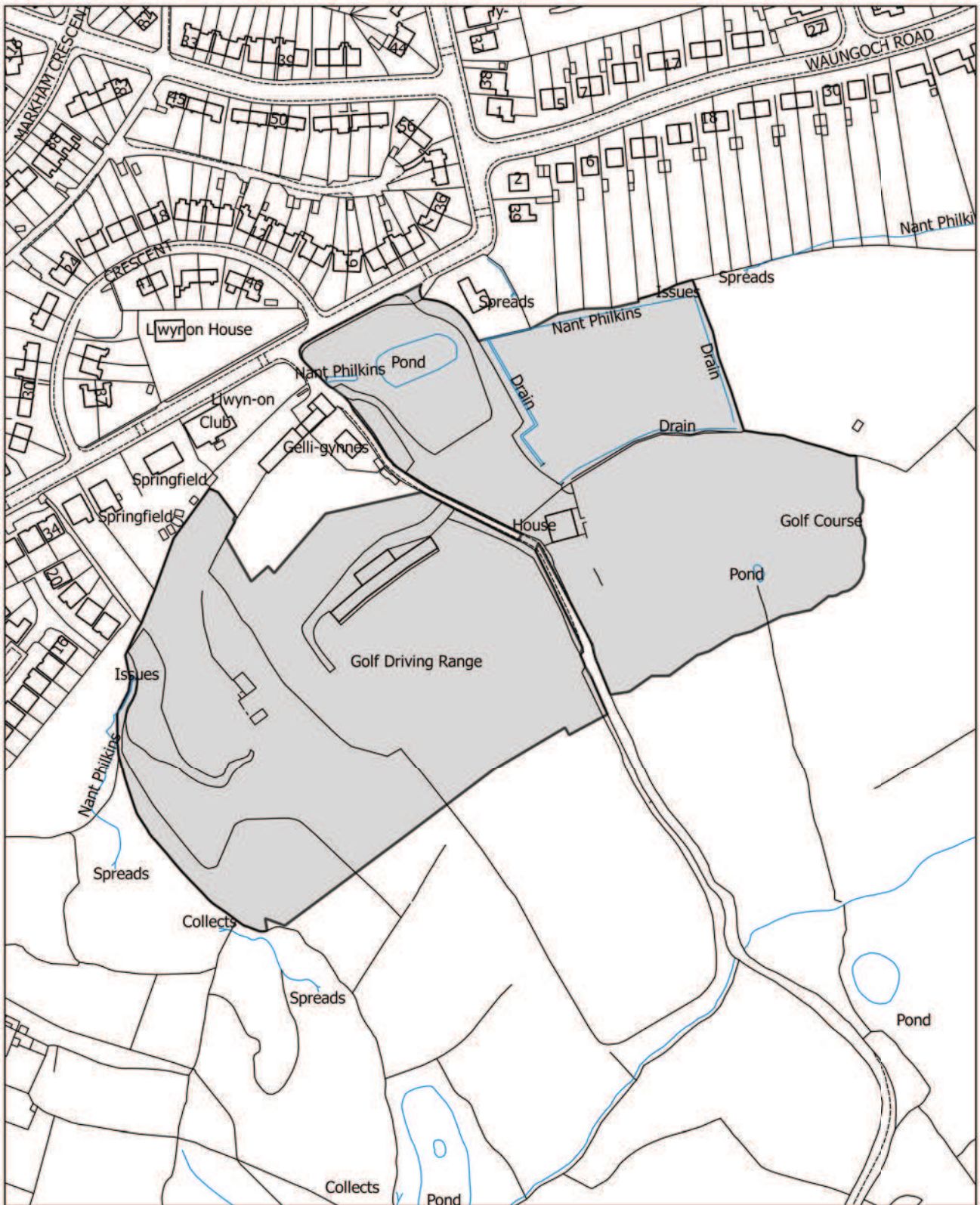
1. Apologies for absence were received from Councillors J. Bevan, D. Bolter, W.H. David (Vice-Chair), Ms J. Gale, L. Gardiner, R.W. Gough, A.G. Higgs, A. Lewis and Mrs J. Summers.
2. The Planning Committee deferred consideration of this application on 9th December 2015 for a site visit. Members and Officers met on site on Monday, 21st December 2015.
3. Details of the application to erect a residential development of up to 175 units including open space provision, access and parking arrangements on land at Oakdale Golf Course, Oakdale Golf Course Lane, Oakdale, Blackwood, were noted.
4. Those present viewed the site and the surrounding area, including adjacent roads leading to the site and examined the plans submitted with the application to fully appreciate the proposals.
5. Members were asked to note that the application site lies outside the settlement boundary of Oakdale and is not allocated for residential use, and therefore represents a departure from the Local Development Plan. However, it was the view of Officers that the proposed dwellings would help address the lack of a five-year housing land supply. Concerns had been raised in respect of whether the application site lay within a 'Green Belt' area. Officers explained that this is a planning term used in England and that the equivalent term within Caerphilly Council planning policy is 'Green Wedge', and confirmed that the site is not contained within a 'Green Wedge' area. The report addressed concerns in respect of a neighbouring conservation area and Officers confirmed that any visual impact on this area would be very limited.
6. Members were referred to the Officer's report which responded to a number of objections and concerns, including parking issues and increased traffic as a result of the new dwellings and highway safety. They were advised that the submitted Transport Assessment concluded that the additional traffic flows can be accommodated within the existing highway network and that suggested traffic calming measures within the surrounding area were not considered necessary.

7. During the course of the site visit, Members viewed an adjacent road leading to the proposed entrance to the new residential development. Reference was made to a nearby primary school, with concerns raised that the proposed development would exacerbate parking issues in this area during school drop-off and collection periods. Particular emphasis was placed on the exceptionally high pupil roll at the school (the largest primary school in the county), together with the concern that the road leading to the proposed estate is a primary ingress/egress point for residents of the existing estate.
8. Concerns were also raised in respect of the impact of the new development on school pedestrian access and safety. Officers referred to the significant information contained in the report in respect of traffic considerations and explained that there would be no adverse impact on the local area as a result of the proposed development. Members requested that a summary of the main conclusions of the Transport Assessment be made available to them and to other interested parties following the meeting.
9. Officers confirmed that following advertisement to neighbouring properties, advertisement in the press and a site notice being posted, 6 letters of objection and a petition containing 240 signatures 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 upon satisfactory agreement of a Section 106 agreement.
11. A copy of the report submitted to the Planning Committee on 9th December 2015 is attached. Members are now invited to determine the application.

Author:	R. Barrett	Committee Services Officer, Ext. 4245
Consultees:	P. den Brinker	Planning Team Leader
	C. Campbell	Transportation Engineering Manager
	G. Mumford	Senior Environment Health Officer

Appendices:

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



# Agenda Item 5

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0455/FULL 02.12.2015	Archiception Limited Miss N Esfahani C/o Asbri Planning Limited Mr S Williams Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS	Construct a ground-mounted solar PV generation project and associated works Darran Farm Argoed Blackwood

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: Darren Farm, Argoed, Blackwood, NP12 OHX. The site is located within the open countryside with no specific land use allocation, to the east of the settlement of Argoed and to the north of the settlements of Oakdale and Croespenmaen. The site is currently used as agricultural land for grazing purposes and is situated within wider agricultural field parcels.

Site description: The application site extends over an area of 3.8 hectares and encompasses a gently sloping gradient with a south facing aspect, rising approximately 40 metres from its southern boundary to the northernmost point. There are no buildings or structures within the application site. The northern, western and southern site boundaries are demarcated by mature field boundary hedgerows, with intermittent mature broadleaved trees growing within their line which acts as an efficient screen to the current field, and consequently the proposed development.

Only one public right of way (FP26 in the community of Mynyddislwyn) runs parallel to and just within the western site boundary along its whole length, between the gateway into the site at its northern extremity on Manmoel Road and the southern site boundary, beyond which this footpath connects to the east-west public footpath running westwards from Manmoel Road.

Access into the site is currently achieved via Manmoel Road, an unclassified public road which provides a link between Cwm (4km to the north) and the B4251, via Lon Gellideg and runs alongside the application site's northern boundary. An existing access point into the agricultural field is currently situated at the far north-western corner of the site and comprises a metal field gate, set slightly back from the Manmoel Road and is bounded by mature trees on both sides.

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Application 14/0455/FULL Continued

Development: Full planning permission is sought in respect of the construction of a ground-mounted solar PV generation project and associated works. The proposal would have an operational lifespan of twenty five years. The development will include one substation, one transformer and the erection of a security fence.

The development comprises the construction of PV panels laid out in arrays of rows running from west to east over two different development areas within the wider site area. Each array will be mounted on a simple metal framework; the height of any installation will be limited to 2.5m above ground level. The framework will be driven into the soil, removing the need for deep foundations or piling. The solar panels will be installed at approximately 25 degrees to the horizontal. The development will require the installation of a substation and one transformer/inverter cabinet. Connection to the National Grid will be taken from the perimeter of the site boundary and undertaken by Statutory Undertakers under their permitted development rights. The precise details of the route of the grid connection are not yet known and will be subject of consultation with the national grid organisation themselves. In this respect a grid connection offer letter from Western Power distribution has been provided by the applicant together with an indicative plan which provides an indication of the route of the grid connection onto Manmoel Road. The route of the grid connection is contained wholly within the ownership of the owner of Darren Farm until it meets the adopted highway. At that point it runs south along Manmoel road to a point where connection with the grid can be made. The route avoids any trees or hedgerows.

A temporary construction compound for the development will be positioned within the application site, immediately adjacent to the site access.

The application is supported by a Design and Access Statement, a Landscape and Visual Impact Assessment, an Extended Phase 1 Habitat Survey, and a Construction Stage Assessment, An Archaeological Assessment, Landscape Planting Plan, Landscape Management Plan, Tree Constraints and Tree Survey Report, and a Cumulative Landscape and Visual Impact Assessment.

An Environmental Impact Assessment (EIA) Screening Opinion, reference EIASCR/14/0004 has previously been requested. The LPA has confirmed that an EIA was not required.

Dimensions: The site area is 3.8 hectares and the proposal would provide an output of approximately 2.6 megawatts (MW), which equates to powering a total of 2000 homes.

An indicative plan of a substation has been submitted, which has a footprint of 4.95m (depth) x 7.74m (width) x 4.7m (height).

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Application 14/0455/FULL Continued

No precise details of the transformer have been provided.

A security fence is to be erected comprising wooden stakes with close welded mesh panel fencing.

Materials: Photovoltaic (PV) panels grouped together in frames set out in rows of modules angled at 25 degrees facing south. The PV panels will be ground mounted using steel piles set into the ground, and the structures will not exceed 2.5metres in height with no foundations required. The development will require the installation of one transformer/inverter cabinet but no details have been provided. An indicative plan has been submitted of a small sub-station built with a brick plinth and timber cladding to the walls but no details of the roof.

Ancillary development, e.g. parking: Site access will be obtained via Manmoel Road in the northern part of the site which will provide direct access to the proposed construction compound. Within the perimeter of the solar site, the separation distance between rows of panels will avoid the need for the demarcation of formal access tracks.

Details of the substation structures will be agreed with the network operator following the granting of planning consent and in this respect it is requested that the location of the substation be the subject of an appropriately worded condition. In terms of the appearance of the substation the developer has submitted an indicative drawing.

A 2.45m high perimeter fence is proposed for the whole scheme supported on timber stakes. A minimum 3m clearance from the boundary fence/hedgerow will be provided to permit a corridor for wildlife and humans to traverse around the installation.

It is anticipated that planned visits to the site will be every three months for maintenance activities and this be undertaken by an operative using a standard road-going vehicle.

#### 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

Cont....

Application 14/0455/FULL Continued

### LOCAL DEVELOPMENT PLAN

Site Allocation: In the open countryside. The eastern and southern boundaries of the site about the Pen-y-fan Pond and Meadows Site of Importance for Nature Conservation (SINC) (Policy NH3.49 of the LDP).

#### Policies:

##### Strategic Policies

SP1 - Development Strategy in the Heads of the Valleys Regeneration Area, SP5 - settlement boundary, SP6 - Place making, SP8 - Minerals Safeguarding, SP10 - Conservation of Natural Heritage, SP21 - Parking standards.

##### Countywide Policies

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

### NATIONAL POLICY

Planning Policy Wales, 8th Edition, January 2016 sets out the land use planning policies of the Welsh Government. Technical Advice Note (TAN) 5 - Nature Conservation and Planning September 2009, Technical Advice Note (TAN) 8: Planning for Renewable Energy, July 2005.

Welsh Office Circulars 11/99 Environmental Impact Assessment, Circular 60/96 Planning and the Historic Environment: Archaeology, circular 61/96 Planning and the Historic Environment: Historic Buildings and Conservation Areas.

### 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 planning application.

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions being attached to any consent requiring the development to be carried out in accordance with the Access Appraisal dated June 2014, visibility splays and turning facilities.

Cont....

Application 14/0455/FULL Continued

Head Of Public Protection - No objections or observations.

Countryside And Landscape Services - An 'Ecological Survey' dated June 2014 prepared by Halpin Robbins was undertaken by a competent ecologist and the findings are considered acceptable.

The ecological survey identifies that the site is of low to moderate habitat value due to its current management. The Phase 1 Habitat Survey confirmed the 9 Acre site is composed of a single habitat type; species poor grassland. The proposed site is within close proximity of Pen-Y- Fan Pond and meadows Site Important for Nature Conservation (SINC).

Surrounding the site is a mix of open grassland, agricultural fields and horse grazing land. Approximately 400m northwest of the site is Pen-Y-Fan Leisure Park, 400m southeast is Pen-Y-Fan Pond and Country Park.

The 'Ecological Survey' has considered the potential for Protected Species including bats, badger, water vole, otter, reptiles, white clawed crayfish and birds. Of these species only birds and bats have the potential to be affected by the proposed development. It is recommended that conditions are attached to any consent preventing works being carried out outside of the bird breeding season and where trees and hedgerows have been fully assessed by a suitably qualified ecologist in accordance with the 'Ecology survey'.

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

Natural Resources Wales - Comment that this is a significant proposal which is likely to give rise to local landscape effects. NRW have no objection in relation to the landscape and visual impact of this proposal. They do not consider that the proposals will give rise to a significant impact upon a nationally designated landscape, or area classified as outstanding in visual and sensory terms within the Landmap assessment system.

However, they recommend the LPA consider the cumulative landscape effects of these proposals in combination with this development.

In terms of biodiversity, they recommend the development is carried out in accordance with Section 5 '5.1 Enhancements and Opportunities' of the report 'Darren Farm Solar Farm, Biodiversity Report, Halpins Robbins June 2014' and also provide advice to be conveyed to the developer. They also recommend biodiversity enhancements.

Cont....

Application 14/0455/FULL Continued

In terms of surface water, whilst they have no adverse comments to make in relation to the development they suggest the scheme has the opportunity for general improvements to the surface water regime on the site commenting that there is the potential to reduce run-off rates below green field rates and attenuation run off even further and bring about reductions in the peak run off times. They provide advice to be conveyed to the developer.

Rights Of Way Officer - Footpath 26 in the Community of Mynyddislwyn crosses the site and must remain open for public access at all times, or a temporary stopping up order must be in place prior to any works affecting the footpath. It is noted from the drawings that a security fence is to be erected along part of this footpath, creating a corridor. The Highways Act 1980 schedule 12a, specifies widths for field edge paths as 1.5m minimum and 1.8m maximum.

Glam/Gwent Archaeological Trust - No adverse comments.

Senior Arboricultural Officer (Trees) - No objection.

Cadw - The proposed development has the potential to impact upon the Scheduled Ancient Monument known as Pen y Fan Canal Reservoir, MM269, the boundary of which is located approximately 70m to the east of the development site. The application has the potential to affect the monument in two ways - either a physical impact on the site itself or an impact on the setting of the site. Cadw confirm the application will not have a physical impact on the site itself. The application is accompanied by an Archaeological and Heritage Assessment prepared by EDP. Cadw consider the proposed development will have an adverse impact upon the setting of the Scheduled Ancient Monument, but this is likely to be minor and is unlikely to affect the understanding of the site. Cadw conclude the proposed development will not have a direct impact upon the MM269, Pen y Fan Canal Reservoir and that the impact upon its setting is likely to be minor adverse. They provide advice to be conveyed to the developer.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 4 neighbouring properties have been consulted.

Response: None.

Summary of observations: Not applicable.

Cont....

Application 14/0455/FULL 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?

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.

Is this development Community Infrastructure Levy liable? No.

### ANALYSIS

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

National Policy is contained within Planning Policy Wales Edition 8 (January 2016) and Technical Advice note (TAN) 8: Renewable Energy (2005). PPW reflects a UK target of 15% of energy from renewables by 2020, and here in Wales "we have set a 4TWh per annum renewable electricity production by 2010 and a 7TW target by 2020 as stepping-stones to our ambition of 60% carbon savings by 2050." In order to meet these targets Welsh Government has concluded that 800MW of additional installed capacity is required from onshore wind sources and a further 200MW of installed capacity is required from offshore wind and other renewable technologies. The provision of this solar farm falls under the heading of 'other renewable technologies' and will help to contribute to this target.

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

Cont...

Application 14/0455/FULL Continued

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

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

#### PRINCIPLE OF THE DEVELOPMENT

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

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

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

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#### USE OF AGRICULTURAL LAND

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

The proposal is for the temporary use of the land for the purposes of solar power generation. The installation is capable of being decommissioned and removed from site at the end of its viable life or duration of planning permission if approved, whichever is the sooner, with the site returned to its original appearance; this would be enforced by planning condition.

#### LANDSCAPE AND VISUAL IMPACT.

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

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

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## Application 14/0455/FULL Continued

A study area of 3 kilometres from the centre of the application site has been provided, which has been considered by this Council's Landscape Planner. He is satisfied with the cumulative Landscape and Visual Impact Assessment undertaken on behalf of the applicant, and with the exception of the potential significance of visual effect upon the users of the public footpath crossing the site is in general agreement with the findings of the Assessment and does not object to the principal of this application. However, it is considered appropriate to attach conditions to any consent that the means by which the electricity supply will be connected to the national grid, should be via underground and not overhead cables, the route of which needs to be identified and agreed in writing with the Local Planning Authority. Also a condition should be attached to any consent requiring confirmation of the exact locations of both the substation/ transformer and inverter positions including details of the proposed units to house the transformer together with details of the proposed materials and colours.

### IMPACT ON THE HISTORIC ENVIRONMENT

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

### ECOLOGY

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

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

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Application 14/0455/FULL Continued

#### HIGHWAY SAFETY AND ACCESS

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

The application is submitted by an Access Appraisal, which considers the principal traffic impacts associated with the construction of the site.

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

#### DRAINAGE

In this respect Policy CW5 of the LDP - Protection of the Water Environment is relevant. This Council's Senior Engineer (Land Drainage) has raised no objection to the development subject to a condition being attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with.

#### GLINT AND GLARE

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

#### DURATION OF PERMISSION

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

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

Comments from public: None received.

Other material considerations: None .

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) At least 5 working days' notice in writing shall be given to the Local Planning Authority in respect of the commencement of the works hereby approved.  
REASON: To enable the Local Planning Authority to ensure construction works take place in a timely manner and to minimise disturbance to neighbouring amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.
- 03) Notwithstanding the submitted plans, details of the precise location and external finishes of the Substation, and Transformer together with the CCTV poles and associated attachments and security fence shall be submitted for consideration and approval in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.  
REASON: In the interests of visual amenity.
- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Local Planning Authority, except for those works permitted by this consent.  
REASON: To protect the landscape character of the area in accordance with Policies CW4 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

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Application 14/0455/FULL Continued

- 05) Within 25 years and 6 months following completion of construction of development, or within 6 months of the cessation of electricity generation by the solar PV facility, whichever is the sooner, the solar PV panels, frames, foundations, inverter housings and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall be subsequently restored in accordance with a scheme, the details of which shall be submitted to and approved in writing by the Local Planning Authority no later than three months following the cessation of power production.  
REASON: In the interest of visual amenity.
- 06) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the solar farm. Written confirmation of the first export date shall be sent to the Local Planning Authority within one month of the first export date.  
REASON: In order to retain effective control over the development.
- 07) The grid connection route to serve the development hereby approved shall be below ground.  
REASON: In the interests of visual amenity.
- 08) Prior to the commencement of works on site, details of the underground grid connection route, referred to in condition (7) above, including a plan and method statement /works programme for any excavations within the canopy spread of any hedge or tree shall be submitted for consideration and approval in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.  
REASON: In the interests of amenity and biodiversity.
- 09) The proposed site access shall be laid out, constructed and maintained for the duration of the works with vision splays of 2.4m x 43m. No obstruction or planting when mature exceeding 0.9m in height above the carriageway shall be placed or allowed to grow in the required vision splay areas unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 10) Turning facilities shall be provided within the curtilage of the site to ensure vehicles can both enter and leave the development in a forward gear at all times. Details of the turning area shall be agreed in writing with the Local Planning Authority before any works commence on site.  
REASON: In the interests of highway safety.

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Application 14/0455/FULL Continued

- 11) Notwithstanding the submitted plans, prior to the construction of the proposed access onto Manmoel Road the construction details shall be agreed in writing with the Local Planning Authority. The access shall be constructed in accordance with the agreed details.  
REASON: In the interests of highway safety.
- 12) The development hereby approved shall be completed in accordance with the Access Appraisal dated June 2014.  
REASON: In the interests of highway safety.
- 13) 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.
- 14) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 15) Prior to the commencement of works associated with the development hereby approved, a Biodiversity and Landscape Management Plan shall be submitted to the Local Planning Authority for approval. This should include management and procedures for the findings and recommendations detailed in the Biodiversity Report. The details shall be implemented before the development hereby approved is first occupied.  
REASON: To ensure adequate protection for protected species.
- 16) The development hereby approved shall be carried out fully in accordance with the recommendations made in Section 3 of the Ecological Report dated June 2014, prepared by Halpin Robbins. The details shall be implemented before the development hereby approved is first occupied.  
REASON: To ensure adequate protection for protected species.

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Application 14/0455/FULL Continued

- 17) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: drawing no's:15-10-dauk-001, and AJA 2375.01 issue 2, D1-00, (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, CW4, CW6.

The applicant is advised of the comments of Senior Engineer (Land Drainage), CADW, Rights of Way Officer and Natural Resources Wales.

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# Agenda Item 6

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/1258/FULL 18.12.2015	Kennedy James Griffiths Unit F Copse Walk Cardiff CF5 8RB	Build a housing association development providing 37 No. dwellings Land At Penywrldod Gelligaer Hengoed

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The site is brownfield land situated within the settlement boundary at the western end of the settlement of Gelligaer. Residential properties are located to the north, east and south of the site with the new replacement Greenhill Primary School located to the west of the site. A Safe Route to School footpath runs through the site from Penywrldod Road to the rear of Claerwen.

A tree subject of Tree Preservation Order No. 39/80/RVDC is located at the entrance to the safe route to school site in the eastern corner of the site fronting Penywrldod Road.

Vehicular access to the site is provided via the former entrance to the original school off Penywrldod Road. A galvanised palisade fence forms the actual boundary.

Site description: The site comprises the former Greenhill Primary School plus an additional area of land to the southeast that is currently grassed. The site is generally flat with a slight slope of approximately 1m from NE to SW. To the SE the site is bounded by the rear gardens of dwellings on Penywrldod and Claerwen. The SW and NW boundaries are formed by the fence to the new school which sits approximately 1.5m below the level of the proposed development site. The access to the new school runs along the NW boundary of the development site.

The site is split by a fenced lane that provides a secondary safe access to the new school. It is a requirement that this lane is to be retained in a secure format as part of any proposed development.

A main sewer runs along the side of this lane which has a 3m easement zone either side of the line of the pipe.

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Application 15/1258/FULL Continued

The application has been supported by a Design and Access Statement, an Ecology Report, a Site Investigation Report, a Tree Survey, an Underground Utilities Search Report, a Travel Plan, and a Traffic Statement.

An amended site layout (drawing no:1090:PL:02 E) has been submitted following negotiations with the developer which address design issues, the provision of a locally equipped area of play and highway concerns.

Development: Full planning permission is sought in respect of 37 new dwellings consisting of the following:

2 x House Type A: 4 bedrooms  
8 x House Type B: 3 bedrooms  
13 x House Type C: 2 bedrooms  
4 x House Type D: 2 bedroom bungalow  
10 x Flat type E: 1 bedroom flat

Dimensions:

2 x House Type A: 4 bedrooms 7.5m(width) 8.25m (depth) 7.4m (height)  
8 x House Type B: 3 bedrooms 5.95m (width) 9.25m (depth) 7.9m (height)  
13 x House Type C: 2 bedrooms 5.9m (width) 8.2m (depth) 7.8m (height)  
4 x House Type D: 2 bedroom bungalow 7.6m (width) 9.2m (depth) 5.2m (height)  
10 x Flat type E: 1 bedroom flat 5.1m (width) 9.5m (depth) 8.15m (height)

Materials:

Buff and red facing brickwork in external walls; reconstituted stone cills; grey concrete tile roofs; white upvc double glazed windows; metal faced white doors; boundary treatments comprising 1.8m high lap board fencing and 1.2m high post and wire fencing between gardens; tarmacadam roads and parking spaces.

Ancillary development, e.g. parking: Sixty four car parking spaces would be provided in a mixture of parking courts as well as spaces on specific plots.

PLANNING HISTORY 2005 TO PRESENT

None.

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Application 15/1258/FULL Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - the site is within the settlement boundary and within the Greenhill Primary School committed housing site as identified by Policy HG1.37. A tree protected under Tree Preservation Order 39/80/RVDC is situated on the eastern boundary of the application site fronting Penyrwrlod Road.

#### Policies:

##### Strategic Policies

Policy SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place Making, SP21 - Parking Standards.

##### Countywide Policies

CW1(Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design considerations - Highways), CW6 (Trees, Woodlands and Hedgerow Protection), CW7 (Protection of Open Space), CW10 (Leisure and Open Space Provision), CW15 (General Locational Constraints), supplementary planning guidance contained in LDP1 - Affordable Housing Obligations; LDP4 - Trees and Development; LDP5 - Parking Standards, LDP6 - Building Better Places to Live, LDP7 - Householder Developments, LDP8 - Protection of Open Space.

### NATIONAL POLICY

Planning Policy Wales, 8th Edition, January 2016, TAN 12 - Design, TAN 18- Transport.

### 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 planning application.

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions being attached to any consent in respect of visibility splays, parking provision,

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## Application 15/1258/FULL Continued

Countryside And Landscape Services - Has no objection to the development subject to conditions being attached to any consent requiring a detailed Reptile Mitigation Strategy, no site/vegetation clearance to take place during the bird breeding season; and the submission of a Bat Light Mitigation Strategy; hedgehog provision in relation to the construction of fences, and bat roosting and nesting bird provision. Advice is provided to be conveyed to the developer.

Principal Valuer - No objections regarding the application. They advise that this Council owned land is to be sold to UWHA subject to them obtaining the necessary planning approval and subject to certain terms including that the safe route to school footpath shall remain in Council ownership, UWHA to reconnect the severed surface water drain to Dwr Cymru/Welsh Water apparatus along the lane at the rear of Claerwen and through the school grounds.

Head Of Public Protection - Request standard contamination conditions are attached to any consent together with site control measures in respect of dust and noise mitigation. Advice is provided to be conveyed to the developer.

Outdoor Leisure Development Officer - Request a locally equipped area of play within the development site.

Head Of Public Services - The Authority does provide kerbside collections for refuse, recycling and green waste, with the onus on the Developer to provide suitable off road storage near the proposed public highway for one 240L refuse bin, one 240L recycling bin and one food caddy per property.

A suitable collection point will need to be provided near the adopted highway for the plots with unadopted highways/ private driveways, as the Council's vehicles will not travel over these surfaces.

Dwr Cymru - Objects to the development because the water main to serve this area is known to have minimal pressure at times of peak demand. Any increased demand will exacerbate the situation and would adversely affect its service to existing customers and potential users of the proposed development. It considers the proposal to be premature but it may be possible for the developer to fund accelerated provision of essential improvements by way of water requisition under Sections 40-41 of the Water Industry Act 1991 or through obligations of the Town and Country Planning Act 1990.

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

Parks And Open Spaces - Requests the provision of an appropriately sized equipped play area as part of the development.

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Application 15/1258/FULL Continued

CCBC Housing Enabling Officer - The site is being delivered in partnership with United Welsh Housing Association and supported by Welsh Government Social Housing Grant. The mix has been worked up in partnership with the Housing Allocations and Advice section and delivers a mixed and balanced community. The LA would require 5 x 1 bed 2 person flats at a transfer value of £48,723 and 4 x 2 bed 4 person houses at a transfer value of £67,391. These units would need to be built to DQR and transferred to UWHA at the above values.

Glam/Gwent Archaeological Trust - No objections but provides advice to be conveyed to the developer.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 36 neighbouring properties have been consulted.

Response: A petition signed by 56 persons.

Summary of observations: - no objection to the school site being developed but object to the loss of the amenity area which is used by children for playing and is safe because it is away from traffic. There is a shortage of open spaces where children can play safely in this part of the estate. The secure route to school will be no longer secure if the area they are objecting to is developed, as the highway will need to pass through it.

### 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? The applicant advises that a Secured by Design application is to be made during the progress of the application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

A Preliminary Ecological Appraisal was undertaken by a competent ecologist (Wildwood Ecology) and this council's Ecologist is satisfied with the methodology and findings. The Appraisal was undertaken in December 2015 and the site was found to have low to moderate ecological value, with rank improved grassland and trees likely to support nesting birds and potentially supporting common reptile species. Bats are likely to forage and commute over the site. In this instance a reptile survey will not be required due to the size of the site. However, it is presumed that reptiles are present on site and as such a reptile mitigation statement will be required.

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Application 15/1258/FULL Continued

Therefore in order to address the biodiversity issues discussed above it is considered appropriate to attach conditions to any consent preventing any site clearance during the bird breeding season, the submission of a reptile mitigation strategy and light mitigation strategy in respect of bats, hedgehog provision, and bat and bird nesting provision in 75% of the dwellings.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes the site is located within the lower viability charging zone in terms of CIL. As the charge for this zone is set at £0 per square metre, there will be no CIL 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, and amenity and highway implications.

The site is identified as a committed housing site in the Adopted Caerphilly County Borough Local Development Plan, up to 2021 (Policy HG1.37). The proposal subject of this application is in respect of 37 dwellings, comprising a mix of semi-detached and terraced houses, bungalows and flats.

Strategic Policy SP6 sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement, seek a high standard of design, seek locations that make the most of sustainable transport and accessibility principles and realises the efficient use of land. The proposed development site is located in a sustainable location, to the south of the B4254 and within the settlement area of Gelligaer and offers the opportunity to provide housing, which will be close to residential areas and local facilities. The proposal is considered to be acceptable in terms of scale, use, density, and layout and adequate off-street parking and amenity is provided. In consideration of policy SP6 the proposal is considered acceptable.

Policy CW2 sets out criteria relating to amenity. In this respect it is considered that the proposed development is compatible with the surrounding residential land uses and does not result in the over-development of the site.

In terms of the impact of the development on neighbouring properties, adequate privacy distances are achieved in respect of the site layout and in terms of the privacy and amenity of the occupiers of existing neighbouring properties.

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## Application 15/1258/FULL Continued

Policy CW3 of the LDP considers highway implications and in this respect the Group Manager (Transportation and Highways) has raised no objection to the development subject to conditions requiring full engineering details of the road layout, etc. to be submitted for consideration and approval of the local planning authority, parking provision and visibility splays.

Policy CW6 of the LDP aims to protect trees, woodlands and hedgerows. The site comprises in the main improved grassland, with small areas of marshy grassland in the wetter sections of the site. The on-site trees are all young specimens and are in the main contained to a small area to the north and are not considered worthy of retention. A tree subject of Tree Preservation Order 39/80/RVDC is located at the entrance to the safe route to school site in the eastern corner of the site fronting Penywrlod Road. The proposed development will have no adverse impact in relation to this protected tree.

Policy CW7 of the LDP and supplementary planning guidance contained in LDP8 - Protection of Open Spaces is relevant to the determination of this planning application. A petition signed by 56 local residents has been submitted objecting to the loss of an area of open grassland to the south of the site. Residents comment that this open space is used by children as an amenity area and its loss will be unacceptable. The applicant has submitted an Open Space Assessment as set out in supplementary planning guidance contained in LDP8, which addresses the issues raised in Policy CW7 of the LDP. The assessment concludes the amount of useable open space remaining in the area meets the current thresholds as set out in the guidance.

Policy CW10 of the LDP aims to secure leisure and open space provision on all new housing sites capable of accommodating 10 or more dwellings or exceeding 0.3hectares in gross site area. In this respect the developer will provide a locally equipped area of play (LEAP) amounting to 441square metres comprising a swings unit, roundabout, springer unit, slide, climbing unit (3 to 8 years) a bench and bin. To ensure the delivery of the playground, it is considered appropriate to attach a condition to any consent requiring the provision of the playground prior to the occupation of any dwelling.

Policy CW11 of the Local Development Plan relates to affordable housing planning obligations, and states that an element of affordable housing provision will be required where sites can accommodate five or more dwellings, or exceed 0.15 ha in gross site area. As the application proposes 37 residential units this policy is relevant. The application is submitted by United Welsh Housing Association, who are in the process of purchasing the site from the Local Authority to provide a mix of semi-detached and terraced houses, bungalows and flats in order to meet local demand for housing in the area.

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## Application 15/1258/FULL Continued

Dwr Cymru/Welsh Water (DCWW) objects to the development because the water mains to serve this area are known to have minimal pressure at times of peak demand. They state any increased demand will exacerbate the situation and would adversely affect their service to existing customers and potential users of the proposed development. They consider the proposal to be premature but it may be possible for the developer to fund accelerated provision of essential improvements by way of water requisition under Sections 40-41 of the Water Industry Act 1991 or through obligations of the Town and Country Planning Act 1990. However, it should be noted that a local planning authority should not impose conditions on a grant of planning permission to control matters which are subject to control under separate legislation. Whilst the provision of an adequate water supply may be of concern in respect of the delivery of the proposed development, it should not duplicate the effect of other controls and is not considered necessary. In this respect guidance contained in 'Ofwat Water Act 2003 Water Supply Licensing Strategic Supplies Guidance dated December 2005' states at paragraph 2.1.2 Domestic Supply Duty that "Water Undertakers have a 'domestic supply duty', in accordance with Section 52 of the Water Industry Act 1991. Under this 'duty' a water undertaker has a duty to provide to any premises a supply of water sufficient for domestic purposes (for example drinking, washing, cooking, central heating and sanitary purposes). The water undertaker also has a duty to maintain the connection between the water undertaker's water main and the service pipe by which supply is to be made to the premises." It should also be noted that the site is allocated as a committed housing site in the LDP and last year DCWW, were consulted in respect of the first review of the LDP. In response DCWW provided a letter dated 29th May 2015, confirming "A water supply can be made available to service the proposed development site". Consequently, it is considered that the provision of a water supply to serve the development is a matter to be resolved between the developer and DCWW.

The scheme is acceptable from a planning point of view because the application site is located within the Settlement Boundary, is a committed housing site in the LDP bounded by existing residential development, has been appropriately designed so as not to overdevelop the site, or detrimentally impact on the amenity of neighbouring properties or land.

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 comments of the neighbouring residents are considered above.

Other material considerations: None.

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Application 15/1258/FULL Continued

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 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) 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.
- 03) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.  
REASON: To protect public health.
- 04) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.  
REASON: To prevent contamination of the application site in the interests of public health.

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Application 15/1258/FULL Continued

- 05) 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
- 06) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.  
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.
- 07) 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.
- 08) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 09) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.

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Application 15/1258/FULL Continued

- 10) Prior to the commencement of any works associated with the development hereby approved, any fences to be erected during the construction phase and during the final layout stages shall ensure gaps of 130mm x 130mm are created at the base of the fences with a minimum of one gap per section of fence.  
REASON: To ensure that hedgehogs are protected.
- 11) 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 75% of the new dwellings at Land by Gelligaer Primary School, 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.
- 12) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House Sparrow, House Martin, Starling or Swift) in 75% of the new dwellings at Land at Gelligaer Primary School, 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.
- 13) Notwithstanding the submitted plans, full details of the locally equipped area of play (LEAP) shall be submitted for consideration and approval in writing with the Local Planning Authority. The agreed details shall be implemented and completed prior to the beneficial occupation of any dwelling hereby approved.  
REASON: In the interest of amenity.
- 14) 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 15/1258/FULL Continued

- 15) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4m metres x 33m 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.
- 16) 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.
- 17) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.  
REASON: In the interests of highway safety.
- 18) No gates shall be fitted which open out over the highway.  
REASON: In the interests of highway safety.
- 19) Any boundary treatment fronting onto a highway shall be restricted in height to that not exceeding 900mm.  
REASON: In the interests of highway safety.
- 20) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:  
Drawing no.1090 PL-01A Location Plan  
Drawing no.1090:PL:02 E Site Plan  
Drawing no.1090:PL:14 Type E Flats Plans and Elevations  
Drawing no.1090:PL:10 A survey and site sections  
Drawing no:1090:PL:09 A Site Plan  
Drawing no.1090:PL:08 A elevations sheet 5  
Drawing no.1090:PL:07 A elevations sheet 4  
Drawing no.1090:PL:06 A Elevations sheet 2  
Drawing no.1090:PL:05 A elevations sheet 2  
Drawing no.1090:PL:04 A elevations sheet 1  
Drawing no:1090:PL:03 A House types  
(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....

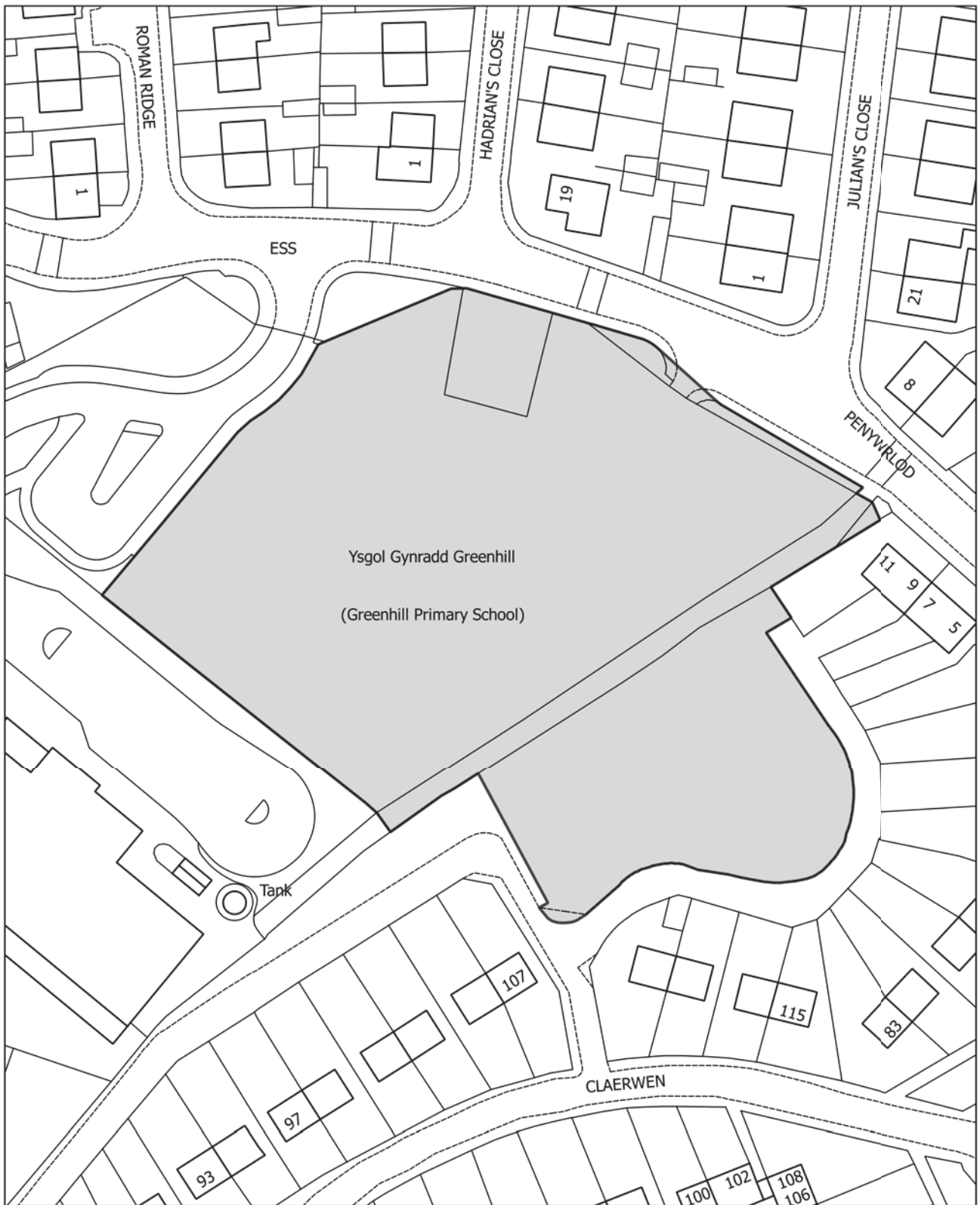
Application 15/1258/FULL Continued

Advisory Note(s)

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

The applicant is advised of the comments of this Council's Ecologist, Dwr Cymru/Welsh Water, Wales and West Utilities, Head of Public Protection, Glamorgan/Gwent Archaeological Trust and Head of Public Services.

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# Agenda Item 7

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0022/FULL 13.01.2016	Mr A Lane 11 Denbigh Close Cefn Fforest Blackwood NP12 1JH	Erect a two storey side extension and single storey rear extension 11 Denbigh Close Cefn Fforest Blackwood NP12 1JH

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application property is located on Denbigh Close, Cefn Fforest.

House type: Two storey detached dwelling.

Development: Two storey side/front extension and single storey rear extension. This application is reported to Planning Committee because the applicant is related to an employee of this Council.

Dimensions: The proposed two storey side extension measures 3.7 metres in width, 10.8 metres in length, with a height of 7.8 metres to ridge level. The two storey element projects 1.3 metres to the front of the existing front facade of the property, and extends 4.8 metres in total width. The two storey gable fronted element measures 7.0 metres to ridge level.

The single storey rear extension measures 3.0 metres in depth, 13.2 metres in width, with a height of 3.5 metres to ridge level.

Materials: External insulations - rendered. Roof tiles to match existing dwelling.

Ancillary development, e.g. parking: It is proposed to clad the dwelling in external insulation and render it.

## PLANNING HISTORY 2005 TO PRESENT

None.

Cont....

Application 16/0022/FULL Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

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

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

Countryside And Landscape Services - No objection subject to conditions and advice.

### ADVERTISEMENT

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

Response: None at time of report.

Summary of observations: Not Applicable.

### SECTION 17 CRIME AND DISORDER ACT

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

Cont....

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note and conditions 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? As it is proposed to create less than 100 sq. metres of additional internal floor space the proposal is CIL exempt.

### ANALYSIS

Policies: The proposed development should be considered in terms of its design and impact on the visual amenity of the surrounding area, as well its impact on the amenity of neighbouring properties. In design terms it is considered that the proposed two storey side extension, which introduces a gable fronted element, is acceptable in terms of its setting, scale and materials, and will integrate with the host dwelling. Furthermore, such front facing gable extensions are already present at No's 9 and 10 Denbigh Close, although it appears these elements formed part of the original dwellinghouses. The single storey rear extension is also considered acceptable in terms of its design, and will have no impact on the visual amenity of the surrounding area.

In terms of the potential impact of the proposal on the amenity of neighbouring properties, the property mostly impacted by the proposal is that to the north-west, i.e. No. 12 Denbigh Close. Guidance relating to householder extensions and the impact on neighbours is contained in Supplementary Planning Guidance LDP7: Householder Development (Adopted November 2010). It 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".

Cont....

Application 16/0022/FULL Continued

No. 12 Denbigh Close has a ground floor window located approximately 3.5 metres from the nearest part of the proposed two storey side extension. However, the extension does not interfere with a 45 degree line taken from the centre of this window, and therefore it is not considered that the proposal would have an unacceptable impact on No. 12 to a degree to warrant a refusal of planning permission. There is also a first floor window in the side elevation of No. 12. However this is obscurely glazed and appears to serve either landing or bathroom, and is not considered to be a principal room in accordance with the above guidance.

In terms of the impact of the proposal on the property to the south, i.e. No. 10 Denbigh Close, the proposed single storey extension will be located 7.5 metres from No. 10. The ground floor window in the side elevation of No. 10 facing the proposed extension is also obscurely glazed. Therefore it is not considered that the proposal will have an unacceptable impact on this property either. The development will not impact on existing levels of privacy.

In light of the above, the proposed development is considered acceptable in planning terms subject to conditions.

Comments from consultees: The Council's Ecologist raises no objection to the proposal subject to conditions and advice relating to biodiversity enhancements.

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 16/0022/FULL Continued

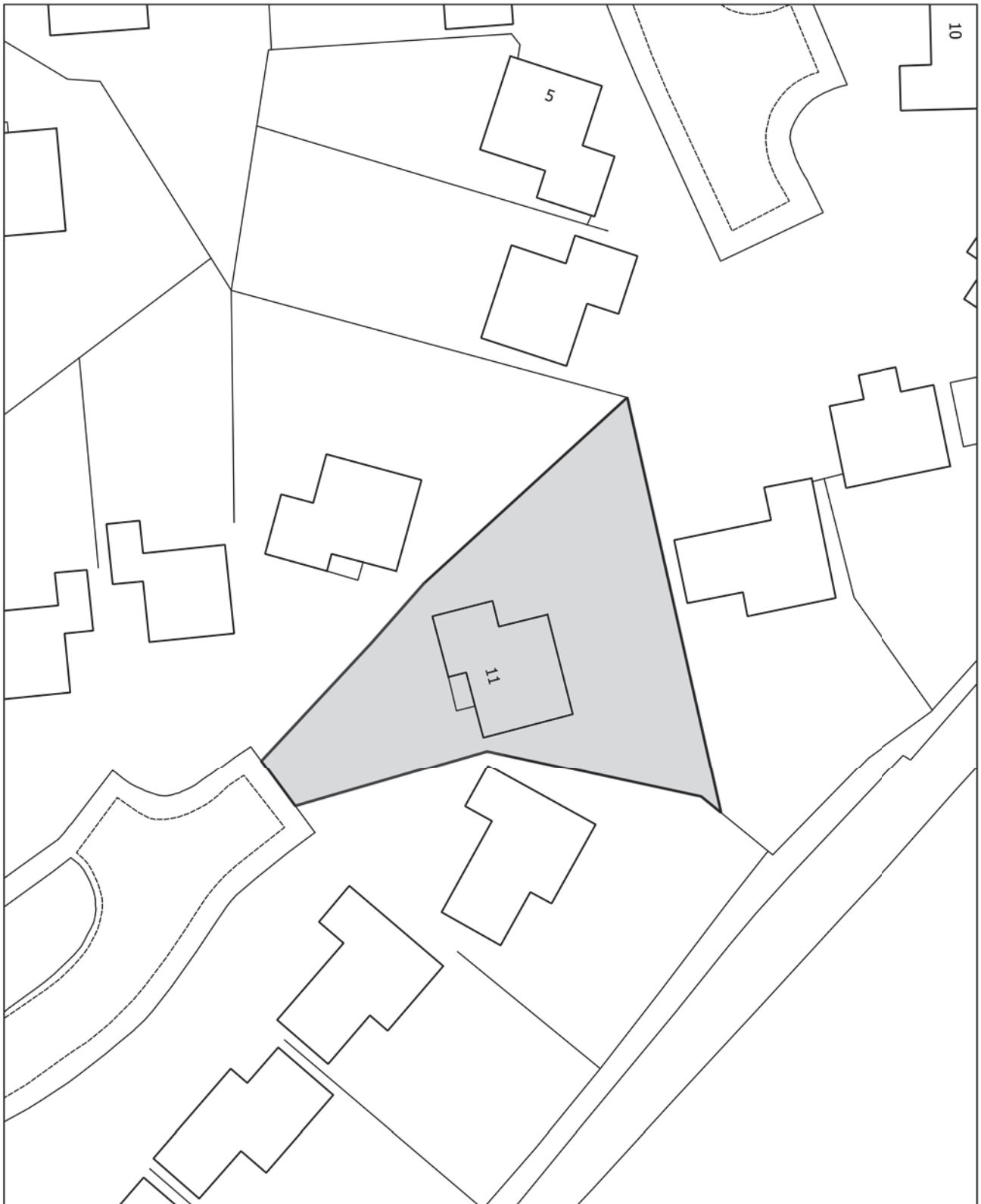
- 03) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new extension at 11 Denbigh Close, Cefn Fforest, shall be submitted to the Local Planning Authority for their written approval. The approved details shall be implemented before the new extension hereby approved is first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning policy Wales and Tan 5 Nature Conservation and Planning.
- 04) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, or Swift) in the new extension at 11 Denbigh Close, Cefn Fforest, shall be submitted to the Local Planning Authority for their written approval. The approved details shall be implemented before the new extension hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 05) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Project Ref No. 15.396, Drawing No. 003 - Proposed Elevations; Project Ref No. 15.396, Drawing No. 004 - Proposed Floor Plans; Project Ref No. 15.396, Drawing No. 005 - Block Plans (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 The Council's Ecologist 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 8

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0111/FULL 12.02.2016	Mr J Watkins 38 Burnet Drive Pontllanfraith Blackwood NP12 2FN	Erect a single-storey extension and an attic extension 38 Burnet Drive Pontllanfraith Blackwood NP12 2FN

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application property is located on Burnet Drive, Pontllanfraith.

House type: Two storey detached property.

Development: It is proposed to alter the existing roof from a hipped roof to a gable end roof, as well as insert 2 dormers into the front roof plane, to facilitate a loft conversion. It is also proposed to build a single storey side extension.

Dimensions: The proposed dormers each measure 1.4 metres in width, 3.2 metres in depth, with a height of 1.9 metres.

The proposed single storey side extension measures 1.9 metres in width, 5.7 metres in length, with a height of 3.0 metres to ridge level.

Materials: Brick and concrete roof tiles to match existing.

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

## PLANNING HISTORY 2005 TO PRESENT

09/0727/FULL - Erect single storey and two storey rear extension - Granted 04.11.09.

## POLICY

### LOCAL DEVELOPMENT PLAN

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

Policies: Policy CW2 (amenity) and advice contained in Supplementary Planning Guidance LDP7: Householder Developments (November 2010).

Cont....

Application 16/0111/FULL Continued

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

#### COAL MINING LEGACY

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

#### CONSULTATION

Countryside And Landscape Services - No objections.

#### ADVERTISEMENT

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

Response: None at time of report.

Summary of observations: Not applicable.

#### SECTION 17 CRIME AND DISORDER ACT

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

#### EU HABITATS DIRECTIVE

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

#### COMMUNITY INFRASTRUCTURE LEVY

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

Cont...

## ANALYSIS

Policies: Turning first to the proposed single storey side extension, it is considered acceptable in terms of its setting, scale and materials, and will integrate with the host dwelling. Although the front elevation of the proposed side extension is set in front of the adjacent front facade of the original dwellinghouse, it does not project beyond the forward most part of the existing canopy at ground floor level and is therefore not considered unacceptable.

In terms of the proposed roof alterations to create a gable ended roof in place of the existing hipped roof, this is considered acceptable given the context of the existing streetscene. The property immediately adjoining the application site to the north, i.e. No. 39 Burnet Drive, has a gable end roof, as do numerous other properties along Burnet Drive. Therefore the proposed roof will integrate with the existing streetscene.

In terms of the proposed dormers, advice relating to such developments is contained in Supplementary Planning Guidance LDP7: Householder Developments (Adopted November 2010). It states that normally dormer windows are discouraged to the front of a house, unless they are a local feature. Whilst there are no apparent existing dormer windows in the immediately surrounding area, several properties on Burnet Drive have front facing gable type fenestration, and therefore it is not considered that the dormer windows would sit uncomfortably within the streetscene. The aforementioned design guidance also encourages the following key principles for dormer windows:

- Dormer windows should be subservient to the main roof and use the same pitch and roofing details as the main roof;
- Dormer windows should cover no more than a maximum of 50% of the roof area on which it is located;
- Dormer windows should normally be set well back from the eaves, down from the ridge and in from the sides of the roof;
- Dormer windows should be positioned to match the pattern of the windows on the rest of your house;
- Two smaller dormer windows are often preferred to one large window.

The two proposed dormer windows satisfy all of the above criteria, and as the principle of introducing dormer windows into the streetscene is not considered unacceptable, this element of the proposal is acceptable. Furthermore, utilisation of the existing roof space in this instance represents an efficient use of land which is desirable from a sustainability stand point.

In light of the above, the proposed development accords with the relevant local and national planning policies, and is therefore acceptable in planning terms subject to conditions.

Cont....

Application 16/0111/FULL Continued

Comments from consultees: No comments received.

Comments from public: None at time of report.

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.
- 03) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Drawing No3 as proposed, Drawing No4 as proposed (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

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

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## PREFACE ITEM

APPLICATION NO. P/06/0037

APPLICANT(S) NAME: Cray Valley Ltd

PROPOSAL: Redevelop site incorporating 545 residential units and 2.5 acres for a primary school

LOCATION: Waterloo Works Machen

This application is a long standing proposal which was originally reported to the Planning Committee on the 20 June 2007 (a copy of that report is attached as an appendix to this preface item).

At that time Committee resolved to grant a conditional consent for the development subject to the completion of a Section 106 Agreement.

This Agreement was based on:

- i. The payment of a highway contribution of £2,953,335.00.
- ii. A sum of £2,599,000 for a primary school building along with a site of 2.5 acres on which the school would be built; and
- iii. To provide a developable site of 1.5 acres and 16 units of low cost ownership.

Whilst the last draft of the Section 106 Agreement was prepared in the summer of 2009 it has not yet been signed and as such the planning permission has not been issued. The land owners, Total Limited, have indicated that they intend to clear the site of all contamination prior to pursuing its development for housing. In this regard they are seeking to finalise with the Council and our external consultants a remediation scheme designed to clear the land to a standard that can accommodate residential development and the school. This aim has delayed the completion of the agreement.

In view of the length of time that has elapsed discussions have taken place with the owner's agent to attempt to bring the matter to a conclusion. In recognition of the changed market circumstances Planning Committee agreed in April 2014 that the payment for the school be made on the commencement of the construction of the 100<sup>th</sup> house at the site other than what the licence for the construction of the school was issued.

Cont...

Application P/06/0037 Continued

Since then the Council introduced the Community Infrastructure Levy (CIL) in July 2014, following which the developers could not be required to provide the highway contribution or the education financial contribution. Both matters were included in the Council's list of infrastructure projects that are to be funded through CIL. On that basis the developers approached the local planning authority to seek the removal of those items from the section 106 agreement. However, the delivery of a school at this site is considered to be an important part of its redevelopment, and policy CF1.34 of the adopted local development plan (LDP) reflects that. To that end the CIL was revised in November 2015 to refer to the funding of off-site education, whereas the school at this development will be on site, and could therefore be secured through a section 106 obligation.

The obligation as originally drafted included the provision of 1.5 acres (0.6ha) for the development of affordable housing. It is still the intention of the applicants to include that provision. Policy CW11 of the LDP states that the target for the provision of affordable housing in this area is 40% of the total number of dwellings. The proposed provision would be significantly less than that, but the applicants have justified that level on the grounds of viability. A considerable amount, some £19 million, has been spent on the remediation of the site, and the provision of affordable housing as well as the dedication of land and a financial contribution to a school would make the development of the site unviable. Information has been submitted to support the applicant's case, which is satisfactory.

A Section 106 agreement must now satisfy the following tests:

- (a) It is necessary to make the development acceptable in planning terms.
- (b) It is directly related to the development.
- (c) It is fairly and reasonably related in scale and kind to the development.

On the basis of the LDP, the securing of affordable housing and the contribution towards the school are necessary. Affordable housing and a school are directly related to the residential development of the site. The scale is fairly and reasonably related to the development which would be 545 units.

RECOMMENDATION: That the Section 106 Agreement associated with planning approval P/06/0037 be progressed on the basis of the advice in the above report i.e. a contribution of £2,599,000 and the provision of 2.5 acres of land towards the erection of a school, the financial payment to be made on the commencement of the construction of the 100<sup>th</sup> house at the site; and the provision of 1.5 acres of land for affordable housing.

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
P/06/0037 13.01.2006	Cray Valley Ltd C/O DTZ Pidea Consulting Marchmount House Dumfries Place Cardiff CF10 3RJ	Redevelop site incorporating 545 residential units and 2.5 acres for a primary school Waterloo Works Machen

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The site is located to the north of the village of Waterloo and is sited some 2.5 miles east of Caerphilly town. The site also lies approximately 7 miles from Junction 28 of the M4 motorway.

The site is bounded to the south by a small number of houses (i.e. Waterloo) and open countryside, to the east and west by open countryside, and to the north by the River Rhymney, beyond which is the A468 Caerphilly to Newport road.

The land has until recently been occupied by a company that produced specialist paint resins. The majority of the operation closed in 2003 and works were subsequently commenced to demolish the industrial buildings on site approximately one year later.

Within the site, however, was located an independent paint manufacturer (i.e. Valspar) whose lease terminated in the autumn of 2006.

The site is relatively flat although there is an elevated railway embankment along the western boundary and raised bunds along the banks of the River Rhymney to the north.

The vast majority of the application area was covered in industrial buildings, offices and plant installations. However, approximately one-fifth of the site is undeveloped and comprises mostly open, grassed fields in the north-eastern corner of the site.

Development: The proposed application is an outline submission which seeks to reserve all detailed matters.

The scheme as originally submitted was for the redevelopment of the site to incorporate 495 residential units and over 5,780 square metres of employment space and community facilities. As the application progressed, discussions between your Officers and the applicant and their agents has resulted in a changed description which reads "redevelopment of the site incorporating 545 residential units and 2.5 acres for a primary school."

Cont'd...

## Application No. P/06/0037 Continued

The result of this revised outline proposal is that the buildings on the site that were shown as being retained for employment purposes (mainly the existing research and development and office buildings towards the front of the site area) are to be demolished to allow for the additional housing, etc. Illustrative layouts have been submitted as part of the proposal, however, these do not form part of this proposal (other than as guidance).

In view of the scale and complexity of the proposal, the application was accompanied by an Environmental Statement submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

This statement included sections covering the following areas:-

- (1) Planning Supporting Statement;
- (2) Development Framework and Design Statement;
- (3) Noise, Vibration and Dust Assessment;
- (4) Transportation Assessment;
- (5) Ecological Assessment;
- (6) Land and Visual Impact Assessment;
- (7) Flood Risk;
- (8) Remediation Strategy.

The purpose of this Environmental Statement is to identify and evaluate the potential environmental effects of the proposed development and to draw together the assessment of the proposals to a mix of both the public and decision makers in understanding the environmental issues surrounding the proposed development.

The applicant held a two day, pre-application consultation exhibition at the site, where an opportunity for the public to comment was allowed.

Dimensions: The application site area as indicated in the amended form (i.e. for 545 houses and 2.5 acres for a primary school) totals 16.68 hectares (41.2 acres). Of this 13.4 hectares comprises the works and the car park area on the eastern side of the road into Waterloo, whilst 3.25 hectares of land is currently undeveloped.

It is intended to locate the school and junior size sports field towards the north-eastern corner of the site, however, the exact position has not yet been finalised.

The site is an irregularly shaped area of land measuring approximately 150 metres at its widest point (north to south) and approximately 400 metres at its longest point (east to west). Its frontage with Waterloo Road measures 110 metres.

Cont'd...

## Application No. P/06/0037 Continued

To add to this main area, there is the triangular shaped parcel of land which served as a car park for the Cray Valley operation. This measures approximately 90 metres along its base and 100-110 metres on each of its sides. This area abuts onto housing on Waterloo Place along its southern boundary.

Materials: None.

Ancillary development, e.g. parking: None.

PLANNING HISTORY

As would be expected, the site has a range of approvals for office and industrial buildings over the years. The live applications of direct relevance to this current proposal are the last two on the following list.

5/5/91/0237 - Erect mess room/office/toilet facilities - Approved 20.05.91.

5/5/91/0238 - Erect laboratories and offices - Approved 30.05.91.

5/5/92/0195 - Re-roof, provide overcladding and erect extension to building 14 - Approved 15.05.92.

5/5/92/0558 - Erect sign - Approved 16.10.92.

5/5/92/0764 - Construct new amenity building - Approved 11.02.93.

5/5/93/0189 - Erect industrial unit for storage of drums, raw materials and finished products - Approved 06.03.93.

5/5/94/0439 - Re-clad building 24 to improve amenity of site - Approved 12.08.94.

P/96/0120 - Erect group of buildings within existing site boundary for housing of plant and machinery used for the manufacture of synthetic resins Approved 24.10.96.

P/97/0817 - Construct a control room and electrical switch room adjacent to building 38, an existing production building - Approved 27.10.97.

P/99/0878 - Store toluene di-isocyanate (HSC) - No objections 25.11.99.

P/04/1891 - Excavate, on-site treatment and backfilling of approx 15,000 cubic metres of contaminated soils - no significant change to levels across site are proposed - Approved 08.12.05.

Cont'd...

## Application No. P/06/0037 Continued

P/06/0629 - Excavate, on-site treatment and back filling of approximately 21,000 cubic metres of contaminated soils with no significant change to levels across site proposed - Granted 07.12.06.

Applications P/04/1891 and P/06/0629 both deal with the on-site remediation of the land which is necessary for the after-uses currently proposed to be carried out.

The difference in the proposals is that the first application addresses the site remediation with the Valspar operation of approximately 2.7 hectares (i.e. 6.6 acres) not included.

Valspar subsequently vacated the site in 2006 and, as such, the second application for an overall remediation scheme was submitted and approved in December 2006.

The site remediation works are currently continuing on site.

## POLICY

### Site Allocation

Development Plan: The Adopted Caerphilly Basin Local Plan covered the whole of the Basin area which extended east to include Waterloo. In this Plan, the site is shown as forming part of an employment site (i.e. E1 Waterloo Works). The vast majority of this designation is contained within the settlement boundary of that Adopted Plan. An area of 0.85 hectares does project into the open countryside.

Council Approved UDP: This Plan once again shows the site as being mostly within the identified settlement boundary and as being an identified industrial estate known as Waterloo Works.

### Policies

Development Plan: The Adopted Caerphilly Basin Local Plan contains Policy E1 which seeks to channel industrial developments into certain identified sites, one of which is the Waterloo site. Also of relevance is Policy EV1 which presumes against development in the open countryside and Policy S3 of the Adopted Mid Glamorgan County Structure Plan (1989) which also presumes against development in the open countryside.

Council Approved UDP: This Plan contains a range of policies of relevance to this proposal. These are as follows:-

- DC1 - Development Criteria
- DC2 - Settlement Boundary
- DC3 - Planning Guidance

Cont'd...

Application No. P/06/0037 Continued

E2 - Protection of Existing Industrial Premises  
E3 - Protection of Existing and New Industrial Sites  
H2 - Development on Unallocated Sites  
H3 - Affordable Housing  
C12 - Special Landscape Area  
C13 - Trees, Woodlands and Hedgerows  
1T(B) - Transport Strategy  
L9 - Open Space Provision  
L10 - Outdoor Sport Provision  
CF5 - New School Buildings

Attention has also been paid to the following:-

National guidance contained in Planning Policy Wales (PPW) and TANs 2 (Affordable Housing), 12 (Design) and 15 (Development and Flood Risk).

The PPW guidance was particularly relevant in respect of the use of brownfield land for new development.

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Yes. The proposal was the subject of a screening exercise prior to the application being submitted. In view of its past use, its scale, location, etc., it was considered that an Environmental Impact Assessment was required under Schedule 2 sub-section 10 (Infrastructure Projects).

A subsequent screening opinion was requested by the current applicant and this was provided. An Environmental Statement was thereafter submitted which addressed the issues found relevant in the scoping opinion.

#### CONSULTATION

Dwr Cymru - Raises no objections subject to the imposition of conditions relating to the provision of details of foul, surface water and land drainage at the site. It also made a number of comments on drainage issues which it requires to be forwarded to the developer to address.

Environment Agency (Wales) - Considers the proposal under four separate headings:

- (a) Flood risk;
- (b) Ground water and contaminated land;
- (c) Biodiversity;

Cont'd...

Application No. P/06/0037 Continued

(d) Other issues - e.g. Land Drainage Act, responsibility, maintenance of watercourses, etc.

(a) With regard to the first of these, it originally objected to the proposal from a flood risk perspective. Additionally, information has been provided as an addendum to the previously submitted flood consequences assessment. This information now allows the Environment Agency to withdraw its objection.

(b) The Agency considers that any issues raised here can be dealt with by way of condition.

(c) No objection is raised on this basis.

(d) The points raised here are ones that are best forwarded to the developer as advice in an accompanying letter should consent be granted.

Wales & West Utilities - Has apparatus within the site and comments that extreme caution should be used in view of the pressurised gas plant in the vicinity.

Head Of Public Protection - Comments that he raises no objection in principle to the proposal, however, he would wish to see gas monitoring undertaken at the site as part of the remediation work previously approved. He does, however, require a range of conditions to be imposed which not only address the gas monitoring issue but also deal with site remediation matters, dust and noise mitigation, hours of operation during construction, etc.

Group Manager (Transportation Planning) - Raises no objection although he requires a range of information to be obtained by way of condition. He also requires the payment of money in line with the standard planning obligation in respect to contributions to improvements of the strategic highway network.

Manager (Countryside And Landscape Services) - Raises no objection to the proposal and makes comments on ecology, landscape, sustainability and design which he feels should be incorporated into the scheme. The Council's Ecologist requests conditions be imposed which take account of habitat requirements.

Senior Engineer (Land Drainage) - Raises no objection, however, he itemises a list of matters which the applicant will need to be mindful of which are required to be forwarded to the applicant/developer if consent is granted.

Head of Lifelong Learning & Leisure - Requires a junior football pitch and a "micro-park" to be incorporated into the scheme. Through discussion between the parties, it has been agreed that the pitch will be provided in association with the school and be a dual-use facility as will the related changing facilities.

Cont'd...



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Director of Education required an educational provision to serve the development. This has been secured by your officers by the amended description of the development to include a school and sufficient land to accommodate it. The financing of this provision will be secured by way of a Section 106 Agreement.

Chief Housing Officer - Comments that in respect of affordable housing, a requirement of 1.5 acres of developable land and the units of low-cost home ownership have been agreed upon.

This arrangement will be secured by way of a Section 106 Agreement clause.

Police Architectural Liaison Officer - Considers that the development should be undertaken in accordance with the requirements of the "Secured by Design" scheme. This advice can be passed on to the developer should consent be granted.

Cadw - Comments on the proximity of the Scheduled Ancient Monument known as Rudry Ironworks. It notes, however, that the development is located on the other side of the disused railway line and should therefore not be affected by this proposal.

Newport City Council - Has made no comment on the application.

Glam/Gwent Archaeological Trust - Comments that there are no archaeological features located inside the application area.

Countryside Council For Wales - Confirms that the site has no Sites of Special Scientific Interests, etc. It also welcomes the "positive attitude and commitment towards nature conservation" outlined in the Environmental Statement. It has no further comments to make at this time but awaits the Environmental Management Plan that will be submitted with the detailed application.

Cardiff City Council - Raises no objection to both the original and amended proposals.

Western Power Distribution - Has apparatus within the site.

Bedwas, Trethomas & Machen Community Council - Has made no comment on the application.

ADVERTISEMENT

Extent of advertisement: The application was advertised in the press and on site by way of eight site notices. Neighbour notification letters were also sent to properties in the area.

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Application No. P/06/0037 Continued

Response: As a result of this consultation exercise, nine letters and a petition were received objecting to the original scheme and a further three letters were received objecting to the amended scheme. As much of the objections referred to issues such as highway effects, disturbance to existing properties, the over-provision of dwellings within the Borough, it is considered that the 12 letters and the petition can be viewed in respect of the amended scheme.

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

- (1) The country lanes in this area cannot accommodate the additional vehicles in capacity terms.
- (2) The proposal is contrary to Council policy.
- (3) The roads are already dangerous as vehicles speed through them causing accidents in their restricted widths, "sleeping policemen" may help.
- (4) There is a need for a secondary school not only a primary one. Where will the children from this site be schooled?
- (5) The proposal may result in anti-social "gangs" causing trouble in the area.
- (6) Will existing residents have to pay for road improvements?
- (7) Nuisance will be caused to existing properties from additional traffic movement.
- (8) Alternative roads should be constructed to allow vehicles to access and egress the site directly onto Newport Road at a point to the west of the current junction.
- (9) More houses means more revenue for the Council. However, this revenue is not being reinvested in the community, i.e. "better schools, playing fields, etc."
- (10) The development will reduce "the standard of living in the area."
- (11) The remediation of the land could result in effects on people living close to the site.
- (12) Loss of fieldmouse habitats will occur.
- (13) Adverse impacts may result that could cause problems regarding "water, drainage and electricity supply."
- (14) There is a need for a surgery to serve the area.
- (15) Now will the loss of jobs at Cray Valley be addressed?
- (16) Local infrastructure is inadequate to deal with such a scheme.
- (17) Public transport in the area is inadequate.

The petition was signed by 70 residents from the Waterloo area.

#### SECTION 17 CRIME AND DISORDER ACT

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

Crime and disorder are considered to be issues in this instance but at this stage, the advice of Gwent Police with regard to "Secured by Design" will be forwarded to the applicant for guidance on security aspects. Any reserved matters details will have to show that secure by design principles have been taken into account.

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Application No. P/06/0037 Continued

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The issue of this Directive was addressed as part of the site remediation works authorised under planning permissions: P/04/1891 and P/06/0629. As a result, a Licence application in respect of the dormice has been made to the Welsh Assembly Government.

### ANALYSIS

Policies: Section 38 of the Planning and Compulsory Purchase Act 2004 requires all development control decisions to have regard to the Development Plan in force in determining applications. This replaces Section 54A of the Town and Country Planning Act 1990. Development Plan Policy is therefore an important consideration in respect of this site.

In the area of the proposed application site, the Development Plans comprise the Adopted Mid Glamorgan Country Structure Plan (Approved Plan Incorporating Proposed Alterations No. 1) (1989) and the Adopted Caerphilly Basin Local Plan (1983).

The Authority has, however, approved the Caerphilly County Borough Council Unitary Development Plan 1996-2011 as a basis for more up-to-date decision making framework.

The Authority is also in the process of producing a Local Development Plan (LDP) which will supersede the existing plans.

Turning to the specific policies contained in the Development Plan, these are E1 (Industrial Sites) and EV1 (Protection of the Countryside) contained in the Adopted Caerphilly Basin Local Plan. Also, Policy S3 of the Adopted Mid Glamorgan Structure Plan which again seeks to protect the countryside from industrial development.

Because of overlap in wording and intent, it is considered that Policy E1 can be addressed when considering Policy E3 of the Council Approved Unitary Development Plan and Policies EV1 and S3 can be also considered when Policy DC2 of the Unitary Development Plan is assessed.

In respect of the UDP Policies itemised in the Policy section above, the analysis of those of relevance is as follows.

Policy DC1 (Development Criteria) contains a range of standards against which all development is assessed. In respect of this proposal, the following fall to be assessed:

- (A) Is the development compatible with other land-uses in the vicinity?
- (B) Is it well designed in terms of its setting, scale, density, layout, materials and landscaping?

Cont'd...

## Application No. P/06/0037 Continued

- (C) Does it have regard for the effective, safe and efficient use of the transportation network?
- (F) (F) Would it prejudice the wider comprehensive development of adjacent land?
- (H) Would it have an unacceptable impact in terms of pollution?
- (I) Would it increase the risk of flooding?

With regard to (A) it is evident that the vast majority of the site is contained in the settlement limit of the Development Plan and the Council Approved Unitary Development Plan. At present, the industrial area is in close proximity to the village of Waterloo. In land-use terms, it is considered that the proposed development is more compatible with the existing residential and countryside surroundings than the industrial operation.

It is accepted therefore that this criterion is complied with.

With regard to the detailed issues specified in criterion (B), it is noted that the majority of these are relevant for the reserved matters submission. However, in respect of density, it is evident that the overall developable area is 16.7 hectares; of this 2.5-3 acres is required for a school, leaving a nett area of 13.7 hectares (i.e. 33.9 acres). This will allow for a density of approximately 16 dwellings to the acre.

This would be considered medium/high and would be accepted in density terms on this site.

With regard to the transport network. i.e. criterion (C), Group Manager (Transportation Planning) requires a Travel Plan as a condition if permission is granted. This will look to maximise public transport usage in accordance with this criterion.

In respect of criterion (F), the site is relatively self-contained within the limits of the settlement area and will not therefore prejudice the implementation of wider comprehensive development.

Criterion (H) concerns pollution implications. The current development will only be allowed to proceed on the basis that the site has been remediated in respect of past contamination. As such, this proposal and its related remedial schemes will have cleared up pollution in the area when they are complete.

Finally, the issue of flooding, criterion (I), is one that has been addressed by Environment Agency (Wales) in its consideration of the Flood Consequences Assessment. The Agency has now withdrawn its original objection in this regard and, therefore, the matter of flood prevention has been addressed.

In respect of Policy DC1, it is considered that all the relevant criteria applicable to this application are complied with.

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Application No. P/06/0037 Continued

Policy DC2 (Settlement Boundary) seeks to protect the identity and viability of settlements by restricting development outside those boundaries.

In respect of this scheme, with the exception of the south-western corner, the site lies within the settlement boundary as defined by Policy DC2. This area comprises approximately 0.9 hectares. This is an area, at the detailed layout stage, that the landscaping scheme could indicate as open space.

This area is a small section owned by the applicant on this boundary. It is considered that its inclusion in the overall scheme is acceptable provided all relevant planning policies and development control considerations are met.

It is not felt that the integrity of this policy is compromised by this minor inclusion on a very substantial scheme which could yield considerable environmental, economic and social benefit in this area.

It is considered therefore that Policy DC2 of the Council Approved Unitary Development Plan, Policy EV1 of the Adopted Caerphilly Basin Local Plan and Policy S3 of the Adopted Mid Glamorgan County Structure Plan are satisfied.

Policy DC3 refers to planning obligations which can be used to overcome land-use obstacles, contribute towards infrastructure or mitigate the impact of development on an area.

In this instance, your officers have negotiated the provision of the school (including changing rooms) at the applicant's expense, a contribution towards highway improvements totalling £2,953,335.00, as well as 1.5 acres of developable land and sixteen low-cost dwellings in respect of the affordable houses requirement.

It is considered that this justifiable gain to the community is a fair reflection of the additional requirements that the development will result in when complete. As such, Policy DC3 has been utilised satisfactorily in this respect.

One of the main issues in the policy consideration of this application refers to its employment designation in both the Adopted Caerphilly Basin Local Plan and the Council Approved Unitary Development Plan. This designation is without doubt an historic one which has been accepted and included in both plans because it exists at this rural location.

Officers considered that the preferable way to assess the redevelopment of the site for residential etc. use was via the emerging Local Development Plan. The applicant's timeframe, however, did not allow for this "delay" and an application was received.

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## Application No. P/06/0037 Continued

The current advice indicates that development control decisions must be made in accordance with the Adopted Development Plans unless material considerations determine otherwise. As such, the land-use identification contained in these Plans is as an employment site.

In considering this, the relevant policies on employment need to be assessed. These are Policies E2 and E3 of the Council Approved Unitary Development Plan and E1 of the Adopted Caerphilly Basin Local Plan.

The Waterloo Works site is protected under Policy E2 - Protection of Existing Industrial Premises (E2.35 Waterloo, Machen). This Policy states that "the expansion, conversion or redevelopment of premises for uses falling within B1, B2 and B8" will be permitted on this existing industrial site.

Policy E2 should be considered alongside Policy E3 in respect of the Protection of Existing and New Industrial Estates. The wording of Policy E3 is as follows:-

"On existing and new employment sites identified in Policies E1 and E2, development of uses that are not contained in Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will not be permitted unless:

- A. There is demonstrable evidence that a site is in general terms no longer needed for any of the specified use classes and is unlikely to be developed for such purposes and that in respect of the alternative development proposed there is a proven need for such development and/or it would provide a demonstrable local benefit; or
- B. The proposal is for a small-scale use ancillary to the industrial estate and/or serving the needs of those employed there."

In respect of the first part of Criterion (A) (i.e. that the site is no longer needed for its use) the results of the Caerphilly Employment Sites Supply and Market Appraisal Study are of relevance. This study was commissioned by this Authority.

Consultants at Atkins were commissioned in 2005 to produce an employment study with the aim of reviewing the current availability of employment land and premises in the County Borough, to consider the opportunities to release some older industrial sites for other uses and to strengthen the case to retain others and to undertake a market assessment of the suitability of employment sites. This study will serve to inform the preparation of the Local Development Plan.

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## Application No. P/06/0037 Continued

Waterloo is judged to provide a marginal employment function having performed poorly on the scoring matrix (less than 55%). The study identifies that the site could perform well as an employment site if redevelopment was to occur, however, the site may be more appropriately developed for mixed uses, retaining an employment function. The study recommends that the employment status of the site be reconsidered and the Local Development Plan process offers the opportunity to do this.

One of the primary purposes of the Atkins study is to inform the evidence base for the LDP. One of the provisional findings of the study is that the Waterloo site provides only a marginal function and its use should be reconsidered.

The site has subsequently been assessed for its suitability for a housing based mixed-use development as part of the LDP process. The results of the provisional assessments were made available in April 2007 as part of a site register and the site has been identified as suitable for further consideration through the LDP process for a housing based mixed-use development. It should be noted that the site assessment process is provisional at this stage.

The site has now been cleared of the majority of buildings and plant installations, including those occupied by Valspar up until Autumn 2006. There has been no subsequent evidence of interest in the site being developed for industrial purposes.

In view of the results of the study and the preliminary assessment of the site in respect of the LDP, it would appear reasonable to conclude that sufficient employment land exists in the County Borough to meet its requirements. Also, the Waterloo site has performed poorly in terms of employment suitability and therefore there is credible evidence that the site is no longer needed for any specified use classes and is unlikely to be developed for such purposes.

With regard to the second element of criterion (A), this states that in respect of the alternative development proposed, there is a proven need for such a development and/or it would provide a demonstrable local benefit when the application was first submitted it was considered that the applicant had failed to demonstrate that there was a need for the proposed development, particularly in the light of the 11.5 year housing supply as of the 1st July 2004 Housing Land Availability Study.

As part of the ongoing work on the LDP, however, consideration is being given to a range of housing requirements for the plan period 2006 to 2021 of between 500 houses a year (based on the assumption of migration balance) and 750 houses a year (based on the apportionment exercise carried out by the South East Wales Strategic Planning Group on the WAG Regional Household Protection). It is therefore considered that this site would be crucial in contributing to the housing requirement for the LDP period.

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In addition to the above "a demonstrable local benefit" may be demonstrated by the provision of the primary school, as well as the other contributions achieved under Policy DC3.

Therefore, having regard to these issues and the result of the Atkins employment study an objection to the application in relation to Policy E3, criterion (A) could not be sustained.

Criterion (B) is not relevant in this case.

As Policy E2 was considered alongside E3 then both are felt to be not applicable in this case. Also, Policy EV1 of the Adopted Caerphilly Basin Local Plan is likewise not relevant if it seeks to promote a site which is no longer needed to satisfy the employment function in the district.

No objection is therefore raised regarding the employment policies and obligation.

Turning to the relevant housing policies (i.e. H2 and H3) it is contended that in respect of Policy H2 (Development on Unallocated Sites), the proposal would not constitute either insensitive and/or inappropriate infilling or the residential amenities for new houses would be detracted from by neighbouring land uses.

As such, this policy is complied with.

In respect of Policy H3, discussions have taken place between officers of the Planning and Housing Divisions and an allocation has been agreed upon. This affordable housing requirement will subsequently be secured by way of a Section 106 clause which has been agreed to by the owner and will be completed on this agreed basis prior to consent being granted if Committee so resolve.

Policy H3 is also capable of being complied with.

With regard to the countryside policies (i.e. C12 - Special Landscape Areas and C13 - Trees, Woodlands and Hedgerows) it is considered that in respect of the Special Landscape Area designation the only area involved is the small area in the south-western corner of the site which is outside settlement limits. In the absence of layout details etc., it is not possible to categorically state that there will be no harmful impact on landscape features etc., however, control will lie with the Local Planning Authority at the detailed design stage to shape the form the development will take in this area of the site.

Policy C12 is therefore satisfactorily addressed.

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## Application No. P/06/0037 Continued

In assessing Policy C13, it is recognised that landscaping is a reserved matter. However, it was also one of the topics addressed as part of the scoping exercise and therefore included in the Environmental Statement submitted with the application. With regard to the Trees, Woodland and Hedges, care was taken in the assessment of potential development to minimise the loss of any existing vegetation. It is therefore essential that the landscape information to be submitted as part of the reserved matters application refers back and builds on the information contained in the Landscape Impact Assessment. If this is done, it is considered the requirements of Policy C13 will be met.

Policy 1T(B) deals with developments which are likely to be major traffic generators. This being the case, they must address the following:

- (A) Minimise the need to travel;
- (B) Are, or are capable of being, served by public transport;
- (C) Facilitate other alternatives to the private use of cars;
- (D) Minimise the adverse environmental and amenity impacts of traffic.

The Environmental Statement contained a Traffic Impact Assessment in respect of this scheme. This was analysed by the Group Manager (Transportation Planning) and was found to be acceptable subject to the implementation of conditions and the payment of approximately three million pounds towards improvements to the strategic highway network.

One of the conditions proposed also requires the submission of a "Green Travel Plan" which is specifically designed to address some of the above-mentioned criteria.

In respect of this policy on transportation strategy, it is accepted on the basis of the Group Manager (Transportation Planning)'s response, that the Traffic Impact Assessment complies with this policy.

With regard to the level of open space provision to serve the site (i.e. Policy L9) any development of over 25 houses must provide such space and children's play facilities either on-site or as a commuted sum for off-site provision.

In this instance, it is considered that such incidental space shall be included in the required masterplan for the site, which will form a condition on any consent granted.

In view of the scale of this development, Policy L10 is also relevant. This requires that housing development in excess of 200 properties should have adequate provision of land for outdoor recreation space.

In this regard, the Authority has negotiated sufficient land and finance to provide for a junior sized football field and changing facilities to serve the development. This will also be able to be used by the primary school during the academic day.

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On the above basis, your Officers consider that Policy L10 is addressed.

The last UDP Policy of relevance is CF5 - New School Buildings. This provides basic requirements to be included within any new school. These requirements include matters such as design issues, highway safety arrangements, etc. In view of the outline nature of this application, the detailed matters relating to the school are absent. However, the school construction, finance and external playing pitch facilities have been secured in the proposal and the associated Section 106.

At the detailed stage, the Local Planning Authority can ensure that the criteria contained in this policy are implemented.

In respect of the Development Plan and the Council Approved Unitary Development Plan, it is considered that there are no policy objections which can be raised to sustain a refusal of permission.

Planning Policy Wales is particularly relevant to this development in respect of the advice given on the re-use of land in preference to greenfield sites.

The current site has undergone a large-scale remediation exercise to clear up past industrial contamination. It has also been cleared of substantial buildings which, with their high stacks and large scale, were particularly out of keeping with the rural environment within which the operation was sited.

Because of the proposed after-uses, the site remediation has been to a high standard. This is considered to be beneficial not only to prospective residents of a new development but to existing residents and the local environment.

With regard to the advice contained in the TANs, an acceptable Design Statement was included with the Environmental Impact Assessment and a Flood Consequences Assessment was also submitted as part of that document. Environment Agency (Wales) has subsequently agreed with the conclusions contained in that assessment.

Therefore, the advice given in TAN 12 (Design) and TAN 15 (Flood Risk) have been included in the processing of this proposal.

In conclusion, there are not considered to be any policy reasons to object to this development.

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## Application No. P/06/0037 Continued

As the proposal is contrary to the identified designation in the Development Plan, it was necessary to advertise the original application and the amended description as departures from that Plan. In accordance with the Town and Country Planning (Development Plan Consultations) Direction 1992, the matter must be referred to the Welsh Assembly Government for its consideration. A period of 21 days must be allowed for a response. No permission can be given by this Authority within that period.

Comments from Consultees: It is evident from the above comments that none of the Consultees raise objection to the application. A number did, however, raise issues which are required to be controlled by way of the imposition of conditions attached to any consent granted and others have requirements which need to be secured by way of a Section 106 Agreement.

This outline application seeks to establish the principle of development on this site and the level of information provided is restricted to addressing this stage. At the reserved matters stage, these Consultees will again be able to comment on the acceptability of the detailed matters submitted.

Comments from public: As can be seen from the points listed above, there are a range of objections raised by the general public in respect of this planning application. Your Officer's response to these points is as follows:-

(1) The Transport Impact Assessment submitted as part of this proposal addresses capacity issues. After due consideration, neither the Group Manager (Transportation Planning) nor Cardiff City Council (into whose area the lanes referred to access/egress) raised objection to the proposal.

As such, no objection is maintainable in this regard.

(2) The policy issue of compliance with the Development Plan and the Council Approved Unitary Development Plan are addressed in the Committee report, where it is concluded that in respect of the relevant employment policies, the site is no longer needed for employment use. In the light of the Atkins' site study and the lack of recent demonstrable demand, there is no objection to the application in this regard.

(3) The issue of highway safety is again one that has been considered by the Group Manager (Transportation Planning) who concludes that subject to conditions and Section 106 contributions, the development is acceptable.

(4) The issue of secondary school provision is an important one, but not one which is a material consideration to this proposal. There has been no requirement for such provision requested by the Council's Education Officers.

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(5) The issue of anti-social behaviour is a societal issue but cannot justify the refusal of consent for new housing and a school building. At the reserved matters stage, the arrangement of development can be examined to ensure that security is taken into account.

(6) Any road improvements required to serve the development will be paid for by the applicant. As indicated in the report, a sum of almost £3m is also being paid by the developer for improvements to the wider strategic highway network.

(7) This is a subjective point which has not been supported by the comments of Head of Public Protection.

(8) The development stands to be considered on the information provided. The question of alternative routes over third party land is not an issue here. The Council is being asked to judge the submission before it.

(9) This is an unsubstantiated statement which ignores the development and the public benefit that will result from it. These benefits include the contamination removal, affordable houses, new housing stock for the area, a school, contribution to highway improvements, etc.

(10) This point is not a material consideration that can be incorporated in the processing of this application.

(11) The remediation scheme has previously been approved. The completion of this scheme should be undertaken without detriment to the health of the local residents. The Head of Public Protection's comments are material in this regard.

(12) The issue of the protected species (i.e. dormice) is one that is being pursued by way of a licence to the WAG and by the imposition of a planning condition attached to any consent granted.

(13) In considering this application, Dwr Cymru and Western Power Distribution have been consulted (as well as other utilities). No objection has been raised by these parties in respect of the servicing of this site.

(14) If a surgery is required to be set up to serve this area, it is for the relevant doctors, in association with the Area Health Authority, to negotiate a site with the landowner.

(15) Cray Valley was unfortunately closed as a going concern due to market forces operating in that industry. The jobs were therefore lost. It has to be acknowledged, however, that the construction of the houses and school proposed will result in medium term employment for those working on the project, many of whom it is hoped will be from the local area.

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(16) The utilities companies, the highway engineers, drainage bodies, etc., have not raised issues in respect of the infrastructure arrangements. Obviously, where required, new infrastructure will be installed to facilitate the development functioning.

(17) Group Manager (Transportation Planning) is mindful of the need to improve the service in respect of both school children and the general public. This is a matter which will be pursued independently of this proposal.

In conclusion, it is your Officer's view that this scheme, on balance, is one that should be approved conditionally, subject to a Section 106 Agreement.

RECOMMENDATION that:

(A) (1) The application be deferred for the completion of an agreement under Section 106 of the Town and Country Planning Act 1990. In that agreement, the applicant will agree to the following:-

(i) To pay a sum of £2,953,335.00 as a contribution towards strategic highway improvements in the Caerphilly Basin area;

(ii) To pay a sum of £2,500,000.00 for a primary school building and to provide an agreed site on which the school will be constructed;

(iii) To provide a developable site of 1.5 acres in area (location to be agreed) and 16 units of low cost house ownership.

(2) In accordance with the Town and Country Planning (Development Plans and Consultation) Direction 1992, the proposal is required to be forwarded to the Welsh Assembly Government for their consideration. No decision should be made on this proposal by this Authority for a period of 21 days beginning with the date of notification to WAG.

(B) Upon completion of the Section 106 Agreement and the elapsing of the time period for the WAG consultation, permission shall be granted for outline permission for this development, subject to the following conditions:-

01) Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Full engineering details of an improvement to the junction between the Caerphilly to Newport road, route A468 and the road serving Waterloo Village, route R586 shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on site. These details will include constructional details and sections, together with street lighting, drainage and traffic control proposals. Thereafter, these agreed details shall be completed prior to the occupation of any of the dwellings or the school hereby approved.  
REASON: In the interests of highway safety.
- 06) Full engineering details of the proposed junctions on the road to Waterloo Village, route R586, which will provide access to the site shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on site. These details will include constructional details and sections together with street lighting and drainage proposals. Thereafter, these agreed details shall be completed prior to the occupation of any of the dwellings or the school hereby approved.  
REASON: In the interests of highway safety.

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## Application No. P/06/0037 Continued

- 07) Full engineering details of all the proposed highway layouts to serve the development shall be submitted to and agreed, in writing, with the Local Planning Authority prior to the commencement of any work on the site. These details will include constructional details and sections, together with drainage and street lighting proposals. Thereafter, these details shall be completed prior to the occupation of any of the dwellings or the school hereby approved unless as agreed otherwise with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 08) A Travel Plan for the development will be submitted as part of the reserved matters application. This will be designed to encourage residents to travel by alternative methods than by car and will require publicity material on the subject to be displayed in the developer's sales office and the issue of a welcome pack to each new resident comprising bus timetables, key rings, several vouchers for free bus travel, information about PTI Traveline Cymru and advice on the benefits of car sharing.  
REASON: In the interests of highway safety.
- 09) If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.  
REASON: To prevent pollution of controlled waters and to ensure compliance with the existing remediation strategy.
- 10) Soakaways shall only be used in areas on site where they would not present a risk to groundwater. If permitted, their location must be approved, in writing, by the Local Planning Authority.  
REASON: To prevent pollution of controlled waters.
- 11) The development hereby approved shall be undertaken in accordance with the Addendum to the Flood Consequences produced by URS Corporation Ltd: 1943 Addendum Issue Number 1 dated September 2006.  
REASON: To ensure that the development accords with the guidance contained in TAN 15 (Development and Flood Risk).

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## Application No. P/06/0037 Continued

- 12) No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this scheme has been agreed, in writing, by the Local Planning Authority. Thereafter, this agreed scheme shall be implemented concurrently with the development of the site.  
REASON: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the public sewerage system.
- 13) Development shall not begin until a scheme to deal with the contamination of any land outside of the remediation scheme approved under Application Nos. P/04/1891 and P/06/0629 which is included in this permission has been submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include a ground investigation, ground gas monitoring and a risk assessment to identify the extent of the contamination (particularly in relation to the Cray Valley site) 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. Notwithstanding the information submitted already, a remediation strategy must be submitted and approved, in writing, before the development commences. The remediation strategy URS Remedial Strategy Report (including Valspar Leased Area) dated September 2006 submitted in relation to P/06/0629 can be used as a basis with the following amendments to include:
- 1) validation of soils in backfilled remediation areas where air sparging is undertaken as per SKM's letter dated 29th May 2007;
  - 2) ground gas as per SKM's letter dated 29th May 2007;
  - 3) any other remediation necessary in relation to land outside P/04/1891 and P/06/0629 which is included in this permission.
- This remediation strategy must be completed prior to any houses, the school or other ancillary development commencing.  
REASON: To ensure that the site is remediated to a standard acceptable for the approved after-uses.
- 14) Prior to the development hereby approved commencing, a post remediation long-term monitoring and maintenance scheme with related reporting requirements, must be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the post remediation long-term monitoring and maintenance scheme.  
REASON: To ensure that site remediation is working to a standard acceptable for the approved after-uses.

Cont'd...



## Application No. P/06/0037 Continued

- 15) Prior to the development hereby approved commencing a scheme for dust mitigation (including particulate matter 10) must be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme for dust mitigation.  
REASON: To ensure that site remediation is working to a standard acceptable for the approved after-uses.
- 16) Prior to development hereby approved commencing, a scheme of noise mitigation must be submitted to and agreed, in writing, by the Local Planning Authority. The scheme should include the extent of operational hours at the site and the noise levels during these hours. The specified noise levels shall be measured over one hour intervals and not the whole working day. The development shall be carried out in accordance with the agreed scheme for noise mitigation.  
REASON: In the interests of residential amenity.
- 17) The development hereby approved shall not be occupied following the completion of the remediation works until a report, including monitoring results has been submitted to and agreed, in writing, by the Local Planning Authority which verifies that the development has been undertaken in accordance with the agreed remediation strategy and the health risk assessment as agreed in relation to P/06/0629. This must include all land covered by this permission and ground gas monitoring to characterise the site.  
REASON: To ensure that the remediation of the site has been undertaken satisfactorily.
- 18) Prior to the development hereby approved commencing, a scheme for the importation to the site and testing for contamination of soils and materials must be submitted to and agreed, in writing, with the Local Planning Authority. This must include a validation report. The development shall thereafter be carried out in accordance with the approved scheme. The validation report shall include a statement to the effect that none of the material contains, or is suspected of containing, Japanese Knotweed, asbestos or any material contaminated by natural or synthetic hydrocarbons.  
REASON: To ensure that all material imported to the site is free of contamination.

Cont'd...

## Application No. P/06/0037 Continued

- 19) Prior to the development commencing, a gas risk assessment must be submitted to and agreed, in writing, with the Local Planning Authority including monitoring of methane, carbon dioxide, carbon monoxide, oxygen, VOC's, SVOC's, formaldehyde and gas flow to characterise the ground gas emissions. The location of wells, depth of screened sections and the number of monitoring rounds must also be included. The risk assessment must include the appropriate gas protection measures required in all buildings and any additional gas protection/controls required in the land. These measures must then be installed in all buildings/land hereby approved by this permission.  
REASON: To ensure future development is protected from ground gas emissions.
- 20) The plans and particulars submitted in accordance with Condition 01) shall 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 or shrub on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees and shrubs 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 paragraph (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, Recommendation for Tree Work.  
REASON: In the interests of biodiversity and visual amenity of the area.
- 21) The plans and particulars submitted in accordance with Condition 01) shall include a scheme depicting hard and soft landscaping and shall be submitted to and agreed, in writing, by the Local Planning Authority, and these works shall be carried out as approved. These details shall include:  
  
(a) Proposed finished ground levels of contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and  
(b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc., indicating lines, manholes etc; and  
(c) Planting plans; written specifications (including cultivation and other operations associated with tree shrub and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.  
REASON: In the interests of biodiversity and visual amenity of the area.

Cont'd...

Application No. P/06/0037 Continued

22) The plans and particulars submitted in accordance with Condition 01) shall include an Environmental Management Plan that shall be submitted to and agreed, in writing, by the Local Planning Authority, these works shall be carried out as approved. These details shall include:

- (a) measures for the protection of important habitats and species within and on the perimeter of the site during the construction period
  - (b) measures for the short and long term management of the soft landscaping and retained habitats;
  - (c) a monitoring scheme to measure the success of the management of retained and new habitats on site;
  - (d) details of the means by which the management and monitoring will be achieved.
- REASON: In the interests of biodiversity and visual amenity of the area.

23) The plan hereby approved is that submitted on 21st February 2007.  
REASON: For the avoidance of doubt as to the plan hereby approved.

24) As part of the details required in Condition 01) above, a "Masterplan" of the site shall be submitted. This shall incorporate the following:-

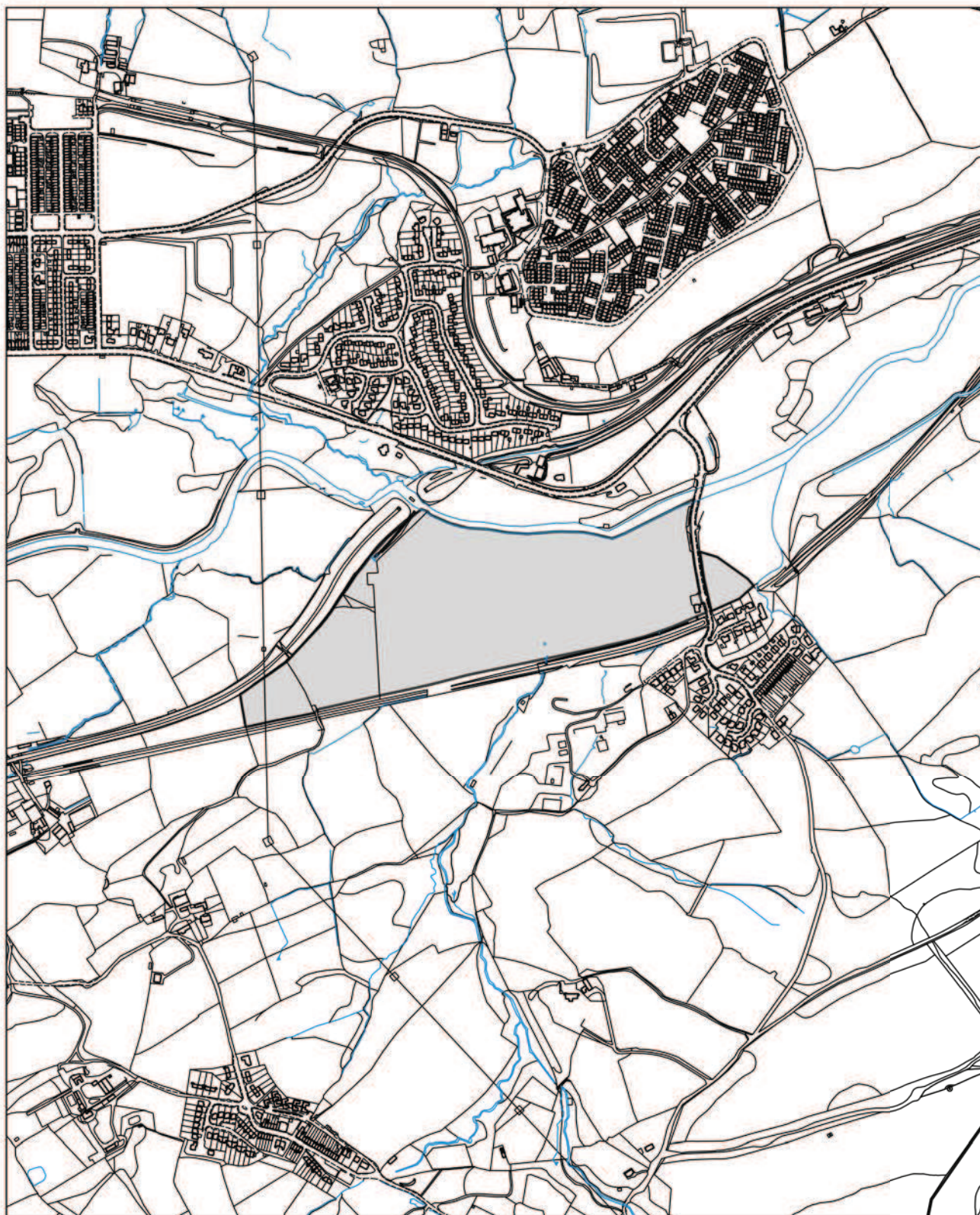
- (a) The layout, design, appearance, etc., of the development shall incorporate the requirements of the Council's Adopted Supplementary Planning Guidance entitled Building Better Places to Live (October 2005);
- (b) The Masterplan shall pay regard to the conclusions contained in the "Landscape and Visual Impact Assessment" section of the Environmental Statement submitted with the application, particularly the elements identified in Fig. 7.2 of that section (i.e. the Linear Park, the riverside walk, recreational wildlife link, wildlife conservation area, etc);
- (c) The layout shall ensure that the appropriate level of children's play facilities shall be incorporated into it. This provision shall pay due regard to the requirement of Policy L9 of the Council Approved Unitary Development Plan;
- (d) The principles of vehicular, pedestrian and cyclist access to the development;
- (e) The phases of the development and the sequence for approval of the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved Masterplan unless the Local Planning Authority agrees to any variation in writing.  
REASON: To ensure proper planning of the area.

Advisory Note(s)

The applicant be advised of the comments of Dwr Cymru, Environment Agency (Wales), Wales and West Utilities, Western Power Distribution, Gwent Police, Group Manager (Transportation Planning), Senior Engineer (Land Drainage) and Head of Public Protection.

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# Agenda Item 10

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0781/ROMPSP 15.12.2015	Mr C Payne 24 Central Avenue Cefn Fforest Blackwood NP12 3LE	First periodic review of planning conditions (Environment Act 1995) The Senghenydd Minerals Site Graig-yr-hufen Road Senghenydd Caerphilly CF83 4BW

**APPLICATION TYPE:** Periodic Review Mineral Planning Consent

## SITE AND DEVELOPMENT

Location: The site is located to the north of the village of Senghenydd and comprises old colliery spoil tips on the hillside between the minor road from Senghenydd to Graig Yr Hufen farm on the east and the Nant Cae'r Moel on the west.

Site description: The site is in an elevated and exposed position on a hillside overlooking the village of Senghenydd. It forms part of the former tipping ground of the old Universal Colliery, which closed circa 1928, when it became a ventilation facility for the Windsor Colliery, Abertridwr to which it was linked underground. Tipping of colliery spoil from Universal Colliery, Windsor Colliery and other mines was carried out during the late 19th century and early 20th century. The tips have not been restored but have regenerated naturally over the years.

Access to the site is from an unclassified road with steep gradients and restricted width on the north-eastern boundary of the tips.

Development: The applicant proposes development comprising extraction of minerals, including burned colliery discard and unburned small coal from the tips; processing that material through screening, "granulating" and "plain water density separation" of materials; the importation and processing of builders' waste, including brick, stone and concrete; and blending of the products and export of products. Working faces would be restricted to four metres.

The application states that approximately one million tonnes of material would be removed from the tips in total and annual sales would amount to 40,000 to 45,000 tonnes of recycled and secondary aggregate, clay and coal. Markets for the products would include the construction industry and the solid fuel market.

Cont....

## Application 15/0781/ROMPSP Continued

After mineral extraction and processing the site would be restored to agriculture, amenity / nature conservation and possible employment use. However, it should be noted that employment use would require a separate application for planning permission.

As well as the plant and machinery on the site, buildings are proposed for offices, stores and workshops. These would consist of ten steel containers measuring approximately 12.2 metres by 2.4 metres. These would be located near the entrance to the site.

The applicant estimates that an average of eight loaded 20 tonne vehicles would leave the site each day. The maximum number of vehicles would be 16. In addition an average of five or a maximum of ten small goods vehicles would leave the site. HGV movements would take place between 07.30 and 08.30 and between 09.30 and 15.30. An emergency access is proposed 150m to the north of the existing access. This is outside the area of the 1955 consent.

Hours of operation for mineral extraction, mineral processing and vehicle movements are proposed to be 07.30 to 16.30 Monday to Friday. The applicant states that there will be minimal noise at the site boundaries, no dust will be produced that will leave the site and there will be no water pollution. Gabion walling is proposed to protect the Nant Cae'r Moel, although no details have been supplied.

A maximum of 5,000 litres of fuel and oil will be stored on the site in secure steel tanks.

The applicant states that following completion of the development the land will have been cleared of colliery discard and the original surface of the land will be exposed. The site will be returned to beneficial use at no cost to the public purse. Employment would be provided for ten local people for the duration of the development.

Dimensions: The site area of the site applied for is 7.96 hectares. This consists of the area of the 1955 permission referred to below together with additional land surrounding it. The 1955 permission was restricted to an area that was smaller than originally applied for and related to an area adjacent to the Nant Cae'r Moel where there were depressions to be filled in.

Ancillary development, e.g. parking: As described above.

## PLANNING HISTORY

E5907/ 1722 Caerphilly UDC - Disposal of colliery rubbish - Approved subject to conditions 30. 03.55.

P/00/1168 - Initial review of planning conditions under the Environment Act 1995 - Deemed permission 15 03 01.

Cont....

Application 15/0781/ROMPSP Continued

08/0785/NCC - Remove colliery rubbish and mineral waste and reclaim for beneficial use - Refused 19.08.08 - Dismissed on Appeal 27.08.10.

12/0190/CLPU - Obtain a Certificate of Lawful Proposed Use to allow materials including colliery rubbish, brick, stone, concrete and builders rubble to be disposed of on the site and for any of the materials on the site to be processed by machinery or otherwise within the confines of the site and exported from the site after processing - Refused 15.05.12 - Dismissed on Appeal - 13.09.12.

14/0718 - Remove Condition 5 of consent ref P/00/1168 - Application returned.

### Site History

Permission was granted in 1955 for "Disposal of colliery rubbish". The applicant was the NCB and permission was granted subject to only one condition, which stated:

"Permission be granted for the area covered by sections A-A and E-E, but not for the area covered by sections B-B, C-C and D-D.

REASON: The proposed tipping on the areas covered by sections B-B, C-C and D-D will seriously affect the amenities of the locality".

Since the site had not been finally restored in 1996, the permission was included as a dormant site on the first list of permissions for the purposes of the mineral review. An application was received for initial review of the conditions on 15 December 2000. However, the application appeared to relate to development that was not within the terms of the 1955 permission and to a site that was considerably larger than the 1955 consent. For those reasons it was decided that it was not a valid application.

However, after the three month period for determination allowed by the 1995 Act had expired, the applicant claimed that the conditions contained within the application were deemed to be approved under the provisions of the Act. This was contested by the Council but was later confirmed by the decisions of the Royal Court of Justice on 4 April 2002, the Court of Appeal dated 16 January 2003, The High Court dated 8 April 2003 and the Court of Appeal on 10 September 2003. However, the courts also confirmed that the limitation on the grant of permission in 1955 as set out in the condition remained in force and was not superseded by the conditions deemed to be approved in 2000. It has been established, therefore, that the 1955 permission has effect over a small area, known as the "white land" and not over the wider area of the tips.

Cont....

## Application 15/0781/ROMPSP Continued

In 2012, an application for a certificate of lawfulness was made claiming that the effect of the Courts' decisions was that the activities were allowed to take place over the wider site. The 1955 application had identified a larger area but the sole condition restricted the tipping to a small area at the centre of the site for amenity reasons. The application was refused and an appeal against the decision was dismissed, the inspector noting that the Courts had ruled that the 1955 permission was granted only for the specific area defined in the condition and that remained the case.

He also noted that in 2004 the Council had issued an enforcement notice alleging operations outside that small permitted area and subsequent appeals against the notice were dismissed. The inspector referred to the Court judgements and reached conclusions on the definition of the site boundaries applicable to the 1955 permission.

An injunction was granted in 2005 which prevents the applicant from using the land other than the permitted area (the white land) for the deposit of waste, and the removal, sorting and recycling of material.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: Apart from the southernmost tip, the site is outside settlement limits. Part of the site is a Site of Importance for Nature Conservation (SINC) (NH3.161). The site is within a Special Landscape Area (SLA) (NH1.3).

Policies: The following policies in the adopted Caerphilly County Borough Council Local Development Plan up to 2021 are relevant to the determination of this application: SP9 waste management, SP5 Settlement boundaries, CW2 Amenity, CW3 Highways, CW4 Natural heritage protection, CW5 Protection of the water environment, CW15 General locational constraints.

NATIONAL POLICY Planning Policy Wales ED8 Jan 2016. The following national guidance documents are also relevant MPG14: The Review of Old Mining Permissions, TAN 21: Waste 2014, MTAN: Aggregates 2001.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

Cont....



Application 15/0781/ROMPSP Continued

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, the site is within an area where there are mining legacy issues. The Coal Authority has offered advice in this respect.

### CONSULTATION

Wales & West Utilities - has no apparatus in the area of the site. Privately owned pipes may be present and safe digging practices must be used to establish their position before mechanical plant is used.

Transportation Engineering Manager - No objection is raised based on the existing use of the site subject to the following condition:

“The number and capacity of vehicles entering and leaving the site daily shall not exceed the number stipulated in A1.18 of the supporting evidence provided dated 13 January 2016.

REASON: In the interests of highway safety”.

Aber Valley Community Council - Requests that the conditions imposed are no less than the current conditions and that determination is made within the regulatory timescale.

Natural Resources Wales - Advice is provided in relation to drainage and potential risk to the water environment from operations within the site.

The Coal Authority - The site is within the coalfield, has been subject to past coal mining activity and is located within an areas of surface coal resource. The following issues should be considered and the need for mitigation considered:

- location and stability of abandoned mine entries
- extent and stability of shallow mine workings present on the site
- the potential for unrecorded mine workings
- the potential for hydrogeology, minewater and mine gas
- the potential for prior/co extraction of surface coal resource where practical and viable

Coal Authority Permission is required to intersect, enter or disturb any coal or coal workings.

Rights Of Way Officer - Footpath 30 (community of Caerphilly) crosses the site and must be protected at all times.

Cont....

Application 15/0781/ROMPSP Continued

### ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and by means of letters to seven neighbouring properties.

Response: No response has 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?  
The proposed development is unlikely to have a significant effect on crime and disorder in the local area.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No. No permanent built development is proposed.

### 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.

The proposed development has been considered in the context of the policies in the development plan, including national policy and the adopted Local Development Plan. The main considerations in the determination of this application are discussed below.

Locational constraints.

The majority of the site is outside settlement boundaries where LDP policy CW15 allows development for the winning and working of minerals or waste management facilities that cannot be located elsewhere. The removal of colliery spoil needs to take place where suitable waste is found but the recycling and processing activities could be undertaken elsewhere, including on an industrial land, which is the Council's preferred location for such activities.

Cont....

## Application 15/0781/ROMPSP Continued

However, the principle of the deposit of colliery spoil has been established by the 1955 permission. The status of the recycling and processing activities and the removal of colliery spoil is less clear and is discussed below.

### Waste policy

National waste policy set out in MPPW and TAN 21: Waste encourages the minimisation of waste and the use of unavoidable waste as a resource. The application proposes the recycling of waste within the tips and of imported construction waste to form recycled aggregate products. It also proposes the recovery of mineral from the tips for use as a fuel. These activities could reduce demand for primary aggregates and for coal from new sites, although the permitted site area is relatively small and the effect would be limited. Nevertheless the development is considered to be consistent with advice in TAN:21, and in MTAN 1: Aggregates, which envisages that increased demand for aggregate will be met through recycled and secondary sources, rather than from primary sources. The operations carried out at the site provide capacity to help meet those aims.

### Minerals policy

PPW (2016) states that proposals for colliery spoil disposal should be environmentally acceptable or able to be made so by the imposition of conditions and should cause no lasting environmental damage. If this cannot be achieved, the development should provide community benefits which clearly outweigh the likely adverse impacts to justify the grant of permission. Land should be restored to a high standard capable of beneficial afteruse.

PPW (2016) states that development plans, which in turn will inform decisions on planning applications, should promote the recycling of construction and demolition wastes as well as industrial and mineral wastes.

In relation to colliery spoil MTAN2: Coal advises:

"Potential options for spoil include use as aggregate, in engineering and construction, stowing underground, the backfilling of voids such as quarries as well as surface tips. Full account should be taken of the environmental consequences and the need for any environmental permits before a particular option is selected. Surface tipping gives rise to spoil heaps that may exceed 100 hectares and rise to over 50 metres above ground level. Whilst visual intrusion is the most obvious impact, noise, dust and water contamination can occur, as well as the loss of the underlying habitat. The stability of coal tips is a particular issue".

Cont....

These issues are considered below.

#### Development type

The applicant's submitted conditions set out the proposed development as follows:

"The working programme will be split into two distinct operations, being (a) the treatment and disposal of the colliery rubbish, etc. presently on the land identified in section 1.3 and (b) the treatment and disposal of materials imported onto the 1ha area identified for that purpose on the working drawing accompanying this application.

(a) the colliery rubbish on the land identified in Section 1.3 will be treated and processed using either (i) the dry screening of "burned material" into sizes suitable for export as "secondary aggregate" or (ii) the separation of unburned material using a plain water washing barrel to separate the unburned material into its constituent fractions for inclusion with (b) or exported directly.

(b) the imported materials will be granulated and screened to form "secondary aggregate" and will, where required, be blended with a quantity of "burned materials" and suitable material produced by process (a) to produce material suitable for use in the construction and concrete product industries and then exported from the site".

The application states that the proposals do not include the major surface disposal of mine wastes. What is proposed is, therefore, substantially different to the "Disposal of colliery rubbish" that was approved in 1955.

It is however, consistent with the conditions which were deemed to have taken effect in 2000, which introduced the disposal of brick, stone, concrete and builders rubble as well as colliery waste (condition 2), processing of any material on the site and export of processed material from the site (condition 3).

Schedule 14 paragraph 6(5) states that where the local planning authority receives an application for periodic review it shall determine the conditions to which each mineral permission relating to the site is to be subject. The conditions may include any conditions which may be imposed on a grant of planning permission for minerals development and may be in addition to or in substitution for any existing conditions to which the permission in question is subject. There are existing and proposed conditions relating to disposal other than colliery waste.

#### Site area

The site area that has been applied for is significantly larger than was permitted in 1955. In addition, the area proposed for the location of workshops, offices and stores Area A on the application plan, the majority of the area identified for processing (area B) and the majority of the stocking area (area D) are outside the area permitted by the 1955 permission. Area C - the proposed imported material stocking area is mainly within the white land but parts of it are outside.

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## Application 15/0781/ROMPSP Continued

The purpose of the review is to review conditions over an existing "mining site" which in this case is the 1955 permission. A fresh application is required to extend the site boundary so that any additional impacts can be fully considered. Therefore, any conditions can only relate to the white land, which has been held to be a reasonable interpretation of the spatial extent of the 1955 permission in the courts and at appeal on several occasions. A condition should be imposed defining the extent of the permission with reference to a plan showing the white land for the avoidance of any doubt as to the extent of the permission. The condition should also refer to the condition attached to the 1955 permission.

### Amenity

There is residential development located to the east of the site. There are four houses within approximately 275 metres of the white land. Cenydd Street, Graig Terrace, Phillips Terrace and Woodland Terrace lie approximately 340 metres from the white land at the nearest point. The access to the site is closer at approximately 162 metres and 200 metres respectively.

It is considered that conditions should be included to address the potential noise and dust impacts of the development in order to protect residential amenity. Hours of operation should also be regulated. Such conditions are included in Annex B attached to this report.

### Landscape and visual impact.

The site is within a special landscape area where development proposals should conserve and where possible enhance the special features of the SLA (policy CW4). The proposed operations will have a temporary adverse impact on the amenity of the site until 2042. However, the effect would be localised as the 1955 permission site is not readily visible from public viewpoints.

Restoration and aftercare conditions are proposed to ensure that the site is restored at the end of the duration of the permission. The requirement in condition 18 for an interim restoration scheme will allow the consideration of opportunities for early landscape mitigation measures, particularly at the entrance to the site which is within the applicant's ownership but outside the white land.

### Highways and transportation

The application states that the development will give rise to a maximum of 16 HGV trips a day together with an additional 10 smaller vehicle movements. Traffic entering and leaving the site has to negotiate a short stretch of the steep, narrow unclassified road to the east, before travelling south through the built up area of Senghenydd to the strategic highway network.

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## Application 15/0781/ROMPSP Continued

This route is not ideal for HGVs and when tipping was carried out under the 1955 permission, it was transported a much shorter distance from the colliery which was located to the south of the tips on the former saw mills site. Conveyors may well have been used which would have avoided the need to transport material by road.

However, there is a valid consent for the site, and the operator has the right to use the public highway to transport materials. Restricting the quantity of waste handled at the site or the number of vehicle movements may have the effect of reducing the economic viability of the operation.

Neither the existing access point nor the proposed new access point is within the permitted area, although they are within land in the control of the applicant. The new conditions cannot authorise the proposed new access as it was not part of the 1955 development.

The Council's Transportation Engineering Manager has raised no objection based on the current use of the site and providing the number of vehicle movements are no more than stated in the additional information dated 13 January 2016.

A public right of way crosses the northeast corner of the application site. However, development within the white land would not interfere with the footpath.

### Noise

No noise assessment has been undertaken by the applicant. Noise could arise from plant, machinery and vehicle movements. Therefore, a condition should be included requiring a scheme to be submitted showing how noise will be managed and to ensure that noise levels arising from the development do not exceed the levels recommended as being acceptable in guidance.

The nature of the development is such that no blasting will take place.

### Dust and air quality

No dust or air quality assessments have been undertaken. However, the activities proposed have the potential to cause dust through vehicle movements, dropping of material onto the site, loading of material into vehicles and from the processing activities. The approved conditions should include a requirement to submit a scheme showing how dust will be minimised during the permitted operations and the scheme should be implemented for the duration of the development.

Cont....

## Application 15/0781/ROMPSP Continued

### Hours of operation

There are inconsistencies in the hours of operation proposed. The applicant's conditions propose working between 06.00 and 22.00 Monday to Friday, 06.00 to 14.00 Saturdays and for maintenance and repairs only from 08.00 to 16.00 on Sundays. However, in the additional information submitted on 15 January the hours of operation are stated to be 07.30 to 16.30 Monday to Friday. The 1955 consent is unrestricted in terms of the hours of operation.

It is considered reasonable to set hours of operation in a condition. However, if the effect of the condition is to unduly constrain the operation, a liability for compensation may arise. It is considered that the proposed hours of operation set out in condition 6 in Annex B strike a reasonable balance, without adversely affecting the economic viability of the site.

### Protection of watercourses

Activities at the site have the potential to cause pollution of the Nant Cae'r Moel, which runs adjacent to the site. The applicant has proposed to protect the stream with gabion baskets, but no details have been supplied. NRW has advised that there is a risk to the water environment from the operations at the site. The proposed site operations will require an environmental permit under the 2010 regulations, which would address some of the risks. However, it is considered that a condition should be imposed to minimise the risk of pollution of the water environment.

### Natural heritage protection and ecology

The site is partly within a SINC. Policy CW4 seeks to ensure that development proposals conserve and where possible enhance the ecological importance of the site unless the need for the proposed development outweighs the ecological importance of the SINC and where harm is minimised by mitigation measures and offset as far as possible by compensation.

The replacement conditions in Annex B, especially conditions 11, 12 and 17 will help to protect the features of the SINC.

### Cultural heritage

The proposed development does not adversely affect any features of cultural heritage interest.

### Hydrology and hydrogeology

The applicant does not intend to undertake any working below ground level. Therefore, hydrology and hydrogeology are not significant considerations in this case.

Cont....

## Application 15/0781/ROMPSP Continued

### Restoration and aftercare

The application proposes that the site will be restored to agriculture with a small area of amenity land near the Nant Cae'r Moel and potential employment land, which would need to be the subject of a separate application. Detailed restoration proposals have not been submitted at this stage and the proposals appear to relate to the wider tip site rather than the permitted area. Therefore, a condition should be included to require a restoration scheme to be submitted, approved and implemented when the permitted activities on the site cease.

Aftercare should be carried out for a minimum of five years to bring the site into beneficial agricultural use. A scheme should be submitted, secured by a condition, showing how the land will be managed to that end after it is restored.

Comments from Consultees: Comments from consultees are considered in the analysis above.

Comments from public: No comments have been received.

### Other material considerations:

#### Legislative background

The mineral review procedure was introduced by the Government as a means of securing improved environmental standards for mineral operations and to provide an opportunity to update the conditions for such operations which can last for many decades, during which time the environmental standards that society considers to be acceptable can change.

The principle of the development cannot be challenged and the local planning authority cannot refuse a review application. However, it can add to or amend the conditions proposed by the applicant or substitute different conditions. Where an LPA determines conditions different to those submitted by the applicant, the applicant has the right to appeal to the Welsh Ministers.

Where the effect of the new conditions, other than restoration and aftercare conditions, compared to the existing conditions, is to restrict working rights then a modification order under parts IV and XI of the 1990 Act is deemed to have been made and confirmed under sections 97 and 98 of that act. Land and mineral owners whose interests have been adversely affected by the restrictions imposed will be entitled to claim compensation from the LPA.

Cont...



## Application 15/0781/ROMPSP Continued

A restriction on working rights may occur if any of the following are restricted or reduced in respect of the mining site in question:

- The size of the area that may be worked or used for the deposit of mineral waste
- The height of any deposit of mineral waste
- The rate at which any mineral waste may be deposited
- The period at the expiry of which winning and working of mineral or deposit of mineral waste must cease
- The total quantity of minerals that may be extracted from or of mineral waste that may be deposited on the site
- The depth to which operations for the winning and working of minerals may extend
- The rate at which any mineral may be extracted

For a first periodic review, MPG 14 states that there should be no need for further changes to working rights except in exceptional circumstances since it is assumed that the periodic reviews will deal with sites where permission has been granted since 1982 or where an initial review has already taken place. Therefore, where the effect of conditions imposed by the LPA is to restrict working rights further than before the review, a liability for compensation will always arise. Otherwise the advice on principles to be applied to the preparation of conditions and schemes is the same as for initial reviews.

MPG 14 advises that for working sites, a distinction should be drawn between conditions that deal with the environmental and amenity aspects of working the site, which should not affect the asset value and conditions that would fundamentally affect the economic structure of the operation. Conditions should not be imposed that prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site.

It is considered that exceptional circumstances do apply in this case because the initial review application was determined by default so that the conditions relating to non colliery waste were not considered on their merits and the planning justification for their inclusion was not then determined by the authority. The applicant's conditions, which took effect as a result, and which are set out in annex C are not considered to be adequate modern working conditions, in line with the principles of the review, and in some cases do not meet the tests for planning conditions set out in WG circular 016/2014.

Cont....

## Application 15/0781/ROMPSP Continued

The government recognises that mineral working is different to other forms of development in that it is a long term, temporary development that can only be carried out where the minerals are found and the review of conditions relates only to permissions for mineral development, which are defined as being any extant planning permission other than an Interim Development Order or General Development Order permission for minerals development i.e. development consisting of the winning and working of minerals or the depositing of mineral waste. The deposition of mineral waste means the permanent deposit of waste material arising from the extraction of minerals or minerals processing and the temporary storage of overburden mounds or other temporary deposits (MPG paragraph 60).

### EIA

Case law has determined that a ROMP application is a development consent for the purposes of the Environmental Impact Assessment Regulations 2000. The court of appeal judgement in 2003 held that the development did not fall within schedule 1 or schedule 2 of the Act because it could not be considered to be "underground mining development" or an "installation for the disposal of waste".

However, in a later appeal decision in 2008, a planning inspector decided that development consisting of the removal of mineral waste from the wider Senghenydd Tips site was EIA development requiring an assessment due to its potential significant effects on the environment in terms of noise impacts on the local population, the likely effects of dust, the likely impact on flora and fauna, the scale of road traffic, the implications for hydrology and watercourses, the likely implications for the stability of the site and finally the likely effect on the site and adjacent land from contaminants within the site being disturbed.

Since the application proposes the removal of mineral from the tips, albeit over a smaller site than was proposed in 2008, the application has been screened.

### Conclusion

The replacement conditions set out below are considered to be a positive contribution to update the existing conditions which date substantially from 1955, with ~~minor~~ revision in 2000. The existing conditions would be replaced by a comprehensive schedule of conditions which would ensure that future working and restoration takes place in accordance with modern standards and controls.

The replacement conditions do not restrict the area for tipping of colliery waste further than the 1955 permission or the height of the tipping or the rate of tipping. The expiry date is 22 February 2042 as proposed by the applicant and the total quantity of waste to be tipped is not restricted. Therefore, the effect of the conditions, compared to the 1955 permission, would not restrict working rights unduly.

Cont....

Application 15/0781/ROMPSP Continued

RECOMMENDATION: That the conditions set out below are approved.

The applicant's proposed conditions are set out at Annex A. The initial review conditions are set out at annex B

This permission is subject to the following condition(s)

- 01) The development subject of this determination shall be carried out in accordance with the following plans and submitted details:  
Application form dated 15 December 2015  
Additional information dated 13 January 2016  
and shall be limited to the area covered by Sections A - A and E - E as defined by the 1955 planning permission E5907/CUDC 1722 as indicated by the hatched area on the plan attached to this determination.  
REASON: To define the permitted development and the area to which the conditions apply.
- 02) The permission subject of this determination shall expire and the development shall cease on or before 22 February 2042 and restoration shall be completed by 22 February 2043.  
REASON: To avoid doubt as to the extent of and timescales for the development.
- 03) Not later than three months following the expiry of the permission, or the earlier permanent cessation of the activities allowed by Condition 01 of this determination at this site and structures shall be removed from the site.  
REASON: In the interests of securing restoration and to safeguard amenity interests.
- 04) Except in the case of emergencies, no operations other than those associated with servicing, environmental monitoring, maintenance and testing of plant or machinery shall take place on Sundays or Bank Holidays or Public Holidays or except between the following times on any other day  
07.00 - 19.00 Monday to Friday  
07.00 - 13.00 Saturday  
REASON: To protect the amenity of nearby residential areas.
- 05) Not later than three months following the expiry of the permission or the earlier cessation of the activities at this site, the sale and transportation of any residual stocks from the mining site shall cease.  
REASON: In the interests of securing restoration and to safeguard amenity interests.

Cont....

Application 15/0781/ROMPSP Continued

- 06) Stockpiles of waste materials and processed materials shall not exceed 5m in height.  
REASON: In the interests of the amenity of the local area.
- 07) No HGVs or LGVs shall leave the site unless their wheels and chassis have been cleaned in accordance with a scheme which shall be submitted to the Local Planning Authority within three months of the date of these conditions.  
REASON: In the interests of highway safety and to protect the amenity of the local area.
- 08) Except for temporary operations the free-field equivalent continuous noise level LAeq 1hr resulting from operations at the site shall not exceed 55dBLAeq 1hr measured at any noise sensitive property in the vicinity of the site.  
REASON: To reduce the risk of noise nuisance in the vicinity of the site and thereby to lessen the environmental impact of the operation.
- 09) The free-field Equivalent Continuous Noise Level LAeq1hr resulting from temporary operations such as site preparation and soil and overburden stripping shall not exceed 67dBLAeq 1hr at any existing noise sensitive property in the vicinity of the site. The duration of such temporary operations shall not exceed a total of 8 weeks in any calendar year for work close to any individual noise sensitive property where the suggested noise limit for routine operations is likely to be exceeded.  
REASON: To reduce the risk of noise nuisance in the vicinity of the quarry and to thereby lessen the environmental impact of the operation.
- 10) The best practicable means shall be used to restrict the generation of dust within the Mining Site, and shall include provision for haul roads and access roads to be watered during dry weather to lay any surface dust.  
REASON: To reduce the risk of dust nuisance in the vicinity of the quarry and to thereby lessen the environmental impact of the operation.
- 11) Measures shall be taken to minimise dust emissions from operations at the site, in accordance with the following protocol:
- (i) Soils and overburden shall not be handled during extreme dry conditions unless the working areas are first dampened down;
  - (iii) Site roads within the quarry shall be dampened down as appropriate, in accordance with the requirement of Condition 8;
  - (iv) The site entrance road shall be maintained by use of a road sweeper which shall operate as required to maintain the surface of the road free of mud and other detritus;
  - (v) All lorries, once loaded, shall be sheeted prior to leaving the site, with the exception of any load carrying plus 75mm size stone;

Cont....

Application 15/0781/ROMPSP Continued

- (vi) The speed of haulage vehicles at the site will be restricted to 10mph;
- (viii) Lorries will be loaded so as to avoid spillages;
- (ix) All site traffic will be kept to the designated haul routes;
- (x) Any plant spillages will be cleared to avoid accumulations;
- (xi) Drop heights will be minimised at loading and discharge points.

REASON: To reduce the risk of dust nuisance in the vicinity of the quarry and to thereby lessen the environmental impact of the operation.

- 12) Any facilities for the storage of oils, fuels or chemicals on the application site shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

REASON: To prevent pollution of the water environment

- 13) Measures shall be taken to minimise the risk of groundwater pollution from site operations, in accordance with the following protocol:
- (i) All fuel and chemicals should be stored in bunded areas in accordance with current Natural Resources Wales guidelines and condition 10;
  - (ii) All mobile plant using fuel should be located on hard standing when not in use;
  - (iii) All immobile plant using fuel should be located on hard standing. Drip trays should also be appropriately placed under all relevant plant;
  - (iv) All refuelling activities should be undertaken on areas of hard standing, using appropriate care and attention and in accordance with the correct procedures. Hard standing areas used by any plant to be positively drained with flows being passed through an approved oil separator before final discharge. Details of incident reporting and waste management procedures to be available to the Mineral Planning Authority on request;
  - (v) An incident reporting procedure should be maintained for reporting all site incidents, including pollution events. Suitable emergency responses should also be in place in the event of an incident and shall be available to the Mineral Planning Authority on request;
  - (vi) Appropriate spill kits or other means of controlling accidental spills should be made available on site. Adequate training in the use of such equipment should also be provided;

Cont...

Application 15/0781/ROMPSP Continued

- (vii) A maintenance and inspection programme should be followed in order to check the condition of site equipment and provide early warning of any potential leaks or spills.
- (viii) Suitable waste management procedures should be followed to prevent surface pollution resulting from any waste products, fuel containers, chemical drums etc;
- (ix) During site restoration all hazardous plant and equipment should be removed from the quarry;
- (x) The use of herbicides and other related chemicals should be restricted both during quarry working and post restoration. Chemical applications should be made at appropriate times, in suitable quantities, so to avoid sub surface contamination.

REASON: To protect against the pollution of water-courses and water supplies in the interests of the amenity of the surrounding land and to ensure quarrying operations do not adversely affect the quality or quantity of groundwater supplies in the surrounding area

- 14) Settlement ponds at the site shall be regularly emptied and maintained so as to keep them in good and effective order, and the discharge of waste, oil or other pollutant to any settlement pond, ditch, stream, watercourse or other culvert is not permitted. A record of any maintenance work or emptying of settlement ponds to be kept and shall be made available to the Mineral Planning Authority on request.  
REASON: To protect against the pollution of water-courses and water supplies in the interests of the amenity of the surrounding land and to ensure quarrying operations do not adversely affect the quality or quantity of groundwater supplies in the surrounding area.
- 15) Prior to the installation of lighting at the site, a 'lighting plan' shall be submitted for the approval of the Mineral Planning Authority. The plan shall include measures to monitor lux levels as part of a need to minimise light pollution and minimise ecological impacts, particularly on bats. The scheme shall be implemented as agreed.  
REASON: To monitor, protect and enhance features of Ecological Importance.
- 16) No materials, waste, arisings or plant shall be stored or operated within the Nant Cae'r -Moel Swamp and Woodland SINC, or allowed to fall, be washed or blown into it.  
REASON: To protect the features of interest for nature conservation for which the SINC has been designated.

Cont....

Application 15/0781/ROMPSP Continued

- 17) Not later than six months from the date of this consent, an interim, schematic restoration scheme shall be submitted to the Local Planning Authority for approval identifying the principles of the proposed restoration of the site and any opportunities for landscaping works. The scheme shall include
- The location, extent and timing of phases in the restoration works,
  - The interim levels of the reclaimed land
  - The methods to be employed to prepare the site for soiling
  - The depths of sub soils and soils, method of spreading, cultivation, removal of stones and other obstacles to cultivation and fertilisation
  - Details of the drainage of the restored surface
  - Details of planting, species mix and methods of protection
  - Details of access provision to amenity land
  - Management arrangements to promote agricultural and nature conservation after use.

Once approved the scheme shall inform the final restoration scheme required by condition

REASON: To ensure the satisfactory restoration of the site.

- 18) Not later than 21 February 2040, or the expiry of six months following the permanent cessation of the development, whichever is the sooner, the Operator shall submit for the written approval of the Mineral Planning Authority, a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the mining site. The final restoration scheme shall provide for the Mining Site to be restored to agricultural and nature conservation / amenity use. The remainder of the mining site shall be cleared of all plant, machinery, buildings and apparatus in accordance with the requirements of Condition 2. The restoration scheme shall include details of the final re-profiling works for the Mining Site, the soil/soil forming material profiles to be established; tree and shrub planting schedules; seeding, fencing and drainage; and a programme and timetable for the implementation of the works.

REASON: To provide for the early restoration of the mining site to some other productive use once the deposit of colliery rubbish has ceased.

- 19) Once approved, the scheme detailed in condition 15 shall be fully implemented within 12 months of the cessation of working or by 22 February 2043 whichever is the sooner.

REASON: To ensure that the site is reclaimed in a condition capable of beneficial afteruse at an early date and in the interests of amenity.

Cont....

Application 15/0781/ROMPSP Continued

- 20) An aftercare scheme for the mining site, covering a period of 5 years, specifying such steps as may be necessary to bring the mining site to a condition fit for the proposed after use shall be submitted for the approval of the Mineral Planning Authority not less than 6 months prior to the date at which it is expected that the restoration works will be completed. The approved scheme shall be implemented in full for the duration of the aftercare period.  
REASON: To provide for the restoration of the mineral site to some other productive use once the deposit of colliery rubbish has ceased.
-



# Agenda Item 11

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/1083/COU 24.11.2015	RH & JH Bailey LLP Mr P Wells C/o Barton Wilmore Mr C Parry Greyfriars House Greyfriars Road Cardiff CF10 3AL	Change the use of former paper waste recycling facility to demolition waste and peat processing facility Unit 3 Pantglas Industrial Estate Bedwas Caerphilly CF83 8DR

**APPLICATION TYPE:** Change of Use

## SITE AND DEVELOPMENT

Location: The application site is located at Unit 3 Pantglas Industrial Estate, Bedwas, Caerphilly.

Site description: The site comprises an existing industrial unit, together with car parking areas and other hard surfaced areas within the curtilage of the unit. The boundary of the property is enclosed by security fencing and gates. Access is from a spur off the main industrial estate road. The River Rhymney adjoins the site to the south. To the north is an industrial unit and beyond that a cemetery. Unit 3 was last used as a paper recycling facility (Sevenside recycling).

Development: It is proposed to change the use of the industrial unit from a waste paper recycling facility to a recycling facility for peat, soils and construction, excavation and demolition waste. No material changes are proposed to the physical characteristics of the site or to the external appearance of the building.

Dimensions: The site comprises 1.34 hectares of industrial land, which contains a large industrial building.

Materials: No new building work is proposed.

Ancillary development, e.g. parking: Parking areas are provided, together with external storage areas.

## PLANNING HISTORY 2005 TO PRESENT

P/05/0816 - Erect extension to existing production print facility - Granted 15.09.05.

Cont....

Application 15/1083/COU Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within settlement boundaries on land protected for employment use.

Policies: SP9 (Waste Management), CW15 (General Locational Constraints), EM2.25 (Employment Allocation), NH3.1 ( Site of Importance for Nature Conservation) (SINC), CW22 (Locational Constraints Minerals), CW1 (Transport), CW3 (Highways), CW4 (Natural heritage protection), CW5 (Water environment), TM1.8 (Rhydney Riverside Walk).

NATIONAL POLICY Planning Policy Wales Ed 8 January 2016. TAN 15 Flood Risk.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within a Coal Mining Consultation Area but no new buildings are proposed.

### CONSULTATION

Bedwas, Trethomas & Machen Community Council - Resolved that further information required.

Senior Engineer (Land Drainage) - Any development must comply with the requirements of the Flood and Water Management Act 2010. The site is within Flood Zone C1 and the implications of this should be taken into account in the determination of the application.

Principal Valuer - No comments.

Transportation Engineering Manager - No objection raised.

Head Of Public Protection - No objections subject to conditions concerning noise and dust control.

Cont....

Application 15/1083/COU Continued

Natural Resources Wales - No objection in principle to the development. Offers advice in relation to flood risk management and waste management and recommends that a flood consequences assessment should be carried out to establish what the predicted flood risk is to the building and its access / egress routes. The application site lies within flood zone C1.

Dwr Cymru - No objection in principle but recommends conditions and advisory notes.

#### ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of a site notice and letters to two adjoining properties.

Response: No response has 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? The proposed development is not likely to significantly affect crime and disorder in the local area.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

#### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No. The application is for change of use and no new floor space is proposed.

#### 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 15/1083/COU Continued

The proposed development has been considered in the context of the policies in the development plan, including national policy and in the adopted Local Development Plan. The main considerations in the determination of this application are:

### Waste policy

The council seeks through the LDP to promote the reduction, reuse and recycling of materials in order to maximise the use of unavoidable waste as a resource. This aim is consistent with national waste policy in Planning Policy Wales and TAN21: Waste 2014 and Towards Zero Waste 2010, the overarching waste strategy document for Wales and the South East Wales Regional Waste Plan.

The development would enable the recycling of approximately 30,000 tonnes a year of peat and 50,000 tonnes a year of construction and demolition waste, which is consistent with the aim in national and local policy of moving waste up the waste hierarchy and diverting it from landfill.

### Locational constraints

The site is within a protected primary employment site. Policy SP9 in the adopted LDP states that all allocated and protected B2 industrial sites are designated as potentially suitable locations for new in-building waste management facilities. Policy CW13 aims to protect primary employment sites by allowing only B1, B2 and B8 uses, or an appropriate sui generis use, or an ancillary facility or service. Every industrial site that is protected for use class B2 is considered suitable for the location of in-building waste management facilities.

The application states that external areas of the site would be used for storage of waste and products in stockpiles up to 5m in height but waste processing would take place within the building. The facility can, therefore, be considered to be an in-building waste facility. The proposed use involves the processing of material to generate a new product (recycled aggregate and clean soils) and in this respect it is akin to a B2 use. Therefore, in principle, the proposed development is acceptable in this location.

### Flood risk

The site is mainly within an area designated as C1 flood risk, where there is a 0.1% risk of flooding. TAN 15 states that within zone C1 development can take place subject to a justification test being applied, including acceptability of the consequences. Waste disposal sites are considered to be highly vulnerable development for the purposes of TAN 15. While this proposal would involve waste being brought to the site, the waste would be inert and it would be processed and removed, rather than being deposited as would be the case at a landfill site. General industrial development is considered to be a "less vulnerable" type of development, except for uses where flooding would lead to a risk to the public or to the water environment should the site be inundated.

Cont...

## Application 15/1083/COU Continued

However, TAN 15 requires both types of development to be subject to a justification test and an assessment of the consequences. Surface water requirements also need to be considered.

The site meets the justification test of being previously developed land but no assessment has been carried out as to the potential consequences of a flooding event. NRW has advised that it considers the development to be "less vulnerable" and that, since the proposal involves no intensification in vulnerability (i.e. it involves a change from one type of less vulnerable to another type of less vulnerable development), a Flood Consequences Assessment is discretionary.

### Amenity

If properly managed, the proposed development would not have an unacceptable impact on the amenity of neighbouring properties or the riverside area. Any adverse effects can be controlled by applying conditions. The recycling facility would not constrain the development or the viability of adjoining sites. It is, therefore, considered that the development meets the criteria set out in policy CW2.

### Transport and highways considerations

The council's Transportation and Engineering Manager has no objection to the development. The site is within an industrial estate and, at the proposed throughput of 80,000 tonnes a year; the proposed development will not lead to any highway safety or capacity issues.

### Tourism

Land is allocated adjacent to the site for a Rhymney Riverside walk (TM1.8). However this is outside the application site and, provided the waste management facility is managed in an acceptable manner, it would not have an adverse impact on the riverside walk proposal.

### Impact on SINC

The river Rhymney corridor is designated as a Site of Importance for Nature Conservation (NH3.1). LDP policy CW 4 states that development proposals close to SINC's will be permitted where they conserve and where appropriate enhance the ecological importance of the designation or where the need for the development outweighs the ecological importance of the site.

The proposed use is not considered to have a greater adverse impact on the adjoining SINC than the use that is currently permitted.

Cont...

Application 15/1083/COU Continued

Comments from Consultees: Comments from consultees are addressed above.

Comments from public: No comments were received from members of the public.

Other material considerations: There are no other material considerations.

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:  
DWG no 9002 Proposed site layout  
DWG 9001 Existing site layout  
DWG 9000 Site boundary plan  
Design and Access Statement October 2015  
Application form 21 October 2015  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 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) Notwithstanding the submitted details, no crushing, screening, shredding or other processing of material shall be carried out outside the building.  
REASON: To protect the amenity of the local area and because the site is not an appropriate location for open air processing of waste, taking into account the policies in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010.
- 04) No wastes other than construction, demolition, excavation wastes, peat and soils shall be deposited at the site.  
REASON: Any other waste materials may raise environmental and amenity issues that would require fresh consideration.
- 05) No operations shall take place at the site except between the hours of  
07.00 to 18.00 Monday to Friday  
07.00 to 13.00 Saturday  
No operations shall take place on Sundays, Bank or Public holidays.  
REASON: In the interests of the amenity of the area and to protect the riverside area for future tourism development.

Cont....

Application 15/1083/COU Continued

- 06) A scheme detailing measures for the suppression of dust, including provision for monitoring and review of the scheme, shall be submitted to and approved by the Local Planning Authority before the use of the site hereby permitted commences. The scheme, once approved, shall be implemented in full throughout the duration of the development.  
REASON: To protect the amenity of the local area.
- 07) The height of stockpiles and waste storage mounds shall not exceed five metres in height.  
REASON: To protect the amenity interests of the local area.
- 08) Details of the location, height, design, sensors and luminance of floodlighting, which shall be designed to minimise the potential nuisance of light spillage on adjacent areas, shall be submitted to and approved by the Local Planning Authority before the use hereby approved commences. Once approved, the details shall be implemented as specified and maintained for the duration of the development.  
REASON: In the interests of protecting amenity and ecological interests.
- 09) 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 use hereby approved commences.  
REASON: In the interests of the visual amenities of the area.
- 10) The storage of skips on the site shall only be incidental to the use of the site and shall be confined to an area and overall height which has been previously approved in writing with the Local Planning Authority.  
REASON: To safeguard the amenity interests of the local area.
- 11) Prior to the commencement of the use hereby approved 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 site to which they relate is occupied for the use hereby approved.  
REASON: To ensure the development is served by an appropriate means of drainage.

Cont....

Application 15/1083/COU Continued

- 12) Before the use hereby approved commences, 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, including provision for the review of the scheme and details of any remedial measures to be put in place to clear the highway of any such material, shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved and utilised during the period of operation of the site.

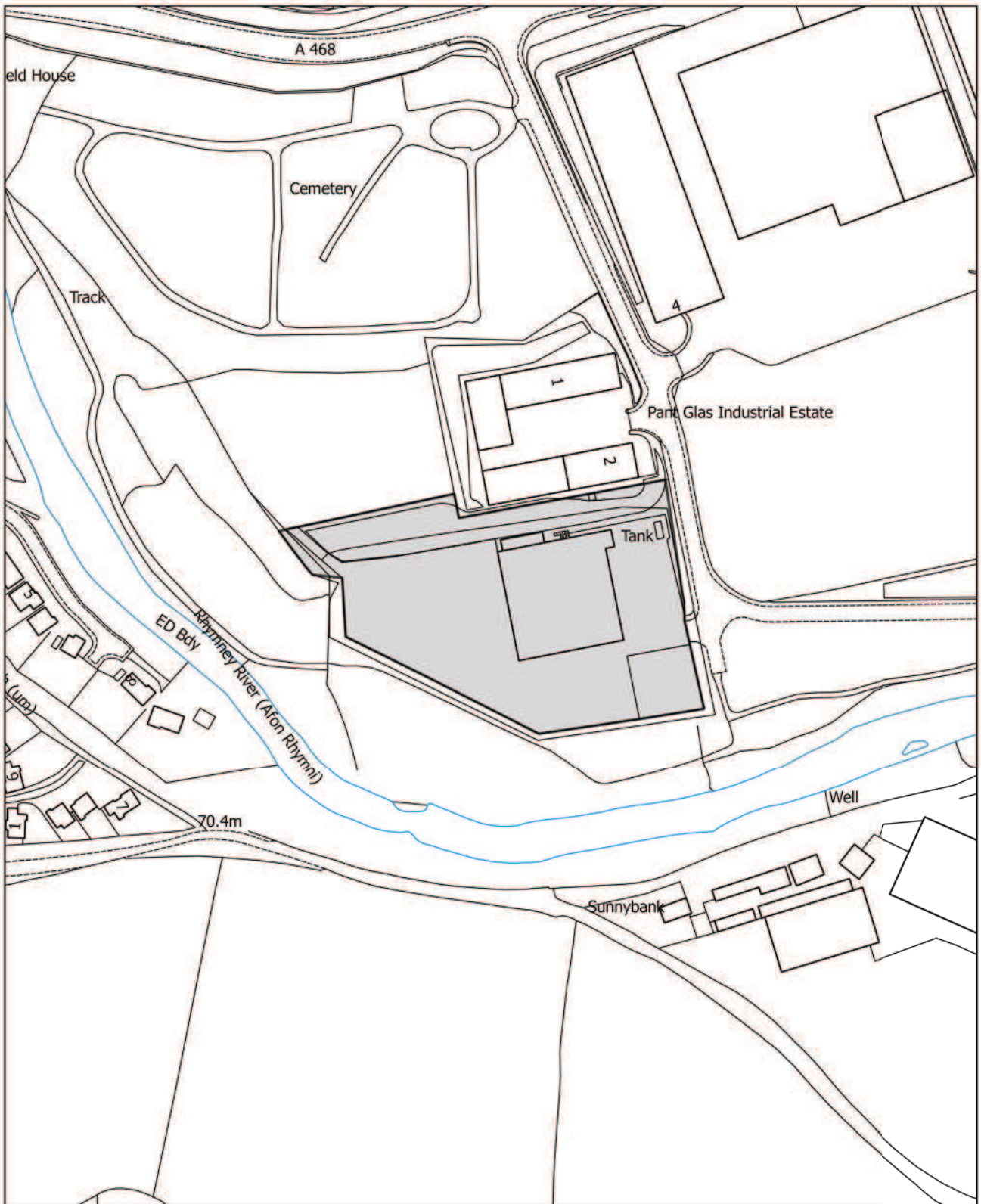
REASON: In the interests of highway safety and to safeguard the amenity interests of the local area.

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, CW3, CW4 and CW5.

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# Agenda Item 12

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0001/FULL 14.01.2016	Mrs L Loftus 1 Oak Lane Royal Oak Machen Caerphilly CF83 8SQ	Change the use of the garage to a dog grooming salon 1 Oak Lane Royal Oak Machen Caerphilly CF83 8SQ

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: 1 Oak Lane, Royal Oak, Machen, Caerphilly, CF83 8SQ

Site description: The application property is a detached dwelling which fronts north-west onto Oak Lane. It forms the last dwelling at the eastern end of a row of four detached residential properties fronting Oak Lane near to the junction with Oakfield Gardens. The applicant's garage which is subject to this change of use application is located at a higher level and at the far end of the rear garden, a distance approximately 11m south-east of the rear elevation of the main dwelling. The garage is located on the boundary with another neighbouring dwelling (Oak Cottage) which itself is set behind the rear gardens of the properties on Oak Lane. The garage subject to this application is physically attached to Oak Cottage, the neighbouring property to the south-east of the site. Vehicular access to the garage is via a small private access lane which is shared with Oak Cottage with the access lane sloping uphill from Oak Lane. On the opposite side of the access lane to the east is a large detached dwelling set in a substantial curtilage (Oakwood House). To the south-west of the application site is the neighbouring dwelling (2 Oak Lane) whose rear garden curtilage is set at a lower level than the garage subject to this application. Further residential properties are located to the south and north of the site.

Development: This application seeks permission to change the use of a domestic garage to a dog grooming salon.

Dimensions: Footprint of the garage is 5.2m by 4.86m.

Materials: Existing garage is comprised of stonework and concrete tile with wooden garage doors.

Ancillary development, e.g. parking: None.

Cont....

Application 16/0001/FULL Continued

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

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

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), SP6 (Place making).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, but this application is for a change of use and so this is not a material consideration in this case.

CONSULTATION

Transportation Engineering Manager - Objection - Loss of Parking for the existing dwelling and a lack of parking for the new business.

Head Of Public Protection - Recommend a temporary permission of 12 months to assess the impact on adjacent properties.

Bedwas, Trethomas & Machen Community Council - Objection due to loss of parking.

Cont....

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 5 nearby properties.

Response: Two letters of objection have been received in relation to the consultation exercise. In addition a request for the application to be subject to a site visit and consideration by planning committee was received.

Summary of observations: Those objections related to material planning considerations are summarised below:

1. Expresses concern at existing noise levels including barking from the owners' existing dogs and considers that noise levels would likely increase if other dogs were introduced to the property. Existing levels of dog barking from the premises wake occupants at night and early morning.
2. Questions whether the development will evolve from a dog grooming parlour into kennels.
3. References historical problems with the owners of 1 Oak Lane, including maintenance issues related to the shared drive.
4. Access and Parking problems associated with obstruction of the shared driveway to the side of the application property.
5. Concern that the submitted access statement does not accurately reflect the amount of traffic using the access lane.
6. Access to the dog grooming parlour should not be via the shared driveway.
7. Highlights the quiet residential character of the area.

SECTION 17 CRIME AND DISORDER ACT

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

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

Cont....

Application 16/0001/FULL Continued

### EU HABITATS DIRECTIVE

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

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No.

### ANALYSIS

#### Policies:

The primary considerations in relation to the determination of this application are considered to be the impact on the amenity of neighbouring properties and the impact of the development on highway safety.

In relation to the impact on the amenity of neighbouring properties the representations received have alleged that there have been problems with noise associated with existing dogs at the applicant's property which is given some weight in the determination of this application. Furthermore the location of the garage sited at the back of the applicant's garden, is approximately 11 metres away from the main dwelling house, located on the boundary with the neighbouring property (Oak Cottage) to the south east and is physically attached to that neighbouring dwelling. It is considered that due to the location of the garage, abutting the neighbouring dwelling and curtilage and with the nature of the business proposed that there is a likelihood of significant level of noise being generated by the proposed dog grooming business in what is a predominately residential area. The proximity of the structure to Oak Cottage (being connected to that building) is of particular concern for the amenity of the neighbour and consideration has been given to the fact that any noise generated by the business would be likely to impact more on the dwelling and curtilage of Oak Cottage than the applicant's own dwelling given the location of the garage. There is also potential for significant noise impacts on other residential curtilages in the vicinity of the site and representations made to the application have highlighted existing high noise levels from dog barking which would be likely to increase with the operation of a dog grooming parlour. It is considered that the site specific circumstances of this garage in an elevated position relative to some other curtilages and the nature of the business (whereby it is difficult to control noise from dog barking which may be sporadic and unpredictable) that the proposed development would harm the amenity of neighbouring properties and the predominately residential character of the area contrary to adopted Local Development Plan Policy CW2 and CW15.

Cont...

## Application 16/0001/FULL Continued

The applicant has stated within the submitted access information that parking is available on the existing main road and also the private lane provides adequate access to the garage. The representations received in relation to the consultation exercise include reference to parking problems and access issues with the shared access. It is considered that access issues would be exacerbated by the opening of a dog grooming business operating from a garage accessed via a relatively narrow access lane which has a noticeable upward gradient from Oak Lane. It is noted that the lane and driveway to the garage are restricted in width and due to level differences within the garden area of number 1 Oak Lane, prohibits easy turning and manoeuvring to egress onto the lane in a forward gear. Whilst it is noted that the applicant has stated that only one dog would be groomed at a time and a collection and delivery service would be offered, there is a reasonable prospect that customers would arrive by car and either seek to park outside the premise on Oak Lane or access the shared lane with Oak Cottage. Whilst there is some on street parking within the vicinity of the site the application has not provided any details of parking to offset the loss of the garage for the application property and with additional traffic likely to be generated by the proposed development it is considered that on balance the development would lead to parking and access problems within the vicinity of the site contrary to adopted Local Development Plan Policies CW3 (Highways). The Highway Authority object to the application due to the lack of off street parking provided for the new business and the loss of the garage space to the existing dwelling.

It is therefore considered that the development would be harmful to the amenity of neighbouring properties and the predominately residential character of the area. The application also fails to demonstrate that adequate access and parking arrangements for the dog grooming parlour are available nor provides any offset parking for the existing dwelling to compensate for the loss of the garage. No dedicated parking for the proposed business is included with the application. The application is considered contrary to adopted Local Development Plan policies CW2 (Amenity), CW3 (Highways) and CW15 (General Locational Constraints) and is recommended for refusal accordingly.

### Comments from consultees:

The Environmental Health Officer has not objected to the development but requested a temporary permission to be granted in order to assess the impact on nearby residents. Noting the objections received indicating existing noise issues with the property and the location of the garage in close proximity to Oak Cottage and other residential curtilages, it is considered that there are significant concerns in relation to noise and impact on the character of the area and a 'trial run' is not appropriate in this instance.

Cont...

Application 16/0001/FULL Continued

The Council's Ecologist has no objections to the development subject to standard conditions and informative notes being imposed.

The Highway Authority have objected to the development on the loss of parking for the existing dwelling and a lack of parking for the new business.

The Community Council have objected on the loss of parking.

Comments from public:

1. The concern raised in relation to existing noise levels from dog barking and impact on the character of the area have been addressed in the body of this report.
2. The concerns expressed in relation to potential future changes to the nature of the business (i.e. from a daytime dog grooming parlour to overnight kennels) are speculative and would in any case involve a further change of use and therefore have not been considered in relation to this application which is being determined on the basis of the information submitted.
3. The stated issues raised of historic problems between land owners are considered to be civil matters not pertinent to the determination of this application.
4. The report has considered the allegations in relation to access and parking problems associated with the shared driveway to the side of the application property.
5. The representations made that the submitted access statement does not accurately reflect the amount of traffic using the access lane has been considered and the access issues are considered in the body of the report.
6. In relation to preferred access arrangements to the dog grooming parlour these have been considered in the wider consideration of access and parking.
7. The residential character of the area has been considered in the determination of the application.

Other material considerations: None.

Cont....



Application 16/0001/FULL Continued

RECOMMENDATION that Permission be REFUSED for the following reasons:

- 01) The proposed dog grooming parlour by reason of its noise generating characteristics and its siting would have an unacceptable impact on the amenity of nearby residential properties resulting in an harmful change in the predominately residential character of the area contrary to criterion A of Policy CW2 (Amenity) and criterion B of Policy CW15 (General Locational Constraints) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
  - 02) The application has failed to adequately demonstrate that appropriate access and parking arrangements for the existing dwelling and the proposed new business would be provided and therefore the development is contrary to Policy CW3 (Highways) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
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## PLANNING COMMITTEE – 9<sup>TH</sup> MARCH 2016

**SUBJECT: WELSH GOVERNMENT CONSULTATION REVISIONS TO TECHNICAL  
ADVICE NOTE 20: PLANNING AND THE WELSH LANGUAGE**

**REPORT BY: CHIEF EXECUTIVE**

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### 1. PURPOSE OF REPORT

1.1 Welsh Government (WG) is currently running a consultation about changes Technical Advice Note 20: Planning and the Welsh Language. The purpose of this report is to consider the Council's response to the consultation.

### 2. SUMMARY

- 2.1 Sections 11 and 31 The Planning (Wales) Act are concerned with the Welsh language and came into force on 04 January 2016. Planning Policy Wales has been updated to reflect and take account of the Planning (Wales) Act 2015, with the revised Chapter 4 setting out the Welsh Government's planning policy on the Welsh language. The Planning Act introduces legislative provision for the Welsh language in the planning system, and ensures that it is given consistent and appropriate consideration in the preparation of development plans, and the making of planning decisions. These changes have triggered the need to update national planning guidance set out in Technical Advice Note 20: Planning and the Welsh language
- 2.2 Section 11 of the Planning (Wales) Act 2015 makes it mandatory for all local planning authorities to consider the effect of their Local Development Plans (LDPs) on the Welsh language, by undertaking an appropriate assessment as part of the Sustainability Appraisal of the plan. It also requires local planning authorities to keep evidence relating to the use of the Welsh language in the area up-to-date.
- 2.3 Section 31 of the Planning (Wales) Act 2015 clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. The provision does not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the decision maker.
- 2.4 The deadline for the submission of comments is 30 March 2016. A summary of the proposals is provided below, along with comments from officers. Should members agree with the officers' comments, they will then be adapted for completing the standard consultation form from WG.

### 3. LINKS TO STRATEGY

3.1 The report takes account of the adopted Caerphilly County Borough Local Development Plan up 2021.

## 4. THE REPORT

4.1 The main changes to the TAN 20 are as follows.

(a) The key driver for Local Planning Authorities to consider the Welsh language in their Local Development Plans is now the planning legislative framework – not the single integrated plan (SIP). References to the SIP have been removed, and the new references to the Well-being of Future Generations Act and Well-being Plans are not central to the TAN as the SIP previously was.

(b) The Planning (Wales) Act clarifies that the Welsh language may be a consideration for decision-makers where it is material to the application.

(c) It is acknowledged that the LDP preparation process cannot foresee every development that is proposed, and it is therefore proposed to allow LPAs to conduct a language impact assessment for certain windfall developments. These circumstances would normally be limited to residential developments of 10 or more dwellings in areas identified in the LDP as being of linguistic sensitivity or significance.

4.2 The consultation asks a number of questions which are set out below along with answers recommended by officers.

Q1) Do you agree that the implications of provisions contained in section 11 and section 31 of the Planning (Wales) Act are made clear in the revised TAN 20?

Yes (as regards section 11). Part B adequately sets out how a baseline is to be established and utilised in terms of embedding Welsh language considerations within the LDP.

Q2) Do you agree that local planning authorities should be able to identify areas where the language is a particularly sensitive matter for the purpose of unanticipated windfall applications in their Local Development Plans?

The Welsh language should always be taken into account as a material consideration where applicable in any case, both from the point of view of assessing the implications of a particular land use proposal on the social fabric of a particular place, as well as adhering to Welsh language legislation and policy more generally. The ability to specifically identify such places will be more applicable to some local authority areas than others in reality, therefore allowing LDPs for these to incorporate such measures is useful. However, it is not considered necessary to make this a requirement, especially in local authority areas where the Welsh language is clearly less of an issue in practical terms.

Q3) The guidance encourages local planning authorities to work with organisations such as the Welsh Language Commissioner and Menterau Iaith when identifying areas of linguistic sensitivity or significance. Do you agree with this approach?

Yes, although common ground between the organisations involved would be helpful as to what represents such an area, in order to fulfil the requirements of all parties.

Q4) Do you agree that it is acceptable for Language Impact Assessments to be undertaken when considering applications for large unanticipated windfall residential development in particularly sensitive areas defined in the LDP?

For developments over a certain scale in applicable locations, it would be appropriate for the need for such an assessment to be screened and then subsequently undertaken if it were demonstrated that the potential for an impact existed.

Q5) Do you agree that it should be the responsibility of local planning authorities to produce Language Impact Assessments?

Whilst the concept of a Language Impact Assessment is accepted, putting the onus on the LPA to undertake them appears incongruous with equivalent assessments carried out at planning application stage such as transport assessments and EIAs which are undertaken by the applicants/developers concerned. It is unclear as to why LPAs are charged with this requirement. It would seem more consistent with equivalent processes for applicants/developers to undertake such assessments, whose findings can then be verified on the basis of evidence collated and held by the LPA.

Q6) The consultation draft merges the policy advice provided by TAN 20 with the further non-prescriptive practical guidance in one combined document. Do you agree with this approach?

Yes. Combination of these two documents is helpful, for ease of reference.

Q7) The revisions to TAN 20 have been subject to a Welsh Language Impact Assessment. Do you agree that the assessment has accurately identified the impact of this guidance on the Welsh language?

Yes.

Q8) We have asked a number of specific questions. If you have any related issues which we have not addressed, please let us know.

No.

## **5. EQUALITIES IMPLICATIONS**

5.1 There would be no equalities implications in respect of this recommended response.

## **6. FINANCIAL IMPLICATIONS**

6.1 None

## **7. PERSONNEL IMPLICATIONS**

7.1 None

## **8. CONSULTATIONS**

8.1 None

## **9. RECOMMENDATIONS**

9.1 That Officers reply to the questions set out in the consultation on the basis of the comments above, and any additional comments from Members.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 As set out in the report above.

## **11. STATUTORY POWER**

11.1 The Town and Country Planning Act 1990 and related acts and statutes.

Author: Tim Stephens - Development Control Manager.  
Ian Mullis – Senior Planner

Background Papers: Consultation from Welsh Government

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## APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
15/1186/FULL 02.12.2015	McDonald's Restaurants Limited 11 - 59 High Road East Finchley London N2 8AW	Reconfigure the drive thru lane and car park to provide a side-by-side order point with the construction of a new island for signage and reconfigured kerb lines including associated works to the site, provide alterations to elevations including minor extensions to formalise building lines and install a goal post height restrictor and 2 no. Customer Order Displays (COD) McDonalds Cliff Road Blackwood NP12 0NT	Granted 01.02.2016
15/1187/ADV 02.12.2015	McDonald's Restaurants Limited 11 - 59 High Road East Finchley London N2 8AW	Reconfigure existing signage to accommodate the new drive thru layout; new suite to comprise; 7 freestanding signs, 1 side-by-side directional and 2 banners McDonalds Cliff Road Blackwood NP12 0NT	Granted 01.02.2016
15/0757/FULL 07.12.2015	Mr D Lewis Hot & Cold Foods 18 Y Ffordd Wen Bargoed CF81 9EE	Locate catering trailer in car park to sell hot & cold foods Blackwood Working Mens Club Woodbine Road Blackwood NP12 1QJ	Granted 01.02.2016
15/1190/FULL 07.12.2015	Mr S Morgan 19 Maes Watford Caerphilly CF83 1LP	Convert garage into a habitable room with loft space and dormer window 19 Maes Watford Watford Caerphilly CF83 1LP	Granted 01.02.2016
15/0732/FULL 20.11.2015	Ms C Roberts 11 Griffin Drive Penallta Hengoed CF82 6AB	Erect rear extension 33 Bedwlwyn Road Ystrad Mynach Hengoed CF82 7AA	Granted 02.02.2016

15/0758/FULL 08.12.2015	Mr S Hagland Fernlea House The Rhiw Blackwood NP12 0EF	Erect single-storey extensions Fernlea House The Rhiw Blackwood NP12 0EF	Granted 02.02.2016
15/1194/FULL 08.12.2015	Mr S Hinton 29 Ware Road Caerphilly CF83 1SX	Erect two storey extension to side of property and first floor extension over porch to front of property 29 Ware Road Caerphilly CF83 1SX	Refused 02.02.2016
15/1195/FULL 08.12.2015	Mr & Mrs G Seymour 2 Ffwrwm Road Machen Caerphilly CF83 8NF	Erect single-storey side extension to replace existing garage 2 Ffwrwm Road Machen Caerphilly CF83 8NF	Granted 02.02.2016
15/0724/FULL 16.11.2015	Mr A Paget 46 Penybryn Terrace Penybryn Hengoed CF82 7GG	Create new parking area 46 Penybryn Terrace Penybryn Hengoed CF82 7GG	Refused 03.02.2016
15/0756/FULL 09.12.2015	Mr S Glastonbury 2 - 3 Rifleman Street Risca Newport NP11 6FD	Raise the roof to match adjoining building 2 - 3 Rifleman Street Risca Newport NP11 6FD	Granted 03.02.2016
15/0760/NCC 09.12.2015	Mrs M O'Sullivan Roshine Burtonport Nr Letterkenny Donegal Southern Ireland F94 W280	Vary Condition 01 of planning consent 10/0194/FULL (Erect one dwelling) to extend the period of time within which the development can commence Tremymynydd Temperance Hill Risca Newport	Granted 03.02.2016
15/1207/RM 11.12.2015	Mr N Shutt 14 Sorrel Drive Penpedairheol Hengoed CF82 8LA	Approve the matters of site access, appearance, landscaping, layout and scale reserved under outline planning permission 15/0042/NCC The Croft 34-36 Hillside Park Bargoed CF81 8NL	Refused 05.02.2016



15/0778/COND 14.12.2015	Seren Group Mr M Trounce Exchange House The Old Post Office High Street Newport NP20 1AA	Discharge Conditions 06 (drainage) and 07 (landscaping) of planning consent 15/0120/FULL (Demolish existing Fire Station and re-develop site to provide 6 x one bedroom flats, 2 x two bedroom houses and 2 x three bedroom houses with ancillary parking) Former Cefn Fforest Fire Station Pwllglas Road Cefn Fforest Blackwood	Decided - Discharge of Conditions 08.02.2016
15/0786/COND 14.12.2015	Mrs L James 50 Pendinas Avenue Croespenmaen Newport NP11 3GP	Discharge condition 1 (commencement), 2 (parking in accord with plans), 3 (materials, 4 (rainwater run off) and 5 (approved plans) of planning consent 15/0255/FULL (Convert integral garage to living accommodation) 50 Pendinas Avenue Croespenmaen Newport	Decided - Discharge of Conditions 08.02.2016
15/0251/FULL 19.03.2015	Mr D Nolan 7 Cwm Darran Place Deri Bargoed CF81 9GA	Demolish the existing chapel hall and erect two dormer bungalows Former Tabernacle Chapel Hall 9 Chapel Street Deri Bargoed	Granted 09.02.2016
15/0743/FULL 25.11.2015	Mr A Radcliffe 79 Pengam Road Ystrad Mynach Hengoed CF82 8AB	Erect a first floor extension to extend bedroom and erect a ground floor side and rear extension to form a kitchen, utility room, toilet and porch 79 Pengam Road Ystrad Mynach Hengoed CF82 8AB	Granted 09.02.2016
15/1179/FULL 29.11.2015	Specsavers Optical Superstores Mr A Mansell Cirrus House 10 Experian Way Nottingham NG2 1EP	Install new roller shutter, 5 no. air conditioning condensing units to rear elevation and 9 no. air conditioning condensing units on the roof 59-61 Cardiff Road Caerphilly CF83 1FP	Granted 09.02.2016

15/1180/ADV 29.11.2015	Specsavers Optical Superstores Mr A Mansell Cirrus House 10 Experian Way Nottingham NG2 1EP	Install new fascia with illuminated pod logo, illuminated "Audiologists" lettering, illuminated "Opticians" lettering, illuminated projecting sign and window manifestations 59-61 Cardiff Road Caerphilly	Granted 09.02.2016
15/0788/COND 15.12.2015	Mr M Jones C/o CLC Thr Design Office 19 Heol Y Deri Rhiwbina Cardiff CF14 6HA	Discharge conditions 3 (drainage) and 5 (parking layout) of planning consent 15/0405/RM (Seek approval of the reserved matters regarding access, appearance, landscaping, layout and scale in regard to planning application 14/0795/NCC (Erect two detached dwellings)) Land Adjacent To 12 Mountain Road Caerphilly CF83 1HJ	Decided - Discharge of Conditions 09.02.2016
15/1240/FULL 15.12.2015	Mr & Mrs Williams C/o EMC Design E Lindhe The Studio Yew Tree Cottage Gwernesney Usk Monmouthshire NP15 1DB	Erect new dwelling Land Within Curtilage Of 10 New Bryngwyn Road Newbridge Newport NP11 4NF	Refused 09.02.2016
16/0023/NMA 12.01.2016	Mr J Morgan 9 Ynys Bery Close Caerphilly CF83 2AZ	Seek approval of a non- material amendment to planning permission 15/0696/FULL (Erect a first floor extension) to remove condition 2 (parking) 9 Ynys Bery Close Caerphilly	Granted 09.02.2016
15/0310/COU 05.05.2015	Mr C Wright 17 Glyn Derwen Llanbradach Caerphilly CF83 3PQ	Change the use of derelict land to garden use including the filling to new levels and boundary enclosures Land To The Rear Of 13 - 17 Glyn Derwen Llanbradach Caerphilly	Granted 11.02.2016

15/0675/FULL 21.08.2015	Redrow Homes (South Wales) Ltd C/o Nathaniel Lichfield & Partners Mr A Evans Helmont House Churchill Way Cardiff CF10 2HE	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 Land To The North Of Cwm Calon Penallta Hengoed	Granted 11.02.2016
15/1075/LBC 16.10.2015	Bedwas Trethomas And Machen Community Council Ms S Chick Council Offices Newport Road Bedwas Caerphilly CF83 8YB	Remove projector room and replace flat roof covering including associated works Bedwas Workmans Hall Newport Road Bedwas Caerphilly	Granted 11.02.2016
15/1121/LA 13.11.2015	Caerphilly County Borough Council Learning, Education And Inclusion Ms K Cole Ty Penallta Tredomen Park Ystrad Mynach Hengoed Caerphilly CF82 7PG	Erect new single-storey Primary School, Nursery and Flying Start Unit including parking and external works Rhymney Comprehensive School Site And Adjacent Land Abertysswg Road Rhymney	Granted 11.02.2016
15/0740/FULL 24.11.2015	Mr D Thomas 78 Brynmynach Avenue Tredomen Hengoed CF82 7BY	Replace ranch style timber fence with close-boarded timber fence 78 Brynmynach Avenue Tredomen Hengoed CF82 7BY	Granted 11.02.2016
15/0744/FULL 25.11.2015	Mr J Harris 12 Harlech Close Cefn Fforest Blackwood NP12 1HJ	Erect extension to existing bus servicing depot Harris Coaches Unit 12 Bowen Industrial Estate Aberbargoed Bargoed	Granted 11.02.2016

15/1176/COND 26.11.2015	Mr L Reddy C/o Agent Turley Mr G Barton 18 Windsor Place Cardiff CF10 3BY	Discharge conditions 3 (External/roof mounted plant) and 4 (Odour/fume control) of planning consent 15/0764/COU (Change the use from Class A1 to Class A3) Unit 18 Castle Court Caerphilly CF83 1NU	Decided - Discharge of Conditions 11.02.2016
15/1192/FULL 08.12.2015	Mr Green 7 Lon-Yr-Afon Llanbradach Caerphilly CF83 3NZ	Replace frames, roof and bulkhead to existing conservatory base wall and base 7 Lon-Yr-Afon Llanbradach Caerphilly CF83 3NZ	Granted 11.02.2016
15/1197/COND 09.12.2015	McDonald's Restaurants Ltd 11 - 59 High Road East Finchley London N2 8AW	Discharge condition 6 (Noise Mitigation) on planning consent 15/0423/FULL (Erect extensions, provide minor reconfiguration of the car park, alter the roof, install new glazing and stall riser including associated works to the site) McDonalds Restaurants Ltd Unit C Crossways Park Parc Pontypandy	Decided - Discharge of Conditions 11.02.2016
15/0789/FULL 16.12.2015	Mrs E Jones Old Junction House Commercial Street Pontllanfraith Blackwood NP12 2JY	Erect single-storey extension to rear of property and porch to front of property 16 Thorncombe Road Blackwood NP12 1AT	Granted 11.02.2016
15/1260/COND 17.12.2015	McDonalds Restaurant LTD 11-59 High Road East Finchley London N2 8AW	Discharge condition 2 (Drainage) of planning consent 15/0423/FULL (Erect extensions, provide minor reconfiguration of the car park, alter the roof, install new glazing and stall riser including associated works to the site) McDonalds Restaurants Ltd Unit C Crossways Park Parc Pontypandy	Decided - Discharge of Conditions 11.02.2016

15/1259/FULL 17.12.2015	Mr J Curtis-Jones The Links Golf Club Drive Lon Pennant Cwmgelli Blackwood NP12 1BR	Erect first floor extension The Links Golf Club Drive Lon Pennant Cwmgelli	Granted 12.02.2016
14/0836/FULL 16.12.2014	Oakfield Street Surgery Ms S Emery Oakfield Street Ystrad Mynach Hengoed CF82 7WX	Create new pedestrian access onto site The Surgery Oakfield Street Ystrad Mynach Hengoed	Granted 15.02.2016
15/1184/FULL 01.12.2015	Kenton Floors Mr N Kerr Woodpecker House 29 Pantglas Industrial Estate Bedwas Caerphilly CF83 8DR	Reposition the existing vehicular access Kenton Floors Woodpecker House 29 Pantglas Industrial Estate Bedwas	Granted 15.02.2016
15/1261/COND 17.12.2015	Pearmat Solar 4 Ltd Ms Y Qin 55 Baker Street London W1U 7EU	Discharge conditions 9 (Tree Protection Plan) and 10 (drainage) of planning consent 15/0433/FULL (Create 4.1MW solar farm, consisting of around 15,796 solar modules, on-site access tracks, substation, three combined inverter/transformer stations, underground cables, perimeter fencing and CCTV cameras) Pen-y-fan Farm Pen-y-fan Farm Lane Manmoel Blackwood	Decided - Discharge of Conditions 15.02.2016
15/0794/COND 21.12.2015	Mr & Mrs P Morgan The Ranch New Row Machen Caerphilly CF83 8NX	Discharge Conditions (11) light mitigation, (12) provision for birds, and (14) mine entry investigation of planning consent 15/0139/FULL (Demolish dwelling and construct one replacement and three new dwellings) The Ranch New Row Machen Caerphilly	Decided - Discharge of Conditions 15.02.2016

15/1274/FULL 21.12.2015	Mrs L Murphy 64 Cwm Braenar Pontllanfraith Blackwood NP12 2DS	Convert garage and alter driveway including alterations to the existing kitchen 64 Cwm Braenar Pontllanfraith Blackwood NP12 2DS	Granted 15.02.2016
15/1191/FULL 07.12.2015	Dr W J P Gravelle Pentre Poeth Farm, Penllwyn Lane Machen Caerphilly CF83 8RL	Erect a steel portal agricultural building Pentre Poeth Farm Penllwyn Lane Machen Caerphilly	Granted 16.02.2016
15/0777/CLPU 09.12.2015	Northrise Mr M Coxe Unit 1 Albion Industrial Estate Cilfynydd Road Pontypridd CF37 4NX	Obtain a Lawful Development Certificate for the proposed single-storey rear extension 50 The Crescent Trecenydd Caerphilly CF83 2SW	Granted 16.02.2016
15/0785/FULL 11.12.2015	Mr D J Rundle 17 Tollgate Close Porset Caerphilly CF83 3AY	Erect a rear/side single-storey extension 17 Tollgate Close Porset Caerphilly CF83 3AY	Granted 16.02.2016
15/1189/NOTF 03.12.2015	Natural Resources - Forestry Mr A Shinton Natural Resources Wales Neath Resolven SA11 4DR	Construct new tracks to facilitate the felling of larch trees infected with Phytophthora ramorum and for purposes of restocking the woodland Hafod Tudor Woodland Troed- Y-Rhiw Road Wattsville	Notification - Details Approved 17.02.2016
15/1257/ADV 16.12.2015	Poundworld Retail Ltd Mr J Monks Axis 62 Foxbridge Way Normanton West Yorkshire WF6 1TN	Display two internally illuminated fascia signs and one internally illuminated projecting sign Units 1 & 2 Lowry Plaza Hanbury Road Bargoed	Granted 17.02.2016

15/1275/COND 23.12.2015	Suncredit Ltd C/o Alder King Planning Consultants Mr M Cullen Pembroke House 15 Pembroke Road Clifton Bristol BS8 3BA	Discharge Conditions 13 (finishes) and 15 (mud prevention scheme) of planning consent 15/0512/FULL (Construct a solar photovoltaic park with associated PV equipment and cable route) Upper Pant-Ysgawen Farm Maes-Yr-Haf Lane Croespenmaen Newport	Decided - Discharge of Conditions 17.02.2016
15/0408/FULL 18.06.2015	Charter Housing Association Mr S Traves Exchange House The Old Post Office High Street Newport NP20 1AA	Demolish former derelict buildings and erect 29 residential units and associated works Crumlin Mining School Site Mining School Hill Crumlin Newport	Granted 23.02.2016
15/0752/NMA 26.11.2015	Regal Court Engineering Limited C/o C2J Architects & Town Planners Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Seek approval of a non- material amendment to planning consent 12/0787/FULL (Convert former public house into 7 No. flat units (change of use) including demolition of southern single-storey annexe and construct 6 No. new terraced houses to include new site access road, car parking, external works and landscaping) to replace roof terrace to unit 02 with dormer, omit roof terrace to main building and replace with 4 dormers, omit car park deck and revise the proposed amenity space Tredegar Junction Hotel Commercial Street Pontllanfraith Blackwood	Refused 23.02.2016
11/0630/NCC 16.08.2011	Mr J Newbury Woodland Bungalow Hill Road Senghenydd Caerphilly CF83 4HE	Vary conditions (3) and (4) of previous planning consent 06/0172/OUT (erect residential development) to extend permission beyond expiration dates Land West Of Coronation Terrace Senghenydd Caerphilly	Granted 24.02.2016

<p>15/0721/COND 13.11.2015</p>	<p>Taylor Wimpey South Wales Mr L Royal Building 2 Wern Fawr Lane St. Mellons Cardiff CF3 5EA</p>	<p>Discharge conditions 7 (land drainage), 8 (contamination), 9 (imported materials), 10 (remediation strategy), 11 (dust mitigation), 12 (noise mitigation), 13 (Japanese Knotweed), 14 (method statement), 15 (hedgerow management), 16 (hedgerow protection), 17 (bird protection), 18 (boundary fence), 19 (bat protection), 20 (bird protection) and 21 (floor levels) of planning application 14/0440/FULL (Erect two residential dwellings and provide associated road and landscaping) 41 &amp; 61 Llwybr Y Coetir Caerphilly CF83 3SS</p>	<p>Decided - Discharge of Conditions 24.02.2016</p>
<p>15/0722/COND 13.11.2015</p>	<p>Taylor Wimpey South Wales Mr L Royal Building 2 Wern Fawr Lane St. Mellons Cardiff CF3 5EA</p>	<p>Discharge planning conditions 2 (external surfaces), 3 (cross-sections), 4 (contamination), 5 (imported materials), 6 (remediation strategy), 7 (land drainage), 8 (parking) and 9 (parking materials) of planning application 14/0399/FULL (Erect one residential dwelling and associated road and landscaping) 58 Llwybr Y Coetir Caerphilly CF83 3SS</p>	<p>Decided - Discharge of Conditions 24.02.2016</p>



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

<b>APPLICATION NUMBER  DATE RECEIVED</b>	<b>DESCRIPTION &amp; LOCATION OF DEVELOPMENT</b>	<b>COMMENTS</b>
P/02/0265 13.03.02	First periodic review of planning conditions (Environment Act 1995) at Cae Glas Small Mine, Fochriw.	Seeking clarification about the status of the application.
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.
13/0726/FULL 08.10.13	Erect two bay extension to existing storage building at Robert Price (Builders Merchants) Ltd, 145 Pontygwindy Road Caerphilly	Subject to further discussion and consideration.
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.
14/0745/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 concerning noise impact.
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.
15/0202/FULL 15.04.15	Erect single-storey shower room extension to rear of house at 62 St Christopher's Drive, Caerphilly	Subject to further consideration.
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 and wildlife.
15/0311/FULL 05.05.15	Erect a new dwelling at Brynhyfryd 6 Old Parish Road, Hengoed	Subject to further discussion and consideration.
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	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	Subject to further consideration.
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	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 Pentrebanne Street, Caerphilly	Re-consulting on amended plans
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.
15/0602/LBC 03.08.15	Provide interior and exterior alterations and replace gate at Shangri La Bryn Road, Pontllanfraith, Blackwood	Subject to further discussion concerning materials to be used.
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	Awaiting Tree Survey.

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	Awaiting amended plans.
15/0705/FULL 04.11.15	Erect three bungalows on land adjoining the existing garden on Land Adjoining Birchwood, Caerphilly Road, Llanbradach Caerphilly	Awaiting additional information about highway impact.
15/0708/FULL 06.11.15	Erect outhouse and garden retaining walls at Shangri La, Bryn Road Pontllanfraith, Blackwood	Subject to further discussion and consideration
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.
15/0782/FULL 14.12.15	Erect residential development for 41 No. dwellings, associated highway infrastructure and open space at Land At Woodfield Park Lane, Penmaen, Oakdale	Consulting on amended plans.
15/0792/LBC 18.12.15	Construct new reinforced concrete retaining walls and lined concrete channel south of Abercarn Aqueduct and carry out remedial works and measures to Abercarn Aqueduct comprising of a lined concrete channel, vegetation clearance and localised repairs/repointing of existing masonry parapets at Monmouthshire And Brecon Canal Twyncarn Road Crosskeys	Subject to further discussion and consideration.
15/0797/FULL 18.12.15	Construct new reinforced concrete retaining walls and lined concrete channel south of Abercarn Aqueduct and carry out remedial works and measures to Abercarn Aqueduct comprising of a lined concrete channel, vegetation clearance and localised repairs/repointing of existing masonry parapets at Monmouthshire And Brecon Canal Twyncarn Road Crosskeys Newport	Subject to further discussion and consideration.

15/1175/FULL 25.11.15	Erect B1/B2/B8 units together with associated parking/servicing At Phase 5 Dyffryn Business Park, Ystrad Mynach Hengoed.	Awaiting wildlife information.
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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. File closed pending further instructions.
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. Waiting for confirmation from Planning is application been refused.
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. Waiting to hear from Planning.
14/0239/NCC 16.04.14	Vary condition 3 of 09/0688/OUT (Erect residential development) to extend the time period for the approval of reserved matters on Land At Albertina Road Treowen Newport	Sent amended draft.
14/0674/OUT 10.10.14	Erect residential development at GLJ Recycling Ltd, Newtown Industrial Estate, Crosskeys, Newport, NP11 7PZ.	Waiting for the signed documents to be returned.

14/0855/FULL 15.01.15	Erect residential development and associated works at Land At Watford Road Caerphilly	UWHA emailing Solicitor about title issues. UWHA going to discuss issues at monthly meeting.
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 amended drafts to Solicitors.



## OUTSTANDING APPEALS

APPEAL REF/ PLANNING APP. NO.	APPELLANT	PROPOSAL & LOCATION	DATE APPEAL REGISTERE D
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
15/0013/REF 15/0309/FULL	Mr C Jones 44 Brynheulog Street Penybryn Hengoed CF82 7GD	Construct a single-storey double garage at 44 Brynheulog Street Penybryn Hengoed CF82 7GD	30.11.15
15/0014/NONDET 15/0252/OUT	Gwent Investments Ltd C/o Maes Manor Hotel Maesruddud Lane Blackwood NP12 0AG	Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access on Land At Cwmgelli Blackwood	11.12.15
15/0015/REF 15/0023/COU	Mr J Khehra 192 Bedwas Road Caerphilly CF83 3AU	Retain A1 use part ground floor and convert upper floors to residential at Manchester House 1 Clifton Street Caerphilly CF83 1HA	14.12.15

15/0016/REF 14/0431/COU	Ms M Witty The Coach House Rhyd-Y- Gwern Lane Draethen Newport NP10 8GJ	Change of use of redundant agricultural building to a one bedroom detached dwelling, and erect rear extension at The Smithy, Land Adjacent To The Coach House Rhyd-Y- Gwern Lane Draethen, Newport	21.12.15
16/0001/REF 15/0161/OUT	Mr & Mrs D Davies Chez Nous 26 Sunny Bank Terrace Machen Caerphilly	Erect a dwelling house and associated external works at Chez Nous, 26 Sunny Bank Terrace, Machen, Caerphilly CF83 8PY	14.01.16
16/0002/REF 15/0366/FULL	Mr A Gurner 41 Lilian Road Blackwood NP12 1DN	Erect detached dwelling with garage, associated access, parking and ground works etc. at 21 (Plot 11), The Glade Wyllie, Blackwood	20.01.16
16/0003/REF 15/0632/FULL	Mr J James Fernleigh Villa Twyn Gwyn Road Cwmfelinfach Newport NP11 7AX	Erect two-storey extension to rear of property and a single storey garage at 16 King Street Cwmfelinfach, Newport NP11 7HL	20.01.16
16/0004/REF 15/0100/COU	Mr Quereshi C/o DTB Design Mr D Thomas 286 North Road Cardiff	Convert existing storage building to the rear of the property into two flats with alterations to openings and the provision of rooflights at 57 Thomas Street Abertridwr Caerphilly	01.02.16
16/0005/REF 15/0674/FULL	Mr M Nazir 124 Commercial Road Newport	Construct a single-storey dwelling for manager (and family) of adjacent nursing home at Rosewood Nursing Home Dan Y Graig Road Risca Newport	10.02.16

**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**

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