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**Date: 30th 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, 6th April, 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

## AGENDA

	Pages
1 To receive apologies for absence.	
2 Declarations of interest. Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.	
To approve and sign the following minutes: -	
3 Planning Committee held on 9th March 2016 (minute nos. 1-13)	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 - 46
5	Code No. 14/0802/OUT - Land at Hawtin Park, Gelli-haf, Pontllanfraith, Blackwood.	47 - 72
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## **Planning Applications Under The Town And Country Planning Act - South Area: -**

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10	Code No. 15/0412/OUT - Land North of Hendredenny Drive, Hendredenny, Caerphilly	107 - 122
11	Code No. 16/0046/COU - Horeb Baptist Chapel, Castle Hill, Gelligaer.	123 - 136
12	Code No. 15/0678/FULL - 9 School Close, Nelson.	137 - 144
13	Code No. 16/0044/LA - Y Gwyndy - Ysgol Gyfun Cwm Rhymni, Pontygwindy Road, Caerphilly.	145 - 158
14	Code No. 16/0032/FULL - Fwrrwn Ishta House, 68 Commercial Road, Machen, Caerphilly.	159 - 172
15	Consultation from Welsh Local Government Association about a National Planning Committee Protocol for Wales.	173 - 198

To receive and note the following information items: -

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18	Applications awaiting completion of a Section 106 Agreement.	215 - 216
19	Appeals outstanding and decided.	217 - 220

**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)  
ON WEDNESDAY, 9TH MARCH 2016 AT 5:00PM

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### PRESENT:

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

### Councillors:

M. Adams, Mrs P. Cook, Mrs J. Gale, R.W. Gough, C. Hawker, A.G. Higgs, A. Lewis, K. Lloyd, D. Rees, J. Simmons 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), G. Mumford (Senior Environmental Health Officer), M. Davies (Principal Planner), P. Den Brinker (Principal Planner), R. Amundson (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 J. Bevan, D. Bolter, J.E. Fussell, L. Gardiner, Mrs G.D. Oliver and Mrs E. Stenner.

### 1. DECLARATIONS OF INTEREST

Declaration of interest were received at the start of the meeting as follows: 15/0567/OUT – Councillor D. Rees and 16/0001/FULL – Councillor W. David, details are minuted with the respective item.

### 2. MINUTES – 10TH FEBRUARY 2016

RESOLVED that the minutes of the Planning Committee held on 10th February 2016 (minute nos. 1-11) be approved and signed as a correct record.

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

**3. PREFACE ITEM CODE NO. 15/0567/OUT – LAND AT OAKDALE GOLF COURSE, OAKDALE GOLF COURSE LANE, OAKDALE, BLACKWOOD.**

Councillor D. Rees declared an interest in that he had previously played golf at the site, had made a planning enquiry on behalf of the applicant and has a friend who has objected to the application and left the Chamber when the application was discussed.

Mr K. Powe and Councillor R. Saralis spoke on behalf of local residents in objection to the application and Mr J. Price the applicant's agent spoke in support of the application.

Following consideration of the application it was moved and seconded that the application be deferred for a further report with reasons for refusal in that the application site is outside the settlement boundary as defined in the current Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 and is therefore contrary to policy, the application would cause an unacceptable loss of green space and that as a candidate site within the deposit LDP this application is premature as it would undermine the current consultation process, negating the public's right to comment. By a show of hands (and in noting there were 2 against) this was agreed by the majority present.

RESOLVED that the application be deferred for a further report with reason for refusal in that: -

- (i) the application site is outside the settlement boundary as defined in the current Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 and is therefore contrary to policy.
- (ii) the development would cause an acceptable loss of green open space.
- (iii) as the development is a candidate site within the deposit LDP, the application is premature and would undermine the current consultation process, negating the public's right to comment on the proposal.

**4. CODE NO. 14/0455/FULL – DARRAN FARM, ARGOED, 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 (and in noting there was 1 against) this was agreed by the majority present.

Members also requested that the applicant be written to and encouraged to contact the local community with a view to discussing the possibility of providing community benefit, which is in line with Technical Advice Note 8 – Renewable Energy.

In accordance with Rule of Procedure 15.5 Councillor K. Lloyd wished it recorded that he had voted against the application.

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 of this permission: CW2, CW3, CW4 and CW6;

- (iii) the applicant be advised of the comments of the Senior Engineer (Land Drainage), CADW, Rights of Ways Officer and Natural Resources Wales.

**5. CODE NO. 15/1258/FULL – LAND AT PENYWRLD, GELLIGAER, HENGOED.**

Councillor W. David declared an interest in that having previously expressed his objections to the development he had a closed mind, but reserved his right to address the Committee as the Local Ward Member for St Cattwg Ward, and would then leave the Chamber directly after his statement.

It was noted that this application had been subject to a site visit on Monday 7th March 2016, a briefing note on the questions raised and answers given was tabled at the meeting, summarised by the Planning Officer and are appended to these minutes.

Councillor W. David spoke as the Local Ward Member for the St. Cattwg Ward on behalf of residents in objection to the application and left the Chamber directly after his statement. Mr C. Griffiths the applicant's agent spoke in support of the application.

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 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 CW10;
- (iii) the applicant be 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.

**6. CODE NO. 15/0022/FULL – 11 DENBIGH CLOSE, CEFN FFOREST, BLACKWOOD, NP12 1JH.**

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 the Council's Ecologist;
- (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.

**7. CODE NO. 16/0111/FULL – 38 BURNET DRIVE, PONTLLANFRAITH, BLACKWOOD, NP12 2FN.**

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 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. PREFACE ITEM CODE NO. P/06/0037 – WATERLOO WORKS, MACHEN.**

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

RESOLVED that: -

- (i) 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 100th house at the site, and the provision of 1.5 acres of land for affordable housing.

**9. CODE NO. 15/0781/ROMPSP – THE SENGHENYDD MINERALS SITE, GRAIG-YR-HUFEN ROAD, SENGHENYDD, CAERPHILLY, CF83 4BW.**

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 and the following revised and additional conditions this application be granted.

**New Condition 01**

Nothing other than non-hazardous brick, stone, concrete, builders' rubble and colliery spoil shall be deposited or treated at the site.

**Reason**

Other waste materials raise environmental and amenity issues that would require consideration afresh.



**New Condition 02**

Within three months of the approval of conditions an Ecological Survey shall be undertaken within the planning permission area and a report shall be submitted for the approval of the Local Planning Authority setting out the results of the survey together with any mitigation measures. The approved mitigation measures shall be implemented for the duration of the development and the results of the survey shall be used to inform the design of the restoration scheme.

**Reason**

To safeguard nature conservation interests and to ensure satisfactory restoration of the site once operations cease.

**New Condition 03**

The maximum number of vehicle trips to or from the site shall not exceed 16 each day.

**Reason**

In the interest of highway safety.

**Revised Condition 16**

No materials, waste, arisings, stockpiles or plant shall be stored or operated within the area of the Nant Cae'r Moel Swamp and Woodland Site of Importance for Nature Conservation outside the land identified in Condition 02 (the hatched area of land) and no such material shall be permitted to fall, be washed or blown into it.

**Reason**

To protect the features of nature conservation interest for which the SINC has been designated.

**Additional Condition 21**

The site as defined by condition 22 below shall be used only for: -

- (a) the treatment and disposal of colliery rubbish presently on the land, including the dry screening of burned material and washing of unburned material and export of the resulting products from the site.
- (b) the crushing and screening of imported materials, blending with indigenous materials and export of the resulting products from the site and it shall not be for any other purpose whatsoever.

**Reason**

In order to protect the visual and residential amenity of the area.

**Additional Condition 22**

The development the subject of this determination shall be limited to the area covered by sections A-A and E-E as defined by the 1955 permission E5907/CUDC 1722. The area covered by section A-A is indicated by the hatched area on the plan attached to the determination.

**Reason**

To define the extent of the permission and the area to which the conditions apply.

**10. CODE NO. 15/1083/COU – UNIT 3, PANTGLAS INDUSTRIAL ESTATE, BEDWAS, CAERPHILLY, CF83 8DR.**

It was noted that this application had been subject to a site visit on Monday 7th March 2016, a briefing note on the questions raised and answers given was tabled at the meeting, summarised by the Planning Officer and are appended to these minutes.

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

RESOLVED that: -

- (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 of this permission: CW2, CW3, CW4 and CW5.

**11. CODE NO. 16/0001/FULL – 1 OAK LANE, ROYAL OAK, MACHEN, CAERPHILLY, CF83 8SQ.**

Mrs Gettins spoke in objection to the application and Mrs Loftus, the applicant spoke in support of the applications.

Following consideration of the application it was moved and seconded the application be deferred for a further report with suitable conditions attached to grant permission for a temporary period of 12 months in order to assess the impact of the development on residential amenity and by show of hands (and in noting there were 4 against) this was agreed by the majority present.

RESOLVED that the application be deferred for a further report with suitable conditions attached should permission be granted at a future meeting for a temporary period of 12 months.

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

The Development Control Manager introduced the report which sought Members views on a consultation document from Welsh Government in relation to changes to Technical Advice Note 20: Planning and the Welsh Language and to consider the Council's response.

Members were referred to section 4.2 of the report which detailed the consultation questions and the answers recommended by Officers.

Having fully considered the consultation questions and the answers from Officers it was moved and seconded that they be forwarded to Welsh Government as this Council's response to the consultation process and by show of hands this was unanimously agreed.

RESOLVED that the answers as detailed in the Officer's report be forwarded to Welsh Government as this Council's response to the consultation process.

### 13. ITEMS FOR INFORMATION

The following items were received and noted: -

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

The meeting closed at 19.23pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 6th April 2016, they were signed by the Chair.

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CHAIR

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Members' site visit update

PLANNING APPLICATION REFERENCE: 15/1258/FULL

PROPOSED DEVELOPMENT: Build a housing association development providing 37 dwellings

LOCATION: Land at Penywrlod, Gelligaer

DATE OF SITE VISIT: 7 March 2016

MEMBERS PRESENT: D Carter, W David.

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The following points were raised by members, and the answers provided:

- There are drainage issues in the in the adjacent school with water appearing in its car park.
  - Drainage will be introduced as part of the development, and any existing redundant drainage on the site associated with the previous school would be removed.
- The existing open space would be lost. It is the only area where football can be played that is not in front of houses, and which does not generate complaints from residents to councillors and the Police.
  - The site is allocated for residential development in the adopted LDP, the proposed development includes a local equipped area of play, and an open space assessment was submitted with the planning application in accordance with policy CW7 of the LDP which concluded that there would be sufficient open space available in the locality.
- There should be no access to the estate from the rear of Claerwen because it would provide an escape route for anyone vandalising the playground.
  - This would limit accessibility for residents of Claerwen
- How much longer will the area of open space be maintained in its current condition if permission is granted and the land sold to the applicants?
  - Officers will update at Planning Committee
- Officers advised that Dwr Cymru Welsh Water had withdrawn their objection to the proposals subject to the imposition of conditions concerning a scheme to improve water supply in the area. Officers remain of the opinion that this is a private matter between DCWW and the developers and is controlled by other statutes, and it was not raised prior to the allocation of this site for housing in the LDP, nor during a recent round of consultations associated with the replacement LDP.

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## Members' site visit update

PLANNING APPLICATION REFERENCE: 15/1083/COU

PROPOSED DEVELOPMENT: Change the use of former paper waste recycling facility to demolition waste and peat processing facility

LOCATION: Unit 3, Pantglas Industrial Estate, Bedwas, CF83 8DR.

DATE OF SITE VISIT: 7 March 2016

MEMBERS PRESENT: D Carter, M Adams, B Jones, L Aldworth, D Havard, L Jones.

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The following points were raised by members, and the answers provided:

- How long had the premises been vacant? Approximately 8 months to a year.
- How many vehicles would the development generate? 89 vehicles a week, based on each one being capable of carrying 20 tonnes of material, for 45 weeks of each year.
- Where would the stockpiles be? The submitted plans show the demolition stockpiles at the southern end of the site, and the peat stockpiles at the western end of the site.
- How close are the neighbouring houses? The nearest residential property to the site (9 Rhyd y Gwern) is 57m away (79m to the house itself), on the opposite side of the River Rhymney.
- How many people would be employed? Between 10 and 12. The applicant's existing premises on Bedwas House Industrial Estate would be kept open in the short term, but eventually all staff would move to the application site.
- What is the site's allocation in the LDP? The site is allocated as a primary industrial site, is protected for employment use, and is suitable for any use within Class B1, B2, and B8, appropriate sui generis uses, and ancillary services to the primary use of the estate (policy CW13). Also, in accordance with policy SP9, it is suitable for in-building waste management facilities. Similar provisions apply in the deposit replacement LDP (policies CW16 and SP17), but in addition primary industrial sites will also be regarded as acceptable locations for appropriate commercial services unrelated to Class B uses that cannot be accommodated in a principal town centre, local centre or within a retail warehouse park. At present the replacement LDP carries very little weight, but the additional provisions would not prejudice the current proposal in any case.
- How would asbestos be dealt with? The site would not receive asbestos, the disposal of which would take place in Swindon, and would be in accordance with the Control of Asbestos Regulations 2012.

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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 and the application were presented to Members' on 9<sup>th</sup> March 2016. Committee discussed various aspects of the proposal as recorded in the minutes. The application was deferred to allow officers to draft reasons to refuse based on the following concerns:-

1. The development is outside the current LDP settlement boundary and so would be against policy.
2. The loss of green space.
3. As a candidate site in the deposit LDP this application is premature and would undermine the current consultation process.

Taking the three reasons separately the following information is provided for consideration to enable the selection of the detailed reasons for refusal. This information should be considered against the possible prospect of an appeal that will require an evidential basis for the defence of any reason for refusal put forward. With regard to Reason Number 1, Policy SP5 defines the settlement boundaries and a reason for refusal would normally cite this policy. The fact that a proposal is outside the settlement is insufficient by itself and needs to be expanded. Policy SP5 explains the criteria for maintaining development within the settlement boundaries. It would be necessary to link the reason for refusal with one or more of those criteria that support the policy.

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The criteria that support SP5 are to:-

- A. Define the area within which development would normally be allowed, taking account of material planning considerations.
- B. Promote the full and effective use of urban land and thus concentrate development within settlements.
- C. Prevent the coalescence of settlements, ribbon development and fragmented development.
- D. Prevent inappropriate development in the countryside.

Taking criterion 'A' first, this is intended to principally identify the area within which developments would "normally be allowed" and emphasises that they should comply with "material planning considerations". It is intended therefore primarily to identify that which is acceptable within the settlement. It does not necessarily follow that a proposal that is outside the settlement is automatically unacceptable. Criterion B takes up a more specific requirement for maintaining settlement boundaries, which is to "promote the full and effective use of urban land." In the case where a residential proposal is isolated, far from shops, services, bus routes, schools, etc., this reason may clearly be applied. The application site in question is reasonably close to those services and thus may not be so easily defended in a refusal related to its position. Criterion B may also be cited where the development plan has an identified supply of housing that is capable of providing for the plan period. This again is difficult to defend as the most recent Joint Housing Land Availability Study indicated that the current land supply falls short of the required 5 years i.e. only 1.9 years supply available (2015).

Criterion C gives further detailed reasons that must be considered individually. Coalescence of settlements, this is an important consideration where two or more settlements are near to each other and the proposed development creates a link between them detracting from their individual identity and character. In this instance the application site is on the southeast boundary of Oakdale and is some considerable distance from places that it may be considered to coalesce with. Ribbon development is that which follows the borders of roads between areas of population and fragmented development is not closely associated with an existing area of population. The proposed development does not resemble either of these unacceptable characteristics. Criterion D seeks to prevent inappropriate development in the countryside that should normally be within settlements. Part C of Policy CW15 lists those developments that are acceptable in principle outside the settlement and includes agricultural workers' dwellings, barn conversions, tourism, public utilities, and land reclamation. By exclusion, all other development, is unacceptable.

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Application No. 15/0567/OUT Continued

A reason for refusal based on policies SP5 and CW15 could state:-

1. The proposed development is outside the settlement boundary as defined by the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and is thus contrary to policy SP5 criterion B of that plan, which seeks to promote the full and effective use of urban land and thus concentrate development within settlements. The development is also contrary to policy CW15 criterion C of that plan because it is not one of the developments specified as being acceptable outside settlement boundaries.

However, the site is well related to the existing settlement, and the reason would be challenging to defend as the housing land supply is now down to 1.9 years.

The second reason suggested by Members', "the loss of green space" should also ideally be linked to an adopted policy. Policy CW7 Protection of Open Space does seek to preserve those spaces that are enjoyed by the community but only those which are within the settlement boundary. In the absence of a clearly associated policy it is necessary to identify some planning harm that is occasioned by the loss of the green space that is the current golf course. In discussion Committee have explored the visual impact of the proposed development upon the conservation area/model village. The golf course is at the south eastern boundary of the conservation area and a length of the boundary (approximately 70 metres) does have an outlook over the golf course. It could be argued that loss of the space is detrimental to the rural setting of the conservation area when viewed from this location. The illustrative layout submitted with this application does show a pond at the frontage, some tree screening and the proposed housing set back some distance (approximately 30 metres) from the conservation area. It will therefore be necessary to produce at appeal a detailed landscape analysis that compares the current visual situation and the proposed to identify an unacceptable level of visual harm if this reason is to be adequately defended. It would also be necessary to explain how the identified visual detriment could not be satisfactorily ameliorated, for example by the planting and addition of rural/countryside like features such as the proposed pond and trees shown in the illustrative layout. The second reason for refusal may thus be structured as follows:-

2. The proposed development would detract from the visual amenity of the Oakdale Conservation Area which is bordered by the green space that is currently the Oakdale Golf course along part of the south east boundary which would be lost therefore harming its rural and less urbanised character of the model village.

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Application No. 15/0567/OUT Continued

This reason would also be difficult to defend, bearing in mind the buffer between the existing and proposed development described above, and the housing land supply figures.

The third reason for refusal suggested by members on the basis of prematurity must be considered with regard to Government Guidance on this matter. Planning Policy Wales (PPW) explains:-

“2.8.3 Whether planning permission should be refused on grounds of prematurity requires careful judgement and the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.”

It is explained that the planning Authority must “clearly” explain how the proposal will prejudice the outcome of the LDP process; this covers a number of possibilities, for example large numbers of proposed dwellings that would severely skew and undermine the strategy of the Local Plan. Such proposals are generally described as “going to the heart of a plan”. With regard to prematurity it is also to be noted that PPW explains:

“2.8.2 Where an LDP is still in preparation, questions of prematurity may arise. Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context...The stage which a plan has reached will also be an important factor and a refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.”

The LDP review at the time of writing is estimated to likely conclude at the end of 2017. This length of delay is a material consideration that will need to be taken into account in justifying a refusal on grounds of prematurity and will need to be given appropriate weight at appeal (possibly combined with evidence to explain how the proposal goes to the heart of the plan). There are many examples of appeals that have failed to uphold refusals on grounds of prematurity: however, the Council’s Legal Services have identified one example of an upheld refusal where prematurity was a consideration. The appeal has similarities to the application in question and was dismissed in January 2014 on the grounds of prematurity (Appeal Ref. APP/E6840/A/13/2195263).

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The Inspector in reaching his decision explained the Monmouthshire plan was likely to be adopted in March of 2014 (although it was conceded there were issues that might have taken it beyond that date). In his view at that point in time with the likely outcome of the LDP being only a matter of a month or so away it had reached a stage where significant weight could be attached. In addition it was the appeal Inspector's view that the scale of the development (145 dwellings) and its position represented a substantial impact upon the town (Monmouth) to the extent that it would prejudice the Local Development Plan Inspector's opportunity to reach a balanced decision. It is important to note however that the current application site has been assessed as part of the preparation of the Deposit Replacement Caerphilly County Borough Local Development Plan up to 2031 and the site has been deemed to be suitable for residential use and thus included within the Deposit Replacement LDP. The Deposit Replacement LDP is currently the subject of a public consultation exercise, which expires on the 22 April 2016.

A third reason for refusal on this basis could state:

3. The proposed development is premature in the light of the emerging review of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 and therefore would prejudice the Development Plan Inspector's ability to reach a balanced decision on the provision of housing land in the county borough.

Whilst there are similarities between the cited appeal case and the proposed development at the Golf Course, the length of time to the completion of the Replacement LDP coupled with the current limited supply of housing land and the fact that the site is proposed for housing in the Deposit Replacement LDP would militate against a refusal on the grounds of prematurity.

To conclude, whilst three reasons for refusal have been suggested it is recommended that the last (No. 3) is the most likely to be sustained at appeal. Reason Number 1 will likely be successfully contested if there is not a demonstrable and adequate supply of housing land available. That is not currently the case. Reason Number 2 will require it to be demonstrated that there will be material visual harm to the Conservation Area. That assessment if carried out by an appropriately qualified landscape architect may not produce the necessary evidence. If Members' are minded to refuse permission it may therefore be prudent to proceed in a refusal of planning permission with Reason Number 3 only.

Cont....

Application No. 15/0567/OUT Continued

The Council is seeking to remedy its lack of a five-year housing land supply by reviewing the LDP, but it also has to take other steps in the short-term. Some figures may help to clarify the position:

- In the last year Planning Committee has only consented 11 housing sites, capable of accommodating over 10 units.
- These 11 consents will only provide 242 units once developed.
- The Adopted LDP makes provision for 575 units a year to meet the identified housing requirements over the plan period.
- This under provision in 2015 will further compound the housing land supply position.
- The 2015 JHLAS indicates that we have a 1.9 year land supply, the 2016 study is likely to see this reduce even further when the study is undertaken in April 2016.
- The 2015 Local Housing Market Assessment indicates that there is a need to develop 526 dwellings a year to meet the identified housing needs for the county borough.
- The proposed development would make a valuable contribution to rectifying the shortfall.

RECOMMENDATION: That planning permission is granted subject to the conditions set out in the attached report. However, if Members are minded to refuse permission, they are strongly advised to limit the reasons for refusal to the third one discussed in the above 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.

Cont....

Application No. 15/0567/OUT Continued

## NATIONAL POLICY



- Planning Policy Wales (Edition 7, July 2014);
- Technical Advice Note 1: Joint Housing Land Availability Studies (2015);
- Technical Advice Note 2: Planning & Affordable Housing (2006);
- Technical Advice Note 11: Noise (1997);
- Technical Advice Note 12: Design (2014);
- Technical Advice Note 18: Transport (2007).

Other policy related matters that constitute material considerations are:-

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

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? - No.

#### COAL MINING LEGACY

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

#### CONSULTATION

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

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

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

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

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

Cont....

Application No. 15/0567/OUT Continued

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

Transportation Engineering Manager - No objection subject to conditions.

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

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

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

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

Natural Resources Wales - No objection or comments.

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

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

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

Cont....

Application No. 15/0567/OUT Continued

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

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

### ADVERTISEMENT

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

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

### Summary of observations:

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

Cont....

## Application No. 15/0567/OUT Continued

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

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?  
It is not considered that the proposed development will have a material effect on crime and disorder.

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

Cont....

Application No. 15/0567/OUT Continued

### EU HABITATS DIRECTIVE

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

### ANALYSIS

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

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

### Strategy Policies

The site is located within the Northern Connections Corridor (NCC). Policy SP2 Development Strategy - Development in the NCC indicates that development will be focused on both brownfield and greenfield sites that have regard for the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; makes the most efficient use of existing infrastructure; protect the natural heritage from inappropriate forms of development and capitalise on the economic opportunities offered by Oakdale/Penyfan Plateau.

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

Cont....

Application No. 15/0567/OUT Continued

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

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

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

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

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

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

Cont....

## Application No. 15/0567/OUT Continued

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

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

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

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

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

The Council has prepared four reports to date, the most recent of which was considered by Council in October 2015. It is evident from the AMR that new housing has not been delivered at the levels required in the first half of the plan period. Policy SP14 indicates that there is a housing requirement for 8,625 new dwellings to be delivered to meet identified need over the plan period. In order to meet this need an average of 575 dwellings needs to be delivered per annum. The 4th AMR indicated that 4,052 units had been delivered (49% of the total housing requirement) up to March 2015.

Cont....

## 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.

Cont....



## 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.

Cont....

## 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

Cont....

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.

Cont....

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.

Cont....

## 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.

Cont....

## 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.

Cont....

## 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.

Cont....

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.

Cont....



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**

**PREFACE ITEM****APPENDIX**

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.

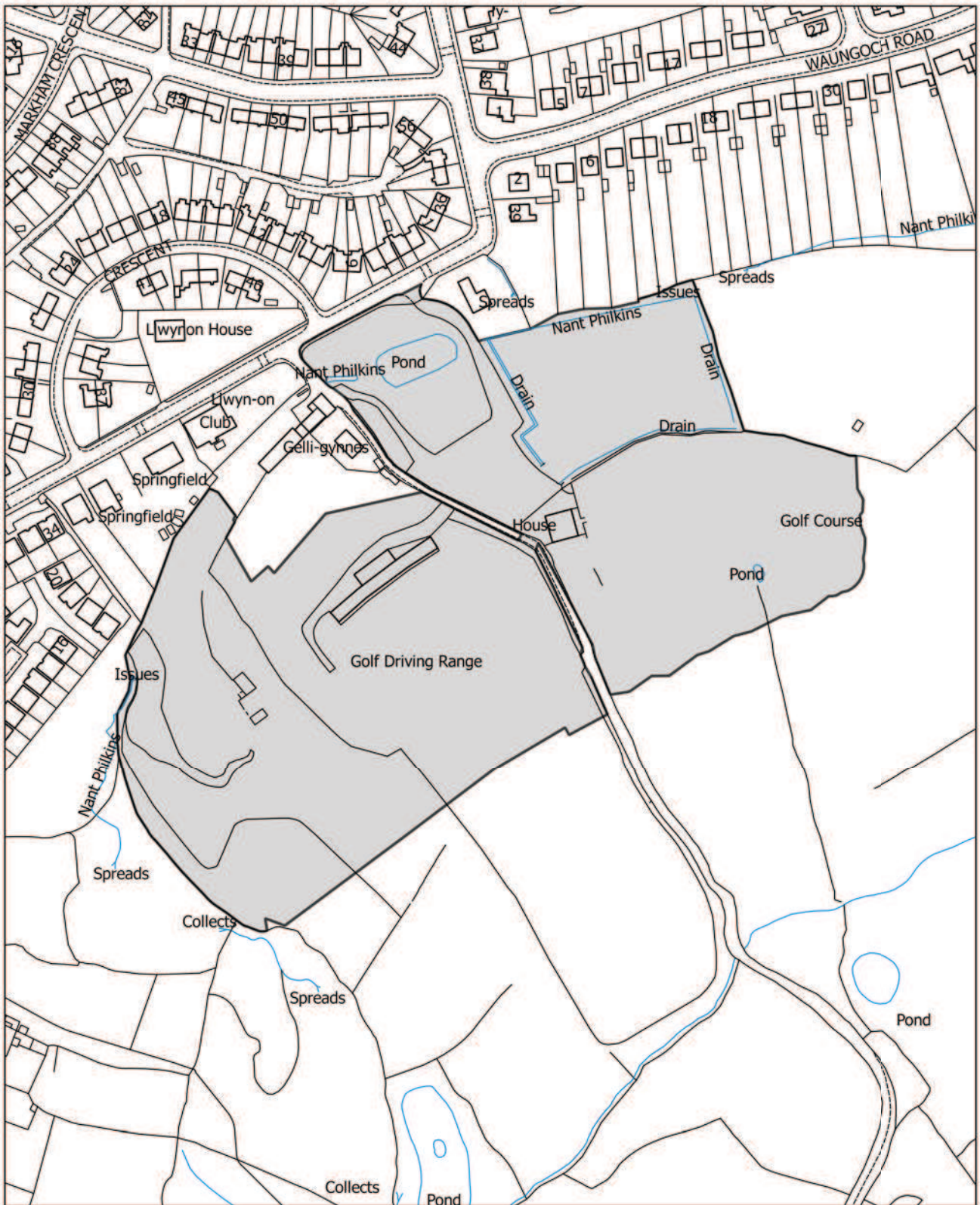
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Application 15/0567/OUT Continued

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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# Agenda Item 5

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0802/OUT 26.11.2014	Filigree Trading Limited And Julian Hodge Bank C/o Savills Miss L Price 12 Windsor Place Cardiff CF10 3BY	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 Land At Hawtin Park Gelli-haf Pontllanfraith Blackwood

**APPLICATION TYPE:** Outline Application

## SITE AND DEVELOPMENT

Location: The site is located on land which is positioned between existing residential and industrial development at Hawtin Park, Blackwood.

In a wider context the site itself is located approximately a mile to the south of the town of Blackwood.

Site description: The site is composed of a number of field parcels which in total form an irregularly shaped area of land. This land is in part overgrown with regenerated scrub and is covered in substantial marsh grassland, as much of the site is poorly drained. There are also a number of trees on the site, the majority of which are located alongside the stream which runs centrally across the site. The field parcels themselves are bounded by overgrown hedges.

The site is positioned close to the ridge of the hillside which separates the Islwyn and Rhymney valleys. In gradient terms it falls generally from north to south, however there is also a cross-fall, which follows the line of the small valley through which a stream runs in a diagonal direction across the site.

The housing land to the east and south is known as The Bryn, whilst the industrial land to the north and west forms part of the Hawtin Park Industrial Estate. The land to the west and south forms part of existing farm operations.

Cont....

Application No. 14/0802/OUT Continued

Development: The application is an outline proposal mainly for residential development, along with public open space, highways infrastructure and associated works. All detailed matters are reserved for subsequent approval. The application contains a "Masterplan", which is for illustrative purposes only, but does give an indication of how a development of approximately 175 units, comprised of houses and flats, could be accommodated on this site.

This application relates, in part, to land which was granted planning permission for mixed use development in June 2014 (ref. no. 08/0752). An indicative layout for this extant scheme granted permission for residential development on land to the east of this application site (for approximately 80 dwellings). The same permission granted permission for commercial uses to the west (i.e. the application site). The extant permission includes the provision of a significant nature conservation area which runs with the stream across the centre of the site.

This application seeks planning permission to develop the land, previously identified for commercial use, for housing.

The proposal is accompanied by the following documents:-

A Design and Access Statement (DAS);  
A Transport Statement (TS);  
A Flood Consequences Assessment (FCA) and Surface Water Drainage Strategy;  
Extended Phase 1 Habitat Survey;  
Stage 2 Ecology Survey Report;  
Tree Survey, Categorisation and Constraints Report;  
Noise Impact Report.

Dimensions: The application site measures 11.67ha. However, because the application site includes the nature conservation area, the net developable area for housing is approximately 4.4ha.

Materials: As the application is in outline with all matters reserved there are no materials submitted as part of the scheme.

Ancillary development, e.g. parking: The "Masterplan" shows that the proposed development would most likely be accessed via a new junction onto the A4049, but a spur is shown as being taken off this road at the southern end to cross the retained grassland area to access the proposed residential development that was approved under outline consent 08/0752/OUT. This seeks to ensure that the access to that previously approved site can be maintained as part of the layout to this subsequent proposal.

Cont....

Application No. 14/0802/OUT Continued

### PLANNING HISTORY

08/0752/OUT - Erect residential and commercial development - Granted 26.06.14.

2/11673 - Overhead line diversion - Granted 17.12.93.

5/5/93/0708 - Divert approx 830 meters of 33kv overhead line - Granted 17.12.93.

5/5/91/0623 - Erect industrial development (B1, B2) -& warehousing (B8) - Granted 19.12.91.

5/5/90/0901 - Construct roads and sewers - Granted 18.04.91.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site forms part of an Employment allocation in the Adopted Local Development Plan (EM1. 8). The application site area is also covered by a Sites of Importance for Nature Conservation designation (i.e. a SINC, ref. no. NH3.77)).

Policies: The policies of relevance in the Caerphilly County Borough Council Local Development Plan up to 2021 - Adopted November 2010 are indicated bellow. They are considered to be those that will address the principle of development at this location.

Strategy Policies;

Policy SP2 Development Strategy (NCC), Policy SP5 Settlement Boundaries, SP6 Place Making, Policy SP7 Planning Obligations, SP10 Conservation of Natural Heritage, Policy SP14 Total Housing Requirements, Policy SP15 Affordable Housing Target and Policy SP16 Managing Employment Growth.

Countywide Policies;

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion, Policy CW2 Amenity, Policy CW3 Design Considerations Highways, Policy CW4 Natural Heritage Protection, Policy CW6 Trees, Woodland and Hedgerow Protection, Policy CW10 Leisure and Open Space Provision, Policy CW11 Affordable Housing Planning Obligations and Policy CW13 Use Class Restrictions Business and Industry.

Cont....

Application No. 14/0802/OUT Continued

NATIONAL POLICY The Proposal should be considered in line with National Planning Policy and Guidance and in particular (but not exhaustive) the requirements of:

Planning Policy Wales (Edition 7, July 2014);  
Technical Advice Note 1: Joint Housing Land Availability Studies (2015);  
Technical Advice Note 2: Planning & Affordable Housing (2006);  
Technical Advice Note 11: Noise (1997);  
Technical Advice Note 12: Design (2014);  
Technical Advice Note 18: Transport (2007);  
Technical Advice Note 23: Economic Development (2014).

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes. The proposal constitutes an urban development project beyond the 0.5 Hectare threshold for EIA screening.

Was an EIA required? However having regard to the characteristics of the development and its location and impacts, it was not considered to require an EIA.

### COAL MINING LEGACY

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

### CONSULTATION

Head Of Public Protection - have objected to the application on the issue of unacceptable noise nuisance that may be caused by the existing industrial uses to the west of the site.

CCBC Housing Enabling Officer - supports the application subject to the completion of a Section 106 Agreement designed to secure the affordable housing requirement in accordance with Local Development Plan policy.

Senior Engineer (Land Drainage) - makes a number of drainage comments which are required to be passed on to the applicant by way of advice and also a condition is recommended in respect to the control of land and surface water discharges.

Outdoor Leisure Development Officer - comments that the outline nature of the proposal makes it difficult to make detailed comments however he requires adequate leisure provision in respect to Policy CW10 of the Local Development Plan, to be incorporated into the detailed layout.

Cont....

Application No. 14/0802/OUT Continued

Transportation Engineering Manager - raises no objection subject to the imposition of conditions relating to highway safety matters.

Dwr Cymru - comments that there were capacity issues present at this site; however, works to improve the system should be completed by the end of March 2016. They originally asked for a "Grampian" type condition to be imposed in this regard but the time limit identified by them is shortly to expire and as such there is no need to attach such a condition.

Wales & West Utilities - advises that it has apparatus within the vicinity of the site.

Countryside And Landscape Services - the landscape architect has no objection to the principle of the proposal whilst the ecologist recommends a wide range of conditions that should be attached to any permission granted

Natural Resources Wales - have not formally commented on this proposal but on the previous application they raised particular concerns relating to the protection of the nature conservation area. They also recognised that the site was earmarked for development in the adopted plans of the time.

Glam/Gwent Archaeological Trust - comments that it does not consider that there are any significant features within the vicinity of the site.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and by way of fifty-eight direct letters with neighbouring properties.

Response: Nine responses were received. Of these a number were letters sent in by the same responders when reconsulted on additional information submitted as part of the application. Of these responses seven objected to the application whilst one supported it and the other two required clarification.

### Summary of observations:

1. How many affordable properties will be built at the rear of Crown Lane?
2. The submitted plan shows land that is marked as "previously consented". Will this land be built upon in the future?
3. The site entrance shown on the submitted layout shows an access that is too close to the bend. This will have highway safety consequences.
4. Have noise reports been undertaken in the vicinity of Bryn Road?
5. The road shown on the application "Masterplan", which serves land to the east, is not described on the application form.

Cont....

Application No. 14/0802/OUT Continued

6. The road referred to in point 5 above crosses the area shown as a nature conservation area.
7. This road also links land which is not part of the current application and should not form part of the proposal.
8. Noise will increase with the proximity of the new development to the existing dwellings on the Crown Estate.
9. The site is contrary to policies contained in the Adopted Caerphilly County Borough Council Local Development Plan, namely CW2 (Amenity). This policy specifically seeks to safeguard the interests of existing uses, and ensure that they are not compromised by the granting of a residential permission which may adversely impact on those uses. In this case the detrimental effect that the proposed housing could have on the adjoining factory.

#### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?  
It is considered that the determination of this application will have no impact on the issues of crime and disorder in this area.

EU HABITATS DIRECTIVE No. Matters of nature conservation and given further consideration in the analysis part of this report.

#### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The application is in outline and consequently the floor area calculation for the C.I.L. contribution cannot be accurately calculated. Consequently the C.I.L. contribution will be secured at the reserved matters stage.

#### ANALYSIS

Policies: Section 38(6) of the Planning and Compensation Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this regard the Adopted Caerphilly County Borough Council Local Development Plan is the relevant plan. As such the main policies of relevance are those relating to the Strategic and Countywide sections contained within that plan.

Cont....



Application No. 14/0802/OUT Continued

With regard to the Strategy Policies

The application site is a greenfield parcel of land in the Northern Connections Corridor (NCC) located to the west of the Bryn housing estate, Pontllanfraith, Blackwood, and to the south of Hawtin Park Industrial Estate. It is an allocated Primary Employment Site and also a designated Site of Importance for Nature Conservation. The principle of development on the site is therefore already accepted.

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

Having regard to the social and economic functions of the area, Policy SP4 Settlement Strategy identifies Blackwood as one of two Principal Towns that serves the NCC. The LDP seeks to enhance the role and function of existing Principal Towns in order to respond to the social, economic and environmental needs of individual settlements. Blackwood is the area's major retail centre and as a result of significant investment in recent years is increasingly recognised as a sub-regional shopping centre. The emphasis for Blackwood in the LDP is largely on strengthening the retail offer of the town whilst developing the area as an economic hub by exploiting opportunities for business, in particular office development. As a consequence there are very few residential land allocations identified in the LDP within Blackwood or the Greater Blackwood area (including Pontllanfraith). Conversely there is a significant amount of land identified within the area for employment use, including the application site (EM1.8).

The land immediately to the east of the application site is identified for residential development (HG1.30) and this is the only substantial housing site allocated in the LDP to serve the Greater Blackwood area.

The LDP in allocating the Land at Hawtin Park for employment and housing use recognises this area as a sustainable location for new development. The LDP further recognises that the land in question can exploit the existing infrastructure within the area, although acknowledges that provision would need to be made for the upgrade of some infrastructure and utilities within the area.

The whole of the site is identified as a Site of Importance for Nature Conservation (NH3.77) and Policy SP2 requires this to be protected from inappropriate development.

Cont....

Application No. 14/0802/OUT Continued

There is an extant outline planning permission (08/0752/OUT) for a mixed use development that conforms with local planning policy for the area, therefore the principle of development on the site is already accepted; however, the use of the employment land for housing is contrary to policy and needs further consideration through this application.

Policy SP5 Settlement Boundaries is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. Importantly it also promotes the full and effective use of urban land and concentrates development to within existing settlements. The whole of the application site is identified for development and is located within the settlement boundary for Greater Blackwood and specifically Pontllanfraith. The principle of development on the site is therefore already acceded.

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

Policy SP6 requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and the where appropriate through the use of sustainable urban drainage systems.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. The current proposal is an outline submission with all detailed matters reserved for subsequent approval. Consequently at the detailed stage the 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.

Policy SP7 Planning Obligations recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effect of that development. In the context of this application, the Council should seek to secure the provision of 25% affordable housing, if planning permission is accepted.

In line with the overarching Strategy requirements contained in Policy SP2, Policy SP10 Conservation of Natural Heritage seeks to protect, conserve, enhance and manage the natural heritage of the county borough in the consideration of all development proposals.

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Application No. 14/0802/OUT Continued

The extant permission includes the provision of a significant nature conservation area, which runs with the stream across the centre of the site; the development of the application site for housing, rather than employment use, affords a further opportunity to protect these natural features within the site as housing can be more closely integrated within the landscape than most employment uses.

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

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

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

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

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

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

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Application No. 14/0802/OUT Continued

The most recent JHLAS, published in October 2015, indicates that the land supply has now dropped to below 1.9 years.

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).

Policy SP15 Affordable Housing Target seeks to deliver through the planning system at least 964 affordable dwellings over the plan period in order to contribute to balanced and sustainable communities. The illustrative "Masterplan" which accompanies the application indicates a maximum of 175 dwellings in an area of housing pressure and in an area with considerable housing need. Within the NCC the plan seeks to secure 25% affordable housing to meet the identified needs in the area. Consequently there is the potential for the proposal to deliver in the region of 43 affordable homes. In the interests of creating sustainable communities a variety of tenures should be considered if consent is forthcoming.

Policy SP16 Managing Employment Growth makes provision for 101.9 hectares of employment land across the county borough to meet the needs of business up to 2021. This compares to the projected land required for employment use of approximately 64.2 hectares over the plan period. At 8.8 hectares, the application site is one of a range and choice of sites that contribute to the overall employment land supply. It is acknowledged that the plan makes a significant over provision of employment land, however this is necessary to create the conditions necessary to facilitate development and drive forward economic growth in the county borough.

Notwithstanding the oversupply of employment land, consideration needs to be given to the potential loss of this site as an employment site, as not only is the amount of land available important, but the location and quality of that land is extremely important.

Modern businesses and developers looking to acquire land for employment use, generally seek to acquire prominent, (easy to develop) greenfield sites close to arterial roads or motorways, as irrespective of sustainable transport policies, private transport still dominates in most industrial sectors. A healthy property market should provide a mix of options including speculative developments; design and build schemes, and freehold plots for owner-occupiers to self-build. The Land at Hawtin Park is a designated Primary Employment Site that offers a site for self build in an excellent location within the NCC.

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Application No. 14/0802/OUT Continued

There are two other significant Primary Employment Sites located within the NCC that contribute to the employment land supply for the county borough, namely Oakdale Business Park and Ty Du Nelson. Oakdale Business Park is approximately 106 hectares of existing and planned employment land that aims to make provision for a blend of properties to meet the needs of modern business, whilst Ty Du is an allocated greenfield site of approximately 18 hectares identified solely for B1 use (office-based development). A significant supply of land is therefore available for employment use within the NCC.

In terms of existing industrial floorspace, the NCC contains the majority of existing industrial floorspace in the county borough at approximately 68,010 sq m across 30 units. Of this a significant number of units of different sizes are available to let at any one time.

On balance it is considered that the loss of 8.8 hectares of land from the employment land supply would not have an adverse impact on the county borough's ability to meet the requirements of modern business.

#### Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling and that appropriate infrastructure is included in the layout to facilitate short trips on foot. This again is a matter that can be addressed by way of detail in the reserved matters submission.

Policy CW2 Amenity recognises that proposals for development have the potential to constrain the development of neighbouring sites for their identified use. This is particularly pertinent to this application, given the presence of existing business units to the north and north-west corner of the application site. The policy addresses two sides of the issue, firstly the potential adverse effects of new development on adjoining uses, and secondly the potential for the existing use to adversely impact upon the residential amenity of new residents. Of key consideration in this regard is the likely impact of any potential nuisance that could arise from the existing employment use on the industrial estate. Careful consideration therefore needs to be given to the proposed relationship of housing and employment along the north-western edge of the application site in particular. Where the residential amenity of proposed housing is likely to be impacted by the close proximity of these uses, priority needs to be given to the need to ensure that the existing employment use is not compromised by the introduction of housing on the adjacent land.

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Application No. 14/0802/OUT Continued

In order to address this issue the Planning Statement states that the indicative masterplan provides areas of open space and strategic landscaping, within the site, between proposed housing and where the site directly abuts existing employment uses. Further it states that in the north-west corner of the site, a landscaping buffer and the proposed LEAP will act as a physical buffer between the existing industrial unit to the west and the proposed housing development. No development is proposed on the northern field of the site, which is to be retained as grassland and informal open space.

The Council's Head of Public Protection was not convinced that these arrangements were enough to safeguard the dwellings from noise. As a result further discussions with the applicant's agents resulted in a revised "Masterplan" being submitted. This showed augmented protection along the boundary with the factory site to the west. The revision shows a two metre bund topped with a two metre high fence. The applicant's noise consultant has also submitted an updated noise report seeking to address the concerns of the Head of Public Protection. This report indicates that to mitigate road noise, from the classified road to the south, a 2.1 metre high acoustic barrier is proposed along this boundary. This will address any noise issues identified under TAN 11.

With regard to the industrial noise between the adjoining factory and the proposed dwellings, the report acknowledges that the application is in outline and therefore further work will be required at the reserved matters stage when the detailed design is known. In any event a "worst case scenario" was assumed at this point. The report consequently recommended a 4 metre barrier (i.e. 2 metre acoustic fence on top of the 2 metre bund). In addition it indicates that a small number of the proposed dwellings, located closest to the factory may require a "closed window strategy" for the first floor windows. This will involve the use of mechanical ventilation to serve these rooms.

The use of such mechanical ventilation is not considered to be acceptable by the Head of Public Protection. It is recognised however that the opposition to this form of ventilation has recently not been considered viable to argue at appeal by this Authority, as there is insufficient supporting case law to compile a justifiable argument to refuse a planning permission on this basis. In the circumstances it is considered that the matter of the industrial noise issues can be addressed by the way of the imposition of conditions attached to a grant of planning permission.

Policy CW3 Design Considerations Highways requires development proposals to have regard for the safe, effective and efficient use of the transportation network and in particular to observe the requirements of Criterion D in respect of restrictions on new development as it relates to County Roads (A4049). In particular, there should be no provision for on-street parking or direct frontage access along the County Road.

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Application No. 14/0802/OUT Continued

The comments of the Transport Engineering Manager are pertinent in this regard, and as can be seen from the above report, he considers that the proposal is acceptable in highway safety terms subject to the imposition of a number of conditions controlling aspects of the development.

Policy CW4 addresses the Natural Heritage Protection, whilst Policy CW6 Trees, Woodland and Hedgerow Protection deals with these stated aspects. This is a major issue in regard to this sites development due to the scale and character of the large Nature Conservation Area. The County Ecologist has carefully considered the issues of the impact of the development on (1) the Site of Importance for Nature Conservation (i.e. the SINC) which covers the majority of the site area; (2) Hegerows; (3) Birds; (4) Bats; (5) Reptiles and Amphibians; and (6) Long Term Management of Retained Habitats and Species.

The Ecologist concludes that having assessed all of the submitted information." It is considered that an acceptable balance has been reached between the development of the site and the retention of an area of land within the site, which with suitable management, provides the high quality grassland habitat and its connectivity through the site. Consideration has been given to the Habitats Directive, but in the absence of confirmed presence of European Protected Species other than those species of bats that were found to be foraging across the site, it is considered unnecessary to address the three tests referred to in the Directive. However, these species have been considered in the foregoing assessment and conditions are recommended to ensure that any potential impact is mitigated".

Consequently a range of conditions have been suggested to deal with the issues considered.

Policy CW10 Leisure and Open Space Provision requires all new housing sites capable of accommodating 10 or more dwellings to make provision of adequate well designed open space and children's play facilities either on or off site. Given the size of the proposal and its relationship to the existing residential area the on-site provision of a Local Equipped Area for Play is welcomed.

Policy CW11 Affordable Housing Planning Obligations seeks appropriate levels of affordable housing in order to meet an identified housing need within the area. This site lies within the NCC and as such 25% of the units on the site should be provided in line with the requirements of the policy. The mix and type of properties to be sought has been subject of discussion with the Housing Division, and will be specified in the S106 Agreement designed to deal with this matter.

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Application No. 14/0802/OUT Continued

The last LDP policy applicable to this site is Policy CW13 Use Class Restrictions Business and Industry, this specifies that development will only be permitted on Primary Employment Sites if it is within use class B1, B2 or B8, is an appropriate sui generis use or will provide an ancillary facility or service to the primary employment use. The development of this site for residential use would clearly be contrary to Policy CW13, but this matter has been considered already in this analysis.

With regard to national policy it is considered that the TANs identified contain general advice which is covered in the adopted Local Development Plan policies elaborated upon above.

#### Site Specific Considerations

The site is an allocated Primary Employment Site (Policy EM1.8 refers) and also a designated Site of Importance for Nature Conservation (Policy NH3.77 refers). The principle of development on the site is already accepted, however the development of the site for residential use is a departure from its designation in the plan. These matters have been considered above.

#### Other Material Considerations - 5 year Land supply

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The application seeks to make provision for approximately 175 houses on an allocated employment site (EM1.8) contrary to the provisions of the adopted development plan.

Policies SP16, CW13 and EM1.8 seek to restrict the development of the application site to employment use, specifically B1, B2, B8 or to an appropriate sui generis or ancillary use. The aim of the policy framework is to make provision for the development of a range of employment sites throughout the county borough to meet the identified needs of business over the plan period in order to provide sufficient employment for the residents of the county borough. It is acknowledged that the plan makes a significant over provision of employment land in order to provide flexibility and a good range and choice of sites to create the conditions to enable business to flourish.

Whilst the proposal for housing is clearly contrary to certain provisions of the plan (specifically the sites designation for employment under Policy EM1.8) this needs to be balanced against other material planning considerations, in order to determine whether the proposal to develop the site for residential use would be acceptable.

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Application No. 14/0802/OUT Continued

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

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

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

LDP Revision: The First Revision of the Adopted LDP is underway. As part of the revision of the plan, there is recognition that there is a need to re-designate some employment land for alternative uses including for housing. The Deposit Replacement Local Development Plan is now out for consultation and in this plan the site is shown as an identified housing site (as is the adjacent site to the east).

#### Community Infrastructure Levy

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

#### Conclusions

The principle of development on this site has already been accepted through its allocation as an employment site in the Adopted Caerphilly County Borough Local Development Plan up to 2021.

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Application No. 14/0802/OUT Continued

The proposed development of the Land at Hawtin Park (EM1.8) for residential development would represent a sustainable development providing family and affordable housing (subject to the policy considerations outlined), for which there is an acknowledged need. However in order for the proposal to be acceptable in policy term, sufficiently robust mitigation should be included within the layout of the site in order to ensure that the existing employment use on Hawtin Park is not compromised by the introduction of housing on the adjacent land. This will be dealt with by the imposition of suitably worded conditions attached to a grant of outline permission.

The lack of a 5 year housing land supply as identified by the 2014 JHLAS, together with the over provision of employment land and premises within the NCC are material considerations that outweigh the conflict with the site's designation for employment use in the Adopted Caerphilly County Borough Local Development Plan.

In order to ensure that the site can genuinely contribute toward the 5 year housing land supply, it would be appropriate to impose a condition that the 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.

In the circumstances it is considered that there are no policy objections to this application.

Comments from Consultees: It is evident from the above report that the comments from the consultees do not contain sufficient reasons to justify a refusal of permission. Whilst the Head of Public Protection objects to the proposal it is not considered that the objection could sustain a reason for refusal as it is mainly based on the issue of the opposition to mechanical ventilation being fitted into properties which are relatively close to the boundary of the site with the existing factory building (i.e. Moulded Foams). It is also recognised that the application is in outline, with all matters reserved. This allows the Authority an opportunity to ensure that further reports are commissioned to make the detailed layout specifically appropriate in protecting the amenities of both the residents and the industrial enterprise.

Comments from public: The responses to the comments raised by the public are as follows:-

1. The applicant indicates that the site can accommodate around 175 dwellings. If this assessment is accepted then the development should accommodate approximately 43 affordable homes. This is based on the requirement of 25% affordable homes from such a development. The current application is an outline submission, with all matters reserved, and cannot identify where such properties would be located.

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Application No. 14/0802/OUT Continued

2. The submitted Indicative Site Layout Plan shows an area outside the site boundary as "Previously Consented Land". This site was granted consent under code reference 08/0752, in June 2014. It therefore remains extant and can be acted upon with a view to providing residential development on the land to the east of the application site.
3. Access is a reserved matter in this application and as such it is the principle of an access which is being considered rather than the exact location of the point of access. However the Transportation Engineering Manager will assess the highway safety aspects of the site as part of his consultation response.
4. Noise reports have been undertaken, and assessed, as part of the consideration of this proposal.
5. Whilst the road shown by way of dotted lines on the "Masterplan" is one that forms part of an extant consent to land located to the east of the site, it is shown for information purposes but is not part of the current application and therefore does not appear in the description of the development.
6. The road referred to in point 5 above is shown as running through the southern edge of a nature conservation area. The approval for the residential area of land to the east (code ref. 08/0752) contained this illustrative access line as it represented a way of acceptably getting to the developable area without harming the nature conservation area.
7. As indicated the road is included for information and acknowledges that there is a valid planning permission on land to the east which is likely to be accessed along this general line.
8. The majority of the development proposed is located on land to the west of any existing housing land. It is also sited on an area which was identified for residential purposes in the Adopted Local Development Plan. The noise reports undertaken did not identify a problem with the development of the site for residential purposes with regard to its location in respect to the existing housing.
9. This objection is one that was submitted on behalf of the adjoining industrial operation and is a reasonable comment on the change of circumstances that could occur if the application is approved or if the Deposit Replacement Local Development Plan is confirmed. As such the matter was fully considered in the policy section, in the assessment of Policy CW2 (Amenity). The additional noise report submitted indicated physical mitigation (i.e. bund and acoustic fence) along with a built in ventilation system which could protect the first floor from nuisance if required. It was on this basis that the planning merits were considered, on balance, to be acceptable.

Other material considerations: In order to secure the relevant percentage of affordable housing, required under the Adopted Local Development Plan on the site, it is recommended that a Section 106 Agreement be entered into on the terms previously discussed between the applicant and the Council's Housing Department.

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Application No. 14/0802/OUT Continued

This agreement should also ensure that the Nature Conservation Area identified on the submitted plans, is transferred to the Council for its future protection and management. The planning permission, previously granted for residential and commercial development on the site was similarly linked to a S106 Agreement which required the transfer of this area to Council ownership. That latter agreement also required contributions to leisure and education provision. These two areas are now covered by the C.I.L. levy and any monies will be forthcoming by way of that process.

The Section 106 Agreement would be necessary to ensure compliance with the Council's policies regarding affordable housing and nature conservation. The requirements are directly related to the development, and reasonably and fairly related to the proposal in scale and kind.

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

1. 25% provision of Affordable Housing.
2. Transfer to the Council of the retained area of land of nature conservation interest, a commuted sum towards its long term management and long term management of the habitat areas not transferred to the Council.

On completion of the Section 106 Obligation that (B) outline planning permission is granted subject to the following conditions.

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 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.

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Application No. 14/0802/OUT Continued

- 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) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.  
REASON: In the interests of highway safety.
- 06) Prior to its first use the proposed means of access to the A4049 shall be laid out, constructed and maintained thereafter with visibility splays of 2.4m x 120m. No obstruction or planting when mature exceeding 0.9m in height above the adjacent footway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety.
- 07) Notwithstanding the submitted plans no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority which provides a 90m forward visibility splay around the bend on the A4049 adjacent to the south east corner of the site. Such provision shall be completed prior to the first occupation of the development hereby approved. No obstruction or planting when mature exceeding 0.9m in height shall be placed or allowed to grow in the required forward visibility area.  
REASON: In the interests of highway safety.
- 08) All the dwellings on the site shall be provided with car-parking spaces in accordance with the Council's Adopted Supplementary Planning Guidance LDP5-Car Parking Standards.  
REASON: To ensure that the properties are provided with adequate parking facilities.
- 09) Prior to the commencement of vegetation or site clearance works, a plan shall be submitted to the Local Planning Authority for approval detailing the location of the donor grassland and receptor sites for translocation together with a method statement and a programme for monitoring the translocated vegetation. Work shall be carried out in accordance with the approved plans and translocation programme. A copy of the results of the monitoring programme shall be submitted to the Local Planning Authority at the end of each monitoring year.  
REASON: In the interests of nature conservation.

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Application No. 14/0802/OUT Continued

- 10) Prior to the commencement of any vegetation or site clearance works, details of a three year scheme to enhance the retained habitats within the application site shall be submitted to the Local Planning Authority for approval. The scheme shall contain details of the timing of its implementation, and shall be implemented in accordance with the agreed scheme.  
REASON: In the interests of nature conservation.
- 11) Prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted within 12 months of the completion of the development.  
REASON: In the interests of nature conservation.
- 12) Notwithstanding the submitted plans, the plans and particulars of the landscaping and layout submitted in accordance with Condition 01) above shall include:-
- (a) a plan to a scale and accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres.
  - (b) the details of each tree as required at para, 4.2.6 of BS5837 in a separate schedule.
  - (c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
  - (d) The details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2. of BS5837) of any retained tree, (in this condition a 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to at paragraph (a) above).
  - (e) The details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
  - (f) A statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
- REASON: To ensure that existing trees that are to be retained are adequately protected during the development of the site.

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Application No. 14/0802/OUT Continued

- 13) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:
- (a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
  - (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
  - (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: In the interests of the visual amenity of the area.
- 14) The plans and particulars of the landscaping and layout submitted in accordance with Condition 12) above, shall include details of the means of protection and maintenance of the trees, shrubs and hedges referred to at Condition 12) above until they are established.
- REASON: To ensure that the landscaping scheme becomes established in the interests of visual amenity.
- 15) No development or site/vegetation clearance that affects the trees identified as Category 1 and 2 potential bat roosts in section 4.6 of the Soltys Brewster Stage 2 Ecology Report dated 21 November 2014 shall be carried out until a pre-clearance bat roost survey has been carried out by a competent Ecologist with proven expertise in bat surveying. The results of the survey together with an assessment of the impact of the development on these species and if necessary, details of any proposed remedial measures including protection of roosts during construction, and details of lighting in the vicinity of potential roosts and key foraging areas shall be submitted for the approval of the Local Planning Authority. The approved measures shall be complied with as agreed.
- REASON: In the interests of nature conservation.

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Application No. 14/0802/OUT Continued

- 16) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, and a licence is required, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.  
REASON: To ensure adequate protection to protected species.
- 17) No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist (including a methodology for the capture and translocation of reptiles with details of the receptor site if necessary) and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.  
REASON: to ensure that reptiles are protected.
- 18) 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.
- 19) Prior to the commencement of the development hereby approved, a management plan covering a period of 25 years to maintain and enhance the biodiversity value of the retained habitats and species within the site shall be submitted to and approved by the Local Planning Authority.  
REASON: In the interests of nature conservation.
- 20) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats and nesting sites for birds on or within 75% of the new dwellings shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.  
REASON: To provide additional roosting for bats and nesting sites for house nesting 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.

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Application No. 14/0802/OUT Continued

- 21) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.  
REASON: In the interests of the amenity of the area.
- 22) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.  
REASON: In the interests of the amenity of the area.
- 23) As part of the particulars to be submitted in compliance with Conditions 01) and 02), full details of all lighting associated with the external elevations of the commercial buildings, car parks, roads and cycleways/footpaths shall be submitted to and approved by the Local Planning Authority. Any lighting at the site shall only be installed in accordance with the approved details.  
REASON: In the interest of visual and residential amenity and nature conservation.
- 24) 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.
- 25) An updated noise assessment shall be submitted as part of any reserved matters application in respect to the specific location, layout and design of residential units relative to the adjacent industrial uses. The assessment shall include mitigation measures to limit the impact of noise from the existing industrial uses on the residential development hereby approved. Such attenuation measures as may be approved shall be implemented on site prior to occupation of any dwellings to which they relate and thereafter shall be retained in place for the lifetime of the development.  
REASON: To protect the dwellings on site from potential noise nuisance emanating from the adjoining industrial site.

Cont....

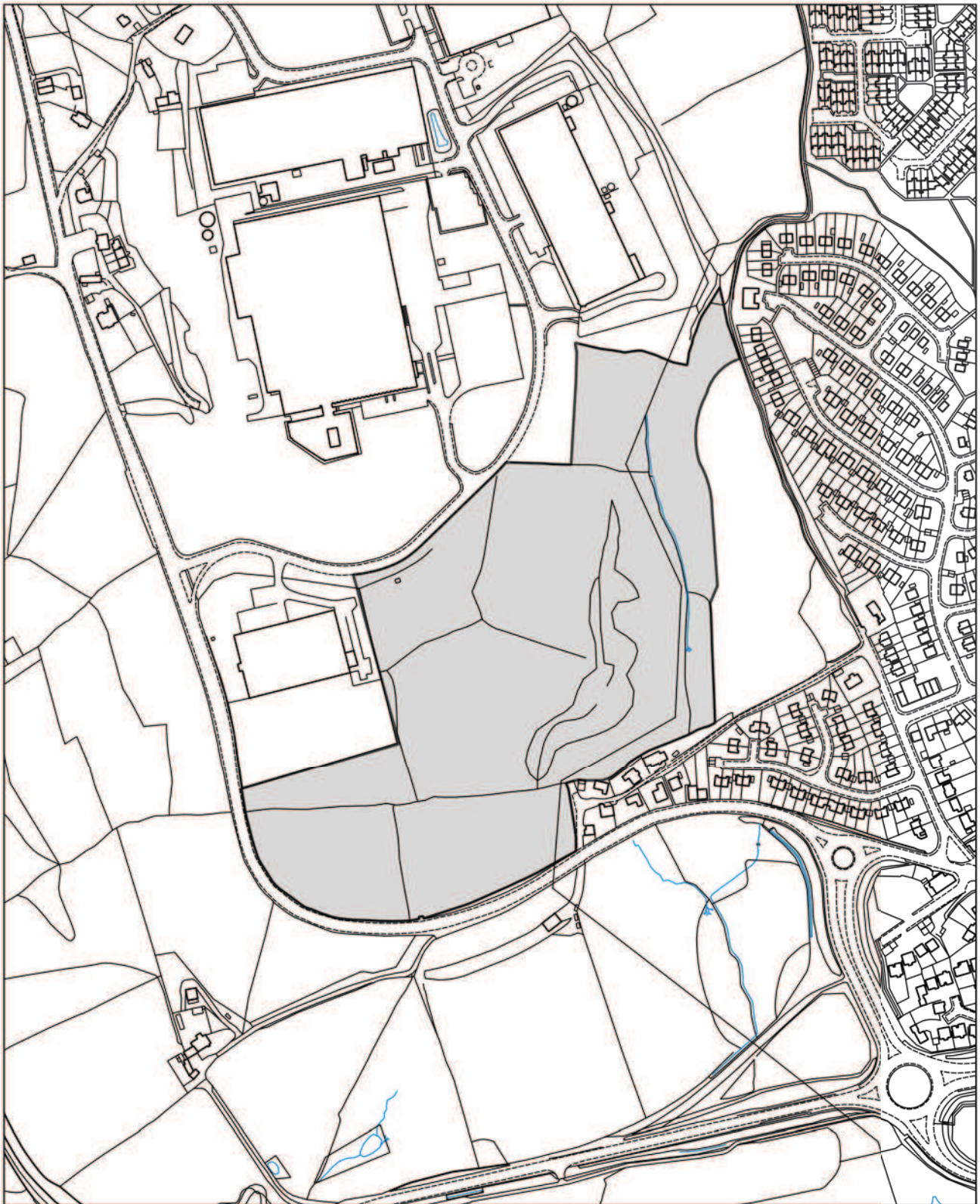
Application No. 14/0802/OUT Continued

- 26) Prior to the erection of the noise barriers to be located on the southern boundary of the site and along the boundary with the adjacent factory unit, details of their design and specification shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these agreed noise barriers shall be implemented concurrently with the development and shall be maintained in place for the lifetime of the housing scheme hereby approved.  
REASON: To protect the residential amenities of the residential development hereby approved.

Advisory Note(s)

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

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# Agenda Item 6

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0059/COU 27.01.2016	Mr R Sorrell 41 Aeron Place Gilfach Bargoed CF81 8JA	Change of use of the ground floor from A1 to A3 (shop to pub/restaurant) Unit A Bank Chambers 24-25 High Street Bargoed CF81 8RA

**APPLICATION TYPE:** Change of Use

## SITE AND DEVELOPMENT

Location: Unit A, 25 High Street, Bargoed, CF81 8RA. The site is within the Principal Town Centre of Bargoed and is surrounded by retail development. There is a large public car park to the rear of High Street together with a Bus Station.

Site description: The property is a two-storey retail unit that forms part of a larger subdivided building which was previously a bank. The building has an ornate shop front with two front entrances, one serving the application site and the other a neighbouring hairdressing salon. The change of use planning application relates to the main part of the front ground floor of the whole building. The remainder of the ground floor comprises hairdressers which fronts onto High Street, and a furniture sales room, which is accessed off a side lane running along the southern boundary of the premises. There is also a basement which is occupied by a Railway Society, which is accessed via a separate door off the side lane. The first floor comprises nine unoccupied residential flats. The building has a fire escape.

Development: Full planning permission is sought in respect of the change of use from A1 to A3 (Pub and Restaurant). The external appearance of the building will not change. Access will be provided for staff and guests via the main High Street entrance double doors. There is a loading bay on the highway immediately to the front of the premises, where deliveries may be received.

Hours of opening in respect of the pub and restaurant are proposed to be 9.00 a.m. to 1.00 a.m. daily. Live music is proposed to be played between 6.00 p.m. and 12:30 a.m. Monday to Sundays. Deliveries will not be made between 9.00 a.m. and 5.00 p.m.

The business will employ four full-time and three part-time staff.

Cont....

Application No. 16/0059/COU Continued

Waste will be locked and secured behind the premises and off public pathways/walkways.

Kitchen extraction and ventilation equipment is proposed to be erected to the rear of the building dispersing from three floors above ground but no precise details have been submitted.

Dimensions: The proposed floor area amounts to 481 square metres.

Ancillary development, e.g. parking: There is no scope for parking provision on site.

#### PLANNING HISTORY 2005 TO PRESENT

P/05/1563 - Erect internally illuminated fascia sign - Granted - 20.12.05.

P/05/1709 - Change the use from A1 Retail to A2 Recruitment - Granted 09.03.06.

#### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: Within the settlement boundary and within the Principal Town Centre of Bargoed as identified by Policy CM1.1 of the LDP.

Policies: Strategic Policies

SP1 - Heads of the Valleys Regeneration Area, SP6 - Place making, SP21- Parking standards,

Countywide Policies: CW2 - Amenity, CW3 - Design considerations- (highways), CW14 - Use class restrictions - Retail, development incorporating a change of use from class A1 retail premises to another use within identified Principal Town Centres will only be permitted where the commercial vacancy rate of the centre has been over 10% for over a year and where the change of use of A1 to another A use classes would not exceed 10% of the total number of commercial units within the Primary Retail Area, CW15 - General locational constraints.

Cont....

Application No. 16/0059/COU Continued

### NATIONAL POLICY

Planning Policy Wales, 8th Edition January 2016 and TAN 12 - Design, TAN 20.

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Not applicable.

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 current planning application.

### CONSULTATION

Countryside And Landscape Services - Confirm there are no ecological issues.

Transportation Engineering Manager - No objection.

Head Of Public Protection - Object to the change of use because it is felt that the change of use from A1 to A3 (restaurant/pub) could have an adverse noise impact to the existing residential first floor use of the premises. It is understood that the flats are not currently occupied but from a recent consultation with the applicant it has been established that the landlord's intention is to refurbish the existing residential units for rental purposes in future.

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

### ADVERTISEMENT

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

Response: None.

Summary of observations: Not applicable.

Cont...

Application No. 16/0059/COU 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?

This is a town centre location where A3 uses are expected to be located. Such uses will sometimes be associated with anti-social behaviour but in this case it would be a matter for the police to resolve.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes in accordance with the Community Infrastructure Levy the development is liable to pay an amount of £25 per square metre, which equates to a total CIL charge based on 482 square metres of £12,050.

### ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The main point to consider in the determination of this application is whether the proposed use is acceptable in this location. In that regard it should be noted that the application site is within the Principal Town Centre for Bargoed as defined in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010. The Council's aim is to revitalise and regenerate the town centre and the presence of vacant units within it detracts from this aim and as such any proposal to bring a vacant unit back into beneficial use should be looked upon favourably.

The main issues to be considered in the determination of this planning application are in relation to the compatibility of the proposed use with surrounding land uses, amenity and in terms of the impact upon highway safety. The planning permission sought is in respect of an A3 (pub and restaurant use) and whilst reference is made to live music, it is noted that the primary use is as a restaurant.

Policy CW2 of the LDP considers amenity. The Local Planning Authority is mindful that there are nine unoccupied residential flats at first floor level in the building and whilst they are in a poor state of disrepair and have not been lived in for years, there is still a presumption that in planning terms the flats may be occupied in the future.

Cont....



Application No. 16/0059/COU Continued

The Head of Public Protection has raised objection to the development on the grounds that the proposed A3 (restaurant/pub) use could have an adverse noise impact upon occupiers of the residential first floor flats. However, conditions may be imposed designed to ensure that noise generated internally within a public house does not significantly harm the amenity of neighbours. Where noise is likely to affect residential accommodation sharing the same walls or floors, conditions may secure that acoustic measures are taken in order to mitigate those potential situations and in this respect it is considered appropriate to attach a condition to any consent requiring a Noise Assessment and Noise Mitigation scheme to include soundproofing of the premises, be implemented prior to the occupation of the A3 use subject of this application. Restaurants can bring benefits to urban areas in a sustainable way. If the building is not occupied it would leave a significant area of 'dead frontage' during the day which would reduce the town's attractiveness to shoppers.

There are extensive regulatory control of restaurants, including The Control of Pollution Act in terms of noise, smell and fumes. However, extraction systems to get rid of cooking aromas and smoke at a high level also require planning approval and in this respect it is considered appropriate to attach a condition to any consent requesting details of extraction equipment to be erected at the premises to be agreed with the Local Planning Authority.

It is considered the economic benefits of allowing the A3 Use in this town centre location will help support and regenerate the town. It should also be noted that there are a number of other examples of public houses and clubs immediately adjacent to residential properties in Bargoed and these set a precedent for such uses in this town centre location. In conclusion it is considered that the proposal is acceptable in planning terms.

Policy CW14 (Use class restrictions - retail) states development incorporating a change of use from Class A1 retail premises to another use within identified Principal Town Centres, will only be permitted where the commercial vacancy rate of the centre has been over 10% for over a year and where the change of use of A1 to another A use class would not exceed 10% of the total number of commercial units within the Primary Retail Area. It is noted the Bargoed Vacancy rate was 22.45% in 2014 (amounting to 31 premises out of 141) with the vacancy rate in 2013 being 18.9% (amounting to 25 premises out of 132) . The proposal therefore complies with this policy.

Policy CW3 of the LDP considers highway implications and in this respect the Transportation Engineering Manager has raised no objection to the development.

Cont....

Application No. 16/0059/COU Continued

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

The Head of Public Protection has objected to this scheme, but Local Planning Authority has to balance the adverse impact of the proposal, which can be mitigated against the need to encourage the occupation of these town centre premises in the interests of the regeneration of Bargoed.

Comments from public: None.

Other material considerations: None.

In conclusion, it is considered the proposed development does not conflict with local plan policies and is therefore 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 commencement of the development hereby approved details of a scheme of sound insulation between the use hereby approved and the residential use at first floor shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be carried out in accordance with the approved details before first use of the premises for the purposes hereby approved by this consent.  
REASON: In the interests of residential amenity.
- 03) The use hereby permitted shall not be open to customers outside the following times:(a) 07.00 hours to midnight Monday to Saturday, and (b) 07.00 hours to 23.00 hours Sunday.  
REASON: In the interests of residential amenity.

Cont....

Application No. 16/0059/COU Continued

- 04) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: received and date stamped 21st January 2016 (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.
- 05) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.  
REASON: In the interests of the amenity of the area.
- 06) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.  
REASON: In the interest of public health.

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.

The applicant is advised of the comments of Dwr Cymru/Welsh Water.

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# Agenda Item 7

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0126/FULL 29.02.2016	Mr N George 20 Moriah Hill Risca Newport NP11 6PZ	Erect extension to side of property and carry out external works to provide three sheltered parking bays and patio area 20 Moriah Hill Risca Newport NP11 6PZ

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application property is situated on the eastern side of Moriah Hill, Risca. Access to the property is via an existing track.

House type: A detached bungalow with a garden to the front, rear and side.

Development: Full planning consent is sought for the erection of a single-storey side extension and raised patio area to provide 3 sheltered parking bays.

Dimensions: The single-storey side extension measures 3.3 metres in width by 8.04 metres in depth. The proposed height is 5.2 metres high to the ridge of the main dwelling and 2.8 metres to the eaves.

The raised patio area with 3 sheltered parking bays directly below measures 17 metres in width by 5.3 metres in depth and 2.6 metres in height above the existing vehicular access to the property.

The application is reported to Planning Committee because the applicant is a County Councillor.

Materials: Rendered spar finish, concrete roof tiles and brown upvc windows and doors to match the existing dwelling for the single-storey extension.

Concrete block rendered spar finish for the retaining structure to form the sheltered parking bays with stone, timber and powder coated steel balustrade and handrails for the patio area.

Cont....

Application No. 16/0126/FULL Continued

Ancillary development, e.g. parking: 3 additional parking spaces are provided.

#### PLANNING HISTORY 2005 TO PRESENT

None.

#### POLICY

##### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Design Considerations: Highways) and advice contained in the local authority's adopted Supplementary Planning Guidance LDP7: Householder Developments (November 2010).

NATIONAL POLICY Planning Policy Wales (January 2016) and TAN12: Design (March 2016).

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

#### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? As the application is for householder development, any coal mining legacy issues will be controlled by way of the building regulations.

#### CONSULTATION

Countryside And Landscape Services - No objection subject to the necessary conditions for bat roost and breeding bird provisions imposed upon the consent.

#### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice placed on site and 9 neighbours were consulted.

Cont....

Application No. 16/0126/FULL Continued

Response: No objections have been received at the time of writing the report. If any objections arise, these will be addressed to members during the presentation.

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? The development is not CIL liable because it does not exceed 100 square metres.

#### ANALYSIS

Policies: The application has been considered in accordance with National Guidance, Local Plan Policy and Supplementary Planning Guidance. The main points to consider in the determination of this application are whether the proposals are acceptable from a design perspective and whether the proposals would have a detrimental impact on the amenity or privacy of the neighbouring dwellings.

The proposed two-storey side extension would be in proportion to the scale of the site and its design and materials are in keeping with the surrounding area and would respect the scale and form of the original building. The proposed extension is not set back from the existing property or set down from the ridge height of the main dwellinghouse as set out in Guidance Note 2 of the Local Authority's Adopted Supplementary Planning Guidance LDP7: Householder Developments (November 2010). In this instance it is not considered that the proposal is unacceptable as the property is one of a pair of detached bungalows in isolation which is accessed via a single track off Moriah Hill. It should be noted that the proposed window in the side elevation is positioned at an oblique angle and therefore will not affect the privacy or amenities of the nearby property, 36 Rosemount Avenue, Gelli Park.

Cont.....

Application No. 16/0126/FULL Continued

With regards to the retaining structure to form a raised patio area with 3 sheltered parking bays below, its scale, design and materials are in keeping with the host dwelling and of a similar proposal to the neighbouring detached property, 18 Moriah Hill, approved under planning reference 14/0381/FULL. The proposal will increase the amount of useable amenity space to the front of the property; however, it is considered that the proposed patio area would not have an adverse impact on the amenity or privacy of the residents at 18 Moriah Hill and the retaining structure will not be visible from the public highway.

In conclusion, it is considered that the proposed works are in keeping with the character of the host dwelling and would not have a detrimental impact on the privacy or amenity of neighbouring dwellings. As such the proposal accords with Policy CW2 of Caerphilly County Borough Council Local Development Plan up to 2021 - Adopted November 2010.

Comments from consultees: The Council's Ecologist raises no objection to the proposed works subject to the imposition of planning conditions for the provision of bat roosts and breeding birds within the site.

Comments from public: None at the time of writing the 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 numbers 20MH (05) 101, 20MH (05) 102, 20MH (05) 104 and 20MH (05) 105 received on 16 Feb 2016, (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 No. 16/0126/FULL Continued

- 04) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining walls on site full engineering details and structural calculations for the proposed retaining walls, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed retaining walls additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.  
REASON: In the interests of highway safety.
- 05) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new extension at 20 Moriah Hill, Risca, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new extension hereby approved is first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning policy Wales and Tan 5 Nature Conservation and Planning.
- 06) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, or Swift) in the new extension at 20 Moriah Hill, Risca, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new extension hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.

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: Policies CW2 and CW3.

Cont....

Application No. 16/0126/FULL Continued

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

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

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# Agenda Item 8

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0066/FULL 22.02.2016	Asda Stores Ltd Mr P Johnson Asda House Southbank Great Wilson Street Leeds LS11 5AD	Construct an automated petrol filling station Asda Cliff Road Blackwood NP12 0NT

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is an area used as the northern part of the Asda supermarket car park in Blackwood.

Site description: The site is currently part of a car park serving a supermarket.

Development: Petrol Filling Station (PFS).

Dimensions: The application site is approximately 1500 square metres in size of which approximately half is to be utilized as the canopy covered filling area. There is what is described as a "control room" set to one side of the forecourt but it is very small structure with little room inside. Two underground tanks of 75,000 ltrs are situated to one side of the canopy.

Materials: The proposed PFS is principally comprised (above ground) of a canopy (steel) with deliver pumps below (4 in number with 8 fill positions). There is no pay kiosk as the pumps are fully automated. The "control room" is glass reinforced plastic box with a single door in one side and emergency equipment on another.

Ancillary development, e.g. parking: The creation of a feeder lane (within the site) into the PFS, lighting columns and various minor pieces of PFS equipment.

## PLANNING HISTORY 2005 TO PRESENT

07/0646/ADV - Erect externally illuminated 1900mm, 3000mm, 1500mm and 1900mm diameter applied vinyl disc signs, 1200mm high slat box for existing feature sign, 740mm diameter internally illuminated disc sign and 1400 x 1100 applied vinyl opening hours sign, all static illuminated, 1000 candela max - Granted 05.07.07.

Cont....

Application No. 16/0066/FULL Continued

11/0234/FULL - Relocate existing service yard chiller and freezer and erect new canopy over chiller and freezer to provide dedicated home shop loading area to improve pedestrian and vehicle segregation within the service yard - Granted 20.05.11.

11/0369/ADV - Erect signage - Granted 04.07.11.

11/0425/ADV - Erect parking terms and conditions signage - Granted 28.07.11.

12/0242/ADV - Erect car park banner signage - Granted 15.05.12.

13/0331/ADV - Erect various signage - Granted 03.07.13.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the Principal Town Centre Boundary of Blackwood defined by Policy CM1.2.

#### Policies:

CM1 (Principal Town Centre Boundaries), CW2 (Amenity) and CW3 (Design Considerations - Highways).

NATIONAL POLICY Planning Policy Wales (Edition 8, 2016).

### 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.

### CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to conditions including contamination testing, hours of operation and waste storage.

Cont....

Application No. 16/0066/FULL Continued

Senior Engineer (Land Drainage) - No objections subject to the satisfactory drainage of the site.

Dwr Cymru - No objection and drainage advice is provided.

Natural Resources Wales - It initially has been explained that insufficient information has been received and a holding objection has been issued. Additional information has been requested, received and is under consideration.

The Coal Authority - No objection subject to a ground investigation condition.

Public Health Wales - No objection. Advice is provided regarding environmental permitting.

#### ADVERTISEMENT

The application has been advertised on site and 14 neighbouring properties have been consulted.

Response: No response has been received.

Summary of observations: None.

#### SECTION 17 CRIME AND DISORDER ACT

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

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

Is this development Community Infrastructure Levy liable? This proposal does not create any floorspace and so it is not CIL liable.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Cont....

## ANALYSIS

Policies: The site is within the Principal Town Centre Boundary of Blackwood (CM1.2) and is therefore an area into which retail use is positively supported. The application site is a functional supermarket built approximately 14 years ago. This application seeks to utilise part of the car park as an automated four-pump petrol filling station (PFS). To accommodate the proposed PFS, the supermarket plan to reconfigure the internal arrangement of the car park with the removal of 47 parking spaces from the northern area of the car park. The reconfiguration will reduce the number of parking spaces from 383 to 336.

It is known that in its early days the supermarket was trading so well it was often difficult to find a parking space. Whilst a lack of parking can give rise to on-street parking issues those early days were not a significant problem within the town other than to the supermarket itself. The drawing in of a large number of shoppers was viewed at that time as a benefit to the vitality and viability of the town. Such a retail draw within the Principle Town Centre would be in accordance with policy CM1 that explains that the purpose of identifying town centres "is geared toward maintaining and enhancing this improvement in their status, vitality and viability". Notwithstanding those early days of parking shortage, the application is supported by a parking study that suggests that in view of the number of parking spaces currently available today the car park is not operating to full capacity. Officers have visited the site during peak hours on Friday, Saturday and Sunday; it does appear that there is now a capacity in the car park that did not exist in the past. The spare capacity counted by officers during those peak hours ranges from 39 to 178 spaces. The figures provided by the applicant's study suggest a range of between 72 to 173 for the same peak periods. Given that the peak hours represent only a very small portion of the opening times, the car park should therefore have more than adequate capacity most of the time.

CW2 (Amenity) requires that development should not have an unacceptable impact on the amenity of adjacent properties or land. Petrol filling stations do have the propensity to cause disturbance in residential areas, this site is though in the middle of a retail park where such uses are more acceptable.

CW3 (Design Considerations - Highways) requires that adequate parking provision should be provided. The car parking provision in this case may not meet the Adopted Wales Parking Standards, however as explained above there is adequate capacity in which case maintaining a higher standard than is needed cannot be justified. It should also be borne in mind that such standards are now maximum requirements. The store is also in a location where overspill is unlikely to be an issue, i.e. parking in nearby residential streets will not occur.

Cont....



Comments from Consultees:

No objection has been received from Transportation Engineering Manager, Dwr Cymru/Welsh Water, Head Of Public Protection, The Coal Authority and Public Health Wales. Where the consultees have recommended conditions they are attached in the recommendation below.

Natural Resources Wales (NRW) have raised an objection on the basis of insufficient information with regard to the contamination at the site. The applicant has provided additional information, which at the time of writing this report has been forwarded to NRW for their consideration.

The Head Of Public protection has recommended a number of conditions:

A condition is recommended to limit the hours of opening of the PFS. The store is open 24/7, thus hours of operation would not serve any significant purpose. A similar condition is recommended to limit hours of delivery to the PFS. It is the case that the loading area, which is part of the supermarket site is subject to limited hours due to its close proximity with residential flats. The proposed PFS is further away, situated at the entrance to the 24/7 car park where limited hours would again have no significant impact. Thus these conditions would not be reasonably necessary with regard to the proposed development.

A condition relating to storage, collection and disposal of commercial waste is recommended, however given that the proposed development is a four pump automated PFS, significant quantities of commercial waste are unlikely and thus the condition would not be relevant to the proposed development.

A condition requiring a noise suppression scheme regarding the construction of roads, drainage, or buildings is recommended. Given that this is a petrol filling station in a 24/7 car park this condition may not be considered appropriate in its suggested form. It is more appropriate to the proposed development to limit the hours of construction to avoid the late night hours for the construction period. A similar condition is recommended to require a dust suppression scheme, however for such a small project in a non-residential area this may not be considered necessary.

A condition requiring a contamination/ground investigation scheme is recommended in the interest of public health. This condition is necessary because of potential contamination, however the condition refers to potential occupants, thus it requires modification. Another condition is recommended requiring verification of the treatment of contamination to ensure occupants have been adequately protected. Again as there are no occupants of the PFS this question fails to meet the test of relevance to the proposed development.

Cont....

Application No. 16/0066/FULL Continued

A condition requiring the testing of soil and hardcore is recommended. The scheme does not indicate soil importation and the condition is not the current Council standard, it therefore should be amended to the current relevant condition.

Other material considerations: In terms of its design the PFS is fairly standard with 4 pumps serving 8 vehicles and a canopy over. There is no pay kiosk as it is an automated PFS. The proposal should therefore blend acceptably with its commercial surroundings.

As explained above NRW at the time of preparation of this report are still in the process of considering the additional submitted information regarding the ground investigation. Given that the site has been developed as a supermarket in recent years it is not anticipated that the current holding objection will be sustained.

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) 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.
- 03) Prior to commencement of development a site investigation shall be carried out to confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development and any remedial works identified by the site investigation shall be undertaken prior to commencement of the development.  
REASON: The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Cont....

Application No. 16/0066/FULL Continued

04) 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 future site users 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.

05) The construction of the Petrol Filling Station hereby approved shall not take place between the hours of 18.00 hrs to 08.00 hrs Monday to Saturdays and not at all on Sundays or Bank Holidays.

REASON: In the interests of residential amenity.

#### Advisory Note(s)

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

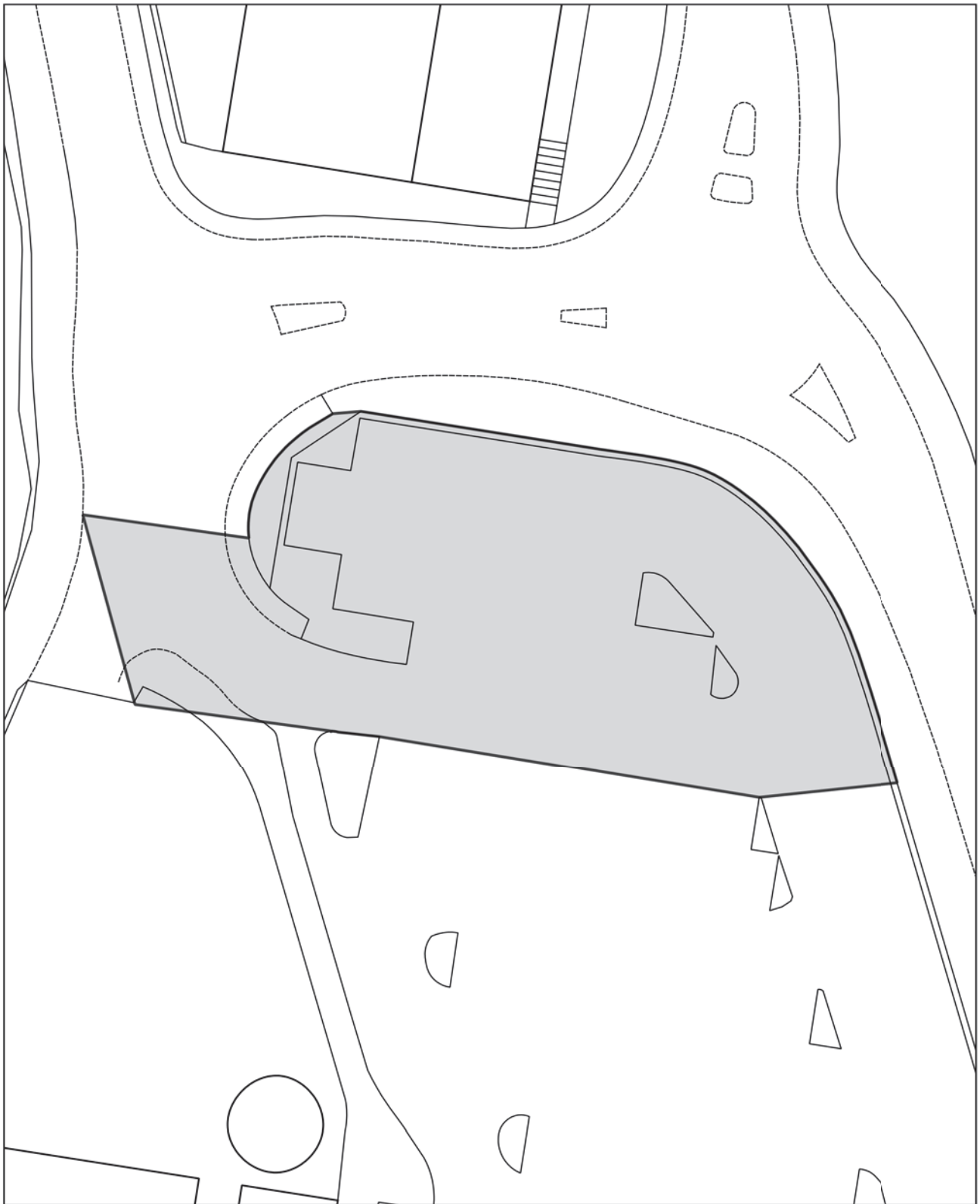
Please also be aware of the comments from other relevant departments of the Authority listed below:

Petroleum Enforcing Authority

Caerphilly County Borough Council is the Petroleum Enforcing Authority (PEA) and is responsible for issuing a petroleum storage certificate for dispensing premises.

Before a storage certificate can be granted for a new petrol filling station the applicant must satisfy the PEA, that the design and construction of the containment system for storage, leak detection, spillage control and other health and safety in relation to the dispensing of petrol, will not create an unacceptable risk.

Approval can only be given when a Petroleum Officer has examined detailed site plans and is satisfied that current guidance and codes of practice have been met. The information submitted with regard to the planning application is not sufficient for this purpose.



## PREFACE ITEM

APPLICATION NO. 16/0001/FULL

APPLICANT(S) NAME: Mrs L Loftus

PROPOSAL: Change the use of the garage to a dog grooming salon

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

A copy of the planning report (attached) was considered at the Planning Committee held on the 9<sup>th</sup> March 2016, at which time Members resolved not to accept the recommendation to refuse planning permission, but that a further report for a temporary permission should be presented for approval.

Members considered the comments in support of the application were a material consideration and outweighed the officer's reason for refusal. If Members are minded to approve the application the following conditions are proposed:-

1. The use hereby permitted shall be discontinued on or before 30<sup>th</sup> April 2017.

REASON: To allow the Local Planning Authority to monitor and consider the impact of the use on the neighbouring properties.

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

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....

Application 16/0001/FULL Continued

### 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 a 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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# Agenda Item 10

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0412/OUT 22.06.2015	Redrow Homes Limited Redrow House Copse Walk Cardiff Gate Business Park Cardiff CF23 8RH	Erect residential development of up to 260 dwellings with open space Land North Of Hendredenny Drive Hendredenny Caerphilly

**APPLICATION TYPE:** Outline Application

## SITE AND DEVELOPMENT

Location: The application site is to the north of the existing Hendredenny housing estate and adjoins Brigham Court, part of Hendredenny Drive, Dunraven Court, Rhuddlan Court, Chester Court, and Golwg y Coed. Hendredenny Ganol Farm lies to the north of the site.

Site description: At present the land consists of a number of fields used as pasture, bounded by hedgerows, and slopes down in a north-easterly direction to Nant yr Aber.

Development: It is proposed to erect up to 260 dwellings with open space. The application is in outline with all matters reserved except for access. An indicative masterplan has been submitted which shows the main vehicular access from Hendredenny Drive where it adjoins the site. Potential cycle and footpath links are shown into Rhuddlan Court and Chester Court, and at three points along the western boundary. The road within the site would consist of a number of loops and culs-de-sac, with the potential for a bus turning area to allow public transport access.

The housing close to the existing development would be two-storey, but in the northern half of the site it would be up to three-storey. It is categorised as a mixture of coach houses, apartments, terraced, semi-detached and detached. An element of affordable housing will be provided within the development in a series of clusters. These will include affordable rented, shared ownership and low cost/reduced cost market housing. Details of the precise tenure arrangements will be submitted at reserved matters stage.

A local equipped area of play (LEAP) is shown adjoining Rhuddlan Court and Chester Court. The existing hedges would be retained and enhanced, and there would also be areas of native planting and a wildflower grassland, particularly along the eastern boundary where there would be a 15m wide woodland buffer. A green corridor would run from the western boundary to the LEAP.

Cont....

The application is supported by a design and access statement (DAS), ecological assessment, landscape and visual impact assessment, planning statement, transport assessment, tree survey report and hedgerow assessment, and a coal mining risk assessment. The conclusions of some of those documents are summarised below. The ecological assessment concludes that there are no statutory nature conservation sites affected by the development, and it has been designed to reduce impact on the adjacent site of importance for nature conservation. Habitats within the site are of low ecological value, and areas of wet grassland that are going to be lost will be replaced where appropriate. There are no protected species on site, but there is one tree that may be suitable as a bat roost, which will be retained, and the development will include enhancements for foraging and commuting species.

The landscape and visual assessment comments that there will be limited effects upon the landscape elements - trees, hedges, topography - of the site, with the key features of the special landscape area remaining intact. The effectiveness of the green wedge separating the Caerphilly from Abertridwr will not be reduced. The tree survey report and hedgerow assessment identifies a total of 37 trees, groups of trees and hedgerows, and concludes that provided the appropriate tree protection measures are implemented the development would be acceptable from an arboricultural perspective. The coal mining risk assessment identifies a coal mining shaft near the north-west boundary of the site which will have to be taken account of in the development of the site, but otherwise the remainder of the site can be safely developed without further investigation or remediation.

The transport assessment states that the development is not proposing to create capacity improvements in the local network for the benefit of cars occupied by a single commuter. Instead, the development is seeking to change the way in which new and existing residents in this area travel to school and work by providing significant investment in sustainable measures, such as walking buses to school, off-site local highway improvements to facilitate walking and cycling, providing safer routes to local amenities, facilities and schools in the vicinity of the Hendredenny estate, and improvements to pedestrian crossing facilities in the vicinity of the site. Further measures could include: contributing towards improvements to the extant footbridge over the A468, increasing the frequency of the bus service along Hendredenny Drive, contributing towards a travel bond for a free bus pass or cycle voucher for the new dwellings, contributing towards pedestrian/cycle improvements between the proposed development site via Hendredenny estate towards the local schools, and contributing to a travel plan fund for the infants, primary and secondary schools. Evidence suggests that a successful Travel Plan can reduce school traffic by up to 40% and is therefore a critical part of the planning application.

Cont....



The proposed measures should give rise to a significant modal shift away from the private car. Together with a comprehensive travel plan it is suggested that this modal shift could be in the order of 10% over a period of 3 years. It is predicted that the proposed residential development is likely to generate 224 (two-way) vehicle movements in the AM peak period and 241 (two-way) vehicle movements in the PM peak period. This is about 3 extra two way trips per minute during the peak hours. The results of the junction modelling show that there are capacity issues with the St Cenydd Road corridor during the AM and PM peak periods. The major factor associated with the existing levels of congestion on the local highway network is school traffic associated with the four schools within the vicinity of the proposed development site and the delays associated with the signalised pedestrian crossing facility across St Cenydd Road outside St Cenydd Comprehensive School and Hendre Junior School.

Dimensions: The site has an area of 11.23 hectares, and on that basis the development would have a density of up to 23 houses to the hectare. As required by legislation minimum and maximum dimensions are given for the various types of housing proposed expressed below as length x depth x ridge height in metres.

Coach Houses: Minimum 8.0 x 6.0 x 7.0 (2-storey); Maximum 15.0 x 8.0 x 10.0 (2-storey).

Apartments: Minimum 8.0 x 7.0 x 7.5 (2-storey) Maximum 40.0 x 11.0 x 12.0 (3-storey).

Terrace: Minimum 12.0 x 7.5 x 7.0 (2-storey) Maximum 30.0 x 12.0 x 10.0 (2-storey).

Semi-detached: Minimum 8.0 x 5.0 x 7.0 (2-storey) Maximum 14.0 x 12.0 x 10.0 (2.5-storey).

Detached: Minimum 5.0 x 5.0 x 7.0 (2-storey) Maximum 16.5 x 16.5 x 10.0 (2.5-storey).  
Garage Minimum 2.8 x 5.5 x 2.5 Maximum 9.5 x 7.0 x 5.5.

Materials: Building materials recommended for use within the DAS are a mixture of red brick, buff brick, orange brick and render as seen within the existing Hendredenny estate.

### PLANNING HISTORY

Planning permission was refused in 1977 for a residential extension to the Hendredenny estate on the western two-thirds of the current site, the eastern boundary aligning roughly with Chester Court.

Cont....

Planning Application 15/0412/OUT Continued

The reasons were the coalescence of settlements, congestion at the Hendredenny Drive St Cenydd Road Junction, and prematurity pending the approval of the Caerphilly Basin District Plan. An appeal against that decision was dismissed in 1978 with the inspector emphasising the highway concerns.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside the settlement within a special landscape area (SLA) (NH1.3), a green wedge (SI 1.20), and a sandstone safeguarding area (SSA). To the north east the site is bounded by a site of importance for nature conservation (SINC) (NH3.159) within which is a cycleway (TR1.14).

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

Strategy Policies.

SP3 Development Strategy, 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.

Countywide policies.

CW1 Sustainable Transport, Accessibility and Social Inclusion, CW2 Amenity, CW3 Design Considerations Highways, CW4 Natural Heritage Protection, CW6 Trees, Woodland and Hedgerow Protection/LDP 4:Trees and Development, CW7 Protection of Open Space, CW10 Leisure and Open Space Provision, CW11 Affordable Housing Provision, CW15 General Locational Constraints, CW22 Locational Constraints Minerals, CW23 Mineral Site Buffer Zones.

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

Planning Policy Wales (Edition 8, January 2016);

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

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

Technical Advice Note 5: Nature Conservation and Planning (2009).

Technical Advice Note 12: Design (2014).

Technical Advice Note 18: Transport (2007).

Cont....

Application No. 15/0412/OUT Continued

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. The developer has provided a coal mining risk assessment that is considered satisfactory by The Coal Authority.

### CONSULTATION

Principal Valuer - No objection.

Natural Resources Wales - No objections subject to a condition concerning Himalayan balsam, and advice is provided about biodiversity, drainage, and waste management.

Countryside And Landscape Services - No objections subject to conditions concerning the protection of a tree that may be a bat roost, details of trees and hedgerows, light mitigation strategy for bats, a biodiversity, landscaping and management scheme, works not to disturb breeding birds, the treatment of Himalayan balsam, the creation of a wetland habitat, and the provision of bat roost and bird nesting facilities.

From a landscape point of view, there are no concerns about the principle of the development but comments are made about the need to consider the use of sustainable urban drainage systems, the ownership of hedgerows, the impact of trees and hedges on daylight especially as they get taller, and how will hedgerows become established.

Strategic & Development Plans - The application is contrary to the provisions of Criterion A of policy SP3 because it is not previously developed land. Further the Head of Engineering Service's views should be sought in respect of the proposal's ability to adhere to Criterion B in respect of transport. The proposal would be acceptable in terms of the remaining Criteria C to E subject to detailed consideration and appropriate mitigation. The site lies outside the settlement boundary of Caerphilly and is clearly contrary to the provisions of Policy SP5. Notwithstanding the existing delineation of the settlement boundary, the application site could constitute a logical rounding off of the existing settlement limit at this location, extending the built form in a northerly direction in line with the development at Penyrheol.

Cont....

Application No. 15/0412/OUT Continued

The development of the application site would inevitably erode part of the Special Landscape Area (SLA). However the Landscape Architect's professional view should be sought to determine if this incursion into the SLA on the edge of the settlement would have an unacceptable impact on the wider SLA. The development of the application site would inevitably erode the Green Wedge between Hendredenny and Abertridwr contrary to the provisions of the plan. However this incursion into the Green Wedge would not result in the coalescence of the two areas as a significant amount of land would remain even if the application site were to be lost to development.

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. There is a need for a further 4573 (51%) dwellings to be developed over the remainder of the plan period i.e. by 2021 to meet the total housing requirement of 8,625 dwellings identified in the Adopted LDP.

The Council in its consideration of the 2015 Annual Monitoring Report are recommended to accept the need to release greenfield sites in order to address the lack of a five year land supply in the short term. The development of the application site for housing would deliver much needed housing, including affordable housing, in an area of considerable housing need. 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).

However, the development of the site is contrary to the provisions of the Adopted LDP, in so far as the site lies outside of the settlement boundary for Caerphilly, within a Green Wedge and in the SLA. The need to deliver new housing in this area and the need to increase the housing land supply is a significant material consideration. However the potential impact of the development on the strategic highway network is also a matter of significance in respect of this proposal. The location of the site, the evidence of existing residents, the capacity of the existing highway network to accommodate additional traffic at key junctions are all matters that need to be adequately addressed if this application is to be successful. To this end the Head of Engineer's views should be sought on these specific technical aspect of the application to determine whether the site can meet the provisions of the plan in terms of Policies SP6 (D) and CW1.

The Coal Authority - No objections subject to a condition concerning site investigations and any remedial works arising from that work.

Cont....

Application No. 15/0412/OUT Continued

Penyrheol Trecenydd & Energlyn Community Council - Object on the following grounds:-

1. Highway safety/traffic management. There is a lot of traffic congestion in this area already and Councillors feel this would only worsen with the proposed housing development, with more traffic being generated and no extra roads or provision for this. Councillors are concerned that the town of Caerphilly and villages of Abertridwr and Senghenydd could potentially one day merge into one and there is only one road going into and out of Abertridwr. Hendredenny Estate also only has one road in and out and is very busy at peak periods already.
2. Lack of additional infrastructure. Schools, GP surgeries, dentists etc are full to breaking point as it is and extra residents would impact greatly on the current infrastructure.
3. Environmental/nature conservation. The green belt between Caerphilly and Abertridwr would become less and also many sewerage, water, gas pipes etc. would have to be inserted into the ground. Councillors understand that there were difficulties with main sewers when the last two developments took place off Hendredenny Estate. This caused problems for other residents. The sewerage system is at capacity and will require major works, creating further unacceptable disruption to the whole area. The green belt visual aspect would also be affected.
4. Loss of visual and amenity space.

Community Councillors feel strongly, on behalf of residents in the Penyrheol, Trecenydd and Energlyn wards, that Caerphilly basin is at breaking point with regards to more houses being built and no extra infrastructure being put in place. They therefore feel that other areas in Caerphilly County Borough should be considered for potential housing developments, further away from the basin, in order to help to regenerate those areas.

Head Of Public Protection - No objections subject to conditions concerning the importation of materials and the control of construction dust and noise.

Senior Engineer (Land Drainage) - No objections provided prior to the commencement of any development of the site the applicant submits to the authority, and receives written approval of, comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with as required by the Flood & Water Management Act 2010.

Cont....

Application No. 15/0412/OUT Continued

Outdoor Leisure Development Officer - No objections provided:-

The development should factor in the requirements set out in policy CW10 of the LDP which requires the provision of the public open spaces in and around the development site. The space should be well drained, lend itself to easy maintenance and ultimately be useable areas of land for local residents to enjoy. The site design should avoid incidental areas of unusable space. The provision of an equipped play area is supported, and its location appears to be well connected to its hinterland of properties. Any mounds should be made of suitable materials, be physically stable and well drained. They should not be simply an outlet for the disposal of arisings from on site landscaping works. Given the scale of the development it would be in order to have a suitably sized ball court area too: this could come in the form a mini MUGA or kickabout pod. The proximity of the local cycle track to the proposed site is noted and would advocate suitable connections to this route.

Head Of Public Services - No objections. 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 any plots with unadopted highways/ private driveways, as the Council's vehicles will not travel over those surfaces.

Transportation Engineering Manager - Objects to the scheme because of the impact on the local road network.

Dwr Cymru - No objections subject to conditions concerning sewerage. No objections are raised in respect of water supply.

Glam/Gwent Archaeological Trust - No objections. There are no known sites of archaeological interest that are likely to be affected by the proposal. Their records note nearby farms and settlements of post-Medieval date, although it is unlikely that any remains would be encountered during the proposed development. Their records are not definitive, however, and whilst they are not aware of any reason for an objection to the proposal on archaeological grounds, previously unknown sites may be disturbed during the course of the work. Should this occur, the Trust should be contacted.

Cont....

Application No. 15/0412/OUT Continued

Minerals Officer - The site is a parcel of land on the edge of the settlement within the mineral safeguarding area for sandstone. Minerals are a finite resource that can only be worked where they occur and Mineral Planning Policy Wales and Mineral Technical Advice Note 1: Aggregates state that policies should protect potential mineral resources from other forms of permanent development that would sterilise them or hinder future extraction and state that the potential for future extraction should be considered. Policy CW22 in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 translates this into the development plan. The proposed development would constrain the future extraction of the mineral by introducing permanent sensitive development in the safeguarding area. In terms of the criteria for permanent development, the proposal does not meet criterion iv and it is unlikely that the mineral could be extracted satisfactorily prior to the development taking place (criterion ii) due to the timescales involved, the availability of markets and proximity to existing sensitive development. For the reasons set out above, it is also unlikely that the applicant could demonstrate that the mineral was no longer of any value (criterion i). The application, therefore, needs to demonstrate that there is an overriding need for the development in this location, which outweighs the need to safeguard the sandstone resource, and that suitable sites cannot be found outside the safeguarding area. It is intended that the effect of new development on mineral resources will be taken into account in the LDP review in identifying preferred housing sites and, therefore, this application is somewhat premature in that it would be preferable to assess all the candidate sites before reaching conclusions on the preferred sites.

### ADVERTISEMENT

Extent of advertisement: Properties adjoining the application site were consulted, site notices posted and an advertisement placed in the press.

Response: 247 letters of objection and a petition bearing 102 signatures have been received.

### Summary of observations:

- access poor, often grid-locked especially during rush hour;
- traffic problems in Aber Valley, through St Cenydd roundabout up to Penrhos;
- there could be at least 500 additional cars associated with the development;
- most of the occupants will be commuters;
- public transport is not adequate to provide an alternative means for the occupants to get to work;
- bus times stated in the supporting information are incorrect;

- expectations about the use of bikes are unrealistic;
- improvements to the footbridge at Trecenydd will not dissuade the use of the crossing outside the school;
- emergency vehicles would have difficulty accessing the estate when the roads are busy;
- additional traffic would make the estate less safe for children;
- residents have been snowed in twice in the past seven years;
- no space in local schools;
- limited local facilities including doctors and dentists;
- sewerage, land drainage and water pressure problems;
- noise associated with construction vehicles;
- loss of privacy;
- loss of daylight and sunlight;
- loss of green space or green belt;
- loss of green wedge defined in the local development plan, and contrary to Policy CW7 which seeks to protect open space;
- the sale of Council land to allow access into the estate should not go ahead;
- consent of third parties needed to allow footpath access from the existing streets into the site;
- the proposal by-passes the local development plan process;
- loss of wildlife;
- brownfield sites available with better transport links;
- air quality already an issue in the town;
- increased risk of theft and vandalism;
- loss of property value;
- footpath access onto a private lane;
- inclusion of affordable housing and the possible increase in crime.

A letter from the local MP raises objections to the development on ecology, infrastructure, and traffic grounds, and reflects many of the concerns raised by local residents.

#### 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?  
This is a residential development which will have implications for crime and disorder, but not ones that could be reasonably addressed through the planning system.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Cont....



Application No. 15/0412/OUT Continued

## COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The development is liable, but the application is in outline and therefore this matter cannot be considered until the details of the scheme are known at reserved matters stage.

## ANALYSIS

Policies: There are a number of key policies that require consideration in the determination of this application, but its impact on the local highway network will be considered first. It is agreed by the applicants that there are problems at the traffic junction in the area during peak AM and PM periods, but in this case the intention is to achieve modal shift where existing vehicle users as well as those associated with the new development, especially those associated with the school, are encouraged to walk or cycle resulting in no significant increase in traffic on the roads during those critical periods. The various measures have been mentioned above, but the Council's Transportation Engineering Manager has considered them and concluded that they will not be effective in achieving a reduction in traffic and the development will therefore only aggravate the existing problems. On that basis the scheme is unacceptable from a planning point of view, being contrary to policy CW3 of the LDP because it does not have regard to the effective and efficient use of the local road network. This concern would outweigh any support for the scheme based on the lack of a five-year housing land supply which is discussed further below.

The site is outside the settlement, within an SLA and a green wedge. However, in view of the five-year land supply, if there were no highway issues in respect of this scheme, those matters would not result in a recommendation to refuse planning permission for this development. In terms of an extension to Caerphilly the site is a logical rounding off of the settlement, filling in the gap between Hendredenny and the Cae Caradog development on the opposite side of the Aber Valley. A green corridor would be retained along the valley floor which is designated as a SINC. The SLA, referred to in the LDP as 'Mynydd Eglwysilan' extends from Groeswen, to Senghenydd, over the hillside Nelson, and down the other side of the Aber Valley to Penyrheol. The appendix to the LDP sets out the following key policy, management and development control issues for this SLA

### Long Term

"Future development proposals should not see the loss of any historic environment or geological or geomorphological features present within the landscape. A wealth of archaeology from all periods, especially the Industrial / Modern period is present and should be protected.

Cont....

## Application No. 15/0412/OUT Continued

Care should be taken not to subsume past cultural attributes beneath pressures for expansion and regeneration - plan and allow expansion compatible with the ability of the area to contain such pressures. Prevent the area becoming too cluttered with incongruous vertical elements, including pylons and turbines. Prevent the loss of habitats, both upland and lowland which contribute to the character of the area - ensure that valuable habitats are not lost. Longer term management of forestry plantations around Llanbradach with consequent effect upon visual qualities of the landscape.

### Medium Term

"Hedgerows and stone walls should be protected, maintained and enhanced. Restrict urban spread in to the countryside and soften the existing urban edge. Encourage reduced grazing - stock grazing will prevent the grassland from reaching higher levels of ecological value. Possibly introduce the Tir Gofal scheme or current equivalent to the area. Prevent habitat fragmentation between grassland types."

### Immediate

"Encourage the reduction of grazing in the most sensitive landscape habitat areas and increase grazing in areas dominated by bracken to reduce the spread. Investigate the condition of habitats and implement management plans where appropriate. Minimise and remove visual landscape degradation including fly tipping, burnt / dumped cars, littering and illegal off roading."

In this case the main threats are the potential loss of historic environment, habitats, hedgerows, and the spread of the urban area into the countryside. Statutory consultees have not identified any loss of historic environment or habitats and the development will retain and enhance hedges. The encroachment on the countryside by the development will be relatively small when compared to the extent of the SLA as a whole, and will result in the loss of pasture of which there are numerous further examples adjacent to the site and beyond. Policy CW4 only allows development in SLAs where it conserves and where appropriate it enhances the distinctive or characteristic features of that designation. The local impacts of a loss of a small part of the SLA would be outweighed by the need to provide additional housing land to fulfil the Council's housing land supply which currently stands at 1.9 years, whereas it should be five years.

The green wedge is supposed to prevent the coalescence of Caerphilly and Abertidwr. The north-western edge of the Hendredenny estate is approximately 800m from the edge of Abertridwr on the northern side of the valley, and almost 1400m on the southern side.

Cont....

Application No. 15/0412/OUT Continued

The development site would intrude into the wedge by approximately 290m, on the southern side of the valley, its north-western side aligning with the Heol Clyd/Heol Serth estate on the opposite side of the valley. The open character of part of the green wedge will be lost, but a significant gap between Caerphilly and Abertridwr would still be maintained, and on that basis, taking into account the five-year land supply, no objection is raised.

The site has been retained in the SLA and Green Wedge in the review of the LDP, but at present the amended plan can be given very little weight.

The development is contrary to the strategy for the Southern Connections Corridor as set out in policy SP3 of the LDP but at present that approach is not delivering adequate housing land in the borough, and would not justify a reason for refusal. It would also be contrary to policy SP5 which defines the settlement boundaries, but the justification for encroaching beyond the boundary at this site is set out above. The site is within a mineral safeguarding area, but it is unlikely that a quarry would be granted planning permission on this site, hard up against existing residential development. Therefore no objections are raised on the grounds of policies SP8 or CW22. The latter contains a number of criteria which are set out below, stating that development will not be approved unless:

- The applicant can demonstrate that the mineral is no longer of any value or potential value, or
- The mineral can be extracted satisfactorily prior to the development taking place, or
- There is an overriding need for the development, or
- The development comprises infill development within a built up area or householder development or an extension to an existing building.

The third criterion is pertinent in this case in that the need for housing land in the borough overrides the need to safeguard the mineral.

The proposal seeks to address the requirements of policy CW1 in that it seeks to promote walking, cycling and public transport, but it does not overcome the limitations of the local road network as discussed above. It would also be acceptable in terms in policy CW2 which seeks to protect the amenity of the area, and its relationship with the existing housing could be fine tuned at the reserved matters stage. Account has been taken of the impact of the development on the SINC, trees and hedges (policies CW4 and CW6), and leisure provision could be secured in accordance with policy CW10. Affordable housing is proposed and could be secured through a Section 106 Agreement (policy CW11).

Cont....

Application No. 15/0412/OUT Continued

Comments from Consultees: The concerns of consultees apart from those of the Transportation Engineering Manager can be resolved by condition. Those of the community council are considered above.

Comments from public: The issues of congestion on the local highways have been considered above. There is no evidence available that local schools, medical facilities, sewers and water supply could not accommodate the development.

The relationship of the development with the existing housing is satisfactory on the basis of the illustrative layout submitted with the application, but matters of privacy and overbearing impact could be addressed in detail at the reserved matters stage.

The development of the SLA and the green wedge are addressed above. This site is not within a green belt; there is no such designation in the LDP. The ecological impacts of the development have been considered and raise no concerns from a planning point of view.

The access into the site as currently configured does not require Council owned land. Consent of third parties to allow footpath access into the site is a private matter, but it may prejudice the developer's ability to deliver pedestrian linkages to existing facilities.

This application has been submitted in advance of the review of the LDP, but the local planning authority must make a decision in accordance with the development plan unless material considerations indicate otherwise, at whatever point in the life of a plan a submission is made. The plan and the material considerations in this case are set out above. There are brownfield sites in the Caerphilly basin but the Local Planning Authority must consider the scheme before it on its merits, rather than discard it in favour of a preferred alternative. There are air quality issues in the town, but there is no evidence that this development would aggravate them to such an extent as to justify a refusal of planning permission.

Loss of property value is not a material planning consideration, and whatever concerns are raised about the potential increase in crime associated with the development or parts of the development, that would not be a planning justification to refuse permission for residential development next to existing housing.

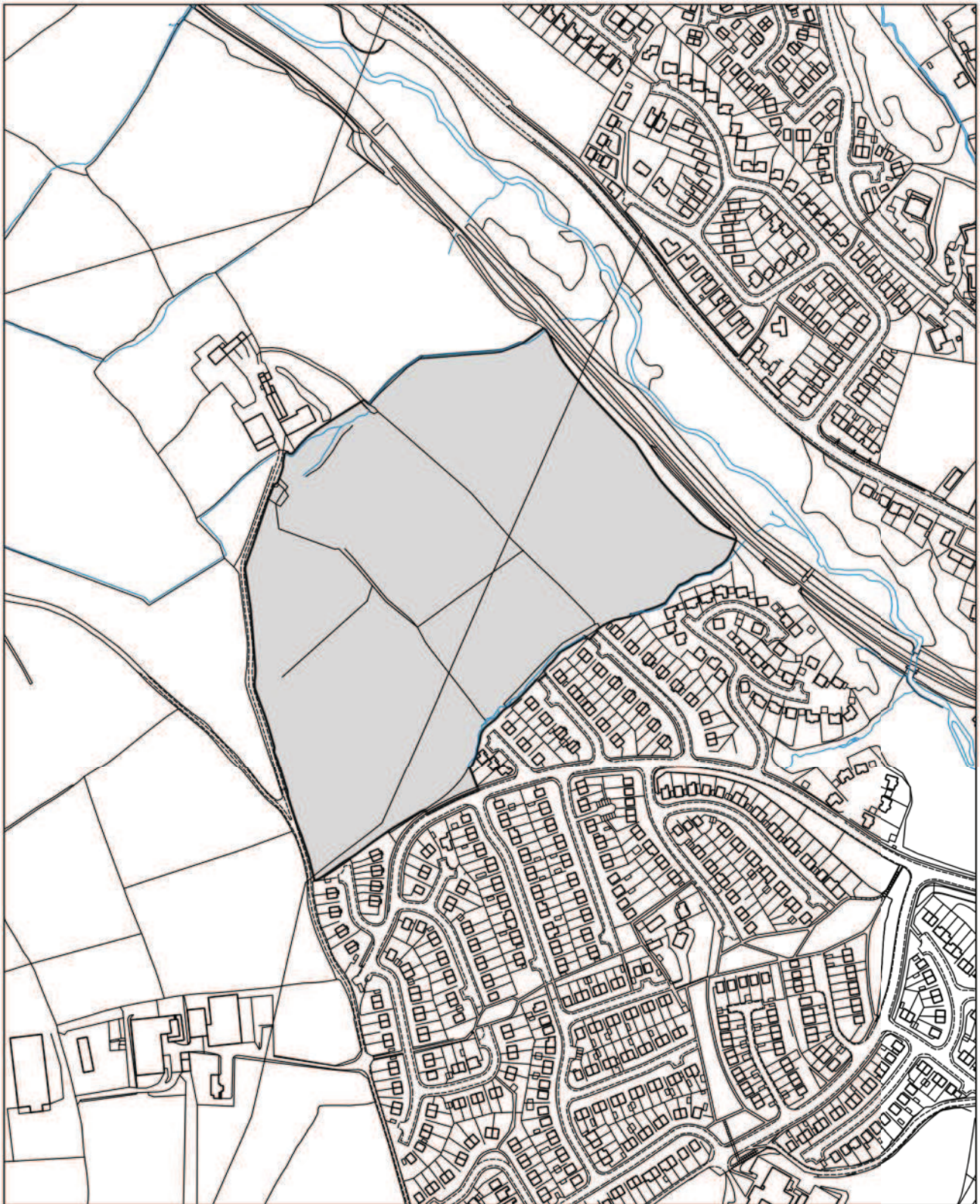
RECOMMENDATION that Permission be REFUSED

Cont....

Application No. 15/0412/OUT Continued

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

- 01) The vehicular traffic generated by proposed development will aggravate congestion at peak times on the local road network particularly at the junction of Hendredenny Drive with B4263 St Cenydd Road, and between that junction and the B4263/A468 junction. Furthermore the applicant has failed to demonstrate through a robust traffic assessment that the sustainable transport initiatives proposed are of an adequate standard to off-set the traffic impact of the development. The development would therefore be contrary to policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 because it would be prejudicial to the effective and efficient use of the transportation network.
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# Agenda Item 11

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0046/COU 05.02.2016	Mr C Leader Horeb Baptist Chapel Castle Hill Gelligaer Hengoed	Convert Grade II listed chapel into a residential property Horeb Baptist Chapel Castle Hill Gelligaer Hengoed

**APPLICATION TYPE:** Change of Use

## SITE AND DEVELOPMENT

Location: Horeb Welsh Baptist Chapel, Castle Street, Gelligaer. The site is located within the settlement boundary and within the Gelligaer Conservation Area that was designated on 4/3/1980. It is a large chapel building located in a terrace of cottages to the south of Gelligaer Cemetery. Terraced residential cottages are located opposite the chapel. There are no pavements along the front highway serving the building.

Site description: The building was listed by Cadw on 1st March 1999. The List Description was later amended on 18th July 2001 during the National Resurvey of Wales (Cadw Ref. No. 21429). It was built of coursed local rubble stone with plain clay tiles to its roof, as a Welsh Baptist Chapel in 1848. A vestry was added in the late C19 and has been further extended since.

Development: Full planning permission is sought in respect of the conversion of the Grade II listed chapel into a residential property. An application for listed building consent (16/0045/LBC) has also been made.

The applicant has submitted a Design and Access statement and an outline of the schedule of works to support the application, which includes details of the refurbishment as follows:-

Generally

- Removal of the pulpit and unwanted pews to be taken for store for donation to local organisations concerned with preserving historic fabric.
- The existing wall mounted 'Roll of Honour' to be donated and transferred to St Cattwg's Church by agreement with the British Legion and War Memorials Trust.

Cont....

## Application No. 16/0046/COU Continued

### Repairs to Chapel and Porch

- Removal of loose floorboards and treatment areas of infestation or rot found to be agreed with the conservation Officer.
- Hardboard ceilings to be removed, inspect existing roof structure and effect any timber repairs as necessary.
- Inspect existing timber windows to front and side elevations, undertake minor repairs and redecorate with water based gloss paint.
- Inspect existing roof and undertake such minor repairs to tile finishes in matching rosemary clay tiles.
- Remove existing external render finishes from porch and apply new lime render and lime wash finish.
- Inspect existing stack and rendered gable to side and make such limited repairs as necessary to render and leadwork, using matching materials.
- Inspect existing cast iron gutters and downpipes and replace or repair as necessary using matching materials. Decorate with water based gloss paint.
- Inspect existing timber fascias and repair as necessary and redecorate.
- Inspect and repair existing timber notice board to front elevation and redecorate with water based gloss paint.
- Overhaul existing cast iron front gate and fence and redecorate with water based gloss paint.
- Overhaul existing panel door to Porch as necessary and redecorate.

### Alterations to Chapel and Porch

- remove existing pews and pulpit, make good or extend existing plaster wall or finishes disturbed by removal. Remove existing raking and pews to balcony to create level floor area. Existing balustrade and handrails to balcony to be protected and retained. Make good and extend existing plaster wall finishes;
- remove existing fluorescent fittings from ceiling;
- integrate existing cast iron radiators and pipework into new gas fired heating system;
- replace existing metal plate metal finish door to basement and renew with gloss painted hardwood pane door and frame;
- remove existing light fittings and power circuits and install new light fittings and cable and electrical fittings. Design to allow for minimum intervention to existing fabric from chase cutting.

Cont....



Application No. 16/0046/COU Continued

#### Repairs and Alterations to Vestry and Community Hall

- Remove asbestos roof finish.
- Remove existing projecting wings and form new external cavity walls using pennant stone or fine down painted render.
- Form new openings in new and existing external masonry walls.

#### External Works

- New hardstanding with brick paviour finish and close boarded timber boundary fence to boundaries, new red brick retaining walls to hardstanding and boundaries and brushed concrete pathways and steps with concrete paving slabs to terrace outside bedrooms 1 and 4.

Dimensions: The footprint of the existing building has maximum dimensions of 25.4m (depth) x 11.8m (width) x 8.6m (height). The demolition of two projecting wings on the rear extension will reduce the width to 7.9m.

Materials: A schedule of works is submitted with the application, which includes some details of external finishes, with paint finishes indicated to be oil based gloss paint to softwood joinery and matt emulsion paint to plaster finishes to walls and ceilings.

Ancillary development, e.g. parking: None.

#### PLANNING HISTORY 2005 TO PRESENT

None.

#### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 (Settlement Boundary), and within the Gelligaer Conservation Area.

#### Policies:

Strategic Policies

SP2 - Development Strategy in the Northern Connections Corridor, SP6 (Place making)  
SP21 (Parking Standards).

Cont....

Application No. 16/0046/COU Continued

Countywide Policies

CW2 (Amenity) CW3 (Design considerations - Highways) CW15 (General locational constraints) associated supplementary planning guidance contained in LDP6 - Building Better Places to Live and LDP7- Householder Developments is also relevant.

### NATIONAL POLICY

National guidance contained in Planning Policy Wales, 8th Edition, January 2016 (par.6.1.1) states that "It is important that the historic environment encompassing archaeology and ancient monuments, listed buildings and conservation areas and historic parks, gardens and landscapes is protected."

Paragraph 6.5.8 "There should be a general presumption in favour of the preservation of listed buildings. The continuation or reinstatement of the original use should generally be the first option when the future of a listed building is considered. However, not all original uses will now be viable or necessarily appropriate. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a building's survival. The aim should be to identify the optimum viable use that is compatible with the character and setting of an historic building.

Paragraph 6.5.9 Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Paragraph 6.5.11 "Planning authorities must, unless directed otherwise, notify the Welsh Government before listed building consent is granted. Once a building is listed (or is the subject of a building preservation notice) consent is required for its total or partial demolition and for any works of alteration or extension, which would affect its character as a building of special architectural or historic interest. Controls apply to all works, both external and internal, that would affect a building's special interest."

National guidance also encourages good design to be the aim of all those involved in the development process. The guidance states, at Paragraph 4.11.9 "the visual appearance of proposed development, its scale and its relationship to its surroundings are material planning considerations and Local Planning Authorities should reject poor designs." Paragraph 4.11.10 "In areas recognised for their landscape, townscape or historic value, such as National Parks, Areas of Outstanding Natural Beauty and conservation areas, and more widely in areas with an established and distinctive design character, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness.

Cont....

Application No. 16/0046/COU Continued

In those areas the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important. The impact of development on listed buildings should be given particular attention."

Welsh Office Circular 61/96, paragraph 8 " Authorities are required by Section 66(1) of the Act (throughout this circular 'the Act' refers to the Planning (Listed Buildings and Conservation areas) Act 1990) in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses."

TAN 12 – Design.

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

#### COAL MINING LEGACY

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

#### CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No adverse comments.

Countryside And Landscape Services - No objection subject to conditions being attached to any consent preventing any site vegetation clearance during the bird breeding season together with conditions requiring the provision of both bat roost and bird breeding provision as biodiversity enhancements. Advice is provided to be conveyed to the developer.

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

Cont....

Application No. 16/0046/COU Continued

Conservation & Design Officer - Recommends approval of the proposal subject to conditions being attached to any consent which ensure the refurbishment works proposed to the listed building are in keeping and do not adversely affect the character of the listed building.

#### ADVERTISEMENT

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

Response: One.

Summary of observations: Have no objection to the proposed change of use of the building but are concerned about parking provision and suggest the cemetery gates are set back and a barrier erected to allow access to off-street parking at the property.

#### SECTION 17 CRIME AND DISORDER ACT

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

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No but a bat and bird advisory note should be provided to the developer and conditions attached to any consent preventing the demolition or site/vegetation clearance during the bird breeding season together with bat roost and breeding bird provision in the development as a biodiversity enhancement.

#### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes but the site is within a lower viability area where the charge is £0.

Cont....

## ANALYSIS

Policies: Policy SP6 of the Local Development Plan (LDP) is relevant to the determination of this planning application and states that development should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through the promotion of good design, sustainable transport, resource efficiency and the enhancement of natural heritage, which will encourage a sense of place and identity, whilst reflecting local distinctiveness.

The external appearance of a listed building, both its intrinsic architectural merit and any group value, is a key consideration in judging this application. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 66 of the Act).

The building was listed by Cadw on 1st March 1999. The List Description was later amended on 18th July 2001 during the National Resurvey of Wales (Cadw ref. no. 21429). It was built of coursed local rubble stone with plain clay tiles to its roof, as a Welsh Baptist Chapel in 1848. A vestry was added in the late C19 and has been further extended since. It is situated within a terraced row of residential cottages along Castle Hill.

The building which is currently vacant, has been identified in the 2016 Building at Risk Register (B@R) Survey as 'At Risk and 'vulnerable'. It is described as 'Condition deteriorating, action is now required to a wide range of defects to halt the decline.' In the B@R Survey carried out in 2011 considered it not to be at risk with some repairs being required, but this building has clearly rapidly deteriorated since.

The building has been vacant and its use has been redundant for a significant period. Its continued use as a place of worship and church hall in the future is considered to be very unlikely. Meanwhile the building is continuing to deteriorate and the church hall in particular is in a poor condition and has asbestos issues which also need to be tackled.

The Design and Access Statement (DAS) and set of drawings deliver a set of comprehensive conservation-based proposals that will hope to implement a project for the restoration of this building and also deliver a family home. The use of the original Chapel interior as the main family living space was considered to be the best way to limit the alteration to the original fabric of the building.

Cont....

Whilst the pulpit and the majority of the pews would need to be removed and given to local organisations for re-use, some would be retained to retain something of the original identity of the space. The tiered seating to the balcony would be removed to provide usable space at that level. Original wall and floor finishes will be made good as necessary after the removal of existing features. The 'Roll of Honour' wall monument will be donated to St Cattwg's Church by a process to be agreed with the British Legion and War Memorial Trust. Externally it is proposed to replace the existing render to the entrance porch with lime render and lime wash and to renew the existing floor to the basement. Main alterations are to the rear extension, part of which is to be removed to provide more external amenity space with some partial reconstruction. New boundary fences and a hard standing will be created. The existing white asbestos sheeting is to be replaced with clay tiles to match as closely as possible the main roof. The bedrooms, family and utility rooms are to be accommodated in the rear extension.

In terms of the loss of the community facility it is noted that the chapel was put up for sale as the congregation had dwindled to a point where the original ecclesiastical use had become untenable.

Policy CW2 of the LDP considers amenity. In this respect the applicant proposes obscure glazing to all windows on the eastern side of the building serving two bedrooms, one bathroom and a family room in order to ensure the privacy of the future occupants and the occupiers of the neighbouring property are not adversely affected. This may be ensured by attaching a condition to any consent. It is considered that the development would not have an unacceptable impact on the residential amenity of neighbouring properties, and sufficient amenity space is provided and there is adequate separation between existing habitable room windows to safeguard privacy standards.

Policy CW2 of the LDP considers amenity. In this respect the applicant proposes obscure glazing to all windows on the eastern side of the building serving two bedrooms, one bathroom and a family room in order to ensure the privacy of the future occupants and the occupiers of the neighbouring property is not adversely affected. It is considered that the development would not have an unacceptable impact on the residential amenity of neighbouring properties, and sufficient amenity space is provided and there is adequate separation between existing habitable room windows to safeguard privacy standards.

Policy CW3 of the LDP considers highway implications. One letter has been received concerned about parking in the area. Whilst the addition of parking facilities for this development would be welcomed, these could only be provided within the rear curtilage of the property and accessed through the Gelligaer Cemetery gates.

Cont....

Application No. 16/0046/COU Continued

It is acknowledged that these cannot be accessed 24 hours a day as the access to them is controlled by Bereavement Services Division of the Caerphilly Council and they are locked in the evening (5.00 p.m. in Winter and 7:30 p.m. in Summer) to deny public access to the cemetery. However the less intensive use in parking terms from chapel to dwelling would not require a parking facility to be provided and in this respect the Transportation Engineering Manager has raised no objection to the development.

It is considered that the proposed works are to refurbish dilapidated areas and as such will help prevent the further deterioration of this Grade II Listed Building and will be an improvement in terms of the visual amenity of the Conservation Area.

It is considered that the design, scale of the works and materials used are generally acceptable and will not harm the character of the Gelligaer Conservation Area. However, it is considered appropriate to attach conditions to any consent in respect of finishes and methods used in terms of refurbishment where the proposed details are not considered appropriate in the context of the listed buildings and conservation area.

The development proposed would accord with local plan policies and is therefore acceptable in planning terms.

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

Comments from public: See above.

Other material considerations: None.

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

Cont....

Application No. 16/0046/COU Continued

- 02) 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.
- 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 at Horeb Baptist Chapel, Gelligaer, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the converted building 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) at Horeb Baptist Chapel, Gelligaer, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the converted building 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) Prior to the commencement of the development an appropriate programme of building recording and analysis shall be submitted to and agreed in writing with the Local Planning Authority, and shall thereafter be carried out before the development hereby approved commences by a specialist acceptable to the Local Planning Authority.  
REASON: To allow a record of the building to be made.
- 06) No new or replacement windows or doors shall be inserted in the building unless further details of their construction materials and style have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: To protect and preserve the character of the Listed Building.

Cont...



Application No. 16/0046/COU Continued

- 07) No new or replacement external rainwater, drainage and ventilation goods shall be installed at the building subject of this consent unless further details of their design, materials and colour have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: To protect and preserve the character of the Listed Building.
- 08) No works to the rear roof shall be undertaken until samples of the roof and clay ridge tiles together with the method of roof laying have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out using the approved tiles.  
REASON: To protect and preserve the character of the Listed Building.
- 09) Where original materials are to be removed in accordance with the development hereby approved, a scheme shall be submitted to and agreed in writing by the Local Planning Authority for their removal, storage and re-use. The development shall only be carried out in accordance with the approved scheme.  
REASON: To protect and preserve the character of the Listed Building.
- 10) The method of treatment of the floorboards and joists as referred to in paragraph 2.1 of the schedule of works shall be in accordance with conservation standards, details of which 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: To protect and preserve the character of the Listed Building.
- 11) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: : drwg no's 812/P.02; 812/P.06; 812/P.07; 812/9.08; and 812/9.09; 888/9.10 (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.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the windows in the east facing elevation of the rear extension shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.  
REASON: In the interests of residential amenity.

Cont....

Application No. 16/0046/COU 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, CW4 and SP10.

The applicant is advised of the comments of the Conservation and Design Officer, Council's Ecologist and Dwr Cymru/Welsh Water.

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# Agenda Item 12

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0678/FULL 28.08.2015	Mr G Jones 9 School Close Nelson Treharris CF46 6HZ	Erect a two-storey extension to incorporate existing detached garage and remodel the detached house including roof alterations to increase eaves and ridge heights 9 School Close Nelson Treharris CF46 6HZ

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: 9 School Close, Nelson, CF46 6HZ.

Site Description: Detached dwelling located within a residential housing estate in Nelson. The application site is bounded by residential properties and their curtilages to the north west (10 School Close) and to the south east (8 School Close). Other residential properties include 13 School Close located to the north-east across from a private drive serving 11 and 12 School Close which are located to the north west of number 10. A small lane runs to the south-west and open space with properties of Heol Islwyn beyond.

Development Description: Remodelling of existing house to include raising of eaves and ridge height, two-storey side extension to incorporate existing detached garage.

### Dimensions:

Existing dwelling: Eaves height 3.2m, ridge height 7.3m.

Existing garage: 5.7m long by 5.1m; Eaves height 2.7m ridge 4.2m.

Proposed dwelling height: Eaves height 5.3m, ridge height 7.8m.

Two Storey Extension: 4.5m long by 5.1m wide, eaves height 5.3m, ridge height 7.2m.

Materials: Brick and roof tiles to match existing.

Ancillary development, e.g. parking: None.

Cont....

Application No. 15/0678/FULL Continued

### PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

### POLICY

#### LOCAL DEVELOPMENT PLAN

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

Policies: CW2 (Amenity), CW3 (Highways), SP6 (Place making).

Supplementary Planning Guidance Note LDP 7 (Householder Development): Proposals should not have an unacceptable overbearing effect on neighbouring dwellings.

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? This is a householder application and so this matter is addressed if necessary through the Building Regulations.

#### CONSULTATION

Dwr Cymru - Public sewer crosses site.

#### ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 12 nearby properties. Following receipt of amended plans a reconsultation of neighbours was carried out.

Response: A letter of objection was received in relation to the initial consultation. Following the reconsultation on amended plans a further letter was received from the same objector reiterating their strong objection to the development.

Cont....

Summary of observations:

- Highlighting the level difference between number 9 and number 8 School Close and the plans fail to reflect this fact.
- The raising of ridge and eaves height will compound the difference between the ground levels.
- Guttering on the proposed extension will overhang the boundary.
- Disputes the car parking/applicant's land ownership shown on the submitted plans.
- The proposed two storey main building and extension is of a substantial nature/scale that would be visually dominant in relation to the existing property.
- Adverse impact on living conditions, outlook and open space and will have an overbearing effect.
- Close proximity of the proposal.
- Inappropriate design, the appearance is out of keeping and character with the properties in the vicinity.
- Query whether it is in accordance with Supplementary Planning Guidance LDP7.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? A survey was carried out and no evidence was found, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable?

The development is not chargeable as the additional internal floorspace created is below 100 sq. m.

Cont....

## ANALYSIS

Policies: The application was originally submitted with a two storey/first floor extension from the main dwelling to connect to and be constructed over the entire length of the existing detached single-storey garage. Following discussions with the applicant the scheme was amended to reduce the length of this extension element although this reduction was less than was requested by the case officer who recommended the first floor element be limited to 3 metres in length. The amended scheme still has a first floor element measuring 4.5 metres. The revised scheme incorporates a reconfigured roof arrangement over the remainder of the existing single storey garage which seek to reduce the massing on the boundary with the neighbouring property.

In terms of the visual impact of the development within the general streetscene it is noted that the properties on School Close are set back from the nearest local road behind timber fencing and the orientation of properties varies with the application property and the adjacent property to the north-west (no.10) orientated to face the local road but other properties within the locality have unfenestrated gable ends adjacent to the local road. At present the application property has a different style to number 10 having a steeper pitch and the unfenestrated side elevation of the detached garage visible. It is therefore considered in principle that the proposed development would have an acceptable visual appearance within the streetscene.

The main consideration in this application has been the impact on the amenity of surrounding residential properties. In particular there has been careful consideration as to whether the proposed alterations would have an unacceptable overbearing impact on neighbouring properties including number 8 School Close a detached dwelling whose curtilage abuts the application site.

Number 8 School Close has a slab level lower than the application property and its associated garage. The application dwelling's detached garage is located on the boundary line with number 8's rear garden area. The rear facade of number 8 faces north west towards the south-east side facing elevation of the application property which is proposed to have its eaves and ridge height increased. The relative positions of the two dwellings with number 8's footprint south-east of the majority of the application's dwelling's footprint means that views from the rear windows of number 8 will view towards the increased height of the main dwelling with a separation distance of approx 10-11m and more obliquely towards the two storey extension at distances of approximately 6.5m.

Cont....



Application No. 15/0678/FULL Continued

The proposed two-storey extension although 4.5 metres in length starts from the existing dwelling house's side elevation approximately 1.7m within their plot and then will be constructed over the existing garage walling which forms the side boundary treatment with number 8 garden area. Therefore for a distance of approximately 2.8m the extension will be two-storey (constructed over the existing garage) on the side boundary line with number 8 with eaves heights of approximately 5.3m. This is higher than the existing garage eaves height of 2.6m and the ridge height of 4.2m. The proposed works to the existing garage roof reorientate the ridge from its present north-east to south-west alignment to a north-west to south-east alignment leading to a small reduction in massing on part of the boundary line as the eaves height of 3m will be less than some of the existing brickwork.

The relative levels of the two dwellings exacerbates the impact of the proposed development and the positioning of the existing garage with one of its side elevations forming the boundary treatment to the rear garden of number 8 increases the visual impact to the residents of number 8 of raising of the walling on the garden boundary. It is acknowledged that in amending the design the applicant has taken steps to reduce the massing of the proposed extension however it is considered that this has not been sufficient to avoid an unacceptable overbearing impact on the outlook from number 8 and within their rear curtilage area. The combination of the raising of the eaves height of the existing dwelling, together with the length of the two storey extension on the boundary line with number 8 which is sited at a lower level is considered to result in an unacceptable enclosing effect on the existing outlook and amenity enjoyed by number 8 School Close.

Number 10 School Close has an unfenestrated side elevation facing the application property. The application property is set forward of number 10 but it is considered that the increase in massing resulting from the development will not have an unacceptable impact on light or outlook to number 10.

It is considered that due to the scale and massing of the development on the outlook and amenity enjoyed by number 8 that the application should be refused.

Comments from consultees: The Council's Ecologist requested an initial bat survey be submitted for consideration as it was considered that there was potential for bat access. A survey has been submitted which indicates that there is no evidence of bats using either the roof space of the main dwelling or the garage.

Cont....

Application No. 15/0678/FULL Continued

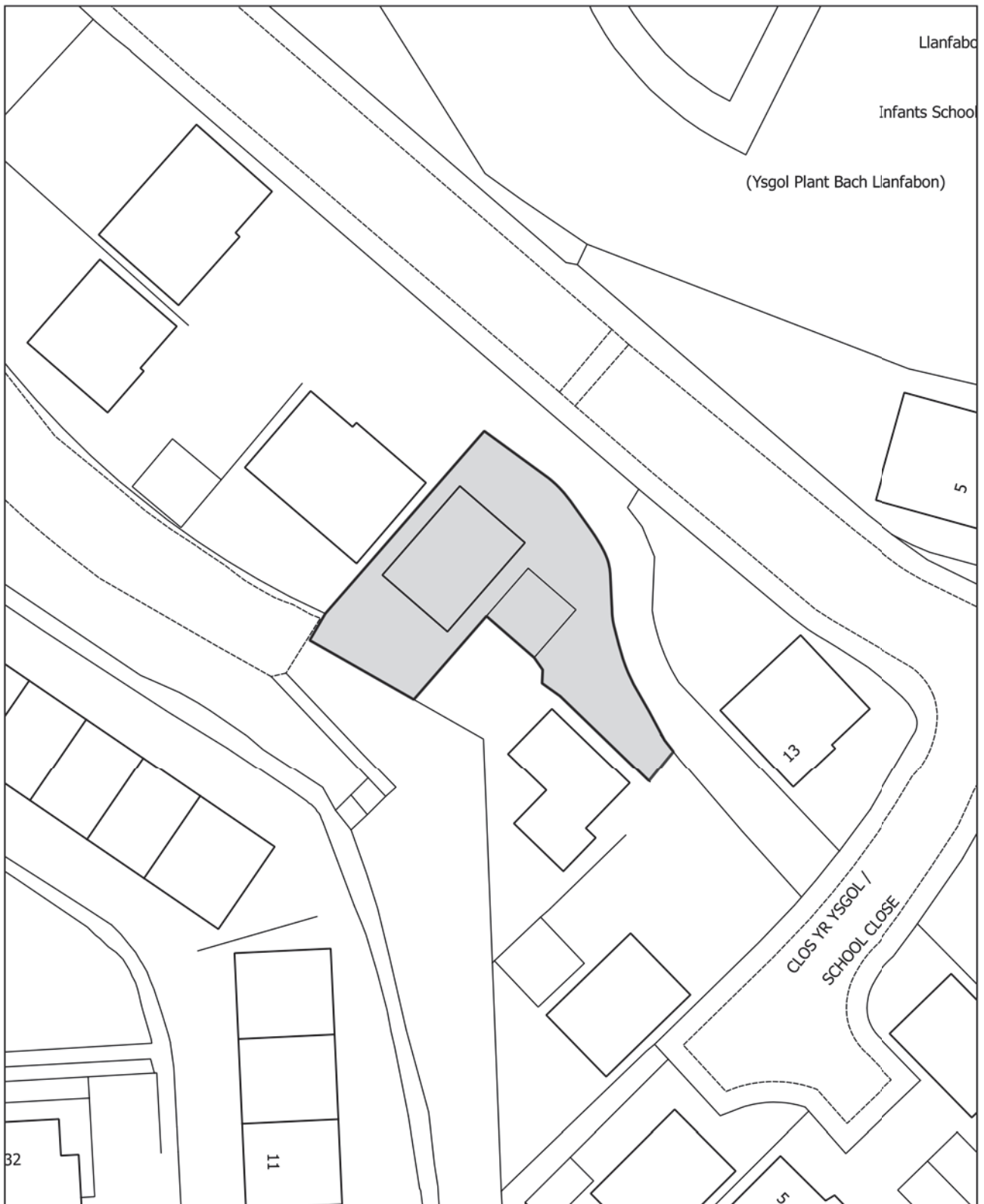
Comments from public: The concerns raised in relation to the impact of the development on the outlook and amenity of the objector have been considered within the body of the report. The applicant has indicated sufficient parking provision could be accommodated within land under their control and the objector has no provided substantive evidence to the contrary.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

- 01) The development by reason of its scale and massing would have unacceptable enclosing effect resulting in an overbearing impact on the outlook and amenity enjoyed by the dwelling and amenity area of number 8 School Close. Such an impact is contrary to policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and the Local Planning Authority's Adopted Supplementary Planning Guidance Note LDP 7 (Householder Development).
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# Agenda Item 13

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0044/LA 21.01.2016	CCBC - Education Mrs K Cole Ty Penallta Tredomen Park Ystrad Mynach Hengoed Caerphilly CF82 7PG	Upgrade existing school playing fields to a 3G artificial area to allow for rugby, football and a 200m running track, erect a minimum 5m high security fence, designate an area as MUGA pitches with a surrounding fence at minimum 2.4m height and provide floodlighting to the 3G pitch only, along with pedestrian lighting to the pathways (Phase IV) Y Gwindy - Ysgol Gyfun Cwm Rhymni Pontygwindy Road Caerphilly CF83 3HG

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is situated to the south of Y Gwindy School and on the western side of Pontygwindy Road.

Site description: The application site forms part of the grounds of Y Gwindy School, which is a newly refurbished and extended school within a mainly residential area to the north of Caerphilly Town Centre. This is a relatively flat site with buildings and a large car park on the majority of the northern part of the site, with playing fields and a disused and overgrown gravel all weather pitch at the southern half. The complex of buildings houses a primary school in the former St Ilan School building with a new building housing a secondary school. There is also an existing Primary School on the south east corner of the site which is to be converted into a Flying Start facility.

Development: The application seeks full planning consent for the upgrading of the existing gravel playing field to a 3G artificial playing area to allow for rugby, football and a 200m running track.

Cont...

Application No. 16/0044/LA Continued

The development will comprise the removal of the existing surface and the creation of a new larger plateau to accommodate the running track and storage areas for goals etc. There will be a 5m high ball stop fence surrounding the field with seven 15m high floodlighting columns on each side of the pitch.

Consent is also sought for the creation of 3MUGA's and a ball court. The MUGA's will be sited around the existing grassed pitch and to the side of the Flying Start building, with the ball court to the rear of that building. The MUGA's and the ball court will be surrounded by 2.4m high ball stop fences.

The application also proposes the construction of a pathway leading to the 3G pitch which will be lit by standard lighting columns.

Dimensions: The 3G pitch has overall dimensions of 120m by 67m with an extended area at the end of a 100m running straight measuring 15m by 13m. The ball court measures 70m by 37m and the MUGA's measure 24m by 36m.

Materials: The 3G pitch will be covered by a specialist artificial grass surface whilst the MUGA's will be covered by macadam.

Ancillary development, e.g. parking: Access to the playing fields upon completion will be via the existing school access gates onto Pontygyndy Road. Construction access for the works will be via Parc Y Felin Street in order to avoid conflict with school traffic and pedestrians accessing the school on health and safety grounds.

#### PLANNING HISTORY 2005 TO PRESENT

10/0690/LA - Erect second hand treble mobile classroom unit - Withdrawn 05.04.2011.

11/0398/LA - Refurbish existing school building, demolish existing sports hall and changing facilities and construct new sports hall and changing rooms- Granted 20.02.2012.

12/0358/LA - Refurbish existing school building, demolish existing sports hall and changing facilities and construct new sports hall and changing rooms- Granted 05.07.2012.

13/0336/LBCC - Refurbish and extend existing Grade II Listed former Gwyndy Girls School to provide improved facilities for the relocation of Ysgol Gynradd Gymraeg Caerffili - Granted 13.08.2013.

Cont....

Application No. 16/0044/LA Continued

13/0335/LA - Refurbish and extend existing Grade II Listed former Gwynndy Girls School to provide improved facilities for the relocation of Ysgol Gynradd Gymraeg Caerffili - Granted 05.09.2013.

13/0837/LA - Erect new two/three storey teaching block, bus turning area, parking and external works - Granted 15.05.2015.

14/0663/NMA - Seek approval of a non-material amendment to the height of the building approved under planning consent 13/0837/LA (Erect new two/three storey teaching block, bus turning area, parking and external works) - Granted 28.10.2014.

15/0456/NCC - Vary condition 22 of planning consent 13/0837/LA (Erect new two/three storey teaching block, bus turning area, parking and external works) to provide a revised car parking arrangement and an extension to the access road within the site to a new bus parking bay - Granted 08.09.15.

## POLICY

Local Development Plan: Within settlement limits.

### Policies

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

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

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

Paragraph 13.15 gives advice on Development management and noise and lighting and sets out the criteria to be considered.

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

Cont....

Application No. 16/0044/LA Continued

### CONSULTATION

Conservation & Design Officer - No objection.

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to hours of operation, the control of operation, the control of imported materials.

Senior Engineer (Land Drainage) - No objection subject to the imposition of a condition requiring the submission of a drainage scheme.

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

Natural Resources Wales - No objection.

The Coal Authority - No objection.

### ADVERTISEMENT

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

Response: Six letters of objection were received.

### Summary of observations:

1. Visual impact of the fencing and lighting columns.
2. Obtrusive light/light spill will have a detrimental impact on the amenity of neighbouring residents.
3. Noise nuisance from the increased use of the facility will have a detrimental impact on the amenity of neighbouring residents.
4. Impact on wildlife and ecology. The site is used by nesting birds and bats and some of this habitat will be lost.
5. The use of Parc Y Felin Street for construction access will have a detrimental impact on the amenity of neighbouring residents and could also lead to damage of cars and be dangerous to highway safety.
6. The plan proposes the loss of a tree to the rear of 61 Dol-Y-Felin Street. The loss of this tree will have a detrimental impact on the amenity of neighbouring residents by virtue of the loss of natural screening of the facility.

Cont....



Application No. 16/0044/LA Continued

7. The DAS submitted with the application refers to Sport England guidelines but fails to acknowledge that the same document suggests that such facilities should be sited in locations which take account of the need to protect the amenity of neighbouring properties.
8. Having looked at the history of the site it is noted that a similar proposal was refused planning consent by Mid Glamorgan County Council under application reference number 5/5/94/0501. The application was refused on the grounds of noise and light nuisance.
9. The development will permanently remove an area of green space.
10. The proposed fencing will have an overbearing impact on adjacent properties.
11. The development could lead to an exacerbation of existing anti-social behaviour problems in the rear lane of Mill Road. Spectators sat on the boundary walls around the site would also be able to overlook the neighbouring properties.
12. The tree directly behind number 45 Dol-Y-Felin Street should be removed or cut back as it is growing over into that property.

#### SECTION 17 CRIME AND DISORDER ACT

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

None.

#### EU HABITATS DIRECTIVE

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

Is this development Community Infrastructure Levy liable? No.

#### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application seeks consent for the construction of improved sports facilities at an existing school within a built up area on the outskirts of Caerphilly town and in that regard the principle of the development is accepted.

The main points to consider in the determination of this application are the objections raised by local residents which will be considered in turn below.

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1. With regard to the visual impact of the fencing and the floodlighting columns for the facility it is accepted that these will change the outlook to the rear of the properties in the surrounding streets. However, it has to be accepted that this is an established educational facility within a built up area and that such structures are not uncommon in such areas. With regard to the fencing it is proposed to use weldmesh fencing powder coated green and it is considered that this would adequately mitigate the visual impact of these features. It should also be noted that at its nearest point the fence will be 14m from the rear of a dwelling and partially screened by existing buildings and boundary features.

With regard to the lighting columns it should be noted that these are fairly slimline structures not unlike street lighting columns but with additional light housings at the top. Whilst they are 15m high their slimline construction means that they are not overly visible when set against an urban backdrop and in that regard it is not felt the proposal would have a detrimental impact on the visual amenity of the area.

2. The application has been supported by the submission of a lighting plan that shows the light levels for the application site and the surrounding properties. The plan shows that with proper design of the lighting, the use of cowling etc. and controlling the lux level of the lights to 75lx, the light levels in adjacent properties can be controlled to acceptable levels. Whilst there would inevitably be an increase in diffuse light (i.e. a background glow) from the existing near darkness levels on the application site, it is not considered that this would be sufficient to warrant refusal of this application. Hours of operation of no later than 21.00 hours are also recommended, after which the floodlighting would be switched off.

3. It is accepted that there would be an increased noise level at the facility than that currently experienced as the existing surface is not currently in use. However, as the use of the site for sporting activities is established, improvements to the surface and increased use of it could be made without any planning control. It should also be noted that planning consent would not be required to erect floodlighting or any street lighting at the school and as such the use of the facility could be extended to that which is similar to the proposal. As the Local Planning Authority would not be able to provide any control over the hours of operation of such a facility it is considered that this proposal would lead to an increased noise level to that which is possible at present.

4. It is accepted that the site is used by bats and that they may use the site for roosting and as a flight path. However, it is not felt that the proposals would have a significant impact on that habitat, such that it would warrant refusal of the application. It is acknowledged that one tree is to be removed as part of the development but adequate replacement planting is proposed to mitigate its loss in ecological terms.

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5. The applicant has stated that Parc-Y-Felin Street will be used as the construction access for the site on health and safety grounds in order to avoid conflicts with users of the adjacent schools. It is accepted that use of the main school access by construction traffic could prove problematic during term times when school children will be walked or driven into the school grounds. However, it is also acknowledged that the majority of the proposed works will be carried out during school holiday periods and as such not all construction traffic will need to use Parc-Y-Felin Street. In that regard it is considered that a Construction Traffic Management Plan should be required by condition, requiring the applicant to set out how these issues will be managed on site. It is considered that subject to the submission of an adequate scheme which should limit the use of Parc-Y-Felin Street, the proposal will be acceptable in this regard.

6. The Council's Arboriculturalist has assessed the application including the loss of the tree to the rear of 61 Dol-Y-Felin Street and has raised no objection to the application. Whilst the tree to be removed (a Maple Tree) has some amenity value it is not considered that its loss would be unacceptable subject to the provision of replacement planting. In that regard a condition should be attached to any consent granted requiring a Capital Amenity Valuation for Trees (CAVAT) be carried out in order to determine the number of replacement trees required. Given that a number of additional trees are already proposed and the amount of space available for further planting if necessary, it is felt that such a matter can be adequately addressed by condition.

7. The amenity impact of the proposal has been considered above. Whilst the Sport England document does state that residential amenity should be carefully considered, those considerations have to be balanced against other criteria and the benefits that such a facility can bring, including improvements in health.

8. The previous refusal by Mid Glamorgan County Council is noted. However, it is clear from the report on that application that the decision was finely balanced at that time. Given the improvements in technology since that decision and given the change in circumstances since that time it is not felt that that decision should unduly influence the consideration of this application. As stated above the floodlighting can now be adequately controlled by cowling etc. and there would be no unacceptable light nuisance. The effect on amenity is also now considered to be acceptable. Moreover, the Local Authority is now in a different position whereby national policies have changed in order to place a duty to best utilise urban space for such facilities. It should also be noted that facilities such as this, whilst being in high demand are not financially viable unless they have dual use as proposed here. In that regard, the only way that such a facility can be provided is for it to be located on existing school sites.

Cont....

Application No. 16/0044/LA Continued

9. The application site is not considered to be an area of green space. Moreover, as the surface of the facility will be green and landscaping is to be provided it is not felt that there would be a detrimental impact on the character of the area. Also as the facility will be for community use the field will not be lost as a play facility either.

10. As stated above it is not felt that the fencing would have an overbearing impact or be unduly detrimental to the amenity of the neighbouring properties.

11. It is difficult to see how anti-social behaviour can be linked to the use of this facility by organised sporting groups. Such users would be expected to control the behaviour of their members and any ongoing anti-social behaviour problems in the rear lane would be a matter for the Police. Moreover, the diffuse lighting provided by the floodlighting columns would discourage any such behaviour in the rear lane as this area would be more brightly lit. Any persons climbing onto walls surrounding the facility would doubtless be committing an offence which would be a matter for the Police and given the level of sport that would be played at the facility it is unlikely that high levels of spectators would ever be present.

12. Pruning of any trees on site is a matter between the property owner and the applicant.

In conclusion it is considered that the impacts of the proposal can be adequately mitigated against and as such the proposal is acceptable in planning terms. There would be no undue detrimental impact on the amenity or privacy of neighbouring landowners, the proposals would not be overbearing or have an unacceptable on the visual outlook of those properties, protected species would not be affected and access to the site can be adequately controlled by conditions. In that regard the application is recommended for approval.

Comments from consultees: No objections raised.

Comments from public: Addressed above.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

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

Cont....

Application No. 16/0044/LA Continued

- 02) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 03) Notwithstanding the submitted plans no works shall commence on site until after a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the LPA. The CTMP shall provide details of the contractors parking provision within the site, details of the HGV delivery movements in terms of size, duration and number of vehicles, the adequacy or otherwise of the existing school entrance for use by site traffic, the provision of a suitable turning area within the site and temporary improvements to visibility on Parc-Y-Felin Street/Pontygwindy Road junction for approval. The works thereafter shall be carried out in accordance with the approved plan.  
REASON: In the interests of highway safety.
- 04) There shall be no temporary or permanent pedestrian or vehicular access to the facility hereby approved created onto Parc-Y-Felin Street, Dol-Y-Felin Street, Mill Road, Celyn Grove or Celyn Avenue unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 05) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.  
a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.  
b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.  
REASON: In the interests of visual amenity.

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- 06) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
  - b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
  - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
  - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
  - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
  - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
  - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
  - h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
  - i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
  - j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
  - k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
  - l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,

Cont....

Application No. 16/0044/LA Continued

- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity.

- 07) Prior to the commencement of works on site a Capital Asset Valuation for Trees (CAVAT) shall be submitted to and approved in writing by the Local Planning Authority. The CAVAT shall assess the value of the tree in order to ascertain the number of replacement trees that are required to act as mitigation for its loss. Thereafter, a revised tree planting schedule shall be submitted for the approval of the Local planning Authority and the planting approved shall be carried out in the first planting season following the approval of those details.  
REASON: In order to provide sufficient mitigation for the loss of the existing trees on site.

- 08) 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.

- 09) The use of the facilities hereby permitted shall not take place outside the following times: 21.00 hours to 08.00 hours Monday to Friday, and 16.00 hours to 09.00 hours on Saturdays and Sundays.  
REASON: In the interests of residential amenity.

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Application No. 16/0044/LA Continued

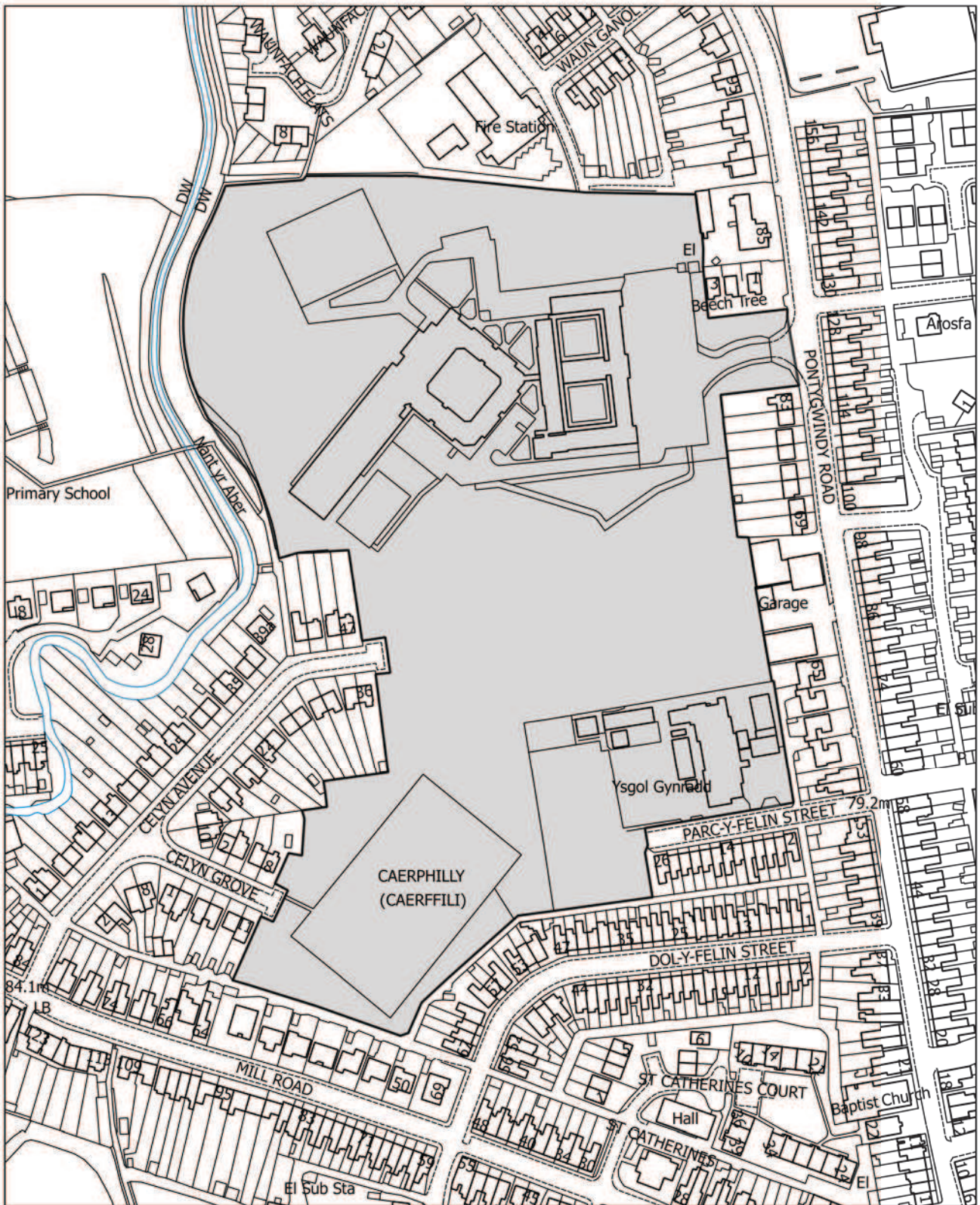
- 10) A Landscape Management Plan, including  
(a) long term design objectives,  
(b) management responsibilities, and  
(c) maintenance schedules for all landscape areas, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.  
The Landscape Management Plan shall be carried out as agreed.  
REASON: To ensure that the landscaping is maintained in the interests of the visual amenity of the area.
- 11) Prior to the commencement of works on site a scheme of monitoring the floodlights to assess the impact on protected species shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.  
REASON: In the interests of nature conservation.
- 12) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Design and Access Statement (January 2016) Rev A, A001, E001, 01 Rev TO, 02 Rev TO, L001 Rev A, L002, and TLL/H/0179218/ EX/R2/200116 (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 and CW4.

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0032/FULL 18.01.2016	Mr J Pannu C/o C2J Architects & Town Planners Mrs A Dallimore Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Erect a two-storey mixed development of three apartments and four commercial units with on site car parking, refuse and cycle storage facilities Fwrrwm Ishta House 68 Commercial Road Machen Caerphilly CF83 8PG

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application property is situated on the southern side of Commercial Road, Machen.

Site description: The application site is the former car park of the Fwrrwm Ishta Public House. The former public house has now been converted into a dwelling and the car park has been divided off from that. The site is largely triangular in shape being wider at the front than at the rear. The site also slopes gently from front to back towards the river to the south of the site. It was formerly hard surfaced area but has now become overgrown.

To the west of the site is the former public house with the river to the south and east. The main road is to the north of the site with the war memorial and the grounds of St John's Church to the north of that. Whilst the site is in the centre of the village with a convenience store to the north west of the site, with the former pub now being a dwelling the area is mainly residential in character with the majority of properties on Commercial Road being two-storey semi-detached and terraced properties with a small number of larger detached buildings.

Development: The application seeks full planning consent for the erection of a large detached building to be used for a mixed use of commercial and residential. The submitted plans indicate the erection of a two storey pitched roofed building sited at the front of the site adjacent to the former public house.

Cont....

Application No. 16/0032/FULL Continued

The building will be finished in a mixture of render and timber cladding to the front with some brick panelling to the rear. As is common with retail property there would be a large amount of glazing to the front ground floor elevation with grey upvc frames and panelling. However a vertical emphasis is achieved by the use of glazing bars and fenestration.

The building will accommodate two commercial units (retail) on the ground floor with two commercial units (offices) and three apartments on the first floor. The commercial space would be used for retail on the ground floor and offices on the first floor. Each of the apartments would have two bedrooms, an open plan kitchen, dining room and living room and two bathrooms.

Access to the site will be derived off Commercial Road with a new car park being created to the rear of the building. This car park would be shared between the commercial and residential uses with a dedicated footpath access from the residential spaces to the entrance to the flats. A total of 19 parking spaces will be provided together with turning facilities within the site and bicycle storage for 9 bikes. A bin store is also proposed to the rear of the site.

A previous application for a similar proposal was recently refused on the grounds of the design of the building, lack of adequate parking, lack of consideration of the needs of pedestrians and over development of the site. This application seeks to overcome those objections and the design of the building has been changed together with amendments to the layout of the site to provide more off street parking together with better facilities for pedestrians. There are also improved access and turning facilities within the site.

Dimensions: The building measures 31m long by 15m deep by 7.6m high at its highest point. The commercial units on the ground floor will have a floor area of 325.5 square metres and 87 square metres. The commercial units on the first floor will have a floor area of 71 square metres and 72 square metres and the apartments will have a floor area of 68 square metres. The site has overall dimensions of 55m by 54m by 61m and an area of 0.18 hectares.

Materials: As stated above.

Ancillary development, e.g. parking: None.

#### PLANNING HISTORY 2005 TO PRESENT

06/0113/ADV - Erect free standing sign - Granted 18.10.06.

Cont.....

Application No. 16/0032/FULL Continued

06/0145/FULL - Erect raised decking - Granted 15.10.06.

12/0063/COU - Temporary erect marquees and gazebos to host a rural market on a monthly basis of up to 10 events a year, between 10:00 a.m and 2:00 p.m. on a Saturday only, in part of the car parking area of the Fwrrwm Ishta Inn - Refused 15.10.12.

12/0637/OUT - Erect residential development for two detached house with garages - Granted 16.01.15.

13/0595/COU - Change the use from A3 (Pub/Restaurant) to C3 (Residential), alter and refurbish existing Fwrrwm Ishta public house to create new five bedroom single family dwelling with associated external works, parking and new garden area - Granted 28.11.13.

14/0024/FULL - Erect new residential development of four 6 bedroom dwellings and 3 affordable units with associated works, parking and new access road and footpaths - Refused 10.09.15.

15/0669/FULL - Erect a mixed use two-storey development of 3 apartments and 4 commercial units with on site parking, refuse and cycle storage facilities- Refused 09.10.15.

## POLICY

Local Development Plan: Within settlement limits.

## Policies

Local Development Plan: SP3 (Development Strategy in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints), CW16 (Locational Constraints - Retailing).

Adopted Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development. The following Paragraphs are relevant to the determination of this application:-

- 1.1 The quality of the places we live in has an impact on all aspects of life. How well they are designed will influence how safe we feel, how easy it is to walk round, whether we have shops, community facilities and schools nearby, whether our children have safe places to play.

Cont....

It will also affect whether there is good access to public transport and a good choice of homes in which to live. It is essential that the places we create embody the principles of good urban design.

- 1.2 Caerphilly County Borough Council (CCBC) is committed to achieving good design, as is the Welsh Assembly Government (WAG). Good design is a key aim of the Planning System and Planning Policy Wales (WAG 2010) requires that Local Development Plans (LDPs) provide clear policies setting out a local authorities design expectations. Technical Advice Note 12: Design (TAN 12) [WAG 2002] gives advice to local planning authorities on how design may be facilitated within the planning system.

A good movement network allows people to move around freely and easily, through a variety of transport modes. New development should be accessible to all and should be successfully integrated into the existing surrounding area. It is vital that the pattern of accessibility and ease of movement is designed hand in hand with measures to reduce crime and create safe and secure streets, spaces and buildings.

Ensure safe and efficient access for all modes of transport, emergency services and other service vehicles but wherever possible give priority to pedestrian and cyclist movement.

Development should respond to the character and local distinctiveness of site.

The character and context of any development is created by the form of the development, the landscape, culture and biodiversity - all of which are locally

distinctive. These elements have often built up over a considerable time and help create a 'sense of place'. The character and context of a site should influence design positively so that development does not simply replace what was there but reflects and responds to changes in local circumstances. If the

context to a development has been compromised by an earlier stage of development it should not be seen as a reason to perpetuate what has been done before.

Opportunities should be sought to deliver high quality sustainable development that reflects the technologies and aesthetics of the 21st century and creates a strong sense of place.

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Often there is a perception that innovative 'contemporary' design conflicts with established patterns of settlement and traditional styles of architecture. In reality architectural styles and traditions have evolved numerous times in the past in response to changing social and economic conditions. There is no reason why design which uses modern materials and responds to contemporary aesthetics should not fit in with context as well as more traditional forms of development.

When the merits of 'contemporary' versus 'traditional' architecture are considered the debate often revolves around the style of the building itself. Often some of the most important design issues related to character and context are totally overlooked. These can be simple issues like building setback, plot width, building height or verticality. If these are responded to appropriately then architecture using modern materials and construction methods, with styling that reflects aesthetics of the 21st century, can be entirely in-keeping with character and context.

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

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

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

### CONSULTATION

Transportation Engineering Manager - No objections subject to conditions in respect of parking, and the applicants entering into a Section 106 Agreement to make a contribution towards the provision of a pedestrian crossing.

Head Of Public Protection - No objection subject to conditions concerning hours of operation the control of waste, dust and noise.

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

Cont....

Application No. 16/0032/FULL Continued

The Coal Authority - Raises concerns about the lack of a coal mining risk assessment; however in relation to the previous application no objections were raised which is satisfactory for planning purposes.

Conservation & Design Officer - No objection.

Countryside And Landscape Services - No objection subject to conditions.

Bedwas, Trethomas & Machen Community Council - Raises concerns over flooding and access.

Natural Resources Wales - No objection subject to conditions.

### ADVERTISEMENT

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

Response: Four letters of objection were received.

### Summary of observations:

1. The proposal is out of keeping with the character of the area.
2. Loss of the public house.
3. Loss of views and detrimental impact on visual amenity.
4. Commercial units are not required in the village.
5. Detrimental impact on St John's Church and the Cenotaph.
6. Highway safety.
7. Anti-social behaviour and litter problems should a hot food take away occupy one of the units.

### 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?  
Retail uses in the centres of settlements can attract anti-social behaviour, but in this case any such problems would be a matter for the Police.

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## EU HABITATS DIRECTIVE

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

Is this development Community Infrastructure Levy liable? Yes. Based on a floor area for the retail units of 390.5 square metres at a rate of £100 per square metre and a floor area of 264.2 square metres for the residential units at a rate of £40 per square metre a total CIL amount of £49,618 is payable. This is a zero rate for offices.

## ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application seeks full planning consent for the erection of a mixed use development of residential and commercial uses which is considered to be acceptable in principle within a residential area within the defined settlement limits. However, the application has to be considered against national planning guidance and development control criteria and in that regard the objections raised by members of the public are central to the determination of this application and will be considered in turn below:-

1. Whilst the design of the proposed building is very modern, as stated in Supplementary Planning Guidance LDP6, it should not be perceived that contemporary design conflicts with traditional styles of architecture. Provided that the developer has considered the context of the site and used traditional style features such as set back, building height and fenestration, then a modern design can be in keeping with the traditional character of the area.

As opposed to the previous application, the building proposed here is less modern in design and exhibits many of the traditional design features that you would expect in this area. A traditional pitched roof has been used and the fenestration of the building is now more in keeping with the character of the surrounding properties. The change in the roof shape has also served to lessen the bulk of the building and it is now considered to be acceptable in design terms.

2. The loss of the public house is not a matter for the Local Planning Authority in this instance. In any event the public house has already been converted into a dwelling and this application does not affect that building.

3. Loss of view is not a material planning consideration. Moreover, it is not considered that the proposal would have a detrimental impact on the visual amenity of the area given its design, location and relationship to other properties.

Cont....

Application No. 16/0032/FULL Continued

4. It is not for the Local Planning Authority to determine whether there is a need for the development in the area in preference to any other development. The Local Planning Authority has to consider whether the application before it is acceptable on its own planning merits and the need for one type of development over any other is for market forces to determine.

5. In that the design of the proposed building is considered to be acceptable and that St John's Church is some distance away from the application site it is not felt that the proposal would have a detrimental impact on the setting of that building.

6. The application has been considered by the Transportation Engineering Manager and no objection has been raised. It is considered that the amended scheme adequately addresses the concerns raised in the previous application in terms of access, car parking and pedestrian routes through the site and as such the proposal is acceptable in highway safety terms. However, it is considered that a pedestrian crossing is required across the A469 to serve the development and in that regard a contribution of £50,000 should be sought from the developer through a Section 106 Agreement.

7. Anti-social behaviour is a material planning consideration in this instance but it cannot be given significant weight in the determination of this application. Retail uses, especially if they are open late at night, can become the focus of anti-social behaviour, but it would be unreasonable to object to the proposal on that basis from a planning point of view. This is a village centre location where such uses are normally found.

Comments from consultees: No objections received. Conditions in respect of hours of operation are recommended that reflect the position of the premises at the centre of the village near an existing shop and opposite the grounds of the church.

Comments from public: Addressed above.

Other material considerations: The recommendation is subject to a Section 106 Agreement to secure £50,000 towards the provision of a pedestrian crossing. Such agreements have to be necessary to make the development acceptable directly related to the development, and fairly and reasonably related in scale and kind to the development. A pedestrian crossing is necessary because permission would otherwise be refused on the basis of policy CW3 which requires development to have regard for the safe use of the highway. A substantial part of Machen is on the opposite side of the main road to the application site, and the shop, understood to be the co-op, will attract customers who will have to cross the highway. Those pedestrian movements do not occur to any significant extent at the moment, so there is a direct relationship between the proposal and the need for a crossing, which would be fairly and reasonably related in scale and kind to the development.

Cont....

Application No. 16/0032/FULL Continued

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

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.
- 04) No site vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Cont....

Application No. 16/0032/FULL Continued

- 05) Prior to the commencement of work on site details of hedgerow enhancement planting and management, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up a new boundary hedgerow between the development and the River Rhymney SINC, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the hedgerow planting shall be carried out within 12 months of the completion of the development.  
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 06) 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 apartments and commercial units at land at 68 Commercial Road, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new apartments and commercial units 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.
- 07) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow and Swift) in the new apartments and commercial units at land at 68 Commercial Road, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new apartments and commercial units 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.
- 08) Prior to commencement of development details of a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority to ensure noise from the proposed commercial use does not affect the residential use of the property. The development shall be carried out in accordance with the approved details before first use of the premises hereby approved.  
REASON: In the interests of residential amenity.

Cont....

Application No. 16/0032/FULL Continued

- 09) The use hereby permitted shall not be open to customers outside the following times 08.00 hrs to 22.00 hrs Monday to Sunday  
REASON: In the interests of residential amenity.
- 10) No deliveries shall be taken at or dispatched from the site outside the hours of 07.00 hrs to 18.00 hrs Monday to Sunday.  
REASON: In the interests of residential amenity.
- 11) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the Local Planning Authority.  
REASON: In the interest of public health.
- 12) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.  
REASON: In the interests of the amenity of the area.
- 13) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.  
REASON: In the interests of the amenity of the area.
- 14) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.  
REASON: In the interests of highway safety.
- 15) The development shall not be brought into beneficial use 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.

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Application No. 16/0032/FULL Continued

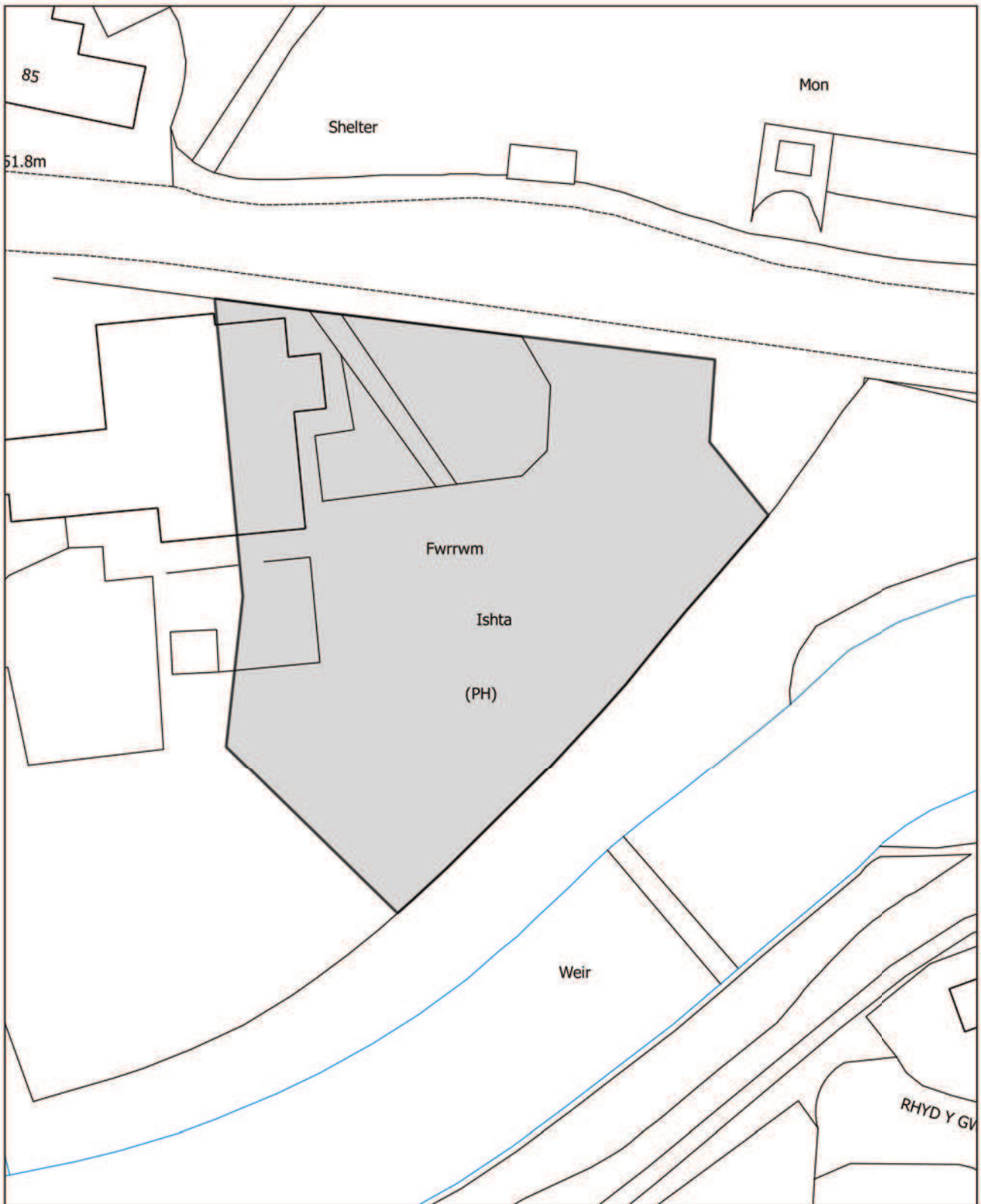
- 16) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: AL(00)01A, Design and Access Statement (Revised December 2015), AL(90)01F, AL(00)02B, AL(00)03A, AL(00)05B and 001A (Vehicle Tracking Options 1 and 2). (or any plans or 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.
- 17) The use of the premises hereby approved shall be limited in the following manner: the ground floor shall be used for purposes following within Class A1 of the Town and Country (Use Classes) Order 1987 as amended; commercial space 3 and 4 at first floor as shown on the approved plans shall be used for purposes within Classes A2 and B1 of that Order; the apartments at first floor as shown on the approved plans shall be used as dwellings.  
REASON: For the avoidance of doubt as to the extent of this consent.

Advisory Note(s)

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

Please find attached the comments of Dwr Cymru/Welsh Water.

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## PLANNING COMMITTEE – 6TH APRIL 2016

**SUBJECT: CONSULTATION FROM WELSH LOCAL GOVERNMENT ASSOCIATION ABOUT A NATIONAL PLANNING COMMITTEE PROTOCOL FOR WALES**

**REPORT BY: CORPORATE DIRECTOR COMMUNITIES**

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### 1. PURPOSE OF REPORT

- 1.1 To seek Members review on the consultation from the WLGA on a National Planning Committee Protocol for Wales as part of the consultation process.

### 2. SUMMARY

- 2.1 The Welsh Local Government Association (WLGA) has consulted on its draft Planning Committee protocol, a copy of which has been sent to members in preparation for the consideration of this item. Welsh Government (WG) wishes to introduce a national protocol to improve consistency across the 25 LPAs while ensuring a level of local flexibility through the discretion of the Chair and locally determined procedures such as the committee meeting running order.

### 3. LINKS TO STRATEGY

- 3.1 The report takes account of the Caerphilly Planning Code of Practice.

### 4. THE REPORT

- 4.1 The consultation is structured similarly to WG consultations in that the proposed protocol contains a number of questions to which we are required to respond. The document is difficult to summarise since each paragraph sets out a different aspect of the protocol. Therefore, the full draft protocol is attached as an appendix, and suggested answers to the questions set out below: -

- 4.2 Q.1 Do you agree with having a national planning protocol?

No. Guidance along the lines of e.g. there should be an opportunity for members of the public to address the Planning Committee, is acceptable, but it should be no more prescriptive than that. There is more than one way to deliver the planning service, and each LPA knows what is practicable and effective within its particular area. However, the comments below are based on an assumption that a national protocol will be introduced.

- 4.3 Q2. Do these proposals differ from the protocol you have in place? Do you see any difficulties with adopting these proposals?

The restrictions concerning the conduct of all members particularly where they submit a planning application are more extensive than those set out in the Council's current Planning Code of Practice adopted in 2007, but they are clearly in line with the principles set out in that document, and are supported.

- 4.4 Q3. Does the proposal regarding voting differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

This part of the protocol addresses the issue of a 'closed mind', and suggests two scenarios for members of the Planning Committee acting in respect of applications in their wards. Where they are acting as a member for their electoral ward, they will be able to speak but not vote on an application; but where they act as a member of the committee they may speak and vote on an application in their ward. With regard to the 'closed mind' issue, the protocol is ambiguous. It states that elected members should not fetter their discretion, but they are entitled to express views on planning issues and that these comments have an added measure of protection under the Localism Act 2011. Furthermore, having expressed their own views on a matter, provided members are prepared to reconsider their position in the light of all the evidence and arguments, they are entitled to make a decision. The general advice should be that members of the Planning Committee should be discouraged from stating any views about planning matters until they are making a decision at the committee. This provides clarity to members and to the public. Similarly, the distinction between members acting as ward members, and as members of the Planning Committee is unclear and will only cause confusion. There is some merit in preventing members voting on applications in their own ward, particularly where committees are small and not all wards are represented, but the distinction suggested will be difficult to justify and unclear to the public.

- 4.5 Q4. Are members currently involved in pre-application discussions? Do you see any difficulties with adopting these proposals?

Members of this LPA's Planning Committee are not involved in pre-application discussions, but as of 16 March 2016 they will be consulted by applicants for major development before a formal submission is made. A protocol should address members' conduct in that situation. The advice in the protocol about the conduct of members is acceptable.

- 4.6 Q5. Do these proposals [concerning contact with applicants, developers and objectors] differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

The draft protocol includes the following: "Don't agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the [Development Control Manager] to organise it." This Council has never organised public meetings with objectors. Objectors can make their views known to the LPA in writing and can attend the Council's offices where a duty officer can answer their questions. They can also attend and speak at the Planning Committee. Arranging public meetings with objectors would place a significant burden on staff time, and unless properly minuted, could lead to misunderstandings, disagreements and possibly raise issues of probity. Members should be discouraged from arranging meetings with the applicants and developers. The Council's officers will arrange meetings where necessary. The other aspects of this part of the protocol are acceptable.

- 4.7 Q6. Do these proposals [for Lobbying of Councillors] differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

The proposals are similar to those in the Council's current code of conduct.

- 4.8 Q7. Do these proposals [for Lobbying by Councillors] differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

The proposals are similar to those in the Council's current code of conduct.

- 4.9 Q8. Do you see any difficulties with adopting these [Site Visits/Inspections] proposals?

The general content of this part of the protocol is acceptable, but it appears to be based on the procedure whereby Planning Committee decides when a site visit should be held. That delays the determination of applications, and this LPA has recently, in line with recommendations from the RTPI, introduced a procedure whereby a site visit is held before the Planning Committee to which the application is being reported. The draft protocol should be modified to allow this. The protocol also states that site visits would not be appropriate where purely policy matters or issues of principle are at issue. This is unduly restrictive; for instance, officers may be recommending approval of a residential development outside but adjoining the settlement because of the physical characteristics of a site, and it would be reasonable for members to wish to visit the site to assess those factors.

- 4.10 Q9. Does your authority allow public speaking? If not are there any reasons why public speaking cannot be allowed?

Yes. Public speaking should be encouraged in all cases.

- 4.11 Q10. Do these proposals [for Public Speaking Procedures] differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

The proposals are similar to those operated by this LPA, but we allow visual aids and supporting evidence that can be handed around at the committee. Our order of speaking allows the applicant to go last so that they can take the opportunity to address any issues raised by other speakers. Also we only allow one speaker for and against a scheme, apart from exceptional circumstances such as the Nant Llesg open cast mine, or the Sirhowy Enterprise Way, where more than one was allowed, but each had to address different issues. Non-Planning Committee members have a right to address the committee in any case, but they would also appear in the objector/supporter order set out above. This LPA also commences each item with a short presentation by the case officer, including photographs and plans, before objectors, applicants and members speak. This helps to set the context for the committee, and brings out the important material planning considerations.

- 4.12. Q11. Do these proposals [for the Role of Officers and Decision Making] differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

The general thrust of these proposals is acceptable apart from the requirement to "...ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee." This is an administrative matter which has no bearing on the planning merits of a case, and the requirement to include reference to it in the committee report introduces an opportunity for decisions to be judicially reviewed. Also, there are often good non-planning reasons, e.g. transparency, for applications to be reported to the Planning Committee. Some major schemes are acceptable in planning terms and are non-controversial, but in view of the planning history of the sites, or maybe their prominence, it is often prudent to report such proposals to the committee.

- 4.13. Q12. What are your views on having a cooling off period?

The cooling off period is essential. LPAs have a statutory duty to make decisions in accordance with the development plan unless material considerations indicate otherwise. The officers' recommendation will abide by that requirement, and may often be result of many months' work, discussion and negotiation. Overturning the recommendation 'on the night' without the cooling off period may make LPAs vulnerable to judicial review for failing to comply with the statutory duty. Also, reasons for refusal put forward on the night may have no sound basis, making the LPA vulnerable to costs at appeal. The cooling off period allows the suggested reasons to be considered and tested before a final decision is made. Where members are minded to approve a scheme against officer recommendation, the cooling off period allows proper consideration to be given to the appropriate conditions.

- 4.14 Q13. Are these duties [of the Chair] different from current duties? Do you consider that training for Chair of Planning Committee would be required?

There are no objections to the proposed duties. Training would be advisable. This LPA provides chairing skills training for all committee chairs including Planning, and additional training to the Planning Committee Chair, through a mandatory and requested training programme.

- 4.15 Q14. Do these proposals [for Role of Members at a Planning Appeal] differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?

The paragraphs in this section will be considered individually where necessary.

It is acceptable for a member of the [planning committee] to advocate the decision made by the [planning committee] but it is recommended that an officer provides technical support to the Member at the appeal and deals with any technical or process issues raised by the Inspector or other participants. This Council requires the proposer and seconder of the motion to refuse an application against officer recommendation to represent the Council at a hearing or inquiry. Planning officers will provide administrative support, and advice about the preparation of evidence, but they cannot deal with technical and process issues at an inquiry or hearing as they may be vulnerable to cross-examination from the appellants.

A Member who disagrees with the [planning committee] should not make opposing representations at an appeal and should accept the decision of the [planning committee] as being fair, open and democratic. Where a Member wishes to make representations at an appeal that are contrary to the decision of the [planning committee] they should first inform the [Development Control Manager] of their decision so that the Planning Inspectorate can be informed. Members in these circumstances must understand that the views that they put forward do not represent the views of the Council or the [planning committee]. The first sentence in this section contradicts the remainder. The important thing is that where members decide to appear at an appeal and present views contrary to those of the Planning Committee, they make it clear that they are acting in a personal capacity, and not on behalf of the Local Planning Authority.

- 4.16 Q15. Do you currently require planning committee members to undertake training before participating in any decision making? Would you support a national approach to provision of training resources?

Yes to both questions. Planning Committee members have to undertake mandatory training before taking up a place on the Planning Committee; this is supplemented with annual refresher and update training and specialist presentations throughout the year.

- 4.17 Q16. Do these proposals [for Customer Care] differ from the current customer care arrangements you have in place?

Do you see any difficulties with preparing a local procedure as set out in paragraph 15.1?

The proposals are broadly in accordance with this LPA's current practices. However, the proposed requirement that the public be provided with sufficient copies of the agenda for the meeting, and that copies of the procedure adopted by the Council for the conduct of the meeting should be made available, is onerous and impracticable, particularly as there are often up to 50 people in the gallery. Documents are now made available on line in advance of the committee allowing people to look at and print documents at home.

- 4.18 Q17. Do you have any additional comments not covered in the questions above?

The final section of the protocol, 'Advice on attending and speaking at the [Planning Committee]', contains the following, which should be modified.

4. What if a lot of people want to speak?

If a number of people wish to speak either for, or against, a particular planning application on similar grounds, you should try to combine your representations with them and nominate one spokesperson to speak on your behalf. This will avoid unnecessary repetition at the Committee meeting.

If the intention is to produce a national protocol, this needs to be more prescriptive, i.e. only one person will be allowed to speak at the Planning Committee. If more than one person wishes to speak they will have to nominate a single spokesperson. Only in exceptional circumstances, e.g. a development of the scale of the Nant Llesg surface mine will more than one person be allowed to speak, and in those circumstances, each speaker must address a separate issue. The advice about the order of speakers, and site visits should be modified to reflect the comments already made above. The advice on 'What happens after the public speaking' does not take account of electronic voting. Also, where members disagree with the officers' recommendation, at this LPA they vote to defer a decision to allow officers to prepare reasons for refusal, or conditions, whichever is appropriate. There is no mention of webcasting and its implications.

## **5. EQUALITIES IMPLICATIONS**

5.1 There would be no equalities implication 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: T. Stephens (Development Control Manager)

Appendices:  
Appendix 1 Draft Protocol

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## *Draft Planning Committee Protocol*

### *1. Introduction*

- 1.1 The Planning (Wales) Act which received Royal Assent in 2015 will result in many changes to the planning system in Wales. In addition to legislative change the Minister is strongly advocating culture change; part of which is a more consistent approach to planning across Wales including greater consistency in the operation of planning committees.
- 1.2 A recent study by the Royal Town Planning Institute into the “Study into the Operation of Planning Committees in Wales” concluded that there is a wide variety of practice in the operation of planning committees across Wales and recommended that a national planning committee protocol be prepared.
- 1.3 As a result of this study, Welsh Government invited local authorities to draft a voluntary planning committee protocol. Through the WLGA a drafting group was established with representatives from the Planning Officers Society Wales and Lawyers in Local Government. The members of this group are:
  - Sioned Wyn Davies, Legal, Democratic and Registration Services Manager, Wrexham CBC
  - Simon Gale, Service Director Planning, RCT CBC
  - Simon Humphreys, Head of Legal Planning & Environment, RCT CBC
  - Roderic Jones, Senior Lawyer, Bridgend CBC
  - Jane Lee, Policy Officer, WLGA
  - Paul Lucas, Director Legal and Democratic Services, RCT CBC
- 1.4 Following a series of meetings, the drafting group has prepared a draft protocol for consultation. The draft protocol is based on the published LLG Planning Code or Protocol 2014.

### *2.0 The Protocol*

- 2.1 The primary aim of the protocol is to improve consistency across the 25 LPAs while ensuring a level of local flexibility through discretion of the Chair and locally determined procedures such as the committee meeting running order. Planning Committees have different names in different local planning authorities therefore where the term “planning committee” appears in the text this has been inserted in brackets.
- 2.2 It is intended that the protocol will complement any national and local codes on Councillor Conduct and the general arrangements regarding the running of meetings. This protocol is specific to Planning and covers the following areas:
  - Relationship to the Members’ Code of Conduct
  - Development Proposals and Personal and Prejudicial Interests

- Fettering Discretion in the Planning Process
- Member Involvement at the pre-application stage
- Contact with Applicants, Developers and Objectors
- Lobbying of Councillors
- Lobbying by Councillors
- Site Visits/Inspections
- Public Speaking at Meetings
- Public Speaking Procedures
- Role of Officers
- Decision Making
- Cooling Off Period
- Duties of the Chair
- Role of Members at a Planning Appeal
- Training
- Customer Care
- Advice for the public on attending and speaking at the Planning Committee

### *3.0 How to respond*

- 3.1 The WLGA welcomes comments on the protocol and has inserted questions in the consultation draft of the protocol to prompt responses. The closing date for comments is Friday 20<sup>th</sup> May 2016. Please send comments to Jane Lee by email [jane.lee@wlga.gov.uk](mailto:jane.lee@wlga.gov.uk) or by post to WLGA, Local Government House, Drake Walk, Cardiff, CF10 4LG.
- 3.2 The drafting group will review these comments and make changes to the protocol where appropriate. It is anticipated that the final protocol will be available in June for consideration by each local authority at the appropriate Council meeting.



## *Draft Planning Committee Protocol*

### *1.0 Introduction*

- 1.1 **The aim of this Protocol** is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 1.2 One of the key purposes of the planning system is to regulate the development and use of land in the public interest. Your role as a Member of the Planning Authority is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 1.3 You are also a democratically accountable decision-taker who has been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies provided that you have considered all material considerations and have given fair consideration to relevant points raised.
- 1.4 **When the Protocol applies:** this protocol applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.5 If you have any doubts about the application of this protocol to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

<b>Q1. Do you agree with having a national planning protocol?</b>
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### *2. Relationship to the Code of Conduct*

**Do** apply the rules in the Code of Conduct first, which must always be complied with.

**Do then** apply the rules in this Members' Planning Committee Protocol, which seek to explain and supplement the Code of Conduct and the law on decision making for the purposes of planning control. If you do not abide by this protocol, you may put:

- the Council at risk of proceedings on the legality of the related decision or maladministration; and

- yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the Code of Conduct, in a complaint being made to the Ombudsman.

### *3. Development Proposals and Personal and Prejudicial Interests*

#### *Conduct of All Members*

**Do** disclose the existence and nature of your interest as required by the Code of Conduct.

**Do** then act in accordance with the Code of Conduct. Where your interest is a personal and also a prejudicial interest:

- Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the [planning committee]
- Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.

**Do** note that you will be able to speak at a [planning committee] where you have a prejudicial interest if and only to the same extent that a member of the public would have a right to speak on that item but remember that you must withdraw from the meeting as soon as you have finished speaking.

**Do** notify the Monitoring Officer in writing of your own planning applications and note that:

- you should send the notification no later than submission of that application;
- the proposal will always be reported to the [planning committee] as a main item and not dealt with by officers under delegated powers;
- you must not get involved in the processing of the application; and
- it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

**Q2. Do these proposals differ from the protocol you have in place? Do you see any difficulties with adopting these proposals?**

*4. Fettering Discretion in the Planning Process* (natural justice, predisposition and predetermination)

#### 4.1 *Members of the Planning Committee*

**Don't** fetter your discretion by approaching the decision with a closed mind.

**Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.

**Do** keep at the front of your mind that, when you come to make the decision, you

- are entitled to have and to have expressed your own views on the matter, provided you are prepared to reconsider your position in the light of all the evidence and arguments;
- must keep an open mind and hear all of the evidence before you, including the written report, the officers' presentation of the facts and their advice, any oral or written representations received and the arguments from all sides;
- are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
- are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
- are to come to a decision after giving what you feel is the right weight to those material considerations.

**Do** be aware that you can be found to be biased where the Council is the landowner, developer or applicant if you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

**Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the community council, for example, or both a unitary authority councillor), provided:

- the proposal does not substantially effect the wellbeing or financial standing of the consultee body;
- you make it clear to the consultee body that:
- your views are expressed on the limited information before you only;
- you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or

community, as and when it comes before the Committee and you hear all of the relevant information; and

- you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.

**Do** explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (Use the disclosure form provided for disclosing interests.)

**Do** remember that as a Member of the [planning committee] subject to the provisions of the Code of Conduct and provided that you have not pre-determined the application you can speak and vote on any application which comes before the Committee.

Where an application comes before the [planning committee] which falls within the electoral area of a Member that Member can: -

- act as a Member for their electoral ward in dealing with the application; or
- act as a Member of the [planning committee] in relation to the application.

**Where a Member acts as a Member for their electoral ward:**

- they will be able to speak on an application but not vote on that application
- they must notify the Chair when that item has been called as the next business to be considered by the [planning committee] that they intend to act as a Member for their electoral ward
- the Chair shall invite the Member to speak following any public speakers but before any debate starts. If the Member decides not to speak on the Application they shall not be given a further opportunity to speak.
- once the Member has exercised their right to speak or indicated that they do not wish to speak they shall leave the [planning committee] area until the item is dealt with.

**Where a Member acts as a Member of the [planning committee] for an application in their electoral ward:**

- they must notify the Chair when that item has been called as the next business to be considered by the [planning committee] that they intend to act as a Member of the [planning committee]
- the Chair shall explain to all present that the Member will not be acting as a local member for that application and may speak in the debate and vote.

**Do** seek advice from the [Monitoring Officer] before the meeting of the [planning committee] where you have an interest under the Code of Conduct in an item in your electoral ward {NB the Code of Conduct is due to be amended and para 10(2)(b) is likely to disappear}

**Q3. Does the proposal regarding voting differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?**

#### *4.2. Member involvement at the pre-application stage*

**Do** be aware that in your role as an elected member, you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.

**Do** be aware that you can through personal significant involvement in preparing or advocating a proposal be, or be perceived by the public as being, no longer able to act impartially.

**Do** consider yourself able to take part in a consultation on a proposal and, if you are a member of the [planning committee], the subsequent determination of the application provided that: -

- You do not in any way commit yourself as to how you may vote when the proposal comes before the [planning committee] for determination;
- You focus only on site factors and site issues;
- You do not excessively lobby fellow councillors regarding your concerns or views not attempt to persuade them how to vote in advance of the meeting at which the planning decision is take;
- You are not involved in negotiations regarding the application. These should be conducted by officers separately from any pre-application discussions members have been involved in.

At a pre-application consultation: -

- **Do** ask relevant questions for the purpose of clarifying your understanding of the proposal;
- **Do** remember that the presentation is not part of the formal process of debate and determination of any application.

**Q4. Are members currently involved in pre-application discussions? Do you see any difficulties with adopting these proposals?**

*5. Contact with Applicants, Developers and Objectors*

**Do** refer those who approach you for planning, procedural or technical advice to officers.

**Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the [Development Control Manager] to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

**Do** otherwise:

- follow the Authority's rules on lobbying;
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the [Development Control Manager] any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

**Don't** attend a planning presentation without requesting an officer to be present.

**Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

**Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.

**Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

**Q5. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?**

## *6. Lobbying of Councillors*

**Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or offer a firm point of view that it amounts to the same thing.

**Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

**Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal.

**Do** copy or pass on any lobbying correspondence you receive to the [Development Control Manager] at the earliest opportunity.

**Do** promptly refer to the [Development Control Manager] any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

**Do** inform the [Monitoring Officer] where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

**Do** note that, unless you have a personal interest which is also a prejudicial interest, you will not have fettered your discretion or breached this Planning Protocol through:

- Listening to or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind when it comes to making the decision);
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion of others in your role as a [Ward][Division] Member.

**Q6. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?**

## *7. Lobbying by Councillors*

**Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is your intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.

**Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals (such as the Victorian Society, CPRW, Ramblers Association or a local civic society), but you should disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.

**Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

**Don't** decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

**Q7. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?**

### *8. Site Visits/Inspections*

8.1 Site visits are fact-finding exercises, the sole purpose of which is to allow the [planning committee] to look at the site and its surroundings and shall only be held when the [planning committee] are unable to reach an informed decision without seeing the site for themselves and an inspections would have substantial benefit.

Examples where a site visit would NOT be appropriate include: -

- Where purely policy matters or issues of principle are at issue;
- A Member wishes to consider boundary or neighbour disputes;
- To consider issues of competition;
- To consider loss of property values;
- Simply at the invitation or request of the local Member;
- Where you disagree with the conclusion reached in the Officer's report;
- To consider issues which are not material planning considerations;
- Where Members have already visited the site in the last 12 months, other than in exceptional circumstances, details of which shall be minuted.



8.2 In all cases where a decision is made to conduct a site visit the full planning reasons and details of the issues to be inspected during the site visit shall be minuted.

If a site visited is conducted as a member of the [planning committee]:

- **Do** try to attend site visits organised by the Council where possible.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the [planning committee]
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the [Ward] [local] Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit,
  - you have first spoken to the [Development Control Manager] about your intention to do so and why (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.

**Q8. Do you see any difficulties with adopting these proposals?**

### *9. Public Speaking at Meetings*

**Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.

**Do** ensure that you comply with the Council's procedures in respect of public speaking.

**Q9. Does your authority allow public speaking? If not are there any reasons why public speaking cannot be allowed?**

### *10. Public Speaking Procedures*

10.1 Public speaking shall be permitted at a [planning committee] in accordance with the following procedures: -

- A member of the public who wishes to speak at the [planning committee] must notify the [Development Control Manager] in writing at least 2 working days prior to the date of the [planning committee] where the planning application will be considered. In exceptional circumstances, the Chair may agree to hear late requests.
- Where an application is deferred (following an application where Members have indicated that they are minded to either grant or refuse contrary to officer recommendation) then public speakers will not be heard on the second occasion that the application is before Members subject to the Chairman's discretion, in exceptional circumstances, to allow such speakers.
- Each side will have no more than 5 minutes to address the meeting although, in exceptional circumstances, the Chairman may extend this time. Where there is more than one speaker objecting to the application then the five minutes is a total for all objectors.
- Visual aids and other supporting evidence will not be permitted.
- A member of the public addressing the [planning committee] is not permitted to put questions to Members or Officers but this will not prevent Members asking the public speaker questions through the Chairman.
- The order for public speaking shall be:

- The applicant/professional adviser of the objector
  - Supporters of the applicant
  - Objector/ professional advisers of the objectors
  - Response by the applicant
  - Community Councillor
  - Local Member or adjoining Ward Member
- Consideration of an application will not be delayed simply because an objector, the applicant, Community Councillor or Ward Member is not present providing that they have been appropriately informed of the date of the meeting and of their right to speak at the meeting.

**Q10. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?**

### *11. Role of Officers*

**Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the [Development Control Manager], which may be incorporated into any committee report).

**Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

### *12. Decision Making*

**Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your planning reasons are recorded and repeated in the report to the Committee.

**Do** come to meetings with an open mind and demonstrate that you are open-minded.

**Do** comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

**Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.

**Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.

**Do** have recorded the reasons for Committee's decision to defer any proposal [and that this is in accordance with the Council's protocol on deferrals].

**Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

**Q11. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?**

### *13. Cooling Off Period*

13.1 Where Members of the [planning committee] are minded to take a decision against Officers recommendation, Members should defer consideration of that matter to the next meeting of the Committee in order to receive a further report from [Development Control Manager], if necessary, in consultation with the [Legal and Democratic Services Officer], upon the strengths and weaknesses of any proposed or possible planning reasons for such a decision.

**Q12. What are your views on having a cooling off period?**

### *14. Duties of the Chair*

14.1 The Chair shall make clear to everyone present the capacity in which a Member is speaking on a specific application unless that Member is a Member of the [planning committee] and taking part in the debate.

14.2 The Chair shall make clear to everyone present when the [planning committee] is moving to the debate stage on any application.

14.3 The Chair shall make clear to everyone present at the [planning committee] that a debate or speech must relate to planning issues relevant to the application.

14.4 The Chair shall ensure that all Members of the [planning committee] who are entitled to vote on any particular application understand what they are voting for and whether the vote is on an amendment of on a recommendation.

14.5 The Chair will be responsible for making clear to everyone present at a meeting what the decision is on an application

**Q13. Are these duties different from current duties? Do you consider that training for Chair of Planning Committee would be required?**

### *15. Role of Members at a Planning Appeal*

- 15.1 Where a [planning committee] refuse an application contrary to officers' recommendation the planning officers' professional code will prevent them from supporting the committee decision at appeal.
- 15.2 It is acceptable for a member of the [planning committee] to advocate the decision made by the [planning committee] but it is recommended that an officer provides technical support to the Member at the appeal and deals with any technical or process issues raised by the Inspector or other participants.
- 15.3 A Ward Member or Non-Committee Member is entitled to make representations at the appeal but they should offer local views and not the views of the [planning committee]
- 15.4 A Member who disagrees with the [planning committee] should not make opposing representations at an appeal and should accept the decision of the [planning committee] as being fair, open and democratic. Where a Member wishes to make representations at an appeal that are contrary to the decision of the [planning committee] they should first inform the [Development Control Manager] of their decision so that the Planning Inspectorate can be informed. Members in these circumstances must understand that the views that they put forward do not represent the views of the Council or the [planning committee].

**Q14. Do these proposals differ from the arrangements you have in place? Do you see any difficulties with adopting these proposals?**

### *16. Training*

- 16.1 All Members of the [planning committee] must undertake training in accordance with the relevant training scheme (local or national) before participating in any decision making at meetings.
- 16.2 **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

**Q15. Do you currently require planning committee members to undertake training before participating in any decision making? Would you support a national approach to provision of training resources?**

## *17. Customer Care*

- 17.1 The Planning Authority will adopt a procedure which sets out the way in which each application will be dealt with. This procedure should cover cut off time for representations and how late representations to the report are managed, how members' questions will be dealt with, moving and seconding of recommendations from officers and how amendments will be dealt with.
- 17.2 Local Planning Authorities are not obliged to notify objectors that the application is going to committee. It is however advised that interested parties are made aware that information regarding committee agendas is available on the Council website and therefore they are advised to regularly check the Council website.
- 17.3 As part of the proper administration of the meeting any members of the public who attend shall be shown to the public gallery and provided with sufficient copies of the Agenda for the meeting. In addition copies of the procedure adopted by the Council for the conduct of the meeting should be made available.
- 17.4 Members of the public who have requested an opportunity to speak on an application shall be shown the location where they will be able to address the [planning committee] and when their opportunity to address the [planning committee] will arise.
- 17.5 The Chairman shall make clear to everyone present which Agenda item the [planning committee] is considering at any specific time and shall identify the application number and page number on the Agenda and the site address.
- 17.6 The Chairman will confirm the order of speaking on an application. The Chairman shall identify to the [planning committee] the public speaker and the capacity in which they address the [planning committee]. The Chairman will confirm to the public speakers the time permitted to address the [planning committee]. If Member who is speaking has a right to speak but not to vote the Chairman shall make clear the capacity of that Member at the meeting.
- 17.7 When a decision is taken on any application, the Chairman shall make clear to all present at the meeting the decision taken by the [planning committee] on that item.

<p><b>Q16. Do these proposals differ from the current customer care arrangements you have in place? Do you see any difficulties with preparing a local procedure as set out in paragraph 15.1?</b></p>
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## *18. Advice on attending and speaking at the [Planning Committee]*

- 18.1 The Council shall publish on its web site advice to the public on attending and speaking at the [planning committee].

Suggested provisions: -

### **1. How do the Council decide planning applications?**

Over three-quarters of the planning applications submitted to the Council are decided by officers under delegated powers. The rest are decided by Elected Councillors at the [Planning Committee]. The full list of matters that should be considered by the Committee can be found in the scheme of delegation on the Council's website – [www.xxxxx.gov.uk/planning](http://www.xxxxx.gov.uk/planning)

The following procedures and guidance are designed to ensure fair play and the smooth conduct of the [Planning Committee] meeting.

### **2. Can I speak at Committee?**

Yes - but there are some procedures that need to be followed and these are outlined below.

### **3. How do I get to speak at Committee?**

If you wish to speak at the Committee, you must notify the [Development Control Manager] in writing, at least 2 working days before the date of the Committee meeting at which the planning application will be considered. This will allow reasonable notice for the applicant to be contacted and make arrangements for them, or their agent, to speak and respond to you, should they so wish.

Notification of a written request to speak at the Committee which is received less than 2 days before the date of the meeting will not be accepted, unless there are exceptional circumstances. These will be determined by the Council Legal Officer, in consultation with the Chairman of the Committee.

### **4. What if a lot of people want to speak?**

If a number of people wish to speak either for, or against, a particular planning application on similar grounds, you should try to combine your representations with them and nominate one spokesperson to speak on your behalf. This will avoid unnecessary repetition at the Committee meeting.

### **5. What can I expect at Committee?**

As long as you have registered to speak there is nothing you need to do when you arrive at the Committee as the Chairman will let you know when it is your turn to speak.

First, the Chairman will open the meeting and ask the Members of the Committee to declare whether they have any personal and/or prejudicial interests in any of the applications that are to be discussed. If any Member does have a prejudicial interest you will see they leave the room when that application is being discussed. Further information on personal and prejudicial interests can be found on the Council's website – [www.xxxx.gov.uk](http://www.xxxx.gov.uk)

The Chairman will then introduce the application to be considered. Public speaking will normally come next. Consideration of an item will not be delayed if a person who has registered to speak is not present.

Example The order for public speaking is likely to be as follows:

1. The applicant
2. The applicant's professional advisers
3. Supporters of the applicant
4. Professional advisers of the objectors
5. Objectors
6. Response by the applicant

It is important to be aware that public speakers will be expected to sit at a microphone at the front of the meeting. If you think that this situation could make you nervous you may want to think about preparing some notes of what you want to say to help you on the night, or perhaps ask someone to speak on your behalf.

Each side will have no more than 5 minutes to address the meeting although, in exceptional circumstances, the Chairman may extend this time. All speakers must comply with the directions of the Chairman, should he/she interrupt them during their speech.

## **6. What are Site Visit Committees?**

Sometimes, even before the public speaking has started, a Member of the Committee may request that consideration of the application is deferred for a site visit. If the Committee agrees with this request then there will be no further discussion on the application at the meeting, and you will not be invited to speak.

Members of the Committee (not necessarily the whole Committee) will make a formal visit to the application site within a couple of weeks in order to assess the situation on site. You will not be able to make representations to the Members of the site visit Committee.

The application will then be reported back to the next available meeting of the Committee, along with an update from the site visit meeting. It is expected that you would still wish to address the Committee but if this is not the case then you should notify us of this change.

## **7. What happens after the public speaking?**

Once all of the people who have registered to speak on the application have spoken, the matter will then be considered and debated by Members. In some cases the Chairman may invite the Planning Officer to make a short presentation on the application to the Committee or update Members on any late representations that have been received.



Members will then 'vote' on the application through a show of hands, which will normally lead to one of three outcomes:

- they may vote to defer determination of the application to a later meeting if it is felt that further information or amendments are needed before a decision can be made;
- they may vote to agree with the Planning Officer's recommendation to approve or refuse the application; or
- they may vote to disagree with the Planning Officer's recommendation.

If the resolution is to go against the Planning Officer's recommendation then the application will not usually be determined at that meeting. The application will be considered again at a further meeting of the Committee with an additional report looking at the implications of going against the Planning Officer's recommendation. You will not normally be able to speak when the application is reported back. Members are not bound by their original resolution and can, following consideration resolve to agree with the Planning Officer's recommendation.

#### **General advice**

The law of defamation applies to any statement made in public. It is important, therefore, that you exercise extreme caution if you make personal comments about either applicants or objectors.

You should not enter into any dialogue with the Members of the Committee at the meeting.

Meetings of the Development Control Committee are normally held at am/pm in the Committee Chamber, Council Offices. General enquiries in respect of meetings should be made to the Council's Member Services Support Team, tel, email: If you want to know when, or if, a particular planning application is due to be considered by the Committee, please contact.

**Q17. Do you have any additional comments not covered in the questions above?**

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## APPLICATIONS DETERMINED BY DELEGATED POWERS

APP NO. DATE REC'D	NAME AND ADDRESS OF APPLICANT(S)	PROPOSAL & LOCATION	DECISION
15/0709/FULL 06.11.2015	Touch Of Class Mr D Bartlett Cefn Llwyna House Penallta Road Ystrad Mynach Hengoed CF82 7GL	Replace boundary wall and fences and provide new main access gate Shangri La Bryn Road Pontllanfraith Blackwood	Refused 29.02.2016
15/1161/FULL 23.11.2015	Mr G Mayo Bryn Meadows Golf Club And Country Hotel Maesycwmmmer Hengoed CF82 7SN	Construct new 140 sq. m single-storey extension to the rear of the hotel complex to upgrade gym and treatment room facilities and provide a new overflow car park to provide 40 spaces Bryn Meadows Golf Club And Country Hotel Maesycwmmmer Hengoed CF82 7SN	Granted 29.02.2016
15/0761/FULL 09.12.2015	Greenwood Developments (Wales) Ltd Mr P Weedon Glendale Offices Van Road Caerphilly CF83 3RR	Construct access road in accordance with outline planning permission 14/0841/OUT Land South Of Glendale Van Road Caerphilly CF83 3RR	Granted 29.02.2016
16/0003/FULL 05.01.2016	Mr P White 55 Forest Avenue Cefn Hengoed Hengoed CF82 7HY	Erect a single-storey kitchen extension, front dormer extension, side shower room extension and carry out internal and external alterations 55 Forest Avenue Cefn Hengoed Hengoed CF82 7HY	Granted 29.02.2016
16/0028/FULL 07.01.2016	Mr M Thompson 7 Gelliargwellt Road Penybryn Hengoed CF82 7FZ	Erect a detached dwelling Land Between 75 & 77 Upper Road Elliot's Town New Tredegar	Refused 29.02.2016

16/0063/COND 29.01.2016	Suncredit Ltd C/o Alder King Planning Consultants Mr M Cullen Pembroke House 15 Pembroke Road Clifton Bristol BS8 3BA	Discharge Conditions 09 (landscaping) & 11 (method statement - underground cabling) of planning application 15/0512/FULL (Construct a solar photovoltaic park with associated PV equipment and cable route) and approve amended plan SOL-023- General Layout D05 Upper Pant-Ysgawen Farm Maes-Yr-Haf Lane Croespenmaen Newport	Decided - Discharge of Conditions 29.02.2016
16/0073/NMA 29.01.2016	Mrs S Wedlake 28 Llyswen Penpedairheol Hengoed CF82 7TP	Seek approval of a non- material amendment to planning application 14/0851/FULL (Erect single- storey extension and rear loft conversion to include dormer) to add extra bathroom facilities 28 Llyswen Penpedairheol Hengoed CF82 7TP	Refused 29.02.2016
15/0530/FULL 03.08.2015	Touch Of Class Mr D Bartlett Cefn Llwyna House Penallta Road Ystrad Mynach Hengoed CF82 7GL	Erect first floor extension Shangri La Bryn Road Pontllanfraith Blackwood	Granted 02.03.2016
15/0602/LBC 03.08.2015	Touch Of Class Mr D Bartlett Cefn Llwyna House Penallta Road Ystrad Mynach Hengoed CF82 7GL	Provide interior and exterior alterations and replace gate Shangri La Bryn Road Pontllanfraith Blackwood	Refused 02.03.2016
16/0079/NOTF 03.02.2016	Natural Resources Wales Mr A Hubbuck Forest Office Resolven Neath SA11 4DR	Construct a new track to allow the removal of Phytophthora infected larch Cwmcarn Forest Cwmcarn Forest Drive Cwmcarn Newport	Prior Approval Not Required 02.03.2016

15/0741/COU 23.11.2015	Mr M & Mrs A Pardoe 24 Coronation Terrace Senghenydd Caerphilly CF83 4HU	Change the use of the ground floor to a coffee shop and the basement to a place of worship 83 Commercial Street Senghenydd Caerphilly CF83 4FY	Granted 03.03.2016
15/0791/LBC 17.12.2015	Mr S Poynter 49 Hamilton Street Canton Cardiff CF11 9BC	Demolish two single-storey extensions, change the use from hotel to residential to accommodate nine apartments with internal alterations and construct three No. 3 bedroom dwellings Oakdale Hotel Central Avenue Oakdale Blackwood	Granted 03.03.2016
15/1272/FULL 18.12.2015	Mr D Matthews 4 Ebbw Meadows Abercarn NP11 5GL	Erect a new build four bedroom detached dwelling Land At St Lukes Church Chapel Gardens Abercarn	Granted 03.03.2016
16/0002/FULL 05.01.2016	Mrs C Richards 7 Nant Y Garn Risca Newport NP11 7AS	Erect a single-storey extension to the rear/side of property, infill garage to front elevation with brickwork and provide a new window, incorporate a side window into the side elevation and build a porch to the front elevation 5 Pine Close Gelli Park Risca Newport	Granted 03.03.2016
16/0014/COND 07.01.2016	CCBC Facilities Management Mr A Ford Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG	Discharge Conditions 1 (commencement), 2 (drainage), 3 (remediation strategy), 4 (soil import testing), 5 (contamination) and 6 (approved plans and submitted details) of application 15/0526/LA (Remove existing bund of earth and excavate existing levels to lay tarmac to create six new parking spaces within the existing car parking area) Brodawel House Court Road Energlyn Caerphilly	Decided - Discharge of Conditions 03.03.2016

16/0039/COND 19.01.2016	Mr J Morgan 9 Ynys Bery Close Caerphilly CF83 2AZ	Discharge conditions 4 (provision of roosts and means of access for bats) & 5 (nesting sites for birds) of application 15/0696/FULL (Erect a first floor extension) 9 Ynys Bery Close Caerphilly CF83 2AZ	Decided - Discharge of Conditions 03.03.2016
16/0015/COND 08.01.2016	Mr D Davies Ty Cwm Newport Road Hollybush Blackwood NP12 0BN	Discharge Condition 11 (Traffic Management Plan) of planning consent 14/0761/FULL (Install a 500kw wind turbine generator together with 11KV substation/transformer house, construct an access track and provide electrical cabling and ancillary works) Cruglwyn Manmoel Road Manmoel NP12 0GD	Decided - Discharge of Conditions 04.03.2016
16/0051/NCC 21.01.2016	Mrs J Powell Gwerthonor House Gwerthonor Place Gilfach Bargoed CF81 8LL	Renew outline application 12/0629/NCC (Vary Conditions 03 and 04 of outline planning permission 09/0541/OUT (Renew outline planning permission P/05/1330 dated 22nd June 2006 to erect residential development) to extend the period to submit reserved matters and commence development Gwerthonor House Gwerthonor Place Gilfach Bargoed	Granted 04.03.2016
16/0097/NOTD 05.02.2016	CCBC Mr A Williams Ty Penallta Tredomen Park Ystrad Mynach Hengoed CF82 7PG	Demolish building Former Community Centre Graham Court Caerphilly CF83 1RE	Prior Approval Not Required 04.03.2016
15/0723/FULL 13.11.2015	Mr B Janes Willow Tree Cottage 6 Ivy Row Brithdir New Tredegar NP24 6JU	Erect a log cabin Willow Tree Cottage 6 Ivy Row Brithdir New Tredegar	Granted 07.03.2016

16/0018/COND 12.01.2016	Halo Developments High Street Blackwood Caerphilly NP12 IBA	Discharge condition 3 (drainage) on planning permission 08/1131/FULL (Erect new dormer bungalow dwelling) Land Within Curtilage Of 1 Syr Dafydd Avenue Oakdale Blackwood	Decided - Discharge of Conditions 08.03.2016
16/0021/FULL 12.01.2016	Mr D Barrett Bryn Glas 256 Pontygwindy Road Caerphilly CF83 3HY	Convert garage to a one bedroom annexe Bryn Glas 256 Pontygwindy Road Caerphilly CF83 3HY	Granted 08.03.2016
15/0795/FULL 21.12.2015	Mrs W Edwards 1 St David's Close Penpedairheol Hengoed CF82 8BL	Erect a single-storey ground floor extension 1 St David's Close Penpedairheol Hengoed CF82 8BL	Granted 09.03.2016
16/0008/FULL 06.01.2016	Mr S Sandhu 5 Golygfa'r Eglwys Pontypridd Rhondda Cynon Taff CF37 1JL	Change the use from store to 1 no. two bedroom flat Store R/o 12 Station Terrace Penyrheol Caerphilly	Refused 09.03.2016
16/0065/CLPU 01.02.2016	Premier Trade Frames Mr J Peacock Western Industrial Estate Caerphilly CF83 1BQ	Obtain a Lawful Development Certificate for a proposed detached building Premier Trade Frames Block J - Premier House Western Industrial Estate Caerphilly	Granted 09.03.2016
15/0177/OUT 08.03.2015	Mr D Williams 66 Bryn Road Markham NP12 0QF	Erect a detached dwelling 66 Bryn Road Markham Blackwood NP12 0QF	Granted 10.03.2016
16/0013/COU 11.01.2016	Mr S Rees GE Buildings Forge Industrial Estate Nantyffyllon Maesteg Bridgend CF34 0AY	Convert former Victoria Surgery to two residential units Victoria Surgery Victoria Road Rhymney Tredegar	Granted 10.03.2016
16/0027/FULL 14.01.2016	Mr M Loveridge Bryn Carno 5 Energlyn Crescent Energlyn Caerphilly CF83 2QY	Erect a single-storey rear extension Bryn Carno 5 Energlyn Crescent Energlyn Caerphilly	Granted 10.03.2016

15/1193/FULL 08.12.2015	Lidl UK GmbH Dr W Hurst Waterton Industrial Estate Off Cowbridge Road Bridgend CF31 3PH	Erect front extension to Lidl Foodstore and install new external trolley bay and entrance lobby with associated works Lidl UK GmbH 1 Commercial Street Pontymister Risca	Granted 11.03.2016
16/0006/FULL 04.01.2016	Mrs S Aziz C/o 5-7 High Street Llanbradach Caerphilly CF83 3LP	Replace shop front 5-7 High Street Llanbradach Caerphilly CF83 3LP	Granted 11.03.2016
15/0796/FULL 21.12.2015	Mr & Mrs Price C/o Oakdale Design Wales Mr M Cullen Regency Buildings North Road Newbridge Newport NP11 4AB	Replace garage and widen existing driveway 1 Glen Roy The Graig Cwmcarn Newport	Granted 14.03.2016
16/0025/COND 13.01.2016	Interclad Property Services Ltd Mr J Patterson 24 Acacia Terrace Newport Gwent NP11 5JG	Discharge Conditions 2 (obscure glazing) and 3 (materials) of planning permission 15/0396/FULL (Carry out minor amendments to elevations) The Monkey 92 Gladstone Street Crosskeys Newport	Decided - Discharge of Conditions 14.03.2016
16/0031/OUT 18.01.2016	Mr & Mrs C Taylor 7 Springfields Croespenmaen Crumlin NP11 3DE	Demolish existing garages/workshops and construct a detached dwelling with associated access, parking and groundworks Land Between 6 And 7 Whitethorne Street Crumlin Newport NP11 4PY	Refused 14.03.2016
16/0035/FULL 18.01.2016	Mrs E Howes 5 Central Avenue Oakdale Blackwood NP12 0LW	Erect a detached garage to rear of property 5 Central Avenue Oakdale Blackwood NP12 0LW	Granted 14.03.2016
16/0041/FULL 18.01.2016	Mr C George Rose Cottage Lon Maes Yr Haf Croespenmaen Newport NP11 3BJ	Erect two-storey side extension with dormers and make alterations to parking at the front of the property Rose Cottage Lon Maes Yr Haf Croespenmaen Newport	Granted 14.03.2016



15/0773/RM 15.09.2015	Mrs D Gwyther Cascade House Pengam Road Hengoed CF82 8BX	Approve the matters of appearance, landscaping, layout and scale reserved under outline planning permission 15/0028/OUT (Erect a 3 or 4 bedroom detached dwelling) Sheen Court The Walk Ystrad Mynach Hengoed	Granted 15.03.2016
15/1164/COND 20.11.2015	Tealing Solar Parks Ltd C/o Pegasus Planning Group Ltd Mr C Cox First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL	Discharge Conditions 4 (mud prevention), 5 (vehicular access), 6 (parking surfaces), 7 (highway condition survey), 8 (archaeological written scheme of investigation), 9 (external finishes), 10 (design of substation), 11 (hard and soft landscaping), 12 (ecology and landscape management plan), 15 (traffic protection measures), 16 (dust mitigation), 17 (noise mitigation), 19 (construction environmental management plan), 23 (grid connection) and 24 (tree protection plan) of planning consent 15/0451/FULL (Install ground mounted photovoltaic solar arrays with transformer stations; internal access tracks; biodiversity enhancement; landscaping; stock fencing; security measures; access gate and ancillary infrastructure) at Land At Pen-Yr-Heol Las Manmoel Road Manmoel Blackwood	Decided - Discharge of Conditions 15.03.2016
16/0024/COND 12.01.2016	Mrs A J Jones 19 Denbigh Court Hendredenny Caerphilly CF83 2UN	Discharge conditions 2 (parking), 3 (biodiversity - bats) and 4 (biodiversity - birds) of planning consent 15/1064/FULL (Erect a double storey extension to the side) 19 Denbigh Court Hendredenny Caerphilly CF83 2UN	Decided - Discharge of Conditions 15.03.2016

16/0042/COND 19.01.2016	Mr L Perry 31 Cwrt Neuaddwen Aberbargoed Bargoed CF81 9DL	Discharge Conditions 03 (provision of roosts and a means of access for bats) and 04 (provision of nesting sites for bird species) of planning permission 14/0564/FULL (Convert garage to play room and erect part ground and part first-floor extension) 31 Cwrt Neuadd Wen Aberbargoed Bargoed CF81 9DL	Decided - Discharge of Conditions 15.03.2016
16/0080/COND 28.01.2016	Mr & Mrs P Morgan The Ranch New Row Machen Caerphilly CF83 8NX	Discharge part of condition 02 (surface water drainage) of planning application 15/0139/FULL (Demolish dwelling and construct one replacement and three new dwellings) The Ranch New Row Machen Caerphilly	Decided - Discharge of Conditions 15.03.2016
16/0091/COND 02.02.2016	CCBC Mr M Headington Tir-y-berth Depot New Road Tir-y-berth Hengoed CF82 8NR	Discharge condition 9 (archaeological works) of planning permission 11/0772/LA (Change use of land and erect extension to existing Gelligaer Cemetery, including access road, car parking and footpaths) Land Adjoining Gelligaer Cemetery Castle Hill Gelligaer	Decided - Discharge of Conditions 15.03.2016
16/0130/NMA 17.02.2016	Mr M Powell 12 Upper Glyn Gwyn Trethomas Caerphilly CF83 8FZ	Seek approval of a non material amendment to planning consents 13/0219/NCC and 14/0030/RM (consturct three new dwellings) to raise DPC level of plot 1 to match plot 2) Land South Of Alma Cottages Bedwas Caerphilly	Granted 15.03.2016
12/0511/OUT 03.07.2012	Mrs H Capel Green Acres St Davids Road Pengam	Erect housing development Willow Court & Surrounding Area Pengam Road Pengam	Refused 16.03.2016

15/0963/FULL 29.09.2015	Mr N Procter 86 Gladstone Street Crosskeys Newport NP11 7PL	Convert loft with gable end construction and enlarge garage on existing site to the rear of the property 86 Gladstone Street Crosskeys Newport NP11 7PL	Granted 16.03.2016
16/0075/FULL 02.02.2016	Mr G Greenhaf Mill Cottage The Row To Gwern-Y-Goytre Draethen Newport NP10 8GB	Erect a two-storey side extension Mill Cottage The Row To Gwern-Y-Goytre Draethen Newport	Granted 16.03.2016
15/1174/RET 27.11.2015	Mr D Corcoran 41 Glyn Collen Llanbradach Caerphilly CF83 3PP	Retain the conversion of the existing garage into a habitable space 41 Glyn Collen Llanbradach Caerphilly CF83 3PP	Granted 17.03.2016
15/1205/COU 10.12.2015	Mrs D Smale Penmount Farmhouse Bedlinog Merthyr Tydfil CF46 6SW	Change of use from office (Use Class B2) to residential dwelling (Use Class C3) 4 Bristol Terrace Bargoed CF81 8YA	Granted 17.03.2016
16/0007/NCC 04.01.2016	Gryphonn Concrete Products C/o Harmers Ltd Mr A Muir 39 Lambourne Crescent Cardiff Business Park Llanishen Cardiff CF14 5GG	Vary Condition 02 of planning consent 12/0640/NCC (Vary Condition 01 of planning permission 07/1284/FULL (Erect extension to existing factory with external plant and improvements at site access) to approve the revised site plan and proposed elevations Gryphonn Concrete Products Gelligroes Mill Road Pontllanfraith Blackwood	Granted 17.03.2016
16/0047/FULL 20.01.2016	Mr M Santwris Oaklands Waunfawr Park Road Crosskeys Newport NP11 7PH	Demolish existing conservatory and erect a single-storey extension to rear of property Oaklands Waunfawr Park Road Crosskeys Newport	Granted 17.03.2016

16/0048/NCC 21.01.2016	The Trustees Of Gelligaer Lectureship Endowment C/o Mr T Russen Equity Chambers John Frost Square Newport NP20 1PW	Vary Conditions 2 and 3 and remove Conditions 4, 5 and 6 of planning approval 12/0762/OUT (Erect dwelling and detached garage involving the demolition of existing buildings and change of use from Use Class B1 to Use Class C3) to extend the permission beyond the expiration dates Land At Shadow Workshop Gwerthonor Lane Gilfach Bargoed	Granted 17.03.2016
16/0050/FULL 21.01.2016	Lee Wakeman Ltd. C/O Asbri Planning Mr M Grey Suite 4 The J Shed SA1 Swansea Waterfront St Thomas Swansea SA1 8BJ	Provide additional car parking to the south of Unit 3 Unit 3 Bryn Brithdir Oakdale Business Park Oakdale	Granted 17.03.2016
16/0057/OUT 21.01.2016	Llanover Estates Mr M Lennon 23A Gold Tops Newport NP20 4UL	Erect a four bedroom detached dwelling with associated off road parking Graig Cottage The Graig Cwmcarn Newport	Granted 17.03.2016
16/0067/FULL 28.01.2016	Mr P Bridges 26 Fairview Blackwood NP12 3NS	Erect a pair of semi-detached three bedroom dwellings Land Opposite 27 Bryngoleu Street Cefn Fforest Blackwood	Granted 17.03.2016
16/0092/NMA 04.02.2016	United Welsh Housing Association C/o Agent	Seek approval for a non material amendment to planning consent 15/0072/FULL (Erect residential development and associated works) to adjust the position of Block A (plots 4, 5 & 6) at Goodrich Hotel Van Road Caerphilly CF83 1LD	Granted 17.03.2016

16/0134/NMA 18.02.2016	Taylor Wimpey South Wales Mrs T Taylor-Wells Eastern Business Park Building 2 Wern Fawr Lane St. Mellons Cardiff CF3 5EA	Seek approval of a non-material amendment to planning consent 12/0860/RM (Seek approval of the reserved matters of layout, scale, appearance and landscaping in connection with the residential development of 142 dwellings and associated works approved under planning permission P/04/1325) to amend the landscape management plan to allow the construction of garages/dwellings, the removal of trees and the construction of a retaining wall Mackworth Grange Pontypandy Lane Caerphilly CF83 3HT	Refused 17.03.2016
16/0043/FULL 20.01.2016	Mr S Jenkins 9 Twyn Gwyn Terrace Newbridge Newport NP11 4ND	Erect garage to rear 9 Twyn Gwyn Terrace Newbridge Newport NP11 4ND	Granted 18.03.2016
16/0052/FULL 22.01.2016	Mr G Davies Rushmere 28 Heol Brynteg Ystrad Mynach Hengoed CF82 7EY	Convert integrated garage into kitchen with pitched roof Rushmere 28 Heol Brynteg Ystrad Mynach Hengoed	Granted 18.03.2016
16/0061/FULL	11 Springfield Road Pontymister Risca Newport NP11 6LY	Erect a two-storey side extension and a single-storey front extension 11 Springfield Road Pontymister Risca Newport NP11 6LY	Granted 23.03.2016

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

APPLICATION NUMBER  DATE RECEIVED	DESCRIPTION & LOCATION OF DEVELOPMENT	COMMENTS
P/02/0265 13.03.02	First periodic review of planning conditions (Environment Act 1995) at Cae Glas Small Mine, Fochriw	Seeking clarification about the status of the application.
13/0667/NCC 13.09.13	Vary Condition 1 of planning consent 07/1524/FULL (Construct 87 dwellings with associated garaging and car parking) to extend the period within which the development can commence at Suflex Estate Newport Road Pontymister Risca	Awaiting information about flooding.
13/0726/FULL 08.10.13	Erect two bay extension to existing storage building at Robert Price (Builders Merchants) Ltd, 145 Pontywindy 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.
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.
15/0278/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.
15/0389/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.
15/0502/COU 13.07.15	Change of use of the first and second floors from offices to 6 residential flats at Caerphilly Indoor Market 5 Pentrebane Street, Caerphilly	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.
15/0705/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.
15/1276/FULL 23.12.15	Erect three vertical axis turbines 31.5m in height (to tip) which will be connected via underground cables to an existing transformer house at Penyfan Leisure Park Manmoel Road Manmoel Blackwood	Awaiting landscape impact information.
16/0005/COND 04.01.16	Discharge conditions 1 (time), 2 (surface materials), 3 (habitats/species), 4 & 5 (updated mitigation and compensation delivery plan), 6 (parking), 7 (car park materials), 8 (tree protection), 9 (external lighting), 10 (landscaping), 11 (vegetation), 12 (flood evacuation), 13 (underground strata) and 14 (approved plans) of planning consent 15/0332/FULL (Erect extension to existing building) at Tab Life Centre Tram Road Pontllanfraith Blackwood	Awaiting views of consultees.

16/0009/COND 07.01.16	Discharge Conditions 2 (land drainage), 5 (wind turbine data), 7 (shadow flicker), 8 (Traffic Management Plan), 9 (highway survey), 10 (access route), 11 (switchgear housing), 12 (reptile mitigation strategy), 13 (archaeological written scheme of investigation) and 16 (anti-collision lighting) of planning consent 15/0499/FULL (Erect a single wind turbine of max 77m to tip, along with associated infrastructure including an access track and electrical housing) at Castell Llwyd Farm Heol Las Nelson Treharris	
16/0016/NCC 08.01.16	Vary condition 1 of planning consent 2/06678 (Quarrying of Grit stone. 8.5 hectares) to extend the consent end date/expiry date to 31st December 2027 at Hafod Quarry Hafod Fach Lane Abercarn Newport	
16/0017/NCC	Vary condition 1 of planning consent 2/07947/T (Storage of overburden from adjacent Quarry) to extend the consent end date/expiry date to 31st December 2027 at Hafod Quarry Hafod Fach Lane Abercarn Newport	

## 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. Nearing completion.
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 REGISTERED
15/0011/REF 14/0604/OUT	SRJ and JG Partnership C/o RPS Mr D Williams Park House Greyfriars Road Cardiff CF10 3AF	Erect residential development at Car Park Aiwa Technology Park Newbridge Newport	27.10.2015
15/0012/REF 15/0038/OUT	Land Matters Limited C/O Savills Mrs M Lewis 12 Windsor Place Cardiff CF10 3BY	Erect residential development with associated public open space, landscaping and highways infrastructure including a new highway access from Pandy Road and footpaths and requiring the installation of new services and infrastructure and other ancillary works and activities at Land North Of Pandy Road Bedwas Caerphilly	23.11.2015
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

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
16/0004/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
16/0006/REF 15/0750/FULL	Mr M Wilkes 24 Shannon Close Pontllanfraith Blackwood NP12 2FW	Erect a single storey extension to the rear, a two storey extension to side and rear, a two storey extension to the front and provide two additional parking spaces to the front at 24 Shannon Close Pontllanfraith Blackwood	03.03.16

**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>
15/0013/REF 15/0309/FULL	Construct a single-storey double garage at 44 Brynheulog Street Penybryn Hengoed	Dismissed 01.03.2016	DEL
15/0016/REF 14/0431/COU	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	Allowed 07.03.2016	DEL
16/0003/REF 15/0632/FULL	Erect two-storey extension to rear of property and a single storey garage at 16 King Street Cwmfelinfach Newport	Allowed 11.03.2016	DEL

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