

**Application Number:** 21/0342/LA

**Date Received:** 17.05.2021

**Applicant:** CCBC

**Description and Location of Development:** Erect multi purpose visitor centre within country park - Land At Parc Penallta Penallta Road Penallta Hengoed

**APPLICATION TYPE:** Local Authority Application

## SITE AND DEVELOPMENT

Location: The application site is located at Penallta Park, to the north of the A472 between Nelson and Ystrad Mynach.

Site description: The application site is a small plateau of land within the wider Penallta Country Park that was previously landscaped in preparation for development. The site encompasses a small irregular shaped parcel of land that has been levelled and grass seeded. The site is enclosed by a post and rail fence. Immediately to the south of the site is a car park that serves the country park as well as being the intended parking provision for the proposed development. Further to the south is the A472 road that provides the main east/west route through the County Borough. The topography of the area is largely sloping from south to north with the A472 at a higher level than the development plateau.

Development: This application seeks full planning permission for the erection of a new visitor centre to serve the country park and the wider area. It is proposed to erect a single storey building to comprise a teaching and learning hub, exhibition areas, cafe, kitchen, offices and ancillary facilities.

The proposed building would be constructed using sustainable construction techniques with a timber frame and materials to blend into the site. It would have a largely flat roof with a v profile in the middle portion to support the provision of solar panels, having an irregular shape with a curved elevation facing to the south.

Dimensions: The building has overall dimensions of 29.7m by 16.65m by 4.6m to the eaves and 6.7m to the ridge.

Materials: The building would be finished in a mixture of stone, wood and metal cladding with a sedam roof.

Ancillary development, e.g. parking: 39 parking spaces are already provided on adjacent land and some minor amendments will be made to create 4 accessible parking spaces within the site. A freestanding wind turbine measuring approximately 8m tall is also proposed.

PLANNING HISTORY 2010 TO PRESENT 11/0324/LA - Reprofile Tredomen Tip and formation of landform for future visitor centre, provision of car parking/coach area, new footpaths and new junction off A472 - Granted 15.09.11.

## POLICY

Local Development Plan: Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Policies Outside settlement limits and within the Mynydd Eglwysilan Special Landscape Area (NH1.3).

Local Development Plan: SP2 (Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7(Planning Obligations), SP10 (Conservation of Natural Heritage), SP11 (Countryside Recreation), SP12 (Development of the Valleys Regional Park), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW15 (General Locational Constraints) and CW22 (Locational Constraints - Minerals).

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

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: Paragraph 3.9 - The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Paragraph 3.16 - Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

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

Future Wales - The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides Policies that should be taken into account in the determination of applications at all levels.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within a low risk area and an advisory note can be sent to the developer to advise them of this fact.

### CONSULTATION

Gelligaer Community Council - No objection.

The Coal Authority - No objection.

Dwr Cymru/Welsh Water - Provide advice to be conveyed to the developer.

Transportation Engineering Manager - CCBC -

Environmental Health Manager - CCBC - No objection subject to conditions.

Senior Engineer (Drainage) - No objection. Sustainable drainage approval is required prior to the commencement of works on site.

Landscape Architect - CCBC - No objection.

Principal Valuer - No objection.

Ecologist - No objection subject to conditions.

### ADVERTISEMENT

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

Response: None.

Summary of observations: None.

## SECTION 17 CRIME AND DISORDER ACT

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

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes, European protected species have been identified by a survey.

The Local Authority must apply the following three tests to the planning application:

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative.
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied and answered as follows:

- (i) The derogation is in the public interest as the proposed facility will make an important contribution to increasing access to the countryside for a wider section of the community whilst also improving knowledge and understanding of biodiversity issues both locally and nationally. The facility may also increase revenue for the Countryside Section of the Council, enabling them to invest further money into maintenance, protection and understanding of the ecology, landscape character and biodiversity of the area.
- (ii) The application site was developed for this specific purpose following a previous planning consent in 2011. No other site within or near to the park has the same attributes in terms of topography accessibility and ease of access to the strategic highway network and location within the park to meet the needs of the development.
- (iii) Subject to the measures set out in 'Supplementary Ecological Information in Support of the Parc Penallta Visitor Centre Planning Application; April 2021 by the Countryside and Landscape Section of CCBC' it is considered that the derogation would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Is this development Community Infrastructure Levy liable? No.

## ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks full planning permission for the erection of a visitor centre within Penallta Country Park and outside of the defined settlement limits as shown in the LDP. In that regard the proposal is considered to be acceptable in principle in accordance with Policies SP5 and CW15 of the LDP as it is a recreation, leisure and tourism proposal that is suitable in a countryside location. In that the principle of the development is considered to be acceptable the main points to consider in the determination of this application are the impact of the development on the visual amenity and landscape character of the area and the impact of the proposal on highway safety.

With regard to the visual impact of the development it is considered that the proposed building has been designed to the highest quality, using a modern design with a mixture of traditional and modern materials that seek to complement the landscape character of the surrounding country park, whilst providing a nod to the former industrial use of the site. The plateau that the proposed building will sit on was previously constructed for this purpose in accordance with planning permission reference 11/0324/LA and the surrounding landform has been engineered and landscaped such that it sits comfortably within the wider topography of the site. The building itself then uses a combination of metal and wood cladding that ties into this character and does not detract from the visual amenity of the area. In addition the proposed wind turbine is relatively modest in scale and considered appropriate in visual terms given the context.

The Council's Landscape Architect has commented as follows in respect of the proposal:-

Visually, I note that the site is partially obscured from the A472 highway by topography and existing verge hedgerow and informal trees and shrubs vegetation associated with the Country Park. Views from the SLA to the south are screened by existing woodland to the south of the A472. Views of the proposed building will be available at close range from the existing access road and car park and footpath link to the wider Park. Views from Parc Penallta will vary from open to partially filtered, to screened by existing woodland and largely limited to midrange to long distance views. Proposed planting once it matures, will further assist to soften and filter views, which along with the proposed built form which will visually improve the immediate area.

Having regard for the above it is considered that the proposed building represents a well designed addition to the Country Park, which will site comfortably within the landscape and would enhance the area within which it is located. As such the proposal is considered to exhibit a high standard of design that reinforces attractive qualities of local distinctiveness. On this basis therefore the proposal complies with Policy SP6 of the LDP.

With regard highway safety it should be noted that significant improvements to the access to the site were carried out in accordance with planning permission reference

11/0324/LA. That application also granted consent for the provision of a car park providing 39 parking spaces to serve the proposed development. This car park has been in use for approximately 8 years. The Transportation Engineering Manager has considered the impact of the proposal on the local highway network having regard for the significant increase in the numbers of people expected to use the proposed facility. In that regard, no objection is raised subject to the imposition of conditions requiring the provision of bicycle parking facilities and accessible parking spaces to complement the existing parking provision on site together with some minor improvements to the existing access.

Concern has been raised with regard to the provision of public transport links to the facility given the absence of any provision in close proximity to the site and the relative remoteness of the site in relation to the settlements of Nelson and Ystrad Mynach. In that regard it should be noted that the A472 road that passes the site forms part of the strategic highway network as defined in the LDP and in that regard an in-line bus stop would interrupt the flow of traffic on this route and pose dangers to highway safety. In that regard there is a preference for the provision of a service within the site. However, it is considered that there is ample space within the development to accommodate such provision and therefore this issue can be adequately addressed by the imposition of a condition requiring the submission of a scheme prior to the commencement of works on site.

In that regard it is considered that, subject to the imposition of the conditions referred to above, the proposal would be acceptable in highway safety terms and would comply with Policy CW3 of the LDP.

In terms of the amenity of the area it should be noted that the nearest residential properties are located some 100m to the south east at Tai-Fforest Cottages and 400m to the north west at The Rowan Tree. Given the types of activities that are likely to be carried out at the site, it is not considered that there would be any detrimental impact in terms of noise nuisance or disturbance and the additional traffic attracted to the site would be insignificant given the already heavy flow of traffic on this road. In that regard the proposal complies with Policy CW2 of the LDP.

In terms of the ecology of the area it should be noted that the Council's Ecologist raises no objection subject to the imposition of conditions. It should also be noted that the visitor centre would increase activities associated with biodiversity and the public's knowledge of such matters and as such the proposal would make a positive contribution to the biodiversity of the area. The proposal would also not lead to the loss of any trees and as such it is considered that it complies with Policies CW4 and CW6 of the LDP.

Comments from Consultees: No objections raised.

Comments from public: None.

Other material considerations: The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

In conclusion it is considered that the proposed development would make a positive contribution to the landscape character and biodiversity of the area and would not have any detrimental impacts in terms of amenity or highway safety. In that regard the proposal is considered to be acceptable in planning terms subject to the imposition of conditions and as such it is recommended for approval subject to conditions.

**RECOMMENDATION that Permission be GRANTED**

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
  
- 02) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, PL-101, P001 Rev X and A-103 received on 31st March 2021;  
PL-102, PL-103, PL-104, PL-105, PL-106, PL-107, PL-108, PL109 and Desk Top Study and Ground Investigation Report received on 17th May 2021;  
Radon Report received on 18th May 2021;  
Landscape Planting Schedule and Maintenance Programme received on 1st June 2021;  
Landscape Planting Strategy received on 15th June 2021; and  
Supplementary Ecological Information In Support Of The Parc Penallta Visitor Centre Planning Application received on 18th June 2021.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.  
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 04) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.  
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 05) No floodlighting shall be installed unless its details have been submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Thereafter the development shall be carried out in accordance with the approved details.  
REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.  
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) Prior to the commencement of the development a scheme for on-site refuse storage (including any open air storage facilities) and for waste material awaiting disposal (including details of any screening) shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the first occupation of the development.  
REASON: In the interests of public health and the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) 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 in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The development shall not be occupied until covered and secure cycle parking facilities have been provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure that the development is accessible by all modes of transport in the interests of sustainability in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The development hereby approved shall not be brought into use until the off site highway improvements have been completed in accordance with the details shown in drawing number P001 Rev X.  
REASON: In order to ensure that the site is provided with an adequate access and in order to ensure compliance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to the commencement of works on site, a scheme for the provision of a public transport service to serve the site shall be submitted for the written approval of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
REASON: In the interests of highway safety and to ensure compliance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.

### Advisory Note(s)

Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require a EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

#### **WARNING:**

**SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.**

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)