

Application Number: 22/0443/FULL.

Date Received: 23.05.2022.

Applicant: Penllwyn Estate.

Description and Location of Development: Erect retail building on the eastern side of the site with access, parking and landscaping and outline planning permission sought to erect up to 14 residential units with all matters reserved except access on the western side of the site. - Land At Former Crown Inn The Crown Access Road Pontllanfraith.

APPLICATION TYPE: Full Application.

SITE AND DEVELOPMENT

Location: The application site is located on the southern side of Bryn Road, Pontllanfraith and is located in between the Bryn roundabout to the west and residential properties of no.1-4 Trem-Y-Goron, no.1-2 Crown Cottages and no.1 Bryn View Pontllanfraith.

Site description: Vacant land within the settlement boundary of Blackwood that is previously associated with the former Crown Inn Public House. The building has been subsequently demolished and enclosed with hoardings. The site is semi-circular in shape measures approximately 0.29 hectares in area and is screened by trees and established vegetation at a higher level along the northern boundary of Bryn Road and the western boundary of the A4049. The existing vehicular into the site is via Trem-Y-Goron and Bryn Road. Trem-Y-Goron currently only provides access to the small number of dwellings to the south but it should be noted that this access also used to serve the former public house.

Development: This is a hybrid planning application seeking full planning permission to erect a retail building on the eastern side of the site with access, parking and landscaping together with outline planning permission sought to erect up to 14 residential units with all matters reserved except access on the western side of the site.

A layout has been submitted comprising of full details for the commercial retailing element of the scheme on the eastern side of the site and an indicative layout for the residential element of the scheme on the western side of the site.

The detailed site layout plan for the commercial element comprises of a single A1 retail unit with 375 square metres of sales and store room floor space and 12.75 square metres of enclosed bin storage. A new internal access road will also be created along with a dedicated servicing and unloading area. The development will also provide 15 x car parking spaces, 2 x mobility impaired spaces, 2 x separate areas for bicycle storage and 1 x motorcycle bay together with a new pedestrian access into the site from Bryn Road along the north-western boundary. The existing landscaping along the northern

and western boundaries of the site are to be retained and enhanced through additional planting.

The residential element is indicative only and seeks to provide 14 units of 1 and 2 bedroom accommodation with access to be derived off Trem-Y-Goron.

The planning application and related plans are supported with the following documents:

Pre-Application Consultation (PAC) Report;
Design and Access Statement;
Planning Statement;
Flood Consequences Assessment;
Noise Impact Assessment;
Transport Statement;
Transport Technical Addendum;
Covid 19 Transport Statistics; and
Landscape/ Ecology Strategy.

Dimensions: The site measures approximately 0.29 hectares and is to be subdivided into two separate land uses comprising of circa 0.16 hectares of commercial land and 0.14 hectares of residential land.

The commercial element of the scheme has a maximum footprint measuring 23.9 metres in width and 21.0 metres in depth with an overall ridge height measuring 8.28 metres above ground level.

The maximum scale parameters for the residential element of the scheme measure as follows:

Width - 30.4 metres;
Depth - 20.2 metres; and
Height - 9.9 metres.

Materials: The external finishes for the retail element of the scheme comprise of Ibstock Atlas dark grey brickwork laid in a stretcher bond with dark grey mortar, vertical cladding panels, dusty grey powder coated aluminium curtain walling with glass infill panel with the framing to match, dark grey standing seam roof, grey soffit planks with integrated lighting together with dusty grey aluminium rainwater goods and doors.

The external finishes for the residential element are not applicable at outline stage.

Ancillary development, e.g. parking: The installation of solar panels on the retail building to maximise solar gain efficiency.

PLANNING HISTORY 2010 TO PRESENT 20/0894/NOTD - Demolish the Crown Inn Public House - Notification Prior Approval Not Required 17.12.2020.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010.

Site Allocation: The site is located within settlement limits.

Policies: SP2 (Development Strategy in the Northern Connections Corridor (NCC)), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP14 (Total Housing Requirements), SP15 (Affordable Housing Targets), SP20 (Road Hierarchy), CW1 (Sustainable Transport, Accessibility and Social Exclusion), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW6 (Trees, Woodland and Hedgerow Protection), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints), CW16 (Locational Constraints - Retailing), SI1 (Green Wedges) and advice contained within Supplementary Planning Guidance LDP1 (Affordable Housing Obligations), LDP4 (Trees and Development), LDP5 (Parking Standards), LDP6 (Building Better Places to Live) and LDP12 (Shop Fronts and Advertisements).

NATIONAL POLICY Future Wales: The National Plan (February 2021), Planning Policy Wales Edition 11 (February 2021), Technical Advice Note 4: Retail and Commercial Development (November 2016), Technical Advice Note 12: Design (March 2016), Technical Advice Note 11: Noise (October 1997), Technical Advice Note 18: Transport (March 2007) and Technical Advice Note: Economic Development (February 2014).

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. The following policies are considered to be relevant to the proposed residential development: Policy 2 (Shaping Urban Growth and Regeneration - Strategic Placemaking), Policy 7 (Delivering Affordable Homes), Policy 9 (Resilient Ecological Networks and Green Infrastructure), Policy 12 (Regional Connectivity) and Policy 13 (Supporting Digital Communications).

Paragraph 3.9 of Planning Policy Wales states: -

"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 of Planning Policy Wales states:-

"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."

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? The application site is located in a low risk development area, standing advice is also provided.

CONSULTATION

Environmental Health Manager - No objection subject to conditions.

Heritage And Placemaking Officer - This is a prominent site at a busy intersection which has multiple views both interior and exterior. Traffic safety and site safety are important for this application and internal uses should reflect this important aspect of the site's condition.

In design terms the elevations seem to be lacking something either an addition of a contrasting material to help animate the façade or the introduction of detailing through detailing around the windows and doors or an additional detail within the façade. This applies to both residential and commercial elements.

Senior Engineer (Drainage) - Advises that Sustainable Drainage Approval is required.

CCBC Housing Enabling Officer - The size of the land to be developed and the number of units proposed both reach the threshold in the Affordable Housing SPG, thereby permitting the Council to seek an affordable housing contribution, subject to viability.

The proposed development falls within the Pontllanfraith ward, which attracts an affordable housing target of up to 25% (Northern Connections Corridor), subject to

viability. When I commented on the SPA the residential element consisted of 18 units. However, the PAC Report says 14 and from the proposed floor plans appear to confirm this. Therefore, I will base my comments on 14 units. 25% of 14 units is 4 units when rounded.

The 2018 LHMA shows a need for 1 and 2 bed social rented accommodation in the Pontllanfraith ward. There is also need in surrounding wards which can be met through this development.

On the basis of what the SPG and the LHMA is telling us the affordable housing contribution would be provided as follows:

4 x 1 bed, 2 person flats;

Flats to be provided at social rent so would need to be built to WDQR (2021);

Ideally all flats would have their own separate walk-ups but given the design of the building this may not be possible. Therefore, I would suggest that all of the affordable housing is provided in one cluster, which is situated on the ground floor; and

To increase the accessibility of the social housing stock, the 4 flats would be provided with a walk-in shower, rather than a bath, and located on the ground floor.

For the purpose of the s106 Agreement the affordable housing contribution would be transferred to the Council.

Waste Strategy and Operations Manager - No comments received.

21st Century Schools Manager - In the absence of any detailed floor plans and not knowing how many flats and whether these will be 1 or 2 bedroom apartments, I am working on an indicative number of 21 (3 floors of 7 apartments).

The schools affected are:

Bryn Primary.

Islwyn High School.

YG Trelyn.

YG Cwm Rhymini.

There is room for catchment pupils in all schools whose parents apply for a place through the normal admissions rounds.

Parks and Countryside Operations Manager - No comments received.

Strategic & Development Plans - The land in question lies within the settlement boundary as set by the adopted LDP and, therefore, there is a presumption in favour of such forms of development as sought by the proposal. The scheme complies with policy CW15 (general locational constraints) and it is considered that the retail element, by virtue of its scale and location, is intended to serve the local community and would not

have a detrimental impact on the vitality and viability of Blackwood town centre. For this reason, the scheme also complies with policy CW16 (locational constraints - retailing) and does not undermine Future Wales' 'town centre first' policy, which concerns development of a significant scale.

As asserted by the applicant, the site is not subject to either zones C1 or C2 of the Development Advice Map, and therefore TAN 15's justification test does not apply. While the current edition of the TAN remains in force until 2023 and the new Flood Map for Planning (FMfP) holds no formal weight until then, Welsh Government's letter to LPAs of 15 December 2021 states that the best available information (as contained in the FMfP) may be regarded as a material consideration. The FMfP shows that the western part of the site is subject to zones 2 and 3 (surface water and small watercourses), though not for fluvial flooding. The draft version of the emerging TAN 15 states that information on surface water flooding will enable locally-appropriate approaches to be formulated. It is accepted that this is recognised in the FCA undertaken as part of the application, and has been factored into the recommendations.

Notwithstanding the need for all applicable planning considerations to be satisfactorily addressed, there is, in principle no objection to the proposal.

Ecologist - No objection subject to implementing the Landscape/Ecology Strategy as agreed.

Landscape Architect - CCBC - This site is prominently located, although screened at a low level by an existing native buffer on the west and north perimeters. The site however is visually exposed on the southeast perimeter along Trem-Y-Goron and on the approach from the east along Bryn Road.

I note the land adjacent to the west, off site, is designated as Green Wedge. This area is well vegetated except for several juvenile Ash trees which are suffering from Ash dieback. Contextually this deciduous buffer performs an important role and a good if low visual screen to the development site, and it is pleasing to see that it is to be improved as outlined on the Masterplan and the Landscape and Ecology Strategy. This is just indicative at present and further detail would be needed by application of a landscape condition should you be minded to approve this application.

Dwr Cymru - No objection subject to conditions. Informative advice is also provided.

Rights Of Way Officer - No objection but provides informative advice to be conveyed to the developer regarding the nearby Public Right of Way.

Police Architectural Liaison Officer - No comments received.

Western Power Distribution - Advises the applicant that if they require new connection or a service alteration, then they will need to make a separate application to Western Power Distribution.

Chief Fire Officer - The Fire Authority has no objection to the proposed development but provides informative advice to remind the developer to consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances.

Transportation Engineering Manager - CCBC - No objection subject to conditions.

ADVERTISEMENT

Extent of advertisement: The application was advertised in the press, by means of a site notice and ten neighbouring properties were notified by way of letter. It should also be noted that the Local Planning Authority also undertook a second neighbour consultation following receipt of the amended plans.

Response: Ten letters of representation have been received in total from seven objectors.

Summary of observations: The following objections were raised.

CONCERNS WITH THE STATUTORY PRE-APPLICATION CONSULTATION PROCESS

Significant concerns over the way in which the developer has shared information with the public and should have undertaken in a transparent and open manner.

Discussions with the developer's solicitors were met with reluctance in that a copy of the developer's Equal Opportunities Policy was requested.

Concerns that the developer or an associated subsidiary group is not registered with Companies House.

Concerns raised that neighbouring commercial businesses were not informed at the pre-planning stage.

DESIGN CONCERNS

The proposed development fails to accord with chapters 2 and 3 of Planning Policy Wales and Technical Advice Note 12: Design.

Chapters 2 and 3 of Planning Policy Wales stipulate that in order to achieve the concept of 'place making' then CBCC has the responsibility for assessing development and considering who will benefit and who will suffer impacts from the proposals. The points raised in chapters 2 and 3 of the policy have not been fully met in the application.

The proposed development is not in-keeping with the surrounding area in that there are no apartments near the site and its design does not reflect the neighbouring properties.

The residential development will give rise to overlooking and loss of privacy issues.

LACK OF JUSTIFICATION

There is no justification for retail units and affordable accommodation on the site and is contrary to the advice of the Chief Executive of the Council to provide future opportunities for residents and requests that Team Caerphilly develop the land to be more in keeping with the local area.

There are already numerous retail units within a 1-2 mile radius of the proposed site and there is no viable reason for establishing another.

Competition with existing local and independent businesses and would impact upon businesses run by members of the black and ethnic minority and would force them to close.

Cites Manual for Streets and walkable neighbourhoods with existing commercial establishments within an 800 metre walk of the site and there is no need for further establishments.

THE NEED FOR AFFORDABLE HOUSING

Affordable housing is being provided on adjacent residential developments and questions the need, suggests that luxury accommodation would be more in keeping.

DEVALUATION OF NEIGHBOURING PROPERTIES

It is morally irresponsible to develop the site in the proposed manner and will negatively impact upon house prices, the existing housing stock and families.

HIGHWAY SAFETY IMPACTS

There is no infrastructure to support the proposed uses on the site.

Developing the site as proposed would lead to congestion, pollution and longer journey times.

The proposed development is likely to increase accidents, injuries and fatalities. There are too many junctions within a 50 metre radius of the site.

The main road next to the site leading into Blackwood is the second most dangerous road in the county borough.

The Traffic Management Analysis should be considered redundant in that it was conducted during the Covid 19 pandemic and therefore the data should be real time and not based on supposition. Requests for the traffic surveys to be repeated.

The site is not capable of accepting a large number of vehicle movements on a daily basis in that Trem-Y-Goron is also served by residential properties.

Trem-Y-Goron is narrow in width and will not be able to accommodate large heavy duty vehicles.

Queries how the additional traffic flows to/from Trem-Y-Goron onto Bryn Road will be managed without having a negative impact on traffic emerging onto Bryn Road from the Bryn and Crown Estates via Crown Lane?

States that the traffic survey conducted on 14/08/2022 did not take into account the traffic emerging onto Bryn Road from Crown Lane, or the impact of additional traffic from the proposed retail or residential units on the ability of this traffic to gain access to Bryn Road.

Questions whether an assessment been made of the safety of crossing Bryn Road and the proposed tactile paving.

Question what the expected pedestrian traffic route into the site will be.

Raises concerns that users of the site will park in the designated spaces and opt to park on the road leaving neighbouring residents blocked in or having their existing driveways used as turning facilities causing wear and tear.

The proposals do not accord with national and local policy in being well located, accessible by sustainable means of travel, and having no significant traffic impacts.

Trem-Y-Goron is also the link to a bicycle and footpath and increased vehicles pose a greater risk to cyclists and pedestrians who use the footpath.

The proposed development will increase pedestrian activity to and from the site with no safe crossing provision and there is a lack of pedestrian footpaths.

There are existing on-street parking issues along Trem-Y-Goron at present and the development would displace car parking and there are no other opportunities to park.

The swept analysis of a 10m long vehicle clearly shows the vehicle not being able to stay on its side of the road when leaving or entering Trem-Y-Goron and questions why no swept analysis has been provided of the said vehicle leaving/entering the retail site access.

ENVIRONMENTAL CONCERNS

The proposed development would lead to a loss of even more green space in the county borough and should be protected.

It is not accepted that the proposed development does not require an Air Quality Assessment and it is not for a third party to decide what can help or hinder personal health.

The increased vehicles entering Trem-Y-Goron will impact air quality in the area.

Concerns with construction mess.

Concerns with increase in litter.

HEALTH AND WELLBEING CONCERNS

It is not accepted that the proposed development does not require an Air Quality Assessment and it is not for a third party to decide what can help or hinder personal health.

The proposed development will disrupt homeworkers.

CONFLICT

The proposed development will lead to unneighbourly parking habits which will cause increased tension for existing and proposed residents.

Concerns of anti-social behaviour gathering outside.

PUBLIC RIGHT OF WAY

The Public Right of Way is not indicated on the Site Layout Plan.

The new junction obstructs the Public Right of Way.

Lack of parking provision will obstruct the Public Right of Way.

PUBLIC SAFETY CONCERNS

The daily ingress of petrol tankers to and from the Petrol Service Station directly opposite the site will give rise to an increased risk of petrol explosions in that the petrol and tank stores are underground.

NOISE CONCERNS

Concerns with operational hours and deliveries.

CONFLICT WITH RETAILING POLICIES

Queries the location of the retail use outside of the Council's retail boundary and suggest that it would be better suited in Blackwood Town Centre where there are vacant buildings and would help save the High Street.

COMPENSATORY MEASURES REQUIRED

Queries whether money from the S106 contribution could be provided in the form of compensatory measures to contribute towards building a wall for neighbouring residents to stop people entering and turning onto their private driveways.

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 application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, the proposal is unlikely to have a significant impact on biodiversity. However, Policy 9 of Future Wales - The National Plan 2040 states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment. In that regard a Landscape/ Ecology Strategy has been submitted for the commercial element of the scheme and includes biodiversity enhancements. In that the residential element of the scheme is seeking outline approval, additional biodiversity gain can be achieved through the submission of a reserved matters application should planning permission be granted.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development is CIL liable. The retail element of the scheme is charged at a rate of £100 per square metre of new floor space. The residential element of the scheme is also CIL liable in that the site falls within the mid viability charging area for which new residential floor space is charged at a rate of £25 per square metre plus indexation, however this would be addressed at any subsequent reserved matters stage.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. This is a hybrid planning application seeking full planning

permission to erect a retail building on the eastern side of the site with access, parking and landscaping together with outline planning permission sought to erect up to 14 residential units with all matters reserved except access on the western side of the site. In that regard the main issues in the determination of this application are:

The principle of development on the site;

Whether the proposed development will impact upon the ecological and landscape value of green wedge SI 1.16 (Maesycwmmmer, Pontllanfraith and Fleur de Lys);

Whether the proposed development would generate an increased level of highway traffic that would result in a detrimental impact on highway safety;

The suitability of the site for retail development;

The visual impact of the convenience store; and

The suitability of the site for residential development.

These issues will be discussed in turn.

The application site is a vacant brownfield site located in the Northern Connection Corridor. 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 promotes the full and effective use of urban land and concentrates development within existing settlements. The policy also seeks to prevent coalescence and inappropriate development in the countryside. The application site falls within the defined settlement boundary for Pontllanfraith and is immediately adjacent to green wedge SI 1.16 (Maesycwmmmer, Pontllanfraith and Fleur de Lys). In policy terms re-development of the site would be consistent with Policy SP5 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010 (LDP) in that it promotes the full and effective use of urban land and serves to concentrate new development within the existing settlement.

Policy SP2 (Development Strategy in the Northern Connections Corridor (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.

Policy SP4 (Settlement Strategy) defines the settlement hierarchy for towns and villages across the county borough and identifies those areas where development would be supported and enhanced based on the specified role and function of a particular area. The Strategy seeks to concentrate new development to respond appropriately to the economic, social and environmental needs of individual settlements and thus settlement boundaries are identified accordingly to indicate the potential areas where development is likely to be permitted. Pontllanfraith is identified as a residential area and the application site meets the definition of previously developed land (also referred to as brownfield) as set out in Planning Policy Wales (PPW).

In settlements, brownfield land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. Policy SP2 also requires that new proposals reduce car borne trips by promoting sustainable modes of travel and make the most efficient use of existing infrastructure. Chapter 4 of PPW covers the theme of active and social places. With respect to transport the planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport.

The site is within walking distance of a number of local facilities including community, education, convenience stores and recreational spaces together with the wider catchment area of the Pontllanfraith ward providing health services, formal leisure provision and a large supermarket which are all easily accessible by public transport. There is an eastbound bus stop directly opposite the site on Bryn Road, and a westbound bus stop located on Bryn Road, approximately 75 metres to the south-east of the site. The bus stops provide access to Blackwood, Ystrad Mynach rail station, Ystrad Mynach, Cardiff via Caerphilly, Pontypridd, Ystrad Mynach, Nelson, Gelligaer and Cefn Hengoed. Hengoed rail station is also located circa 1.8km (8 minutes cycle) to the west of the site.

Criterion D of Policy SP2 seeks to protect the natural heritage from inappropriate development. The application proposes a combination of commercial retail and residential development on previously developed land within the settlement boundary, however the development site is bounded along the western boundary by green wedge SI 1.16 (Maesycwmmwr, Pontllanfraith and Fleur de Lys) by established native deciduous planting and provides an important role in defining the edge of the settlement boundary with the A4049 and importantly prevents coalescence between the neighbouring settlements of Maesycwmmwr and Fleur de Lys in that all three individual settlements have very distinctive identities with a strong sense of place. The proposed development does not seek to extend into the green wedge and will not harm or interfere with its land use designation.

In tandem with criterion D of Policy SP2, Policy SP10 (Conservation of Natural Heritage) is of relevance and indicates that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. The native trees and planting within the green wedge make a positive contribution to both the natural and built environment and enhances the character and diversity of the landscape together with offering substantial environmental benefits. Policy CW6 (Trees, Woodland and Hedgerow Protection) therefore requires proposals to ensure that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. It is noted that many of the juvenile Ash trees within the adjacent green wedge are suffering from Ash dieback and a Landscape/Ecology Strategy has been submitted to accompany the development proposals for consideration. This indicative strategy includes a mixture of retained landscape buffer planting with enhanced tree and hedge planting within the green wedge as well as within the development site itself.

The comments of the Council's Landscape Architect are outlined earlier in the report and no objection is raised to the proposed development subject to conditions in order to improve and enhance the urban landscape together with minimising any new built form in the green wedge. Additionally no objection has been raised by the Council's Ecologist. The proposed development therefore complies with policy CW6.

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 where appropriate through the use of Sustainable Urban Drainage Systems (SUDS). In that the proposed development exceeds more than 100 square metres of floor space the development will require SUDs approval. Those technical details will require consideration from the Sustainable Drainage Approval Body (SAB) and is an independent approval process outside of planning legislation.

Policy, SP6 also requires mitigation measures that improve and maintain air quality. The nearest air quality management area within Caerphilly County Borough Council (CCBC) is Hafodyrynys with Blackwood High Street also designated as an automatic monitoring site in the County Borough. The Caerphilly 2021 Air Quality Progress Report dated February 2022 states that the CCBC confirms that there are no new or newly identified local developments which may have an impact on air quality within the Local Authority area. Given the distance away from Blackwood High Street and notably Hafodyrynys, which is located much further away from the site together with the limited scale of the development, it is not considered that the proposed development will give rise to any detrimental impact on the nearest air quality management area or monitoring sites and no objection has been raised by the Council's Environmental Health department. Furthermore, the modal shift in travel patterns is an essential part of reducing the growing concerns related to air quality.

THE IMPACT UPON THE HIGHWAY NETWORK

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. In that regard, the proposed development will require a pedestrian footway from outside of the site at Bryn Road to connect the development to the existing highway network and the development is served by convenient and frequent access to public transport. Therefore the range of accessible and sustainable travel choices to and from the development site will reduce the need to travel by private motor vehicles. The retail phase of the proposed development seeking full planning permission also provides 15 x car parking spaces, 2 x mobility impaired spaces, 2 x separate areas for bicycle storage and 1 x motorcycle

bay, 2 x separate areas for bicycle storage are also provided. The residential element seeking outline planning permission would also be expected to provide off-street car parking provision in line with the car parking standards set out in Supplementary Planning Guidance LDP5: Car Parking Standards.

Policy CW3 (Design Considerations - Highways) requires development proposals to have regard for the safe, effective and efficient use of the transportation network. A Transport Statement, Transport Technical Addendum and Covid 19 Transport Statistics accompany the planning application submission details and in combination provides a comprehensive assessment of the transport implications associated with the proposed development. The submitted documents consider the likely peak hour traffic generation for each of the proposed retail and residential developments and provides a comparison with the previous vehicle trip generation associated with its former use as a public house with the total vehicle trip generation of the proposed development calculated by adding together the combined number of predicted convenience store and residential trips. The proposed development is forecast to generate 53 trips during the morning peak hour, and 69 trips during the afternoon peak hour, with the overall predicted net impact of vehicle trip generation to the site increasing by 53 and 43 vehicles during the morning and evening network peak hours respectively compared to the previous use of the site.

It is accepted that the proposed development will generate additional vehicle movements to and from the site, however the overall increase is less than one vehicle per minute. Furthermore, it should be noted that any vehicle trips to the proposed store are likely to predominantly consist of pass-by and diverted trips from other existing stores, or be part of a linked trip e.g. work-shop-home given the location, size of store and limited range of products for sale.

Swept path analysis drawings to accompany the site layout plan also demonstrates servicing and delivery arrangements to allow for a 10 metre rigid vehicle to safely access and egress from the junction of Bryn Road and Trem-Y-Goron in forward gear. These vehicle arrangements would include deliveries and waste collections to and from the convenience store together with delivery and refuse vehicles to serve the proposed apartment block.

The Council's Transportation Engineering Manager has reviewed the supporting information in full and it is not considered that the increased level of traffic generated by the proposed development would be significant enough in highway safety terms to warrant a refusal of planning permission. Subject to the imposition of several highways conditions to secure highway improvements in the form of pedestrian accessibility, the application is considered to be acceptable in highway safety terms and therefore compliant with Policy CW3.

THE SUITABILITY OF THE SITE FOR RETAIL DEVELOPMENT

In policy terms re-development of the site for commercial retailing purposes would be consistent with Policy SP5 of the LDP in that it promotes the full and effective use of urban land and serves to concentrate new development within the existing settlement.

Policy CW16 (Locational Constraints - Retailing) states that outside of the defined Principal Town Centres proposals for new retail stores or for additional retail floor space will only be permitted where:

A The vitality and viability of nearby Principal Town Centres will not be undermined, taking into account the cumulative effects of other approved retail developments, recently completed developments and Plan commitments, and

B The proposal would not undermine the Council's retail strategy, a Town Centre Action Plan or any regeneration plans that the Council has formally approved, or

C The proposal is:

(i) A new retailing unit of 1000m² or less in size, or the change of use of such a size, and

(ii) To serve neighbourhood needs, or is ancillary to another commercial use.

The proposed convenience store will comprise an area of 375 square metres of floor space and therefore by virtue of its scale and location, is intended to serve the local community to provide a basket shopping service to meet the day to day needs of those living within close proximity to the site or travelling past the site. It is therefore considered that the proposed convenience store would not have a detrimental impact on the vitality and viability of the nearest Principal Town Centre and therefore complies with policy CW16. Additionally, in the same vein the proposed development does not undermine Future Wales' 'Town Centre First' policy, which concerns development of a significant scale.

It should also be noted that the submitted details indicate that the proposed convenience store would be occupied by the 'Spar' retailer. Whilst this information may be of interest to members and the wider public, it must be stressed that the intended occupant of the store is not a material consideration in the determination of this application and cannot be secured through any planning permission granted. It is the use of the land and buildings for consideration in the determination of this application and not the potential occupant.

The main issues for consideration would be the visual impacts concerning the design, scale and massing of the convenience store along with the impact upon residential amenity.

Policy SP6 sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement and realise the efficient use of land. The development proposal offers the opportunity to provide an A1 convenience food store with vehicular access off the junction with Bryn Road and

along Trem-Y-Goron. In terms of its siting the rear of the proposed development would be sited towards the north-eastern boundary but sufficiently set in away from the boundary adjoining Bryn Road with an intervening area of soft landscaping, with the side elevation of the building adjacent to the south-eastern boundary of Trem-Y-Goron, directly opposite the front curtilages of No.1 and 2 Crown Cottages, with the principal elevation inwardly facing in a south-westerly direction to maximise lighting and solar gain opportunities. The design of the proposed convenience store is of a larger scale and footprint to that of the nearby petrol filling station and its design would appear to be far more contemporary in comparison. However, the design and materials are typical of new build convenience stores and it is not considered that the design, scale and massing and external materials of the proposed building would cause any harm to the character and visual amenity of the wider area.

Policy CW2 (Amenity) states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. In that regard the proposed convenience store demonstrates that adequate parking and turning for deliveries can be provided within the site together with providing areas of soft landscaping and new footpath links to the site to improve pedestrian safety. The proposal is not considered to be over-development and is compatible with surrounding land uses.

In terms of its impact upon residential amenity the nearest occupiers to the convenience store are No.1 and 2 Crown Cottages however the principal elevation of these properties are some 40 metres away from the side elevation of the building, with outbuildings much closer to the site boundary measuring circa 22 metres away. Given the separation distances involved, overbearing, overshadowing and overlooking are not considered to be an issue in this instance.

A noise report has been submitted in support of the application to consider the impacts of road traffic noise for the residential element of the scheme however noise disturbance can also be generated from external plant equipment and the receiving and unloading of delivery vehicles late into the evening or during the early hours of the morning. At this stage the precise details of all the proposed external plant equipment is yet to be determined and whilst the Council's Environmental Health department has raised no objection to the proposed development, they have recommended a series of conditions imposed to any consent to ensure that details of any associated plant equipment are agreed prior to their installation together with controlling the hours of operation for the store and the hours in which deliveries are received including the unloading process along with external lighting levels to safeguard neighbouring residential amenity. The proposed development is therefore considered compliant with Policy CW2.

THE SUITABILITY OF THE SITE FOR RESIDENTIAL DEVELOPMENT

In policy terms re-development of the site for residential purposes would be consistent with Policy SP5 of the LDP in that it promotes the full and effective use of urban land and serves to concentrate new development within the existing settlement.

In that highway matters have previously been considered as 'in principle' matters, the main issues for consideration would be the scale and massing of the development and the impact upon residential amenity.

In terms of placemaking (Policy SP6) the proposed development offers the opportunity to provide an apartment block comprising of up to 14 units in a residential area within the NCC. The submitted layout suggests an indicative vehicular access point off the junction with Bryn Road along Trem-Y-Goron. In terms of the design of the proposed apartment block its visual appearance has been reserved for future consideration however the scale parameters details indicate that the building would be approximately 1.0 metre higher than the ridge heights of No. 1-4 Trem-Y-Goron and have the potential to be between 2-2.5 storeys in height. It is therefore considered that the proposed development is compliant with Policy SP6.

With regards to the impact upon amenity (Policy CW2) whilst it is acknowledged that the submission details for the residential element of the scheme are only indicative, the scale parameters and site layout plan demonstrate that the proposed apartment block can be accommodated within the site comfortably together with providing a level of outdoor amenity space for its future occupiers along with demonstrating off-street car parking provision within the site.

Having regard to the neighbouring residential properties, there is no reason to indicate that the proposed development would have any unacceptable overbearing or overshadowing impacts on the amenity of neighbouring properties given that the principal elevation of the neighbouring properties of No. 1-4 Trem-Y-Goron are in excess of 25 metres away from the site boundary, therefore issues such as potential privacy distances and overlooking between the proposed and neighbouring dwellings are matters that can be adequately controlled at reserved matters stage whereby the full details of the development's layout, scale, appearance and landscaping will be fully considered. On that basis it is considered that residential development in this location is considered to be achievable and meets the requirements of Policy CW2.

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 effects of that development. In the context of this application, the Council will be seeking to secure the residential development to provide 25% of the residential units as affordable housing.

With regards to housing need, Policy SP14 (Total Housing Requirements) made provision for 10,269 new dwellings in the County Borough between 2006 and 2021 in order to deliver the 8,625 new dwellings required to meet the moderate growth strategy of the LDP. This equated to an annual requirement of 575 dwellings per annum. The

most recent Annual Monitoring Report (AMR) of the LDP was approved in October 2022 and includes a housing trajectory of the 15 year plan period up to 2021 plus 6 years (see Appendix 1 of AMR). This shows that the number of dwellings completed has been below the annual requirement of 575 dwellings per annum since 2008/09 and is forecast to continue to be below this requirement for most years up to 2026/27. There is just one exception in the year 2023/24 where the number of dwelling completions is forecast to be 635 units. The affordable housing target of delivering at least 964 affordable units between 2006 and 2021 (Policy SP15) has also not been met and the AMR continues to recommend that proposals for residential development should be considered on their relative merits on a site-by-site basis, having regard to the need to increase the housing land supply.

The proposed residential development would provide up to 14 apartments all of which are proposed to be affordable. Whilst the amount of housing proposed would not make a significant contribution to the overall provision to the supply of new housing, it would indeed make a much needed positive contribution, particularly in terms affordable housing. Accordingly, the proposal would meet the requirements of Policies SP14 and SP15.

Policy CW11 (Affordable Housing Obligations) seeks to negotiate the inclusion of an appropriate element of affordable housing on housing developments of five or more dwellings. Policy CW11 states:

Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

Where there is evidence of need, the Council will seek to negotiate the following affordable housing target of up to 25% in the Northern Connections Corridor (excluding Newbridge) subject to viability.

The site falls within the Pontllanfraith ward, which attracts an affordable housing target of up to 25%. The agent on behalf of their client has provided a statement confirming that all of the residential units will be provided as affordable housing, however the Council's Housing Enabling Officer has confirmed that only 4 of the 14 apartments need to be provided as affordable to meet the policy requirements and this would need to be secured by way of the developer entering into a Section 106 agreement.

In conclusion Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision on this proposal to be made in accordance with the development plan unless material considerations indicate otherwise. The Adopted Caerphilly County Borough

Local Development Plan up to 2021 is the development plan for purpose of Section 38(6).

The site is previously developed land within the defined settlement boundary of Pontllanfraith. The proposed development complies with both local and national planning policies, would make a positive contribution to addressing the affordable housing targets for the County Borough and the surrounding highway network is considered to have sufficient capacity to accommodate the modest increase in vehicular movements without having a detrimental impact on highway safety. The concerns of statutory consultees can be addressed by way of planning conditions and a legal agreement. This application offers an opportunity to provide a sustainable hybrid development comprising of retail and residential development without causing any significant harmful effects which cannot be successfully mitigated.

A Section 106 Agreement will be required to secure affordable housing provision on the site. The applicants have agreed to enter into such an agreement.

The recommendation is to require the applicant to enter into a Section 106 Agreement in respect of affordable housing provision. In that regard there are tests for Section 106 Agreements which have to be met.

These are as follows:-

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

With regard to criterion (a) there is a need to secure affordable housing provision on-site to comply with national and local policy.

With regard to criterion (b) the development is located within an area of housing need and pressure. The proposal will provide a small number of affordable homes within the local community.

With regard to criterion (c) in view of the scale of the development and the proximity to the existing community the applicants have offered to provide 25% affordable housing. This accords with the affordable housing target in the Northern Connections Corridor and is therefore considered reasonable to the outline residential development proposed. Comments from Consultees: No objection subject to conditions and advice. Whilst some consultees have recommended the imposition of conditions at outline stage, such conditions are not considered to be reasonable or necessary and the merits of the suggested conditions should be re-assessed by the relevant consultees upon receipt of any future reserved matters application submitted for consideration.

Comments from public: The following objections were raised:-

CONCERNS WITH THE STATUTORY PRE-APPLICATION CONSULTATION PROCESS

Significant concerns over the way in which the developer has shared information with the public and should have undertaken in transparent and open manner.

Discussions with the developer's solicitors were met with reluctance in that a copy of the developer's Equal Opportunities Policy was requested.

Concerns that the developer or an associated subsidiary group is not registered with Companies House.

Concerns raised that neighbouring commercial businesses were not informed at the pre-planning stage.

LPA RESPONSE: The Pre-Application Consultation Process is a separate process for the developer to comply with and the Local Planning Authority has no involvement in the process and therefore any concerns relating to the Pre-Application Consultation process cannot be taken into consideration as part of the determination of this application. The developer has demonstrated that the statutory requirements of the Pre-Application Consultation Process have been duly met.

DESIGN CONCERNS

The proposed development fails to accord chapters 2 and 3 of Planning Policy Wales and Technical Advice Note 12: Design.

Chapters 2 and 3 of Planning Policy Wales stipulate that in order to achieve the concept of 'place making' then CBCC has the responsibility for assessing development and considering who will benefit and who will suffer impacts from the proposals. The points raised in chapters 2 and 3 of the policy have not been fully met in the application.

The proposed development is not in-keeping with the surrounding area in that there are no apartments near the site and its design does not reflect the neighbouring properties. The residential development will give rise to overlooking and loss of privacy issues.

LPA RESPONSE: The residential element of the scheme is seeking outline planning permission with approval of access. All other elements including the visual appearance of the building including the positioning of windows are reserved for future consideration.

LACK OF JUSTIFICATION

There is no justification for retail units and affordable accommodation on the site and is contrary to the advice of the Chief Executive of the Council to provide future

opportunities for residents and requests that Team Caerphilly develop the land to be more in keeping with the local area.

There are already numerous retail units within a 1-2 mile radius of the proposed site and there is no viable reason for establishing another.

Competition with existing local and independent businesses and would impact upon businesses run by members of the black and ethnic minority and would force them to close.

Cites Manual for Streets and walkable neighbourhoods with existing commercial establishments within an 800 metre walk of the site and there is no need for further establishments.

LPA RESPONSE: The proposed development accords with both national and local planning policies. The principle of residential development and small scale retail development on the site is considered acceptable in planning terms and is reflective of neighbouring land uses immediately adjacent to the site and within the wider area. The site is located within a sustainable location and competition is not a material planning consideration, issues in respect of consumer loyalty is for the market to determine. Furthermore, there are no retail planning policies that would prohibit limiting the number of local convenience stores in a community catchment area.

THE NEED FOR AFFORDABLE HOUSING

Affordable housing is being provided on adjacent residential developments and questions the need, suggests that luxury accommodation would be more in keeping.

LPA RESPONSE: The Joint Housing Land Availability Study (JHLAS) confirms that there is a significant shortfall of market and affordable housing within the county borough and the Local Planning Authority can only consider the application details submitted for consideration. The provision of affordable housing will provide a positive contribution to affordable housing provision within the Pontllanfraith ward.

DEVALUATION OF NEIGHBOURING PROPERTIES

It is morally irresponsible to develop the site in the proposed manner and will negatively impact upon house prices, the existing housing stock and families.

LPA RESPONSE: Devaluation of property is not a material planning consideration.

HIGHWAY SAFETY IMPACTS

There is no infrastructure to support the proposed uses on the site. Developing the site as proposed would lead to congestion, pollution and longer journey times.

The proposed development is likely to increase accidents, injuries and fatalities.

There are too many junctions within a 50 metre radius of the site.

The main road next to the site leading into Blackwood is the second most dangerous road in the county borough.

The Traffic Management Analysis should be considered redundant in that it was conducted during the Covid 19 pandemic and therefore the data should be real time and not based on supposition. Requests for the traffic surveys to be repeated.

The site is not capable of accepting a large number of vehicle movements on a daily basis in that it Trem-Y-Goron is also served by residential properties.

Trem-Y-Goron is narrow in width and will not be able to accommodate large heavy duty vehicles.

Queries how the additional traffic flows to/from Trem-Y-Goron onto Bryn Road will be managed without having a negative impact on traffic emerging onto Bryn Road from the Bryn and Crown Estates via Crown Lane?

States that the traffic survey conducted on 14/08/2022 did not take into account the traffic emerging onto Bryn Road from Crown Lane, or the impact of additional traffic from the proposed retail or residential units on the ability of this traffic to gain access to Bryn Road.

Questions whether an assessment been made of the safety of crossing Bryn Road and the proposed tactile paving.

Question what the expected pedestrian traffic route into the site will be.

Raises concerns that users of the site will park in the designated spaces and opt to park on the road leaving neighbouring residents blocked in or having their existing driveways used as turning facilities causing wear and tear.

The proposals do not accord with national and local policy in being well located, accessible by sustainable means of travel, and having no significant traffic impacts.

Trem-Y-Goron is also the link to a bicycle and footpath and increased vehicles pose a greater risk to cyclists and pedestrians who use the footpath.

The proposed development will increase pedestrian activity to and from the site with no safe crossing provision and there is a lack of pedestrian footpaths.

There are existing on-street parking issues along Trem-Y-Goron at present and the development would displace car parking and there are no other opportunities to park.

The swept analysis of a 10m long vehicle clearly shows the vehicle not being able to stay on its side of the road when leaving or entering Trem-Y-Goron and questions why no swept analysis been provided of the said vehicle leaving/entering the retail site access.

LPA RESPONSE: With regards to the highway safety impacts there are a number of issues raised above, not all of the points raised will be addressed individually in that highway safety is fully considered by this Council's Transportation Engineering Manager. However, a summary of the key themes are addressed as follows and will be addressed in turn:-

1. The sustainability of the site - The site is located in a highly sustainable location and the sustainable modes of transport available include walking, cycling and public transport. The variety of sustainable modes of transport will minimise the number and length of private car journeys to and from the site.

2. The impact upon the highway network - The proposed development will not result in a material impact on the operation of the local highway network. The Bryn Road/Trem-Y-Goron junction operates with significant spare capacity with and without the development proposals. Beyond this immediate junction the impact will be imperceptible as the traffic disperses through the highway network.

In terms of delivery vehicle movements to and from the site will be far less in comparison to car movements at the junction. The design of local roads should accommodate service vehicles without allowing their requirements to dominate the layout. It is not unusual for a larger rigid vehicle to require the use of the opposing lane to exit a junction in urban areas. The highway code 221 also states that road users need to be aware that larger vehicles require additional space to turn etc.

Paragraphs 9.4.10 and 9.4.11 of Manual for Streets 2 regarding junction radii and larger vehicles at priority junctions state:-

"As noted in Sections 6.3 and 6.4 of MFS1, tight corner radii help pedestrians and cyclists to travel across and through junctions by reducing the speed of turning vehicles. Advice contained in TD42/95, that minimum corner radii should be 6m in urban areas, should therefore not be taken as representing best practice when the needs of vulnerable road users are to be prioritised."

"Larger vehicles can still negotiate junctions where minimal (1m or less) corner radii are used, depending on the width of the junction arms they are turning to and from. In many cases it will be better to have slightly greater carriageway widths at the junction, rather than generous corner radii, or accept that larger vehicles occasionally cross into the opposing lane."

It is therefore accepted that the larger infrequent vehicle movements turning left at the junction will cross into the opposing lane and a swept path analysis has been reviewed by the Transportation Engineering Manager.

3. The traffic survey undertaken during the Covid 19 pandemic - The traffic survey at the Trem-Y-Goron / Bryn Road junction was undertaken post the Covid 19 pandemic and a further traffic survey was undertaken at the existing junction on Thursday 14 July 2022. The turning count data was collected in 15-minute intervals for the morning and afternoon weekday peak periods (07:00-10:00 and 16:00-19:00).

The traffic survey identified the following peak hours:

The morning peak hour 07:45-08:45; and

The evening peak hour 16:15-17:15.

The results of the traffic survey indicated that Trem-Y-Goron is very lightly trafficked throughout the period surveyed.

The capacity of the Trem-Y-Goron priority junction was tested using Junctions 10 (industry standard computer programme for capacity analysis of priority junctions) for the following scenarios:

2022 Observed - weekday morning and afternoon peak hours

2022 Observed + Proposed Development - weekday morning and afternoon peak hour.

The results of the Junctions 10 assessment for the priority junction provides a ratio of flow to capacity (RFC) figure and a Queue (Q) length (number of vehicles). The RFC determines how the arm of the junction is operating and if the RFC is 0.85 or less the relevant arm of the junctions is within its design capacity with minimal queues. An RFC greater than 0.85 and less than 1.0 shows that the junction is operating close to its design capacity and as such some queues and Delays may start to occur. When an RFC is greater than 1.0 the arm of the junction is operating at or exceeding its design capacity and as a result longer delays / queues will start to form. On this basis a maximum RFC of 1 will be used as the absolute capacity of a junction. Should the level of traffic at a junction exceed this threshold then mitigation may be required. Queue results represent an average queue length, so will not always be whole numbers of vehicles.

It is proposed to extend the existing no waiting at any time (double yellow lines) on Trem-Y-Goron to cover the site access. This will keep the route between the site access and junction with Bryn Road clear of parked vehicles. A swept path analysis has been extended to include all turning movements at the Bryn Road / Trem-Y-Goron priority junction. The swept path analysis demonstrates that a 10 metre HGV vehicle can be accommodated at the Bryn Road / Trem-Y-Goron junction.

It should also be noted that working from home is now an established practice with the Welsh Government target published in September 2020 aiming for 30% of Welsh

workforce to work remotely on a regular basis in a post pandemic society following on from Covid 19 lessons.

4. Pedestrian safety - The Transportation and Engineering Manager has reviewed the details submitted for consideration, pedestrian improvements in the form of a tactile dropped crossing and footpath will be secured to improve pedestrian safety and will be subject to further design consideration.

5. Displacement of existing on-street car parking and obstruction for neighbouring residents - The proposed development will provide the appropriate levels of off-street car parking. The existing neighbouring residents who may currently enjoy on-street car parking along Trem-Y-Goron as opposed to off-street car parking within their own driveways or garages may be affected if the number of vehicles serving each property exceed their own off-street car parking provision however on-street car parking cannot be perceived as a right in perpetuity and planning permission cannot be refused on this basis. Any obstruction of neighbouring driveways would be a matter for the police to enforce.

ENVIRONMENTAL CONCERNS

The proposed development would lead to a loss of even more green space in the county borough and should be protected.

It is not accepted that the proposed development does not require an Air Quality Assessment and it is not for a third party to decide what can help or hinder personal health.

The increased vehicles entering Trem-Y-Goron will impact air quality in the area.

Concerns with construction mess.

Concerns with increase in litter.

LPA RESPONSE: The development is previously developed land and is not removing greenfield land. Given the relatively small scale nature of development proposed it was not considered reasonable or necessary to request the developer to submit an Air Quality Assessment in that the site does not fall within or immediately adjacent to an Air Quality Management Area. Matters in relation to construction mess such as dirt and debris can be adequately controlled through the suggested Construction Method Statement condition.

Litter is a material planning consideration but it would be unreasonable to refuse permission on that basis alone in that the site is located within the settlement boundary where the use of a convenience store is considered to be acceptable. Furthermore, litter enforcement can be carried out by the relevant agencies.

HEALTH AND WELLBEING CONCERNS

The proposed development will disrupt homeworkers.

LPA RESPONSE: As with any development there will always be some limited short term disruption impacts however it is not considered that any noise levels during the construction phase of the development would completely disrupt the ability for any neighbouring occupier to work in an agile manner.

CONFLICT

The proposed development will lead to unneighbourly parking habits which will cause increased tension for existing and proposed residents.

Concerns of anti-social behaviour gathering outside.

LPA RESPONSE: This is not a material planning consideration, obstruction of the highway and anti-social behaviour is a matter for the police to enforce.

PUBLIC RIGHT OF WAY

The Public Right of Way is not indicated on the Site Layout Plan.

The new junction obstructs the Public Right of Way.

Lack of parking provision will obstruct the Public Right of Way.

LPA RESPONSE: The Public Rights of Way Officer has raised no objection to the proposed development. Informative advice has also been provided and any obstruction of the Public Right of Way can be enforced under separate legislation.

PUBLIC SAFETY CONCERNS

The daily ingress of petrol tankers to and from the Petrol Service Station directly opposite the site will give rise to an increased risk of petrol explosions in that the petrol and tank stores are underground.

LPA RESPONSE: This is not a material planning consideration.

NOISE CONCERNS

Concerns with operational hours and deliveries.

Concerns with increased levels of noise within the area associated with the apartments and plant and machinery associated with the retail store.

LPA RESPONSE: Conditions are suggested to control hours of operation, deliveries to and from the site and plant and machinery to protect residential amenity. With regards to noise from the proposed apartments, there is no evidence to indicate that current levels of neighbouring amenity would be adversely affected. Furthermore the design and layout of the residential apartments are reserved for future consideration.

CONFLICT WITH RETAILING POLICIES

Queries the location of the retail use outside of the Council's retail boundary and suggest that it would be better suited in Blackwood Town Centre where there are vacant buildings and would help save the High Street.

LPA RESPONSE: Policy CW16 (Locational Constraints - Retailing) of the LDP states that outside of the defined Principal Town Centres proposals for new retail stores or for additional retail floor space will only be permitted where the proposal is 'a new retailing unit of 1000 sq. metres or less in size'. The floor space of the retail store measures 375 square metres.

COMPENSATORY MEASURES REQUIRED

Queries whether money from the S106 contribution could be provided in the form of compensatory measures to contribute towards building a wall for neighbouring residents to stop people entering and turning onto their private driveways.

LPA RESPONSE: A Section 106 Agreement to require compensatory measures for personal gain would not be necessary to make the development acceptable in planning terms. It would also not be directly related to the development nor would it be fairly and reasonably related in scale and kind to the development and on that basis would fail the three tests.

Other material considerations: None.

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.

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.

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

If the obligation is not completed within three months of the resolution to approve, that the Head of Planning and Regeneration be granted delegated powers to refuse the application for failure to comply with Policy CW11 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

This permission is subject to the following condition(s)

- 01) The development hereby permitted full planning consent, namely the retail building on the eastern side of the site with access, parking and landscaping, 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:
Report JAH02896-REPT-01-R1 Noise Impact Assessment received on 12.05.2022;
Report JNY11299-01a Transport Statement received on 12.05.2022;
Transport Statement Appendices received on 12.05.2022;
Dwg No.101 Rev B Landscape / Ecology Strategy received on 12.05.2022 (this does not extend to the soft and hard landscaping details proposed);
Dwg No. PL 450 Proposed Boundary Treatments received on 12.05.2022;
Dwg No. PL 950 Proposed Material Finishes - Retail received on 12.05.2022;
Report JNY11299-02a Technical Addendum Highway Note received on 02.08.2022;
Covid 19 Transport Statistics received on 05.10.2022;
Dwg No. 200A Proposed Site Masterplan received on 07.10.2022;
Dwg No. 210A Proposed Ground Floor Plan received on 07.10.2022;
Dwg No. 213A Proposed Roof Plan received on 07.10.2022;
Dwg No. 300A Proposed South East Elevations received on 07.10.2022;
Dwg No. 301A Proposed South West Elevations received on 07.10.2022; and
Dwg No. 302A Proposed North West Elevations received on 07.10.2022;
Dwg No. 303A Proposed North East Elevations received on 07.10.2022.

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

- 03) No development shall commence on site until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Construction Method Statement shall include details of:
hours of working;
the on-site parking of vehicles of site operatives and visitors;
loading and unloading of plant and materials;
storage of plant and materials used during construction works;
wheel washing facilities;
the erection and maintenance of security hoardings;
measures to control noise during construction works;
measures to control pollution from plant and runoff;
measures to control the emission of dust and dirt during construction works; and
details of a scheme for the recycling/disposing of waste resulting from construction works.
Thereafter the construction of the development shall be undertaken in accordance with the approved Construction Method Statement.
REASON: In the interests of amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 04) The retail store hereby permitted shall not be open to customers outside of the following times:
(a) 07.00 hours to 23.00 hours Monday to Saturday, and
(b) 08.00 hours to 22.00 hours Sunday.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) No deliveries shall be taken at or dispatched from the retail store outside of the following times:
(a) 08.00 hours to 19.00 hours Monday to Saturday, and
(b) 09.00 hours to 18.00 hours Sunday.
REASON: In the interests of residential 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 phase hereby permitted full planning consent, a scheme shall be submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.
REASON: In the interest of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the commencement of the development phase hereby permitted full planning consent, details of all external and roof mounted plant/machinery

associated with the retail store shall be submitted to and agreed in writing with the Local Planning authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these agreed details shall be fully installed prior to the use of each of the units commencing.

REASON: In the interest of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 08) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of the development phase hereby permitted full planning consent, 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 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 phase hereby permitted full planning consent, 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) All paving, hard standing areas / parking areas shall be submitted in the form of a suitably scaled plan and shall be accompanied with the relevant information relating to the appearance and finish of the surfacing materials;
 - (b) A scheme for the existing perimeter vegetation around the site to be improved with additional native trees and native shrub planting;
 - (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes, numbers/densities where appropriate, cultivation and means of mulching;
 - (d) Tree pit details; showing tree support and rooting volume; and
 - (e) Details of a 5 year landscape management plan including maintenance schedule and defects replacement for all landscaped areas within and adjacent to the site.

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 in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) No development or any other operations shall commence on site until a scheme for the protection of the existing trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used. The approved protective fencing must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.
REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The development phase permitted full planning consent, shall be served by a new vehicle crossover in accordance with the approved plans prior to occupation of the retail store hereby approved.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The development phase permitted in full shall not be occupied until a pedestrian crossing on Bryn Road has been provided in accordance with a design and specification to be approved in writing by the Local Planning Authority and shall thereafter be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) The development phase permitted in full shall not be occupied until a minimum 2 metre footway has been provided along the site frontage in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) Beneficial use of the retail store hereby approved shall not commence until the areas indicated for the parking and turning of vehicles to serve that element of the development have been laid out in accordance with the approved plans to the satisfaction of the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than for the parking of vehicles associated with the development permitted.
REASON: To ensure that adequate off-street parking facilities are provided within the curtilage of the site in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.

- 15) Approval of the details of the appearance, landscaping, layout and scale of the development phase hereby permitted outline planning consent, (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.
- 16) Plans and particulars of the reserved matters referred to in Condition 15) above, relating to the appearance, landscaping, layout and scale of the residential 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.
- 17) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 18) The development hereby permitted outline planning consent, namely the residential element, shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 19) Parking associated with the development phase hereby permitted outline planning consent, shall be provided in line with the Local Planning Authority's adopted standard set out in LDP5 Car Parking Standards.
REASON: To ensure that adequate parking facilities are provided within the curtilage of the site in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) The development phase hereby permitted outline planning consent shall make provision for gigabit capable broadband infrastructure to serve the approved residential development. The necessary infrastructure required shall be installed prior to the occupation of each unit of accommodation.
REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.

Advisory Note(s)

Please refer to Public Access on the Council's website to view the comments of the consultees that are brought to the applicant's attention that inform any future details reserved by condition and subsequent reserved matters application. Informative information is also provided.

NOTE

The applicant should be made aware that the proposed scheme includes off site highway works and as such they will need to enter into a legal agreement / licence with the Highway Authority to undertake such works. No works shall be undertaken on or adjacent to the highway until the said agreement/ licence has been completed. The applicant is therefore advised to contact the Highway Development Control as soon as possible once planning permission is granted.

The applicant should be made aware that there is a requirement to undertake a TRO (Traffic Regulation Order) to extend the double yellow lines along Trem-Y-Goron, the costs of this order will be borne by the developer and should be completed prior to occupation of the development.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

NOTIFICATION OF INITIATION OF DEVELOPMENT AND DISPLAY OF NOTICE

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

NOTICE OF INITIATION OF DEVELOPMENT

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

DISPLAY OF NOTICE

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in

Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) Legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.