



## PLANNING COMMITTEE – 11TH MARCH 2015

**SUBJECT: SITE VISIT - CODE NO. 14/0518/NCC - LAND NORTH OF GLAN-YR-AFON, GLAN-YR-AFON LANE, FLEUR-DE-LIS, BLACKWOOD**

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

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PRESENT:

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

Councillors H. Davies, K. Dawson, Mrs J. Gale, R.W. Gough, D.V. Poole and Mrs. J. Summers.

1. Apologies for absence were received from Councillors Mrs E.M. Aldworth, J. Bevan, L Gardiner, N. George and A.G. Higgs
2. The Planning Committee deferred consideration of this application on 11th February 2015 for a site visit. Members and Officers met on site on Wednesday, 25th February 2015.
3. Details of the application to vary condition 01 of planning permission 09/0197/NCC (Remove condition (1) from planning application P/04/0219 to erect residential development) to extend the time limit within which development can commence for a further five year Land North of Glan-Yr- Afon, Glan-Yr-Afon Lane, Fleur-De- Lis, Blackwood were noted.
4. Those present viewed the site from the public footpath and the junctions with Ford Road, Commercial Street, Nydfa Road and Glan-y-Afon Lane and examined the application plans to fully appreciate the proposals.
5. The Principal Planning Officer confirmed that since the publication of the Officer's report an e-petition of 158 names of which 26 names were indicated as from Fleur-de-lis, a tear off stub section from a letter of objection and an additional letter of objection had been received.
6. Members were asked to note the application's history which was granted on the 18th February 1999 and subsequently renewed in 2004 and 2009 and were reminded that this application dealt with the variation of condition only, the principle being agreed in 1999. The Officer confirmed that in the course of the renewal applications the number of proposed dwellings had now been reduced to 16 houses. The size and the position of the plot was explained and the boundary of site in relation to the existing public footpath confirmed. The position of the road serving the development was outlined and it was noted that the site would follow a cul-de-sac design with off street parking. The development would be a mix of 2 and 3 bedroom dwellings with 1 parking space allotted per bedroom.
7. The Local Ward Member raised concerns in relation to the access road to the development and its close proximity to a well used public footpath, particularly as there would be no

physical barrier between the road and the right of way. Officers confirmed that the proposed access road would be constructed to an adoptable standard the details of which would be agreed with the Highways Department. It was noted that a 150mm up-stand would be introduced to protect the public use of the footpath as part of the developments' road layout and Members requested that consideration be given to extending this condition to include the housing side and boundary with the public footpath. Officers agreed to consider this and provide further information to the Planning Committee.

Concerns were also expressed in relation to the garage business operating on the boundary of the site which included a spray booth. It was felt that issues such as noise and odour/chemical emissions were bound to arise when you place a residential development so close to an operating garage, disadvantaging a well established business. The Environmental Health Officer confirmed that should such issues arise the use of filters or amendments to the hours of operation could be looked at in order to mitigate the impact on residents however this could not be condition beforehand.

Further concerns were expressed by Local Ward Members in relation to drainage and flooding issues in the area and the impact of the development on highway safety. Particular reference was made to the junction between Ford Road, Commercial Street and Glan-yr-Afon Lane. Members viewed the junction and noted the volume of traffic. Local Ward Members highlighted the areas of concern and felt that the increased traffic movements generated by an additional 16 houses in this area would only exacerbate an already extremely busy section of road. The Local Ward Members were of the opinion that since the submission of the original application in 1999 there had been such significant changes to the area resulting in increased traffic volumes, that an additional 16 dwellings would place an unacceptable burden on its infrastructure.

In terms of drainage and sewerage the Officer confirmed that Dwr Cymru had been consulted and had raised no objections to the proposed development and the Senior Engineer (Land Drainage) subject to condition also raised no objection to the development. Members were asked to note that the Transportation Engineering Manager also raised no objection to the development. The Oak Terrace By-pass, Angel Way and the removal of the right turn facility at the Hengoed Viaduct has all encouraged more traffic to use the cross-valley link via Ford Road.

8. Officers confirmed that following advertisement to 31 neighbouring properties, advertisement in the press and a site notice being posted, 10 responses to a petition letter distributed in the area and 6 separate letters of objection had been received at the time of the Officer's report, details of these objections are contained therein. Since that date an additional letter of objection and tear-off stub section of a letter of objection and an e-petition had also been received.
9. The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, the application is considered to be acceptable and Officers recommended that permission be granted.
10. A copy of the report submitted to the Planning Committee on 11th February 2015 is attached. Members are now invited to determine the application.

Author: E. Sullivan, Democratic Services Officer, Ext. 4420  
Consultees: T. Stephens, Development Control Manager  
M. Davies, Principal Planning Officer  
M. Noakes, Senior Engineer (Highway Development Control)  
G. Mumford, Senior Environmental Health Officer  
J. Rogers, Principal Solicitor

Appendices:  
Appendix 1 Report submitted to Planning Committee on 11th February 2015

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0518/NCC 18.08.2014	Au Trust SIPP - DM Watts ISS0295 C/o Au Trust Ltd Imperial House Imperial Way Newport NP10 8UH	Vary Condition 01 of planning permission 09/0197/NCC (Remove condition (1) from planning application P/04/0219 to erect residential development) to extend the time limit within which development can commence for a further five years Land North Of Glan-Yr-Afon Glan-Yr-Afon Lane Fleur-de-lis Blackwood

**APPLICATION TYPE:** Development without complying with conds

#### SITE AND DEVELOPMENT

Location: Land north of Glan-Yr-Afon, Ford Road, Fleur De Lys, Blackwood, NP12 3XS.

Site description: The site is located within the settlement limits of Fleur De Lys. The River Rhymney bounds the site on its western side. A vehicle repair garage is located to the south of the site beyond which is Glan-Yr-Afon Nursing Home. A public footpath abuts the eastern boundary of the site beyond which are commercial premises. The public footpath links Ford Road to Nydfa Road running north. The site was formerly occupied by an industrial unit (approximately 500 sq m) which has since been demolished).

Access to the site is gained off a road leading off Ford Road near its junction with Commercial Street, that serves the rear of residential properties along Commercial Street, two commercial garages, a Health Clinic and Glan-Yr-Afon Nursing Home.

The topography of the site is such that the general ground level corresponds with the elevation of the access road. However, the site is elevated some 4 - 7 metres above the river bed along its western boundary and is faced with rock for the main duration of the site. This area of the site is currently overgrown and access is limited.

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Application Number 14/0518/NCC Continued.

Development: This application is for the renewal of a full planning permission for residential development, granted originally in 1999 (reference P/98/0706), which was subsequently renewed in 2004 (reference P/04/0219) and again in 2009 (reference 09/0197). Condition (1) of the permission required a commencement of development within five years of the date of the permission.

The scheme approved in 1999 showed 22 dwellings, being a mixture of semi detached and link houses of 2 and 3 bedrooms being served off a road to the north of Ford Road. The proposal was then renewed and the number of dwellings reduced to 21 dwellings. However, the current proposal is in respect of 16 dwellings comprising ten 3-bed houses and six 2-bed houses. The number of dwellings proposed has been reduced following an ecological bat and otter assessment carried out by Formaggia Environmental Ltd, which requires a 7m buffer zone along the western boundary of the site adjacent to the River Rhymney and in order to meet the requirements of conditions 8, 13 and 14 attached to the previous consent reference 09/0197, which state:-

8) All bank side trees and vegetation within 7 metres of the watercourse shall be protected from development in accordance with BS 5837 prior to the commencement and during the works of construction associated with the development hereby approved.

REASON: To protect the river corridor.

13) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

REASON: To ensure adequate protection to protected species.

14) The development hereby approved shall be carried out fully in accordance with the recommendations made in Section 3 (specifically paragraphs 7,8,9,13,14,16, 17 and 18) and section 4.2 (Lighting Conditions on site) of the Bat and Otter Assessment dated September 2009 prepared by Formaggia Environmental Ltd for bat and otter mitigation measures (fencing, "permit to work" scheme, monthly otter checks and lighting scheme). The recommended measures will be strictly complied with.

REASON: To ensure proper measures are taken to safeguard the habitat of protected species present on the application site, in the interests of biodiversity.

Cont'd....

Application Number 14/0518/NCC Continued.

In this respect, the site layout has had to be amended to ensure compliance with the requirements of the above conditions and recommendations of the ecological report resulting in a reduction in the developable area. The design of each dwelling is not intended to be changed from the original planning approval.

Dimensions: The site amounts to approximately 0.65 hectares.

Materials: Mix of facing brick with painted render to the first floor front elevation, with blue/black simulated slate roof and upvc windows.

Ancillary development, e.g. parking: Parking is to be provided in respect of each dwelling amounting to a total of 51 car parking spaces in total.

### PLANNING HISTORY

09/0197/NCC - Remove condition (1) from planning application P/04/0219 to erect residential development. Granted 30.10.2009.

P/04/0219 - Vary Condition (1) of planning consent P/98/0706 to erect residential development. Granted 18.03.2004.

P/98/0706 - ERECT RESIDENTIAL DEVELOPMENT. Granted 18/02/1999.

2/10477 - Four Dwellings. Refused 27.03.1992.

2/09259 - 2 No. light industrial units. Refused 08.01.1991.

2/09224 - Light industrial factory units. Refused 08/01/1991.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 within the settlement boundary.

#### Policies:

Strategic Policies

SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place making, SP10 - Conservation of Natural Heritage, SP21 - Parking Standards.

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Application Number 14/0518/NCC Continued.

#### Countywide Policies

CW2 - Amenity, CW3 - Design Considerations - Highways, CW4 - Natural Heritage Protection, CW6 - Trees, woodland and Hedgerow Protection, CW15 - General locational constraints, supplementary planning guidance contained in LDP5 - Parking Standards, LDP6 - Building Better Places to Live.

#### NATIONAL POLICY

Planning Policy Wales, 7th Edition July 2014  
Welsh Government document Manual for Streets,  
TAN 5 - Nature Conservation and Planning, TAN 12 - Design, TAN18 - Transport.

#### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

#### COAL MINING LEGACY

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

#### CONSULTATION

Transportation Engineering Manager - Confirms his previous comments remain applicable, which require full engineering details of the road layout with sections, street lighting and surface water drainage, the proposed new access road to be not less than 5.5metres wide to serve the proposed development, any gates shall be located and fitted so as not to open out over the highway together with details of materials to be used, to be approved by the Local Planning Authority.

Countryside And Landscape Services - Requests conditions are attached to any consent in respect of ecological matters and biodiversity enhancements.

Head Of Public Protection - Has no objection to the development subject to standard contamination and site control conditions.

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

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Application Number 14/0518/NCC Continued.

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

Senior Arboricultural Officer (Trees) - That the applicant submits an up-to-date Tree Protection Plan (TPP) together with an Arboricultural Method Statement (AMS). The TPP should be clearly presented and represented graphically. It is acceptable for the TPP to be incorporated within existing site plans or drawings - provided it is clear and definitive. The AMS will detail how works on site will be undertaken in relation to the existing trees, as well as fully account for how the retained trees will be suitably protected (e.g. by a tree protection barrier for the project's duration - to be installed according to the Standard's recommendations and in situ prior to any demolition or construction works having commenced at site.) before, during, and after the development, and also prior to the delivery of any equipment, materials or plant to the site. The AMS will provide clear details of all working practices and site "do's and don'ts" in regard to tree protection that all site staff will be made aware of before site activities commence. If any special measures are required in order to facilitate the current design layout - for example ground protection measures - then they must also be detailed as necessary within both the TPP and the AMS. The AMS will also outline provisions for a regular programme of site monitoring by the applicant's appointed qualified arboriculturist at appropriate phases in the development, which will ensure that the outlined protection measures remain arboriculturally appropriate and in situ for the duration of the development. The TPP and the AMS should both be in accordance with the recommendations of BS5837: 2012.

Rights Of Way Officer - Confirms that Restricted By-Way No.75 Bedwellty crosses part of the site and that no works shall affect this path until details of the paths protection have been agreed with the Local Planning Authority.

Natural Resources Wales - Requests a condition is attached to any consent requiring an agreed protected species methodology prior to the implementation of the permission, which should refer to section 3 of the report by Formaggia Environmental Ltd dated 22/9/09. It provides advice to be conveyed to the developer.

Natural Resources Wales -

## ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 31 neighbouring properties have been consulted.

Response: Ten responses to a petition letter distributed in the area, and 6 separate letters.

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Application Number 14/0518/NCC Continued.

Summary of observations:

- The site has limited access, which will not meet with the Council's requirement to provide a 5.5m wide access. The proposed development will cause disruption to a well-established business and the landowner has not complied with an environmental order to clear the site.
- the woodland along the public footpath, from Glan-Yr-Afon nursing home in Fleur De Lis to River Terrace in Pengam is to be destroyed and over 20 houses built in its place together with a large road which will join the road along Pengam Health Centre,
- will result in unacceptable increase in traffic (additional 60 cars) causing a danger to highway safety,
- the proposal will affect users of the Health Centre, residents, residents of Glan-Yr-Afon nursing home, children walking to Pengam and Trelyn Schools, people walking to Pengam station,
- increase risk for children using playing fields, the library,
- residents have not been informed of the application
- loss of the existing footpath between Fleur De Lys and Pengam
- unauthorised use of the public footpath resulting in damage to the path
- removal of trees
- disputes the accuracy of the submitted plans,
- destroys one of the only green publically accessible areas in the village, which is heavily used by children, dog walkers, cyclists and encourages physical activity and safety from traffic.

SECTION 17 CRIME AND DISORDER ACT

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

There are no specific crime and disorder implications material to the determination of this planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes.

The revised site layout now takes account of the recommendations in the Bat and Otter Assessment prepared by Formaggia Environmental Limited in September 2009 in support of the previous planning application 09/0197/NCC for this site. The layout has been revised to move the footprint of the development within the line denoted in the site plan in Appendix A of the Bat and Otter Assessment prepared by Formaggia Environmental. The mature trees with potential for providing bat roosts along the top of

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Application Number 14/0518/NCC Continued.

the river embankment appear to be able to be retained and impacts on protected species are now in line with those set out in the Bat and Otter Assessment.

As bats (common pipistrelle, soprano pipistrelle and whiskered/Brandt's) and otters are present on site and may be indirectly affected by the development, the Local Planning Authority is required to apply the three tests under Article 16 of the Habitats Directive:

It is essential that planning permission be granted only when the Local Planning Authority is satisfied that all three tests are likely to be met.

Test 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.

The redevelopment of the site will meet the demand for housing in the County Borough in accordance with local plan policies and national planning guidance at a time when the Council does not have a 5 year housing land supply.

Test ii) There is no satisfactory alternative.

It is considered that to do nothing would result in the continued deterioration of the site as a result of the site becoming overgrown and unkempt, in a predominantly residential area to the detriment of both visual and residential amenity. In terms of alternative sites, this application is in respect of a former industrial site and as such represents a brownfield site and as such the residential development of the site is acceptable. A bat survey and mitigation measures have been submitted and it is considered that the proposals are acceptable and will ensure the favourable conservation status of the bat species.

Test 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.

A bat and otter survey was carried out by a competent ecologist with proven experience in bat and otter surveying at an appropriate time of year. The survey report concludes that the trees along the river corridor and gorge adjacent to the site have features that are likely to be used by bats for roosting, and provide suitable habitat for breeding otters. Following the submission of an amended layout, adequate mitigation recommendations have been put forward in the bat and otter survey report that can be controlled by conditions. The favourable conservation status of the species is therefore unlikely to be affected by this development.

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Application Number 14/0518/NCC Continued.

Is this development Community Infrastructure Levy liable? Yes. The total floorspace of the development is 1996 square metres which would equate to a CIL contribution in the mid-range viability area of £49,900.

## ANALYSIS

Policies: As with any application for the renewal of planning permission the main consideration is whether there has been any material change since the previous decision was granted. In terms of policy and other planning criteria the Adopted Caerphilly County Borough Council Local Development Plan, up to 2021 is the relevant plan and replaces the Approved Caerphilly County Borough Unitary Development Plan, which was relevant at the time of the previous consent reference 09/0197. There has been a change in the ownership of the site but this would have no bearing upon the determination of this planning application.

Notwithstanding the Local Planning Authority consider only the question of the conditions subject to which planning permission is sought under a S.73 application, this does not prevent them from looking also at the wider considerations affecting the original grant of permission. This has resulted in the previous applications to renew the consent considering minor amendments, which to date have included minor changes to the access to the site and the reduction in the number of houses by one. Also additional conditions have been attached over time where it was considered there had been a material change in circumstances, which needed to be addressed. The Local Planning Authority may be unrestrained in its consideration of the full planning merits of the application, and the result of a successful application under S.73 is a wholly new planning permission and whilst it does not empower the Local Planning Authority to rewrite the permission altogether they have the power to modify or add conditions provided it does not fundamentally alter the proposal.

The original site layout plan submitted with this current application includes the steep wooded bank adjacent to the River Rhymney. This bank forms part of the River Rhymney Site of Importance for Nature Conservation.

The original submitted layout with its 22 housing plots included the whole river embankment as part of the development, with some property footprints, in particular no's 1, 13 and 14 being built beyond the current break of slope, and the rear gardens of the majority of the properties including the steep, and in some cases, almost vertical drop to the river. It is not possible to build the properties as it is shown on that plan, without the construction of major retaining walls which would result in the loss of all of the woodland on the west bank of the river and subsequent major impact on the River Rhymney. No ecological survey has been submitted with respect to this current application, although a bat and otter survey report was undertaken by Formaggia

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Application Number 14/0518/NCC Continued.

Environmental Limited and submitted in connection with the previous planning approval 09/0197/NCC. In this report, a plan in Appendix A of the report shows the break of slope and the limit of developable land, which is at odds with the previously submitted and current layout. A revised housing layout was therefore required, and in order to avoid impact on the Site of Importance for Nature Conservation that layout needed to exclude all of the river embankment from both buildings and garden enclosures. In addition, although the trunks of the mature trees at the top of the river embankment are just below the break of slope, the canopies of these trees spread out onto the plateau by several metres, and it is likely that the corresponding root structure of these trees may also spread out in this direction. In this respect the Senior Arboricultural Officer (Trees) has been consulted and his requirements in terms of the suitable protection for retained trees is referred to above.

The Local Planning Authority cannot ignore the topography of the site, the existence of riverbank trees and the requirements of the ecological conditions on the previous application, which are a constraint on the approved layout of the site. Consequently, the applicant has submitted an amended site layout plan in order to address those ecological and topographical constraints in relation to the development of the site. The changes have been subject to further consultation and notification to neighbours. The amended plan excludes development from the required 7m buffer zone, along the western boundary of the site, and adjacent to the River Rhymney, which falls within the Rhymney River Site of Interest for Nature Conservation. This results in the number of dwellings on the site being reduced to 16 units. The route of the proposed access road to the site, off the junction with Ford Road with a length of road that leads to the site boundary remains the same as previously.

The application site's plateau has become significantly more vegetated since the approval of the last application in 2009 with bramble and willow scrub, and tall grassland. There is a significant amount of Japanese knotweed on site, which will need to be eradicated or removed prior to any work commencing. There are also large quantities of tipped material on site, which will also need to be removed/dealt with. This may be addressed by attaching appropriate conditions to any consent.

The bramble and willow scrub on the main plateau and on the woodland embankment is likely to provide a habitat for nesting birds, so any works will need to avoid the bird nesting season. This may be addressed by attaching appropriate conditions to any consent.

As the condition of the site is now suitable for reptiles, a reptile survey will be required prior to any works commencing on site, and depending on the findings of the survey, a methodology submitted for the capture and translocation of any reptiles present on site, including details of a suitable receptor site. This may be addressed by attaching appropriate conditions to any consent.

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This Council's Head of Public Protection has requested additional site control conditions to be attached to this renewal in order to ensure the amenity of occupiers of neighbouring properties is not adversely affected.

All other conditions previously attached to planning reference 09/0197 remain applicable in addition to the additional conditions referred to above.

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

Comments from public:

- The site has limited access, which will not meet with the Council's requirement to provide a 5.5m wide access. The proposed development will cause disruption to a well-established business and the landowner has not complied with an environmental order to clear the site.

Response. This Council's Group Manager (Transportation Highways) has considered the application and has raised no objection to the development subject to conditions being attached to any consent referred to above. The site will be cleared upon the development of the site; however, officers are investigating the comment that an environmental order has not been complied with.

- the woodland along the public footpath, from Glan-Yr-Afon nursing home in Fleur De Lis to River Terrace in Pengam is to be destroyed and over 20 houses built in its place together with a large road which will join the road along Pengam Health Centre.

Response. The site was for many years an industrial site. Planning permission was originally approved in 1968 by the former Monmouthshire County Council, in respect of a garage and workshop for commercial vehicles. In 1978 records confirm the site was used as a garage/hauliers yard in association with a yard located to the east of the site. Access to the application site at this time was obtained from the lane leading off Ford Road. In 1992 records confirm the site was known as Old Hauliers Yard to the rear of Commercial Street and comprised a large compound area surrounding a substantial garage (floor space of just over 400 square metres). Access to the site was again obtained off an unmade lane to the rear of Commercial Street leading off Ford Road. The original buildings on the site have since been demolished and the site has self seeded and become overgrown. However, the western boundary of the site falls within the River Rhymney Site of Importance for Nature conservation (SINC) and as such is excluded from development as identified on the submitted site layout. The previous application was supported by an Ecological Appraisal undertaken by

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Formaggia Environmental Ltd. Planning conditions have been attached to the previous consent to ensure adequate protection and mitigation to protected species together with a condition, which requires all bank side trees and vegetation within 7 metres of the watercourse to be protected from development prior to the commencement and during the works of construction associated with the development.

- will result in unacceptable increase in traffic (additional 60 cars) causing a danger to highway safety.

Response. The proposed development is for 16 units and off-street parking has been provided in respect of each dwelling. This Council's Transportation Engineering Manager has considered the application and has raised no objection to the development subject to conditions being attached to any consent referred to above.

- the proposal will affect users of the Health Centre, residents, residents of Glan-Yr-Afon nursing home, children walking to Pengam and Trelyn Schools, people walking to Pengam station.

Response. The proposed residential use of the site is considered to be compatible with the surrounding residential uses. Restricted By-Way No.75 Bedwellty crosses part of the site and no works shall affect this path until details of the paths protection have been agreed with the Local Planning Authority. Therefore the existing public footpath will remain, with the new access road to serve the development only running alongside for the length of the development. In this respect, it is not considered the proposed development would adversely affect users of the Health Centre, residents, residents of Glan-Yr-Afon nursing home or people walking to Pengam and Trelyn Schools and Pengam Railway Station.

- increase risk for children using playing fields, the library.

Response. The writer has not explained what the risk to children would be but if the concern relates to highway safety, then this has been addressed above.

- residents have not been informed of the application.

Response. The application has been advertised on site on 3 September 2014, in the press, and 39 neighbouring properties were consulted on 2 September 2014 and 21 November 2014 in respect of amended plans.

- loss of the existing footpath between Fleur De Lys and Pengam.

Response. There will be no loss of footpath between Fleur De Lys and Pengam.

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Application Number 14/0518/NCC Continued.

- unauthorised use of the public footpath resulting in damage to the path.  
Response. The writer has referred this matter to this Council's Public Rights of Way department.

- removal of trees.  
Response. There are no trees, which are protected under a Tree Preservation Order within the site.

- disputes the accuracy of the OS submitted plan, because it excludes the lane leading to the site and the cliff edge along the boundary of the site. She indicates that the environmental planning officers at the Welsh Assembly and National Government would be interested in this.

Response. The OS plan submitted with the application identifies the application site in red and shows part of the lane leading into the site as well as part of the surrounding area thus identifying the site in its context. This satisfies the requirements of the planning authority. With regard to the concern in respect of the identification of the cliff edge, the amended plans received indicate the approximate line of the top of the bank (cliff edge) along the river and limit of developable area. The writer also makes reference to the shading of the road on the proposed site layout plan suggesting it should all be shaded solid grey / black and not a light grey as shown. It is unclear exactly what the concern is here but for clarification the light grey shading indicates the proposed road to the development and the darker grey the proposed public footpath running along it. It should be noted that Natural Resources Wales has been consulted in respect of the application and provided a response as referred to above.

- destroys one of the only green publically accessible areas in the village, which is heavily used by children, dog walkers, cyclists and encourages physical activity and safety from traffic.

Response. This is private land and any access by the public would be a private trespass.

- An objector also alleges the previous applicants, Westhead Development Ltd were required to remove spoil from the site that they had deposited there from other building projects and to restore the land to its original level making sure no toxic waste remains on site.

Response. The application has been considered by this Council's Head of Public Protection who has requested standard conditions to deal with any contamination of the site are attached to any consent.

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Other material considerations: None.

In the absence of any other material change it is considered that permission be given in respect of the extension of time implementation of the residential development of the site.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.  
REASON: In the interests of highway safety.
- 03) Notwithstanding the submitted plans the carriageway of the proposed new access road shall not be less than 5.5metres wide to serve the proposed development.  
REASON: In the interests of highway safety.
- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) with or without modification, any gates shall be located and fitted so as not to open outwards towards the highway.  
REASON: In the interests of highway safety.
- 05) Notwithstanding the submitted plans the development shall not occupied until details of permanent materials for the construction of the proposed means of access have been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be completed in accordance with the agreed details prior to beneficial occupation.  
REASON: In the interests of highway safety.

Cont'd....

Application Number 14/0518/NCC Continued.

- 06) The development hereby approved relates to the details received on 16th January 2015, site layout drwg no.LT1416.04.01 Rev A by the Local Planning Authority.  
REASON: For the avoidance of doubt as to the details hereby approved.
- 07) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 08) Unless otherwise agreed in writing with the local planning authority, all trees and vegetation to the west of the line marked in green on the submitted revised site layout, drawing no LT1416.04.01, shall be protected from development in accordance with BS 5837 prior to the commencement and during the works of construction associated with the development.  
REASON: To protect the river corridor.
- 09) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.  
REASON: In the interests of public health.
- 10) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.  
REASON: To protect public health.
- 11) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.  
REASON: To prevent contamination of the application site in the interests of public health.

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- 12) 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.
- 13) 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.
- 14) The treatment of the western boundary of the site with the existing coach depot shall be agreed in writing with the Local Planning Authority and implemented prior to the occupation of the dwellings hereby approved.  
REASON: To reduce the impact of the existing commercial activity on the proposed development.
- 15) Where any species listed under Schedules 2, 4 or 5 of The Conservation of Habitats and Species Regulations 2010 is present on the site (or other identified part) in respect of which this permission is hereby granted and a Natural Resources Wales European Protected Species licence is required, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof with the accompanying method statement has been produced to the Local Planning Authority.  
REASON: To ensure adequate protection to protected species:
- 16) Prior to the commencement of works associated with the development hereby approved, a method statement shall be submitted for approval to the local planning authority detailing the treatment of Japanese knotweed on site. The treatment of Japanese knotweed shall be carried out in accordance with the approved details  
REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act" . Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental

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Protection act 1990 and the Environmental Protection act Duty of Care regulations 1991. The submission of a method statement, to be agreed in writing with the Local Planning Authority by condition is to ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent the further spread of the plant which will have a negative impact on biodiversity and existing or proposed landscape features.

- 17) No development or site/vegetation clearance shall take place until a detailed reptile survey has been carried out by a competent ecologist with proven expertise in reptile surveying. The results of the survey, together with an assessment of the impact of the development on this species and if necessary, details of any proposed remedial measures shall be submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.  
REASON: To ensure that reptiles are protected.
- 18) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 19) Prior to the commencement of any works on site, details of the provision of nesting and roosting sites for bird and bat species within the new buildings shall be submitted to the local planning authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, Planning Policy Wales (2012) and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning (2009).
- 20) Prior to the commencement of development an up-to-date Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) prepared by a suitably qualified arboriculturist and in accordance with BS5837:2012, shall be submitted for consideration and approval in writing with the Local Planning Authority. Both items will fully account for how the retained trees on site will be suitably protected before, during, and after the development, and also prior to the delivery of any equipment, materials, or plant to the site. Clear details of all working practices will

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be provided as relates to the arboriculture of the site, including (but not restricted to) the detailed specification for a tree protection barrier, any arboriculturally necessary ground protection (or any other special) measures, and a programme of regular site monitoring. The development shall be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity.

- 21) Prior to the development commencing, a lighting scheme shall be submitted to and agreed, in writing, with the Local Planning Authority. That scheme shall indicate the type and positioning of luminaires, and a plan indicating expected illuminance levels both on and off site. The lighting shall thereafter be installed and maintained in accordance with the agreed scheme and no additional lighting shall be installed without the approval of the Local Planning Authority.

REASON: In the interests of nature conservation.

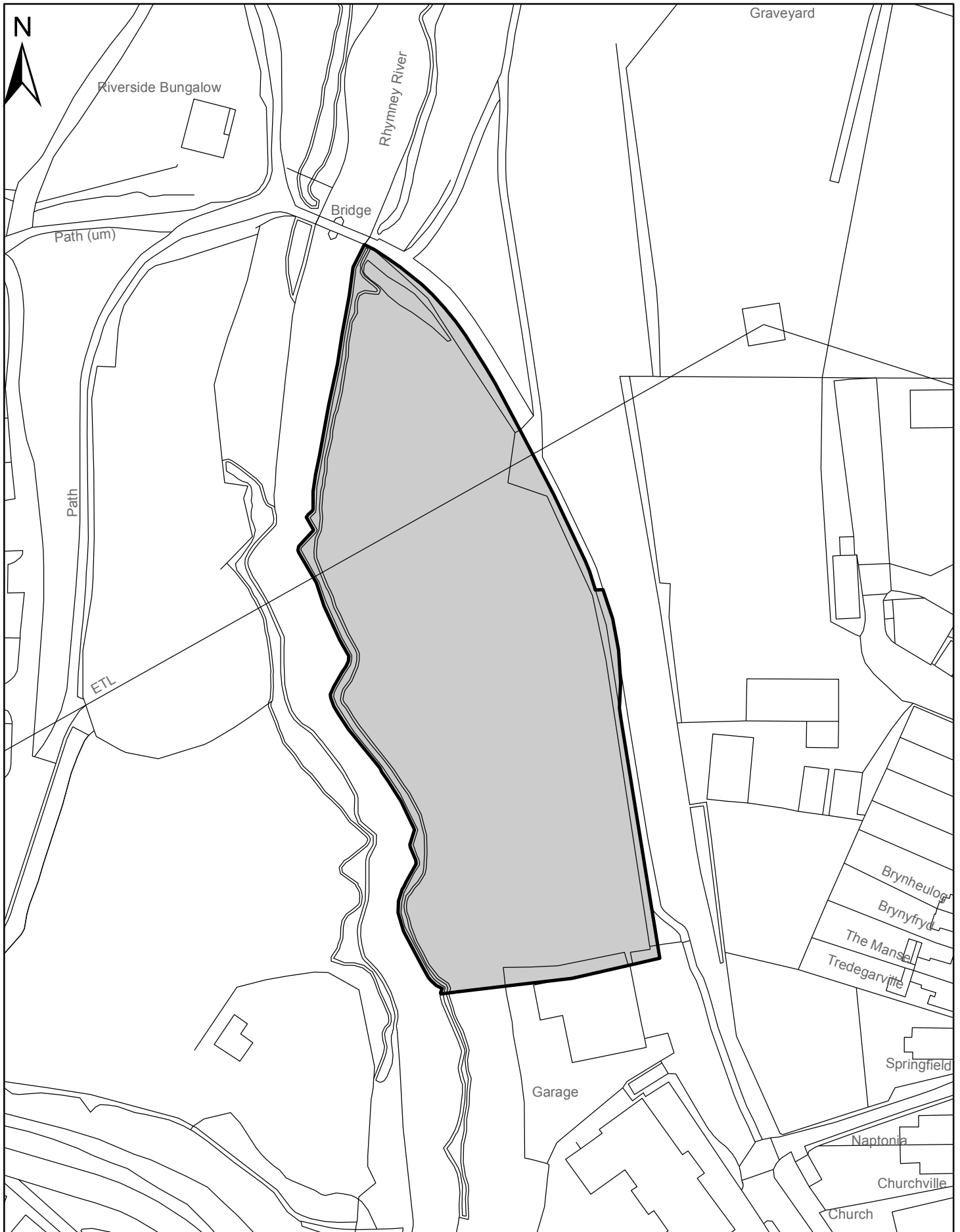
- 22) Prior to commencement of works details of a "permit to work" scheme within the tree protection zone shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: To protect the river corridor.

#### Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3, CW4, CW6.

The applicant is advised of the comments of Senior Engineer (Land Drainage), Natural Resources Wales, Rights of Way Officer, Dwr Cymru/Welsh Water.



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Atgynhychwyd o fapiaid yr Arolwg Ordnans gyda chaniatâd rheolwr Llyfrfa ei Mawrhydi hawlfraint y Goron. Mae atgynhychu heb awdurdod yn torri hawlfraint y Goron. Gall hyn arwain at erlyniad neu achos sifil. Cyngor Bwrdeistref Sirol Caerffili, 100025372, 2014.