

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0674/OUT 09.12.2014	Mr G Jones GLJ Recycling Limited Chapel Bridge Yard Chapel Farm Industrial Estate Cwmcarn NP11 7NL	Erect residential development GLJ Recycling Ltd Newtown Industrial Estate Crosskeys Newport NP11 7PZ

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The application site is situated on the western edge of Crosskeys adjacent to the Full Moon roundabout.

Site description: The application site is an established materials recycling yard occupying an elevated position on the edge of the Newtown Industrial Estate and between Tredegar Terrace and the River Sirhowy. The site comprises an open yard enclosed by a metal sheeting fence with a large single-storey building occupying the centre of the site. The site is accessed via a ramped road from Tredegar Terrace running past a steep grass bank on the south east edge of the site and a grassed area and a stand of semi-mature trees which demarcate the boundary of the remainder of the industrial estate. The majority of the site itself is flat but the land on each boundary slopes down to the surrounding areas with Tredegar Terrace to the north and the river to the south west being considerably lower than the application site. The A467 where it travels from Crosskeys to the roundabout and again where it travels from the roundabout towards Risca is roughly at the same height as the application site. There is a thick belt of trees on the northern and south western edges of the site.

Development: The application seeks outline planning consent for residential development of the site with all matters reserved for future consideration. The application is supported by a number of documents including a Design and Access Statement (as amended), indicative Site Layout Plan (as amended), Tree Survey, Noise Survey (as amended), Site Investigation Report and an Otter Survey.

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The Design and Access Statement states that the site will be developed for approximately 40 dwellings on the 1ha of the site. The dwellings would be two to three-storeys high with upper and lower scale parameters as follows:-

Height - 7m to 10m.

Width - 6.6m to 12m.

Length - 7m to 13m.

The indicative layout shows the site being accessed via the existing access road to the southern corner of the site with a 5.5m wide carriageway and 2m footpath serving all of the dwellings. An equipped play area is shown immediately adjacent to the access to the site utilising the grass embankment as part of the visual amenity area for the site.

Dimensions: The site has an area of 1ha and at its maximum measures approximately 170m by 140m.

Materials: Not specified at this stage.

Ancillary development, e.g. parking: No details at this stage, but would be part of any reserved matters submission.

### PLANNING HISTORY

2/11049 - Erect first floor extension for office use - Granted 30.11.92.

2/11665 - Erect extension to existing industrial premises - Granted 06.01.94.

2/12530 - Erect extension to existing industrial unit - Granted 11.10.95.

P/99/0103 - Alter existing units and offices, assembly and storage of modular units - Granted 22.03.99.

11/0478/COU - Change the Use from Class B2 to metal recycling facility to include ferrous and non-ferrous materials, proposals include installation of new vehicle weighbridge, portable building office, and extended car parking facilities - Granted - 12.01.2012.

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## POLICY

### Policies

Local Development Plan: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP14 (Total Housing Requirements), SP15 (Affordable Housing Target), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligation), CW13 (Use Class Restrictions - Business and Industry), CW15 (General Locational Constraints) and EM2 (Employment Sites Protection).

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

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

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2014) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Notes 1 (Joint Housing Land Availability Studies), 2 (Planning and Affordable Housing), 5 (Nature Conservation and Planning), 11 (Noise) 12 (Design), 16 (Sport, Recreation and Open Space).

## ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

## CONSULTATION

Glam/Gwent Archaeological Trust - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

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CCBC Housing Enabling Officer - No objection in principle subject to the provision of 10% affordable housing.

Outdoor Leisure Development Officer - No objection to the principle of the development but would require the provision of an on site equipped play area and a well designed area of open space. A request is also made for a contribution to off site sports provision.

Head Of Public Services - No objection in principle.

Transportation Engineering Manager - No objection subject to conditions.

Dwr Cymru/Welsh Water - No objection subject to conditions.

Police Architectural Liaison Officer - No objection.

Wales and West Utilities – No objection.

Natural Resources Wales - No objection subject to conditions.

### ADVERTISEMENT

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

Response: None.

Summary of observations: None.

### SECTION 17 CRIME AND DISORDER ACT

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

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? An otter survey has been submitted and sets out mitigation measures to be implemented as part of the scheme.

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Is this development Community Infrastructure Levy liable? No. The Levy is not applicable at the outline stage.

## ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. This is an outline application with all matters reserved for future consideration. Whilst the submitted layout plan is only for indicative purposes it does give an impression of whether the site could be developed for the number suggested whilst complying with the aforementioned policies and guidance. It is felt that the main points to consider in the determination of this application are the compatibility of the site with the surrounding land uses, the current use of the site, whether there is suitable access to the site, and the ecological impacts of the development having regard for the close proximity of the River Sirhowy and its environs. Each of these matters will be considered in turn below:-

### Compatibility with surrounding land uses.

The application site is situated on the edge of a residential area but adjacent to an existing industrial estate and close to two busy roads. In that regard the impacts of noise on any potential dwellings on the site must be taken into account. To that end the applicant has submitted a noise survey that takes into account the noise created both by the industrial buildings and the nearby roads. The report acknowledges that the nearby roads do have the potential to have noise impacts on the development, but it is considered that the majority of the site could be developed. Part of the site would fall into Category C as defined by TAN 11 Noise which is considered to be unacceptable for residential development but it is felt that the remainder of the site could be developed and as such a suitably worded condition should be attached to any consent granted ensuring that the reserved matters scheme has regard for the noise impacts in accordance with the requirements of the TAN. In that regard it is considered that the proposed use of the site would be compatible with surrounding land uses.

### Current use of the site.

The current use of the site raises two separate issues. The first issue is the presence of contamination on the site and to that end the developer has submitted a site investigation report which sets out mitigation measures to be carried out as part of the development. This report has been assessed by the Pollution Control Officer and it is considered that the suggested measures would be adequate and as such the site is capable of being developed for residential purposes.

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The second issue relates to the Policy position in respect of the Adopted Caerphilly County Borough Local Development Plan as the site is identified as a protected secondary industrial site under Policy EM2. The development therefore has to be considered in accordance with Policy CW13, which sets out the development that is considered to be acceptable on industrial estates. However, whilst the site is allocated for employment the declining demand for employment land indicates that the County Borough has a rising surplus, whilst on the other hand there is a decreasing supply of housing land. The Local Planning Authority has to balance this decline in demand for industrial land against the well publicised lack of housing land and as such it is considered that the loss of the industrial use is acceptable in this instance.

#### Suitability of access

As stated above the access to the site is along an existing metalled highway from Tredegar Terrace and through the wider residential area of Crosskeys. The Transportation Engineering Manager does not object to the proposal in principle subject to the imposition of conditions relating to provision of off-street car parking. A condition is also suggested requiring the provision of a footpath access from the northern edge of the site to Tredegar Terrace in order to improve the sustainability of the site. It is considered that such conditions are reasonable and would have a positive impact on the development.

#### Ecological Impacts

As part of the application process an otter survey was requested from the developer. That survey has now been submitted and assessed by both the Council's Ecologist and by Ecologists at Natural Resources Wales. The mitigation measures set out in the survey are considered to be appropriate in this instance and as such the development would not have a detrimental impact on the protected species.

Comments from consultees: No objections raised.

Comments from public: None.

Other material considerations: None.

In conclusion, the proposal is considered to be acceptable in planning terms subject to the imposition of suitably worded conditions. The applicant will also need to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 in order to secure the provision of affordable housing and an equipped play area on the site.

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The Local Planning Authority must consider whether such an Agreement would be necessary to make the proposed development acceptable in planning terms; directly related to the proposed development; and fairly and reasonably related in scale and in kind to the proposed development.

With regard to the first test, the affordable housing and the play area are required to comply with policies CW11 and CW10 of the LDP respectively. Both are clearly directly related to the proposed development thereby satisfying the second test. The scale of play area will be commensurate with the size of the development, and an affordable housing provision of 10% is reasonable, and so the third test is also complied with.

RECOMMENDATION that (A) the application is DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out above. On completion of the Agreement (B) Permission be GRANTED

This permission is subject to the following condition(s)

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

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- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) 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.
- 06) 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.
- 07) 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.
- 08) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.  
REASON: To ensure that the demolition is carried out in an appropriate manner.

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- 09) 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.
- 10) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.  
REASON: In the interests of highway safety.
- 11) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.
- 12) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
  - b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
  - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
  - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,

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- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
  - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
  - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
  - h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
  - i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
  - j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
  - k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
  - l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
  - m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
  - n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
  - o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
  - p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
  - q) the timing of the various phases of the works or development in the context of the tree protection measures.
- REASON: In the interests of visual amenity.

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- 13) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
- b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity.
- 14) The layout and design to be provided at the reserved matters stage shall include measures that ensure adequate noise mitigation so that the occupants of the dwellings may enjoy acceptable residential amenity in accordance with Technical Advice Note (Wales) 11. The development shall thereafter be carried out in accordance with the approved details.
- REASON: The layout and indicative measures identified at outline are illustrative only and may be amended thereby requiring a revised Noise Survey Report based on alternatives such as revised dwelling orientation, acoustic barriers and attenuation to enable a more bespoke layout and design that will ensure compliance with TAN 11.
- 15) The existing pedestrian facilities serving the site from St John's Terrace to the development shall be improved in a manner to be agreed in writing with the Local Planning Authority prior to the occupation of the development hereby approved.
- REASON: In order to provide improved pedestrian access to the site in the interests of sustainability.
- 16) The level of parking provision throughout the development shall accord with the requirements of the Local Planning Authority's Adopted Supplementary Planning Guidance of LDP5 Car Parking Standards.
- REASON: In order to provide adequate parking to serve the development in the interests of highway safety.

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- 17) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:
- (a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
  - (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
  - (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the visual amenity of the area.

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

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

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- 19) 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.
- 20) 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.
- 21) The development hereby approved shall be carried out fully in accordance with the recommendations made in the Recommendations Section of the Otter Survey Report dated March 2015, prepared by Levan Ecology unless otherwise agreed with the Local Planning Authority.  
REASON: To ensure adequate protection and mitigation for protected species.
- 22) During the development works the existing security fencing, or any such other fence as is agreed in writing by the Local Planning Authority, shall be retained in place to prevent material spill into the Site of Importance for Nature Conservation (SINC) as defined in the Caerphilly County Borough Local Development Plan - Adopted November 2010 and to protect the SINC during the development process.  
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and Policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation Planning (2009).

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- 23) Prior to the commencement of works on site, a buffer strip between the existing Site Important for Nature Conservation (SINC) as defined in the previous condition and the development boundary shall be protected in a manner to be agreed in writing with the Local Planning Authority. The buffer strip should be a minimum of 1.5m wide from the SINC edge to the rear garden boundary fences to prevent encroachment into the existing habitat.  
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and Policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation Planning (2009).
- 24) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.
- 25) As part of the development the steep sided slopes covered with mature trees to the north and southwest within the application site should be retained and enhanced as part of the development's landscaping.  
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and Policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation Planning (2009).
- 26) 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.

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- 27) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 28) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species in the new development shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new development hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.

Advisory Note(s)

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

Please find attached the comments of Dwr Cymru/Welsh Water and Wales and West Utilities.

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