

AGENDA ITEM NO. 4 (b)

PLANNING COMMITTEE

3RD OCTOBER 2012

PLANNING APPLICATIONS UNDER THE
TOWN AND COUNTRY PLANNING ACT 1990
AND ASSOCIATED LEGISLATION

**APPLICATION
NUMBER****LOCATION**

Preface Item Merthyr	Consultation from Merthyr Tydfil County Borough Council
Preface Item 11/0634/FULL	Land At Pendinas Avenue, Croespenmaen, Newport. NP11 3BL
10/0882/RET	Rogers Estate Coffee, Unit H-J Trecenydd Business Park, Trecenydd, Caerphilly. CF83 2RZ
11/0308/RET	77 Elm Drive, Ty Sign, Risca, Newport. NP11 6HN
11/0546/FULL	Kings Arms, 46 Cardiff Road, Caerphilly. CF83 1JQ
11/0715/RET	Bridge Annex, The Square, Church Street, Bedwas, Caerphilly. CF83 8DY
11/0728/FULL	Plot 1, Land At St Lukes Church, Twyn Road, Abercarn
12/0027/OUT	Former Car Sales Site, Bargoed Road, Heads Of The Valleys Ind Est, Rhymney. NP22 5QP
12/0082/ADV	Lidl, 5 Beddau Way, Caerphilly. CF83 2AX
12/0186/LBC	Argoed Baptist Chapel, High Street, Argoed, Blackwood. NP12 0HG
12/0465/COU	Unit 4, Riverbank Court, Newport Road, Trethomas
12/0578/OUT	Land West Of Old Pant Road, Pantside, Newbridge
12/0581/RET	Park Service Station, Bedwellty Road, Cefn Fforest, Blackwood. NP12 3HA

PREFACE ITEM

APPLICATION NO.	Consultation from Merthyr Tydfil County Borough Council
APPLICANT(S) NAME:	Mr A Smerdon
PROPOSAL:	Erection of a single wind turbine with associated hardstanding, foundation and control unit.
LOCATION:	Land at Coly Uchaf Farm (to north of farm buildings) Pleasant View, Bedlinog. The site area amounts to 0.10 hectares.

Notification has been received from Merthyr Tydfil County Borough Council of a proposed development in respect of a single wind turbine.

The planning application comprises a request for planning permission to install and erect a 50kW wind turbine generator along with subsidiary infrastructure, which includes a turbine foundation to support the structure, a crane pad hardstanding area for lifting cranes, and a connection to the local distribution network via an underground cable approximately 300 metres in length. The wind turbine generator will be a three bladed horizontal axis machine and would be approximately 35 metres high to its tip when fully extended. The tower height is 25 metres, and the rotor diameter, including the nacelle, would be 19.2 metres. A concrete foundation approximately 6 metres square would be required to support the wind turbine, to nominal depth of 1.5m. The wind turbine is of a semi-matt off-white colour. The tower section would be manufactured from pre-fabricated steel whilst the turbine blades are constructed from fibreglass/epoxy resin. The wind turbine has a design life of 30 years.

The wind turbine would be delivered to site in two standard 40 tonne articulated lorries, which will be able to navigate the local highway network without the need for road widening or the relocation of street furniture. Construction will take place over three weeks. Dependent on weather conditions the installation might not take place over three consecutive weeks.

The wind turbine would be connected to the local electricity distribution network and, based on the performance data for this turbine and the local wind regime an annual generation output of 174,640 kWhrs is expected. This is the equivalent to the annual domestic electricity consumption of 36 households.

Officers have considered the nature and location of the proposal. In this respect it is considered that whilst the applicant states that vehicle movements to and from the site will be limited to 40 tonne articulated HGVs, there is Welsh Government guidance associated with the logistics involved in constructing wind

farms and to this end it is recommended that a Traffic Management Plan is provided to cover the highways within Caerphilly County Borough, as well as conditions to monitor noise and shadow flicker.

However, the impact of the turbine on the Gelligaer Landscape of Historic Interest has not been considered by the applicants in the preparation of their Design and Access Statement. That should be done before the application is determined.

RECOMMENDATION:

That Merthyr County Borough Council be advised that this Council objects to the scheme until the applicants have considered the impact of the development upon the Gelligaer Common Landscape of Historic Interest. If however, it is resolved to grant planning permission, noise, shadow flicker and highway implications should be taken into account and appropriate conditions applied.

PREFACE ITEM

APPLICATION NO. 11/0634/FULL

APPLICANT(S) NAME: Persimmon Homes East Wales

PROPOSAL: Erect residential development of 29 No. units and associated works

LOCATION: Land At Pendinas Avenue Croespenmaen
Newport NP11 3BL

The above planning application for 29 dwellings was refused at Planning Committee on 12th April 2012 for the following reasons:

- 01 There is insufficient capacity in the sewerage infrastructure and there is no opportunity available for its improvement to meet the additional demand that will be placed upon it by the proposed development.

- 02 The proposed development is contrary to Policy CW7 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010, firstly by virtue of the lack of remaining adequate open space within the neighbourhood (contrary to Criterion A) and secondly because it results in the loss of a needed visual relief in an area that is deficient in open space, to the detriment of visual amenity (contrary to Criterion B).

Further to this refusal of planning permission, the applicant has now submitted an appeal against the reasons for refusal. As part of the appeal procedure, the Planning Inspectorate has written to the Local Planning Authority seeking additional information regarding reason for refusal No. 1, i.e. inadequacy of the existing sewerage system, and in particular why the Local Authority consider the sewerage system to be inadequate. The following information has been requested to allow the Inspector to decide the appeal:

- i. Does the sewerage system operate on a separate, partially separate or combined principle?
- ii. What part of the system is said to be inadequate?
- iii. If the inadequacy is in the sewers themselves, give the size, gradient, design capacity, age and condition of the relevant sections;
- iv. If the inadequacy is in the pumping station, give details of the limiting factors, e.g. pump or pipework capacity;

- v. What are the relevant daily dry weather flows and the maximum flows?
- vi. Are there any combined sewerage overflows or emergency overflows from the system? If so, where are they, how frequently do they discharge and what are their consent conditions?
- vii. Does any surcharging or sewerage flooding occur from the system? If so, give the frequency, extent and effects, including those on the receiving watercourses and/or public health; etc.

There are a further eleven sewerage system queries relating to the proposed development, the views of the sewerage undertaker, and the view of the Environment Agency that also require addressing.

When Welsh Water were consulted on the original planning application, they responded raising no objection to the proposed development, but providing advice to the developer regarding drainage issues.

When the application was originally reported to Planning Committee, concern was raised regarding the adequacy of the existing sewerage system to serve the proposed development. In light of this, Welsh Water were contacted by the case officer regarding the suitability of the existing sewerage system. Welsh Water responded with the following comments:

“Whilst we have had a small number of historic incidents of flooding in the area these would not constitute an objection from us on the grounds of hydraulic capacity of the network, we therefore would like to refer you back to the comments that were made by us during the planning consultation. As an additional note, I understand that the concern has been raised over a detrimental effect of the proposed development on Waungoch Road, this is highly unlikely as on inspection of our public sewer record it is highly unlikely that the domestic foul flows from the proposed development would flow through the public sewer in the vicinity of Waungoch Road.”

Based on these comments, it would be difficult to contest the reason for refusal based on sewerage adequacy serving the application site. Furthermore, there is concern that an attempt to substantiate this reason for refusal could lead to significant costs being awarded against the Local Authority. It is however considered that the second reason for refusal, i.e. loss of open space within the settlement, can be substantiated, and would form the Council's case to defend the refusal of planning permission.

RECOMMENDATION – That the Planning Inspectorate be advised that the Local Planning Authority does not intend to present a case to support the first reason for refusal on decision notice 11/0634/FULL

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
10/0882/RET 12.01.2011	Rogers Estate Coffees (UK) Ltd Unit J Trecenydd Business Park Trecenydd Caerphilly CF83 2RZ	Retain extension of existing cooling tray chimney stack to same height as exhaust chimney stack and erect further extension of both chimney stacks by 6 metres with supporting wires Rogers Estate Coffee Unit H-J Trecenydd Business Park Trecenydd Caerphilly CF83 2RZ

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: This industrial unit is on the Trecenydd Industrial Estate and is part of a block that runs north south to the rear of residential properties on St Cenydd Road.

Site description: The building is of brick render and metal cladding construction and is served by an access road that runs along its western side. The building is split into a number of units, one of which is occupied by the applicant company, which roasts coffee. The remainder of the industrial estate extends to the rear of the building.

Development: It is proposed to retain and extend two existing chimney stacks at the rear of the building in order to overcome existing odour problems.

Dimensions: The existing stacks are some 3m high and extend above the roof by some 2m. It is proposed to extend both stacks by a further 6m, and support them within a single latticed frame 12m in height. The frame would project over the ridge of the building by approximately 4m, with the stacks rising a further 2m above that.

Materials: The stacks and frame would be constructed of steel.

PLANNING HISTORY

5/5/81/0500 - Change of use to original permission of class warehouse or light industry. - Granted 22/07/81.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application building is within a protected employment site.

Policies: Policy CW2 (amenity), Policy SP16 (which allocates industrial estates into business parks, and primary and secondary industrial estates), and Policy EM2 (which allocates the site within a secondary industrial estate).

NATIONAL POLICY Planning Policy Wales (February 2011).

ENVIRONMENTAL IMPACT ASSESSMENT

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

CONSULTATION

Head Of Public Protection - No objections subject to the imposition of a condition concerning odour reduction.

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Extent of advertisement: Four neighbouring properties have been consulted, including two dwellings on St Cenydd Road, and a site notice posted.

Response: One letter of objection has been received.

Summary of observations: The objection is based on loss of view, and that the development would be out of character with the area.

SECTION 17 CRIME AND DISORDER ACT

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

Application 10/0882/RET Continued

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: There are no industrial policy objections to this scheme, the main issue is the impact of the development on the visual and general amenities of the area. The building has been occupied for a number of years by a coffee roasting company, but there are problems with the control of odour at the premises. The Council Pollution Control Officers have been in discussions with the applicants, and as part of the current application, an odour assessment was submitted. Those officers have no objections in principle to the scheme, provided other measures are taken to minimise odour, in particular a burner through which any emissions from the roasting process would be passed. It would be reasonable to impose a planning condition to secure those additional facilities.

There are no similar chimneys at this estate at the moment, and the proposed stacks would represent a new feature in the locality. However, this is an industrial estate, where exhaust stacks are not unusual, and as stated above, they would assist in reducing the impact of the process carried on within the building on the other occupiers of the industrial estate and the adjoining residential properties. The distance between the stacks and the nearest properties in St Cenydd Road would be some 59m, and the nearest properties to the north in First Avenue would be some 69m away. Therefore the impact of the development on the visual amenity of the neighbouring properties would be limited, not least because the stacks will be on the opposite side of the building to those residential properties, and therefore largely masked from view. There is also a tall hedge between some of the dwellings in St Cenydd Avenue and the Industrial Estate.

The proposals are therefore acceptable in terms of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

Comments from Consultees: These are considered above.

Comments from public: View is not a material planning consideration, and the impact on the character of the area is considered above.

Other material considerations: None.

Application 10/0882/RET Continued

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 construction of the development hereby approved details of the external finishes to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 03) Within six months of the date of this consent, or the first use of the extended chimney stacks hereby approved, whichever is the sooner, an odour control system shall be installed, details of which shall be first submitted to and agreed in writing with the Local Planning Authority.
REASON: In the interest of the residential amenity of the locality.

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: Policy CW2.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0308/RET 22.08.2012	Miss A Jenkins 77 Elm Drive Ty Sign Risca Newport NP11 6HN	Retain hardstanding and dropped kerb 77 Elm Drive Ty Sign Risca Newport NP11 6HN

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The application property is located on Elm Drive, Ty Sign, Risca.

House type: Two storey semi-detached property.

Development: Retention of hardstanding and associated retaining works to front of the property.

Dimensions: The hardstanding has a footprint measuring 5.5 metres in width and 2.75 metres in depth. The retaining wall across the back of the hardstanding measures 0.9 metres in height, with a 1.0 metre wall on top.

Materials: Blockwork walls faced with spar render.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The site is located within the Settlement Boundary.

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways) and guidance contained within Supplementary Planning Guidance LDP7: Householder Developments.

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is not a material consideration in this case.

CONSULTATION

Transportation Engineering Manager - No objection.

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Extent of advertisement: Four neighbouring properties were consulted and a site notice was displayed near the site.

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: It is considered that the off-street parking area and associated retaining works are acceptable in terms of their scale, setting and materials, and integrate with the existing street scene. There are several other examples of harstanding along this part of Elm Drive, and therefore it is not considered that the development forms an incongruous element in the streetscene.

Transportation Engineering Manger raises no objection to the development on the grounds of highway safety, and it is considered that the development is acceptable in planning terms.

Comments from consultees: Transportation Engineering Manager raises no objection to the proposal.

Comments from public: None.

Other material considerations: This application is reported to Planning Committee because the applicant is related to the Chair of the Planning Committee.

RECOMMENDATION that Permission be GRANTED

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0546/FULL 29.07.2011	Stonegate Pub Company The Waterside Centre Birmingham B37 7YN	Erect new external 500mm square extract ducting to right hand side elevation Kings Arms 46 Cardiff Road Caerphilly CF83 1JQ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is the Kings Arms pub at the centre of Cardiff Road, Caerphilly close to the junction with Stockland Street.

Site description: The pub is a traditional two-storey building which is rendered and has a slate roof.

Development: It is proposed to install a duct on the southern side of the building at first floor. It would be L-shaped, with a maximum height of 4m, and would extend above the eaves of the building by approximately a metre. It would be 0.5m wide.

PLANNING HISTORY

5/5/92/0482 - Construct new shop frontage and internal alterations to both floors
- Granted 16.09.92.

5/5/95/0151 - Provide new side access door to lounge - Granted 28.04.95.

5/5/95/0233 - Erect illuminated sign - Granted 15.06.95.

P/98/0726 - Erect internally illuminated fascia and projecting signs - Granted 21.09.98.

P/99/0582 - Erect ground floor extension and external courtyard, together with refurbishment of existing public house - Granted 26.08.99.

P/99/0889 - Erect boundary wall incorporating gate and railings - Granted 09.12.99.

Application 11/0546/FULL Continued

P/99/0975 - Erect two no. illuminated advertisement signs - Granted 18.01.00.

P/05/1353 - Erect fascia and projecting sign - Granted 18.11.05.

P/05/1366 - Re-colour shopfront, install air conditioning, erect satellite dish and internal alterations - Granted 07.12.06.

08/1069/RET - Retain smoking shelter to side of public house - Granted 12.11.08.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within a principal town centre.

Policies: Policy CW2 (Amenity).

NATIONAL POLICY Policies within Planning Policy Wales (February 2011).

ENVIRONMENTAL IMPACT ASSESSMENT

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

CONSULTATION

Transportation Engineering Manager - No objections.

Head Of Public Protection - No objections subject to the installation of odour abatement measures.

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Extent of advertisement: Twelve neighbouring properties were consulted, and site notice posted.

Response: Two letters of objection have been received.

Summary of observations: The reasons for the objection are:

- detrimental to the outlook of the residential properties to the rear - the existing ducting is an eyesore
- the noise from the fans is intrusive

Application 11/0546/FULL Continued

- smell from the kitchens
- those problems will be aggravated by additional ducting
- it is suggested that the erection of a fence to the height of the existing or proposed ducting, whichever is the higher would alleviate the problems, and the objections would be withdrawn.

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? No.

ANALYSIS

Policies: The main issues with regard to this development are the impact of the flue on the character of the building and the street, and the impact on residential amenity. The ducting is modern and utilitarian in appearance and will be on a prominent elevation of this traditional building. However, in view of the scale of the building, and the size of the ducting, the harm to the character of the building and the street will not be so great as to justify a refusal of planning permission provided the development is painted an appropriate colour.

The flue is part of a scheme to overcome odour problems emanating from the kitchen at these premises. Further measures will be required, such as carbon and UV filters, and they can be secured by condition. In terms of residential amenity, the greatest impact will be on the houses to the east in Broomfield Street. However, the distance between the ducting and the nearest residential boundary in that street is some 17m, and the nearest house is 28m. Therefore the impact will not be significant from a planning point of view.

Comments from Consultees: As stated above, the Head of Public Protection's requirements can be secured by condition.

Comments from public: The comments of the public are considered in turn below.

- detrimental to the outlook of the residential properties to the rear - the existing ducting is an eyesore. This matter is considered above - in view of the intervening distance between the ducting and the houses in Broomfield Street, it is considered that there will not be a significant impact from a planning point of view.

Application 11/0546/FULL Continued

- the noise from the fans is intrusive. A condition could be imposed to ensure that the current proposal does not cause any noise problems.
- smell from the kitchens. The current proposal, with the additional safeguards secured by condition would go some way to addressing this matter.
- those problems will be aggravated by additional ducting. The ducting, with the additional safeguards secured by condition would go some way to addressing any existing problems, rather than worsening them.
- it is suggested that the erection of a fence to the height of the existing or proposed ducting, whichever is the higher would alleviate the problems, and the objections would be withdrawn. There are no planning reasons to insist on a fence in these circumstances.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the commencement of the development hereby approved a scheme of odour control, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.
REASON: In the interests of the amenity of the area.
- 03) Prior to the commencement of the development hereby approved a scheme of noise control, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.
REASON: In the interests of the amenity of the area.
- 04) Prior to the erection of the development hereby approved details of the external finishes to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.

Application 11/0546/FULL Continued

Advisory Note(s)

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

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0715/RET 16.09.2011	Mr N Willetts The Bridge End Inn The Square Church Street Bedwas Caerphilly CF83 8DY	Retain use of former betting office as a single unit of living accommodation Bridge Annex The Square Church Street Bedwas Caerphilly CF83 8DY

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The site is located in an area of mixed uses within the settlement limits of Bedwas, situated within the grounds of the Bridgend Inn Public House, at the junction of Newport Road and Church Street.

Site description: The single storey building is a former outbuilding of the public house and prior to the residential conversion taking place, its lawful use was a betting office. The topography of the site is such that there is a difference of approximately one metre between the ground level at the front of the public house and the car park at the rear.

Development: Retrospective planning consent is sought in respect of the change of use of the building to residential accommodation. The internal layout of the building comprises a kitchenette/lounge, one bedroom and shower room all on one level.

Dimensions: The footprint of the building measures 9.5m x 6.5m, and stands a maximum of 5.2m to the ridge.

Materials: The external finishes of the building include stone walls, and a smooth concrete roof tile.

Ancillary development, e.g. parking: A close-boarded fence has been erected between the side amenity area of this building and the public house garden. There is no dedicated car parking to serve this proposal.

Application 11/0715/RET Continued

PLANNING HISTORY

06/0666/FULL - Form a disabled persons ramp to the front elevation and smoking area to the front left-hand area, alter two windows to the rear elevation to form French doors leading to the existing beer garden and include new kitchen together with associated extraction duct to the rear elevation - Granted 09.01.07.

09/0441/COU - Convert existing coach house to two one-bedroomed flats - Refused 24.07.09.

09/0759/COU - Convert the existing coach house to guesthouse accommodation, allied to the existing use at the Bridgend Inn - Granted 12.01.10.

10/0208/RET - Retain the use of former betting office as a single unit of living accommodation - Refused 19.05.10.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within settlement limits but not allocated.

Policies: CW2 (Amenity); CW3 (Design Considerations - Highways); SP5 (settlement boundaries).

NATIONAL POLICY Planning Policy Wales (2011); Technical Advice Note 12: Design (2009).

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 relates to the conversion of a property to residential use for which a Coal Mining Risk Assessment is not required.

Application 11/0715/RET Continued

CONSULTATION

Bedwas, Trethomas & Machen Community Council - Raises no objection.

Transportation Engineering Manager - Raises no objection.

Head Of Public Protection - Raises objection on the grounds that noise from the neighbouring public house would affect the residential amenity of the occupiers of the dwelling.

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Extent of advertisement: Neighbouring properties have been consulted and a site notice displayed.

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? No.

ANALYSIS

Policies: This single storey stone built property was formerly a betting office and lies within the grounds of the Bridgend Inn Public House, within settlement limits. Its residential use, therefore, accords with Policy SP5 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010.

The application site and public house are currently within the ownership of the applicant and the main consideration in this matter, therefore, is whether the residential conversion is acceptable to the amenity of the current/future occupants of the dwellinghouse. The accommodation is undoubtedly modest, comprising a one-bedroom studio flat, in a town centre location, with its own pedestrian access.

Application 11/0715/RET Continued

Although a separate residential use immediately adjacent to a public house has the potential to give rise to noise disturbance associated with that use, the applicant has confirmed that in order to overcome the reasons for refusal of permission in 2010, the window openings in the side elevation that face onto the beer garden have been fitted with obscurely glazed, triple acoustic units and the boundary fence realigned which increases the size of the residential curtilage and the distance to the beer garden. Both alterations are seen as an improvement of the amenity of the occupants/future occupants of the dwelling to the extent that the use of the former betting office as a single dwellinghouse now meets the standard development control criteria listed in Policy CW2 of the Council's LDP.

Policy CW3 of the Council's LDP relates to highway considerations. Although there is no off road parking provision associated with the dwelling, there are far fewer traffic movements associated with a residential use compared to the previous lawful use as a betting office. On policy grounds, therefore, there is no objection in this regard.

In light of the above, the proposal is compliant with Policies in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2012, Planning Policy Wales (2011) and TAN 12: Design.

Comments from Consultees: Despite the applicant having carried out alterations to overcome the refusal of planning permission in 2010, the Council's Head of Public Protection raises objection to the retention of the single dwellinghouse on the grounds that the adjacent public house has the potential to cause an unacceptable impact upon the of the residential amenity of the occupants by virtue of noise disturbance. In this case, however, having taken account of decisions taken on appeal elsewhere, the recommendation is to approve.

Transport Engineering Manager raises no objection.

Comments from public: None.

The Council's Head of Public Protection is concerned about the possible impact of noise disturbance, and considers that it needs to be linked to the pub, either as managershudson or staff accommodation. The conversion took place 3 years ago during which time no noise complaints have been received. As the main concern relates to the potential for noise disturbance, it is considered appropriate to impose conditions restricting the windows in the side elevation to be permanently closed and obscurely glazed and for the means of enclosure along the boundary of the beer garden to be maintained at a height of 1.8 metres at all times. The imposition of such conditions would allow the occupation of the

dwellinghouse to be unfettered to the public house without causing material harm to the living conditions of current/future occupiers.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 02) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of amenity.
- 04) The 1.8m high timber means of enclosure located along the shared boundary of the garden of the Bridgend Inn Public House, shown on the block layout plan received by the Council on 16th September, 2011, shall remain in place at all times and be maintained thereafter.
REASON: In the interests of residential amenity.
- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the windows in the south facing elevation which face onto the garden of the Bridgend Inn Public House shall be maintained at all times with triple acoustic, obscure glazed units and shall not be capable of opening.
REASON: In the interests of residential amenity.

Advisory Note(s)

The following policy of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is relevant to the conditions attached to this consent: Policy CW2.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
11/0728/FULL 05.10.2011	Mr G Greenslade 1 Graig Cottage Cwmcarn Newport NP11 7NQ	Erect detached dwelling and associated access and groundworks Plot 1 Land At St Lukes Church Twyn Road Abercarn

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site forms part of the grounds of St. Luke's Church in Abercarn, a Grade 2* listed building set in extensive grounds on the hillside to the north east of the village centre below the Llanfach housing estate.

Site description: The site is an area of open land that runs between the northern entrance to the church grounds and the church itself. It slopes steeply down from east to west, and there is woodland to the east that is protected by a Tree Preservation Order.

Development: Full permission is sought for a detached two-storey four-bedroom house located approximately 13.5m to the east of the church on higher land. The house would be of conventional design, with a pitched roof, and a gable fronted two storey porch and balcony on the front.

Dimensions: The house would be L-shaped in plan and so would be 10m deep along one side, and 13.9m deep along the other, 13.5m wide, and 9.3m high to the ridge.

Materials: The front of the building facing the church would be faced in stone, whilst the remainder would be rendered. The roof would be finished in slate, and the windows would be timber.

Ancillary development, e.g. parking: Access to the development would be from the existing access to the church from Twyn Road, at the northern end of its grounds. A new drive would be installed to serve the house, and three parking spaces would be provided between the church and the house.

Application 11/0728/FULL Continued

PLANNING HISTORY

2/08836 - Conversion of existing church to a residential nursing home - Withdrawn 06.06.1989.

2/07210 - Residential Development - Refused 13.09.1991.

2/07624 - The Demolition of Church and Redevelopment of Site for Residential Use - Refused 19.09.1991.

P/06/0555 - Convert to residential apartments - Granted 26.10.2006.

P/06/0077 - Erect residential development - Granted 01.05.2007.

P/06/0556 - Convert to residential apartments - Granted 29.10.2007.

07/0214/RM - Erect residential units - Refused 10.12.2010.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is within the settlement boundary but is not allocated for any specific purpose.

Policies: SP2 Development Strategy in the Northern Connections Corridor SP4 Settlement Strategy, SP5 Settlement Boundaries, SP6 Place Making, SP7 Planning Obligations, SP21 Parking Standards, CW2 Amenity, CW3 Design Considerations: Highways, CW15 General Locational Constraints and LDP5 - Car Parking Standards.

NATIONAL POLICY Circular 61/96 Planning and the Historic Environment.

ENVIRONMENTAL IMPACT ASSESSMENT

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

COAL MINING LEGACY

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

CONSULTATION

Countryside And Landscape Services - No objections subject to conditions concerning receptor site details and mitigation measures.

Gwent Wildlife Trust - Objected pending the submission of a wildlife survey in respect of common reptiles.

Conservation & Design Officer - No objections.

Transportation Engineering Manager - No objections subject to conditions concerning access and parking.

Head Of Public Protection - No objections subject to a condition concerning the importation of materials to the site.

Senior Engineer (Land Drainage) - No objections subject to conditions concerning drainage.

Dwr Cymru - No objections subject to conditions concerning drainage.

ADVERTISEMENT

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

Response: One e-mail has been received in response to the consultation.

Summary of observations: No objections.

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? As will be discussed below, this scheme may have a positive impact on crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The scheme does not affect any species protected under European legislation, but it does affect reptiles. A survey has been submitted that recommends that slow worms found at the site are translocated.

ANALYSIS

Policies: The principle of a house on this site is acceptable because it is within the settlement, and outline permission has already been granted for residential development. That consent was supported by an illustrative layout that was requested by the Local Planning Authority because of the proximity of the development to the listed church, and it showed approximately 8 dwellings stretching from the access to the current application site along the eastern side of the church grounds. The current proposal accords with that layout and the design of the scheme is generally acceptable: the house has a distinctive design, using appropriate materials, but it would begin to alter the setting of the church by the introduction of a domestic building at a level three metres higher than the ground floor of the listed building. At present the church, although at the heart of Abercarn, sits in isolation in its own extensive grounds. The current proposal will begin to urbanise those grounds.

Planning permission and listed building consent have also been granted for the conversion of the church into residential apartments, but they have not been implemented, and have now lapsed. In the meantime the condition of the church - which has been vacant for decades - continues to deteriorate; it is subject to vandalism and regular trespass. The introduction of the house will provide a level of surveillance that will address those problems to a certain extent. However, the applicants have also agreed to carry out minor works to make the church secure which include:

1. All external door openings to be blocked/locked by the provision of metal doors with secure locks or of Class A concrete blockwork.
2. Eight windows to the western end of the side elevation of church facing north and the window over porch to be made weather tight and restricting unauthorised access. These to be 'blocked' by providing a treated timber frame with polycarbonate sheets securely fixed within.
3. Two windows to western end of side elevation of the church facing south to be made weather tight etc. as above.

Application 11/0728/FULL Continued

4. Hole in concrete roof to be infilled/repared using steel mesh reinforced concrete, as per specification/advice of a structural engineer (exact detail to be agreed).
5. Any existing stone or concrete features around the site to be retrieved and then stored within the existing church interior for possible eventual re-use.

Such improvements would have to be secured through a Section 106 Agreement.

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case, having considered the benefits involved in introducing a presence on to this site, and in gaining some works to secure the building, it is considered that the alteration to setting of the building is acceptable. It is likely that the owners will seek further permissions to develop in the grounds, along the lines of the outline permission, and further improvements to the church could be secured at that stage if the Council is minded to grant permission. Permitted development rights should be restricted so that the Local Planning Authority can control the impact of any further development on the church.

Trees in the ground of the church are protected by a preservation order, but the development will be clear of those trees. A condition should be imposed to make it clear that the development should not involve any works to trees.

In line with TAN 22 Sustainable Buildings, the new house should comply with the relevant code for Sustainable Homes.

Comments from Consultees: The views of consultees can be accommodated by the conditions that are recommended below.

Other material considerations: The maintenance works to the church should be secured through a Section 106 Obligation. In view of the new Community Infrastructure Levy legislation and the tests for Section 106 Obligations the Local Planning Authority must address three tests, which are considered in turn below.

(a) The Section 106 Obligation is necessary to make the development acceptable in planning terms.

A Section 106 Agreement will be sought in this case because this development will have an impact on, and change the setting of the listed building, but that effect will be mitigated in part by maintenance works to the church.

Application 11/0728/FULL Continued

(b) It is directly related to the development.

The new house is in the grounds of the church, and its development will directly affect the listed building.

(c) It is fairly and reasonably related in scale and kind to the development.

The scale of the changes secured is reasonable in relation to the scale of the development. Minor works are sought to make the building secure. In the long term, an alternative use of the building would be welcomed, or a revival of the proposed apartments, subject to the grant of planning permission and listed building consent.

RECOMMENDATION: that (A) the application be DEFERRED to allow the completion of a Section 106 Agreement to secure the matters discussed above. On completion of the Agreement, (B) that Planning Permission is 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) No development or site or vegetation clearance shall take place until a detailed methodology for capture and translocation of reptiles on site including details of any proposed remedial measures has been submitted to and agreed in writing with the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.
REASON: To ensure that reptiles are protected.
- 03) The development hereby approved shall be carried out in accordance with the recommendations made in the 'Recommendations Section' of the amphibian and reptile survey report dated August 2012 prepared by The Countryman Wildlife Consultancy unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure adequate protection and mitigation for protected species.

Application 11/0728/FULL Continued

- 04) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 06) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 07) 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, no fences, gates, walls, hedges or other means of enclosure whatsoever shall be erected or planted without the approval of the Local Planning Authority other than those indicated on the approved plans.
REASON: To retain the open character of the development in the interests of visual amenity.
- 08) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of amenity.
- 09) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is first occupied.
REASON: In the interests of the visual amenities of the area.

Application 11/0728/FULL Continued

- 10) The development shall not be occupied until a means of vehicular access has been constructed in accordance with details that shall have first been submitted to and agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
- 11) Notwithstanding the approved plans before the dwelling hereby approved is first occupied, three off-street parking spaces shall be provided within the curtilage of the site in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety.
- 12) Before any soils or hardcore are brought on to site a scheme for its 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.
- 13) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water 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.
- 14) This permission does not grant any consent for or allow the felling or any other works to any trees protected by Caerphilly County Borough Council Tree Preservation Order No. 6/97.
REASON: For the avoidance of doubt as to the scope of the permission hereby granted.
- 15) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work an 'Interim Certificate' carried out in relation to each dwelling by an accredited body, certifying that each dwelling shall achieve Code for Sustainable Homes (Version 3) Level 3 and one credit under 'Ene1 1 - Dwelling Emission Rate', shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

Application 11/0728/FULL Continued

- 16) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.

REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

Advisory Note(s)

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

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and SP10.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0027/OUT 18.01.2012	Ron Skinners & Sons Ltd C/o Richard Whitaker Architects Mr R Whitaker 43 Plas Saint Andresse Penarth Haven Penarth CF64 1BW	Erect residential development following demolition of all existing buildings Former Car Sales Site Bargoed Road Heads Of The Valleys Ind Est Rhymney NP22 5QP

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is situated on the western side of the A469 Rhymney Bypass and to the north east of the Heads of the Valleys Industrial Estate in Rhymney.

Site description: The application site is in a prominent location situated to the west of the A469, which is the main thoroughfare for the Upper Rhymney Valley linking the Upper Rhymney Valley to the A465 Heads of the Valley Road. At the southern end of the site there is the roundabout junction for the Heads of the Valleys Industrial Estate Road and the A469. The site is bordered to the south by this junction, and by the Industrial Estate, which is elevated above the application site. Rhymney Valley Cemetery is located to the east of the site and the northernmost part of Rhymney Town is located to the south east.

The application site was formerly used for commercial purposes as a vehicle sales business. This business relocated a number of years ago leaving the premises vacant. The premises incorporate two large buildings (now demolished) that were formerly used as the showroom and workshop for the car sales together with large hard surfaced open areas at the southern and northern ends of the site. The southernmost open area was also used as a car sales area and previous to that was part of the garage forecourt when the site was used as a petrol filling station. The buildings were single storey but relatively high and finished in face brickwork with profile sheeting roofs.

Application 12/0027/OUT Continued

This is a linear site situated adjacent to a main road with open countryside to the west and north and the Heads of the Valleys Industrial Estate and its landscape buffer to the south. The site is divorced from the main part of Rhymney by the A469 and then the river Rhymney with the area of the town nearest the site being in mainly residential use. There is a mixture of house styles evident in the area from the traditional stone built terraced dwellings such as those in nearby Butetown to the more modern local authority dwellings that encompass the major part of the north of Rhymney.

Development: The application seeks outline planning consent for the development of the site for residential purposes. All matters are reserved for future consideration but indicative site layouts and house designs have been submitted in an effort to overcome the constraints offered by the site. Originally two alternative site layouts were submitted for consideration showing the provision of 30 dwellings with access off the access road to the industrial estate. Option A showed the dwellings having all habitable rooms facing to the west away from the A469 with an internal access road to serve the dwellings sited between the dwellings and the boundary with the highway. Option B showed the dwellings having all habitable rooms facing east towards the A469 with an internal access road being sited between the dwellings and the western boundary of the site. A third layout was subsequently submitted showing the dwellings facing to the east with access being derived off an improved country lane to the west of the site.

Three different house types are suggested: house type A has two bedrooms, house type B has three bedrooms and house type C has four bedrooms. Each of the dwellings is two storeys high with dimensions ranging from 5.3m wide by 6.2m long to 10m wide by 9m long. These will be considered as the upper and lower scale parameters for the development. The dwellings as proposed are very modern in terms of materials used and design features such as fenestration, and off-street parking and garden/amenity space is provided for each dwelling.

Dimensions: The site has overall measurements of 300m long by 35m wide.

Materials: Not specified.

Ancillary development, e.g. parking: Off-street parking is provided for each of the dwellings.

Application 12/0027/OUT Continued

PLANNING HISTORY

5/5/90/0403 - Retain vehicle workshop constructed in different position to that granted under earlier consent - Granted 31.01.91.

5/5/91/0384 - Erect signs - Granted 29.07.91.

5/5/92/0291 - Construct vehicle sales showroom to existing garage - Granted 02.07.92.

5/5/94/0682 - Reconstruct retaining wall, construct hard standing and extend storeroom - Granted 23.02.95.

P/97/0232 - Relocate petrol filling station and create open car sales area - Refused 18.12.97.

P/98/0164 - Retain boundary fence - Application withdrawn 24.10.07.

P/05/1655 - Erect new residential site - Refused 01.07.10.

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP1 (Development Strategy in the HOV Regeneration Area), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place Making), SP15 (Affordable Housing Target), SP21 (Parking Standards), CW1 (Sustainable transport, Accessibility and social Inclusion), CW2 (Amenity), CW3 (Design Considerations: Highways), CW10 Leisure and Open Space provision), CW11 (Affordable Housing Planning Obligation) and CW15 (General Locational Constraints).

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.

Application 12/0027/OUT Continued

National Policy: Planning Policy Wales 2010, Technical Advice Note 2 - Planning and Affordable Housing, Technical Advice Note 11 - Noise, Technical Advice Note 12 - Design, Technical Advice Note 15 - Development and Flood Risk, Technical Advice Note 16 - Sport, Recreation and Open Space, Technical Advice Note 18 - Transport, Technical Advice Note 22 - Sustainable Buildings.

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 coal mining legacy issues? Yes, but in view of the recommendation, this matter has not been pursued further.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Strategic Planning & Urban Renewal Manager - There is an in principle policy objection to residential development on this site for the following reasons: -

- 1 The site is divorced from the existing town of Rhymney and from the historic pattern of residential development in the area.
- 2 The proposal represents unacceptable ribbon development.
- 3 The development proposal does not contribute to the creation of sustainable places as it does not reflect sustainable transport and accessibility principles.
- 4 It is not considered that the use of walking and cycling is encouraged by this development given the barrier that is presented by the A469 that divorces the site from the wider settlement.
- 5 Development of the site for residential purposes would compromise the use of the protected industrial estate to the south west of the site.

The Coal Authority - No objection subject to the imposition of a condition requiring the submission of a site investigation report to deal with past mine workings on the site.

Application 12/0027/OUT Continued

Countryside And Landscape Services - No objection subject to the imposition of a condition to provide suitable bat roosts in the new development. A condition regarding the removal of Japanese Knotweed from the site is also requested. Concerns are raised however with regard to the provision of landscaping to any bund and acoustic fence provided along the boundary of the site with the A469 together with the functionality of such a bund within the site.

Head of Planning & Strategy (Education) - No objection.

Head Of Public Protection - Objects to the application on the basis of unacceptable levels of noise from the road and industrial estate.

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

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

Outdoor Leisure Development Officer - No objection subject to the provision of open space and play equipment within the site.

Head Of Public Services - No objection subject to the provision of suitable bin storage and collection areas.

Transportation Engineering Manager – No objections subject to conditions.

Dwr Cymru - No objection subject to the submission of a drainage scheme.

Police Architectural Liaison Officer - Raises no objection to the application but provides advice on security measures for the attention of the developer.

Wales & West Utilities - No objection.

Environment Agency (Wales) - No objection subject to conditions.

ADVERTISEMENT

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

Response: Four letters of objection were received from local residents.

Application 12/0027/OUT Continued

Summary of observations:

1. The existing farm track to the west of the site is not suitable to serve as the principal access to the site.
2. Development of the site could lead to conflict with the neighbouring farming use.
3. Residents could leave fences or gates open thereby leading to sheep going onto the A469.
4. Housing use would not be in keeping with the nearby industrial estate.
5. Having residential traffic using the industrial estate access road is likely to give rise to dangers to highway safety.
6. The site is a prime industrial location and should be retained for such use.
7. The development may prejudice coal recovery.

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, apart from the need to ensure that all development is carried out to the Secure by Design Standard.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case. However, bat mitigation measures are required to cover the loss of the original buildings.

ANALYSIS

Policies: The application has been considered in accordance with National Guidance, Local Plan Policy and Supplementary Planning Guidance. The proposal put forward by the applicant is for the redevelopment of the site for a residential use. In determining whether this use would be acceptable, consideration should be given to both National and Local Planning Policies, however the Council is required to determine applications in accordance with the development plan unless material considerations indicate otherwise. The Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 (LDP) is the development plan in this regard.

Application 12/0027/OUT Continued

The Development Strategy of the LDP seeks to exploit development opportunities within the Heads of the Valleys Regeneration Area and therefore designates land for a wide variety of uses to not only meet the role and function of individual settlements but also to positively regenerate those areas over the plan period. The redevelopment of this site to a beneficial use would therefore be in keeping with the strategy.

A key mechanism for achieving resource efficient settlements and to provide an indication where growth will be permitted, is the designation of settlement boundaries. The delineation of settlement boundaries across the County Borough is determined by the functional analysis of the strategy areas and as such the settlement boundary for Rhymney reflects the status of the area as a Local Centre within the Settlement Strategy (Policy SP4 Settlement Strategy refers). The Strategy identifies five Principal Towns and four Local Centres (Rhymney being one) based on their functions as major employers, retail centres, providers of services and centres of population. Policy SP5 Settlement Boundaries of the LDP defines the settlement boundary for Rhymney and defines the area within which development would normally be allowed, taking into account material planning considerations. The settlement boundary therefore incorporates land that is suitable for employment, retail, residential, community use, etc., and thus promotes the full and effective use of urban land. That is not to say that all sites within settlement boundaries are suitable for all uses, as this is clearly not the case as there will be other policy and material planning considerations that will need to be taken into consideration.

As indicated above, the application site is a brownfield site, located within the defined settlement boundary for Rhymney. The proposal raises a number of important planning considerations as follows:

- The need to diversify the housing stock in the Heads of the Valleys Area;
- The need for the development to contribute to sustainable places having full regard to the context of the local, natural, historic and built environment;
- The need to have appropriate regard for the safe, effective and efficient use of the transportation network; and
- The compatibility of the proposed development with surrounding land uses.

Policy SP1 Development Strategy - Development in the Heads of the Valleys Regeneration Area specifically seeks to address existing problems of deprivation in order to sustain and develop communities. It proposes to do this in part by accommodating new housing in villages where there is a need to diversify the housing stock. The proposed scheme would serve to contribute to meeting this policy objective.

Application 12/0027/OUT Continued

Policy SP6 Place Making seeks to ensure that sustainable places are created that are socially cohesive, and which enhance quality of life, meet the needs of current and future residents and reflect the role and function of settlements. In this context, new housing development should have regard to the context of the local, natural, historic and built environment of the area. This is particularly important in terms of consideration of the current proposal.

The application site is clearly divorced from the existing town of Rhymney and from the existing historic pattern of residential development in the area. In order to create sustainable places, new housing development should have regard to its context and in this respect it should be well integrated with and connected to the town, and avoid the creation of ribbon development or a fragmented development pattern that is not characteristic of the area (Paragraph 9.3.1 of Planning Policy Wales edition 4 refers). The linear and constrained nature of the site, would result in unacceptable ribbon development along the A469, whilst the isolated nature of the site would result in the creation of a fragmented settlement pattern. The site would appear as an isolated pocket of housing, divorced from the main settlement of Rhymney and not well related to any services or amenity provision in the area. Therefore the development site by virtue of its location cannot meet this policy objective and is contrary to the development plan.

Policy SP6 also requires new development proposals to contribute to the creation of sustainable places, by ensuring that new development reflects sustainable transport and accessibility principles and makes provision for full, easy and safe access for all. The application site is situated to the west of the A469, which is the main thoroughfare for the Upper Rhymney Valley, linking the Upper Rhymney Valley to the A465 Heads of the Valley Road. At the southern end of the site there is the roundabout junction for the Heads of the Valleys Industrial Estate Road and the A469. The A469 is a County Route as defined by Policy SP20 Road Hierarchy. County Routes link the major population and employment centres in the county borough to each other and to the Strategic Highway Network. The purpose of establishing the hierarchy is to ensure the efficient use of the highway network in the interest of safety and the efficient movement of traffic. The applicant has acknowledged that it would be difficult for residents of the proposed new development to cross the A469, and has suggested that an appropriate Section 106 Obligation be secured to make provision for a controlled pedestrian crossing to overcome this issue.

Application 12/0027/OUT Continued

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires that proposals that are likely to generate a significant number of trips (e.g. housing) should encourage the use of walking and cycling to nearby services and facilities. It is doubtful whether this requirement is achievable given the barrier of the A469 and the potential difficulty of overcoming this issue in a way that does not compromise the safety and efficiency of the highway network. Indeed, should it be practicable to install a pelican crossing or a bridge to cross the road, given the segregated nature of the site from the Local Centre of Rhymney, it is doubtful whether this proposal would be capable of achieving a reasonable degree of integration. All existing housing within Rhymney lies to the east of the A469, with allocated and protected industrial land lying to the west. This illustrates the point that the road acts as a clear barrier in a functional sense as well as a physical one.

Transportation Engineering Manager has raised no objection to the proposal in highway safety terms but this does not mean that providing housing in this location is desirable in planning terms. It is considered that siting the housing on the western side of the A469 would lead to pedestrians having to cross the road in close proximity to the nearby roundabout in order to access all facilities within the town centre, and this does not contribute to the safe and efficient use of the highway network and would not lead to a sustainable place. In that regard it is felt that the proposal does not comply with Policy SP6 of the Local Development Plan.

Policy CW2 Amenity indicates that it is important to consider whether or not the proposed use is compatible with surrounding land uses. Further, the policy indicates that the new development should not constrain the development of neighbouring sites for their identified land-use. As previously stated, the application site is in close proximity to the northern end of the Heads of the Valleys Industrial Estate, which is protected by Policy EM2.2 as a secondary employment site and thereby permits B1/B2/B8 uses as well as other commercial, non-class B uses. This part of the estate is currently occupied and, due to the flexible nature of the policy currently in force, presents a potential conflict between industrial and residential development in terms of the impact on residential amenity. In addition the introduction of a residential use on the application site might serve to constrain the Industrial Estate for its identified use, contrary to the provisions of CW2 criterion C. This policy objective is in keeping with national policy. Paragraph 9.3.2 of Planning Policy Wales (4th Edition) clearly indicates that:

"Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use."

Application 12/0027/OUT Continued

Technical Advice Note 11 Noise also advises that "Local Planning Authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night."

In this instance the developer has carried out a noise survey that indicates that noise levels from both the industrial estate and the A469 are likely to reach unacceptable levels that could lead to complaints from residents. As such the Head of Public Health and Protection has raised an objection to the proposal on noise grounds and therefore it is considered that the proposal does not comply with the guidance contained in Technical Advice Note 11 and is contrary to criterion D of Policy CW2 of the Local Development Plan.

It is important to note that the land immediately to the west of the application site is designated as a Coal Safeguarding Area (Policies SP8 Minerals Safeguarding and MN 2.1 West of Rhymney - Coal refers). The safeguarding of the resource does not indicate any presumption in favour of working but it prevents the sterilisation of the resource by other development. Policy CW2 therefore requires that any proposed use on the application site should not constrain the winning and working of coal in this area. Whilst this would be satisfied by the presence of a buffer zone between any future coal workings and residential development, this does not rule out the possibility of there being a detrimental impact on residential amenity, something which criterion A of Policy CW2 seeks to prevent.

In conclusion, it is considered that the proposed development of the site for residential purposes would not be compatible with adjoining land uses and as such the proposal is contrary to policy CW2 of the Local Development Plan.

In terms of the design and layout of the site the following issues need to be considered: -

- The mix and design of the housing
- Provision of open space and play equipment
- Screening of the development from the A469
- Access to the site.

Application 12/0027/OUT Continued

In terms of the mix and design of the housing it is noted that a mixture of two, three and four bedroom dwellings are proposed within the site (albeit the Design and Access Statement only refers to two and three bedroom dwellings) of a fairly modern design. It is considered that whilst the size and mix of the dwellings proposed is acceptable and would lead to a more varied choice of house types in the Heads of the Valleys Regeneration area, the design appears as very bland and does not respect the character of the historic housing in the area. Whilst it is acknowledged that this is an outline application with all matters reserved for future consideration the details submitted at the outline stage set the tone for the reserved matters submission. It is also considered that the Design and Access Statement does not pay sufficient regard to the context and character of the area and does not justify the style of housing proposed or its design, it only justifies the linear layout and use of render and face brickwork. It is acknowledged that linear development is characteristic of traditional terraced development in the area but it is not felt that the modern and bland style of the dwelling is in keeping with this traditional character and as such the proposed dwellings are unacceptable from a design perspective.

It should also be noted that Policy CW11 of the Local Development Plan requires the provision of affordable housing on sites that exceed 5 dwellings. Whilst the policy suggests that no such provision is required in the Heads of the Valleys Regeneration Area Paragraph 5.10 of Supplementary Planning Guidance LDP1 Affordable Housing Obligations states that an assessment of each individual site should be made in order to assess the viability on that particular site. In that regard the Council's Housing Enabling Officer has requested that affordable housing at a level of 10% be provided within the development subject to a viability test being carried out. Such a test has not been requested in this instance as there is an in principle objection to the development of the site but the Local Planning Authority would expect the developer to carry out the test prior to any consent being granted.

Policy CW10 of the Local Development Plan requires that all new sites of 10 or more dwellings or exceeding 0.3ha in gross site area make adequate provision for useable open space, appropriate formal children's play facilities either on or off site and adequate outdoor sport provision either on or off site. In this instance and as discussed above the application site is separated from the main part of Rhymney by the A469 and the nearest play or sport provision is some distance away at Butetown some 500m away from the northern end of the site. It is considered unlikely that residents of the proposed site would walk to any of the existing play provision in the area because of the distances involved and the obstacle presented by the A469 and as such it is felt that any play provision and open space should be provided within the site.

Application 12/0027/OUT Continued

With regard to screening of the development, as stated above there are concerns on this development in relation to noise issues from the A469. Indeed the noise survey submitted by the applicant acknowledges that there will be noise issues as a result of the development and a 2m high bund with a 1m high acoustic fence on top has been proposed as a mitigation measure along the eastern boundary of the site. Notwithstanding that the Head of Public Health and Protection has raised an objection to the proposal as the screening does not effectively mitigate the noise problems, it is also doubtful whether any such scheme would be acceptable from a design perspective. In that regard the Council's Landscape Architect has been consulted in respect of the proposal and he has offered the following comments: -

"I'm content with the principle of a boundary detail which incorporates an acoustic fence on a mound. However I would wish to plant a native hedge to the roadside of any fence to screen the fence and set the site within a countryside / edge of settlement context. There is a risk that the mound will obstruct highway sight lines from the road entrance to the roundabout. Unless the boundary is set back from the existing fence line the tall planting I would require to screen the fence will almost certainly interfere with visibility at this junction.

The front face of the mound needs to be constructed with a shallow gradient to blend better with the existing highway verge; a 1:2 gradient would not be acceptable. The garden face of the bund could be vertical and held in place with a retaining structure. This would allow the fence to be pushed further back from the highway without compromising garden space as the current steep face of the bund within the gardens would have no practical value.

One further issue is property security. A 1 meter high timber acoustic fence is easily climbable."

Further to these comments it should be noted that in order to achieve the mitigation required by Public Health and Protection the height of any bund or screen fence would need to be increased in order to screen the line of sight from first floor windows in the proposed dwellings to the road and therefore any planting required to screen the acoustic fence would either need to be semi mature when planted or would require some time to mature in order to become effective. This would result in the screen fence being highly visible in this prominent location and it is considered that this would not be in keeping with the character of the area.

Application 12/0027/OUT Continued

The creation of a 2m high retaining wall with an acoustic fence above within the site is also unlikely to be acceptable from a design perspective and it is felt that this would have an overbearing impact on the proposed dwellings to the detriment of their residential amenity. In that regard it is not felt that the development could be adequately screened in order to mitigate any noise issues arising from the nearby road without having a detrimental impact on the visual amenity of the area and as such the proposal would be contrary to criterion A of Policy CW2 of the Local Development Plan.

With regard to access to the site it is noted that objections have been raised by local residents regarding the conflict between residents traffic and industrial traffic from the nearby estate and also use of the lane to the west of the site. However, the Transportation Engineering Manager has raised no objection to the application and therefore it is considered that suitable access to the site can be achieved. The lane would need to be improved to adoptable standards and as such there would be an improvement to the access to the farms that currently use that lane. Therefore it is felt that the proposal is acceptable from an access perspective.

Comments from consultees: These have been addressed above.

Comments from public: The comments of the public are noted; there are no further considerations from a planning point of view that require discussion.

Other material considerations: None.

RECOMMENDATION that Permission be REFUSED

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

- 01) The application site is divorced from the existing town of Rhymney and from the existing historic pattern of residential development in the area and it is not characteristic of the area. The linear and constrained nature of the site would result in unacceptable ribbon development along the A469, whilst the isolated nature of the site would result in the creation of a fragmented settlement pattern. Therefore the proposal is contrary to Paragraph 9.3.1 of Planning Policy Wales (edition 4) and Policy SP6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Application 12/0027/OUT Continued

- 02) It is considered that siting the housing on the western side of the A469 would lead to pedestrians having to cross the road in close proximity to the nearby roundabout in order to access all facilities within the town centre which would not contribute to the safe and efficient use of the highway network and would not lead to a sustainable place. In that regard the proposal does not comply with Policy SP6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
 - 03) The introduction of a residential use on the application site would serve to constrain the adjacent Industrial Estate for its identified uses within Classes B1, B2 and B8, contrary to the provisions of criterion C of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and Paragraph 9.3.2 of Planning Policy Wales (4th Edition).
 - 04) A noise survey carried out by the applicant indicates that noise levels from both the industrial estate and the A469 are likely to reach unacceptable levels that could lead to complaints from residents and therefore it is considered that the proposal does not comply with the guidance contained in Technical Advice Note 11 and is contrary to criterion D of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
 - 05) The modern and bland style of the dwelling is not in keeping with the traditional character of the housing in the area and as such the proposed dwellings are unacceptable from a design perspective as they do not have sufficient regard for their context. Therefore the proposal is contrary to the advice contained in Welsh Government Technical Advice Note 12 - Design.
 - 06) It is considered that the development could not be adequately screened in order to mitigate any noise issues arising from the nearby road without having a detrimental impact on the visual amenity of the area and as such the proposal would be contrary to criterion A of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
-

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0082/ADV 02.02.2012	Lidl UK GmbH Mr T Smith Waterton Industrial Estate Off Cowbridge Road Bridgend CF31 3PH	Erect one wall mounted billboard Lidl 5 Beddau Way Caerphilly CF83 2AX

APPLICATION TYPE: Application to Display Adverts

SITE AND DEVELOPMENT

Location: The application site is at the junction of Nantgarw Road and Black Prince Road.

Site description: The site is a supermarket with a car park at the front.

Development: It is proposed to erect two billboards - one mounted to the front wall of the building, the other freestanding at the front of the car park overlooking the roundabout junction.

Dimensions: The sign attached to the building would measure 6.1m by 3.05m, whilst the freestanding sign would be the same dimensions but mounted on four legs 1.5m high.

Materials: The hoardings would have a timber frame and the legs of the freestanding sign would be stainless steel.

PLANNING HISTORY

5/5/86/0469/A - Retail development - Refused 09.03.89.

5/5/86/0469/B - Leisure/entertainment, leisure/motel, golf course/amenity area, access road - Granted 09.03.89.

5/5/87/0243/A - Non-food retail - Refused 09.03.89.

5/5/87/0243/B - Leisure, hotel, golf course, amenity area, restaurant and petrol filling station - Granted 09.03.89.

5/5/92/A755 - Erect residential development, leisure facility, hotel, restaurant and petrol filling station - Granted 20.05.93.

Application 12/0082/ADV Continued

5/5/92/B755 - Construct golf course and amenity area - Granted 20.05.93.

5/5/92/C755 - Construct access roads - Refused 20.05.93.

5/5/93/0205 - Erect retail store, pharmacy and petrol station, car park, landscaping, highways - Refused 09.03.94.

5/5/96/0168 - Vary Condition (B) of planning consent 5/5/92/A755 - Granted 28.02.97.

5/5/96/0182 - Vary Condition (B) of planning consent 5/5/92/A755 - Granted 28.02.97.

P/97/0785 - Erect leisure development, including cinema/bingo/family entertainment centre/health club/restaurant, associated car parking and servicing - Granted 06.02.98.

P/98/0154 - Erect bingo, health club and cinema including games area and family entertainment centre - Granted 01.05.98.

P/98/0155 - Erect restaurant and family pub/restaurant - Granted 31.07.98.

P/03/0267 - Vary Condition (1) of planning permission P/98/0155 to erect restaurant and family pub/restaurant - Granted 01.05.03.

P/03/0926 - Erect mixed use development of housing, offices, hotel, public house, restaurant, medical centre/crèche and open space including all engineering and building operations and landscaping - Granted 23.12.03.

P/03/1366 - Provide temporary access from B4600 Nantgarw Road to Ffordd Penrhos - Granted 04.12.03.

P/06/0367 - Create access infrastructure to service proposed commercial area - Granted 17.08.06.

06/0293/FULL - Erect single-storey foodstore with associated car parking and landscaping - Granted 30.03.07.

07/0576/ADV - Erect flagpole and gable signage - Granted 25.06.07.

07/0688/NCC - Vary Condition (4) of planning application 06/0293/FULL to facilitate reasonable and proper servicing requirements - Granted 28.08.07.

Application 12/0082/ADV Continued

07/1061/ADV - Erect corporate logo sign - Granted 10.10.07.

07/1233/RET - Retain retaining structure erected along the south west boundary
- Granted 03.07.09.

07/1275/ADV - Erect one freestanding and one wall mounted advertising
hoarding - Granted 30.11.07.

10/0161/NCC - Vary Condition 03 of Planning Permission 06/0293/FULL to open
to customers between 0800 hours until 2100 hours Monday to Saturday and
1000 hours to 1700 hours Sundays and Bank Holidays - Refused 26.05.10.

10/0856/ADV - Erect a wall mounted advertising hoarding (48 sheet) - Refused
24.01.11.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundary.

Policies: Regulation 4 of the Town and Country Planning (Control of
Advertisements) Regulations 1992 states that a Local Planning Authority shall
exercise their powers under those Regulations only in the interests of amenity
and public safety.

CONSULTATION

Transportation Engineering Manager - Objects because the level of detail on the
freestanding sign would distract users of the adjacent roundabout junction to the
detriment of highway safety.

Head Of Public Protection - No objection subject to the construction of the signs
taking account of the vapour barriers associated with the remediation of the site
before it was developed.

Penyrheol Trecenydd & Energlyn Community Council - Object to a wall mounted
sign because there are enough signs on the building already, and another would
be detrimental to the character of the area.

Application 12/0082/ADV Continued

ADVERTISEMENT

Extent of advertisement: Ten neighbouring properties were consulted.

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: As stated above, the Local Planning Authority can only consider amenity and public safety when considering these two signs. There is already a sign attached to the building, allowed on appeal in 2011 (ref. 10/0856/ADV) but the structure is large enough to accommodate another sign without there being any harm to amenity because it would only overlook the car park. Also, in that position it would not cause any harm to public safety.

The freestanding sign at the front of the site however would introduce signage into a prominent area set above the road, to the detriment of amenity, and to public safety because it would serve as a distraction to drivers using the busy four-way roundabout junction on Nantgarw Road.

Comments from Consultees: The comments of the Transportation Planning Manager and the Penyheol, Trecenydd & Energlyn Community Council are taken account of above.

Comments from public: None received.

Other material considerations: The aforementioned regulations allow the Council to grant permission in whole or in part for an application for advertisements, and so it is recommended that permission is only given for the hoarding attached to the building and not to the freestanding sign.

Application 12/0082/ADV Continued

RECOMMENDATION that Permission be GRANTED

Advisory Note(s)

Regulation 13(1)(a) of the Town and Country Planning (Control of Advertisements) Regulations 1992 allows the Local Planning Authority to grant consent in part for an application for express consent. This consent only allows the erection of the wall mounted billboard subject of your application made to Caerphilly County Borough Council on 29 November 2011 (Local Planning Authority reference 10/0856/ADV).

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0186/LBC 09.03.2012	Rev C Moss 2 Argoed Ganol Cottages Blackwood NP12 0AE	Provide DDA compliant door openings to the sanctuary/nave area and remove some of the pews to form an open space arrangement Argoed Baptist Chapel High Street Argoed Blackwood NP12 0HG

APPLICATION TYPE: Listed Building Consent

SITE AND DEVELOPMENT

Location: Argoed Baptist Chapel, High Street, Argoed. The site is located within the settlement boundary for Argoed. The Chapel is approximately 2 miles to the north of Blackwood Town Centre, close to the intersection between High Street and Cwm Road, Argoed. It is situated on the eastern side of High Street with a row of three cottages running north-south along its western boundary and the Sirhowy Public House to the northern boundary. A recently constructed bungalow is located opposite the chapel to the east with the A4048 New Road located on much higher ground, supported by a stone retaining wall to the west.

Site description: Argoed Baptist Chapel is a Grade II listed building.

Argoed Baptist Chapel was built in 1817, was substantially renovated in 1851, when the entrance was moved to the end wall, the gallery and new box pews added. A rear vestry and new pulpit were added in 1890. The front of the chapel comprises a graveyard. It was first listed by CADW on 1/03/1999 as a Grade II Listed chapel (and list description later amended on 25/05/2001) as an early small, rural chapel with an elegant and complete mid C19 interior, together with historical connections with well-known nonconformist preachers. Much of its significance is drawn from the fact that the chapel includes an almost complete set of mid 19th century box pews.

The topography of the site is such that it is higher than the road level at High Street, where it is retained by a stone retaining wall. The site then gradually slopes upwards with the rear boundary comprising an extremely high stone retaining wall supporting the A4048, road above.

Application 12/0186/LBC Continued

Access to the chapel is gained via a pedestrian gated entrance leading off High Street, up a couple of stone steps and then a ramped concrete pathway which leads into the main side entrance to the chapel. Beyond this the pathway is cobbled leading to steps up into the rear vestry.

The chapel and vestry are both currently used as a place of worship for members of the community and are also proactively used for several social activities including young children and teens clubs, art and craft groups.

Development: Listed building consent is sought in respect of the provision of Equalities Act compliant door openings to the sanctuary/nave area of the chapel and the removal of some of the pews to form an open space arrangement that is flexible to allow better use of the building.

The application is supported by a Design and Access statement and a letter from the applicant in response to the letter of objection and petition against the development.

Dimensions: The floor area of the chapel subject of this application is 11.3m x 9.35m.

Materials: Internal walls - painted plaster with a rendered finish to match, concrete floor screed, six panelled painted wood door.

PLANNING HISTORY

2/12316 - Demolish existing brickwork porch and to rebuild forming two number toilets and new entrance into vestry - Granted 21.04.1995.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: SP5 - within Settlement Boundary.

Policies:

Strategic Policies

SP1 - Development Strategy - Development in the Heads of the Valleys Regeneration Area.

Countywide Policies

CW2- Amenity, CW15 - General Locational Constraints.

NATIONAL POLICY:

Planning Policy Wales, 4th Edition, February 2011, Chapter 6 - Conserving the Historic Environment, which includes the following:

6.1.1 It is important that the historic environment encompassing archaeology and ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes is protected. The Assembly Government's objectives in this field are to:

- preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations; and specifically to
- protect archaeological remains, which are a finite and non-renewable resource, part of the historical and cultural identity of Wales, and valuable both for their own sake and for their role in education, leisure and the economy, particularly tourism;
- ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest; and to
- ensure that conservation areas are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls over businesses and householders.

6.1.2 Local Planning Authorities have an important role in securing the conservation of the historic environment while ensuring that it accommodates and remains responsive to present day needs. This is a key aspect of Local Authorities' wider sustainable development responsibilities which should be taken into account in both the formulation of planning policies and the exercise of development control functions.

6.5.7 There is no statutory requirement to have regard to the provisions of the development plan when considering applications for listed building consent, since in these cases the Courts have accepted that Section 54A of the Town and Country Planning Act 1990 (superseded by section 38(6) of the Planning and Compulsory Purchase Act 2004) does not apply.

Application 12/0186/LBC Continued

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

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

6.5.10 Applicants for listed building consent must be able to justify their proposals, show why alteration or demolition of a listed building is desirable or necessary. It is generally preferable for both the applicant and the planning authority if related applications for planning permission and listed building consent are considered concurrently. Consideration of proposals for a listed building should be made on the basis of a full, rather than an outline planning consent. Planning permission alone is insufficient to authorise works to a listed building.

Circular 61/96 - Planning and the Historic Environment is also relevant.

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? No.

Application 12/0186/LBC Continued

CONSULTATION

Conservation & Design Officer - Recommends that this application is approved subject to the removal of the modern storeroom, the submission of satisfactory details of materials and finishes being provided of the proposed 6 - panelled widened doors at either side of the central internal window within the vestibule and the introduction of a new, flexible church space in conjunction with the removal of no more than 14 box pews some pews centrally located within the chapel, with the retention of 7 box pews at each side, against the north and south walls to give an appropriate impression of the historic internal fabric of the building, a reduced stage area, and the pulpit area to remain unchanged. This recommendation follows a pre-application meeting with both church members, the Conservation & Design Officer and Development Control Officer, as well as an officer from Cadw.

Ancient Monuments Society - Cannot be reconciled to the destruction on the scale proposed and urge a more minimalist approach - one or two pews, not the principal group.

The Georgian Group - Would be concerned about the complete removal of the central pews, which they consider will harm the interior character of the chapel. This will be to the detriment of the special architectural and historic interest of the building. They comment that a more sensitive solution could be developed to overcome the access problems and allow some flexible use of the space.

Royal Commission On Ancient & Historical Monuments Wales - Confirm that Argoed Baptist Chapel was listed for its special interest as an early C19th chapel with 'an elegant and complete mid-C19th interior'. Given the special interest of the interior the proposals for enlarging the door opening and, especially, removing the pews will have to be very carefully considered. If listed building consent is granted, it is important that the interior is recorded before alteration and in this respect require a condition is attached to any consent.

Council For British Archaeology - Are concerned at the proposals to remove the majority of pews. Whilst they sympathise with the reasons for the removal of the pews, they consider that the loss of so many pews will lead to significant change to the internal character of the chapel, and will also result in a loss of historic fabric. They suggest that the community should first explore the possibility of obtaining funding from external sources such as the Heritage Lottery Fund to improve and extend the building further. They add that given the variety of activities held and the importance of the building to the local community, the Church Congregation, they believe, stands an excellent chance of acquiring funding from such a source, notwithstanding the church's 'moral' stance that this would be unacceptable and against the principles of church members.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 10 neighbouring properties have been consulted.

Response: There has been one letter of objection to the original application for the removal of the box pews signed by 31 people, and a further letter of objection from her signed by 47 people in response to the amended scheme. The writer stresses the importance of this historic building, which will be 200 years old in 2017.

15 letters in support of the application to remove the pews to allow the church to accommodate the needs of the community with the various clubs held i.e. children, youth, craft, art and also to provide more comfortable seating. One writer has written a poem describing the needs of the chapel and a plea to allow the development to go ahead. In addition one lady has written three letters of support, two of which include 10 signatures and 5 signatures respectively.

Summary of observations:

Objections: -

- " Our church was built in 1817 and in 5 years time we will be celebrating 200 years of worship in this church. Should these alterations take place we will lose a section of our rich architectural Welsh Heritage something, which we want for other generations to admire. This unspoilt historical architecture brings great pleasure to people entering the church. Visitors attending family graves request permission to view the inside of the church and exclaim with delight that progress has not stripped the church of its character"
- comments that this is the oldest building on the 26 mile Sirhowy Walk
- states that the congregation on a Sunday is but a handful so most services are conducted in the vestry, the vestry itself providing ample room for children's activities with numbers far larger than they are at present.
- confirm that the listed building which has special architectural and historical interest should be preserved for future generations to be admired and cared for.
- questions the need for more space when what should be considered is attracting more people to attending the chapel.

Application 12/0186/LBC Continued

In respect of the letters of support, they all appear to come from members who currently attend the Church, some are Deacons and those involved in the community activities held therein. Several wish to point out that the petition against the development is signed by people who do not attend their church, one writer advises that only 4 names on the petition belong to their church with only 2 attending but on an irregular basis. They also point out that 9 signatures on the first petition appear to be in the same handwriting.

Rev. Charlotte Moss has also written a letter in support of the application for her church. She confirms that the church is self funding and that their faith would not allow them to accept lottery funding for any extension to the existing church. She states "We as a Congregation feel that our mandate for ministry is not to maintain an ancient monument, but rather, to provide a building fit for the variety of expressions needed for the ministry of pastoral care within the context of society today." She and her congregation consider that the children and young people in the Argoed Community should have a safe and comfortable place to meet and that the removal of the pews would make that form of spiritual care and service to the community more effective.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: In considering an application for Listed Building Consent the Local Planning Authority has to pay special regard to the desirability of preserving the structure or its setting or any feature of special architectural or historic interests, which it possesses. Policy relating to the demolition, alteration or extension of listed buildings is contained in paragraph 6.5.7 - 6.5.15 of Planning Policy Wales (February 2011). Welsh Officer Circular 61/96 paragraphs 93 to 99 provide detailed guidelines and criteria to be used in the assessment of applications for the alteration or extension of listed buildings whilst Annex D sets out general principles to be observed when dealing with applications for such works.

Application 12/0186/LBC Continued

The main point to consider in the determination of this application is whether the proposals would have a detrimental impact on the building, or any features of special architectural or historic interest that it possesses.

The specific proposals are to widen the 2 internal doors between the vestibule and the nave to 1000mm, and to remove a total of 14 pews within the central area of the chapel together with the original timber plinth on which they were fitted. This will create an open plan area with a single level floor layout. The proposals also include the reduction in size of the stage, below the pulpit area, which is to remain and the removal of an internal modern office next to the pulpit and stage.

The justification used by the applicant for removing a significant number of pews, altering the doors, and reducing the size of the stage is that there is a need for the building to adapt to current functions and social activities by the custodians of the Chapel to benefit the community, which is currently constrained by the current arrangement of the church's furniture and fittings, as well as to improve access to those less ambulant members of the church and community or those in wheelchairs.

The original submission sought the removal of 24 central pews but following negotiation with this authority an amended scheme is submitted, which removes the 7 pairs of central pews only. However, objection has been raised regarding the principle of removing box pews from the chapel. Concern has also been raised regarding the proposed removal of the box pews by the Ancient Monuments Society, the Council for British Archaeology and The Georgian Group, as stated above.

Pre-application discussions held with the applicant and chapel members recognised that there was a possibility that some pews may be lost, in order to provide a more conducive area within the chapel within which certain of the activities referred to above may be carried out provided there were sufficient numbers remaining to give a clear interpretation of the original historic fabric of the building. Members explained that the removal of the pews was necessary to ensure the continued sustainability of the church as a place of worship with a strong supporting congregation, in conjunction with activity groups who occupy the building several times a week and who are increasing in numbers. More importantly, this was considered generally acceptable in principle to ensure that the building remains in use and is preserved as a building of special architectural or historic interest, since vacant buildings quickly deteriorate and become buildings at risk. Advice from Cadw at this meeting was, in order to enhance the interior space and accommodate these current requirements; there was merit in removing the unobtrusive modern added store, whilst allowing a smaller stage,

and still retaining the pulpit in its original position and two equal rows of original pews.

It was generally thought that there needed to be some symmetry of fixed furniture and fittings within the church space and also there was a need to retain as many of the original box pews and their doors as possible. A proposed solution was seen to retain, at least, all pews against the side walls to allow the creation of a space in the centre for rows of stackable chairs and folding tables for a range of different activities as well as for improved disabled access and for funerals, weddings and community based activities.

It has to be taken into consideration that without the support offered to the chapel by the various groups and associations that use it, there is always a possibility that the chapel may close in time and become vacant and as stated above vacant buildings quickly deteriorate and become buildings at risk. In the Design and Access statement submitted with the application it is stated "The Church Members (local congregation), are committed to donating the money needed for the financial upkeep of the building and the running costs of the holistic ministry it helps to provide. However if the building is unable to adapt to meet the diverse needs of ministry within every generation, but particularly today, then the church congregation is faced with no other choice than to seek alternative space in order to make that possible." The continued use of the chapel ensures its maintenance and is sustainable in terms of community use and in this respect it is considered a compromise may be reached. Therefore on balance, it is considered that the proposals are acceptable subject to the removal of the modern storeroom, the submission of satisfactory details of materials and finishes being provided of the proposed panelled widened doors at either side of the central window within the porch and church space in conjunction with the removal of some pews and reduced stage area.

Comments from Consultees: These are taken into account in the analysis above.

Comments from public: These are taken into account in the analysis above.

RECOMMENDATION: That the application is referred to CADW for its consideration. In the event that CADW does not raise any objections to the scheme, Listed Building consent is GRANTED subject to the following conditions:

This permission is subject to the following condition(s)

- 01) The works hereby permitted shall be begun before the expiry of five years from the date of this permission.
REASON: To comply with the provisions of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Application 12/0186/LBC Continued

- 02) The development hereby approved relates to the details received on 14/9/12, drwg no.AL/1; AL/3; AL/4 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.
- 03) No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the Local Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief and specification.
REASON: As the building is of significance the specified records are necessary to mitigate the impact of the proposed development.
- 04) Prior to the commencement of work on site further drawings showing the style of panelled doors at a scale of not less than 1:20 and including elevation, plan and section details shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with those approved details.
REASON: The submitted drawings are inadequate in this matter and further information is needed in order to protect and preserve the character of the Listed Building.
- 05) The modern office/storeroom shall be removed in accordance with the approved drawing no's AL/3 and AL/4 prior to the first use by the church or any group using the church building of the space provided by the removal of the pews hereby approved.
REASON: To protect and preserve the character of the Listed Building.
-

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0465/COU 18.06.2012	Tesco Stores Limited C/o DPP Consulting Limited Mr C Pickup 14 Windsor Place Cardiff CF10 3BY	Change the use from Use Class A1 to Use Class A3 takeaway Unit 4 Riverbank Court Newport Road Trethomas Caerphilly CF83 8BY

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is on the southern side of Newport Road, Trethomas, opposite the junction with Mary Street.

Site description: The host building is a vacant A1 retail unit that is part of a group of three small retail units attached to a Tesco Express. The development was only recently built and includes parking across the frontage. The other two units are occupied by a bike shop and a charity shop.

Development: Change the use from Use Class A1 to Use Class A3 takeaway.

Dimensions: The external dimensions of the property would remain unchanged.

Materials: The external finishes of the property would remain unchanged.

Ancillary development, e.g. parking: No extra parking is proposed, but there is existing parking at the front of the site.

PLANNING HISTORY

5/5/89/0555 - Provide retail market (Thursday 9.00 a.m. to 3.00 p.m.) - Refused 22.03.90.

5/5/90/0124 - Provide used car sales - Granted 11.04.90.

5/5/90/0736 - Redevelop to form self-service petrol filling station with car wash facility - Granted 10.12.90.

Application 12/0465/COU Continued

5/5/90/0888 - Erect canopy fascia, car wash fascia, building fascia and pole sign - Granted 18.02.91.

5/5/91/0064 - Revoke condition (7) of application 5/5/90/0736 which restricts hours of use of car wash and petrol station - Refused 20.06.91.

5/5/92/0034 - Erect shop fascia, canopy fascia and car wash fascia - Granted 22.05.92.

P/02/0279 - Erect 1 x 48 sheet freestanding advertisement panel - Granted 13.06.02.

P/04/0522 - Erect 10 town houses - Granted 16.09.04.

P/05/0107 - Provide temporary permission to change the use from former filling station to be used for Jaguar Car Sales - Granted 11.03.05.

08/0388/RET - Retain palisade enclosure for a temporary period of six months - Granted 28.05.08.

08/0815/FULL - Erect Class A1 retail foodstore and three A1 retail units with associated car parking, access and servicing - Granted 20.08.09.

11/0600/ADV - Erect one gantry sign and three car parking signs - Granted 17.01.12.

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary and is allocated for residential purposes.

Policies: SP21 (Parking Standards), CW2 (Amenity), CW3 (Design Considerations - Highways) and Supplementary Planning Guidance LDP 5: Car Parking Standards.

Application 12/0465/COU Continued

NATIONAL POLICY:

Planning Policy Wales (2011).
Technical Advice Note 12: Design (2009).

ENVIRONMENTAL IMPACT ASSESSMENT

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

CONSULTATION

Transportation Engineering Manager - No objections provided the use is restricted to a takeaway only.

Head Of Public Protection - No objections subject to the hours of operation reflecting those of the neighbouring shop, and the introduction of odour control.

Police Architectural Liaison Officer - raises no objection but has concerns over the level of crime and anti-social behaviour occurring at the nearby Tesco Express, Unit 1. The addition of an A3 takeaway has the potential to increase incidents of crime and anti-social behaviour. He recommends that conditions are attached relating to the installation of a CCTV system and an alarm system.

Dwr Cymru - raises no objection subject to conditions regarding foul, land and surface water drainage and a grease trap.

Bedwas, Trethomas & Machen Community Council - raises objection on the grounds that another cafe is not needed. The proposal would be approximately 100 yards away from a cafe. There is already insufficient parking with the existing cafe.

ADVERTISEMENT

Extent of advertisement: Eleven neighbours have been notified, and a site notice posted.

Response: Four letters have been received.

Application 12/0465/COU Continued

Summary of observations: The comments are as follows:

1. Loss of business to existing cafes.
2. There are already traffic issues relating to the current operation of the Tesco store. The additional operation of a cafe would only result in more traffic problems, dangers to local pedestrians, and parking problems.
3. The local member requests that a site visit takes place before a decision is made.

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? The comments of the Police Architectural Liaison Officer are reported above.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 states that development proposals must ensure that the proposal has regard for the safe, effective, and efficient use of the transportation network. A shop the size of the proposed unit requires the provision of two car parking spaces and a commercial vehicle space. The proposed takeaway would require one commercial vehicle space, one space for every three members of staff, and adequate on-street parking for customers nearby. As the premises already have parking provided as part of the retail development, the takeaway parking requirement is fulfilled. The application as originally submitted was for an open A3 use, i.e. it included the potential for a cafe or restaurant. Those uses would have generated the need for significantly more on-site parking.

With regard to Policy CW2, the amenity of neighbouring residential properties must be considered. The premises are on a busy road, and next to a busy supermarket that opens until late. The increase in disturbance associated with the proposed development would not be so significant as to justify a refusal of planning permission. Hours of operation should be the same as the shops. Odour problems could also be controlled by condition.

Application 12/0465/COU Continued

With regard to crime and disorder, the Police Architectural Liaison Officer has not raised any objections but has made a number of suggestions to address anti social behaviour at the premises. Those will be passed to the applicants.

Comments from consultees: The comments of the consultees are considered above.

Comments from public: With regard to the comments of the local residents and community council, the response is as follows.

1. Issues relating to competition between businesses are not a material planning consideration.
2. Parking issues are discussed above. Planning permission has already been granted for a retail development with access to the highway, and the traffic generated by the proposed development would utilise that facility.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.
REASON: In the interests of the amenity of the area.
- 03) The premises shall be used for takeaway only and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification without the approval of the Local Planning Authority.
REASON: In the interests of highway safety.

Application 12/0465/COU Continued

- 04) The use hereby permitted shall not be open to customers outside the following times : 0700 hours to 2300 hours.
REASON: In the interests of residential amenity.
- 05) Prior to the commencement of the use hereby approved a grease trap shall be fitted to the drainage in a manner to be agreed with the Local Planning Authority.
REASON: To prevent pollution.

Advisory Note(s)

1. The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policies CW2 and CW3.
 2. Please find attached the comments of the Police Architectural Liaison Officer and Dwr Cymru/Welsh Water that are brought to the applicant's attention.
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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0578/OUT 25.07.2012	Elevate Design Build Mr S Dodd C/o P J Planning Mr G Parker 5 St Pauls Square 82 Northwood Street Birmingham West Midlands B3 1TH	Erect residential development of 57 dwellings Land West Of Old Pant Road Pantside Newbridge

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is an area of land adjacent to Old Pant Road lying to the north of Ellesmere Court within the Pantside Estate.

Site description: An irregular area of approximately 2 hectares that is almost rectangular. The land is undeveloped, covered in scrub, grass and mature deciduous trees some of which are the subject of tree preservation orders. It is relatively steep dropping approximately 27 metres from the highest part to the lowest. On three sides it is adjacent to existing residential development, on the remaining boundary is open countryside in a mixture of trees and scrub. This application site is virtually the same area as that which was granted outline residential consent in 2007.

Development: Use: Outline consent is sought for residential development.

The amount of development proposed is 57 dwellings.

Indicative layout: Y shaped road with a main area of open space to the east.

Indicative access points: Main vehicular and pedestrian access is shown at mid frontage onto Old Pant Road. Two additional pedestrian access routes are indicated at Ellesmere Court onto the public footpath and the other onto a public right of way that abuts the northern corner.

Application 12/0578/OUT Continued

Dimensions: The 57 buildings comprised of the following indicative mix:
20 Semi-detached, 12 Terraced properties within groups of three,
20 Terraced properties within groups of four, 5 Terraced properties within a group of five.

There are seven house types, 51 are split level 2/3 storey, the remainder are two storey. All are shown with either drives or parking spaces nearby, some have integral garages. All the dwellings have footprints (excluding conservatories) that range from 4.44m to 5.32m wide, 7.74m to 10.02m deep and 8.67m to 11.13m high.

Materials: To be approved.

Ancillary development, e.g. parking: Three areas of public open space.

PLANNING HISTORY

08/0207/FULL - Erect 18 apartments and 42 houses - Refused 04.03.10.

07/1223/TPO - Carry out tree works - Application Withdrawn.

P/06/0414 - Erect residential development - Granted 12.07.07.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Allocated residential (HG1.42) and within settlement boundary.

Policies: CW2 (Amenity). CW10 (Leisure and Open Space) and CW11 (Affordable Housing).

NATIONAL POLICY

Planning Policy Wales.

Interim Planning Policy Statement 01/2009 (Sustainable Buildings).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? - No.

Application 12/0578/OUT Continued

COAL MINING LEGACY

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

CONSULTATION

CCBC - Mr Bleddyn Hopkins - A contribution to education of £34,912 is sought for the Welsh Medium School Cwm Gwyddon.

Head Of Public Protection - No objections subject to conditions concerning importation of soil and dust mitigation.

CCBC Housing Enabling Officer - A contribution of 10% affordable housing is sought.

Senior Engineer (Land Drainage) - A condition requiring the agreement of the details of drainage is recommended and drainage advice is given.

Outdoor Leisure Development Officer - A requirement for on site public open space (POS) is recommended. Within the POS an equipped play area is required or a contribution to off site equipment is sought. A contribution to off site sports provision is required at £800 per dwelling.

Head Of Public Services - Advice is provided regarding the kerbside collection of waste and recycling.

Transportation Engineering Manager - No objection subject to conditions requiring vision splays at the entrance and the referral to reserved matters of some details relating to road widths. A contribution of £20,000.00 is sought towards the improvement of the highway at the Hafodyrynys Road signalised junction. Advice is provided regarding parking standards to be applied at reserved matters.

Dwr Cymru - No objection is raised. Advice is provided regarding drainage and forthcoming legislation.

Police Architectural Liaison Officer - No objection is raised and advice is provided regarding security design.

Countryside And Landscape Services - Previously recommended conditions are applied.

Application 12/0578/OUT Continued

ADVERTISEMENT

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

Response: One letter has been received.

Summary of observations:

- The proposal will result in an unacceptable loss of wildlife habitat and trees.
- There is already a surfeit of rental properties available in the locality.
- There is insufficient space in the local schools.
- Children's local play facilities are inadequate.
- Only limited general medical practitioner services are available.
- Policing is inadequate with existing issues of illegal motor biking and drug crime.
- There is no employment in the area.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? - No.

ANALYSIS

Policies: The application site is allocated for residential use (HG1.42) and within settlement boundary. It is thus in accordance with the development plan that is required by Planning Policy Wales to identify a supply of housing land as an integral part of a settlement strategy. The principle of residential development is therefore accepted. (It should be noted that whilst the previous application for the residential development of this land was refused, this was not an in principal refusal, it was due to the failure of the applicant to complete a Section 106 Agreement).

Application 12/0578/OUT Continued

Policy CW2 requires that all development should have regard to the impact upon the amenity of adjacent properties. The submitted layout provided illustrates that the dwellings can be accommodated within the site with adequate privacy distances and separation from the existing dwellings. Policy CW2 requires that proposals should not result in overdevelopment. At 27.5 dwellings per hectare the density of the development is not overdevelopment. Policy CW2 also requires that uses should be compatible with surrounding land uses. In this case the predominantly residential surrounding land use is compatible, the development is therefore considered to be in accordance with Policy CW2.

Policy CW10 (Leisure and Open Space) requires: A. well designed open space (on site), B. children's play facilities (on or off site) and C. adequate sport provision (on or off site). The submitted layout identifies one large area of open space, a small area and a smaller incidental area. The large area enjoys adequate surveillance, however it is considered that 3 plots that have side elevations adjoining the space that would benefit from a revision of the house types and attention to landscaping and boundary treatment to ensure both improved surveillance and the amenity of those dwellings. Similar revisions should be required with regard to the dwellings that are also side-on to the smaller areas of open space. The large area of open space is not level but it is large enough to provide for on-site children's play facilities that may be required by condition. The larger area because of its gradient does not lend itself to on site sport provision. A contribution for off-site provision has been recommended by Leisure. Discussion with the applicant has identified the possibility of direct provision of an off-site facility in the locality. This could for example take the form of a BMX course constructed by the developer on nearby land and it would be provided as an alternative to a financial contribution. The Section 106 Agreement that is necessary to secure the sport contribution may therefore allow for off-site works to be provided as an alternative to a financial contribution. The exact details would have to be considered separately at a later stage. Subject to these requirements the development is considered to be in accordance with CW10.

CW11 (Affordable Housing) a provision of 10% is recommended by the Housing Enabling Officer and may be required by 106 Agreement.

Trees within and adjacent to the site are protected by Preservation Orders. They are taken into account in the design of the development, and appropriate conditions are recommended.

NATIONAL POLICY

Planning Policy Wales also discusses the need to provide an element of affordable housing.

Comments from Consultees: Education seek a contribution of £34,912 for the increase in capacity of the Welsh Medium School Cwm Gwyddon, this may be secured by a Section 106 Agreement.

Housing Enabling Officer seeks a contribution of 10% affordable housing that may also be secured by a Section 106 Agreement.

Senior Engineer (Land Drainage) recommend a condition requiring the Agreement of the details of drainage and drainage advice is given that should be passed on to the applicant.

Outdoor Leisure Development explain the requirement for on site public open space (POS) and that within it an equipped play area is required to be provided or a contribution to off site equipment could be sought. Given the adequacy of the POS it is considered that the play facilities should be provided within it where they will be of more immediate benefit to the future residents. A contribution to off site sports provision is required at £800 per dwelling, this may be secured by a Section 106 Agreement.

Head of Public Services advises that a kerbside collection of waste operates in the area. The indicative layout includes private drives thus a condition should be imposed to require that adequate provision for waste storage is made adjacent to the adoptable highway.

Transportation Engineering Manager raises no objection subject to conditions requiring vision splays at the entrance and the referral to reserved matters of some details relating to road widths. A contribution of £20,000.00 is sought towards the improvement of the highway at the Hafodyrynys Road signalised junction. Advice is provided regarding parking standards to be applied at reserved matters.

Dwr Cymru raises no objection is raised and advice is provided regarding drainage and forthcoming legislation.

Police Architectural Liaison Officer raises no objection and advice is provided regarding security design.

(Previous conditions attached to the report 08/0207/FULL that remain relevant are re-imposed, including those previously recommended by Countryside).

Application 12/0578/OUT Continued

Comments from public:

- It is suggested that the proposal will result unacceptable loss of wildlife habitat and trees. Most trees are retained within the indicative layout and the Council's Ecologist has recommended appropriate mitigation.
- The assertion that there is already a surfeit of rental properties available in the locality whether correct or not, is not relevant to the predominantly open market element of the development on an allocated housing site. The Housing Enabling officer does not share the view that the area is saturated with rental accommodation and requires a 10% element of affordable housing.
- The concern that there is insufficient space in the local schools, is addressed by Education and a contribution is sought for expansion of the Welsh Medium School Cwm Gwyddon.
- The suggestion that children's local play facilities are inadequate involves a consideration that has been made by Leisure Services who have concluded that adequate provision can be constructed within the site to accommodate for the needs of the residents.
- The suggestion that only limited general medical practitioner services are available in the locality (correct or not) is a matter that must be addressed outside the planning system as the site is sustainably within the settlement (within which health service capacity should be planned for by the relevant body).
- The suggestion that Policing is inadequate with existing issues of illegal motor biking and drug crime, does not directly address the character and impact of the proposed development. That is to say crime and disorder are a material consideration with regard to proposed development where its form and design would unacceptably impact upon it. The proposed layout incorporates adequate surveillance in the public areas and is otherwise comprised of relatively conventional residential layouts that should not exacerbate crime.
- The suggestion that there is no employment in the area (correct or not) is not a material planning consideration with regard to development that is sustainably sited within the settlement boundary affording its residents access to services, transport links to work etc.

Other material considerations: It is a current requirement of applications for outline planning permission that the upper and lower dimensions of the proposed dwellings be provided. In this instance details of the exact sizes of the dwellings have been provided. These may be treated as the upper sizes (smaller sizes should not present adverse issues if proposed at reserved matters) as only they have been considered and a condition should be imposed to that effect.

Application 12/0578/OUT Continued

RECOMMENDATION: That (A) this application be DEFERRED to enable the completion of a Section 106 Agreement that will require:

1. The payment of an education contribution to the sum of £34,912.00 to the improvement of the capacity of Welsh Medium School Cwm Gwyddon.
2. The payment of a highway contribution to the sum of £20,000.00 to the improvement of the of the signalised traffic junction at the Hafodyrynys Road Crumlin.
3. The payment of an off-site sport contribution to the sum of £45,600.00 to the improvement of local sport provision or such other equivalent works in lieu as may be agreed in writing by the Local Planning Authority.
4. The provision of 10% affordable housing.
All the above to be paid or agreed prior to the commencement of development and index linked as appropriate.

A planning obligation must comply with the following three tests as set out in the Community Infrastructure Levy Regulations 2010:

- a. Necessary to make the development acceptable in planning terms
- b. Directly related to the development; and
- c. Fairly and reasonably related in scale and kind to the development

With regard to the 1. an education contribution is:

- a. Necessary to ensure that adequate capacity is available to meet the needs of the proposed development.
- b. It is related to the improvement of a catchment school that will require increased capacity.
- c. It is calculated in relation to the scale (of children) of the proposed development.

With regard to the 2. a highway contribution is:

- a. Necessary to ensure that adequate signalised capacity is available to meet the additional traffic needs of the proposed development.
- b. It is related to the improvement of a signalised junction upon which additional capacity would be imposed.
- d. It is calculated in relation to the scale of the proposed development.

Application 12/0578/OUT Continued

With regard to the 3. an off-site sports contribution is:

- a. Necessary to ensure that adequate local sports provision is available to meet the needs of the proposed development.
- b. It is related to the improvement of a local facility upon which additional capacity would be imposed.
- c. It is calculated in relation to the scale (number of dwellings) of the proposed development.

With regard to the 4. an affordable housing contribution is:

- a. Necessary to ensure that adequate affordable housing is available to meet the requirements of the Adopted Caerphilly County Borough Local Development Plan up to 2021.
- b. It is related to the on-site provision of affordable housing.
- c. It is calculated in relation to the scale of the proposed development and the affordable housing need of the locality.

That (B) upon completion of the Agreement, permission be GRANTED

- 01) Approval of the details of appearance, landscaping, layout and 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) 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.
- 03) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, 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.

Application 12/0578/OUT Continued

- 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) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 06) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 07) The plans and particulars of the reserved matters referred to in condition 1 above shall include details of refuse, recycling, food and green waste collection provision to enable a kerbside collection.
REASON: A kerbside collection system from adoptable highway is provided within the County Borough.
- 08) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water 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.

Application 12/0578/OUT Continued

- 09) The reserved matters required by condition 1 above shall include the layout and construction details of both the pedestrian links through the public open spaces from adjacent to plot 12 to Ellesmere Court and from adjacent to plot 27 to the public right of way at the northern boundary (PROW145) and those details shall seek to accommodate the arboricultural protection of the trees within the areas in question. The links shall be completed in accordance with the approved details prior to the occupation of any dwelling hereby approved, unless otherwise agreed in writing with the Local Planning Authority.
REASON: To ensure safe and adequate pedestrian routes and to ensure arboricultural protection to retained trees.
- 10) Before any soils or hardcore are brought on to site a scheme for its 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.
- 11) The upper size limit of the dwellings hereby approved is taken to be the dimensions indicated in the submitted plans hereby approved
REASON: For the avoidance of doubt.
- 12) The reserved matters shall include revised details referred to in condition 1 above shall include revise details of both the dwellings on plots Nos 57, 39, 28, 27, 12 & 11 and the landscaping within the open space adjacent to those plots. Those revised details shall include design of the dwellings and landscaping to address both the surveillance of the areas of open space and the protection of the amenity of the occupants.
REASON: To ensure both the adequate surveillance of the public open space and to set out landscaping that adequately demarks its boundary with the private space of the dwellings.
- 13) The reserved matters required by condition 1 above shall include the layout and construction details of children's play facilities within the area of public open space to the northern section of the site. The details shall take account of the protected retained trees and include a management plan for the play facilities. The approved children's play facilities shall be completed in accordance with the approved details prior to the occupation of 50% of dwellings hereby approved, and shall thereafter be maintained in accordance with the management plan, unless otherwise agreed in writing with the Local Planning Authority.
REASON: To ensure adequate children's play facilities and to ensure arboricultural protection to retained trees.

Application 12/0578/OUT Continued

- 14) 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.

- 15) Prior to the commencement of the development hereby approved a scheme of phasing for the completion of the landscaping of the public open space shown on the plans hereby approved shall be submitted to and agreed in writing with the Local Planning Authority. That scheme shall include phased completion of the public open space to commence no later than before the occupation of 50% of the dwellings and completion of all landscaping no later than 12 months from the date when any of the buildings hereby approved are first used for the purpose of a dwellinghouse, and unless otherwise agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the agreed scheme of phasing.
REASON: To ensure the timely provision of the amenity land.

- 16) 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.

Application 12/0578/OUT Continued

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.

- 17) The plans and particulars submitted in accordance with Condition 1) shall include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 5.2.2 of BS5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.
 - b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
 - c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
 - d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.
 - e) the details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
 - f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.

Application 12/0578/OUT Continued

- g) No 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. In this condition a "retained tree" means an existing tree that is to be retained in accordance with the plan referred to at paragraph (a) above.

REASON: To safeguard the vegetation that is considered to be worthy of retention in the interests of visual amenity of the area.

- 18) Any tree to be removed in association with the development hereby approved shall be felled only in the month of October unless otherwise agreed in writing with the Local Planning Authority.
REASON: To safeguard the habitat of bats which are a protected species.
- 19) Prior to the commencement of any works associated with the development hereby approved, a plan showing details and locations of bat boxes in the trees to be retained, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed in accordance with the agreed details.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.
- 20) The proposed vehicular driveways shall have a minimum length of 5.5 metres and a maximum gradient not exceeding 12.5% (1 in 8). The driveways shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority, shall be completed prior to occupation of the development hereby approved and maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety.
- 21) All street and security lighting shall be fitted and maintained with downward projecting lighting units.
REASON: To prevent light pollution and in the interest of foraging bats which are a protected species.
- 22) Prior to the commencement of the development a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:
- (i) control of noise
 - (ii) control of dust, smell and other effluvia

- (iii) control of surface water run off
- (iv) site security arrangements including hoardings
- (v) construction and demolition working hours
- (vi) a method statement that includes details of the sequence of site operations and how flooding and nuisance can be allayed.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

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

- 23) Prior to the commencement of the development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The development shall be carried out in accordance with the agreed schedule.
REASON: To ensure that the landscaping is maintained in the interests of the visual amenity of the area.

- 24) The proposed means of access onto Old Pant Road shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4m x 45m. No obstruction or planting when mature exceeding 0.9m in height above the adjacent footway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interest of highway safety of vehicles entering and leaving.

- 25) The development hereby approved shall not extend to the carriageway widths or the turning head dimensions indicated on drawing no 12081-103A, the precise dimensions of which shall be reserved for the subsequent approval of the Local Planning Authority.
REASON: The dimension will be required to be improved to meet adequate standards for vehicles turning and passing within the carriageway.

Advisory Note(s)

Please find attached the comments of Police Architectural Liaison Officer, Head of Public Services, Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and Transportation Engineering Manager that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW10 and CW11.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0581/RET 26.07.2012	HALO Developments Ltd Mr P Angell High Street Blackwood NP12 1BA	Restore and refurbish existing buildings, including the demolition of the existing canopy, the retention of works undertaken to date and the continuation of established uses, including a retail shop unit, vehicle repairs and maintenance, storage and new toilet facilities Park Service Station Bedwellty Road Cefn Fforest Blackwood NP12 3HA

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: Park Garage Service Station is on the western side of Bedwellty Road, opposite the junction with Greenwood Road, at Cefn Fforest.

Site description: The site is the location of a former petrol filling station and shop that has also included some car repair and car sales uses. The site has been refurbished in the manner described below. Residential detached dwellings are located to the south of the site and semi-detached dwellings are located opposite the site. Allotments and playing fields are located to the rear (west) of the site, and Public Footpath No. 57 abuts the northern boundary of the site beyond which is open land.

The existing shop has been refurbished and clad with corrugated metal sheeting. The accommodation includes a shop and store, with a separate office/storeroom. To the rear of the shop, storage and vehicle maintenance facilities have been largely rebuilt with a higher roof and finished in corrugated metal sheeting with bare blockwork at the rear facing the allotments. There are three vehicle service doors in the southern elevation facing in towards the site. A separate building has been erected in the southwest corner of the site, which provides two lock-up units, and four toilets, including one for people with a disability. The building is

finished in metal cladding and bare blockwork. The site is enclosed with a metal security fence and gate.

Development: Full planning permission is sought in respect of the restoration and refurbishment of existing buildings, including the retention of works undertaken to date and the continuation of established uses, to include a retail shop unit, vehicle repairs and maintenance, storage and new toilet facilities. The development also includes the demolition of an existing canopy.

The buildings to be retained on site are identified as: -

- Unit A - Retail
- Unit B - Ancillary storage and office
- Unit C - Ancillary Storage
- Unit D - Vehicle maintenance/repairs
- Unit E - Lock up unit and toilet block.

The works proposed include: -

- the demolition of the southern most lockup garage;
- removal of security fencing and gates along the frontage;
- parking areas defined (to include 5 customer parking spaces along the front and 6 parking spaces along the southern boundary and one parking space for a delivery vehicle at the front of the site adjacent to the northern boundary);
- provision of new landscaping alongside the northern site boundary;
- removal of metal cladding from all elevations of Units A, B, C and D and new rendering/finish to be agreed with the Local Planning Authority;
- removal of metal cladding from retained section of Unit E and rendering/finish to be agreed with Local Planning Authority;
- the replacement of the roller shutter door in Unit C with a personnel door.
- demolition of the existing petrol canopy and pump islands.
- the proposal includes a security roller shutter to the shop window and door but no details have been provided.

The uses to be removed from the site include the car wash operation (which has already ceased) and car sales.

Application 12/0581/RET Continued

In addition to the physical changes, and following discussions with the Local Planning Authority the applicant proposes the following limitations: -

- to limit the operation of Unit D to vehicle repairs/maintenance and to the hours of 0800-1800 Monday to Friday; and 0800 - 1300 Saturday and no opening on Sunday;
- limiting the use of Unit C to storage/purposes ancillary to Units A or D and to exclude vehicle repairs/maintenance;
- limiting the operation of the lock up garage (Unit E) to private storage only i.e. not for commercial purposes and not for any operation other than storage;
- no deliveries to Units C, D or E to be undertaken by articulated vehicles;
- no external storage associated with any of the uses.

The application included a Noise Impact Assessment of daytime operations of the tyre depot in Unit A prepared by Hunter Acoustics Ltd, which indicated that tyre depot noise levels are not indicated to be significant.

Dimensions: The site has an area of 0.1 hectares. The main building accommodating the shop, store, office, and vehicles maintenance has a footprint with maximum dimensions of 20.8m by 13.2m by 4m high. The lock-up building, which includes the toilets has a footprint with maximum dimensions of 7.4m by 6.5m by 2.9m high.

Materials: Walls - render finish to be agreed with the Local Planning Authority, roof - profiled metal panels; white upvc windows and doors with metal roller shutters to units D and E.

PLANNING HISTORY

2/11840 - Erection of a free standing forecourt canopy over existing pump island, for customer weather protection and better lighting for improved sight safety - Granted 03.06.94.

P/98/0933 - Change of use to minibus operating centre, workshop and stores, in respect of PSV vehicles - Refused 17.02.99.

09/0022/FULL- Decommission existing petrol tanks, with complete removal of all petrol pumps and overhead canopy, demolish existing convenience store and re-develop site to provide a new larger store with ancillary car parking - Granted 08.06.09.

Application 12/0581/RET Continued

11/0244/FULL - Restore and refurbish existing buildings, including the retention of works undertaken to date and the continuation of established uses, including a retail shop unit, vehicle repairs and maintenance, car sales and vehicle washing facilities and construct new toilet facilities - Appeal for non-determination - Appeal Dismissed.

12/0381/RET - Retain the restoration and refurbishment of existing buildings including the retention of works undertaken to date and the continuation of established uses, to include a retail shop unit, vehicle repairs and maintenance, car sales, storage and new toilet facilities; demolish existing canopy - Refused 21.06.12.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement envelope. The land immediately to the west of the site is within a green wedge as identified by Policy SI1.6 in the Caerphilly County Borough Council Local Development Plan upto 2021 - Adopted November 2010.

Policies: The following policies are of relevance to the determination of this application.

Strategic Policies

Policy SP2 - Development Strategy - Development in the Northern Connections Corridor and Policy SP21 - Parking Standards.

Countywide Policies

CW2 Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

- A There is no unacceptable impact on the amenity of adjacent properties or land
- B The proposal would not result in over-development of the site and/or its surroundings
- C The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use
- D Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

Application 12/0581/RET Continued

CW3 Development proposals must satisfy the following highways requirements:

- A The proposal has regard for the safe, effective, and efficient use of the transportation network
- B The proposal ensures that new access roads within development proposals are designed to a standard that:
 - i Promotes the interests of pedestrians, cyclists and public transport before that of the private car, and
 - ii Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve
- C Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008
- D Where access onto a highway is required the proposal takes account of the restrictions relevant to the class of road as designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity.

CW15 Development proposals will be considered against the following criteria, where they apply:

- A Development proposals will not be permitted if they prejudice the implementation of wider comprehensive redevelopment or constrain the development of any adjacent site for its allocated land-use
- B Within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located, and
- C Outside settlement boundaries proposals will not be permitted unless the proposed development is either:
 - i Associated with either agriculture, forestry or the winning and working of minerals or
 - ii For the conversion, rehabilitation or replacement of rural buildings and dwellings, or
 - iii For recreation, leisure and tourism proposals that are suitable in a countryside location or
 - iv Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere or
 - v Associated with the reclamation / treatment of derelict or contaminated land.

Application 12/0581/RET Continued

NATIONAL POLICY Planning Policy Wales (2011), 4th Edition, February 2011, (PPW)

Paragraph 7.6.1 states:

"In determining planning applications for industrial and commercial uses, Local Planning Authorities should have regard to:

- the impact of the development on the environment and local amenity (in terms of, for example, its scale and design, use of materials and natural resources, impact on landscape and wildlife, and its contribution to the generation of traffic and waste, noise and odour, emissions to air, water and soil, and its impacts on community safety and health);
- ways to avoid, mitigate or compensate for negative environmental impacts, including the impacts of climate change;
- accessibility by a range of different transport modes;
- the possible need for, and scale of, transport and other infrastructure changes required to enable development to occur;
- proximity to, and compatibility (in terms of nature and scale) with, residential areas;
- compatibility with existing industrial and commercial activities;
- whether the intensification of industrial/commercial use is appropriate; and
- opportunities to encourage developments involving co-location deploying waste stream technology or practices, innovative business or technology clusters, sustainable energy and developments in social economy."

It continues at paragraph 7.6.2:

"Where applications are considered for business development in primarily residential areas particular care should be taken to safeguard residential amenity, especially where there is potential for noise and/or traffic disturbance. Planning conditions may be used to control, for example, times of operation in order to protect amenity."

Paragraph 8.7.1 states:

"When determining a planning application for development that has transport implications, Local Planning Authorities should take into account:

- the impacts of the proposed development on travel demand;
- -the level and nature of public transport provision;
- accessibility by a range of different transport modes;

Application 12/0581/RET Continued

- the willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
- the environmental impact of both transport infrastructure and the traffic generated¹⁸ (with a particular emphasis on minimising the causes of climate change associated with transport); and
- the effects on the safety and convenience of other users of the transport network."

With regard to noise, the document states at paragraph 13.5.1 that:

"Noise can be a material planning consideration, for example in proposals to use or develop land near an existing source of noise or where a proposed new development is likely to generate noise. Local Planning Authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer."

Technical Advice Note (TAN) 11 - Noise gives further guidance on that matter, whilst TAN 12 considers matters of design and states at paragraph 2.6:

"Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities."

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? No.

Application 12/0581/RET Continued

CONSULTATION

Head Of Public Protection - Has no objection but requires a condition is attached to any consent in respect of hours of operation in respect of the vehicle repair Unit D.

Dwr Cymru - Confirms that the site is crossed by a public sewer and that both foul water and surface water discharges from the site must be drained separately and that land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system. It provides advice to be conveyed to the developer.

Transportation Engineering Manager - No objection subject to conditions being attached to any consent requiring visibility splays, parking provision, and the provision of turning facilities and safe pedestrian routes within the site. He also requests a condition restricting the size of delivery vehicles to the site.

Countryside And Landscape Services - Provide a bat and bird advisory note to be conveyed to the developer.

Minerals Officer - The site is within the sandstone resource identified in the adopted LDP but it is within settlement limits and therefore not part of the safeguarded resource. The site is also previously developed land so there is no objection on mineral safeguarding grounds.

Environment Agency (Wales) - No comments.

ADVERTISEMENT

Extent of advertisement: The application was advertised by consulting eleven neighbouring properties, and posting a notice near the site.

Response: Two.

Application 12/0581/RET Continued

Summary of observations:

- litter problem and lack of litter bin
- -noise
- storage of tyres in close proximity to residential houses
- size of delivery vehicles
- hours of opening of the shop
- close proximity of detached building to neighbouring dwelling
- smell from toilets
- drinking alcohol in close proximity to residential properties
- drunks outside neighbouring property
- welcomes removal of petrol canopy
- questions when fence is to be moved back and large sign removed.

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? The development and uses in themselves do not raise any concerns in this respect, but should permission be granted, the applicant would be advised to contact the Police to discuss Secure by Design principles for incorporation into the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

ANALYSIS

Policies: In terms of the policies quoted above, the following are the main issues that require further consideration: the effect of the development on the character and appearance of the area, the effect of the proposal on the living conditions of nearby residents, and the adequacy of the development in highway terms. Before considering those issues in some detail the planning history of the site should be set out. The use of this site as a petrol filling station existed from at least 1968, when the installation of two self-service petrol pumps was granted planning approval (Ref: 2053) by the then Monmouthshire County Council. A conditional consent granted in 1971 approved the layout of part of the existing petrol filling station and garage for the sale of cars (Ref: 2416). A further conditional consent for the sale of cars (restricted to 12 in total) and service station was granted in 1984. The erection of a freestanding forecourt canopy over existing pump island was granted in 1994 (Ref: 2/11840).

Application 12/0581/RET Continued

An approval for the 'Decommissioning' of the existing tanks, with complete removal of all petrol pumps and overhead canopy, demolish existing convenience store and re-develop site to provide a new larger store with ancillary car parking' was granted in June 2009 (Ref: 09/0022), but was not implemented. Consequently in planning terms the primary use of the site at that time was considered to be a petrol filling station with ancillary shop, vehicle repairs and car sales i.e. a mixed use, amounting to a sui generis use in planning terms. However, Park Service Station ceased to be licensed for the storage of petroleum spirit on 31st December 2008. On or around that time the tanks were temporarily decommissioned with a water seal. The petrol pumps have also been removed, and the site has not operated as a petrol filling station since that time, notwithstanding that the shop use, car sales and vehicle repairs may have continued. The premises were confirmed unoccupied by this Council's Business Rates Officer in May 2010. In March 2011, the 4 underground petrol tanks at the site were filled with foam. This is an approved method of rendering underground fuel tanks, which are to remain in situ, permanently safe.

In 2011 it came to the Council's attention that unauthorised development was being carried out at the site including the refurbishment of existing buildings, the erection of new buildings and fencing, and an unauthorised car wash. An application to retain that development was submitted in March 2011 (ref. 11/0244) but the applicants appealed to The Planning Inspectorate against non-determination because the Council failed to make a decision within eight weeks of receipt of the proposal. The Council advised the Inspectorate that if it had been in a position to make a decision it would have refused planning permission for the following reasons:

- 01) The Design and Access Statement, which accompanies the planning application does not address movement to, from and within the site; fails to demonstrate the policy or approach adopted in relation to both design and access; and also fails to sufficiently demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account.
- 02) The applicant has failed to provide details of the proposed parking and servicing provision (both operational and non-operational) for each of the uses at the site. In the absence of adequate off street parking facilities and loading/servicing facilities the development would generate on street parking to the detriment of highway safety in conflict with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and National Planning Guidance.

Application 12/0581/RET Continued

- 03) The existing access points lack adequate visibility for vehicles emerging from the site, as a result of the recently erected fences, which will create hazards to the detriment of highway safety and in conflict with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and National Planning Guidance.
- 04) The applicant has failed to provide safe pedestrian routes within the site, which segregates pedestrian users from vehicles. Given the intensification of the mixed use of the site, the proposed development will give rise to conflict between pedestrians and vehicles to the detriment of highway safety in conflict with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and National Planning Guidance.
- 05) It is considered that a material change in the use of the site has occurred which will result in an increase in activity on such a scale and of such a nature as to affect the amenity of the occupiers of neighbouring residential properties by reason of noise and disturbance arising from the normal operation of a car wash and valeting service and vehicle repair/maintenance garage contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and National Planning Guidance.
- 06) The proposed development does not achieve a high standard of design by the use of inappropriate external materials in the finishes of the buildings and the erection of a 2m high mesh fencing boundary treatment. The development fails to enhance the character and quality of the area and is unsympathetic to the setting of the development located in a prominent position on the edge of a settlement and adjacent to the Aberbargoed, Cefn Fforest and Pengam Green Wedge in conflict with Policy SP6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 together with National Planning Guidance.

Application 12/0581/RET Continued

The appeal was subsequently dismissed, and the inspector made the following comments:

"15. The combination of design, materials and height is unsympathetic to, and inconsistent with, the character of the immediate area. Similarly, the current colour scheme further emphasises the metal panels, giving them the appearance of an industrial area. Notwithstanding this, I also consider that because of the design, scale and materials of the development, changing the colour scheme would not present any significant benefits or reduce the amount of harm. Overall it presents a prominent and inconsistent element that is significantly out of character with the area. It also has a harmful impact on the setting of the adjacent Green Wedge for the same reasons.

16. I acknowledge that the existing buildings broadly follow the footprint of the previous buildings. Even so, photographic evidence shows that they differ significantly in mass, scale and outward appearance. Similarly, and for the same reasons, the existing development also has a significantly more harmful appearance than the fall back position.

17. Other activity, such as the tyre bay, is located towards the back of the site but would introduce additional noise and disturbance. The sudden, impulsive quality of these types of noises and the irregularity of their occurrence would increase their impact.

18. The properties across the road from the appeal site and to the south are in close proximity to these sources of noise and disturbance. In the absence of an assessment of the noise levels from the site or likely mitigation measures I conclude that the living conditions of the residents of these properties are likely to be harmed by noise and disturbance as a result of this proximity. Because of the nature and intensification of this activity and the hiatus between previous uses and the current uses it is also likely that these are perceived as new sources of noise and disturbance, thus increasing their impact further. The fall back position would not include for such harmful activity, or of noise and disturbance to the same degree.

19. For these reasons I consider that the proposal conflicts with Policy CW3 of the Caerphilly County Borough Local Development Plan (LDP) and National Guidance contained within Planning Policy Wales, Technical Advice Note 11 - Noise, and Technical Advice Note 12 - Design.

Application 12/0581/RET Continued

20. The metal fence does compromise visibility at the site access. However I consider that if this fencing on the site boundary closest to the road were set back then adequate visibility could be attained. This could be achieved through the imposition of a condition.

21. There is a lack of demarcation between parking circulation spaces and pedestrian zones within the site. However, bearing in mind that vehicle speeds are necessarily going to be relatively low and that visibility across the site is reasonably good I consider that this would not lead to significant conflict so as to harm road safety. Similarly whilst the provision of parking spaces is lower than the development plan would suggest was adequate, there are opportunities for parking nearby. During my visit the surrounding streets seem to have additional capacity for on street parking and there is informal parking to the north of the site. I acknowledge that my visit was for a short time only but I observed the area at two different times of the day and I have no reason to suppose that this wasn't typical of the area at other times. Consequently, I consider that the proposal would not give rise to significant risk to road safety contrary to LDP Policy CW3. This does not undermine my previous conclusions."

Following the receipt of the decision Officers sought to negotiate a solution with the applicants and suggested the following changes in order to make the scheme more acceptable on the basis of their concerns and those expressed by the Inspector:

- the removal of the two lock up garages to enable the proper operation of the site in respect of the vehicle repair use, car sales and shop use to meet highway concerns, and in interests of the amenity of the neighbours from noise and visual amenity points of view
- the number of vehicular accesses into the maintenance unit should be reduced to one roller shutter door with additional personnel doors as required to mitigate the noise nuisance that is likely to occur from the use of equipment associated with the tyre fitting operation and in turn limit the extent of the open side use of this area of the site
- the rendering of the main building and the introduction of landscaping along the northern boundary.

Application 12/0581/RET Continued

A subsequent planning application, reference 12/0381 was submitted, which addressed some of the concerns raised above but not all. The application was to retain the restoration and refurbishment of existing buildings including the retention of works undertaken to date and the continuation of established uses, to include a retail shop unit, vehicle repairs and maintenance, car sales, storage and new toilet facilities and demolish existing canopy. This application was refused in June of this year. The reasons for refusal were: -

- 01) The parking standards are set out in the Local Planning Authority's Adopted Supplementary Planning Guidance entitled LDP5 - Car Parking Standards. The proposed parking provision is inadequate in that an insufficient number is provided for the vehicle maintenance facility, none are provided for the lock-up units, and the layout of the site as proposed could cause congestion on-and off-site particularly when deliveries are made to the site or when a car transporter associated with the car sales visits the premises. Furthermore, there is no clearly defined manoeuvring and turning area, or pedestrian walkways. In the absence of adequate off-street parking and turning facilities, the development would generate on-street parking, and congestion on site and in the highway, to the detriment of highway safety in conflict with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 02) The combination and scale of activities at the site - shop, car sales, vehicle maintenance and lock-up units - will have a detrimental effect on the amenity of the occupiers of neighbouring residential properties by reason of noise and disturbance contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and National Policy set out in Planning Policy Wales (2011).
- 03) The proposed development would be detrimental to the visual amenity of the area because of its design, scale and materials and would therefore be contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and national policy set out in Planning Policy Wales (2011) and Technical Advice Note 12 Design.

Application 12/0581/RET Continued

- 04) The proximity of the lock-up building to the neighbouring residential property would be detrimental to the residential amenity of the occupiers of that dwelling because of its scale, design and materials and would therefore be contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Further discussions ensued with the developer regarding the breach of planning control that exists in relation to the site and this has resulted in the submission of a further amended scheme, the subject of this application. The proposed scheme aims to address the above reasons for refusal by reducing the number of uses on the site, and in terms of the improvement of the visual appearance of the site and the buildings thereon.

In terms of the use of the site objections have been raised regarding the intensification of the use of the site and the associated level of activity. However, it should be noted that the car wash facility has ceased and is not intended to recommence and as such does not form part of this proposal. In addition the current proposal does not include a car sales use and also one of the two lock up garages located in the detached building at the back of the site is proposed to be demolished. The uses proposed therefore comprise a shop, a small office/storage room, vehicle maintenance/repairs garage, and ancillary storage, in the main building and a private lock-up unit with attached toilet block (to serve the site) in the detached building. It is considered that the proposed uses on the site are at a scale commensurate with the uses that occurred historically on the site when it operated as a village petrol filling station with ancillary shop and vehicle repair garage. Consequently, subject to the imposition of appropriate conditions to control the use of the site, it is considered the proposed uses are acceptable in planning terms. In this respect conditions limiting the hours of operation of Unit D (vehicle maintenance/repairs), limiting the use of Unit C to storage purposes ancillary to Units A (shop) or Unit D (vehicle maintenance/repairs) and limiting the use of Unit E to private storage only to exclude vehicle maintenance/repairs or any other commercial use are appropriate. It is also considered appropriate to attach a condition to any consent preventing any deliveries to the site to be undertaken by articulated lorries and also preventing any outside storage.

Application 12/0581/RET Continued

Objections have been raised regarding the industrial appearance of the site. In terms of the impact of the development on the character and appearance of the area and the objections raised, it is considered that the removal of the canopy and the central pump island, the removal of cladding from the buildings to be replaced with a render finish, the removal of one of the lock-up garages in the detached building, the setting back of the fence, and the proposed landscaping of the site along its northern boundary are welcomed and will give the site, a more domestic scale and appearance in comparison to the industrial, utilitarian appearance which now exists. The demolition of one of the lock up garages in the detached building will also improve the visual amenity for occupiers of neighbouring residential properties and the surrounding area. However, it is considered appropriate to attach a condition to any consent requiring these remedial works to be carried out and completed within 4 months of the date of any consent or in the case of the landscaping within the next appropriate planting season.

Objections have been raised regarding noise nuisance and in this respect it is noted that the car wash facility, which, generally has the potential to result in noise nuisance has ceased. In addition, the roller shutter door to Unit C is to be replaced with a personnel door and the unit used for storage only. Also, one of the lock-up garages in the detached building is to be demolished leaving only one lock-up with roller shutter door, for private storage use only. Consequently, these proposals limit the scale of activity in relation to the commercial use of the site, on a scale similar to that of the historic use of the site as a village petrol filling station with ancillary uses. This Council's Environmental Health Officer has considered the Noise Assessment Report submitted in respect of the operation of the tyre fitting business in Unit D on the site. He has raised no objection to the development subject to conditions being attached to any consent limiting the hours of operation in respect of Unit D and that there shall be no working outside of the unit. He also requires that any consent may be conditioned that Unit E be used for private storage only in order to ensure the amenity of the occupiers of the neighbouring residential properties is not adversely affected by any other type of commercial or industrial use.

In terms of highway considerations this Council's Highways Engineer has raised no objection to the revised scheme subject to conditions being attached to any consent, which address visibility splays, parking provision, provision of safe pedestrian routes within the site together with vehicular turning facilities. He also requests a condition limiting the size of any delivery vehicles to a transit type van or rigid trailer vehicles (FTA Design LG Rigid Vehicle) not exceeding 10.5m in length. It should be noted that the proposed scheme includes the repositioning of the front boundary fence to be relocated in line with the building line of the main building on the site, which will aid the requirement to provide visibility splays.

Application 12/0581/RET Continued

Objection has been raised regarding litter in relation to the shop use. In this respect it is considered appropriate to attach a condition to any consent requiring the provision of a litter bin within the curtilage of the site together with a standard condition requiring details of the collection, storage and disposal of waste on the site.

Objection has been raised regarding drunks and alcohol abuse within the vicinity of the site. Crime and disorder are material planning considerations but the shop has existed at the site for many years, and the range of goods sold could have been extended in the past, including the sale of alcohol subject to the licensing procedure. Any anti-social behaviour associated with the misuse of alcohol is in this case a police matter.

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

Comments from public: See above.

Other material considerations: This retention planning application includes significant changes to the current appearance of the development and in order to ensure that the Local Planning Authority retain control over the development, it is considered appropriate to require the applicant to enter into a Section 106 Agreement to implement the alterations within 6 months of the date of this consent. A Section 106 Agreement must comply with three tests. It must be necessary to make development acceptable in planning terms. In this case it will secure the alterations that will make the unauthorised works at the site acceptable. Secondly, it must be directly related to the development, which in this case is evident in that all it requires is the implementation of the permission itself in the interests of the visual and residential amenity of the area. It is also fairly and reasonably related in scale and kind to the development which is the third test.

In conclusion, it is considered:-

RECOMMENDATION that (A) the application is DEFERRED to allow the completion of a S106 Agreement to require compliance with the approved plans. On completion of the agreement (B) that permission be GRANTED

Application 12/0581/RET Continued

This permission is subject to the following condition(s)

- 01) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any equivalent provisions in any statutory instrument revoking and re-enacting that order with or without modification, the premises shall only be used as described on the approved plan, drawing no: 735/0406 as follows:
 - Unit A - Retail Use as a general stores only
 - Unit B - Ancillary storage and office to Unit A and/or Unit D only
 - Unit C - Ancillary storage to Unit A and/or Unit D only
 - Unit D - Vehicle maintenance/repairs only
 - Unit E - A storage lock up unit with no commercial use and toilet block onlyNo other uses shall be introduced at the premises without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 02) The existing access points onto Bedwellty Road shall be improved to provide visibility splays of 2.4m x 90m. No obstruction or planting when mature exceeding 900mm above the adjacent footway shall be placed or allowed to grow in the required visibility splay areas. Those improvements shall be carried out within three calendar months from the date of this consent.
REASON: In the interests of highway safety.
- 03) Articulated vehicles shall not deliver to the premises. Delivery vehicles shall be limited to transit van type vehicles or rigid trailer vehicles (FTA Design LG Rigid Vehicle) not exceeding 10.5m in length.
REASON: In the interests of highway safety.
- 04) Turning facilities shall be provided within the site which shall firstly be agreed in writing with the Local Planning Authority and shall be maintained thereafter clear of obstruction to ensure vehicles can both enter and leave the development in a forward gear at all times. Such provision shall be completed in accordance with the agreed details within three calendar months of the date of this consent.
REASON: In the interests of highway safety.
- 05) A scheme for safe pedestrian routes within the site shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed in accordance with the agreed details within three calendar months of the date of this consent.
REASON: In the interests of highway safety.

Application 12/0581/RET Continued

- 06) The proposed parking areas shall be marked out on site in accordance with the approved plans within three calendar months of the date of this consent and those areas shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: To ensure there is adequate parking within the curtilage of the site.
- 07) The vehicle maintenance/repair use hereby permitted in Unit D shall not be open to customers outside the following times (a) 08.00 hours to 18.00 hours Monday to Friday, and (b) 08.00 hours to 13.00 hours on Saturdays. The use shall not be open at all to customers on Sundays.
REASON: In the interests of residential amenity.
- 08) The shop use hereby permitted in Unit A shall not be open to customers outside the following times:(a) 07.00 hours to 22.00 hours Monday to Saturday, and (b) 08.00 hours to 21.00 hours on Sundays.
REASON: In the interests of residential amenity.
- 09) Notwithstanding the submitted plans, further details of the security roller shutter to Unit A shall be submitted for consideration and approval in writing by the Local Planning Authority within one month of the date of this consent. The development shall be carried out in accordance with the agreed details.
REASON: In the interests of visual amenity.
- 10) No goods, materials, plant or machinery shall be stored outside any of the buildings on the site without the prior written agreement of the Local Planning Authority.
REASON: In the interests of the amenity of the area.
- 11) Within one month of the date of this consent a scheme for on-site refuse storage (including any open air storage facilities) and for waste material awaiting disposal (including details of any screening) shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details within three months of the date of this consent.
REASON: In the interests of public health and the amenity of the area.
- 12) The remediation works indicated on the approved plans drawing no: 735/403 'Proposed plans and elevations' to include the removal of lock up unit 1, the removal of the cladding of the buildings, the removal of the vehicular roller shutter door to Unit C and its replacement with a personnel door, and the re-positioning of the front fence shall be carried out within 3 months of the date of this consent.

REASON: In the interests of residential and visual amenity.

- 13) Details of the hedgerow to be provided along the northern boundary of the site, including its species composition and structure, shall be submitted to the Local Planning Authority for approval within one month of the date of this consent. The approved details shall be complied with and the hedgerow shall be planted within the first planting season following the grant of this consent.

REASON: In the interests of visual amenity.

- 14) The external finishes to the walls of the buildings hereby approved shall comprise a render finish the details of which shall be submitted for consideration and approval in writing with the Local Planning Authority. The works in respect of the agreed details shall be carried out within three months of the date of this consent.

REASON: In the interests of visual amenity.

- 15) Details of a public litter bin to be located within the curtilage of the site next to the shop (Unit A) shall be provided for consideration and approval in writing by the Local Planning Authority. The litter bin shall be provided within one month of the date of this consent.

REASON: To prevent litter.

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.

The applicant is advised of the comments of this Council's Ecologist, Dwr Cymru/Welsh Water.
