

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.

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## Application 12/0581/RET Continued

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.

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## 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.

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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 up to 2021 - Adopted November 2010.

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

#### Strategic Policies

Policy SPY - 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.

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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.

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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;

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## 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 generated<sup>18</sup> (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.

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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.

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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).

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## 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.

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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.

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## 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.

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## 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.

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## 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.

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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.

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## 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.

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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

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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.

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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.

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Application 12/0581/RET Continued

- 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.

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