

AGENDA ITEM NO. 4(d)

PLANNING COMMITTEE

13 MARCH 2013

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

**APPLICATION
NUMBER**

LOCATION

Preface Item 11/0471/FULL	36 Garden Suburbs, Pontywaun, Newport.
12/0743/FULL	Blackwood Gate Retail Park, Blackwood.
12/0851/FULL	5 Gwerthonor Place, Gilfach, Bargoed.
12/0884/COU	19 Cae'r Fferm, Caerphilly.
12/0902/FULL	179 High Street, Blackwood.

PREFACE ITEM

APPLICATION NO. 11/0471/FULL

APPLICANT(S) NAME: Mr J Bellas

PROPOSAL: Construct garden shed/store and works to access path

LOCATION: 36 Garden Suburbs Pontywaun Newport NP11 7GB

The determination of the above planning application for a garden outbuilding and works to the rear access path was deferred at Planning Committee on 2nd November 2011 for a Members' site visit. The outcome of this site visit resulted in Officer's being asked to investigate the concerns raised regarding the correct land ownership certificates being signed on the planning application.

This matter was subsequently resolved, and the correct landowners were notified and the correct land ownership certificates were signed by the applicant. The application was then further delayed whilst Officer's sought additional information in relation to amended site layout details, details of the boundary treatments, cross sections of the site, and structural calculations for the retaining works undertaken immediately adjacent to the rear access path. This information has now been submitted, and the immediately adjoining neighbours consulted by way of letter.

The original recommendation remains the same for the following reasons. Whilst the Conservation and Design Officer suggests that the proposed shed/storage building does not mimic other examples of original outbuildings in the Conservation Area it is important to note that the proposed development is not located within the Conservation Area, and will not be prominent in the public realm. The proposed structure will be sited on land adjacent to the private access path serving the rears of Nos. 30-38 Garden Suburbs. Notwithstanding this, it is considered that the proposed structure has been well designed in terms of its setting and scale, and a condition will be attached to any permission to ensure appropriate finishes are used for the external walls, roof, doors and windows of the structure.

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In relation to the works to the rear access path, which includes the diversion of the pathway, it should be noted that as the pathway is a private right of way, its diversion is a private legal matter between the interested parties. However, it is considered that the proposed works to the path which include edging the path with concrete and repairing eroded areas with compacted hardcore/dust is acceptable, and do not detrimentally impact the adjoining conservation area. Similarly, it is not considered that the works at the top of the path, which include diverting the pathway, have a detrimental impact on the adjoining conservation area. Whilst it is acknowledged that the area is currently in an untidy state, this is principally as a result of the applicant ceasing works further to the intervention and advice from the Council's Enforcement Officer.

Along the boundary of the access path, the applicant proposes to construct a stone faced wall that gradually steps down to respect the topography of the site. This proposed boundary treatment is considered acceptable in terms of its scale and design, and again, a condition will control the use of appropriate materials.

RECOMMENDATION - That planning permission be GRANTED subject to the conditions in the attached report and an additional condition to encompass the additional plans that have been submitted.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0743/FULL 17.10.2012	Linnell (South Wales Blackwood) LLP Mr G Tromans C/o Mr S Cullen Consultant Chartered Town Planner 1 Leyshon Way Bryncethin Bridgend CF32 9AZ	Provide increased car parking, demolish the existing garden centre and introduce a signalised junction Blackwood Gate Retail Park Blackwood

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is an existing block of retail units. It is constructed on land to the south of Thorncombe Road and is accessed from the southern cross valley link of the Sirhowy Enterprise Way.

Site description: This retail development was permitted by outline planning permission P/00/1022 and reserved matters approval P/05/0486. The approved plans show a single retail park style building divided into units. The building has been constructed and one unit was occupied by a DIY outlet (Focus) at the northern end, with a further six unoccupied smaller units to the south. All the units are now unoccupied. The development has been amended by subsequent applications and there are various revisions that allow for amended layouts that have not yet been implemented. To the northern end of the building is an area that was used as an outdoor garden centre associated with the closed Focus unit. It was resolved to grant planning permission in January 2013 to extend the type of goods that can be sold from the site.

Development: It is proposed that the outdoor garden centre be converted into additional parking spaces and the junction onto the link road be fully signalised. The application is accompanied by a Transport Assessment.

Dimensions: The additional parking area will provide 45 extra car parking spaces, 25 motorcycle spaces and 30 bicycle parking spaces. A further 17 staff car parking spaces are identified in the rear service yard.

Materials: Car park in macadam surface to match the existing.

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Application No. 12/0743/FULL Continued

Ancillary development, e.g. parking: This application is submitted to be considered concurrently with application 12/0742/NCC which seeks to allow none bulky goods retail at the site and is intended to offer highway improvements commensurate with additional traffic that may be generated.

PLANNING HISTORY

2/5790 - Erect residential development - Granted 02.01.90.

2/11033 - Erect residential development - Granted 22.07.96.

2/11130 - Erect residential development - Granted 03.07.96.

P/96/0879 - Change the use of land to retail, leisure, restaurant, petrol station and construct roundabout on High Street and first part of southern cross valley link - Withdrawn 04.12.97.

P/00/1022 - Erect retail and leisure development - Granted 09.09.04.

P/05/0483 - Vary condition (13) attached to planning consent reference P/00/1022 to remove reference to the cyclist access - Granted 12.07.07.

P/05/0486 - Erect retail and leisure development - Granted 18.08.05.

P/05/1697 - Vary condition (7) attached to planning consent P/00/1022 to amend minimum individual retail unit size 650 sq. m. to 465 sq. m. - Granted 12.07.07.

08/0587/NCC - Vary condition 6 of planning consent reference P/00/1022 as amended by condition 3 of planning consent reference P/05/1697 - Refused 13.11.08.

11/0861/FULL - Reconfigure existing retail units and provide minor amendment to car parking - Granted 10.01.12.

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Application No. 12/0743/FULL Continued

12/0064/NCC Vary Condition 6 of outline planning permission reference P/00/1022 (as amended by Condition 3 of permission reference P/05/1697 and Condition 2 of permission reference 11/0861/FULL) to allow open A1 food retail and bulky goods retail at Blackwood Gate Retail Park and provide minor amendments to car parking. Condition to now read: "The development hereby approved shall be limited to a total floorspace of 7,853 square metres to be used for the sale of any of the following goods: DIY, hardware, furniture, carpets and floor coverings, soft furnishings/textiles, electric and gas products, motor vehicle accessories and cycles, boats and caravans, office equipment, and garden and pet products. In addition up to 4,274 square metres of the floorspace may be utilised as a grocery superstore, excluding the unit currently occupied by the existing public house unit occupied by Marstons" - Refused 19.03.12.

12/0742/NCC Retail And Leisure, with the following condition attached: The development hereby approved shall be limited to a total floor space of 7,853 sq.m. and this shall only be used for the sale of the following goods: DIY, hardware, furniture, carpets and flooring coverings, soft furnishings/textiles, electric and gas products, motor vehicle accessories and cycles, boats and caravans, office equipment, and garden and pet products"- Pending a decision.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: CM2.1 Retail warehouse park known as Blackwood Gate.

Policies: CW3 Design Considerations - Highways.

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? - One small part of the car park is affected.

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Application No. 12/0743/FULL Continued

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions requiring further details of the traffic lights and junction layout.

Head Of Public Protection - No objection is raised. Two conditions to control noise and dust suppression are recommended.

Senior Engineer (Land Drainage) - No objection is raised, condition requiring the agreement of details of drainage is recommended and drainage advice is provided.

Countryside And Landscape Services - No objection.

Gwent Wildlife Trust - No response.

Blackwood Chamber Of Trade - No response.

SEW Ltd - No objection.

Dwr Cymru - No objection is raised and drainage advice is provided.

The Coal Authority - No objection is raised and advice is provided regarding the presence of coal.

Countryside Council For Wales - No response.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 61 neighbouring properties have been consulted.

Response: Two letters been received.

Summary of observations:

- A question is raised as to whether the car park would be locked to prevent "boy racers."
- Car lights would give rise to disturbance to nearby residential properties.
- Will the same hours of delivery be applied to the use if it is a food outlet that will be receiving a greater volume of fresh produce vehicles?
- What controls to safeguard residential amenity will be imposed during the construction phase?

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Application No. 12/0743/FULL Continued

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: This application proposes the rearrangement of an existing site layout so as to create additional car parking space and to provide a traffic light controlled system at the junction to the adopted highway (The Sirhowy Enterprise Way cross valley link). Policy CW3 (Design Considerations - Highways) requires that proposals should meet Highway requirements that include safety with particular consideration to road hierarchy and also to adequate parking provision. This application was intended to be considered in conjunction with 12/0742/NCC, which seeks to allow none bulky goods retail at the site. It was intended to offer highway improvements commensurate with additional traffic that may be generated by that proposal which has been approved and the decision notice will be issued upon the completion of a Section 106 Agreement that secures a pedestrian link to the town centre. This application should therefore be considered in its own right and is not dependant upon 12/0742/NCC.

Transportation Engineering Manager has given detailed consideration to the implication of the signals upon traffic flows in the vicinity. That is to say whilst the lights may offer improved exit from the application site this has to be considered in conjunction with the impact upon queues and waiting at the nearby High Street signals. It would for example not be acceptable if the lights were to unacceptably increase waiting times at the existing lights. It is considered that permission 12/0742/NCC will increase waiting and queuing; however, on balance, the proposed signals should better manage those issues. As explained below it is considered that further work is necessary to ensure that the timing of the signals is tailored to minimise waiting and queuing.

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Application No. 12/0743/FULL Continued

Comments from Consultees:

Transportation Engineering Manager raises no objection subject to a condition requiring a study of the data provided that should seek to ensure that the proposed lights are operated to avoid lengthy queues and waiting. The layout of the revised junction is indicated in the proposed plans; exact details should be required by condition.

Head of Public Protection raises no objection. Two conditions to control noise and dust suppression is recommended, however as the scheme is not for major development such a condition is not considered appropriate.

Senior Engineer (Land Drainage) raises no objection. A condition requiring the agreement of details of drainage is recommended and drainage advice is provided.

Countryside and Landscape Services, SEW Ltd, Dwr Cymru and The Coal Authority raise no objection.

Comments from public:

- A question is raised as to whether the car park would be locked to prevent "boy racers." It is a fact that Blackwood has experienced car parks being inappropriately used and the prevention of disorder is a material planning consideration. Full access to the car park is currently restricted by locked barriers. Given this is an application to extend the overall size of the car parking area it is considered appropriate that a condition be imposed to tackle possible abuse of the area when the retail units are closed and not supervised, i.e. to prevent disturbance late at night.
- There is concern that car lights would give rise to disturbance to near by residential properties. Part of the existing car park already faces residential properties this proposal is an extension to that part. Given that there is a landscaped area with a hedge (and a lane) between the nearest dwellings and the car park some screening already exists. However it is considered reasonable that a condition be imposed to require some additional planting or screening in the interest of residential amenity.
- Will the same hours of delivery be applied to the use if it is a food outlet that will be receiving a greater volume of fresh produce vehicles? This application is for the extension of the parking area and the introduction of traffic lights. The change of use to a grocery store is the subject of separate application for planning permission: ref 12/0743/NCC.

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Application No. 12/0743/FULL Continued

- What controls to safeguard residential amenity will be imposed during the construction phase? Given that this application is only for the extension a car parking area and does not involve major development it is not considered expedient that conditions should be imposed, and any issues can be resolved through Environmental Health legislation.

Other material considerations: The application includes within its description the "demolition" of the existing garden centre. It should be noted that the garden centre referred to is simply an area of open surface land enclosed by a high fence with a collection of racking etc within it. Thus the removal of the fence and associated paraphernalia does not involve significant operational development.

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) Notwithstanding the detail shown on the submitted plans, revised details of surface water and land drainage shall be submitted to and agreed in writing with the Local Planning Authority before any works commence on site. The development shall be carried out in accordance with the agreed details.
REASON: To ensure adequate surface water drainage.
- 03) Prior to the commencement of the development hereby approved details of the external lighting shall be submitted to and agreed in writing with the Local Planning Authority. Those details shall ensure that there is no direct view of the source of illumination from outside the site. The site shall thereafter only be illuminated in accordance with the agreed details.
REASON: To control light pollution.
- 04) Prior to the commencement of the development hereby approved details of scheme of management and security of the car park shall be submitted to and agreed in writing with the Local Planning Authority. Those details shall ensure that the car park is secured against abuse and congregation outside the trading hours of the retail use. The car park shall thereafter only be used in accordance with the agreed scheme.
REASON: To control activity in the car park that may give rise to disturbance to near by residential properties.

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Application No. 12/0743/FULL Continued

05) Prior to the commencement of the development hereby approved a transport study of the traffic flow data associated with the proposed traffic signals (including the existing signals on the High Street) shall be submitted to and agreed in writing with the Local Planning Authority. That study shall ensure that the signal system is appropriately timed and co-ordinated so as to minimize waiting and queuing. The new signals shall be operated in accordance with the agreed study unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety and the free flow of traffic.

06) Prior to the commencement of the development hereby approved full engineering details of the proposed traffic signals improvements at the existing site entrance with the Sirhowy Enterprise Way shall be submitted to and agreed in writing with the Local Planning Authority. The access improvements shall thereafter be constructed and marked out in accordance with the agreed details prior to the activation of the signalised system hereby approved.

REASON: In the interest of highway safety.

Advisory Note(s)

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine working or coal mine entries (shafts and adits) require the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

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Application No. 12/0743/FULL Continued

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Please find attached the comments of Senior Engineer (Land Drainage) that are brought to the applicant's attention.

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

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0851/FULL 03.12.2012	Howells Coaches Unit 6-8 East Road Penallta Industrial Estate Hengoed CF82 7SU	Demolish existing outbuildings to rear of property, change use from part retail to total residential use, carry out internal alterations and erect rear extension to increase existing residential unit to 3 no. self contained residential units 5 Gwerthonor Place, Gilfach, Bargoed. CF81 8JP

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the junction of Gwerthonor Place and Margaret Street.

Site description: The application site is a corner property comprising a retail unit at ground floor that used to be a bakery and shop to the front, with a dwelling to the rear and above in the part of the building nearest the corner. There is a single-storey annexe next to the shop with the remainder of the bakery in a two-storey building adjacent. There is a further two-storey garage workshop building to the rear and at a lower level that is accessed via an enclosed yard with a gate onto Margaret Street. The building is largely finished in render with a slate roof but the two-storey bakery building is fronted in face brickwork. There is a shop front to the former shop with bay windows to the first floor. There is also an arched doorway in the side elevation that leads to the foyer for the existing dwelling.

Development: The proposal seeks full planning consent for the conversion and extension of the building to create 1 two-bedroom flat and 2 three-bedroom flats. The existing garage store building is to be demolished and a three-storey extension will be erected to the rear of the bakery building. Flat one will have a living room, kitchen and dining room on the ground floor with three bedrooms and a bathroom on the first floor. Flat 2 will have a storage area on the lower ground floor, a living room, kitchen and dining room on the ground floor and two bedrooms and a bathroom on the first floor. Flat 3 will have a garage store on the lower ground floor, a lounge, kitchen and dining room on the ground floor and three bedrooms and a bathroom on the first floor.

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Application No. 12/0851/FULL Continued

The shop front to Gwerthonor Place is to be removed and replaced with domestic vertical emphasis windows with all access to the flats being gained via the arched doorway to the side. The new extension will project out from the rear of the bakery building and will have an apex roof. A covered walkway through the building from Gwerthonor Place to the rear yard is to be created in the existing single storey annexe with gates fitted within a newly created arch and as a result flat three will be separated from flats 1 and 2.

Dimensions: The new extension projects out 4m from the rear of the bakery building.

Materials: As existing.

Ancillary development, e.g. parking: Parking and amenity areas are to be provided in the yard area to the rear with one parking space per unit.

PLANNING HISTORY

5/5/93/0041 - Convert dwelling to three flats - Granted 17.06.93.

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

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

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

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Application No. 12/0851/FULL Continued

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

National Planning Guidance contained in Technical Advice Note 12 - Design.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to the provision of an automatic fire detection system.

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

ADVERTISEMENT

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

Response: 11 letters and a petition containing 28 signatures were received from local residents.

Summary of observations:

- 1 The proposal will exacerbate existing parking problems in the street.
- 2 The proposal will adversely affect the amenity of local residents due to additional noise and disturbance.
- 3 The proposed extension will block out natural light to number 6 Margaret Street.
- 4 The proposed extension would cause a loss of privacy to number 6 Margaret Street.
- 5 The creation of these flats is over development of the site.
- 6 The proposal is out of character and scale with the other properties in the area.
- 7 There is no rear lane access to the property and refuse will need to be collected from Margaret Street causing a hazard to other drivers.
- 8 Insufficient off street parking is proposed with the development.

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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? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application seeks full planning consent to convert retail, residential and light industrial premises in a mainly residential area into a residential use and as such the principle of the development is acceptable. The alterations to the external appearance of the building are in keeping with the character of the host building and are more domestic in character and as such the proposal is considered to be acceptable in design terms. Therefore the main points to consider in the determination of this application are the objections raised by local residents and those are considered in turn below:-

- 1 It is acknowledged that there may be existing congestion problems in Margaret Street albeit these were not evident at the time of the case officer's site visit. However, the Local Planning Authority has to consider whether the traffic generated by the proposed use would be any worse than that which could be created as a result of the lawful use of the building (whether this is active or not). In that regard it should be noted that the lawful use of the building includes a mixture of retail, light industrial and residential uses. There is potential for these uses to result in large volumes of traffic movements and as such the application has to be judged on that basis. In that regard it is considered that the proposal would not have a detrimental impact in terms of congestion and as such the application is acceptable in this respect.
- 2 The application seeks consent for the creation of three flats and it is difficult to envisage how there would be a marked increase in activity such that it would be detrimental to the amenity of the area.

Application No. 12/0851/FULL Continued

- 3 Whilst it is at a lower level the property at number 6 Margaret Street is some 17m away from the proposed extension and as such it is not felt that there would be any loss of natural light to that property. The same is true of all of the properties on the northern side of Margaret Street whilst the pine end of the dwelling at number 18 faces the application site with no windows being affected by the proposal.
- 4 Again it should be noted that the two properties are 17m apart and the proposed extension would also be at a very acute angle to the dwelling at number 6 Margaret Street and in that regard the proposal would not cause any significant loss of privacy. The same is true of the dwelling at number 18 Margaret Street.
- 5 With the demolition of the garage/storage building and the erection of the new extension, the resultant building takes up less of the site area than the present one. There is also space within the site for amenity areas for the flats together with off-street car parking and as such it is not considered that the proposal represents over development of the site.
- 6 As discussed above it is considered that the proposed alterations and extension to the existing building are in keeping with the character of the host building and the wider area and the proposal also does not represent over development of the site. Therefore it is not considered that the proposal is out of keeping with the character of the area either in terms of design, character or scale.
- 7 The new proposal includes for the provision of a vehicular access off the rear lane for unit 3 and access to units 1 and 2 from Margaret Street. There is also ample space within the curtilage of the site for bin storage and as such refuse collection can be dealt with adequately. It should also be noted that refuse is collected from Margaret Street at present and therefore there would be no change as a result of this development.
- 8 Supplementary Planning Guidance LDP5 requires the provision of 1 parking space per bedroom for all residential conversions. However, Schedule 6 of the document allows a reduction in the number of spaces provided based on the assessment of a number of sustainability criteria. In this instance the property is located within a very sustainable location with access to a number of facilities and therefore a maximum reduction on the number of parking spaces is achieved and only 1 parking space is required per dwelling. Therefore the application is acceptable in terms of parking provision.

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Application No. 12/0851/FULL Continued

One final aspect of the scheme requires further consideration:

The three-storey rear extension would have an impact on the neighbouring house to the south at 7 Gwerthonor Place. However, that must be balanced against the removal of the existing two-storey building which projects over 10 metres beyond the rear of the existing building along the common boundary with that neighbour, coupled with the removal of the bakery and retail uses. In those respects the scheme will represent an improvement on the existing situation.

In conclusion it is considered that the application is acceptable in planning terms subject to the imposition of suitable conditions.

Comments from consultees: No objections raised.

Comments from public: Addressed above.

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 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.
- 03) The development shall not be beneficially occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.

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Application No. 12/0851/FULL Continued

- 04) Prior to the occupation of the development hereby approved, the proposed parking areas shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc are not carried onto the highway.
REASON: In the interests of highway safety.
- 05) The side boundary wall fronting onto Margaret Street shall be restricted in height to that not exceeding 900mm.
REASON: In the interests of highway safety.
- 06) Prior to the first occupation of the development hereby approved, the rear lane adjacent to 18 Margaret Street shall be widened to a minimum of 3m in width and be completed in permanent materials, the details of which shall be firstly agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.

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 and CW15.

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The conservation of Habitats and Species Regulations 2010 and its amendment 2012, which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions before continuing.

Rainwater run-off shall not discharge into the highway surface water drainage system.

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Application No. 12/0851/FULL Continued

Before any vehicle crosses the public footway a properly formed vehicular crossover must be provided, the constructional details of which must be agreed with the Highway Authority. The applicant is advised to contact with Highway Customer Care Line Tel 01495 235323 in this regard.

Prior to the construction of the vehicular crossover the applicant is advised to contact the Street Lighting Manager on 01495 235785 to arrange the relocation of the street lighting column.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0884/COU 12.12.2012	Mr M Davies 19 Cae'r Fferm Caerphilly CF83 2QB	Change the use from domestic garage to accommodate a dog grooming facility 19 Cae'r Fferm Caerphilly CF83 2QB

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: On the south-eastern side, at the eastern end of Cae'r Fferm, Caerphilly.

House type: The host dwelling is a semi-detached house with a detached garage located to the front of the property.

Development: Change the use from domestic garage to commercial dog grooming, replacing the metal garage door with white upvc door to front and rear of garage.

Dimensions: External dimensions of the garage would remain unchanged.

Materials: External finishes of the proposal would remain unchanged except for the installation of a new upvc door to the eastern wall.

Ancillary development, e.g. parking: Provision of three off-street parking spaces. It should be noted that one of these spaces is undersized therefore only two off-street spaces would be provided that comply with the adopted standards.

PLANNING HISTORY

P/99/0688 - Erect extension to side of property for use as utility room, toilet and bedroom - Granted 07.10.99.

P/05/0307 - Erect conservatory - Granted 25.04.05.

12/0636/COU - Change the use from domestic garage to commercial dog grooming, replacing the metal garage door with white upvc door to front and rear of garage - Refused 02.11.12.

Cont....

Application No. 12/0884/COU Continued

POLICY

LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: SP6 (Place Making), SP21 (Parking Standards), CW2 (Amenity) and CW3 (Design Considerations - Highways)

Supplementary Planning Guidance LDP 5: Car Parking Standards.

NATIONAL POLICY: Planning Policy Wales (2011) and 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? This is not a material consideration in this case.

CONSULTATION

Transportation Engineering Manager - raises objection on the grounds that the development would generate extraneous traffic into what is a mainly residential area, and in the absence of adequate off-street parking facilities the development would generate additional on-street parking in the turning head, to the detriment of highway safety.

Head Of Public Protection - raises objection on the grounds that noise disturbance associated with the use of the building would have a detrimental impact on residential amenity.

Dwr Cymru - has requested that the applicant contact its Developer Services should they wish to connect to the public sewer.

Cont....

Application No. 12/0884/COU Continued

ADVERTISEMENT

Extent of advertisement: Six neighbours notified, site notice posted.

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? There are no specific crime and disorder issues in this instance.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No European protected species implications and therefore no comments required from council's Ecologist.

ANALYSIS

Policies: Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010 (LDP) states that development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land. By virtue of the location of the proposed dog grooming parlour use within a residential area and as part of an existing residential property it is considered that the proposal would have a detrimental impact on the residential amenity of both the host and surrounding properties due to the noise nuisance associated with vehicular traffic and the movement of dogs to and from the garage building. This is contrary to this policy.

Policy CW2 of the LDP also states that development proposals must ensure that the proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use. By virtue of the location of the proposed use within a residential area and as part of an existing residential property the proposal would have a detrimental impact on the residential amenity of both the host and surrounding properties and would be incompatible with the surrounding land-uses due to the noise nuisance associated with vehicular traffic and the movement of dogs to and from the garage building. This is contrary to this policy.

Cont....

Application No. 12/0884/COU Continued

Policy CW3 of the LDP states that development proposals must have regard for the safe, effective and efficient use of the transportation network. When considering the location of the proposed use and the absence of adequate off-street parking facilities, the development would generate additional on-street parking to the detriment of highway safety. This is contrary to this policy.

Paragraph 6.7 of Technical Advice Note 12: Design states that the appearance and function of a proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design/function should not be accepted. By virtue of the location of the proposed use within a residential area and as part of an existing residential property the proposal would be incompatible with the surrounding land-uses as it would have a detrimental impact on the residential amenity of both the host and surrounding properties due to the noise nuisance associated with vehicular traffic and the movement of dogs to and from the garage building. This is contrary to TAN 12: Design and Paragraph 4.10.9 of Planning Policy Wales (2012).

The submitted application was accompanied by a supporting statement that discusses the size and scale of the development, associated noise, highway and access issues, environmental sustainability, community safety and economic development. These issues are addressed below:

Size and Scale

The proposed dog grooming business and its associated equipment would be contained within the existing garage building and would operate between the hours of 9:00-15:00 Monday to Friday. The supporting information states that the size of the building would limit the number of dogs in the garage at any one time to 2, and a maximum of 4 dogs per day based on 1 dog taking 2-3 hours to groom. When considering the figures and time scales provided by the agent it is suggested that the maximum number of dogs per day could be 6 dogs on the basis that the 'procedure' could take 2 hours to complete. Notwithstanding this fact, the dog grooming business is likely to offer a variety of procedures/services whose timescale may vary significantly. Should a working day be filled by appointments requiring less time consuming procedures, e.g. nail clipping, this may increase the number of dogs and associated vehicle trips considerably, having a greater impact on residential amenity.

Cont....

Application No. 12/0884/COU Continued

Noise

The supporting information has stated that the small scale nature of the business, the insulation and the working hours would mean that any noise increase would not be significant as to warrant refusal and would be limited to a non-sensitive time. As has been highlighted the potential scale of the business is considerably greater than that suggested by the supporting statement and would be at a level that would warrant refusal. Whilst in theory noise attenuation measures may limit the noise associated with the garage building this would not prevent the noise nuisance associated with vehicular traffic or the movement of dogs to and from the garage building. With regard to the statement that neighbouring residents do not object to the development it should be noted that this does not override the Local Planning Authority's responsibility to protect the amenity of the surrounding properties for the current or future residents where it is felt that such issues may arise. It is felt that this is the case in this instance.

Highway and Access

The supporting information states that the proposed development involves the paving over of the forecourt to allow for the parking of three vehicles. As was highlighted in the Council's letter to the applicant dated 29th November 2012 the existing garage is classed as a parking space and as such must be replaced. Supplementary Planning Guidance LDP5: Car Parking Standards states that the minimum size requirements for a parking space are 4.8 metres in length by 2.6 metres in width. Whilst it is acknowledged that three parking spaces could be plotted on site the space in front of the garage building would be rendered unusable by the presence of vehicles in the other two spaces and the close proximity of the site boundary and public footway. The two parking spaces proposed would provide the replacement parking space for the host dwelling and one operational space for the business but no customer parking. Therefore in the absence of adequate off-street parking facilities the development would generate additional on-street parking in the turning head, to the detriment of highway safety. As such it is suggested that the agent's claims that there are no sustainable grounds for a highway objection on traffic grounds are unfounded. This is supported by the comments of the Transportation Engineering Manager detailed below.

Cont....

Application No. 12/0884/COU Continued

Environmental Sustainability

The supporting statement outlines that the proposed use of insulation and acoustic boards would produce an environment which will use little energy whilst the washing of dogs would be carried out using a shower drawn of the domestic combination boiler over a tub rather than wasting water filling a bath repeatedly. The proposal would also use locally sourced materials. However, this does not override the Local Planning Authority's responsibility to protect the amenity of the surrounding properties for the current or future residents where it is felt that such issues may arise. It is felt that this is the case in this instance.

Economic Development

With regard to the agent's comments relating to economic development it is acknowledged that the Council and its Local Development Plan are supportive of economic growth, however, this is not at the expense of residential amenity. In respect of the Environmental Health Officer's (EHO) statement detailed within the supporting information submitted with the application in isolation this would appear to have been taken slightly out of context. The EHO's comments detailed in the Council's letter to the applicant dated 29th November 2012 state that the proposed acoustic attenuation and insulation would not be sufficient to remove their concerns regarding the development as it is the principle of a commercial business being operated in a residential area and the associated impact on the amenity of neighbouring residential properties that is deemed unacceptable. This relates to the other noise issues generated by the development that cannot be controlled through mitigation such as noise generated by vehicular traffic and the movement of dogs to and from the garage building.

Furthermore, in the statement the applicant has drawn attention to the Council's previous decision at 10 Glendale Gardens along with decisions by other authorities relating to similar development. However, the following should be noted.

When considering both the site at Glendale Gardens and the site at Cae'r Fferm it is noticeable that the property at Glendale Gardens is significantly more detached from the neighbouring properties and is set within larger grounds that would allow for adequate off-street parking spaces. These factors would suggest that the impact on the residential amenity of the neighbouring properties would be reduced when compared to the site at Cae'r Fferm.

Notwithstanding the above information it should also be noted that the Glendale Gardens application was given a temporary consent to allow the Council to monitor the impact of the business on the residential area. The Council has subsequently received complaints, which highlight the potential negative impact of the business on residential amenity.

Cont....

Application No. 12/0884/COU Continued

Furthermore, in relation to the conditions attached to the temporary consent at Glendale Gardens it was determined whilst monitoring the impact of the business, that the restrictions placed on the business by condition were impractical to monitor themselves. Conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the following six tests. In brief, these explain that conditions should be:-

- i. Necessary;
- ii. Relevant to planning;
- iii. Relevant to the development to be permitted;
- iv. Enforceable;
- v. Precise; and
- vi. Reasonable in all other respects.

As has been highlighted above the impractical and almost impossible task of monitoring conditions such as a collection and delivery service, limiting business to appointment only and limiting dog numbers to 4, as mooted by the applicant previously, would render the conditions unenforceable. These conditions would therefore fail criterion iv of the six tests and should not be imposed.

Comments from consultees: Transportation Engineering Manager raises objection on the grounds that the development would generate extraneous traffic into what is a mainly residential area and in the absence of adequate off-street parking facilities the development would generate additional on-street parking in the turning head, to the detriment of highway safety.

Head of Public Protection raises objection on the grounds that noise disturbance associated with the use of the building would have a detrimental impact on residential amenity.

Dwr Cymru has requested that the applicant contact its Developer Services should they wish to connect to the public sewer.

Comments from public: None.

Other material considerations: None.

Cont....

Application No. 12/0884/COU Continued

RECOMMENDATION that Permission be REFUSED

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

- 01) By virtue of the location of the proposed dog grooming parlour use within a residential area and as part of an existing residential property, the proposal would have a detrimental impact on the residential amenity of both the host and surrounding properties due to noise and general disturbance and would be incompatible with that neighbouring land use, contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, Technical Advice Note 12: Design (2009) and Planning Policy Wales (2012).
 - 02) The proposed change of use, through the generation of extraneous traffic into what is a mainly residential area and in the absence of adequate off-street parking facilities, will result in additional on-street parking to the detriment of highway safety. This is contrary to Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, the Local Planning Authority's Adopted Supplementary Planning Guidance LDP5 (Car Parking Standards), Technical Advice Note 12: Design (2009) and Planning Policy Wales (2012).
-

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0902/FULL 02.01.2013	KMF Leisure Ltd Mr M Davies C/o Mr L Chicot Louis Chicot Associates 1 Clewer Court Oakfield Road Newport NP20 4LQ	Change the use of ground floor from retail to amusement centre together with use of basement for ancillary storage 179 High Street Blackwood NP12 1AA

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is located on the east side of Blackwood High Street.

Site description: Mid terrace, two storey commercial premises.

Development: Change of use from A1 clothes shop (currently vacant) to gaming machine place/amusement arcade (sui generis use).

Ancillary development, e.g. parking: Like for like replacement signage on shopfront.

PLANNING HISTORY

No previous planning history.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located with the Settlement Boundary and within the Blackwood Principal Town Centre.

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways), Policy CW14 (Use Class Restrictions - Retail).

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

Cont....

Application No. 12/0902/FULL Continued

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? Crime and disorder are not considered to be an issue for this application.

CONSULTATION

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to advice.

ADVERTISEMENT

Extent of advertisement: Eleven neighbouring premises were consulted and a site notice was posted near the application site.

Response: Four letters/emails of objection were received.

Summary of observations:

- Effect of fourth gaming centre on the viability and vitality of town centre;
- There are only a few shops to the south of the zebra crossing on High Street;
- Competition with existing gaming centres;
- No site notice advertised onsite.

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 beyond the normal security considerations for the applicant.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Cont....

ANALYSIS

Policies: The application relates to vacant retail premises within the Principal Town Centre, as identified within the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 (LDP). It is proposed to change the use of the premises to an adult gaming centre/amusement centre (Sui Generis use). With regards to the principle of the change of use to a Sui Generis use, Policy CW14 (Use Class Restrictions - Retails) of the LDP would be the most applicable local plan policy.

Policy CW14 states that development proposals incorporating a change of use from class A1 retail premises to another use will be subject to the following restrictions:

- A - Within identified Principal Town Centres, changes of use from class A1 retail premises to other uses will only be permitted where the commercial vacancy rate of the centre has been over 10% for over a year.

The commercial vacancy rate for the Blackwood Principal Town Centre area was 7.9% at the last survey (October 2011). On the basis of this current situation the proposed change of use is contrary to Policy CW14. However, consideration of the proposal needs to reflect current circumstances and the overall retail position.

The retail sector is currently suffering from decline due to the prevailing economic position; moreover, retail centres were already under threat from significant changes taking place in the retail sector that are moving retail activity away from shop-based A1 retailing. Town centres are thus coming under increasing pressures and it is possible that the retailing function in town centres will continue to diminish beyond the effects of the current economic downturn. Consequently, in order to meet the aims of national and LDP policy frameworks the vitality and viability of town centres will need to be based upon a range of uses that promote footfall and patronage within their designated areas. This is likely to mean increasing levels of non-A1 uses.

This proposal seeks a change of use to a Sui Generis adult gaming centre use; it is considered that such a use will create more footfall within the Principal Town Centre than a vacant retail unit. It must be acknowledged, however, that further reductions in the already significantly depleted retail base will exacerbate the situation. On balance, given the current climate and situation, the beneficial occupation of a retail unit by a non-A1 use outweighs the potential adverse impacts that may occur as a result of increasing numbers of such uses.

Cont....

Application No. 12/0902/FULL Continued

Therefore, whilst it must be acknowledged that the proposal is contrary to Policy CW14, the benefits realised through beneficial use of the unit by a use that will generate footfall within the Principal Town Centre will realise the overall objective of the Policy.

Comments from Consultees:

Head of Public Protection raises no objection subject to advice to the applicant.

Transportation Engineering Manager raises no objection.

Comments from public: -

- Competition is not a material planning consideration;
- The application was advertised in the appropriate manner, and included a site notice being displayed on a lamppost near the site;
- The concerns regarding the impact on the vitality and viability of Blackwood Town Centre have been addressed above in relation to Policy CW14.

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.

Advisory Note(s)

Please find attached the comments of Head of Public Protection that are brought to the applicant's attention.
