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**Date: 7th September 2022**

To Whom It May Concern,

A multi-locational meeting of the **Planning Committee** will be held in the Council Chamber, Penallta House, and via Microsoft Teams on **Wednesday, 14th September, 2022 at 5.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided on request.

Members of the Public or Press may attend in person at Penallta House or may view the meeting live via the following link: <https://civico.net/caerphilly>

This meeting will be live-streamed and a recording made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals present and/or speaking at Planning Committee will be publicly available to all via the recording on the [Council website](#).

Interested parties may make a request to speak in regard to any item on this agenda. To obtain further details on this process please contact the Committee Clerk [barrerm@caerphilly.gov.uk](mailto:barrerm@caerphilly.gov.uk).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'CHARRY'.

**Christina HARRY**  
CHIEF EXECUTIVE

## A G E N D A

Pages

- 1 To receive apologies for absence.

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2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

3 Planning Committee held on 10th August 2022.

1 - 2

To receive and consider the following report(s): -

4 Application No. 21/0877/FULL - Fair View Garage, Woodland Place, Pengam, Blackwood, NP12 3QX.

3 - 22

5 Application No. 22/0463/COU - Land At South Wales Motors, St Cenydd Road East, Trecenydd, Caerphilly.

23 - 36

**Circulation:**

Councillors M.A. Adams, Mrs E.M. Aldworth (Vice Chair), A. Angel, R. Chapman, N. Dix, G. Ead, J.E. Fussell, A. Hussey, D. Ingram-Jones, B. Miles, M. Powell, R. Saralis (Chair), J. Taylor, S. Williams, A. Whitcombe and K. Woodland

And Appropriate Officers

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## PLANNING COMMITTEE

### MINUTES OF THE MULTI-LOCATIONAL MEETING HELD AT PENALLTA HOUSE AND VIA MICROSOFT TEAMS ON WEDNESDAY, 10TH AUGUST 2022 AT 5:00 PM

#### PRESENT:

Councillor R. Saralis – Chair  
Councillor E.M. Aldworth – Vice Chair

#### Councillors:

M. Adams, A. Angel, R. Chapman, G. Ead, J. Fussell, A. Hussey, D. Ingram-Jones, B. Miles, M. Powell, J. Taylor, S. Williams, A. Whitcombe, K. Woodland

Cabinet Member: Councillor P. Leonard (Planning and Public Protection)

#### Together with:

R. Tranter (Head of Legal Services and Monitoring Officer), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Powell (Team Leader Development Management), A. Pyne (Principal Planner), J. Waite (Principal Planner), L. Cooper (Assistant Engineer), A. Brown (Environmental Health Officer), V. Julian (Senior Solicitor), R. Barrett (Committee Services Officer), J. Lloyd (Committee Services Officer)

## RECORDING, FILMING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being live-streamed and recorded and would be made available following the meeting via the Council's website – [Click Here to View](#). Members were advised that voting on decisions would be taken via Microsoft Forms.

### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor N. Dix, together with M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience)

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

### 3. MINUTES – 13TH JULY 2022

It was moved and seconded that the minutes of the meeting held on the 13th July 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 12 for, 0 against and 2 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Planning Committee held on 13th July 2022 (minute nos. 1-4) be approved as a correct record.

**4. APPLICATION NO. 22/0353/NCC - HILL FARM SOLAR PARK, PENRHIWARWYDD FARM, MYNYDDISLWYN MOUNTAIN ROAD, MYNYDDISLWYN**

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Councillor J. Reed spoke on behalf of local residents in objection to the application and Ms R. Dodd (Applicant's Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 14 for, 1 against and 0 abstentions) this was agreed by the majority present.

RESOLVED that subject to the conditions contained in the Officer's report the application be GRANTED.

**5. APPLICATION NO. 22/0549/COU - 63 COMMERCIAL STREET, PONTYMISTER, RISCA, NEWPORT, NP11 6AW**

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11. The Planning Case Officer advised Members that a late representation objecting to the application had been received from the Police.

Councillor B. Owen spoke on behalf of local residents in objection to the application and Mr D. Evans (Agent) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 11 for, 3 against and 1 abstention) this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the application be GRANTED;
- (ii) the applicant be advised that they will need to liaise with the appropriate utility in order to relocate the telegraph pole which abuts the wall to the rear of the property, in order to access the parking area as proposed.

The meeting closed at 6.09 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 14th September 2022, they were signed by the Chair.

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CHAIR

**Application Number:** 21/0877/FULL

**Date Received:** 02.03.2022

**Applicant:** Mr C Capel

**Description and Location of Development:** Demolish existing dwelling and erect 6 No. light industrial units and 6 No. storage lock ups - Fair View Garage Woodland Place Pengam Blackwood NP12 3QX

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application site is located on the junction of St. David's Road and Pengam Road.

Site description: The whole of the site is associated with Capels Van Centre and comprises of commercial and residential land uses. The van sales forecourt is adjacent to St David's Road with the detached dwelling and its associated curtilage (No. 4-5 Woodland Place) located to the rear of the forecourt at a much lower level. Vehicular access to serve No. 4-5 Woodland Place is via Woodland Place, a narrow road that runs parallel to the southern boundary of the site, with the dwelling located on the northern side of the lane and the commercial uses located on the southern side of the lane. Beyond the dwelling permanent barriers have been installed to prevent through access to the other seven dwellings of Woodland Place and residential development of Bramblewood Court.

The existing access off Pengam Road to the upper level of the site would remain the same with access to the lower level of the site achieved through the internal roads within St David's Industrial Estate.

Development: Full planning permission is sought to demolish the existing dwelling and erect 6 No. light industrial units and 6 No. storage lock ups.

Dimensions: The overall block of industrial units on the upper part of the site has a maximum footprint measuring 30.5 metres in width by 23.0 metres in depth with the maximum ridge height measuring 8.0 metres. Each unit will be equipped with a small office and toilet.

The storage lock ups on the lower part of the site will be located underneath the industrial units and have a maximum footprint 30.5 metres in width by 11.0 metres in depth with an overall height measuring 5.8 metres above the lowest ground level.

Materials: The external finishes comprise of goosewing grey aluminium sheeting, autumn gold facing bricks together with grey roller shutter doors and fire escape doors. Rain water goods are proposed in the colour 'seagos blue'.

Ancillary development, e.g. parking: Fifteen car parking spaces are proposed to serve the industrial units on the upper level and eight car parking spaces are proposed to serve the storage lock ups on the lower level.

PLANNING HISTORY 2010 TO PRESENT 12/0511/OUT - Erect housing development - Refused 16.03.2016.

15/0573/RET - Retain change of use of trade retail outlet into a dog grooming parlour - Granted 16.12.2015.

17/0088/OUT - Construct housing development of 17 properties - Granted 24.10.2019.

## POLICY

LOCAL DEVELOPMENT PLAN The Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site is located within settlement limits and part of the site is designated as a secondary employment site, (EM 2.17, St David's Pengam).

Policies: SP2 (Development in the Northern Connections Corridor (NCC)), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW5: Protection of the Water Environment and CW15 (General Locational Constraints) together with advice contained within Supplementary Planning Guidance LDP 5: Car Parking Standards and LDP 6: Building Better Places to Live.

NATIONAL POLICY Future Wales: The National Plan (February 2021), Planning Policy Wales Edition 11 (February 2021), Technical Advice Note 12: Design (March 2016) and Technical Advice Note 23: Economic Development (February 2014).

## ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site area is located within an area of high risk. The application has been accompanied by a Coal Mining Risk Assessment and this has been reviewed by The Coal Authority.

## CONSULTATION

Dwr Cymru - No objection in principle but provides informative advice regarding foul and surface water, the presence of a public sewer within the site and the absence of any known potable water consumption rate and the whether an adequate water supply can serve the proposed development requests that a condition is imposed for the developer to fund the undertaking of a Hydraulic Modelling Assessment on the water supply network.

The Coal Authority - No objection but the coal mining legacy within the area has the potential pose a risk to the proposed development and that further investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development, this can be controlled by way of conditions imposed to any consent.

Western Power Distribution - Provides informative advice to the developer regarding any new utility connections required on the site.

Welsh Government - Planning Directorate - No comments received at the time of writing the report.

Heritage And Placemaking Officer - No objection.

Senior Engineer (Drainage) - Advises that Sustainable Drainage Approval is required.

Waste Strategy and Operations Manager - No comments received at the time of writing the report.

Ecologist - No comments received at the time of writing the report.

Transportation Engineering Manager - CCBC - No objection subject to conditions in relation to securing car parking and turning areas within the site, controlling rainwater run-off, restricting existing accesses and providing a specific gradient that the ramp serving the lower part of the site must achieve.

Environmental Health Manager - No objection subject to conditions relating to air quality mitigation measures, schemes for noise and dust mitigation within the construction phases of the developer, restricting the use of the uses of all the units, hours of operation, contamination, remediation and validation together with controlling the level of noise that would emit from the site along with requesting further details of the proposed acoustic barrier to be constructed along the western boundary of the site.

Informative advice is also provided to the developer.

## ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and six neighbours were notified by way of letter.

Response: Eleven letters of representation have been received from eight objectors.

Summary of observations: The following objections were raised:-

1. The applicant has not informed the neighbours.
2. Questions the inaccuracies with the question boxes ticked within the application form.
3. Lack of consultation from the Local Planning Authority and had to rely on a neighbour directly adjacent to the site to be informed of the proposed development.
4. The development is likely to lead to dangerous manoeuvres at the 4-way traffic lights that intersect Pengam Road, St David's Road and Fair view.
5. The development will bring more traffic to Fair View traffic lights causing more delays at peak times.
6. The development would considerably increase business traffic at the top of the lane at Woodland Place, which is a much used route by pedestrians and children attending Pengam Primary School.
7. It is not clear how each unit would be accessed for deliveries and customers.
8. The priority for the Council is to build more houses not to knock existing houses down.
9. Industrial units on long established residential land is contrary to Council policies.
10. The proposal is considered to be over-development of the site.
11. The proposal is incremental progression of decades of expanding the St Davids Industrial Estate.
12. The proposal doesn't benefit residents.
13. Neighbours would be subjected to prolonged periods of unacceptable noise disruption within a residential area during the demolition and construction phases.
14. The proposed development would bring industrial operations, and the associated various pollution problems such as noise, fumes and light pollution far too near residential properties.
15. There is no buffer zone between the site and no.3 Woodland Place bringing noise impacts from the uses within the building as well as the to-ing and fro-ing of vehicles to the garden boundary.
16. The fire escape doors and associated stairwells would result in workmen overlooking the neighbouring property resulting in loss of privacy.
17. Ventilation issues from the development relating to the expulsion of toilet smells, stale and possibly infected air directly onto neighbouring homes.
18. The building would have an overbearing impact and adverse outlook on the occupiers of no. 3 Woodland Place, adversely detracting away from the visual amenity of Woodland Place.
19. The proposed development looks like a prison.
20. Woodland Place was originally built in keeping with the Garden Village concept of John Hodder Moggeridge, his initiatives were responsible for much of modern



Blackwood. And advises that the Legal Department should research any conditions placed on the threatened site.

21. The development would have an adverse impact upon the physical and mental well-being on the occupiers of No. 3 Woodland Place.

22. References gabion filled baskets and that it was erected outside the boundary of No. 3 Woodland Place to raise the ground levels of no. 4- 5 Woodland Place and the increased volume of traffic would threaten to put a lot more pressure on this loose filled material which could in turn collapse along with the indicated acoustic fence.

23. The opening hours are unacceptable.

24. The development would reduce the value of every property along Woodland Place.

25. Requests for members of the committee to undertake a site visit to the nearest neighbour's property.

### 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 applications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? A survey was carried out and no evidence was found, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure. Furthermore, Policy 9 of Future Wales - The National Plan 2040 states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment. In that regard biodiversity enhancements will be sought as part of this development.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development is CIL liable as the proposal intends to create more than 100 square metres of additional floor space. However, in that the nature of the proposed uses are charged at £0 per square metre for new development, no CIL will be collected.

### ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main issues for consideration in the determination of this application are whether the proposed development would provide an appropriate site for light industrial and storage lock up development having regard to planning policies that seek to control the location

of new development; the impact of the development in design terms, the effect the development would have upon the character of the surrounding area and neighbouring amenity together with highway safety implications.

Policy SP2 (Development in the Northern Connections Corridor (NCC)) of the Local Development Plan (LDP) requires development proposals to promote sustainable development. Specifically proposals in this area should: focus significant development on both brownfield and greenfield sites that have regard for the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; and protect the natural heritage from inappropriate forms of development.

Given that the site the subject of this application is previously developed land included within the settlement boundary of Blackwood, in policy terms the development of the site would be consistent with Policy SP5 of the LDP in that it promotes the full and effective use of urban land and serves to concentrate new development within the existing settlement.

General development control considerations are set out in policies SP6 (Place making), CW2 (Amenity) and CW3 (Design Considerations-Highways) of the LDP.

Strategic Policy SP6 sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement and realise the efficient use of land. The development proposal offers the opportunity to provide six light industrial units on previously developed land within the forecourt of an established commercial premises in Pengam and six storage lock ups on land at a level that is currently occupied by a detached dwelling and associated garden curtilage. The existing vehicular access to and from the A4049 will be utilised to serve the upper level of the site with the internal access road of St. David's Industrial Estate serving the lower level of the site. The development site is bounded by a mix of uses including residential to the west along with commercial and light industrial uses to the north and south. In terms of the design of the block of buildings, this appears to integrate well with the existing van centre building on the site and the neighbouring commercial/industrial buildings beyond the intervening petrol station and forecourt to the north of the site. The external finishes also reinforce the existing commercial and industrial uses within and adjacent to the site. As such it is considered that the design of the scheme is acceptable in planning terms and complies with Policy SP6.

Policy CW2 relates to amenity and states that development proposals should have no unacceptable impact on the amenity of adjacent properties or land; should not result in the over-development of the site; and the proposed use is compatible with surrounding land-uses. The proposed development would not result in over development of the site in that sufficient operational and servicing space has been demonstrated, it will also not constrain neighbouring land uses adjacent to the site. Turning to the visual impact of the development, when viewed from the A4049 the visual appearance of the site will

change but given the existing commercial setting it is not considered that the proposed development would cause any undue harm to the character of the surrounding area.

The six units on the lower level of the site would not be visible from the A4049 and the wider surrounding area but would be visible from immediate views from within Woodland Place and Bramblewood Court. In that regard it is accepted that the backdrop to the upper level would change when compared to the existing situation with a more pronounced commercial form. However the proposed built form would not extend any further forward at the rear than the existing commercial buildings on the wider site and this is important to note given that the existing dwelling is located much further into the site. An acoustic barrier would also be installed along the western boundary which would reduce much of the perceived massing and built form, along with the land in front of the acoustic barrier to provide a sustainable urban drainage feature that will rely on a planting scheme. Therefore, given the separation distance of the rear elevation of the building from the western boundary it is not considered that the proposed development would give rise to such adverse visual amenity impacts that would warrant refusal of the application.

In terms of residential amenity, the nearest residential properties to the proposed development are No. 3 Woodland Place and No. 13 Bramblewood Court, these properties are located to the west of the site at a much lower level with the distances to their respective garden boundaries measuring 21 metres and 43 metres and approximately 43 metres to any habitable room windows serving those properties. Whilst the introduction of light industrial uses would be brought closer to the residential properties, the light industrial uses are restricted to the upper level of the site where commercial activities associated with the van centre already take place, with the units on the lower level of the site proposed as storage lock ups. The level of noise and activity associated with small storage lock up facilities is considered to be far less intensive than any light industrial use and the nature of the intended uses for each individual lock up would be controlled by condition. In that the noise levels, nature of uses, hours of operation and restriction of external activities can all be controlled by way of conditions imposed to any planning consent, it is not considered that the proposed development will give rise to significant adverse impacts that would detrimentally affect the level of amenity currently received by the nearest neighbouring occupiers. Furthermore it should also be noted that part of the lower site falls within a designated secondary employment site allocated in the LDP (EM 2.17, St David's Pengam) and immediately abuts the boundary of No.3 Woodland Place for which B1, B2 or B8 use classes have previously been considered acceptable. Having regard to all of the considerations the proposed development complies with Policy CW2 of the LDP.

Policy CW3 considers highway safety. In that regard adequate provision has been made for parking and vehicular movements within the site. The Transportation and Engineering Manager has concluded it is not considered that the proposal would have any adverse impacts on the safe and efficient use of the transportation network and therefore no objection is raised subject to conditions imposed to any consent. It should also be noted that the imposition of one condition would also result in an improvement

for any existing pedestrians who use Woodland Place in that the existing accesses from the lane serving the van centre and existing dwelling would be blocked off, which in turn would reduce the number of vehicle movements along the lane each day. It is therefore considered that the proposed development complies with Policy CW3 of the LDP.

In conclusion, the proposed development will create the opportunity to encourage new start-up businesses into the county borough along with the potential of added benefits to create new jobs. Having regard to the above observations, the proposed development accords with Policies CW2 and CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010.

Comments from Consultees: Dwr Cymru/Welsh Water have requested a condition for the developer to undertake a Hydraulic Modelling Assessment on the water supply network to ensure that a potable water scheme to serve the site can be supplied. In that regard the term 'potable water' relates to water that is clean and safe to drink for human consumption.

Paragraph 3.2 of Welsh Government Circular The Use Of Planning Conditions for Development Management (October 2014) states:

"In considering whether a particular condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition. If it would not, then the local planning authority needs to carefully justify why the condition is being imposed in the first place. A condition should not be imposed unless it is considered necessary."

Paragraph 3.6 further states:

"Conditions should not repeat the provisions of other conditions or duplicate controls under other legislation unless there is a planning reason for doing so. For example, conditions relating to drainage should not be imposed where the matter can be adequately addressed through Building Regulations... a condition may, however, be needed if the alternative form of control might not be exercised in a manner or to the degree needed to secure planning objectives. A key question to ask is whether a condition is necessary in its own right on planning grounds. "

In that the residential dwelling on the site at present is served by a potable water connection it would not be reasonable or necessary to impose such a condition in order to enable the development to proceed in that it would be punitive of the Local Planning Authority to impose such a condition when the matters can be adequately addressed under separate legislation.

Environmental Health Manager has requested conditions in respect of controlling the use of all the buildings within the site and a scheme for air quality mitigation measures, in that regard the applicant has submitted a noise assessment for the site and despite not knowing what the individual uses of each unit would be the noise assessment report identifies that probable noise emissions from activities associated with the site would

likely give rise to low levels of audibility at the closest residential properties to the site and that the proposed units would be effective in containing the probable levels of internally generated noise within the units. Furthermore, the assumptions contained within the noise report were based on all of the site proposed as light industrial units. The developer has co-operated with the Local Planning Authority at the request of the relevant internal statutory consultees and has amended the scheme significantly when compared to the original submission details with the six units on the lower part of the site now proposed as storage lock ups, which is considered to be a far less noise intensive use than the original submission. On that basis it would not be reasonable to control the uses for each unit on the upper part of the site given its existing lawful use, but controlling the uses of the individual lock up units on the lower part of the site would be considered reasonable and necessary in addition to the imposition of a condition to control noise for the whole of the site.

Comments from public: The following objections are addressed below:-

1. The applicant has not informed the neighbours - There is no requirement for the developer to notify neighbours or undertake a pre-application consultation if the development falls below a certain threshold.
2. Questions the inaccuracies with the question boxes ticked within the application form - An amended application was submitted as part of the subsequent submissions submitted for consideration.
3. Lack of consultation from the Local Planning Authority and had to rely on a neighbour directly adjacent to the site to be informed of the proposed development - The Local Planning Authority has a duty to advertise applications for planning permission in accordance with article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The necessary publicity requirements have been met.
4. The development is likely to lead to dangerous manoeuvres at the 4-way traffic lights that intersect Pengam Road, St David's Road and Fair view.
5. The development will bring more traffic to Fair view traffic lights causing more delays at peak times.
6. The development would considerably increase business traffic at the top of the lane at Woodland Place which is a much used route by pedestrians and children attending Pengam Primary School.

With regards to point 4, 5 and 6, as previously stated further amendments have been made to the scheme since the original details were submitted for consideration. The developer has actively sought to co-operate with the requests of the internal statutory consultees to ensure that their concerns can be satisfied. The Transportation and Engineering Manager has reviewed the final proposal and considers the development to

be acceptable subject to conditions. Furthermore, conditions imposed to any planning consent granted would result in improved safety along Woodland Place in that the lane would no longer be used resulting in less traffic entering and egressing through the traffic lights onto Woodland Place.

7. It is not clear how each unit would be accessed for deliveries and customers - The existing access off Pengam Road to the upper level of the site would remain the same with access to the lower level of the site achieved through the internal roads within St David's Industrial Estate, this would be further controlled by way of condition.

8. The priority for the Council is to build more houses not to knock existing houses down - It is accepted that the council has to ensure that sufficient residential land is made available to meet the future needs of both market and affordable housing, however there are no policies within the Caerphilly County Borough Local Development Plan that prevent the demolition of existing dwellings. Furthermore, it should be noted that the existing dwelling has served multi generations of the developer for which the developer has previously built move on accommodation and is in the process of building a dwelling in a neighbouring ward that will replace the existing family home to be demolished.

9. Industrial units on long established residential land is contrary to Council policies - The site is located within settlement limits on previously developed land. The site is not designated as an allocated housing site within the LDP but some of the site forms part of an allocated protected secondary employment site (EM2.17 St. David's, Pengam).

10. The proposal is considered to be over-development of the site - Sufficient operational, parking and servicing space can be accommodated within the site along with land designated to incorporate sustainable urban drainage features, on that basis it is not considered that the development can be considered to be over-development.

11. The proposal is incremental progression of decades of expanding the St David's Industrial Estate - The application site is previously developed land, each application can only be considered on its own individual merits. In addition the market will determine whether there is such a need for small start-up businesses.

12. The proposal doesn't benefit residents - Whilst the development may not directly benefit residents, it will benefit the wider county borough and attract inward investment. The proposed development provides the opportunity to create local jobs and for local companies or entrepreneurs to secure premises which in turn all contributes to the local economy of the county borough.

13. Neighbours would be subjected to prolonged periods of unacceptable noise disruption within a residential area during the demolition and construction phases - It is accepted that there will be some noise and disruption during the demolition and construction phase of the development however this will be limited to certain times of the day and the relevant conditions suggested would control the hours of operation in which such activities could take place.

14. The proposed development would bring industrial operations, and the associated various pollution problems such as noise, fumes and light pollution far too near residential properties - The most western elevation of the storage lock ups would be located in line with the existing van centre's building and there would be an intervening distance measuring some 21 metres to the most easterly boundary of No. 3 Woodland Place and 43 metres to the rear elevation of that property along with being located 39 metres from the boundary of No.13 Bramblewood Court and across the lane of Woodland Place. These distances are considered to be acceptable and further conditions would also be imposed to any consent granted.

15. There is no buffer zone between the site and no.3 Woodland Place bringing noise impacts from the uses within the building as well as the to-ing and fro-ing of vehicles to the garden boundary - As stated above the distances indicated are considered acceptable, furthermore, it would appear that the garden area adjacent to the application is not used for amenity purposes. It should also be noted that the intervening distances referred to above would provide a buffer zone along with an acoustic fence. In addition given the internal footprint of the storage lock-ups, it is not considered that traffic movements to and from the site would be significant enough to warrant refusal of the application given that their individual uses and respective hours of operation can be adequately controlled.

16. The fire escape doors and associated stairwells would result in workmen overlooking the neighbouring property resulting in loss of privacy - Fire doors should only be used in the event of an emergency and would be subject to building regulations approval. With regards to overlooking, it should be noted that any first floor windows within the existing dwelling would currently overlook the garden area of No. 3 Woodland Place and it is a common occurrence for some overlooking to take place where there are significant differences in levels. However, in that the storage lock ups would be located further back into the site than the existing dwelling, the external rear fire escape to serve the higher level units would be located some 23.5 metres away from the adjoining boundary and in excess of 45.5 metres away from any habitable room windows. Having regard to the answers also previously provided in point 14 above, perceived overlooking and loss of privacy are not considered to be an issue in this instance.

17. Ventilation issues from the development relating to the expulsion of toilet smells, stale and possibly infected air directly onto neighbouring homes - The development can be adequately controlled through compliance with the building regulations approval process.

18. The building would have an overbearing impact and adverse outlook on the occupiers of no. 3 Woodland Place, adversely detracting away from the visual amenity of Woodland Place - Given the significant distances away from the nearest properties, the development is not considered to give rise to overbearing impacts.

19. The proposed development looks like a prison - The visual appearance of the development would be in keeping with the commercial units within the wider area.

20. Woodland Place was originally built in keeping with the Garden Village concept of John Hodder Moggeridge, his initiatives were responsible for much of modern Blackwood. And advises that the Legal Department should research any conditions placed on the threatened site - There are no planning conditions on the site itself that would prevent the site being used for commercial purposes.

21. The development would have an adverse impact upon the physical and mental well-being on the occupiers of No. 3 Woodland Place - Given the distances involved and the numerous suggested conditions to control the development it is unclear how the development will adversely impact the physical and mental well-being of any residential occupiers in close proximity to the site.

22. References gabion filled baskets and that it was erected outside the boundary of No. 3 Woodland Place to raise the ground levels of no. 4- 5 Woodland Place and the increased volume of traffic would threaten to put a lot more pressure on this loose filled material which could in turn collapse along with the indicated acoustic fence - Potential instability issues are a private matter between any respective landowners.

23. The opening hours are unacceptable - The opening hours are considered reasonable for their respective uses.

24. The development would reduce the value of every property along Woodland Place - This is not a material planning consideration and there is no evidence to suggest that this would be the case.

25. Requests for members of the committee to undertake a site visit to the nearest neighbour's property - Whilst an objector has approached a Councillor to call in the application for members of the planning committee to consider the outcome of the application, a site visit was not requested and planning committee site visits have yet to resume since the Covid-19 pandemic.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and



PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

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) The development shall be carried out in accordance with the following approved plans and documents:  
Dwg No. 22/CC/114A Site Location and Site Layout Plan received on 11.07.2022; and  
Dwg No. 22/CC/214A Proposed Elevations and Floor Plans received on 11.07.2022;  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) No development shall commence until;  
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity and recorded mine shaft 315197-017; and  
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.  
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.  
REASON: In the interests of public safety in accordance with Paras 6.9.22-6.9.28 of Planning Policy Wales.
- 04) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: In the interests of public safety in accordance with Paras 6.9.22-6.9.28 of Planning Policy Wales.

- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of public health.

- 06) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 07) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.

REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 08) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.

REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.

REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) Prior to the commencement of the development 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 prior to the first occupation of the development.  
REASON: In the interests of public health and the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) No machinery shall be operated, no process shall be carried out and no deliveries be taken at or dispatched from the site outside of the following times:-  
a) 08:00 hours -18:00 hours Monday to Saturday; and  
b)10:00 hours - 16:00 on Sundays or Bank Holidays.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to commencement of development details of a scheme shall be submitted to and approved in writing by the Local Planning Authority to include the design of a solid, continuous acoustic barrier to be constructed along the Western and Southern boundaries of the application site. The scheme shall detail the decibel reduction capability of the acoustic barrier and how that will impact upon both internal and external noise levels at the nearest residential receptors.  
REASON: In the interest of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 14) Noise arising from the development shall not exceed the typical background sound level measured at any residential receptors when assessed in accordance with the methodology and principles set out in BS4142:2014+A1:2019 (or the latest version thereof) Method for rating and assessing industrial and commercial sound.  
REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 15) Prior to development commencing on site, details of all external and roof mounted plant/machinery associated with the application shall be submitted to and agreed in writing with the Local Planning authority. These details shall include the location of the plant and predicted noise levels (measured as a LAeq 1 hour) as measured on the boundary of the application site. Thereafter these

agreed details shall be fully installed prior to the use of each of the units commencing.

REASON: In the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 16) Notwithstanding the development hereby approved prior to beneficial occupation of each storage lock up, details of their intended use shall first be submitted for consideration and approved in writing by the Local Planning Authority. Thereafter for the lifetime of the development any subsequent use of each individual storage lock up shall also be submitted for consideration and approved in writing by the Local Planning Authority.

REASON: To retain effective control of the development in the interests of residential amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 17) Both of the existing means of vehicular access onto Woodland Place/the highway to the southern boundary of the site, shall be closed off in a manner to be agreed in writing with the Local Planning Authority prior to beneficial use of the development commencing. All vehicular traffic associated with the proposed units on the upper level of the development shall access and egress the site via the existing access serving the garage and van sales as detailed on Dwg No. 22/CC/114A; all vehicular traffic associated with the proposed units on the lower level shall access and egress the site via St David's Estate Road, again as detailed on Dwg No. 22/CC/114A.

REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.

- 18) Beneficial use of the development hereby approved shall not commence until the areas indicated for the parking and turning of vehicles have been laid out in accordance with the submitted plans to the satisfaction of the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure that adequate off-street parking facilities are provided within the curtilage of the site in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021.

- 19) The proposed access ramp to serve the units on the lower level of the development shall have a maximum gradient not exceeding 1:8, and shall be completed and constructed in permanent materials, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before occupation of the development and shall thereafter be maintained at all times.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 20) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before occupation and maintained thereafter at all times. REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) Any gates shall be located and fitted so as not to open out over the public highway. REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 22) Prior to the occupation of the development hereby approved, nesting sites for birds shall be provided as part of the approved development. REASON: To provide additional roosting for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Policy 9 of Future Wales: The National Plan 2040 (2021), Planning Policy Wales Edition 11 (2021), Technical Advice Note 5: Nature Conservation and Planning (2009) and policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

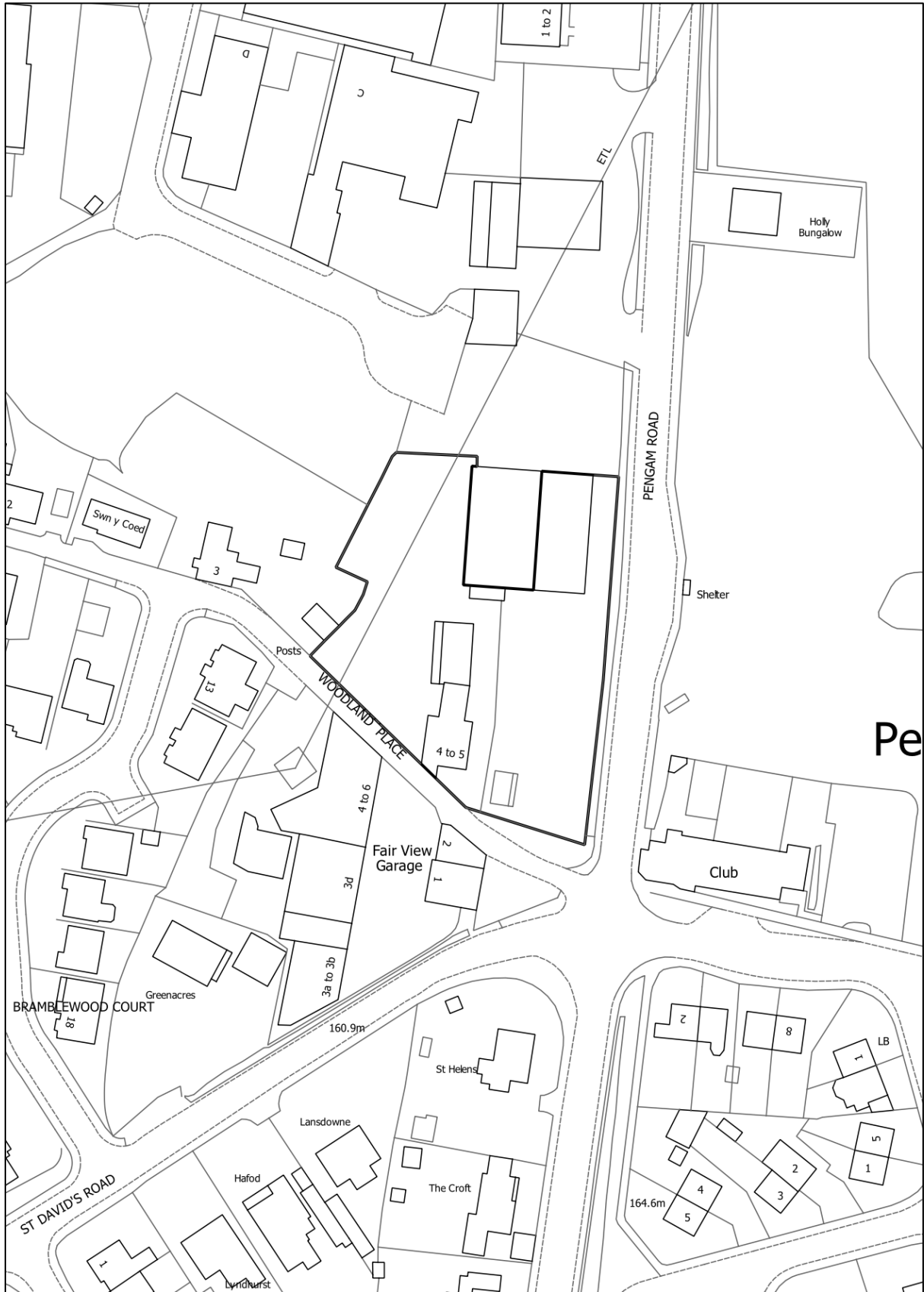
Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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 (as amended), 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 Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

Please refer to Public Access on the Council's website to view the comments of Dwr Cymru/Welsh Water, The Coal Authority and Environmental Health Manager.



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**Application Number:** 22/0463/COU

**Date Received:** 20.05.2022

**Applicant:** Mr A Kharzi

**Description and Location of Development:** Change the use to a B1 use class for car valeting and hand washing - Land At South Wales Motors St Cenydd Road East Treceenydd Caerphilly

**APPLICATION TYPE:** Change of Use

## SITE AND DEVELOPMENT

Location: Land At South Wales Motors, St Cenydd Road East, Treceenydd, Caerphilly. The application site is located on the eastern side of St Cenydd Road.

Site description: The application site is an irregular shaped parcel of land situated adjacent to the juncture between Station Terrace and the vehicular access to the former Zonner Industries otherwise known as 'The Sidings Building' (St Cenydd Road). The site is relatively level and has been cleared with the surface completed in loose gravel and some soft landscaping remaining along the rear site boundaries. A single shipping container and portable office building have been left on the site. The site is enclosed in-part at the front with an existing weldmesh and concrete post fence but is open along the remainder.

To the rear (north), the site shares a boundary with properties situated along the southern end of Thomasville (No's 31 and 32) and No. 1 Station Terrace. The boundary with Thomasville is delineated with a combination of residential 'timber fencing' and weldmesh with a larger mature tree to the east. To the west of the site, adjacent to the side of No. 1 Station Terrace is a smaller enclosed parcel of land, accommodating a collection of storage containers and larger shipping units (presumed for storage). The dwellings in Thomasville feature Mansard roofs with habitable room windows in the pine ends facing directly onto the application site.

Development: Planning permission is sought for the change of use from B1 Use Class to Sui Generis (Car Valeting and Hand Washing). Access will be achieved via an existing pavement crossing to the front of the site (southern site boundary) derived from the access track which serves the Sidings Building (former Zonner Industries) set to the east of the application site. The access is set approx. 38.0m from the juncture with Station Terrace and will be gated with a 180-degree opening security gate.

The site will feature a covered polishing bay, jet wash bay with proprietary specialist canopies and screens to contain spray, with an existing portable office building relocated to the north of the site to provide an office/staff welfare facility, with temporary portable loo. A large storage container will be sited along the northern perimeter for

storage of cleaning materials. Along the eastern side it is proposed to site 9 No. vehicle parking bays for staff/customer use, with an adjacent refuse store. In this case, the proposed site layout plan (Drawing No. 2208. PL03) features limited details with respect to the construction, scale and design of the proposed canopies, bay screening and storage containers.

Dimensions: Site area is approx. 1160.10sqm (0.11Ha). Covered polishing bay and Jet wash bays: 10.0m (l) x 5.0m (w). Parking bays: 4.80m (l) x 2.50m (w). Portable office building: 6.10m (l) x 2.50m (w).

Materials: Not specified with respect to the above, additional details are required.

Ancillary development, e.g. parking: Parking area accommodating 9 No. vehicle bays is proposed along the eastern site border. The site will be enclosed via 2.40m high paladin stripe mesh security fencing at the front (west, east, and south site boundaries) and 2.40m high closed lap timber fencing to the Rear (north) site.

PLANNING HISTORY 2010 TO PRESENT 17/0914/COU - Provide car wash and valeting service - Refused 14.12.2017.

18/0146/COU - Provide car wash and valeting service - Refused 05.04.2018.

22/0251/RET - Retain the change of use from manufacturing to vehicle recovery and storage - Pending Consideration.

## POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The application site is located within the settlement limits of Caerphilly and local ward of Penyrheol.

Policies: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways) and CW15 (General Locational Constraints).

SUPPLEMENTARY PLANNING GUIDANCE: Supplementary Planning Guidance (SPG) is produced to provide further detail on certain policies and proposals contained within the Caerphilly County Borough Local Development Plan (LDP). The guidance ensures that certain policies and proposals are better understood and applied effectively to all relevant development. The following adopted SPG's are relevant to this application:

LDP 5: Car Parking Standards (Revision No. 2) adopted January 2017.

The application of parking standards enables a transparent and consistent approach to the provision of parking facilities associated with new development and change of use. This Supplementary Planning Guidance (SPG) identifies how the CSS Wales - Wales Parking Standards 2014 will be applied across Caerphilly county borough. This guidance supplemented LDP Policy SP21.

LDP 6: Building Better Places to Live (Revision No. 3) adopted January 2017.

The main purpose of this Supplementary Planning Guidance (SPG) is to improve the standard of design in residential development, regardless of its size and location. The guide focuses on assessing development against the key placemaking principles, as such, to ensure that development is designed to meet the requirements of Planning Policy Wales (PPW) and convey the design implications of Technical Advice Note - TAN 12: Design (March 2016).

NATIONAL POLICY Planning Policy Wales (Edition 11) and Future Wales - The National Plan 2040 (February 2021). The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides Policies that should be considered in the determination of applications at all levels.

Paragraph 3.9 of PPW: The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

Paragraph 3.14 of PPW: Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment.

Paragraph 3.16 of PPW: Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected.

Paragraph 3.50 of PPW: A broad balance between housing, community facilities, services and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting.

Paragraph 5.4.15 of PPW: 5 Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

Technical advice notes (TANs) provide detailed planning advice. The following have been considered when assessing this proposal: Technical Advice Note (TAN) 4: Retail

And Commercial Development (November 2016), TAN 12: Design (2016) and TAN 23: Economic Development (February 2014).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site lies within a Coal Mining Development - Low Risk Area. Advisory notes will be attached to any consent granted, to raise awareness to the coal mining conditions in this area.

### CONSULTATION

Transportation Engineering Manager - CCBC - No comments submitted.

Environmental Health Manager has no objections to the above planning application, subject to the following conditions:

**Waste from commercial premises:** Unless otherwise agreed in writing with the local planning authority, prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with a scheme to be agreed in writing with the local planning authority.

REASON: In the interest of public health.

**Site control - dust suppression:** Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.

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

**Site control - noise suppression:** Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.

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

Our Health and Safety team also have the following comments to make: "This type of business falls to the HSE for Health and Safety enforcement."

Senior Engineer (Drainage) - No Objections.

Principal Valuer - There are no comments from Property, however, I noted that some Highway land has been included in the site location plan, as shown by the edged thick red line on the accompanying plan.

Dwr Cymru - We note that the application indicates that the foul flows are to be disposed of via a portable toilet. In principle, we offer no objection to the foul flows discharging to the public sewer, should this be the proposed method of foul water disposal. Similarly, we note that the proposed method of surface water disposal will be via a main sewer. However, there is no justification within the application submitted investigating sustainable methods of surface water drainage. In the absence of this information and to ensure there is no detriment to the public sewerage system we request that should you be minded to grant planning permission the suggested condition and advisory notes should be applied/made available to the applicant.

Planning condition: No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

CADW - No comments submitted.

### ADVERTISEMENT

Extent of advertisement: The application was advertised via means of neighbour notification letters issued to properties along Thomasville and No. 1 Station Terrace.

Response: In total 1 No. OBJECTION comment and 1 No. NEUTRAL comment have been received.

Summary of observations: The key points contained within the submitted representations are summarised below:

1. Same application was refused in 2018 (18/0146/COU) since this time 2 No. new roads and a house have been built (St Cenydd Road East and Record Street).
2. Share a 120ft common boundary with the application site, hence would be impacted by the development; The noise, smell and spray contamination would impact residential amenity.
3. Caerphilly already has 7 cash wash facilities.
4. Lanes Recovery already operate 24/7 with additional traffic and noise. Car wash open to the public on a 10.5m radius curve, would result in parked vehicles on kerbs with car transporters trying to reverse around this corner.
5. Indicated drainage is not a drain, but a 'chimney' put in place by Zonner Industries in the 1990's for a development plan. The area is built up land from 1950's and 60's. The proposed toilet would be a soakaway.

6. Japanese knot weed encroachment is an issue and needs to be removed, in 2018 CCBC advised that this did not contaminate the site. Evidence to show that it has been 5ft tall.

7. Fencing would be required to secure the carwash to prevent water running into neighbouring gardens and to ensure that there is privacy.

### SECTION 17 CRIME AND DISORDER ACT

Section 17 of the Crime and Disorder Act 1998 (Duty to consider crime and disorder implications): Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area; and (d) serious violence in its area.

Planning Policy Wales (PPW) Edition 11 (Feb 2021) - section 3.11 (community safety): Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive community's well-being goal.

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. It is noted that the opening hours for this facility would need to be controlled to prevent operation in the early hours of the morning when issues with anti-social behaviour or other crimes may arise. In addition it would be the responsibility of the landowner to ensure that no valuables were left on site overnight and that the site was secured to deter crime.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. Based on current evidence, this is unlikely to be a significant issue in this case, if appropriate, advisory notes will be attached to the consent and sent to the applicant as a precautionary measure. In this case it is not necessary to secure any biodiversity enhancements via planning condition.

The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. Policy 9 of Future Wales - The National Plan 2040 states that action towards securing the maintenance and enhancement of biodiversity

(to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment. In that regard biodiversity enhancements can be sought as part of this development through any additional landscaping proposals required if the development is considered acceptable in all other areas.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is not CIL Liable.

### ANALYSIS

Policies: The proposal has been assessed against all relevant Local Development Plan Policies, associated supplementary planning guidance and other material planning considerations, in conjunction with overarching national planning guidance contained with Planning Policy Wales (PPW), Future Wales: The National Plan 2040 and Technical Advice Notes (TANs).

In determining this application previous planning refusals are of note, given the rejected proposals are of the same nature. Planning permission 17/0914/COU (Provide car wash and valeting service) was refused on 14.12.2017 and subsequently 18/0146/COU (Provide car wash and valeting service) was also refused on 05.04.2018. The primary reasons for refusal, common to both applications are highlighted in sequence below:

1. The proposed use, by virtue of the potential for noise and vibration from power washers, vacuum cleaners, and other equipment, would have an unacceptable impact on the amenity of neighbouring dwellings. Therefore it is considered that the use is not compatible with surrounding land uses and as such the proposal is contrary to criteria A and C of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
2. The proposed use, by virtue of the potential for spray from power washers crossing the boundaries of the site, would have an unacceptable impact on the amenity of neighbouring dwellings. Therefore it is considered that the use is not compatible with surrounding land uses and as such the proposal is contrary to criteria A and C of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

This proposal would need to demonstrate that the above reasons for refusal have been significantly overcome. In this case the site has previously featured limited 'permanent' development, with the siting of temporary buildings for use for storage and an office provision ancillary to the neighbouring land use (1990's). From 2001 to 2016, the site has mostly been left open, as an area of 'green' space at the curved juncture between the entrance to Zonner Industries and Station Terrace. A small area of hardstanding has

always been present to the east of the site, with the land predominantly laid with grass and some unkempt vegetation. However, the boundary with Thomasville has been greatly screened with mature shrubs/trees across this period, until the site has been cleared and coated in gravel circa 2020/2021.

This former use, together with its location adjacent to other industrial uses on a main arterial route between the B4263 and A469 are material considerations that weigh in its favour. However, in this case the site shares a boundary with a wider residential area, with 3 No. properties in close proximity to the development with no geographical separation or proposed landscaping. In that regard, it is accepted that this type of car wash facility can lead to noise and air-borne water spray issues. The proposal presents a separation distance of less than 12.0m to the nearest dwelling (No. 32 Thomasville) from the site boundary and just over 20.0m from the jet washing bay. The 2 No. proposed dwellings within the curtilage of 31 Thomasville (planning permission 16/0623/FULL) will be set approx. 5.0m away from the application site. In conjunction with limited separation distances, the existing dwellings along Thomasville have habitable room windows on the pine ends facing onto the application site.

Previous applications have been refused on ground 1; non-compliance with the policy objectives of CW2 (criteria A and C). The question is, has this reason for refusal been successfully overcome in this later application. LDP Policy CW2 presents a number of objectives to ensure that development proposals give due regard to the visual and residential amenities of adjacent occupants and land. Notably criteria (A) "There is no unacceptable impact on the amenity of adjacent properties or land" and (C) "The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use". The applicant proposes a variety of mitigation measures, inclusive of the provision of 'proprietary specialist' canopy and spray screens to the side of the jet-wash bay to 'catch' spray and a 2.4m high, closed timber lap fence along the boundary with Thomasville. However, no other mechanisms to reduce noise disturbance or air/ground water contamination are incorporated into the development.

The proposed measures would not be sufficient to address the concerns mentioned above for the following reasons, (i) spray screens and/or canopies would be deficient in preventing air-borne spray/chemicals from being carried in northerly winds across the amenity areas of neighbouring properties, without a full 'chamber' style enclosure and (ii) any structure that would achieve this would need to be designed to a high quality to ensure compliance with LDP policy SP6 (Placemaking) and it is considered that this would be unreasonable in planning terms and (iii) Timber fencing would be insufficient in comparison to quality acoustic fencing, which at the necessary height (As per guidance within TAN 11: Noise) to secure sound-proofing would result in overbearing impacts upon the occupants of adjoining properties and from the side of Thomasville would be a noticeable addition to the streetscene, to the detriment of the visual amenity of this area.



Although these properties are already subject to high levels of noise from the unauthorised 24/7 automotive recovery business (Lanes Recovery) operating from the adjacent site (The Sidings Building), any noise emanating from this additional use would be more significant than that from passing vehicles and the adjacent industrial units due to its more immediate siting along a residential boundary. In this case, the application still warrants refusal with respect to parts (A) and (C) of Policy CW2. The use of jet washers, compressors, vacuum cleaners etc and the noise and spray caused by such equipment would have an unacceptable impact on the amenity of neighbouring dwellings contrary to the provisions of Policy CW2 of the Local Development Plan, which states that there should be no unacceptable impact on the amenity of adjacent land or properties.

LDP Policy SP6 (Placemaking) ensures that Development proposals contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. This includes promoting an appropriate mix of uses that reflect the role and function of settlements and achieving a high standard of design that reinforces attractive qualities of local distinctiveness. The proposed sui generis use of a car valeting and washing facility is not appropriate in this context, due to its nearness to residential dwellings. Criterion A of Policy SP6 clarifies that development proposals will only be permitted where they are, "An appropriate mix of uses that reflect the role and function of settlements". Additionally criterion D of SP6 states that development proposals must be in, "a location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all". In this case the applicant intends to utilise an existing access (eastern side of the site) onto St Cenydd Road, which has been utilised for vehicular crossover since the 2000's when the area of hardstanding (storage yard) was well established. With regard to highway safety it should be noted that the access from the site onto St Cenydd Road is an existing access with acceptable vision splays Likewise the applicant intends to provide 9 No. allocated on-site parking spaces.

It has been queried as to whom would maintain/control this section of highway, given the stretch of this access approx. 70m down from Station terrace is not maintainable highway, the Councils Principal Valuer also notes a section of land (western side along Station Terrace) incorporated into the red-line boundary is Highways Authority Land. Although the Councils Transportation Engineering Services Manager has not commented on this application, no objections were raised against the former application 18/0146/COU provided planning conditions were imposed to safeguard on-site parking, materials, layout (in/out movements of vehicles) and a directional signage scheme. The officer noted "the proposed access into the site from the access road to Zonner Industries would need to be located at the furthest end of the site from St Cenydd Road in order to ensure that vehicles do not queue onto St Cenydd Road." Given the above, it is still considered that this can be adequately controlled by condition and as such the proposal is considered to be acceptable in highway safety terms and complies with Policy CW3 and SP21 of the Local Development Plan and SPG LDP5: Parking Standards.

In conclusion it is considered that the proposal is unacceptable in respect of the impact on the amenity of neighbouring properties and as such the proposal is contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010. Refusal is recommended

Comments from consultees: No Objections subject to the suggested planning conditions being imposed. The Councils Principal Valuer has advised that a section of the land parcel (western side) is land adopted by the Highways Authority and the applicant would need to address this land ownership.

Comments from public: Any objection comments which relate to matters that have not been discussed within the main body of the report are acknowledged below:

1. Same application was refused in 2018 (18/0146/COU) since this time 2 No. new roads and a house have been built (St Cenydd Road East and Record Street). Former planning refusals have been considered. A full character and context appraisal has been completed to understand the relationship the development will have within the existing built environment, surrounding land uses and the potential adverse impacts that may arise as a result of enabling this form of development in such a location. The principles within LDP6: Building Better Places to Live are applied to all levels of development to ensure that proposals comply with the core LDP Policies, notably Policy CW2 (amenity) and SP6 (Placemaking). The impacts upon residential amenity have been discussed in depth within the report.

2. Lanes Recovery already operate 24/7 with additional traffic and noise. Car wash open to the public on a 10.5m radius curve, would result in parked vehicles on kerbs with car transporters trying to reverse around this corner. The applicant has mitigated the potential impacts upon highway safety by providing on-site parking for use by customers and staff, this would likely deter vehicles using the facility from parking on the bend. It is also noted that double-yellow lines approx. 50m in length have been painted along both sides of the junction with Station Road, with the proposed access set beyond this. There could be scope for the Highways Authority to extend these markings, if necessary, should parking issues be reported.

3. Indicated drainage is not a drain, but a 'chimney' put in place by Zonner Industries in the 1990's for a development plan. The area is built up land from 1950's and 60's. The proposed toilet would be a soakaway. The proposed toilet is a temporary portaloo, which self-contains waste. The applicant has indicated that they may wish to incorporate a permanent WC facility in future. Welsh Water (Dwr Cymru) presents the following comments with respect to a WC facility, "In principle, we offer no objection to the foul flows discharging to the public sewer, should this be the proposed method of foul water disposal." A soakaway is not proposed.

4. Japanese knot weed encroachment is an issue and needs to be removed, in 2018 CCBC advised that this did not contaminate the site. Evidence to show that it has been 5ft tall.

This issue has not been identified by CCBC. Regardless, Japanese Knotweed is classified as an invasive species it is therefore the responsibility of the landowner to prevent the plant spreading to neighbouring land (or into the wild), and removal of plant must be conducted with a specialist, with an anti-contamination scheme implemented for long-term control.

5. Fencing would be required to secure the carwash to prevent water running into neighbouring gardens and to ensure that there is privacy.

The applicant has proposed 2.40m high timber fencing to enclose the site along the northern site boundary, although this would add a degree of privacy to neighbouring occupants, the fencing is not an appropriate means to manage surface water run/off, prevent water contamination or mitigate noise impacts.

Other material considerations: Regard has been given to the duty to improve the economic, social, environmental, and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act.

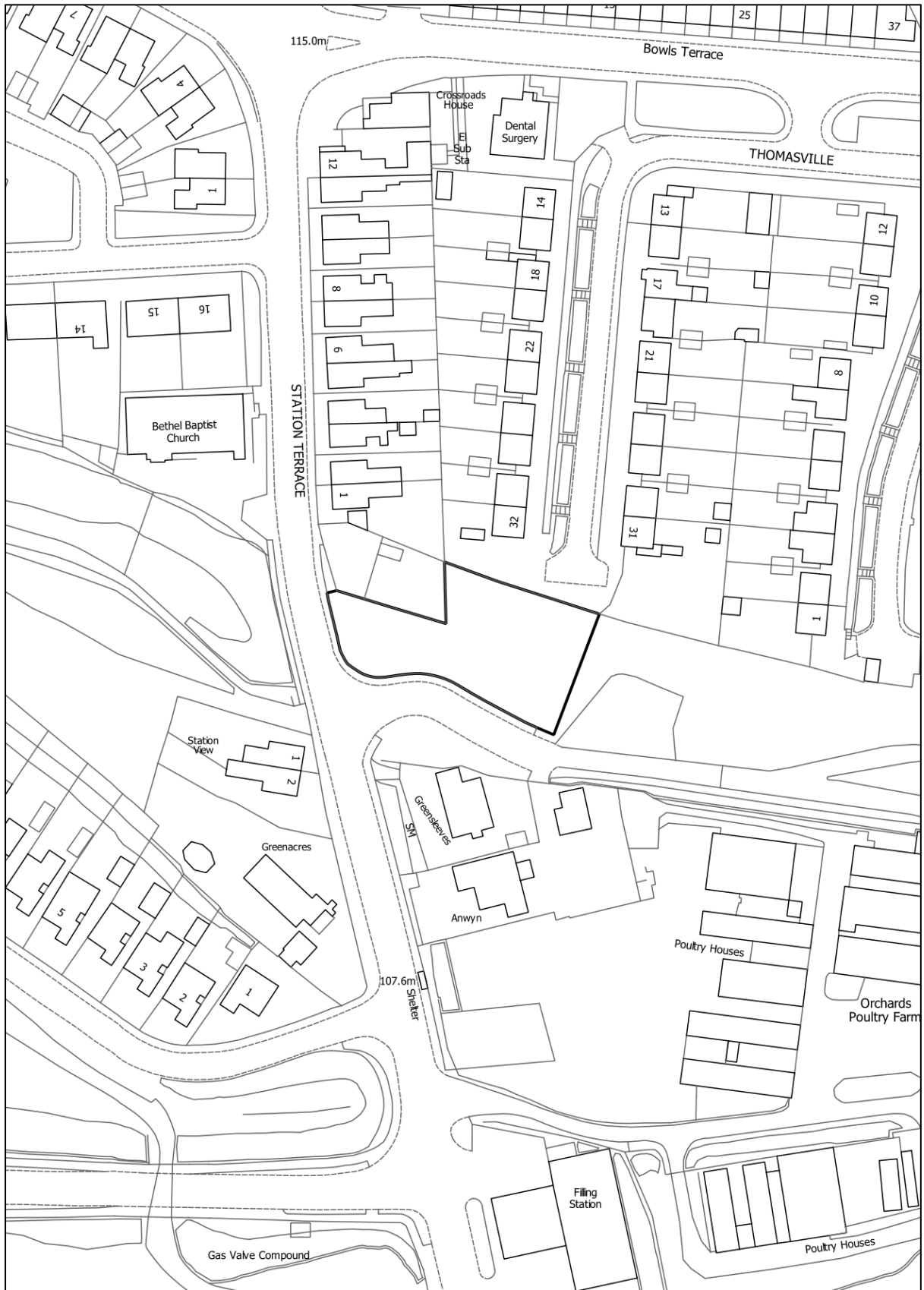
Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

**RECOMMENDATION that Permission be REFUSED**

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

- 01) The proposed use, by virtue of the potential for noise and vibration from power washers, vacuum cleaners and other equipment, would have an unacceptable impact on the amenity of neighbouring dwellings. Therefore it is considered that the use is not compatible with surrounding land uses and as such the proposal is contrary to criteria A and C of Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 02) The proposed use, by virtue of the potential for spray from power washers crossing the boundaries of the site, would have an unacceptable impact on the

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