

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0032/FULL 18.01.2016	Mr J Pannu C/o C2J Architects & Town Planners Mrs A Dallimore Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Erect a two-storey mixed development of three apartments and four commercial units with on site car parking, refuse and cycle storage facilities Fwrrwm Ishta House 68 Commercial Road Machen Caerphilly CF83 8PG

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the southern side of Commercial Road, Machen.

Site description: The application site is the former car park of the Fwrrwm Ishta Public House. The former public house has now been converted into a dwelling and the car park has been divided off from that. The site is largely triangular in shape being wider at the front than at the rear. The site also slopes gently from front to back towards the river to the south of the site. It was formerly hard surfaced area but has now become overgrown.

To the west of the site is the former public house with the river to the south and east. The main road is to the north of the site with the war memorial and the grounds of St John's Church to the north of that. Whilst the site is in the centre of the village with a convenience store to the north west of the site, with the former pub now being a dwelling the area is mainly residential in character with the majority of properties on Commercial Road being two-storey semi-detached and terraced properties with a small number of larger detached buildings.

Development: The application seeks full planning consent for the erection of a large detached building to be used for a mixed use of commercial and residential. The submitted plans indicate the erection of a two storey pitched roofed building sited at the front of the site adjacent to the former public house.

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The building will be finished in a mixture of render and timber cladding to the front with some brick panelling to the rear. As is common with retail property there would be a large amount of glazing to the front ground floor elevation with grey upvc frames and panelling. However a vertical emphasis is achieved by the use of glazing bars and fenestration.

The building will accommodate two commercial units (retail) on the ground floor with two commercial units (offices) and three apartments on the first floor. The commercial space would be used for retail on the ground floor and offices on the first floor. Each of the apartments would have two bedrooms, an open plan kitchen, dining room and living room and two bathrooms.

Access to the site will be derived off Commercial Road with a new car park being created to the rear of the building. This car park would be shared between the commercial and residential uses with a dedicated footpath access from the residential spaces to the entrance to the flats. A total of 19 parking spaces will be provided together with turning facilities within the site and bicycle storage for 9 bikes. A bin store is also proposed to the rear of the site.

A previous application for a similar proposal was recently refused on the grounds of the design of the building, lack of adequate parking, lack of consideration of the needs of pedestrians and over development of the site. This application seeks to overcome those objections and the design of the building has been changed together with amendments to the layout of the site to provide more off street parking together with better facilities for pedestrians. There are also improved access and turning facilities within the site.

Dimensions: The building measures 31m long by 15m deep by 7.6m high at its highest point. The commercial units on the ground floor will have a floor area of 325.5 square metres and 87 square metres. The commercial units on the first floor will have a floor area of 71 square metres and 72 square metres and the apartments will have a floor area of 68 square metres. The site has overall dimensions of 55m by 54m by 61m and an area of 0.18 hectares.

Materials: As stated above.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

06/0113/ADV - Erect free standing sign - Granted 18.10.06.

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06/0145/FULL - Erect raised decking - Granted 15.10.06.

12/0063/COU - Temporary erect marquees and gazebos to host a rural market on a monthly basis of up to 10 events a year, between 10:00 a.m and 2:00 p.m. on a Saturday only, in part of the car parking area of the Fwrrwm Ishta Inn - Refused 15.10.12.

12/0637/OUT - Erect residential development for two detached house with garages - Granted 16.01.15.

13/0595/COU - Change the use from A3 (Pub/Restaurant) to C3 (Residential), alter and refurbish existing Fwrrwm Ishta public house to create new five bedroom single family dwelling with associated external works, parking and new garden area - Granted 28.11.13.

14/0024/FULL - Erect new residential development of four 6 bedroom dwellings and 3 affordable units with associated works, parking and new access road and footpaths - Refused 10.09.15.

15/0669/FULL - Erect a mixed use two-storey development of 3 apartments and 4 commercial units with on site parking, refuse and cycle storage facilities- Refused 09.10.15.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP3 (Development Strategy in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints), CW16 (Locational Constraints - Retailing).

Adopted Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development. The following Paragraphs are relevant to the determination of this application:-

- 1.1 The quality of the places we live in has an impact on all aspects of life. How well they are designed will influence how safe we feel, how easy it is to walk round, whether we have shops, community facilities and schools nearby, whether our children have safe places to play.

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It will also affect whether there is good access to public transport and a good choice of homes in which to live. It is essential that the places we create embody the principles of good urban design.

- 1.2 Caerphilly County Borough Council (CCBC) is committed to achieving good design, as is the Welsh Assembly Government (WAG). Good design is a key aim of the Planning System and Planning Policy Wales (WAG 2010) requires that Local Development Plans (LDPs) provide clear policies setting out a local authorities design expectations. Technical Advice Note 12: Design (TAN 12) [WAG 2002] gives advice to local planning authorities on how design may be facilitated within the planning system.

A good movement network allows people to move around freely and easily, through a variety of transport modes. New development should be accessible to all and should be successfully integrated into the existing surrounding area. It is vital that the pattern of accessibility and ease of movement is designed hand in hand with measures to reduce crime and create safe and secure streets, spaces and buildings.

Ensure safe and efficient access for all modes of transport, emergency services and other service vehicles but wherever possible give priority to pedestrian and cyclist movement.

Development should respond to the character and local distinctiveness of site.

The character and context of any development is created by the form of the development, the landscape, culture and biodiversity - all of which are locally

distinctive. These elements have often built up over a considerable time and help create a 'sense of place'. The character and context of a site should influence design positively so that development does not simply replace what was there but reflects and responds to changes in local circumstances. If the

context to a development has been compromised by an earlier stage of development it should not be seen as a reason to perpetuate what has been done before.

Opportunities should be sought to deliver high quality sustainable development that reflects the technologies and aesthetics of the 21st century and creates a strong sense of place.

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Often there is a perception that innovative 'contemporary' design conflicts with established patterns of settlement and traditional styles of architecture. In reality architectural styles and traditions have evolved numerous times in the past in response to changing social and economic conditions. There is no reason why design which uses modern materials and responds to contemporary aesthetics should not fit in with context as well as more traditional forms of development.

When the merits of 'contemporary' versus 'traditional' architecture are considered the debate often revolves around the style of the building itself. Often some of the most important design issues related to character and context are totally overlooked. These can be simple issues like building setback, plot width, building height or verticality. If these are responded to appropriately then architecture using modern materials and construction methods, with styling that reflects aesthetics of the 21st century, can be entirely in-keeping with character and context.

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

National Policy: Paragraph 4.11.9 of Planning Policy Wales (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 objections subject to conditions in respect of parking, and the applicants entering into a Section 106 Agreement to make a contribution towards the provision of a pedestrian crossing.

Head Of Public Protection - No objection subject to conditions concerning hours of operation the control of waste, dust and noise.

Dwr Cymru - Provides information to be conveyed to the developer.

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The Coal Authority - Raises concerns about the lack of a coal mining risk assessment; however in relation to the previous application no objections were raised which is satisfactory for planning purposes.

Conservation & Design Officer - No objection.

Countryside And Landscape Services - No objection subject to conditions.

Bedwas, Trethomas & Machen Community Council - Raises concerns over flooding and access.

Natural Resources Wales - No objection subject to conditions.

ADVERTISEMENT

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

Response: Four letters of objection were received.

Summary of observations:

1. The proposal is out of keeping with the character of the area.
2. Loss of the public house.
3. Loss of views and detrimental impact on visual amenity.
4. Commercial units are not required in the village.
5. Detrimental impact on St John's Church and the Cenotaph.
6. Highway safety.
7. Anti-social behaviour and litter problems should a hot food take away occupy one of the units.

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? Retail uses in the centres of settlements can attract anti-social behaviour, but in this case any such problems would be a matter for the Police.

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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.

Is this development Community Infrastructure Levy liable? Yes. Based on a floor area for the retail units of 390.5 square metres at a rate of £100 per square metre and a floor area of 264.2 square metres for the residential units at a rate of £40 per square metre a total CIL amount of £49,618 is payable. This is a zero rate for offices.

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 for the erection of a mixed use development of residential and commercial uses which is considered to be acceptable in principle within a residential area within the defined settlement limits. However, the application has to be considered against national planning guidance and development control criteria and in that regard the objections raised by members of the public are central to the determination of this application and will be considered in turn below:-

1. Whilst the design of the proposed building is very modern, as stated in Supplementary Planning Guidance LDP6, it should not be perceived that contemporary design conflicts with traditional styles of architecture. Provided that the developer has considered the context of the site and used traditional style features such as set back, building height and fenestration, then a modern design can be in keeping with the traditional character of the area.

As opposed to the previous application, the building proposed here is less modern in design and exhibits many of the traditional design features that you would expect in this area. A traditional pitched roof has been used and the fenestration of the building is now more in keeping with the character of the surrounding properties. The change in the roof shape has also served to lessen the bulk of the building and it is now considered to be acceptable in design terms.

2. The loss of the public house is not a matter for the Local Planning Authority in this instance. In any event the public house has already been converted into a dwelling and this application does not affect that building.

3. Loss of view is not a material planning consideration. Moreover, it is not considered that the proposal would have a detrimental impact on the visual amenity of the area given its design, location and relationship to other properties.

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4. It is not for the Local Planning Authority to determine whether there is a need for the development in the area in preference to any other development. The Local Planning Authority has to consider whether the application before it is acceptable on its own planning merits and the need for one type of development over any other is for market forces to determine.

5. In that the design of the proposed building is considered to be acceptable and that St John's Church is some distance away from the application site it is not felt that the proposal would have a detrimental impact on the setting of that building.

6. The application has been considered by the Transportation Engineering Manager and no objection has been raised. It is considered that the amended scheme adequately addresses the concerns raised in the previous application in terms of access, car parking and pedestrian routes through the site and as such the proposal is acceptable in highway safety terms. However, it is considered that a pedestrian crossing is required across the A469 to serve the development and in that regard a contribution of £50,000 should be sought from the developer through a Section 106 Agreement.

7. Anti-social behaviour is a material planning consideration in this instance but it cannot be given significant weight in the determination of this application. Retail uses, especially if they are open late at night, can become the focus of anti-social behaviour, but it would be unreasonable to object to the proposal on that basis from a planning point of view. This is a village centre location where such uses are normally found.

Comments from consultees: No objections received. Conditions in respect of hours of operation are recommended that reflect the position of the premises at the centre of the village near an existing shop and opposite the grounds of the church.

Comments from public: Addressed above.

Other material considerations: The recommendation is subject to a Section 106 Agreement to secure £50,000 towards the provision of a pedestrian crossing. Such agreements have to be necessary to make the development acceptable directly related to the development, and fairly and reasonably related in scale and kind to the development. A pedestrian crossing is necessary because permission would otherwise be refused on the basis of policy CW3 which requires development to have regard for the safe use of the highway. A substantial part of Machen is on the opposite side of the main road to the application site, and the shop, understood to be the co-op, will attract customers who will have to cross the highway. Those pedestrian movements do not occur to any significant extent at the moment, so there is a direct relationship between the proposal and the need for a crossing, which would be fairly and reasonably related in scale and kind to the development.

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RECOMMENDATION (A) that the application is DEFERRED to allow the applicants to enter into a Section 106 Agreement on the basis set out in the report. On completion of the Agreement (B) 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 of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 04) No site vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

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- 05) Prior to the commencement of work on site details of hedgerow enhancement planting and management, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up a new boundary hedgerow between the development and the River Rhymney SINC, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the hedgerow planting shall be carried out within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 06) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new apartments and commercial units at land at 68 Commercial Road, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new apartments and commercial units hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning policy Wales and Tan 5 Nature Conservation and Planning.
- 07) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow and Swift) in the new apartments and commercial units at land at 68 Commercial Road, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new apartments and commercial units hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 08) Prior to commencement of development details of a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority to ensure noise from the proposed commercial use does not affect the residential use of the property. The development shall be carried out in accordance with the approved details before first use of the premises hereby approved.
REASON: In the interests of residential amenity.

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- 09) The use hereby permitted shall not be open to customers outside the following times 08.00 hrs to 22.00 hrs Monday to Sunday
REASON: In the interests of residential amenity.
- 10) No deliveries shall be taken at or dispatched from the site outside the hours of 07.00 hrs to 18.00 hrs Monday to Sunday.
REASON: In the interests of residential amenity.
- 11) 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.
- 12) 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.
- 13) 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.
- 14) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.
REASON: In the interests of highway safety.
- 15) The development shall not be brought into beneficial use 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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- 16) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: AL(00)01A, Design and Access Statement (Revised December 2015), AL(90)01F, AL(00)02B, AL(00)03A, AL(00)05B and 001A (Vehicle Tracking Options 1 and 2). (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 17) The use of the premises hereby approved shall be limited in the following manner: the ground floor shall be used for purposes following within Class A1 of the Town and Country (Use Classes) Order 1987 as amended; commercial space 3 and 4 at first floor as shown on the approved plans shall be used for purposes within Classes A2 and B1 of that Order; the apartments at first floor as shown on the approved plans shall be used as dwellings.
REASON: For the avoidance of doubt as to the extent of this consent.

Advisory Note(s)

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

Please find attached the comments of Dwr Cymru/Welsh Water.

