

PREFACE ITEM

APPLICATION NO. 17/1072/COU

APPLICANT(S) NAME: United Welsh Housing Association

PROPOSAL: Change the use of the existing offices (B1) to residential accommodation and support for young people aged 16 to 25 (C2) and construct new lobby (7.5sqm)

LOCATION: Park Villas Park Road Bargoed CF81 8SP

The above planning application for the change the use of the existing offices (B1) to residential accommodation and support for young people aged 16 to 25 (C2) and construct new lobby (7.5sqm) was reported to Planning Committee on 21st February 2018 with a recommendation for approval subject to conditions. A copy of the previous committee report is attached as an Appendix.

At the meeting, the members resolved that the application be deferred to allow further neighbour consultation to take place. On this basis 221 additional properties within a 100m radius of the application site were consulted. At the time of report preparation one extra letter had been received and any additional ones will be verbally reported at Planning Committee. The comments in summary are as follows:

- will the building be run/owned by Llamau?
- why was this rejected in other areas?
- local residents have not been consulted?
- how many people will live at the building?
- will the residents have criminal records?
- will the staff be there 24-hours?
- what will be the background of the residents?
- what type of support will be provided?
- all the residents of Bargoed should have been consulted
- will adversely affect house value, and property and insurance costs.

Bargoed Town Council has also requested that their original comments be reported to the Planning Committee in full. These comments were received on 4th February 2018, and were as follows: -

“The Town Council have been contacted by a number of residents of Park Road, Bargoed, who have concerns and objections to the above development.”

Cont'd....

Application No. 17/1072/COU Continued

“In the pre application consultation meeting held by the agents LRM, councillors and residents were informed that there would be 24/7 support on site at the proposed development; however, after further research the Town Council understand that C2 individuals would only be under the supervision of a warden or manager and that there will be no duty of care during the evenings. The Town Council is therefore concerned about potential difficulties during unsociable hours. We would therefore like to know what process would be followed if one of these vulnerable young people should need urgent care during the evenings/weekends, be it mental or physical?”

“The pre application consultation report by LRM states that 145 addresses were invited to the pre-application consultation. The Town Council is of the understanding that only a handful of neighbouring properties were contacted by CCBC in relation to the planning application. The Town Council is therefore concerned that those individuals who attended the pre application consultation and submitted objections to LRM direct may believe that they are not required to further submit objections in relation to the planning application. The Town Council would therefore see the process as flawed and ask that further time is allowed for CCBC to consult the wider community on this application.”

“Residents also have concerns over noise disturbance at unsociable hours. In their pre application consultation report (point 3.39) LRM claim that with current planning use (Probation office – category B1) there would be 20-30 office staff attend the building and that the change to C2 use would see a reduction in visitors to the building. However, it must be noted that the Probation Office was only open on weekdays 9am – 5pm, with no one in the building during evenings or weekends, times when residents in the street would feel most vulnerable. Therefore the response by LRM does not compare in any way to the case regarding Park Villas current use. Residents are concerned about the potential of noise and disturbance this proposal will have 24 hours of the day, not just office hours Monday – Friday and Town Councillors share residents’ concerns.”

“Neighbours comments and noise and disturbance are valid material planning objections and on behalf of residents the Town Council requests that the committee take this into account when deciding the application.”

“Furthermore and in line with the Local Development Plan SP5 settlement boundaries, the Town Council request that the current planning permission on the site to extend and build 4 residential dwellings is to remain. The LDP recognises Bargoed as a Principle Town of HOVRA and the Town Council would like to see the site developed with affordable and attractive housing.”

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Application No. 17/1072/COU Continued

“The Town Council would therefore request that councillors on the planning committee support their residents in their strong reasons for objecting.”

“The Town Council would also like to send a representative to attend the planning meeting to address committee members with the above concerns.”

In response to these concerns, some of which are addressed in the attached report and were considered at the last Planning Committee, the following comments are offered. This is a residential use in a residential area, but its distinguishing feature is that an element of care will be provided for the occupants. That will be administered by Llamau who are experienced in providing such care to young people in residential areas. They will work closely with Caerphilly County Borough Council.

Eight units of single-person accommodation are proposed, and any noise issues will be a matter for Llamau to address, but that would not be a strong planning reason to object to this residential use. The occupants would be young, previously homeless people who would be screened and monitored by Llamau as being suitable for this facility.

RECOMMENDATION – That planning permission be GRANTED subject to the conditions contained in the original report, plus an additional condition as outlined below.

- The building shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans to the written satisfaction of the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: In the interests of highway safety

Appendix

Planning Committee 21.02.2018

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/1072/COU 21.12.2017	United Welsh Housing Association C/o LRM Planning Ltd Mr M Rees 22 Cathedral Road Cardiff CF11 9LJ	Change the use of the existing offices (B1) to residential accommodation and support for young people aged 16 to 25 (C2) and construct new lobby (7.5 sqm) Park Villas Park Road Bargoed CF81 8SP

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is located on the corner of Park Road and Ruth Street, Bargoed.

Site description: Two-storey detached building. Currently vacant, formerly used as B1 office accommodation.

Development: It is proposed to change the use of the building from B1 office use to a C2 residential accommodation use to include support for young people ages 16 to 25. The proposal will provide two self-contained flats, six bed sits, communal areas, office and meeting space and overnight accommodation for staff. The scheme will be managed by Llamau, and will form a direct replacement for the existing scheme at 39 Cardiff Road, Bargoed. The scheme at 39 Cardiff Road has been operating in excess of 15 years and is due to be decommissioned. The aim of the scheme is to provide young people with the support they need to enable them to move on to full independent living. Such support could range from health to help with training, job seeking and budgeting/practical skills, subject to the individual needs of residents.

Ancillary development, e.g. parking: Off-street parking provision for 4 cars is proposed. A small lobby (7.5 sq. metres) is also proposed on the north facing elevation.

PLANNING HISTORY 2005 TO PRESENT

15/0458/FULL - Provide alterations and extend existing building to form 4 residential dwellings - Granted 02.11.15.

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Appendix

Planning Committee 21.02.2018

Application No. 17/1072/COU Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement boundary.

Policies: SP1 - Development Strategy in the Heads of the Valleys Regeneration Area, SP6 - Place Making, SP21 - Parking Standards, CW2 - Amenity, CW3 - Design considerations - Highways, CW15 - General locational constraints, CW18 - Locational constraints - Housing for People in Need of Care, supplementary planning guidance LDP5 - Parking Standards, LDP6 - Building Better Places to Live, LDP7 - Householder Development.

NATIONAL POLICY Planning Policy Wales and TAN 12 - Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this planning application.

CONSULTATION

Transportation Engineering Manager - No objection subject to a condition that requires the proposed parking area to be provided prior to first use of premises for its approved use.

Head Of Public Protection - No objection.

Bargoed Town Council - Raises objection to the proposed development and request wider public consultation be undertaken by the Local Planning Authority.

Dwr Cymru - Provides advice to the developer.

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Appendix

Planning Committee 21.02.2018

Application No. 17/1072/COU Continued

ADVERTISEMENT

Extent of advertisement: Twelve neighbouring properties/premises were consulted by way of letter and a site notice was displayed near the application site.

Response: 29 objection letters have been received.

Summary of observations:

1. Development will result in anti-social issues;
2. Neighbour consultation process undertaken by Local Planning Authority is flawed and more neighbouring properties should have been consulted as part of the planning application;
3. Noise disturbance from proposed use;
4. Request that site be developed for 4 properties in line with previous planning permission on the site;
5. Lack of supervision of tenants during the day;
6. Other similar schemes in the area have regular drug and crime activity associated with them;
7. Devaluation of nearby properties;
8. Position of proposed smoking shelter, bike store and bin store will result in increased noise/air pollution.

It should also be noted that the developer also carried out a public consultation exercise prior to submitting the application. This consisted of letters to approximately 145 nearby properties inviting them to an exhibition and directing them to the agents website. As a result of this exercise, 48 representations/letters were submitted to the agent, as well as a petition signed by 171 residents objecting to the proposal. According to the pre-application consultation report submitted by the agent, the objections raised in these representation (not covered above) were as follows:

- Loss of privacy;
- Concerns over traffic/parking;
- Query relating to using other vacant buildings outside residential areas;
- Concerns relating to introducing young people into an 'aged community';
- Query over bat survey;
- Concerns over construction noise;
- Increased car/house insurance as result of development;
- Concerns over safety of existing residents of area;
- Query relating to reduction in council tax for local residents;
- Query for council to pay and install panic buttons/alarms;
- Concerns development would change sense of community;
- Concerns over litter.

Cont'd....

Appendix

Planning Committee 21.02.2018

Application No. 17/1072/COU Continued

These matters have been satisfactorily addressed in the applicants pre-application consultation report and do not represent reasons that would warrant a refusal of planning permission.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? A preliminary roost assessment was undertaken. On the basis of this report it is not considered that the development will have a detrimental impact on biodiversity, subject to the recommendations contained within the report being complied with.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? C2 use is not CIL liable.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

The main issues in respect of the residential development of this site are considered to be the compatibility of the use with surrounding land uses, the effect of the development upon the character of the surrounding area and upon the amenity of occupiers of neighbouring properties, and also in terms of highway safety.

Given that the site subject of this application is included within the settlement boundary for Bargoed as identified in the LDP and is also a Brownfield site, it is considered that in policy terms the development of the site would be consistent with Policy SP5 of the LDP i.e. it promotes the full and effective use of urban land and serves to concentrate development within the existing settlement.

Policy CW18 of the LDP sets out criteria relating to the provision of housing for people in need of an element of care, either through change of use or new development. The proposed supported living accommodation meets the relevant criteria because it is located within the defined settlement boundary and there is safe and easy access to existing community facilities, local shops and services.

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Appendix

Planning Committee 21.02.2018

Application No. 17/1072/COU Continued

Policy CW2 sets out criteria relating to amenity and contains the following criteria: -

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

In response to Criterion A it is not considered that the proposed use will have an unacceptable impact on the amenity of adjacent properties. The proposed scheme consists of eight residential units with an element of support and care. Such a C2 residential institution use is considered to be an appropriate use of land in a predominantly C3 (individual dwellinghouses) residential area.

With regard to the issue of over-development (i.e. Criterion B), it is not considered the proposal would constitute over-development of the site. The amount of development can be adequately accommodated on the site with a reasonable level of external amenity space/parking provision/bin storage/smoking shelter to serve the proposed development.

Criterion C seeks to ensure that the proposal does not constrain the authorised neighbouring land uses. In this regard the proposed use conforms to its mainly residential surroundings and it will not adversely impact on these activities. The proposed supported living accommodation falls within Use Class C2, which as a group includes other uses such as: residential schools and colleges, convalescent and nursing homes, which are uses that are generally accepted as compatible within a predominantly residential neighbourhood but may not be appropriate on this site. Therefore it is appropriate to restrict the grant of any permission to the proposed use and not to any other within the overall use class. This may be addressed by attaching a condition to any consent.

In terms of highway safety, the Transportation Engineering Manager raises no objection to the proposed development subject to a condition to ensure the proposed car parking area is provided in accordance with the submitted plans.

Comments from Consultees: No objection is raised by consultees subject to conditions and advice.

Comments from public:

1. Development will result in anti-social issues - The proposed scheme relates to providing support for young people and children, with 24/7 staffing of the development. There is no reason to assume such a use will result in anti-social issues.

Cont'd....

Appendix

Planning Committee 21.02.2018

Application No. 17/1072/COU Continued

2. Neighbour consultation process undertaken by Local Planning Authority is flawed and more neighbouring properties should have been consulted as part of the planning application - The application consultation was carried out in accordance with the Local Planning Authority's consultation procedure, including advertising the application by way of site notice adjacent to the site.

3. Noise disturbance from proposed use - It is not considered that the use, i.e. a residential use with associated office facilities, would cause unacceptable levels of noise.

4. Request that site be developed for 4 properties in line with previous planning permission on the site - The current application must be considered on its individual planning merits.

5. Lack of supervision of tenants during the day - Llamau will operate the scheme, and have the relevant experience to appropriately manage would-be occupiers.

6. Other similar schemes in the area have regular drug and crime activity associated with them - No evidence has been submitted to support this claim.

7. Devaluation of nearby properties - There is no evidence to support this, however this is not a planning consideration.

8. Position of proposed smoking shelter, bike store and bin store will result in increased noise/air pollution - If use of these areas did lead to unacceptable levels of noise disturbance, the scheme operator would be required to resolve such matters.

Furthermore, powers exist under environmental health legislation to control such noise nuisances.

Other material considerations: The proposed lobby on the north elevation of the building is considered to be acceptable in terms of its siting, massing and design.

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.

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.

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Appendix

Planning Committee 21.02.2018

Application No. 17/1072/COU Continued

- 02) The development shall be carried out in accordance with the following approved plans and documents:
Drawing No. (SK)200C, Proposed ground floor plan, received 14.12.2017;
Drawing No. (SK)201A, Proposed first floor plan, received 14.12.2017;
Drawing No. (SK)202B, Proposed elevations, received 14.12.2017;
Drawing No. (SK)203A, Proposed elevations, received 14.12.2017;
Drawing No. (SK)302A, Proposed site layout, received 14.12.2017.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
REASON: In the interests of the visual amenities of the area.
- 04) The premises shall be used for the use applied for and subject of this consent and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) without the approval of the Local Planning Authority.
REASON: In the interests of the amenity of the area.
- 05) Notwithstanding the submitted plans, prior to the commencement of any works on site, details shall be submitted to the Local Planning Authority providing further details of the proposed smoking shelter, bike store and bin store. The development shall be carried out in accordance with these agreed details.
REASON: In the interests of the visual and residential amenity of the area.
- 06) The development hereby approved shall be carried out in accordance with the recommendations made in Section 5; of the bat survey report dated September 2007; prepared by Wildwood Ecology; unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure adequate protection to protected species.

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Appendix

Planning Committee 21.02.2018

Application No. 17/1072/COU Continued

- 07) Prior to the commencement of the use hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the existing property at Park Villas, Park Road, Bargoed, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 08) Prior to the commencement of the use hereby approved, details of the provision of nesting sites for bird species (House martin) in the existing property at Park Villas, Park Road, Bargoed, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new use hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

Advisory Note(s)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.

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

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

Cont'd....

Appendix

Planning Committee 21.02.2018

Application No. 17/1072/COU Continued

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 also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), 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. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

