

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0627/RET 26.07.2018	Mr J Pannu C/o C2J Architects & Town Planners Mrs A Dallimore Pacific Road Ocean Park Cardiff CF24 5HL	Retain conversion of first floor commercial units to 3 no. residential units with onsite car parking, refuse and cycle storage facilities 70 Commercial Road Machen Caerphilly

APPLICATION TYPE: Retain Development Already Carried Out

SITE AND DEVELOPMENT

Location: The application site is located on the southern side of Commercial Road in Machen.

Site description: The application site is the former car park area of the Fwrwm Ishta Public House. Planning consent was granted for the erection of a mixed use development of three apartments and four commercial units together with associated parking and servicing. The building comprises of one large and one smaller commercial unit on the ground floor with two commercial spaces and three apartments on the first floor. That development has been commenced and the building is currently under construction.

The site is located in a mainly residential area in the centre of the village of Machen with the former public house (now converted into a dwelling) to the west of the site, a river to the south and east, and a Church yard to the north.

Development: This application seeks to amend the internal layout on the first floor of the property to remove the two commercial units and to replace them with three additional apartments. There would be some minor alterations to the fenestration on the eastern elevation of the property but the remainder of the exterior of the building will be as approved. The car parking, servicing and landscaping for the site is also to be retained as approved.

Dimensions: Not applicable.

Materials: As existing.

Ancillary development, e.g. parking: A total of 29 car parking spaces are proposed, six of which would be allocated for the apartments at first floor.

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PLANNING HISTORY 2005 TO PRESENT

06/0145/FULL - Erect raised decking - Granted - 15.09.2006.

06/0113/ADV - Erect free standing sign - Granted - 18.10.2006.

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 the hours of 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 - 15.10.2012.

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 - 28.11.2013.

14/0024/FULL - Erect new residential development of four 6 bedroom dwellings and three affordable units with associated external works, parking and new garden areas, plus new access road and footpaths - Refused - 10.09.2015.

15/0669/FULL - Erect a mixed use two-storey development of three apartments and four commercial units with on site car parking, refuse and cycle storage facilities - Refused - 09.10.2015.

16/0032/FULL - Erect a two-storey mixed development of three apartments and four commercial units with on-site car parking, refuse and cycle storage facilities - Granted - 14.09.2016.

POLICY

Local Development Plan: Within settlement limits.

Policies

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

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

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

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National Policy: Paragraph 4.11.9 of Planning Policy Wales 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.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to a condition requiring the submission of a scheme of noise attenuation.

Dwr Cymru - Provide advice to be conveyed to the developer.

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

Natural Resources Wales - No objection.

Conservation & Design Officer - No objection.

ADVERTISEMENT

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

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Response: One letter of objection was received.

Summary of observations:

1. Loss of privacy.
2. The building has not been built in the correct place.
3. Loss of amenity as a result of increased foot traffic adjacent to the boundary with number 68 Commercial Road.
4. Lack of car parking on site.
5. Non compliance with conditions of the existing consent.
6. The need for a new Section 106 Agreement in relation to the provision of a pedestrian crossing on Commercial Road.
7. The development will be CIL liable.
8. The description of the development is misleading as the building is not yet completed and as such is not capable of conversion to residential use.
9. The application form suggests that the building will have a flat roof but the plans show a pitched roof.
10. There were previously trees and hedgerows on the site that may have been removed during the bird nesting season between March and August.
11. No details of foul sewage have been submitted.
12. No details of waste storage and collection have been submitted.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

None.

EU HABITATS DIRECTIVE

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

Is this development Community Infrastructure Levy liable? Yes. Based on a total floor area of 158.66 square metres a CIL amount of £6346.40 is payable subject to indexation.

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ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. This application effectively seeks the replacement of two commercial units within a mixed use development with three apartments in order to make the development more financially viable. The site is within a mainly residential area within the centre of Machen and as such the principle of residential use on the site is considered to be acceptable. The alterations to the external appearance of the building are minimal and would not have a material impact in planning terms, and there would be no impact on highway safety. In that regard the proposal complies with Policies CW2 and CW3 of the LDP.

With regard to Policy CW11, which requires the provision of affordable housing, a viability assessment has been submitted to support the application and this has been assessed by the Local Planning Authority. The assessment establishes that it is not viable to provide affordable housing on this site and as such the proposal complies with Policy CW11 of the LDP.

Comments from Consultees: No objections raised.

Comments from public: The objections are addressed as follows:-

1. Whilst there would be additional habitable room windows on the rear elevation of the building, these are further away from the neighbouring property than the previously approved windows and are at an angle to the garden of that dwelling. In that regard it is not considered that there would be an unacceptable loss of privacy as a result of the proposal.
2. Investigations by officers have confirmed that the as-built building has been built in accordance with the approved plans.
3. It is acknowledged that the pedestrian access to the apartments is alongside the common boundary with the dwelling at number 68 Commercial Road and that an increase in the number of apartments would lead to an increase in the volume of foot traffic on that route. However, it is not considered that the increased footfall would be so significant as to warrant refusal of this application given that three apartments are already approved.
4. It is acknowledged that only one parking space is provided for each flat. However, this is in accordance with supplementary planning guidance having regard for the sustainable location of the building.
5. There have been allegations that conditions attached to the original consent have not been complied with and this is currently under investigation. However, the Local Planning Authority cannot refuse this application because the developer has not complied with the conditions of a previous consent.

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6. The funds required under the Section 106 Agreement for the original consent on this site have been received by the Council and the required pedestrian crossing is currently under construction by the Council. In that regard a new agreement is not required.

7. CIL liability has been calculated for this proposal and due process will be followed in that regard.

8. It is acknowledged that the approved development is not completed but this does not prevent an application from being submitted to amend the details of the development. It is for the Local Planning Authority to determine whether or not the proposal is acceptable in planning terms.

9. Whilst the application forms state that a flat roof is proposed, the plans clearly show the use of a pitched roof finished with slates. This is likely to be an oversight by the applicant's agent but it does not justify refusal of the application as the development is required to be carried out in accordance with the approved plans.

10. There is no evidence of when trees and vegetation were removed from the site and no evidence that any protected species were affected by the development. As such it would not be possible for the Local Planning Authority to take action at this point. In any event this issue has no bearing on the determination of this application.

11. Details of foul sewage are a matter between Dwr Cymru/Welsh Water and the developer.

12. Whilst the application forms state that details of waste storage and collection have not been submitted, they have been approved as part of the original consent for the site.

Other material considerations: None.

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

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.

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RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents: AL(00)01 Rev C, AL(00)02 Rev D, AL(00)03 Rev C, AL(00)05 Rev D, AL(00)06, AL(90)22 Rev K and the Design and Access Statement dated June 2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) Within one month of the date of this consent 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 required scheme shall be capable of achieving a night time internal LAeq level of 30 dB(A) in the residential part of the building. 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.
- 03) No construction works whatsoever shall be carried out at the site outside the following times Monday to Friday 08.00hrs to 18.00hrs, Saturday 09.00hrs to 13.00hrs. And there shall be no construction works at all on Sundays or Bank Holidays.
REASON: In the interests of residential amenity.
- 04) Prior to the occupation of the development hereby approved, drainage shall be provided in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this consent.
REASON: In order to ensure that the development is served by an appropriate means of drainage.
- 05) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x site frontage. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interests of highway safety.

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- 06) 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.
- 07) Measures to protect the use of the 6 required residential parking spaces shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this consent. The parking spaces shall be constructed in accordance with the agreed details prior to beneficial occupation first commencing.
REASON: In order to ensure that the development is served by adequate off street parking in the interests of highway safety.
- 08) The development shall not be brought into beneficial use until the area indicated for the parking of cycles 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.
- 09) Articulated vehicles shall not deliver to the premises. Delivery vehicles shall be limited in size to a rigid trailer type vehicle (FTA Design LG Rigid Vehicle) not exceeding 10.5m in length.
REASON: In the interests of highway safety.
- 10) 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.
- 11) 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.

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- 12) Within one month of the date of this consent 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).
- 13) Within one month of the date of this consent, 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 70 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 are 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.
- 14) Within one month of the date of this consent, 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 70 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 are 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.
- 15) The use hereby permitted shall not be open to customers outside the following times 07.00 hrs to 23.00 hr s Monday to Sunday.
REASON: In the interests of residential amenity.
- 16) 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.

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- 17) Unless otherwise agreed in writing with the Local Planning Authority, 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 prior to the development coming into beneficial use.
REASON: In the interest of public health.

- 18) The use of the premises hereby approved shall be limited in the following manner: the ground floor shall be used for purposes falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended and 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 policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW4.

