

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0946/COU 14.01.2019	A J Developments Mr A Jenkins C/o Building Design Services 8 Birchgrove New Tredegar NP24 6AH	Change the use of existing ground floor beauty salon to a 2 bed flat 73 Commercial Street Pontymister Risca Newport NP11 6AW

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application property is to the south east of Commercial Street, Pontymister.

Site description: A mid-terraced property with an existing retail unit at ground floor, and residential at first floor.

Development: Full planning permission is sought for the change of use from a retail unit to a residential flat with two bedrooms.

Dimensions: No extensions are proposed to the size of the unit. Amendments will be made to remove the shop front and to replace it with a residential fascia.

Materials: Materials not specified.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

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

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Site Allocation: The site is in the settlement limits of Risca and is located within the allocated boundary of Risca/Pontymister town centre (CM 1.4). The site also lies in Zone C1 as designated by TAN 15.

Policies: Policy SP6 (Place Making), Policy CW2 (Amenity), Policy CW14 (Use Class Restrictions- Policy) and guidance contained in Supplementary Planning Guidance LDP7: Householder Development.

Policy SP6 (Place Making) ensures that sustainable places are created and are of an appropriate mix of uses that reflect the role and function of settlements, is of a high standard of design that reinforces attractive qualities of local distinctiveness.

Policy CW2 (Amenity) ensures that development proposals have regard for all relevant material planning considerations to ensure that there is no unacceptable impact on the amenity of adjacent properties or land; the proposal would not lead to overdevelopment; and that the development would be compatible with the surrounding land uses.

Policy CW14 (Use Class Restrictions- Retail) states that changes of use from A1 retail premises to another use will be subject to the restrictions. In Principal Town Centres, changes of use of the ground floors of class A1 retail premises to other uses will only be permitted where the commercial vacancy rate of the centre has been over 10% for over a year and for a change to residential use the property should be located on the edge of the centre.

NATIONAL POLICY Planning Policy Wales (10th Edition) and Technical Advice Note 12: Design (2016).

Paragraph 3.16 of PPW states

"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. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence."

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Paragraph 2.6 of TAN 12 (2016) states

"design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities."

Tan 15 Development and Flood Risk will also have to be considered.

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 in this case.

CONSULTATION

Natural Resources Wales - Raises objections to the development. The site is within a C1 flood zone and no FCA has been provided to demonstrate that the risks and consequences of flooding can be managed to an acceptable level.

Ecologist - No objection, subject to the imposition of biodiversity enhancements being secured through the decision notice and advisories being passed onto the applicant.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of site notice and letters to the nearby six properties.

Response: No responses received.

Summary of observations: None.

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SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, as a residential use is proposed. The site is subject to CIL of £40psm plus indexation.

ANALYSIS

Policies: This application has been considered in accordance with National policy and guidance, Local Plan policies and Supplementary Planning Guidance. The main points to consider in the determination of this application are whether the change of use from retail to residential is acceptable from a policy perspective and whether the amendments area acceptable from a design perspective. The implication in respect of TAN 15 Development and Flood Risk will also have to be considered.

The site is allocated within the principal town centre of Risca/Pontymister (CM 1.4). Policy CW14 notes that for a change of use from A1, vacancy rates need to be higher than 10% for over a year, and for residential changes, that the site is located on the edge of the retail centre. The unit was formerly a beauty salon, however has been vacant since the end of 2017. The vacancy rate for 2018 was 8.0%, and in 2017 was 9.0%. Furthermore, the site is in the middle of the town centre allocation and not on the edge. The proposed change of use is therefore not policy compliant. However, it should be noted that the site is surrounded by residential properties, and the town centre of Risca/Pontymister has incrementally become two separate retail areas over time. On balance, given the location of the property the overall harm generated by the proposed change of use would not be sufficient to justify the refusal of this application.

With regards to the design and amenity of the scheme, the proposal will match other residential units either side, and would not look out of place. Given its location, the proposal would not raise any amenity issues. The application accords with policy SP6 (Place Making) and policy CW2 (Amenity).

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Comments from consultees: An objection has been raised by Natural Resources Wales (NRW) due to the lack of an FCA being conducted. However, given that the unit is an existing structure, surrounded by residential units, it is not reasonable to request an FCA is carried out on the site, especially considering that the applicant has taken measures to minimise risk through the introduction of double glazed waterproof doors. Given this objection, it is necessary and relevant to attach a condition requiring a flood warning and evacuation plan to be submitted and agreed prior to the property being occupied.

The site is within a C1 flood zone where vulnerable development, which includes residential schemes should, according to TAN 15, not be permitted. Other forms of development are only acceptable in zone C2 if it can be demonstrated that:

- i Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

This is a minor form of development, the replacement of a commercial use with a residential use, in an area where the vast majority of properties are already within zone C1. To request a flood consequences assessment as required by Natural Resources Wales would appear disproportionate in this case. Also, although the scheme does not clearly satisfy the tests set out above, the proposal is otherwise acceptable in planning terms. Therefore the recommendation is to approve.

The Council's Ecologist asks for a condition to secure bird breeding provision as a biodiversity enhancement. While this is desirable, in view of the scale of the development, it is considered that such a condition would not meet the test in Welsh Government Circular WGC 016/2014 in that it is not essential in planning terms to enable the development to proceed. The circular states "In considering whether a planning 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." The comments will be sent as an advisory note.

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Comments from public: None.

Other material considerations: On balance, given the surrounding residential area, the proposal is deemed acceptable and is recommended for approval.

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.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
 - Site location plan received 31/10/2018;
 - Plan indicating proposed elevations and floorplan received 16/11/2018; and
 - Supplementary information received 14/01/2019.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to occupation of the building hereby approved, a flood action plan shall be submitted to and agreed in writing with the Local Planning Authority. The occupation of the building shall thereafter be carried out in accordance with the agreed plan.
REASON: To ensure the correct action is taken in the event of an extreme flood.
- 04) 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.

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: SP6 and CW2.

