

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0432/FULL 17.05.2019	Mr Edwards 68 Commercial Road Machen CF83 8PG	Replace existing outbuilding to rear with new garage and storage Fwrrwm Ishta House 68 Commercial Road Machen Caerphilly CF83 8PG

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Fwrrwm Ishta House, 68 Commercial Road, Machen, Caerphilly, CF83 8PG.

Site Description: The application site is comprised of a detached dwelling (Fwrrwm Ishta House) which was formerly a public house and was subsequently converted to a dwelling house. To the west of the site is an access road with garages and a semi-detached property (66 Commercial Road) which front northwards onto Commercial Road. To the south-west is open land which has an extant outline planning permission (17/0206/NCC) for two dwellings. A river runs to the south of the site. Land to the east was formerly part of the public house curtilage but a mixed use development including commercial and residential uses has recently been constructed. The A468 (Commercial Road) is adjacent to the northern boundary of the application site.

Development: Replace existing outbuilding to rear with new garage and storage.

Dimensions:

Two storey building measures approximately 8.3m by 6.7m with a pitched roof with ridge height of 7.6m.

Single storey link element has an irregularly shaped footprint measuring approximately 5.2m by 5.2m (maximum extent) and a flat roof with a height of 3.8m.

Materials: Fwrrwm Ishta House is finished in render with slate effect tiles.

Ancillary development, e.g. parking: None.

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PLANNING HISTORY 2005 TO PRESENT

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.

12/0637/OUT - Erect residential development for two detached houses with garages - Granted 16.01.2015.

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.

16/0843/NCC - Vary condition 9 of planning consent 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) to extend the opening hours of the commercial unit and for the condition to read 'The use hereby permitted shall not be open to customers outside the following times 07.00 hrs to 23.00 hrs Monday to Sunday.' - Granted 03.03.2017.

16/0974/COU - Change the use of land to include as part of residential curtilage - Granted - 19.01.2017.

17/0106/FULL - Convert garage to annexe lounge, erect external gates and railings and provide boundary treatment - Granted - 17.05.2017.

17/0783/FULL - Convert garage to annexe lounge, erect external rear gates, and extend front wall with railings to provide boundary treatment - Granted - 22.12.2017.

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POLICY

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

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design, Technical Advice Note 15: Development and Flood Risk.

Technical Advice Note 15: Development and Flood Risk. (Paragraph 11.19 - Applications for Individual Householders).

Applications for minor extensions or alterations should not raise significant issues unless they are likely to have a direct and adverse effect on a watercourse or its flood defences, would impede access to flood defence and management facilities or where the cumulative impact of such developments could have a significant effect on flood storage capacity or flood flows. In such cases there will be no requirement to justify the location of development but if such minor works are likely to have an adverse effect then the full consequences of a development will need to be appreciated and assessment undertaken commensurate with the scale and nature of development. Where extensions or alterations are likely to have a direct and adverse effect, authorities should consider making an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995, as amended, to require an application for planning permission so that full consideration can be given to these impacts.

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 7 (Householder Development).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

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COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is a High risk area but as the development is Householder Development on the Coal Authority's Exemptions List no Coal Mining Risk Assessment is required and it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Natural Resources Wales - Note that the bat report submitted in support of the above application (Bat Survey, by Ecological Services Ltd, dated 8 September 2019, Version V1.0 has identified that bats are present at the application site. They also acknowledge receipt of our e-mail of 20 September 2019 and the two previous Bat Surveys in relation to the proposed development. On the basis of the above report, they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. They have no objection to the application as submitted but request that an informative is attached to any planning permission granted.

Transportation Engineering Manager - No objection subject to the building being restricted to uses ancillary to the main dwelling house.

Ecologist - No objections. Recommend conditions to address bat survey findings and ecological enhancement.

Senior Engineer (Land Drainage) - No objection. Request a condition requiring drainage details to be agreed with the Local Planning Authority.

Dwr Cymru - A Public Sewer Crosses Site.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent.

Response: No responses were received relative to the consultation exercise.

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?

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes.

European protected species have been identified by a survey. It was found following bat surveys that two bats (a Soprano Pipistrelle and a Common Pipistrelle) were using the building as a day roost and are male or non breeding females.

The Local Authority must apply the following three tests to the planning application:

(i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

(ii) There is no satisfactory alternative

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied and answered as follows:

(i) The development is required for the improvement of an outbuilding associated with a dwelling house and located adjacent to a lane which provides access for garages and to land which has been granted outline planning permission for residential development. The current state of the building is considered to be vulnerable to vandalism. It is therefore considered that the derogation would be in the interest of public safety.

(ii) To do nothing to the building would likely lead to its continued decline in condition leading to eventual decrepitude. No alternative plans have been submitted but it is understood that the refurbishment of the building maintaining the roost would not be practicable to provide the storage/garaging required. The submitted bat survey noted if careful consideration is made to incorporate improved roosting conditions into the new build scheme, then this project could offer ecological gain for the resident bats.

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New roost creation in the new building is proposed to accommodate crevice dwelling species. Preliminary proposals for Mitigation has been detailed in the form of:

- two Schwegler 1FR bat tubes to be built into a suitable gable end. The bottom access will be left exposed. These will be fitted into the block work during construction of the building. Southern elevation will be the most suited elevation as the bats can tolerate and prefer excessive warmth. Bat mitigation will not be fitted on the north elevation. The mitigation will be fitted under the supervision of a suitably qualified ecologist. Once the mitigation is fitted, the retained ecologist will inform the Local Planning Authority. Any new roost features for bats should be unobstructed from the sun. No window will be within 2 meters of the new bat roost. If a window is proposed on the upper floor on the elevation with the bat roost, this must not have the potential to cause light disturbance. Light reducing film, louvre panels and a cowl are suitable options and may be used to minimise light spill. Direct and prolonged illumination of the buildings, especially near any roost entry points must be avoided as this will cause disturbance.

- two Schwegler 1SP and Type 24 nest boxes will be built into a block work and located at eaves level. These will not be situated on a south facing elevation. Any nesting bird mitigation will not be situated on the south elevation as this may experience excess heat from the sun. Direct and prolonged illumination of the buildings, especially near any bird boxes must be avoided as this will cause disturbance.

(iii) Natural Resources Wales in their consultation response dated 3rd October 2019 have advised that they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The development is not chargeable as the net additional internal floorspace created is below 100sqm.

ANALYSIS

Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the visual appearance of the development on the character of the area and the impact on neighbour amenity.

The application is being reported to Planning Committee as the agent's spouse is employed by the Local Authority.

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The visual impact of the development is acceptable noting that there is an existing two storey building that the proposed new garage and store will replace. The replacement building has a greater footprint and is slightly higher (circa 0.5m) however its position which is set back approximately 25 metres from Commercial Road means it is not significantly visible within the street scene. It accords with adopted Local Development Plan Policy SP6 (Placemaking).

The impact on neighbour amenity has been considered. The development will be opposite a row of existing garages served from the lane and the nearest residential property to the west (66 Commercial Road) has its rear amenity space behind these garages that are separated from the new development by the existing lane. A further side amenity for number 66 Commercial Road is located to the north of the garages and existing parts of the application property would be closer to this than the proposed development. There is no fenestration on the west facing elevation of the proposed garage/store. To the south-west is a land parcel with an extant outline planning consent for two dwellings (17/0206/NCC) and the current application would have no unacceptable impact on this development.

To the east is a mixed use development (70 Commercial Road) that contains both commercial and residential properties. The proposed garage/store would have windows facing eastwards towards the new development however the two buildings are angled in orientation to each other and there would be in excess of 21 metres between windows. The first floor of the proposed garage building is proposed for a hobby/store area and no unacceptable impact on the privacy and amenity of the new residential accommodation. It would accord with adopted Local Development Plan Policy CW2 (Amenity).

The ground floor of the building contains parking for two cars within the garage and the main house has sufficient parking within its curtilage area. The development accords with Policy CW3 (Highways).

Comments from consultees:

The application lies partially with Flood Zone C2 and Natural Resources Wales were consulted but responded that they did not have any comments to make on the proposed development. As the proposed works are for householder development in accordance with Paragraph 11.19 of Technical Advice Note 15 (Development and Flood Risk) it is considered that it would not raise significant issues in relation to Flood risk.

Comments from public: None.

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Other material considerations:

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.

The proposed development is acceptable in its design and impact on neighbour amenity. Suitable mitigation for bats has been identified but final proposals for bat mitigation will be agreed through the submission of details under the attached planning conditions. The application is recommended for approval.

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, drawing reference AL.00.LOC revision A, received 17.05.19
 - Proposed Floorplans and Elevations, drawing reference AL.SK.003 revision E, received 17.05.19;
 - Proposed Site Layout Plan, drawing reference AL.SK.012 revision B, received 17.05.19;REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 04) The materials to be used in the construction of the external surfaces of the garage/store hereby permitted shall match those of the dwelling known as Fwrrwm Ishta House.
REASON: In the interests of the visual amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) The use of the building hereby approved shall be limited to that ancillary and incidental to the enjoyment of the main dwelling at 68 Commercial Road, Machen and shall not be used for any other purposes.
REASON: To control the use of the building in the interest of amenity, character and appearance of the locality and the safety of the local highway network in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of any clearance, demolition or development works to the existing building and proposed site, a detailed Bat Method Statement prepared by a competent ecologist shall be submitted for the approval of the Local Planning Authority. The Bat Method Statement shall include mitigation measures for both temporary and permanent roosts. The demolition and development works shall be carried out in accordance with the approved Bat Method Statement.
REASON: To ensure proper measures are taken to safeguard the habitats of bats, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Bat activity surveys to monitor the new bat roost within the new building hereby approved shall be carried out by a competent ecologist between May to August for a minimum of two years post completion of the development and the results submitted to the Local Planning Authority annually together with any recommendations of the ecologist for amendments to the approved scheme arising from the survey results. The approved amendments shall be implemented in full.
REASON: To provide information on the success of the bat roost mitigation, in the interest of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 08) Prior to the commencement of the development details of the lighting of the development shall be submitted to and agreed in writing by the Local planning Authority. The development shall be carried out in accordance with the agreed scheme.
REASON: To ensure adequate protection to protected species in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Prior to the commencement of any vegetation or site clearance works, details of the retention and enhancement of existing boundary vegetation within the site, shall be submitted to the Local planning Authority for approval. The approved details shall be complied with and any replacement vegetation shall be planted within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Part 1 Section 6 of the Environment Wales Act 2016, and policy contained in Welsh Government's Planning policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 10) 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 garage and storage building at 68 Commercial Road, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new garage and storage building 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 (2018) and Tan 5 Nature Conservation and Planning (2009).
- 11) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, House martin or Starling) in the new garage and storage building at 68 Commercial Road, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new garage and storage building 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 (2018) and Tan 5 Nature Conservation and Planning (2009) and in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 12) Prior to the commencement of works on site a scheme of land and surface water drainage within the site 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 it relates is occupied.
Reason: To ensure the development is served by an appropriate means of drainage.
- 13) The demolition or site vegetation clearance associated with the development hereby approved shall not take place during the breeding bird 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.

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. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous 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 development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be 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 safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstances where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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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, digging of 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.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the 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.

Please find attached the comments of Natural Resources Wales, Dwr Cymru/Welsh Water and Senior Engineer (Land Drainage) that are brought to the applicant's attention.

Warning: A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>

