

Application Number: 20/0071/COU

Date Received: 17.09.2020

Applicant: Rolling Mill 2020 Ltd

Description and Location of Development: Change the use of the ground floor of former pub to 2 No. 2-bed flats - The Rolling Mill Inn 88 Commercial Street Pontymister Risca Newport

APPLICATION TYPE: Change of Use

SITE AND DEVELOPMENT

Location: The application site is located on the northern side of Commercial Street, Pontymister.

Site description: Two storey detached vacant public house and associated curtilage that is bounded to the west by Maryland Road, and to the east by Llanarth Square.

Development: Planning permission is sought to convert the ground floor of the former public house into 2 No. 2-bed flats.

Dimensions: The external dimensions of the building remain unchanged.

Materials: The external finishes comprise of painted render and slate roof to match existing together with upvc windows and doors.

Ancillary development, e.g. parking: The insertion of three ground floor windows in the western elevation. Provision of 2 off-street parking spaces to serve the flats (5 in total including 3 approved in association with planning consent 18/0621/COU).

PLANNING HISTORY 2010 TO PRESENT

16/1053/COU - Change the use from A3 with residential accommodation to shop, office and 4 No. flats including new vehicle access and parking - Granted - 25.01.2018.

18/0621/COU - Change of use of 1st floor to 2 no 1 bedroom and 1 no 2 bedroom flats and alterations to existing ground floor public house - Granted - 05.11.2018.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is located within the defined settlement boundary of Risca/Pontymister.

Policies: SP3 (Development Strategy - Development in the Southern Connections Corridor (SCC)), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW5 (Protection Of the Water Environment), CW11 Affordable Housing Planning Obligations, CW15 (General Locational Constraints) and advice contained within Supplementary Planning Guidance LDP1: Affordable Housing Obligations, LDP6: Building Better Places to Live and LDP5: Car Parking Standards.

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018), Technical Advice Note 12: Design (March 2016), Technical Advice Note 15: Development and Flood Risk (July 2004) and Technical Advice Note 18: Transport (March 2007).

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 applicable due to the nature of the application.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions relating to parking, surfacing materials and rainwater run-off.

Head Of Public Protection - No objection raises however informative information is provided regarding compliance with the Housing Act 2006.

CCBC Housing Enabling Officer - On this occasion the Council will not be seeking an affordable housing contribution. The reason for this is that although the size of the site reaches the threshold in the affordable housing SPG, the nature of the development, number of units being created and SPG criteria on commuted sums generates a nil contribution.

Senior Engineer (Land Drainage) - 1. The applicant has not indicated how they intend to dispose of surface water within the application form; no/limited information has been submitted for consideration.

2.The site is situated within an area susceptible to groundwater flooding.

3.The site is situated within an area susceptible to surface water flooding.

Should the planning authority be minded to grant permission, it is recommended that a condition should be imposed to any consent for a scheme to deal with land and surface water within the site.

Natural Resources Wales - We have reviewed the following additional information submitted in support of this of this application:

The Flood Consequences Assessment (FCA) states that the finished floor level (FFL) is set at 44.30m AOD.

We confirm that the proposed development site is predicted to be flood free in the 1% (1 in 100 year) plus climate change flood event. Therefore, the proposed development is compliant with A1.14 of TAN15.

In addition, based on a FFL of 44.30m AOD the proposed development is predicted to flood to a depth of 530mm which is within the tolerable limits as prescribed in A1.15 of TAN15. Therefore, the proposed development is compliant with A1.15 of TAN15. The maximum velocities within the site are between 0.39 and 0.42 metres/sec for the 0.1% flood event (defended and undefended respectively). These exceed the thresholds within A1.15 i.e. 0.15 (property) and 0.30 (access).

On that basis no objection is raised.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and one neighbour was notified by way of letter.

Response: Three letters of representation were received including one from Risca Town Council.

Summary of observations: 1. There has been no communication with the community of Llanarth Square.

2. There are no plans on the application for parking.

3. The proposal will increase existing on-street car parking pressures

4. The position of the car parking next to a junction and busy bus stop here is likely to lead to accidents.

5. Objects to the building being demolished and building flats.

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?

There are no specific crime and disorder implications material to 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? Whilst no additional floor space is being created the development is CIL liable as the building has not been in lawful use for a period of six months within the last the three years. Consequently, the development falls within the higher viability charging area whereby CIL is charged at a rate of £40 per square metre plus indexation.

ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plan policy and supplementary planning guidance. The main issues for the determination of this planning application are considered to be its impact in terms of visual and residential amenity; the impact on highway safety; the location of the site within a Zone C1 flood zone; and affordable housing requirements.

Strategic Policy SP6 of the Local Development Plan (LDP) sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement and realise the efficient use of land. The site is located within the defined settlement boundary of Risca/Pontymister and the development proposal provides the opportunity to create two units of residential accommodation within the southern connections corridor. Therefore the presumption is in favour of development providing material planning considerations does not indicate otherwise.

Policy CW2 sets out criteria relating to amenity and development proposals should ensure that there is no unacceptable impact on the amenity of adjacent properties or land. The proposal is considered to be compatible with neighbouring land uses and is not considered to impact upon existing levels of neighbouring amenity currently received. Turning to the external alterations proposed to facilitate the internal conversion of this building, it is considered that there are limited alterations proposed and these relate to the insertion of three windows in the western side elevation that would front onto Maryland Road. On this basis, once the external finishes of the building have been completed, it is considered that the building's exterior will enhance the character and appearance of the surrounding area.

In terms of highway safety, Policy CW3 considers highway implications and in this respect the development must have regard for the safe, effective and efficient use of the transportation network. The application site is located within walking distance to the Risca/Pontymister Principal Town Centre and also offers sustainable modes of travel in terms of its access up or down the valley. Two off-street parking spaces are proposed to serve the flats (one per flat) in addition to three previously approved off-street parking

spaces for the first floor use of the building (planning reference: 18/0621/COU). This parking provision will provide much needed relief to existing on-street parking pressures and the Transportation Engineering Manager raises no objection to the proposal subject to the imposition of a condition to secure the parking spaces prior to beneficial occupation of the development.

In terms of the location of the application site within a Zone C1 flood zone, as defined in Technical Advice Note (TAN) 15: Development and Flood Risk, paragraph 6.2 of TAN15 states:-

"New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified 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; 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."

In response to these criteria, it is considered that the following points are relevant to the proposed development:

- i) The proposed development will bring a vacant building in the town centre back into beneficial use and will provide much needed residential accommodation;
- ii) The development will provide short term employment opportunities during the conversion of the building but will provide long term support to the social and economic function of the town centre.
- iii) The application site meets the definition of previously developed land; and
- iv) NRW conclude that the proposed development is acceptable based on the submitted Flood Consequences assessment subject to providing informative advice to the developer.

On this basis the Local Planning Authority is satisfied that the risks and consequences of flooding can be managed in accordance with TAN15.

Policy CW11 of the LDP requires provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15 ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

In that respect, in that the conversion of the first floor element of the building to three residential units of accommodation has previously been approved (planning reference: 18/0621/COU), the proposed development would trigger the cumulative threshold on the site of 5 or more dwellings and would therefore require for the developer to enter into a planning obligation to provide affordable housing.

The Housing Enabling Officer has considered the proposal and has confirmed that on this occasion the Council will not be seeking an affordable housing contribution as the nature of the development, number of units being created, and the criteria specified in supplementary planning guidance LDP 1 relating to commuted sums generates a nil contribution. Therefore the proposed development will not require the developer to enter into a Section 106 agreement to secure affordable housing.

In conclusion, the ground floor conversion of this building represents an opportunity to bring a vacant building back into beneficial use and will contribute to the socio-economic function of the area, as well as creating two additional units of residential accommodation in a highly sustainable location. The proposal therefore complies with policies CW2 and CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010.

Comments from consultees: The Transportation Engineering Manager raises no objection subject to the provision of the two car parking spaces to be made available prior to beneficial occupation of the development.

Comments from public: 1. There has been no communication with the community of Llanarth Square - The Local Planning Authority has a duty to advertise applications for planning permission in accordance with Article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The necessary publicity requirements have been met.

2. There are no plans on the application for parking - Off car parking provision is indicated on the ground floor plans. The proposal intends to provide two off street car parking spaces (1 space per flat).

3. The proposal will increase existing on-street car parking pressures - At present the vacant public house does not benefit from off-street car parking provision. Off-street car parking will be provided to serve the proposed development and based on the existing lawful use of the site, and its associated car parking demand, it is not considered that the level of parking proposed is unacceptable.

4. The position of the car parking next to a junction and busy bus stop here is likely to lead to accidents - The Transportation Engineering Manager has considered the application in the same manner as the previous consents and has raised no objection to the proposal, therefore it is not considered that the development will be detrimental to highway safety.

5. Objects to the building being demolished and building flats - The application proposes internal conversions works to the former public house in order to provide two units of residential accommodation, the proposal does not involve demolition of the building.

Other material considerations: None.

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 on 27.01.2020;
Proposed Ground Floor Plan received on 27.01.2020; and
Proposed Elevations received on 27.01.2020
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) 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 in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 04) 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 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 in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 05) The proposed parking area shall be completed in permanent materials, details of which shall be submitted for consideration and approval in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

REASON: To ensure loose stones or mud etc, are not carried on to the public highway in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) Rainwater run-off associated with the parking area hereby approved shall not discharge into the highway surface-water drainage system.

REASON: To safeguard the highway drainage system in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.

REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety in accordance with policies CW2, CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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 and CW3.

Please find attached the comments of The Transportation and Engineering Manager that are brought to the applicant's attention:

Before any vehicle crosses the public footway, a properly formed vehicular crossover must be provided, the constructional details of which must be agreed with the Highway Authority. The applicant should ring (01495) 235323 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

The applicant should also be made aware that it will be a requirement to relocate the street lighting column and telegraph pole in order to provide access to the parking spaces. The relocation of the street lighting column can be arranged via the Council's Street Lighting Department whilst the relevant statutory undertaker can assist with the relocation of the telegraph pole.

Please find attached the comments of Natural Resources Wales that are brought to the applicant's attention.