

Application Number: 23/0273/FULL

Date Received: 27.04.2023

Applicant: Caerphilly County Borough Council

Description and Location of Development: Erect container market including outdoor seating, vehicle parking and access, bin store and drainage works - Land At Grid Ref 315481 186875 Park Lane Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land At Grid Ref 315481 186875, Park Lane, Caerphilly

Site Description: The application site comprises of a gently sloping, broadly rectangular shaped parcel of brownfield land. The boundary of the site is primarily enclosed by a green metal, bow-top fence along the boundaries of adjoining public spaces. A prominent stone wall also encloses the southwest corner and western boundary of the site, and a well established row of trees is located along the northern site boundary. Some of these trees are protected by a tree preservation order.

The site's southern boundary adjoins Park Lane with the rear boundaries of the properties of St Fagans Street located on the opposite side of the road. The northern, eastern and western boundaries of the site lie adjacent to Dafydd Williams Park, the Lloyds bank building and Caerphilly Welfare Hall respectively.

Development: Full planning permission is sought for a commercial market comprising of converted shipping containers. The proposed development would be up to two storeys in height and would provide a range of commercial units with an overall gross internal floor area of 427 square metres. The proposal would accommodate a mixture of A1 (retail), A3 (food and drink) and B1 (office/business start-up) uses.

Dimensions: The proposed individual storage container units would measure approximately 2.4m, 6m and 2.9m in depth, width and height respectively. At two storey level within the site and at the prominent corner of Park Lane and Cardiff Road, the proposed container units would measure approximately 6.5m at roof height.

Materials: Painted metal shipping containers with some clad with cementitious cladding. Other proposed materials would include aluminium windows and doors with an anthracite grey finish, expanded corten mesh to make dividing walls within the market, green roofs, a polycarbonate canopy, vertical 'hit and miss' timber cladding, first floor terraces in softwood timber decking with rebated slip resistant strips, and ground floor areas in permeable block paving and resin bound gravel.

Ancillary development, e.g. parking: Ancillary development would include terraced seating areas, outdoor space for a temporary pop-up market, W/C facilities, car parking and cycle storage provision, switchroom, store and bin store.

PLANNING HISTORY 2010 TO PRESENT

22/0884/FULL - Erect temporary container market for up to five years including outdoor seating, vehicle parking, access and associated works - Granted - 02.02.2023

POLICY

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

Site Allocation: The site is allocated as a principal town centre commercial development site (Policy CM4.12) and is within the Principal Town Centre Boundary (Policy CM1.5).

Policies: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Placemaking), SP10 (Conservation of Natural Heritage), SP17 (Promoting Commercial Development), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW15 (General Locational Constraints), CM1 (Principal Town Centre Boundaries) and CM4 Principal Town and Local Centre Development Sites.

Supplementary Planning Guidance - LDP 4 Trees and Development (January 2017);
Supplementary Planning Guidance - LDP 5 Car Parking Standards (January 2017); and
Supplementary Planning Guidance - Caerphilly Basin Masterplan (July 2018).

Future Wales - The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides policies that should be taken into account in the determination of applications at all levels. The following policies are considered to be relevant to the proposed commercial development: Policy 2 (Shaping Urban Growth and Regeneration - Strategic Placemaking), Policy 3 (Supporting Urban Growth and Regeneration - Public Sector Leadership), Policy 6 (Town Centre First), Policy 9 (Resilient Ecological Networks and Green Infrastructure), Policy 12 (Regional Connectivity) and Policy 33 (National Growth Area - Cardiff, Newport and the Valleys).

NATIONAL POLICY Planning Policy Wales (Edition 11, February 2021), Technical Advice Note 4: Retail and Commercial Development (November 2016), Technical Advice Note 11: Noise (1997), Technical Advice Note 12: Design (March 2016) and Technical Advice Note 24: The Historic Environment (May 2017).

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? The site is located within a low risk coal mining area and an advisory note can be added advising the applicant/developer of this fact if planning permission were to be granted.

CONSULTATION

CADW - The proposed development is located some 30m south of the boundary of scheduled monument GM002 Caerphilly Castle.

The proposed development was granted Temporary Planning Permission (22/0884/FULL) on 2nd February 2023. The present proposal is for full planning permission and incorporates some modifications, including to details of appearance and landscaping. In essence however it remains substantially similar, and the proposed modifications introduced do not alter the conclusions arrived in relation to the original application for temporary permission: that the proposed development will result in a minor adverse but not significant impact on the setting of scheduled monument GM002.

Heritage Officer - Peter Thomas - As the proposal relates to Listed Buildings, I have had special regard to sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

I am mindful of the recent planning history and in particular application 22/0884/FULL which granted a conditional consent for a temporary container market. The current proposal seeks to make that consent permanent.

The impact of the proposal on the setting of historic assets was comprehensively considered in determining application 22/0884/FULL.

The DAS includes a Heritage Impact Assessment (HIA) which finds the proposal will have a minor negative impact on the setting of the castle through the introduction of new build development on a currently vacant site.

However, it must be noted that, the site has been development for much of preceding 150 years. Notwithstanding the merits, or otherwise, of the now demolished buildings on the site it is an example of the changing nature of 'setting' in relation to the historic environment.

The HIA identifies that the harm will be seasonal due to the deciduous trees which screen the site from the Castle and also identifies enhanced opportunities to understand the Castle through the creation of new vantage points.

For the reasons above, I am satisfied that the proposal to make the market permanent will have no greater impact on the setting of historic assets than the extant temporary consent and, as a result, the proposal will preserve the setting of historic assets.

Placemaking Officer - Douglas McGlyn - No adverse comments received.

Senior Arboricultural Officer (Trees) - No response received.

Environmental Health Manager - No objections, provides conditions and advisory notes.

Senior Engineer (Drainage) - Confirm Sustainable Drainage (SAB) approval is required for the development.

Town Centre Manager CCBC - No response received.

Landscape Architect - CCBC - No response received.

Estates Manager - Do not wish to make any comments.

Police Architectural Liaison Officer - No response received.

Rights Of Way Officer - No objections, provides advisory information to applicant.

Chief Fire Officer - The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

Glamorgan-Gwent Archaeological Trust - No objection.

Transportation Engineering Manager - CCBC - No objection subject to conditions to address detailed highway considerations.

Waste Strategy And Operations Manager - It remains to be seen whether the bin storage compound will be large enough to accommodate all types of bins/caddies and may have to encroach into the storage area behind if necessary.

Ecologist - No response received.

Dwr Cymru - Raise no objection to the development. Advise public sewer crosses site and request planning conditions and provide advice.

ADVERTISEMENT

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

Response: Representations from 6 people have been received to the application.

Summary of observations:

A complete lack of any community engagement or consultation with the local community regarding local needs.

An unwelcoming 12ft fortress fence will be antisocial and visually unappealing. The proposal is anti-social and actively turns its back on the public domain. It introduces an incongruous and sterile facade for its length along Park Lane. It will not promote a safe and welcoming street environment.

Local Heritage and history have not been taken into account. A key example being the 13th century monument, Caerphilly Castle.

The design of the container market will mean a loss of public realm. Public realm being the space that is accessible physically, visually and culturally to the public. Public realm should be integral to any development.

Concerns over the low density seen as a lost opportunity in a location close to transport links with regard to climate change.

A continued preference for evening food and drink and ancillary businesses (i.e. hairdressers etc.) does not constitute the diverse demographic and functional mix necessary to sustain a healthy and prosperous town centre.

Provision of an alternative layout.

Public sponsored project of this nature is unnecessary given ongoing and organic regeneration efforts in Caerphilly by locally based businesses and entrepreneurs.

Potential for anti-social behaviour (including drinking) in the town and adjacent park

Raise issues of poverty and inequality in the local area. How does the project demonstrate compliance with legislation.

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? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Based upon the information provided the CIL charge would be £24,470 (excluding indexation).

ANALYSIS

Policies:

The application site is located within the defined settlement boundary of Caerphilly as designated under adopted Local Development Plan Policy (SP5) within which development is normally permitted subject to the requirements of other relevant Local Development Plan policies and material planning considerations.

The application site benefits from an existing temporary planning permission (22/0884/FULL) which was approved in January 2023 and gave permission for a temporary container market for a period of upto five years. That extant permission is substantially similar to the current application (with some minor layout changes) and therefore the main consideration for this application is the impact of the development being permanent rather than just for a temporary five year period. The site is currently in development with ground works commencing under the temporary permission.

The adopted Local Development Plan indicates that the site falls within Caerphilly Town Centre boundary (Policy CM1.5) and is allocated as a principal town centre commercial development site (Policy CM4.12). Under Policy allocation CM4.12 the site allocation is "Commercial Leisure. Appendix 10 describes the site and allocation as "a central site within the town centre overlooking the famous Castle. Many of the existing buildings on this north side of the lane are either derelict or underused. Because of the prime location it is considered that this area would be an ideal place for commercial leisure development, such as restaurants and wine bars, the provision of which would enhance the town's tourism potential."

The current application will include a significant food and beverage offering akin to restaurants and wine bars as originally envisaged through Policy CM4, however reflecting the more recent trends for 'street food' which have been firmly established since the adoption of the Local Development Plan. The development would also have provision for pop up markets/traders together with retail and business elements. Examples within South Wales of other such developments include the Goodsheds in Barry. It is considered that the proposal has been designed to seek to enhance the town's tourism potential by utilising its special location and through the design offers views over Dafydd Williams Park to Caerphilly Castle with provision of seating areas including an upper terrace. It is felt that the scheme has the strong potential to add to the vitality and viability of the town centre by attracting visitors from both within and outside the county borough to the site's unique setting with the backdrop of Caerphilly Castle being a unique feature differentiating it from other similar developments elsewhere in South Wales and beyond.

The Caerphilly Basin Masterplan (CBM) was approved in July 2018 and is adopted Supplementary Planning Guidance supporting the Local Development Plan. The Masterplan has a stated vision "To develop and enhance the Caerphilly Basin as a tourist destination in its own right. Caerphilly will be a thriving, vibrant town that is well served by the Metro, with an expanded visitor and night time offer and a growing economy, set within an attractive natural environment. It will continue to be a place where businesses want to locate, develop and grow and where people want to live, work, visit and socialise. It will be a community where everyone is empowered to

participate and make a difference, where local achievements are celebrated and visitors are welcomed and residents are proud to say they are from" (paragraph 2.2 CBM).

The application site is within the area indicated within Figure 5 (Night time Opportunities) of the Masterplan for "Potential Expansion of night time economy offer" and in paragraph 6.12 (B-1 Crescent Road/Park Lane) the masterplan comments "There is an opportunity to expand the tourism offer on sites overlooking the castle, linked to Crescent Road, Dafydd Williams Park and Park Lane". The plan suggests possible uses within these areas which includes "a tourism led development on Park Lane". The site is also included in section C of the Masterplan (Maximise the presence of Caerphilly Castle). It recognises the site's potential to "create a high quality development overlooking the castle that will increase the tourism offer in the town". It is noted that the masterplan identifies the site as an opportunity for a hotel/restaurant.

Since the production of the Caerphilly Basin Masterplan and the development of the "Caerphilly Town 2035" it is understood that further feasibility work has been undertaken on the appropriate location for a hotel. A report presented to the Housing and Regeneration Scrutiny Committee in January 2023 provided the Committee with details on progress of the projects and initiatives in the "Caerphilly Town 2035" placemaking plan. In respect of the Park Lane site the report (paragraph 5.28) confirms that following the appointment of specialist hotel agents the Park Lane site was not considered large enough to accommodate the size of hotel envisaged (i.e. a quality life-style hotel of 60-80 bedrooms). In the same report it advises in paragraph 5.29 that "The preferred Hotel location identified by the specialist hotel agents is now on Cardiff Road, opposite the Castle".

It is therefore considered that the proposed A3 food and drink use would be in accordance with the LDP allocation and is considered acceptable in principle. Whilst the proposed A1 retail use would not be strictly in accordance with the LDP allocation or the "Caerphilly Basin Masterplan SPG", the site is located within the town centre which is recognised by national policy as the first choice location for retail developments (Policy 6 of Future Wales). Similarly, the proposed B1 employment use is encouraged in town centre locations where there is good access to sustainable modes of transport. In the current situation, from the report submitted to the Scrutiny Committee, all indications are that a hotel development will not be pursued on the application site and an alternative site has been identified in the Town. In policy terms the present application would therefore represent an acceptable alternative use which has the potential to bring a retail and food led tourism destination offer to Caerphilly Town in close proximity to the castle, utilising its setting.

In terms of Local Development Plan Policy SP17 (Promoting commercial development) this seeks to enhance commercial service provision and employment opportunities by, among other things, identifying commercial development sites, such as the application site, within principal town centres. The proposed mixed-use development is anticipated to provide between 40 to 50 jobs and would also enhance the diversity of commercial uses within the town centre. It is also considered that the proposed A3 food and drink

units, and associated outdoor seating areas overlooking Dafydd Williams Park and Caerphilly Castle, would enhance the tourism offer and increase the dwell-time and spend from tourists and visitors in general. This would in turn improve the vibrancy, attractiveness and viability of the town centre in accordance with the objectives for retail and commercial centres as set out in paragraph 4.3.3 of Planning Policy Wales (PPW).

With regards to visual amenity, Park Lane currently functions as both a pedestrian gateway into the town from the west and a service lane for retail units on St Fagan's Street. Due to the latter, Park Lane does not currently have an attractive street scene and lacks natural surveillance from surrounding buildings. The proposed development would introduce single storey height container units along much of the site's frontage at Park Lane incorporating an appropriate amount of fenestration and a variety of materials. It is therefore considered that the proposed development would enhance Park Lane's street scene and improve levels of natural surveillance within the immediate public realm.

At the visually prominent corner with Cardiff Road, the proposed development would step up to two storeys in height with the first-floor container units positioned in a staggered arrangement to activate the market's frontage and create a vibrant and enticing entrance. The existing buildings along Cardiff Road are typically two storeys in height and the scale and massing of the proposal at the junction with Cardiff Road is considered to be sympathetic to the existing built form. Whilst the proposed container market development is of a unique, contemporary design, it has sought to complement the adjacent Lloyds Bank building by incorporating windows into the container units of similar scale and rhythm to that of this neighbouring building. Moreover, given that the buildings along Cardiff Road exhibit a variety of architectural styles, it is considered that the proposal would make a modern, positive contribution to the character and appearance of the area. The proposed development is therefore considered to be acceptable in placemaking terms and accordingly meets the requirements of Policy SP6 (Placemaking).

In relation to the historic environment, the application site falls within the setting of a number of historic assets. These include Caerphilly Castle (Scheduled Monument and Grade I Listed Building) located approximately 30m to the north of the site at the nearest point of the designation, The Court House Public House (Grade II Listed Building) located just to the northeast of the site and the Memorial to David Williams (Grade II Listed Building) located approximately 30m to northwest of the site. Planning Policy Wales (PPW) advises that there is a statutory requirement to have special regard to the desirability of preserving the setting of a listed building (paragraph 6.1.10). Moreover, PPW states that only in exceptional circumstances should planning permission be granted for developments that have a demonstrably and unacceptably damaging effect upon the setting of a scheduled monument (paragraph 6.1.24). Technical Advice Note (TAN) 24: The Historic Environment also explains that the setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated embracing present and past relationships to the surrounding landscape

(paragraph 1.25). Moreover, TAN 24 goes on to state that the extent of any setting is not fixed and may change as the historic asset and its surroundings evolve.

The submitted Heritage Impact Statement (HIS) presents the findings of the assessment of the impact the proposed development on the setting of the above historic assets. The HIS states that the proposed development has the potential to have some visual and noise impacts on the setting of Caerphilly Castle; however, the level of impact is considered to be a very minor negative impact with seasonal screening provided by the band of deciduous trees located along the site's northern boundary and the fact that the proposed development would be experienced as part of the modern town of Caerphilly that has developed alongside the castle. The HIS also recognises that the proposal, with its outdoor seating areas overlooking Dafydd Williams Park and the castle, would provide a new opportunity to appreciate the special interest of the castle from a new vantage point, increasing the historic assets communal value.

In respect of The Court House Public House, whilst this Listed Building would be in close proximity to the proposed container market development, it would not be visually prominent from the application site and the elements of the Listed Building adjacent to the site do not contribute significantly to the value of the asset. Moreover, collective views of the Listed Building and the proposed development from within the park and the castle would be limited to seasonal views and any non-visual impacts, such as noise, are unlikely to be significant given the use of The Court House as a public house. On this basis, the HIS concludes that the proposal would have a neutral impact on the setting of this Listed Building.

With regards to David Williams memorial, the HIS states that there is no discernible relationship between the obelisk and the proposed development, due to the separation distance and existence of an intervening building and planting between this Listed Building and the development site. As such, the HIS concludes that the proposal does not change the special interest of the Listed Building and a neutral impact on its setting has been identified.

Both the Council's Heritage Officer and Cadw have reviewed the submitted HIS and have raised no objection to the proposed development. Cadw have advised that whilst there would be a minor adverse impact but not significant impact on the setting of Caerphilly Castle as a scheduled monument. It is therefore considered that the proposed container market development would preserve the setting of Caerphilly Castle, The Court House Public House and the David Williams Memorial. Accordingly, the proposal is considered to meet the requirements of Planning Policy Wales and Technical Advice Note 24 (The Historic Environment) in respect of this matter.

In terms of transport, the proposed container market development would provide 11 onsite parking spaces for commercial and trade use cars and vans. A single onsite disabled car parking bay would also be provided and all onsite parking spaces would be accessed via a new vehicular access off Park Lane. In addition, proposed cycle stands

providing spaces for both staff and customers would be located within the main market area to encourage active travel.

Whilst the proposed number of onsite parking spaces would be below the requirement set out in the adopted Car Parking Standards SPG, the submitted Transport Statement confirms that the application site is located within a highly sustainable location with good access to public transport and opportunities for walking and cycling. It would be in walkable distance from Caerphilly Bus and Train Interchange (circa 300m) which is anticipated to be subject to enhancements of services and facilities through the development of the South Wales Metro, electrification and related schemes. There are also 5 public car parks within a 10-minute walk of the site and the submitted Transport Addendum - Parking Survey, which considers the availability of parking spaces at the nearest car parks such as Crescent Road and the Twyn car parks, confirms that there is sufficient capacity available throughout the day and evening to accommodate the increase in car parking demand arising from the proposed development.

The proposed development incorporates appropriate servicing and operational space that would meet the needs of the proposed development. It is therefore considered that the proposal meets the requirement of Policy CW3.

The principal of the development is also supported by Policy 6 (Town Centres First) of Future Wales, the national development framework which sets the direction for development in Wales to 2040. Policy 6 of Future Wales states that "Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region." Policy 6 also indicates that the 'Town Centre First' approach puts the health and vibrancy of towns centres as the starting point of locational decision making. In this regard the site's location within the Town Centre Boundary and within easy walking distance of a public transport interchange strongly aligns with national planning policy.

In terms of the existing ten trees along the northern boundary of the site, the submitted Arboricultural Report confirms that seven of these trees are of either high or moderate value and worthy of retention. Whilst no trees are proposed to be felled as part of the proposed development, the Arboricultural Report has identified some conflict between the Root Protection Areas (RPAs) of certain trees and the construction of proposed hard surface access and seating areas. The Arboricultural Report has, however, also confirmed that any potential damage to RPAs can be adequately managed through the installation of tree protective fencing, an arboricultural watching brief for excavation works within small parts of RPAs and the use of a No Dig Cellular confinement system (Cellweb) with permeable hard surfacing. Some branch reduction/lifting pruning work will also be required via the 'British Standard 3998:2010 tree work recommendations', but overall, the Arboricultural Report concludes that subject to the implementation of the recommended arboricultural method statement, the proposed development would not have a significant long term adverse impact on the health or amenity value of the retained trees. It is considered that subject to the implementation of the tree protection

plan and arboricultural method statement as set out within the submitted Arboricultural Report the proposed development would meet the requirements of Policy CW6.

In relation to landscaping, the submitted scheme incorporates green roofs, shrub planting along boundary edges of the development site and some additional tree planting and raised planters within the main container market area of the site. Elements of this soft landscaping would also function as part of the sustainable drainage scheme for the proposed development (e.g., rainwater gardens) and a variety of permeable hard surfaces would also be utilised. These sustainable drainage features would convey water runoff to a below ground cellular storage system prior to controlled discharge to a highway drain located to the north of the site. A separate sustainable drainage approval will, however, be required for the proposed development.

With regards to ecology, the submitted Preliminary Ecological Appraisal (PEA) concludes that the application site has a low ecological value, with potential impacts on a range of protected species ranging from no impact to a low impact. Whilst the PEA identifies a potential moderate impact for bats, the associated Bat Survey (BS) confirms that no evidence of bats roosting in trees adjacent to the site was found during the time of the survey. As such, the BS concludes that the impact of the proposed development on bats would be negligible.

It is also considered that the recommended mitigation and biodiversity enhancement measures contained within the PEA and BS can be secured by including these documents under an approved plans and documents condition as will be the case with the arboricultural report mention earlier in the report. As such, it is considered that the proposed container market development would not have an unacceptable impact on protected or local species at the site. Accordingly, the proposed development meets the requirements of Policies SP10 (Conservation of the Natural Heritage) and CW4 (Natural Heritage Protection).

In relation to residential amenity, the rear gardens of residential properties at St Fagan's Street back on to the western part of the application site, which would accommodate the proposed parking and service areas for the proposed container market development. As such, the residential amenity of the occupiers of these neighbouring properties would not be adversely affected by the proposed two storey container units located further to east by means of overlooking, overshadowing or overbearing. The ground floor premises of properties opposite the eastern corner of the site at Cardiff Road are commercial in nature, but there appears to be a first floor flat above No. 29 Cardiff Road. The proposed two storey container units would not, however, be directly opposite the first-floor windows of this neighbouring flat, and it is considered that the separation distances together with the oblique angles between existing and proposed windows would prevent any unacceptable loss of privacy or overshadowing and overbearing impacts and a planning condition is imposed to agree boundary treatments which can include suitable screening as required to ensure no unacceptable overlooking from elevated walkways.

The proposed container market development also has the potential to affect amenity as result of noise impacts. As such, a Noise Assessment (NA) has been submitted which, among other things, considers associated plant/equipment noise impacts on nearby residential and commercial receptors. The Noise Assessment concludes that subject to the incorporation of appropriate plant/equipment noise attenuation, the proposed development would not have an adverse impact on residential and commercial receptors. It is considered that the exact details of noise control measures for plant/equipment can be secured via condition.

Other noise sources which can affect residential amenity, such as delivery vehicles, patrons using the market and background music, are difficult to quantify. Such impacts can, however, be appropriately managed through the imposition of conditions which control delivery and market opening times. Such conditions are considered necessary in this instance, and it is noted that the Environmental Health Manager has raised no objection to the proposed development subject to the imposition of appropriate noise related conditions. It is therefore considered that any noise impacts resulting from the proposed container market development can be adequately controlled by condition and would not give rise to unacceptable levels of noise and disturbance to nearby residential or commercial receptors. Accordingly, the proposed development would meet the requirements of Policy CW2 (criterion A) in relation to safeguarding the amenity of adjacent properties.

With regards to air quality, the submitted Air Quality Screening Assessment (AQSA) states that annual concentrations of pollutants are likely to be below relevant air quality limits at the development site and the impact of the proposed development's operational traffic would not exceed the threshold for a detailed air quality assessment to be undertaken. The AQSA also indicates that the implementation of dust mitigation measures during construction works would sufficiently safeguard local air quality, while the installation of odour abatement measures at proposed container food sales units would adequately mitigate odour impacts on nearby sensitive receptors. Both dust and odour mitigation measures can be adequately secured via condition, and it is considered that the proposed development meets the requirements of policy SP6 (criterion H) in relation to air quality matters.

Whilst the Council's Environmental Health Manager is satisfied with the findings and recommendations of the AQSA, air quality improvements measures, such as the installation of electric vehicle charging points, have been recommended. It is also noted that Policy 12 of Future Wales requires planning authorities to seek a minimum of 10% of car parking spaces to have electric vehicle charging points on new non-residential developments. It is noted that the scrutiny report referred to earlier in this report has indicated that two electric vehicle charging points are to be provided in the traders' car park. As air quality concerns have not been identified, it is not considered justified to secure electrical vehicle charging points via a planning condition in this instance, however the Environmental Health Manager's comments will be provided to the applicant.

Comments from Consultees:

In relation to Dwr Cymru's response it is noted that the sewer referred to is within the public highway and the site circumstances have not materially altered since the earlier permission. It is considered appropriate to provide the comments of Dwr Cymru to the applicant for information.

Comments from public:

A complete lack of any community engagement or consultation with the local community regarding local needs.

The development is not of a scale requiring a mandatory pre-application consultation and whilst encouraged through Supplementary Planning Guidance community engagement or consultation on local needs is not required for the planning process.

An unwelcoming 12ft fortress fence will be antisocial and visually unappealing. The proposal is anti-social and actively turns its back on the public domain. It introduces an incongruous and sterile facade for its length along Park Lane. It will not promote a safe and welcoming street environment.

It is noted that the vast majority of the boundary to Park Lane (circa 64m) has either 1.8m high boundary enclosures or utilises the side elevation of shipping containers (with windows present to add interest and/or natural surveillance) which would be approximately 2.9m high. Where the development reaches towards the eastern end and where it comes to meet Cardiff Road there will be an increase in height to two storey with some fencing/cladding and a staggered arrangement of shipping containers at first floor level which have large glazed windows fronting Cardiff Road and provide interest over and around the main entrance to the development. The development is arranged around a courtyard style layout however it provides a welcoming entrance from the existing developed town centre shopping area and therefore it is not considered to be exclusionary or otherwise antisocial to the town or its inhabitants. The existing southern side of Park Lane is dominated by rear service areas, parking, garages and walls to rear amenity areas along with the vacant land forming the application site which is fenced off from use. The development is envisaged to add interest to the street scene through the fenestration present on Park Lane drawing people along to the main entrance (and also to the other businesses on Cardiff Road). The proposed development is considered to have an acceptable visual impact on the character of the area.

Local Heritage and history have not been taken into account. A key example being the 13th century monument, Caerphilly Castle.

The scheme will provide opportunities for views of the castle particularly from the first floor seating area and the development has been considered by both the Council's Placemaking and Conservation Officer and the Welsh Government Conservation Body CADW. It is noted that CADW have raised no objection to the development and it's

impact on Castle and it considers that the impact of the development is limited to that of the setting of the castle as a scheduled monument and this impact will be minor adverse but not significant in impacts. It is considered that any minor adverse impact on the setting of the castle would be extremely limited and the economic benefits of the scheme outweigh this matter.

The design of the container market will mean a loss of public realm. Public realm being the space that is accessible physically, visually and culturally to the public. Public realm should be integral to any development.

The majority of the application site was previously comprised of buildings and their associated servicing/parking areas and has been fenced off following the demolition of most of the previous buildings. It is therefore not considered that the land could be considered as public realm and the proposed development will utilise land within the town centre for compatible uses likely to be beneficial in terms of accessing services and goods within a central location.

Concerns over the low density seen as a lost opportunity in a location close to transport links with regard to climate change.

The proposal is considered to bring a range of uses onto a previously developed but currently vacant parcel of land. In terms of intensification the efficient use of land is required to be balanced with a need to ensure the setting of historic assets such as Caerphilly Castle are not significantly impacted. The proposal is considered acceptable in terms of its scale and form.

A continued preference for evening food and drink and ancillary businesses (i.e. hairdressers etc.) does not constitute the diverse demographic and functional mix necessary to sustain a healthy and prosperous town centre.

The proposed development will contain a mixture of Class A1 (Retail Uses), Class A3 (Food and Drink uses) and Class B1 (B1 Business/Light Industrial Uses acceptable within a residential area) and as such is considered to have a range of uses which could help sustain a healthy and prosperous town centre.

Provision of an alternative layout.

Whilst it is appreciated that developments can take a number of forms the Local Planning Authority has considered the submitted planning application on its merits and the submitted layout and the design/layout has been found to be acceptable.

Public sponsored project of this nature is unnecessary given ongoing and organic regeneration efforts in Caerphilly by locally based businesses and entrepreneurs.

This is the opinion of the objector.

Potential for anti-social behaviour (including drinking) in the town and adjacent park

The development would be required to obtain necessary licences for serving alcohol and hours of opening have been proposed to be controlled by condition. The site lies within the existing defined Town Centre boundary and it is considered that existing town centre management operations can manage and coordinate any issues that may arise.

Raise issues of poverty and inequality in the local area. How does the project demonstrate compliance with legislation.

The development will provide opportunity for businesses in Caerphilly with expected related opportunities for employment opportunities contributing to a prosperous, more equal, vibrant culture and resilient Wales with potential within the development for flexible 'market style' events which could be used to promote Welsh culture and arts/crafts as examples. This aligns with many well-being goals of the Well-being of Future Generations (Wales) Act 2015.

Concerns raised about the proposal in respect of national and local planning policy and guidance

The principle of the development was considered under the earlier temporary consent and found acceptable, having reviewed the proposal it is considered that the provision of a substantially similar form of development on a permanent basis would accord with all relevant national and local planning policy and guidance.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

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 No. 09000 (Rev. P48);
 - Proposed Site Plan, Drawing No. X-09001 (Rev. P55);
 - Landscape GA Plan, Drawing No. L-09001 (Rev. P55);
 - Soft Landscaping Plan, Drawing No. 09140 (Rev P55);
 - Hard Landscaping and External Furniture, Drawing No. 09160 (Rev P55);
 - Fencing and Site Security Plan, Drawing No. 09180 (Rev. P55)
 - Planning Floor Plans - Level 00, Drawing No. 01000 (Rev. P48), received 23/01/23;
 - Planning Floor Plans - Level 01, Drawing No. 01001 (Rev. P55);
 - Roof Level Plan, Drawing No. 01002 (Rev. P55);
 - Proposed Site Elevations, Drawing No. 02000 (Rev. P48);
 - Proposed Elevations, Drawing No. 020001 (Rev. P48);
 - Arboricultural Report (including Tree Survey Data, Tree Constraints Plan, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement), Project Ref. ArbTS_1454.7_Caerphilly Market Place Project, Prepared by ArbTS - Arboricultural Technician Services Ltd, dated 11/10/22;
 - Planning Statement - Ecology PEA and Bat Survey, Job No. 286344-00, Prepared by Sylvan Ecology for Arup, dated 11/10/22; and
 - Planning Statement - Lighting, Job No. 286344-00, Prepared by Arup, dated 05/10/22.

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

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

- 05) Notwithstanding the details forming part of the submitted plans, the development shall not be occupied until covered and secure cycle parking facilities have been provided in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development is accessible by all modes of transport in the interests of sustainability in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) Within 3 months of the date of this permission or prior to their construction/installation (whichever is the sooner) details of the scale, design and materials for the switch room, store and bin store buildings shall be submitted to and agreed in writing by the Local Planning Authority. The buildings shall be completed in accordance with the approved details before the development is brought into beneficial use.

REASON: In the interests of the visual amenity of the area in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) 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.

- 08) Notwithstanding the details forming part of the submitted plans, within 3 months of the date of this permission or prior to their construction/installation (whichever is the sooner) a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment (and any screening required) to be erected. The boundary treatment and where applicable screening shall be completed in accordance with the approved details before the development is brought into beneficial use.

Reason: In the interests of the residential and visual amenities of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) The development hereby approved shall not be brought into beneficial use until a scheme has been submitted to and approved in writing by the Local Planning Authority for the control of noise emanating from the container unit(s) and associated plant and equipment. The noise control measures as approved shall be implemented prior to the first occupation of the container unit to which they relate and shall thereafter be operated in accordance with the approved scheme.

REASON: In the interests of the amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) The development hereby approved shall not be brought into beneficial use until a scheme has been submitted to and approved in writing by the Local Planning Authority for the control of odour/effluvia/fume control, including the erection of any associated stacks or vents. The odour/effluvia/fume control measures as approved shall be implemented prior to the first occupation of the container unit

to which they relate and shall thereafter be operated in accordance with the approved scheme.

REASON: In the interests of the amenities of the area accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) The use hereby permitted shall not be open to customers outside the following times: (a) 07.00 hours to midnight Monday to Saturday, and (b) 07.00 hours to 23.00 hours Sunday.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) No deliveries shall be taken at or dispatched from the site outside the hours of 07:00-18:00 Monday - Saturday and 10:00-16:00 on Sunday.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) The construction of the development hereby approved shall be undertaken in accordance with the approved Construction Method Statement submitted and approved under application 23/0241/COND.
REASON: In the interests of amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.

Advisory Note(s)

Please find attached the comments of Dwr Cymru, Chief Fire Officer, The Council's Environmental Health Officer, Rights of Way Officer, Land Drainage Officer that are brought to the applicant's attention.

WARNING:

SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk
Website: www.caerphilly.gov.uk/sab